Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LIII

GOUCHER COLLEGE LIBRARY TOWSON MARYLAND
JACKSON
TENNESSEE

47989

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



Congressional Record.

SIXTY-FOURTH CONGRESS,
FIRST SESSION.

VOLUME LIII, PART 5.

(PAGES 4177 TO 5200.)

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

SENATE.

THURSDAY, *March 16, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, God of all the nations and of all people. Thou knowest our thoughts afar off and there are no secrets in our hearts hidden from Thee. We lift up our hearts to Thee and ask if there be anything in them of an offense to any of Thy children that Thou wilt take it from us and remove our sins far from us. With clean hands and pure hearts may we address ourselves to the tasks of the day and meet the tremendous responsibilities that are upon us now as a Nation. Let Thy light shine upon the pathway of our national progress.

We remember to-day those who represent this Nation who have crossed the international boundary and who are in places of great danger. O God, guide Thou our boys; and we pray that out of the present unrest there may speedily come peace, brotherly love, and friendship. We pray that the gospel of Thy Son may follow the conflicts of men and bring through its blessed ministry an end of war and reestablish the nations of earth in mutual confidence and good will. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriation for increases in the office of the Supervising Architect, Treasury Department (S. Doc. No. 358), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Captain Commandant, United States Coast Guard, submitting estimates of deficiencies in the appropriations for the Coast Guard for the fiscal year ending June 30, 1916 (S. Doc. No. 359), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER conferees on the part of the Senate.

DU PONT DE NEMOURS POWDER CO.

Mr. SAULSBURY. Mr. President, I am not much of a believer in having articles from newspapers read from the desk, but some time ago a Member of this body sent to the desk and had inserted in the RECORD an article, which appeared in Harper's Weekly some time during the year 1914, grossly libelous, upon some eminent and highly respected citizens belonging to a distinguished family in my State.

On yesterday in one of the courts of New York Judge Mayer, in determining a case brought by the author of these articles where their truth was a material question, dismissed the suit, rebuked the plaintiff for his action, and gave a judicial determination of those facts which were most libelously alleged against these citizens of my State.

I ask that the report of this case and the judge's opinion as contained in the New York Sun of to-day be read by the Secretary, and I should like to say a few words when the reading has been concluded.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the New York Sun, Thursday, Mar. 16, 1916.]

DU PONTS ABSOLVED OF TREASON CHARGE—COURT DISMISSES $50,000 LIBEL SUIT INVOLVING UNITED STATES POWDER SECRETS—JUDGE REBUKES WRITER.

After hearing strong testimony for the defense from such witnesses as Hudson Maxim and Rear Admiral William M. Folger, former Chief of Ordnance of the United States Navy, Judge Julius M. Mayer, of the Federal district court, yesterday dismissed the $50,000 libel action brought against E. I. du Pont de Nemours Co. by Charles Johnson Post, a magazine writer.

Post was the author of several articles published in Harper's Weekly in May, 1914, in which he accused the du Pont interests of giving out to German powder manufacturers secrets concerning the manufacture of powder for the United States Government. The du Pont company sent a letter to magazine editors throughout the country condemning the articles as "outrageously libelous," and declaring that the editor of the magazine which published them had become convinced of their unfairness. Post contended in his suit that the letter had injured him by prejudicing the magazines against his work.

In his sharp rebuke to the plaintiff, delivered from the bench, Judge Mayer said that Post instead of having been libeled had committed libel per se against the du Pont interests by holding the officials of the company up as traitors to their country without having first made a fair investigation.

THE COURT'S OPINION.

"I hold as a matter of law," said the judge in dismissing Post's suit, "that no man has a right to accuse an American citizen of such a horrible crime as treason without knowing what he is talking about. The plaintiff in two articles charged the defendants with being spies of foreign Governments. That is the gravest crime of which an American could be charged, and I consider the accusation libelous per se. When the defendants in their letter said that Post had grossly libeled them they stated the truth. They came right back like real men, and I should have despised them if they had not taken that course."

The burden of the testimony given by the witnesses for the defense was to the effect that the contracts entered into between the du Pont company and the United Rhenish Westphalian Mills in November, 1889, were not only known to the United States Government but approved of by it; that the interchange of powder-making formulas between the American and German companies rather than being injurious to this Government was beneficial, as the German companies were making far better powder; that the United States Government had no secrets to lose; and, finally, that the du Pont company had always aided the United States Government even to its own injury.

FOLGER ON STAND.

Rear Admiral Folger, retired, testified that the international powder agreements had been entered into by the German and American concerns while he was the Chief of Ordnance under the late Gen. Benjamin Tracy, then Secretary of the Navy. It was at the request of Gen. Tracy, the witness said, that one of the du Pont family was sent to Germany to get the formulas for making brown prismatic powder. The contract which the du Ponts entered into with the Rhenish Westphalian Mills, he said, was examined and approved by Gen. Tracy. It was regarded as highly satisfactory, as the making of brown prismatic and nitrate of ammonia powder had been very unsuccessful in this country up to that point.

Hudson Maxim, although admitting that the United States Government maintained laboratories for powder experiments, declared it to be untrue that the smokeless powder in use now was the result of experiments made by officers working in these laboratories. These officers, he said, had taken out some patents, but they had never been used. The du Ponts, he said, were the greatest powder manufacturers in the world.

"Yes," he replied to a question from Edgar A. Ryder, attorney for Post, "I am at present an employee of the du Pont company, but I don't own any stock. I wish I did."

Col. E. G. Buckner, vice president of the du Pont company, and head of that concern's department devoted to the manufacture and sale of

military powder, was put on the stand by Martin W. Littleton, chief counsel for the defense, to refute Post's charge that he had ever done anything to injure the Government. He denied that he had ever transmitted to any foreign Government any secrets concerning the manufacture of smokeless powder which his company manufactured under contract for the American Government.

Mr. SAULSBURY. Mr. President, I suppose if I were controlled by political considerations possibly I should be glad to see the people who have sometimes been chiefly interested in this great company labor under all the false charges that might be made against them, but it seems to me to be my duty to say a word for these very eminent and respectable people who have performed their patriotic duty toward the country which their great great grandfather adopted more than a century ago; and being my constituents, I think this article should be inserted, as I have been permitted to insert it, in the RECORD.

Those great powder manufactories were started more than a hundred years ago and for the past hundred years have contributed to the safety and the welfare of this country. The son of the man who came originally to this country—who, by the way, was a very distinguished and illustrious Frenchman, Pierre Samuel du Pont, who is well known in the history of France and somewhat in the history of this country—finding that the powder manufactured in this country was very unfit for ordinary use, returned to France and there visited the great chemist Lavoisier and studied powder making in his laboratories. Returning here, practically the first great work that the company did—it was then a firm—was to supply our ships on Lake Erie with powder, and by that means they aided in the great victory of Commodore Perry.

Ever since that time these works have continued to supply at fair prices, according to the testimony of the officials of the Government, and in cooperation with this Government whatever was needed of them. Lafayette, Jefferson, and other distinguished men were instrumental, I think, in obtaining the establishment of these works, and were friends of the people who established them.

Never in any war since they have been Americans has any member of this family, so far as I know, ever failed to perform his full and patriotic duty; and knowing the heads of the firm and of the company personally, as I have, in many cases very well, men who have been the heads of that company for the past 50 or 60 years, I know their character, attainments, reputation, and patriotism, and I am very glad to have an opportunity to insert this judicial opinion in regard to the libelous article which, undoubtedly unknowingly, was inserted by a Senator some time ago in the RECORD of the proceedings of this body.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. JONES. Mr. President, I desire to give notice that on Saturday, at the conclusion of the remarks of the Senator from Georgia [Mr. HARDWICK], I shall submit some remarks with reference to the proposed referendum on prohibition to the people of the District of Columbia.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, we have upon our calendar reported with the unanimous approval of the Committee on Education and Labor the bill providing for vocational education, which was prepared by the joint commission under a joint resolution last year. The bill will be brought to the attention of the Senate in the near future, and I wish to have printed in the RECORD certain resolutions that have been passed with reference to it.

The bill was submitted to the department of superintendence of the National Educational Association; also to the American Home Economics Association; and also to the educational committee of the American Federation of Labor. All of these organizations have given, through committees, careful study to the bill, and they have indorsed it with one exception.

The bill as presented to the Senate provides for a board of control consisting of Cabinet members. The department of superintendence, National Education Association, and the American Home Economics Association each recommend that the board of control should be members selected outside of the Cabinet. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS.

[Department of superintendence, National Education Association, Feb. 24, 1916.]

Resolved, That the department reaffirms its approval of Federal aid to vocational education as proposed in the Smith-Hughes bill and now before Congress. It believes, however, that the work to be done is so important and so diversified as to require the creation of a Federal board to administer the act, who shall give their undivided attention to the subject and who shall be representative of the educational interests to be served.

[American Federation of Labor.]

Resolved, That the executive council of the American Federation of Labor indorse the Smith-Hughes bill for industrial education, with the declarations made by the National Society for the Promotion of Industrial Education, as contained in the quoted parts of the letter to Congress of January 27, 1916.

[American Home Economics Association, Feb. 25, 1916.]

The American Home Economics Association, assembled in Detroit, reaffirms its approval of Federal aid to vocational education, as provided for by the Smith-Hughes bill, recommended by the President's Commission on National Aid to Vocational Education and now before Congress.

The association believes, however, that the ends to be served are so important and so diversified as to require a Federal board, the members of which shall give their undivided attention to the administration of the act and shall be representative of the interest to be served.

IMPORTS OF MERCHANDISE.

Mr. GALLINGER. Mr. President, I have a table compiled by Mr. C. H. Brown, chairman of the hosiery manufacturers' legislative committee, in reference to the imports of merchandise and agricultural products on October, 1915, October, 1914, and also October, 1912, which I ask to have printed in the RECORD without reading.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

A TARIFF TALE.

Imports of merchandise and agricultural products in October, 1915 and 1914, under the Underwood law, and October, 1912, under the Payne law, using for comparison products which are subject to the most severe competition.

Products.	1915 values.	1914 values.	Increase.	1912, Payne law.
Breadstuffs	$3,848,777	$2,252,120	$1,596,657	$1,202,184
Clocks and parts	63,842	63,443	399	92,088
Watches and parts	277,896	246,339	31,557	253,691
Nets and nettings	101,386	59,797	41,589	46,250
Hides and skins	13,401,077	7,300,310	6,100,767	9,490,044
Perfumeries, etc	245,716	213,321	32,395	194,174
Seeds	2,273,330	2,192,898	80,432	895,785
Artificial silk	488,605	311,592	177,013	301,439
Vegetables	910,674	753,631	157,043	1,288,724
Laths and shingles	601,286	505,597	95,689	377,213
Wool and angora hair	7,827,542	2,657,360	5,170,182	2,989,736
Total, 11 products	30,040,131	16,556,408	13,483,723	17,131,323
			Decrease.	
Aluminum scrap	37,295	448,704	411,409	302,893
Aluminum manufactures	40,589	52,614	12,025	61,527
Automobiles and parts	59,349	165,040	105,691	188,933
Cotton cloths	586,822	610,646	23,824	535,820
Embroideries	339,491	595,174	255,683	1,235,294
Lace and lace articles	876,527	983,197	106,670	1,396,265
Stockings (cotton)	14,558	75,789	61,231	271,141
All other knit goods	118,690	172,979	54,289	36,663
Eggs	8,854	20,454	11,600	None.
Handkerchiefs (linen)	286,223	338,205	51,982	353,434
Yarns (linen)	41,181	75,935	34,754	77,830
Fish	1,964,846	2,365,875	401,029	1,722,639
Fruits and nuts	3,416,563	5,200,163	1,783,600	4,770,559
Plate glass	None.	7,856	7,856	20,966
Other glass	242,063	300,227	58,164	609,850
Cutlery	48,153	216,365	168,212	230,312
Enameled ware	25,251	44,238	18,987	46,405
Tin plate	2,605	15,114	12,508	32,472
Leather and tanned skins	849,750	1,144,376	294,626	842,673
Gloves (leather)	500,722	945,914	445,192	955,618
Meat and dairy products	2,423,374	4,311,175	1,887,801	1,388,641
Oilcloth and linoleum	45,993	143,162	97,169	192,623
Paper and manufactures	2,274,220	2,277,128	2,908	1,985,514
Films and plates	112,977	238,663	125,686	140,222
Silk manufactures	2,033,456	2,450,607	417,151	2,271,533
Wood pulp	1,402,111	2,123,382	721,271	1,502,190
Wool manufactures	1,120,196	3,110,599	1,990,403	1,713,383
Total, 27 products	18,871,860	28,433,581	9,561,721	22,885,421
Increase list	30,040,131	16,556,408	13,483,723	17,131,328
Total, 38 products	48,911,991	44,989,989	3,922,002	40,016,749

In the monthly comparisons for October, 1915, Mr. C. H. Brown, of the hosiery manufacturers' legislative committee, uses 38 products, 11 of which are breadstuffs, clocks, watches, nets and nettings, hides and skins, perfumeries, seeds, artificial silk, vegetables, laths and shingles, and wool and angora hair, and which show an increase in imports, compared with 1914, of $13,483,723, the totals being in October, 1914, $16,556,408, and in October, 1915, $30,040,131, while in October, 1912, they were $17,131,328.

The following 27 products, aluminum scrap, aluminum manufactures, automobiles and parts, cotton cloths, embroideries, lace and lace articles, cotton stockings, knit goods, eggs, handkerchiefs, yarns, fish, fruits and nuts, plate glass, other glassware, cutlery, enameled ware, tin plate, leather and tanned skins, leather gloves, meat and dairy products, oilcloth and linoleum, paper and manufactures, films and plates, silk manufactures, wood pulp, and wool manufactures, show a decrease from $28,433,581 to $18,871,860, being $9,561,721.

The total imports of the 38 products in October, 1915, were $48,911,991, compared with $44,989,989 in October, 1914, an increase of $3,922,002, the total imports in both years being much larger than under the Payne law in 1912, which were $40,016,749.

With the exception of three months, during the past two years imports of the products we have used have been heavier than in the same

months under the Payne law; and while total imports of all merchandise have decreased, such has not been the case with many products having severe foreign competition; and where a decrease in products of this class has been shown, it has been slight, rarely falling below the imports of the same products under the Payne law.

Farmers should be interested in the increase in imports in October, 1915, covering products which they supply. Breadstuffs show an increase of $1,596,657; hides and skins, $6,100,767; wool and angora hair, $5,170,182, making an increase of over $12,000,000 in farm products alone.

With the foreign war in full swing, and imports supposed to be much restricted, it is not very encouraging to those who supply the above products to know, as disclosed by the figures, that foreign manufacturers can send us more merchandise than under the Payne law, a fact that seems to prove our contention that the Underwood law always has been, and is now, a menace to American industry, and fully justifies the alarm felt over the conditions that must prevail when the war ends, and which can only be prevented by some form of tariff legislation which will protect the home producer.

The hosiery and knit-goods industries are now practically in complete control of the home market, as imports are too small to cut any figure in the trade, but, unfortunately, they are unable to take advantage of the opportunity presented, owing to the scarcity of dyes, and at this time nothing indicates that there will be any immediate relief from the dye situation. Hosiery and knit-goods manufacturers have been able to advance selling prices to some extent, but not to prices anywhere near the increased cost of production, due to the high price of dyestuffs and higher wages, resulting from labor legislation.

DEALING IN COTTON FUTURES.

Mr. SHEPPARD. I have here a resolution from the Presidents' Association of the Farmers' Educational and Cooperative Union of America in regard to the cotton-futures bill, which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives, Washington, D. C.:

Whereas when the cotton-futures act, known as the Smith-Lever bill, was passed, section 11 was injected for the expressed purpose of forcing all foreign countries to accept the American standard of grades by levying a toll of 2 cents per pound, or $10 per base, for each transaction in hedging by American dealers in foreign cotton exchanges and as now amended by the subcommittee, it is proposed to levy the same toll on all transactions by foreign dealers in American cotton exchanges; and

Whereas believing as we do that any and all tolls of whatsoever nature levied on such transactions, either on American or foreign dealers, is a burden directly borne by the cotton producers; and

Whereas if the American standard of grades, under such penalty, be adopted by foreign exchanges, the adoption would be without benefit to the producer and dearly purchased by the cotton raisers: Now, therefore, be it

Resolved, That we, the members of the President's Association of the Farmers' Educational and Cooperative Union of America, and members of the marketing committee of said organization, in convention assembled at New Orleans, La., this the 9th day of March, 1916, most respectfully urge that you immediately reenact into law the Smith-Lever bill, omitting section 11 and section 11a, thereby saving an untold amount to the producers of cotton;

Resolved further, That a copy of these resolutions be furnished to each Senator and Member of the Congress of the United States, and that copies be furnished to the press.

O. P. FORD,
President and member of the Marketing Committee Farmers' Union of Alabama, McFall, Ala.
J. L. SHEPARD,
President and member of the Marketing Committee Farmers' Union of Florida, Greensboro, Fla.
O. W. TAYLOR,
President and member of the Marketing Committee Farmers' Union of Oklahoma, Roff, Okla.
I. N. MCCOLLISTER,
President and member of the Marketing Committee Farmers' Union of Louisiana, Many, La.
H. N. POPE,
President and member of the Marketing Committee Farmers' Union of Texas, Fort Worth, Tex.

Whereas the State of Alabama, through its legislature, in September last enacted a measure in favor of legitimate transactions in cotton-future contracts, which at the same time prohibited, under severe penalties, bucket shopping, which is gambling on the price of cotton, with no intention on the part of the gamblers to either receive or deliver the cotton claimed to be called for; and

Whereas legitimate business on the exchanges in legal contracts is a help as a price insurance to the farmer in disposing of his products, while the bucket shop is a curse to the country, encouraging petty gambling by irresponsible parties: Now, therefore, be it

Resolved, That we, the members of the Presidents' Association of the Farmers' Educational and Cooperative Union of America and members of the marketing committee of said organization, in convention assembled, at New Orleans, La., this, the 9th day of March, 1916, most respectfully urge that every cotton State adopt a measure similar in form to the Alabama law.

Resolved further, That attention be called to the fact that the Alabama law is an indorsement of the act of Congress known as the United States cotton-futures act, which act is the result of years of study in the interest of the producers of cotton by the best brains and the ablest men representing the Southern States in both branches of Congress; further, that its practical trial during the past year has demonstrated that (excepting sec. 11, which restricted business with foreign countries) it meets the needs of the cotton growers, eliminating evils which have heretofore been complained of.

Resolved also, That the farmers of the South claim the right to dispose of their cotton either by future contract or otherwise, as they may deem proper, and that they claim the right to buy or sell legitimate or legal future contracts at home or abroad whenever or wherever they may consider their best interests demand; further, that they are opposed to any law or laws that may in any manner restrict them in the free exercise of their judgment in reference to the handling of their business.

I. N. MCCOLLISTER,
President and member of the Marketing Committee Farmers Union of Louisiana, Many, La.
H. N. POPE,
President and member of the Marketing Committee Farmers' Union of Texas, Fort Worth, Tex.
O. P. FORD,
President and member of the Marketing Committee Farmers' Union of Alabama, McFall, Ala.
J. L. SHEPARD,
President and member of the Marketing Committee Farmers' Union of Florida, Greensboro, Fla.
O. W. TAYLOR,
President and member of the Marketing Committee Farmers' Union of Oklahoma, Roff, Okla.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery;

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909;

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River;

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.;

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River; and

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Local Union No. 120, Butchers' Union, of Oakland, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 228, Cigar Makers' International Union, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a memorial of the Trades and Labor Council of Vallejo, Cal., remonstrating against the proposed repeal of the so-called seamen's act, which was referred to the Committee on Commerce.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance Union of Alton; the Orient Club, of Manchester; the King's Daughters, of Jefferson, and the Woman's Christian Temperance Union and Mothers' Club, of Cornish, and of sundry citizens of Meredith, Danville, Epping, and Brentwood, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Shakespeare Club, of Manchester, N. H., praying for an investigation of conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

Mr. STERLING presented a petition of Fredens Baand Lodge, No. 54, International Order of Good Templars, at Sioux Falls, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of the Christian Endeavor Society of Rockport and the congregation of the Christian Church of Alpine, in the State of Texas, and of the Woman's Christian Temperance Union, No. 2, of Washington, D. C., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Camp County, Tex., praying for the adoption of certain amendments

to the so-called cotton futures law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of San Antonio, Tex., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the Garden Memorial Presbyterian Church, of Washington, D. C., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STONE presented petitions of sundry citizens of Missouri, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Spickard, Norrisville, Booneville, Clinton, Springfield, Blackwater, Marshall, and Helena, all in the State of Missouri, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Moniteau County, Mo., praying for Federal aid in the construction of good roads, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Clifton and Westport, in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine (for Mr. BURLEIGH) presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Onondaga County, N. Y., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Rock Lake Grange No. 13, Patrons of Husbandry, of Wheatland, Wyo., praying for Government ownership of telegraph and telephone lines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Town Council of Douglas, Wyo., praying that an appropriation be made for the construction of a military and post road from St. Louis, Mo., to Olympia, Wash., which was referred to the Committee on Military Affairs.

GILA RIVER, ARIZ.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 4655) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz., reported it without amendment and submitted a report (No. 262) thereon.

WABASH RIVER BRIDGE, INDIANA.

Mr. SHEPPARD. I report from the Committee on Commerce favorably and without amendment the bill (S. 5016) to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana, and the maintenance and operation of the bridge so reconstructed, and I submit a report (No. 261) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Texas to explain the bill. It is framed in such a way that I can hardly catch its object by the mere reading of it from the desk.

Mr. SHEPPARD. The bill is in the usual routine form, if I am not mistaken.

Mr. SMOOT. I will ask the Senator if the bill is not simply for the reconstruction of the bridge and not for its maintenance?

Mr. SHEPPARD. It is merely to authorize the reconstruction of the bridge, as I understand. This is one of the ordinary bridge bills. If, however, the Senator from Utah has any question in mind regarding the bill, I will withdraw it for the present.

Mr. SMOOT. I do not want to object to the consideration of the bill. It only seemed to me that the bill was rather inconsistent with its title, and I really believe it is. I think the title ought to be changed. If the Senator would allow the title to read simply "to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana," I think it would then conform to the bill.

Mr. SHEPPARD. I have no objection to the amendment of the title, Mr. President.

The VICE PRESIDENT. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 5080) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes; to the Committee on the District of Columbia.

By Mr. PHELAN:

A bill (S. 5081) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 5082) adding certain lands to the Missoula National Forest, Mont.; to the Committee on Public Lands.

A bill (S. 5083) granting a pension to Abram Hall; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5084) to regulate the salaries of keepers of lighthouses; to the Committee on Commerce.

A bill (S. 5085) to provide for the establishment of national cooperative rural banking associations; to the Committee on Banking and Currency.

By Mr. ASHURST:

A bill (S. 5086) amending section 4 of the public building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. STERLING:

A bill (S. 5087) granting an increase of pension to Andrew E. Waterman (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 5088) to amend the act entitled "An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public-land laws," approved March 26, 1908; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 5089) granting a pension to Margaret Rice Thompson; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 5090) granting a pension to Radford Fain (with accompanying papers); to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 5091) granting a pension to Nancy J. Willey (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5092) granting an increase of pension to Laura E. Knox (with accompanying papers);

A bill (S. 5093) granting a pension to Francett Dickinson (with accompanying papers);

A bill (S. 5094) granting an increase of pension to William J. Bradford (with accompanying papers); and

A bill (S. 5095) granting an increase of pension to Myra R. Daniels (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5096) for the relief of Henry von Hess; to the Committee on Military Affairs.

DETROIT RIVER POSTAL SERVICE.

Mr. TOWNSEND submitted an amendment providing that the marine letter carriers assigned to the Detroit River postal service shall be paid $1,500 per annum, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

NATIONAL DEFENSE.

Mr. SMITH of Georgia. Mr. President, I offer an amendment to the Army reorganization bill. I shall not ask that it be read, but that it be printed and referred to the Committee on Military Affairs. I wish, however, to mention that the two features of the amendment are, first, to lessen the number of years of enlistment with the colors to two years, and to provide further that—

In addition to the work not connected with the military service, soldiers on active duty hereafter enlisting shall devote an average of 96 hours monthly to study and to receiving instructions upon educational lines not directly connected with the military service, and preparatory to their return to civil life. A part of this preparation for civil life shall consist of vocational education, either in agriculture or the mechanical arts, and civilian teachers may be employed to aid the Army officers in conducting the said educational work.

The VICE PRESIDENT. The proposed amendment will be printed and referred to the Committee on Military Affairs.

ISSUANCE OF FREE INTRASTATE PASSES.

Mr. LEA of Tennessee submitted the following resolution (S. Res. 134), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the report that has been made by the Interstate Commerce Commission to the United States Senate showing the issuance of free intrastate passes to the extent of hundreds of thousands of dollars annually; and

Whereas it is important to determine whether the issuance of such free transportation for intrastate use constitutes a discrimination affecting interstate rates; and

Whereas it is reported that such issuance of intrastate transportation is for the purpose of obtaining for the railroads using such transportation heavy shipments of interstate traffic: Therefore be it

Resolved, That a committee of five Senators be appointed by the President of the Senate, with authority to investigate the issuance of such free intrastate passes and report the result of such investigation to the Senate during this session of Congress; that said committee shall be authorized to sit during the sessions of Congress or any recess thereof; that it be authorized to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not to exceed $1 per printed page; to report such hearings as may be had in connection with this investigation, the expenses of said investigation to be paid out of the contingent fund of the Senate, the entire cost not to exceed $500.

PUBLIC PRINTING AND BINDING.

Mr. SMOOT. Mr. President, in the absence of the Senator from Florida [Mr. FLETCHER], I wish to call particular attention to the bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications. I wish to give notice that at the very first opportunity I shall ask the Senate to take up the bill for consideration, and I hope that it may be passed.

We are passing bills every day taking money out of the Treasury of the United States; but, if this bill becomes a law, it will save the Government of the United States at least $800,000 every year. I hope that the Senate will vote at the first opportunity to take up the bill, and either reject it or pass it. It has been in one House or the other for a number of years. It has passed this body and has passed the other body, but has failed of action in either one or the other of the two Houses each year.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on March 16, 1916, approved and signed the following act:

S. 3518. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

THE CALENDAR.

The VICE PRESIDENT. Are there further concurrent or other resolutions? If not, morning business is closed. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The first bill on the calendar was the bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. MYERS. Mr. President, I hope no objection will be made to the consideration of that bill. I trust the Senator from New Mexico [Mr. FALL] is either in the cloakroom or in the Chamber.

Mr. SMOOT. I will say to the Senator from Montana that the Senator from New Mexico has notified me that with his amendment embodied in the bill—and I understand that it has been agreed to—he has no objection to the passage of the bill.

Mr. MYERS. But I object to the amendment, and I should like to have the Senator from New Mexico here. I ask that the bill be passed over temporarily until I can find the Senator from New Mexico. As soon as he comes into the Chamber I ask that we may take up the bill. Is there objection to that request, I will inquire?

Mr. GALLINGER. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 609) to aid in the erection of a monument to Pocahontas, at Jamestown, Va., was announced as next in order.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WEEKS. Mr. President, I gave notice yesterday that at the end of the routine morning business to-day I would address the Senate on the subject of the armor-plant bill. I evidently was not on my feet at the conclusion of routine morning business, and I wish to know if it is now in order for me, by unanimous consent, to proceed?

The VICE PRESIDENT. Of course, it is known to every Senator that such notices as the one given by the Senator from Massachusetts, to which he has just referred, are not binding on Senators. The Senator may proceed by unanimous consent; but if there is an objection, the calendar is in order. Is there objection? The Chair hears none, and the Senator will proceed.

MANUFACTURE OF ARMOR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. WEEKS. Mr. President, I wish to discuss the armor-plant bill somewhat in detail, particularly because it is the first instance which has come to my observation where the Government is deliberately proposing to undertake a manufacturing business in competition with its own citizens and in a case where the property of its citizens will be destroyed without any doubt if the bill becomes a law. We have drifted in many instances into Government business, but in no case have we taken a stand which is comparable to that being taken in this instance. Therefore it seems to me that it is a very important step that we are taking, without any regard to the particular enterprise which is covered by this bill, and that it is worthy the attention of all Senators to consider whether it is going to be in the future a proper policy for the Government to follow, to enter into a manufacturing business in competition with its own citizens.

It has been suggested by several Senators who have addressed the Senate that all preparedness measures should be taken up and given the preference as soon as they were ready for consideration. They included among the preparedness measures the armor-plant bill which is now before the Senate. I take a directly contrary view to that position. I believe that this bill is a direct antithesis to anything pertaining to preparedness; that it will prevent preparedness in the most accepted sense in which that term can be used; and that, if we wanted to do the very thing which would prevent this Government from being prepared as far as armor-plate manufacturing is concerned, we would pass this bill.

The whole essence of a preparedness proposition is a reasonable Government operation, but depending on private manufacture and on private citizens in the form of reserves to supply our needs in time of war. Incidentally I asked the question of the head of the Ordnance Bureau, Gen. Crozier, during the consideration of the military bill in the Senate Committee on Military Affairs, how large a plant it would require to manufacture the ammunition necessary to supply an army of a million men, which is the army contemplated in the present preparedness measures, with a million men coming into the service from time to time during the first year. He had carefully worked out an estimate, and stated that it would require $400,000,000 to construct such a plant, and that it would require 750,000 employees to furnish the ammunition necessary for an army of that size. Therefore how fallacious must be the theory that the Government shall manufacture either ammunition or other equipment or armor plate without having a reserve capacity which can be called upon in case of war.

The making of armor plate is a difficult and expensive process, which can not be developed in a month or a year. The Government is practically the only market for armor plate, and no one is going into that business if the Government establishes an armor-plate factory, and no concern now in existence, in my judgment, is going to continue to keep its plant in condition for operation, as the returns which it could receive under such

conditions would be so small that it would not be a profitable investment.

Then, again, we do not know what we are going to require in the way of armor from year to year. What is of value to-day may be of little or no value 10 or 20 years from now. My own conception about the Navy at this time is that we do not require dreadnaughts to the same degree that we require very fast armored cruisers, battle cruisers, mounting four or six very high-power guns, 16-inch guns, ships that are as fast or faster than any ships in the world. When you are going to fight somebody, you must use a weapon or an implement that is at least equal to the weapon or implement which your adversary is going to employ; and the nations of the world are now constructing battle cruisers which have as high-power guns as have the dreadnaughts which we have in commission or the dreadnaughts of other nations. They are so much faster that they could keep entirely clear of the dreadnaughts, making targets of them, and they are also commerce destroyers as well. Therefore it seems to me that it is desirable in our naval program that the first consideration should be given to ships of that kind; and yet if that is done, the question of armor making is very greatly modified, because the armor of the accepted type of battle cruiser is not more than one-third, and probably not more than one-fourth, as heavy as the armor required for a dreadnaught. For that reason we might have to entirely reconstruct our armor-making plant, and certainly the question of armor in comparison with its necessary weight and other qualities to-day would be almost negligible. We would not need anything like the armor-making capacity which we will require if we are going to build dreadnaughts. That is another consideration to which we should give our attention.

This idea of battle cruisers is not my own. Of course I would not advance it against the opinions of experts, but some of the leading experts of the Navy, notably the president of the War College, Admiral Knight, and Capt. Sims, one of the ablest captains in the naval service, have recently given testimony before the House committee advocating exactly what I have suggested. If that were done, the building of an armor plant would be little short of a crime.

Again, Mr. President, the Government never builds as expeditiously nor as economically as does the private individual. We have a volume of instances, which will occur to every Senator, to the effect that we are extremely slow in commencing Government building operations and slow in their completion.

During my first term in Congress, 10 years ago, I was able to obtain an appropriation for an appraiser's storehouse in the city of Boston, which is the second port of entry in the United States. The Government never has owned an appraiser's storehouse there. It has rented quarters, at very considerably more expense than would have obtained if it had owned its own building; and yet that appropriation, which was made substantially 10 years ago, has not been used up to this date. A site has been purchased; it has been lying idle for five or six years, with loss of interest, but no steps have been taken toward the construction of the building.

That is simply an example of incidents which will occur to every one of the Senators who are giving me their attention; and if we undertook the construction of an armor-making plant, in my judgment it would be delayed very much beyond what would be the case if it were to be constructed by a private corporation.

We have an instance of what that means, because the Midvale Co. undertook the construction of a plant a dozen years ago. They had bid two or three times for the construction of armor. The Navy Department had refused to consider their bids, because they did not have a plant constructed for its manufacture. So they undertook the building of a plant, and it required two and a half years to construct a plant materially smaller than the larger one contemplated under this bill. Therefore I assume that even if we decide to pass this bill it will require, not two and a half years, but, if the other incidents are in any way comparable, three or four years, or it has been estimated as many as five years, before the plant can be constructed.

We are singularly negligent, too, in taking up those matters which have been carefully investigated by commissions or committees of Congress and giving them the consideration to which they are entitled. For instance, there has been a great deal of disagreement about the pay to which railroads are entitled for transportation of the mails. A commission of the two Houses of Congress considered this question for months and made a report to Congress which, in my opinion, would have put that service on a reasonably good basis; and yet, after two years, no final action has been taken in that matter, and if the department's present purpose of injecting certain matter which I believe ought not to go into the proposition is adopted or considered seriously, I hope it never will be adopted.

We have had a commission to take up the consideration of the expense incident to the carrying of the parcel post and what further steps should be taken to enlarge that service. It made a report more than two years ago. Nothing whatever has been done with that report, although the subject was given long and serious consideration by a joint committee of Congress.

We had a commission to consider the good-roads question, which spent many months in active consideration of that matter. It made a report to Congress. I think almost everyone who has considered the question at all admits that the report made by that commission is one that ought to be adopted; and yet it can not even be given consideration, because it is assumed that it can not become a law if that is done. There is very vital objection on the part of some even to its consideration.

The Postmaster General reported year before last that if he could reorganize the Rural Delivery Service he could save $18,000,000 annually. I do not know that he could do it, but that is the report made by him to those who are familiar with that service, and yet nothing whatever was done to authorize him to carry out that proposition. I instance these cases simply to confirm what I started to say; that is, that the Government is a slow and, as I shall attempt to demonstrate later, not an economical business agent.

I instance these cases simply to confirm what I started to say; that is, that the Government is a slow and, I shall attempt to demonstrate later, not an economical business agent.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WEEKS. Yes; I yield.

Mr. BORAH. In that connection, what has the Senator to say as to the apparent necessity of the Governments which are now at war taking over the entire subject matter of the supply of munitions of war and putting the entire subject under the immediate control and supervision of the Government in order, as we have been informed, to secure efficiency and rapidity of supply? Have not Germany and Great Britain and France all been compelled to put the entire subject matter practically under Government control? I ask this to get the Senator's opinion, in view of his argument as to the dilatory and inefficient methods ordinarily obtaining with reference to such matters when the Government seeks to control the matter.

Mr. WEEKS. Mr. President, I will discuss that question later; but I will say to the Senator from Idaho that no European Government has any government establishment for manufacturing any munitions of war. The only country in the world that manufactures armor plate, for example, is Japan; and the only reason why Japan does it is because private capital was not available in that country to go into the business. It is true—at least, the press reports seem to intimate that it is true—that in order to get proper supervision of one kind or another, the English Government has taken charge of certain manufacturing industries, so that they may devote their entire time to the interests of the Government. I do not know the details of that, however, and all the information I have is obtained from the press reports. It is, of course, a war measure pure and simple.

Mr. BORAH. Of course I understand that it is a war measure; but it was made a war measure because of the necessity of having quick and efficient action in regard to these very matters. It seems to me it is a feature of this question which may deserve study. I presume this measure may be considered essentially a war measure.

Mr. WEEKS. Mr. President, there has been no necessity of having quick and efficient action in the United States, as I shall demonstrate when I show what the increased capacity of the American firms has been in producing munitions of war.

The question of costs relating to this proposition is of the greatest importance, and as far as possible I want to submit what seems to me to be vital matter relating to that particular subject. It is not possible to make comparisons, as it would be in any other manufacturing business, with some going business; because, as I have said, there is a limited number of plants manufacturing armor plate, and the Government is practically the only market for this armor plate. But, in my judgment, the question of costs has not been given fair consideration by the committee having this bill in charge. For that reason I want to discuss it very much in detail.

It is well worth considering whether or not it is good policy to enter into any industry which puts the Government into competition with its own citizens, even if for other reasons it seems justifiable. Government operations are notoriously lack-

ing in expedition and economy and into them enter all the evils of political influence. They are not conducted for the purpose of making profits, that being of comparatively small concern to the Government while to the citizens profits are vital, so that improvements and developments are much more likely to occur where the necessity for making profits prevails. In a case of this kind, putting the Government into the armor-making business means putting it directly into competition with the capital and business of our own citizens, over which the Government exercises the right of regulation, so that if the results are such that there is a deficit in the Government's operations the very citizen whose business is being destroyed may be taxed to help make up the deficit which follows his own ruin.

Speaking of Government operation, Herbert Spencer, in one of his essays, said:

> Between these law-made agencies and the spontaneously formed ones, who then can hesitate? The one class are slow, stupid, extravagant, unadaptive, and obstructive; can any point out in the other vices that balance these? It is true that trade has its dishonesties, speculation its follies. These are evils inevitably entailed by the existing imperfections of humanity. It is equally true, however, that these imperfections of humanity are shared by State functionaries.

The Government's own experience as a manufacturer is not sufficiently encouraging to justify any ambitious plans for a Government armor plant. Some years ago the simplest form of steel making was attempted at the Brooklyn Navy Yard, and I am informed that the failure was so acute that no one would seriously consider repeating any such attempt. The steel castings which were made at this plant are of the simplest form. As I understand it, the Government believed it could save money by buying pig iron and casting its own steel for small work. It did not contemplate in any degree the casting of steel for such important work as is contemplated in this armor-plate project. The results seem to demonstrate that the steel made at this plant turned out badly. It was defective in many respects, and the expense of producing was so great that some two years ago the whole project was abandoned and the plant has not been used since, the department turning back to the commercial market to buy its ingots.

If such an experiment as this had proven a success, instead of the contrary, both from an economical and quality standpoint, there would be some warrant for extending the operations into the more difficult and intricate product which is required for armor plate. This failure of the Government, however, is not surprising when it is known that some of the oldest and most experienced steel makers frequently are unable to deliver goods up to the required standard; in fact, there is very much steel manufactured by those best qualified in such enterprises which, when tested, is rejected, and that is one of the elements in the cost of manufacturing armor plate. Very much of the product is rejected for that reason. A year and a half ago the Navy Department ordered 48 breechblocks and 48 screw box liners for 14-inch guns from the Pennsylvania Steel Co. This company had not previously manufactured this material, but it underbid those companies which had produced the product up to that time, and the Navy Department believed, I assume, that there was an opportunity to save money in giving the order to this company. Of these 48 sets of breech mechanism forgings, 25 have been taken from the contractor on account of delay incident to the work and given to the company which previously had the contract. Twelve of the remaining 23 sets have been delivered to the Government. The remaining 11 sets have not yet been tested and delivered, and the delay in delivering these parts has made it necessary to lay aside the other parts of guns which have been delivered to the Government waiting for the fulfillment of this order.

It should be remembered that although the Government has a large gun plant at the Washington Navy Yard in no case does it manufacture the parts that go into the gun; that it is simply an assembling plant where the tubes and other parts are obtained from manufacturers and put together to make the finished product. In no single case does the Government enter into the manufacture of the ingots or the parts, with the single exception, however, which occurs to me now, of a small experimental plant at the Watertown Arsenal; but that is very largely for the instruction of our own officers in the testing and examination which they must necessarily make of steel ingots sold to the Government.

The same general statement is true of the building of battleships in navy yards. Some years ago Hon. WILLIAM A. JONES, a Member of the House of Representatives from the first Virginia district, made an important demonstration of the cost of constructing battleships at navy yards, basing his statements on a report made by Admiral Watt, the chief constructor, under date of February, 1913. The difficulty in making comparisons in all such cases between the cost of construction at private and Government yards is that very many of the items which go into the cost are not so segregated in Government operations that the actual cost can be determined. For example, based on Admiral Watt's figures given at that time, the ships of the present Navy would have cost the American people $70,000,000 in excess of the figure at which they were built if they had all been constructed in navy yards. Some of the items which are not considered at all in figuring Government costs are: First, depreciation of outfit; second, insurance carried by the private builders, which benefits the Government; third, cost of trials; fourth, value of repairs made at the contractor's expense during the guaranty period; fifth, value to the Government of taxes paid by private shipyards; sixth, salaries of classified employees; seventh, leave and holidays of men and disabled pay; eighth, decrease in the amount of indirect charges in navy-yard building, all of which items would amount, in the building of a dreadnaught, to as much as $1,297,000.

The statement made by Admiral Watt that the present Navy would have cost seventy millions more than it has if it had been constructed in navy yards instead of private yards is based on a table furnished by him at that time, which includes nine ships built at the navy yards at New York, Mare Island, and Norfolk.

The matter referred to is as follows:

COST OF PRODUCING ARMOR PLATE UNDER VARIOUS CONDITIONS.

The production cost of armor with shop operating at full capacity has been determined as follows:

Report of Niles Board, House Document No. 193, Fifty-ninth Congress, second session, $244.27 per ton.

Report of Tillman Board, House Document No. 1620, Sixty-third Congress, third session, $262.79 per ton.

(The later report reflects advances in cost of labor and material and is quite consistent with the earlier report, considering the differences in the dates at which they were made.)

With plant operating at less than full capacity, the Niles Board found that the cost would be increased as follows:

Plant operating at half capacity, cost would be increased 20 per cent.

Plant operating at one-third capacity, cost would be increased 30 per cent.

These reports give mere shop cost and do not contain many items that enter into the actual total cost, such as administrative and general expense, insurance and taxes, interest on plant investment and working capital, etc., and in the following tabulation is shown the effect of the addition of some of these very real and important items. The depreciation of the plant, although a real addition to the cost, is not included below, as it is shown that prices actually received by the manufacturers has not been sufficient to allow anything for this purpose.

1	2	3	4
	Cost per ton with plant provided with sufficient contract tonnage to operate at full capacity (10,000 tons). (This is a condition that has never been maintained.)	Cost per ton with plant provided with only sufficient tonnage to operate at one-third capacity. (This approximately represents actual average conditions that have obtained.)	Cost per ton with plant provided with sufficient tonnage to operate at two-thirds capacity. (This condition might obtain as a result of the proposed 5-year program.)
Production cost, plant operating at full capacity (Tillman report)	$262.79	$262.79	$262.79
Add for plant operating one-third capacity, 30 per cent (Niles report)	.....	79.60	.....
Add for plant operating two-thirds capacity, 10 per cent (taken proportionately from Niles report figures)	.....	.....	26.28
Total production cost	262.79	342.39	289.07
Administrative and general expense ($100,000 per year)	10.00	30.00	15.00
Taxes and insurance ($45,000 per year)	4.50	13.50	6.75
Interest at only 5 per cent on $7,100,000 plant ($355,000 per year)	35.50	106.50	53.25
Interest at only 5 per cent on $500,000 working capital ($25,000 per year)	2.50	7.50	3.75
Total	315.29	499.89	367.82

If the contracts awarded in the future should be in the same average quantities as in the past (namely, 3,280 tons per year, or about one-third our plant capacity), the present price of $425 per ton would provide as follows:

		Per ton.
Contract price		$425.00
Less—		
Production cost (column No. 3)	$342.39	
Administrative and general (column No. 3)	30.00	
Taxes and insurance (column No. 3)	13.50	
		385.89
Leaving for interest on investment		39.11

With contracts for 3,280 tons, this would provide only $128,280.80 per year, or less than 1¾ per cent on the investment, without any provision whatever for repayment of the capital invested in the plant when it may have to be abandoned, owing to the building of a Government plant or some radical change in the method of manufacture.

Navy yard built—	Cost about—	More than—
Connecticut	$374,000	Louisiana, a sister vessel, built by contract.
Florida	2,269,000	Utah, a sister vessel, built by contract.
Jupiter	590,000	Cyclops, a sister vessel, built by contract.
New York	1,463,000	Texas, a sister vessel, building by contract.
Cincinnati	770,000	Formal proposals received for their construction.
Raleigh	714,000	Formal proposals received for their construction.
Maine	780,000	Limit of cost inside which it is estimated that vessels could have been contracted for.
Texas	449,000	Limit of cost inside which it is estimated that vessels could have been contracted for.
Vestal	250,000	The average of informal estimates received from three shipbuilding companies. (See p. 359, Secretary of the Navy's hearing, Jan. 12, 1911.)
Prometheus	140,000	The average of informal estimates received from three shipbuilding companies. (See p. 359, Secretary of the Navy's hearing, Jan. 12, 1911.)
Total	7,799,000	

Mr. WEEKS. It must be remembered, too, that the Congress is constantly called on to furnish additional equipment for navy yards. The Senate has only recently adopted a proposition appropriating over $500,000 for two of the yards which are to construct battleships under bids recently submitted. Again it must be remembered that in such cases bids are submitted by private contractors under specifications prepared by the department, and they are responsible for the results which they must obtain. In the case of navy yards the bids are simply estimates; and if they are not sufficient to build the ship, then an additional appropriation is made by Congress for its completion.

Furthermore, our experience with the building of ships at navy yards is full of instances of delays which would not be occasioned at any other place. At this time, when whatever preparedness is agreed upon should be hastened as rapidly as possible, we have not even commenced the two battleships that were authorized last year; and if anyone who has curiosity enough to do so will take the department's figures on the state of completion of ships under construction at navy yards and private yards under exactly the same conditions, they will find in every case, as far as my observation goes, that the navy yard is behind the private builder and in some cases very materially so.

The suggestion which I have made that the navy-yard figures are estimates and not bids is demonstrated in the case of battleships *43* and *44*. The price bid for the ship built at Mare Island was $7,413,000 and for the ship to be built at the New York yard $7,069,000. The actual cost to the Government will really be, when all of the items which should be properly charged to the construction are taken into consideration, in the case of the Mare Island ship $8,827,000 and in the case of the ship built at the New York yard $8,572,000.

Incidentally an estimate came from the Philadelphia yard which was something like $500,000 less than either of these bids; and yet that was not accepted, because it was known in that case that the estimate could not possibly cover the cost of the battleship. The actual cost to the Government will really be ascertained when all of the items which should be properly charged to the construction are taken into consideration. In the case of the Mare Island yard, adding the amount which I have itemized as a part of the basis of cost of the battleship, the ship built there will cost $8,827,000 and in the case of the ship built at the New York yard $8,572,000, both of which figures are materially more than the bids made by the private corporations who wished to undertake the work.

Furthermore, it would seem to be demonstrated that the repairs required on Government-built ships were materially greater than on ships built at private yards. For example, take the case of the *Connecticut* and *Louisiana*. The former was built at the New York Navy Yard and the *Louisiana* was built by the Newport News Shipbuilding & Dry Dock Co. The repairs on the *Connecticut* during the first nine years of her service were $917,000, while those on the *Louisiana* were $885,000. In the case of the *Florida* and the *Utah*, during three years of their service—the *Florida* having been built at the New York Navy Yard and the *Utah* at the New York Shipbuilding Co. plant—the expense of repairs on the *Florida* were $151,000, while they were $95,000 on the *Utah*.

On page 98 of the report of the committee to investigate the cost of armor plate for the United States, the chairman, Mr. TILLMAN, used the following language:

> Now, we want you to open up and tell us all about this matter, because you realize that if the Government enters into its own armor manufacture itself it will destroy your business in that respect, at least.

Now, as a result of the hearings, the committee reports in favor of spending $11,000,000 to construct a plant for that purpose. In other words, we are now considering a proposition which the chairman of the committee himself stated will mean the destruction of $20,000,000 to $30,000,000 of property of American citizens, or compelling them to change their property into some other form to be used for some other purpose. It is my purpose to discuss, first, the unfairness of such a proposition; second, to indicate my belief that it will not lower the cost of manufacturing armor for the Government, but rather increase it; and, third, in my judgment the Government should, instead of destroying the property of its citizens, enter into cooperation with them, determining a policy on which can be asked a reasonable profit, which itself shall be based on the probable cost for an output to be continued through a term of years.

Mr. HITCHCOCK. Has the Senator finished that part of his address concerning the success of Government manufacture? I notice that he is proceeding now to something else.

Mr. WEEKS. I will come back to that, if the Senator will be patient.

Mr. HITCHCOCK. I was going to ask the Senator whether he has considered the success which the Government has had in the manufacture of powder?

Mr. WEEKS. Yes.

Mr. HITCHCOCK. Is it not a fact that the Government has demonstrated that it can manufacture powder at a price materially below any price at which it could buy the powder?

Mr. WEEKS. If the Senator had been here when I commenced my remarks he would have learned that I do not oppose having a national establishment, as we have done in the case of manufacturing powder, which manufactures a very small percentage of the powder that would be required if we had any considerable army in the field. In fact, I have some figures here, which I will read later, showing that we would have to depend on private production for more than 95 per cent of the powder which we would necessarily use if we had an army in the field as large as the army contemplated in the preparedness plan now before the Senate.

Mr. HITCHCOCK. The proposition I understood the Senator was attempting to maintain was that the Government could not manufacture the material which it needs in war as cheaply as if it purchased it. The proposition I make is that in the manufacture of powder it has been conclusively demonstrated that the Government can manufacture powder for much less than it can buy it, and that the Government manufacture of a part of the powder has resulted in compelling the private manufacturers to reduce their price to the Government. There is not any question about that fact.

Mr. WEEKS. I think as far as the manufacture of powder by the Government is concerned the prices are lower than they were when the Government established its plant.

Mr. HITCHCOCK. Is it not a fact that since the time the Government began manufacturing powder the cost of powder in the Government plant has at all times been lower than the cost of that which the Government at the same time has been buying?

Mr. WEEKS. I have not looked over the figures. Quite likely they are made up exactly as the figures which I have been reading, for I think probably they do not take into consideration all of the elements that should go into the cost. The Government does not make up its figures in that way. Before I make any admission on that proposition I should want to examine every element that goes into the cost of manufacture.

Mr. HITCHCOCK. Is it not a fact that when the Government began the manufacture of its own powder it was paying nearly $1 a pound to the manufacturer, and at the present time it is paying less than 50 cents a pound, and that the price has been reduced year by year as the Government has demonstrated in its own powder factory the cost of the powder?

Mr. WEEKS. I have not the figures before me.

Mr. SWANSON. If the Senator will permit me, the Government paid 80 cents a pound. Then the Government went into the manufacture of powder and it was brought down to about 37 cents a pound, and Congress fixed the price at 53 cents a pound.

Mr. SMOOT. But before 53 cents a pound was fixed we purchased powder at 65 cents. There was a reduction before the rate was fixed.

Mr. HITCHCOCK. I think the Senator from Virginia has correctly stated it. The price has been reduced from 80 cents a pound to 37 cents a pound, largely because of the fact that the Government has constructed its own powder factory and has produced a considerable portion of the powder which it is compelled to use.

Mr. LIPPITT. Mr. President——

Mr. WEEKS. Just a moment, please. I have not the figures of cost before me, and therefore I am not in a position to reply, except to make the suggestion that the manufacture of powder is a piffling manufacturing operation in the scientific details required compared with the manufacture of armor plate. More than that, if a profit in the manufacture of powder comparable to what the Senator intimates exists, I can not see why other manufacturers do not go into the business, because the average manufacturing business shows no such return on the capital invested. I yield to the Senator from Rhode Island.

Mr. LIPPITT. I was only going to call the attention of the Senator from Nebraska to the fact that when he talks about the price of 80 cents for powder, he is talking about the cost of smokeless powder, in the infancy of its production. Smokeless powder is the powder to which that price was applied, and it was applied when smokeless powder was first discovered. Naturally in the course of the manufacture of a new article methods of economy are discovered and put into operation. I think if the Senator will investigate that subject he will find that the price went on down in connection with that article. I should like to ask the Senator——

Mr. HITCHCOCK. Let me answer right here. I will say to the Senator that I did investigate it. When in the lower House at the same time when the Senator from Massachusetts [Mr. WEEKS] was a Representative in the lower House, I was the author of an amendment providing $250,000 in the naval appropriation bill which doubled the capacity of the powder plant at Indianhead. The House accepted that amendment because it was demonstrated beyond a doubt that the Government by manufacturing its own powder was not only securing it cheaper than any of the powder companies were willing to offer it for, but by manufacturing it it was able from year to year to compel those companies to reduce their prices to the Government. Millions of dollars have been saved to the Government of the United States by itself undertaking the manufacture of the powder.

Mr. WEEKS. The proposition which the Senator from Nebraska advances is not comparable in any degree to this. In that case, as he states himself, there were a number of manufacturers, there was competition, and undoubtedly if there were any such profits obtainable others would have gone into the business. I should want to examine with great care all the items which should be included in the cost of manufacturing powder at Indianhead or at any other place before I would admit that it could be manufactured cheaper than in private operations.

Leaving out other considerations, what folly it is to destroy the usefulness of large manufacturing plants which are capable of manufacturing twice the requirements of the Government and constructing a new plant which presumably will be sufficient for that purpose, so that in effect we will have in the United States a capacity three times as great as our requirements. No manufacturing business can produce a low cost unless it is run at substantially its full capacity. There are practically no manufacturing industries in the United States that can make any profit running two-thirds their capacity, and I do not know any manufacturing business that can make a profit running at one-half of its capacity; yet we are deliberately proposing to add to a capacity which is now twice our requirements another unit one-half as great as our present plant capacity which, if these plants are to be in competition, will make it absolutely impossible to produce profitable results in this particular industry.

I have read with a great deal of care the hearings which were given by the committee last year, and while I have no knowledge of armor-plate making, none of the plants involved being in the section of the country which I in part represent, and have no other interests than to hope that this Government will not become involved in manufacturing industries in competition with its own citizens, I can not help deprecating the tone used in dealing with the witnesses which came before the committee. These witnesses, representing the plants now equipped to manufacture armor, declined to expose the cost of manufacture unless the information was to be considered confidential. In taking that course they were undoubtedly within their rights, because no manufacturer, under any law of the United States, is required to take such action. One of the witnesses testified that he believed his plant had developed processes or methods which enable them to manufacture somewhat cheaper than his rivals, and yet it was insisted that he should expose those processes, which are a part of the stock and trade of the company, not only for the benefit of the committee but for the benefit of the public. It would not only be exposing the company's methods to their competitors in the United States but to European competitors—an entirely unjustified demand. The Trade Commission, under laws which are now on the statute books, has the right to go into these plants and make examinations, if it is considered confidential, so that if this committee had really desired the information, in order to guide its own action in coming to a conclusion, it could have obtained it in that way. Furthermore, the witnesses to whom I have referred testified that they were in competition and that there was no combine or agreement or understanding between them. It is a little humiliating when men, who I assume are reputable and responsible, are interrogated as these witnesses were in this manner. Let me quote the character of this interrogation to which I have referred. On page 52 of the report the chairman said:

> I am referring to the loss which would accrue to the companies if the Government went into the manufacture of armor, and therefore they would be a dead loss to you if the Government should go into the manufacture of its own armor. The Government is helpless, so far as the price of armor is concerned, when there are only three makers of it and they are working in combination, charging whatever price they agree upon.

Mr. Dinkey, who was representing the Carnegie Steel Co., answered:

> Mr. DINKEY. The three are not in collusion.
> The CHAIRMAN. You say so, but we think they are. I hope you are telling the truth.
> Mr. DINKEY. I can tell you now they are not in collusion, and I do not know how I can make you believe that I am telling you the truth.
> The CHAIRMAN. The fact that Carnegie did not get any of this last contract would indicate that somehow or other the cogs had slipped and the machine did not work well. Do you know just why you did not get it? Are you willing to tell?
> Mr. DINKEY. I tried hard enough to get it, but could not. I tried to meet the Secretary's views, and I did revise my bids after he asked us to, and I did not make them sufficiently low I imagine.
> Mr. PADGETT. Upon that question, however, the contract was awarded to the other two with the stipulation that they could sublet part of the contract, and you are not out of the game yet.
> Mr. DINKEY. The deliveries required are faster than the plants that have the contracts will be able to make them.
> The CHAIRMAN. Therefore they will have to come to you, because you are the only other man that can help them out. Don't you see that you have got the Government in your power?
> Mr. DINKEY. I do not think I have.
> The CHAIRMAN. If the Government can only get from certain factories its armor, and nobody else can supply it, it seems to me that the Government is utterly helpless.
> Mr. DINKEY. Look at the other side. These tools are useful only for Government work. If the Government does not buy they stand idle.

Could there be a more humiliating position in which to place a citizen who has made large investments in a business to produce what is entirely controlled by the Government than to have his word questioned even after he has made a positive statement? The collusion scheme, to the minds of the questioners, did not work well, as evidenced by the suggestion that a great manufacturer was not out of the game, because it would be necessary for the contractor to turn to him to assist in carrying out a contract. I maintain that the tone of this colloquy is entirely unfair and should be sufficient to prejudice the case in favor of those presumably honest citizens engaged in this great industry who have been obliged to submit to such charges or suggestions.

There is another view to take of this situation, and it relates to what we are hearing so much about these days with reference to the development of our foreign trade. Every country which maintains a navy, with the exception of Japan, purchases its armor plate from private manufacturers and, as far as possible, from those located in the country making the purchase. Japan constructed a Government armor plant for the very good reason that there were no private citizens in Japan who would undertake the investment of such large sums of money in such an uncertain and hazardous business. In the case of most large countries, like England and Germany, all of the armor plate used by their Governments is manufactured within their borders; some countries, and especially Great Britain, manufacture a considerable amount for others; in fact, the larger part of the warship building of the world not conducted in local yards is done in England, English builders getting the benefit of supplying the armor for such ships. In only one instance have we built a considerable warship for a foreign country, that was the Argentine battleship which was recently turned over to that Government. It is perfectly apparent that unless we leave private manufacturers in the United States in condition to work their plants at a living profit they will lose the possibility of manufacturing for men-of-war, because no foreign Government would submit to the use of armor on its vessels which was made by plants controlled by other Governments; it is only the private manufacturers who can possibly fill such a demand, and therefore on the passage of this bill rests the possibility of our manufacturers building a considerable number of foreign battleships in the future.

As an indication of the lack of real information bearing on this subject, I wish to call attention to a letter which I had from the Secretary of the Navy. On December 16 I wrote asking for some figures relating to the cost of labor in this country and abroad in similar plants. January 11, very nearly four weeks

after, I received a reply, giving the base figures which have been paid for armor in this country, which are contained in the report of the committee, and this additional information:

The wages of mechanics at United States navy yards is determined by a board of naval officers and based upon the wages paid for similar services in the vicinity of the yard—

Which, of course, is the general practice.

The average per capita wage paid during the last 10 years is not available.

I have no official information as to the prices paid by other Governments.

That is all the information I could get from the Navy Department, either in reference to this country or countries abroad, on an important item relating to the cost of manufacturing armor plate.

Mr. President, I now wish to take up somewhat more fully the question of cost. In my judgment, no suitable examination has ever been made by anyone relating to the cost of the manufacture of armor plate. I have suggested that a manufacturing plant working two-thirds of the time could seldom make any considerable profit, and that working one-half time it practically could not make any profit. Yet these armor plants have only had an average order for the last 16 years of 12,000 tons a year. Their capacity is 30,000 tons a year. In other words, they have been working two-fifths of their capacity, and I very much doubt if there is a Senator here who can cite a single instance of a manufacturing plant that can make any profit working at two-fifths its capacity.

To show what differences result from such conditions, let me take some ordinary manufacturing cases. There is always a reduction in profit and an increase in cost when a plant is working less than its full capacity. That is one of the matters on which the committee's report gives us no information. It simply assumes that the manufacture is to be done under the best conditions, under every circumstance, the plant working at its full capacity.

The average profit made in manufacturing shoes in the United States, for example, is 7 cents a pair, as nearly as the information can be obtained, if the plants are working at their full capacity; but if the plants are working at three-quarters of their capacity the average profit is reduced from 7 to 2 cents a pair; and if the plants are working at half their capacity the profit disappears, and the average plant in the United States shows a loss as a result of its operations.

I have taken several instances of manufacturing woolen and worsted goods to indicate the increase in the cost when the plant is working less than its full capacity. Top making, worsted spinning, worsted weaving, worsted finishing, cotton spinning and dyeing and finishing cotton cloths are included in this estimate. The average increase in the cost in instances where the plants are working three-fourths time is 15 per cent. Where the plants are working one-half the time the average increase in cost is 33 per cent. Where they are working one-quarter of the time the average increase in cost is 87 per cent. Where working two-fifths time, as these armor plants, the average increase in cost would not be very far from 50 per cent. The exact figures I can not estimate. I could take any number of similar instances, as, for instance, this example of a cotton mill, to demonstrate the correctness of my theory. I have here the case of a mill, the figures concerning it having been furnished me. It had a capitalization of a million and a half. It operated 135,000 spindles. Running full time it produced 30,000,000 yards of colored cotton goods in six months. The net earnings, based on the actual results of this operation, were one-sixteenth of a cent a pound, or $20,200 profit for six months. If this mill had been forced to curtail its production by shutting down for one-fourth of the time, its production would have been reduced to 23,000,000 yards, which reduction, combined with the increased burden of fixed charges, would have changed the profit of one-sixteenth of a cent per yard into a loss of four-tenths of a cent a yard, or an actual loss for the six months' manufacturing of $93,600.

I could fill the RECORD with instances to justify the correctness of the statement which I have made relating to the returns which are obtained in manufacturing plants that are run at less than their full capacity.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. WEEKS. I simply wanted to finish my sentence. I now yield for a question, Mr. President.

Mr. MARTINE of New Jersey. I want to ask the Senator from Massachusetts a question. My question is whether he does not think former Senator Beveridge is pretty good authority?

Mr. WEEKS. Oh, no, Mr. President; I can not make any such admission.

Mr. MARTINE of New Jersey. I will ask the Senator, then, who might be good authority? Will the Senator permit me to merely interject the particular clipping which I hold in my hand, which bears upon the subject?

Mr. WEEKS. Mr. President, I shall have to object until I have examined the clipping and examine the facts connected with it.

Mr. MARTINE of New Jersey. I will bide my time, then, and I will read the clipping at some later date, presenting the views of the distinguished ex-Senator Beveridge, wherein he takes quite the contrary position to that taken by the Senator from Massachusetts.

Mr. WEEKS. The Senator is quite within his rights to bide his time.

Mr. BRANDEGEE. Mr. President, will the Senator from Massachusetts let me ask him whether there was any evidence before the Committee on Naval Affairs in this inquiry as to what the profit had been by these armor-plate factories, or the amount invested in that department of their plant which was devoted to the manufacture of armor plate?

Mr. WEEKS. Mr. President, there were some questions relating to this particular subject, but they are all dependent upon the question of cost, and, in my judgment, no suitable examination has ever been made by anyone relating to the cost of the manufacture of armor plate. There have been theories and suppositions and declarations; but as to getting down to an actual examination of the books of a concern to determine what the actual cost is, I think it has never been done.

Mr. BRANDEGEE. Of course the companies themselves know what their manufacturing cost is, I assume?

Mr. WEEKS. They do.

Mr. BRANDEGEE. But they decline to make that public?

Mr. WEEKS. They did offer to give that information to the committee, and the committee has a right to go and get that information under the law providing for the Federal Trade Commission. They object, however, to having that information made public.

Mr. BRANDEGEE. That was my assertion—that they decline to make it public, and, in my opinion, wisely and justifiably decline to do so for the reasons stated by the Senator from Massachusetts; but if they know their cost of production—and I assume they could get it from their own books——

Mr. WEEKS. Undoubtedly.

Mr. BRANDEGEE. If they know that cost, was there no evidence before the committee as to what they claimed their profits had been on the amount of capital invested?

Mr. WEEKS. I am going to take up the question of cost upon the basis of the committee report.

Mr. BRANDEGEE. I did not know but that they made some admission themselves as to how much or how little they had made.

Mr. SMOOT. Will the Senator from Massachusetts yield to me for a correction?

Mr. WEEKS. I yield to the Senator.

Mr. SMOOT. I stated that the price paid by the Government for powder before the appropriation bill of 1913–14 was 65 cents a pound. That was, as I recollected it; but I find that the Government pays 60 cents a pound. In the naval appropriation bill for the fiscal year 1913–14 this proviso was then adopted:

That no part of any money appropriated by this act shall be expended for the purchase of powder other than small-arms powder at a price in excess of 53 cents a pound.

Mr. LIPPITT. Mr. President——

Mr. WEEKS. I yield to the Senator from Rhode Island.

Mr. LIPPITT. I was only going to ask the Senator from Massachusetts if he did not accept the table which the makers of armor plate put into the hearings which were held before the Committee on Naval Affairs last January, a report of which is found on page 8, in which they give substantially the cost of making armor plate under various different conditions of operation? No doubt the Senator has examined those costs. Does he consider that they are all reliable or is he going to discuss that matter later?

Mr. WEEKS. Well, I am willing to take those costs as the basis of what I am about to say. Those costs are dependent on a plant running at its full capacity all the time and no deviation or estimate is made for the difference in results if a plant is run at only a portion of its capacity.

Mr. LIPPITT. The report to which I refer does deal with the plant running at full time, at two-thirds time, and at one-half time.

Mr. WEEKS. I have not those figures before me.

Mr. NORRIS. Mr. President, will the Senator from Massachusetts yield at this point?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. Yes.

Mr. NORRIS. Does the Senator from Massachusetts contend that the armor-plate men have been losing money all these years?

Mr. WEEKS. Well, if they have been making money they are wizards.

Mr. NORRIS. I judge from the illustrations which the Senator has given us that he wants us to draw the comparison, which, it seems to me, must be drawn from them, that when they are running at half time the manufacturers must lose money. As he states that they have run only two-fifths of the time, it would therefore follow that they have been losing money all the time.

Mr. WEEKS. Mr. President, as I said, I base the estimate which I have made on other manufacturing business. I do not know about armor plate. I never have examined the books of an armor-plate manufacturer.

Mr. NORRIS. But the Senator has given us the illustrations, and I suppose the natural conclusion must follow, if the illustrations have any application, that they apply to armor-plate factories as well as to other factories.

Mr. WEEKS. I have given those illustrations as samples of the only comparisons that are available.

Mr. NORRIS. Does the Senator believe now that we ought to apply those illustrations, as he has given them to us, for that purpose? If we do so apply them, must we not conclude that on all the armor plate that we have ever bought the armor-plate people have lost money every time that it has sold us any armor plate?

Mr. WEEKS. Of course the Senator does not expect me to give an answer to that proposition without an examination of the books of an armor-plate maker. If I were going into the business I should provide myself with some real facts on what it costs to manufacture armor.

Mr. NORRIS. I have no doubt the Senator would; but the Senator has given us illustrations, for instance, of the manufacture of shoes, cotton cloth, and so forth.

Mr. WEEKS. Yes.

Mr. NORRIS. If we can apply that, as I suppose the Senator intends us to apply it, it would naturally follow, since the armor-plate people have been operating only two-fifths of the time, as the Senator says, that they must necessarily have lost money. If those illustrations mean anything, it seems to me that is what would be the logical conclusion.

Mr. SMITH of South Carolina. Mr. President——

Mr. WEEKS. Just a moment.

Those are the only comparisons that I can make; that is, about manufacturing plants as to which I am informed. If there are any others that would modify that conclusion I should be very glad to have them, but I am simply demonstrating, in a general way at least, that manufacturing at less than full capacity means an increased cost of production.

Mr. NORRIS. I do not think anybody would doubt that; but I can not understand why the Senator gives us these illustrations unless he expects us to apply them to the armor-plate business. If he does that, and if they be true, he has actually demonstrated that these people have been losing millions of dollars for the last 15 years, and so they would be bankrupt by this time, I should think.

Mr. WEEKS. When you stop to consider, Mr. President, that armor-plate manufacturing is only a very small percentage of the total business of these steel companies—I think perhaps not more than 3 per cent—it does not necessarily mean that they would be bankrupted, and yet I want once more to state that the conclusions which I have drawn are based on other businesses, and the only other businesses with which I am familiar.

Mr. LIPPITT. Will the Senator yield to me?

Mr. WEEKS. I will yield first to the Senator from South Carolina.

Mr. SMITH of South Carolina. I was interested in the comparison which the Senator from Massachusetts was drawing as to these manufacturing plants, and I want to ask him a question. I ask if the manufacturing of armor plate involves a different force of laborers and a different plant than does the ordinary production of other kinds of steel?

Mr. WEEKS. Mr. President, undoubtedly it requires a different plant and steel makers of the highest possible type. Quite likely a workman might go from one plant to another, but the plant itself is an entirely distinct proposition.

Mr. LIPPITT. Mr. President, if the Senator will allow me, on the question of profit, to which the Senator from Nebraska [Mr. NORRIS] has just referred, there is what to me is a very interesting statement of that upon page 9 of the hearings by Mr. Grace, who is the representative of the Bethlehem Co. He shows that if the money which he had invested in his armor plant and which was useless for any other purpose than for making armor plate, and had never been used for any other purpose than making armor, had been invested in an ordinary steel-producing plant and had earned 10 per cent profit, the profits he would have earned would have been as much as the entire gross receipts which he received from his armor plant per annum; in other words, his gross receipts from his armor plant per annum were $1,418,000, and the profits that he would have made if his money had been invested in any ordinary steel business would have been $1,400,000, or only $18,000 less than the total amount received from the Government for making armor. Now, all I know about the profits of these people is what is contained in this report, but if the statements in the report are correct, the armor-plate manufacturers certainly have been running their business at a remarkably low rate.

Mr. NORRIS. Mr. President, does not the testimony which the Senator has given from one of these people demonstrate, if it demonstrates anything, that there is an enormous profit in the general steel business? I do not understand that it demonstrates that they were running at a loss.

Mr. LIPPITT. I do not know what the Senator thinks an enormous profit. The enormous profit that Mr. Grace bases his figures on is a profit of 10 per cent.

Mr. NORRIS. He has simply said, then, that if he had invested his money in something else, in some other line of the steel business——

Mr. LIPPITT. In some other department of the steel business in which he was engaged.

Mr. NORRIS. Then, he would have made so much money out of it.

Mr. LIPPITT. He would have made as much money as the total receipts he had received annually from the Government.

Mr. NORRIS. That would seem to me to indicate that in the business of which he was speaking there was a wide field for immense profit, if he could make that much money out of it.

Mr. LIPPITT. The profit on which he bases these figures is stated as 10 per cent. If the Senator would take the report and read it, he would find that it is a very simple matter, only embracing three or four lines.

Mr. NORRIS. I should like to ask the Senator from Rhode Island, with the permission of the Senator from Massachusetts——

Mr. LIPPITT. I do not want to unduly take the time of the Senator from Massachusetts.

Mr. NORRIS. I am asking this question by permission of the Senator from Massachusetts, of course.

Mr. WEEKS. I yield to the Senator that he may ask a question of the Senator from Rhode Island.

Mr. NORRIS. Does the Senator from Rhode Island believe that the people who have their money invested in armor-plate factories are losing money in that business?

Mr. LIPPITT. My impression, after reading the report of the hearings very carefully, is that it is a very remarkable thing that these people have kept their plants in operation at all.

Mr. NORRIS. I presume they are very wealthy men, or they would have been bankrupt by this time.

Mr. LIPPITT. They are not very wealthy men.

Mr. NORRIS. Then, I can not see how they have continued in business all these years if they have lost money all the time.

Mr. LIPPITT. The owners of these plants consist of something like 500,000 citizens of the United States.

Mr. NORRIS. I do not see how these men, whether they are numerous or few, could continue to live if they have been losing money all the time, as the illustrations given would seem to indicate.

Mr. LIPPITT. The Senator has just had that question answered. It was answered by the statement of the Senator from Massachusetts, that the manufacture of armor is a very small part of their business. They were not living on this branch of the business; they were living on something else.

Mr. NORRIS. They were making a large profit on something else and losing on this. The Senator believes, then, that while they are losing on armor plate they are making enough in the general business in which they are engaged to compensate them for their losses and making a profit besides?

Mr. WEEKS. Mr. President, I think I shall have to go on with my remarks, although I will yield if the Senator desires to ask another question.

Mr. NORRIS. No; I will not interrupt the Senator further. He has been very courteous, and I will not encroach further on his time.

Mr. WEEKS. The estimate made by the committee as to the cost of manufacturing armor is $262.79 a ton. That may have been substantially——

Mr. NORRIS. Mr. President, if the Senator will permit me before he leaves the other subject, I will ask the question of him which I wanted to ask the Senator from Rhode Island. If the armor-plate people are losing money, does the Senator think that they would have objected when they were before the committee to telling the committee about the costs entering into the manufacture of armor plate?

Mr. WEEKS. I do not understand that they did object to giving the committee the costs provided they were not made public.

Mr. NORRIS. It would not hurt them to make them public if they were running at a loss. Their competitors certainly could not get any advantage out of that. If they were losing money, it would drive their competitors out of business, if it did anything.

Mr. WEEKS. There is a principle involved in a manufacturer being required to expose his business to his rivals in trade. No man can conduct a business successfully on any such basis as that, not only because of his rivals in this country but because of his rivals abroad. If he has a trade secret which enables him to save 1 per cent in the cost of manufacture, that is as much a part of his capital in the business as any other item connected with it.

Mr. SWANSON. Mr. President——

Mr. WEEKS. I yield to the Senator.

Mr. SWANSON. The Senator has remarked repeatedly that the offer was made to give these costs to the committee, if it would receive and treat the information as confidential. The committee took the position, which is a very proper one, that it was the agent of the Senate to ascertain the facts, form its conclusions, and report to the Senate, so that the Senate might act upon this matter. The Secretary of the Navy had taken the same position when he was directed to inquire into the matter. The Niles Board and other boards likewise took the position that they were agents of the Senate, and had no right to receive secret information. If the Senator, however, has read the hearings he will realize that the armor-plate people were not requested to disclose a single secret of the process of manufacture, but were merely asked to give a summary of what they thought the costs were, without the elements entering into the costs. That was all the committee asked.

Mr. WEEKS. I have read the hearings with great care, and I would suggest to the Senator from Virginia that receiving information in confidence by a committee is not at all an unusual thing to do. It is very frequently done for the protection of the Government, not only on our own account but in our rivalries with other countries. Even, however, if that were not so, the Senator from Virginia will admit that the Trade Commission can go into any one of these plants and make any kind of examination of the books of the company and furnish the information to the committee, provided it is kept, as the law requires, from the public.

Mr. SWANSON. What advantage would that be to the Senate when it has got to vote on this question, if the Senate could not ascertain the facts?

Mr. WEEKS. Mr. President, I have confidence enough in the Naval Committee to feel that if it were furnished with that information it would submit a price for the making of armor based on that information, instead of on a lot of surmises, which it has now done.

Mr. SWANSON. If the Senator will permit me, he has ridiculed the process by which the committee arrived at the figures given. I should like to have the Senator to suggest a better method for this Government to ascertain the cost of armor plate than it has adopted. It appointed a commission, known as the Niles Commission, composed of Admiral Niles, Capt. Walker McLean, and Capt. Simpson, experts on this question, who had been inspectors in armor plants, and knew everything about the making of armor. They made a report. A former Secretary of the Navy, Mr. Herbert, was also directed to get all the experts possible and to investigate this question, and he made a report. Admiral Straus is responsible for this report. He is the Government's authority on ordnance and armor. In addition, we asked the armor-plate makers to furnish us the information. Now, if the Senator can suggest a better and a more thorough way than the Government has employed to try to ascertain the true and fair cost of armor-plate making in this country, I should like to know of it.

Mr. WEEKS. I have already suggested it, Mr. President, by calling to his attention the fact that the Trade Commission can go and get accurate information on this particular subject, and then there would be no question about the base which you were using for the costs of armor.

Mr. SWANSON. But, as I understand, the Trade Commission is compelled to treat is as confidential.

Mr. WEEKS. Why, of course; and it should do so.

Mr. LIPPITT. If the Senator will pardon me, I should like to call to the attention of the Senator from Virginia the fact that he asked Mr. Grace, representing the Bethlehem Co., if he had any objection to a public accountant, properly authorized, going through his books, and Mr. Grace consented and said that he was willing to have that done. I will read the language. It is found on page 23 of the hearings:

> Senator SWANSON. Have you any objection to having a public accountant go through your books, and thus enabling this committee to see what your books show as to the cost of armor plate from 1887 to the present time?
>
> Mr. GRACE. I have no objection to a public accountant, properly authorized, and in whom we would both have confidence, being allowed to go over the situation.

I read this matter through, and I was surprised that the Senator from Virginia did not accept the proposition.

Mr. SWANSON. We are perfectly willing to accept it, and tried to get one, provided the information he obtained could be given to the Senate. We did not feel justified in saying that we reached conclusions on secret information. The trouble we have had all the time lies in the fact that they will never let any information we get from them be made public and be brought to the attention of the Senate.

Mr. LIPPITT. It seems to me the gentlemen were not very anxious to get this information. What these people object to is having the details of those costs presented to the public. As I understand, they do not object in this testimony, which I have read through very carefully, to having the net result of the total made public. In fact, they have repeatedly stated in the hearings—Mr. Grace stated over and over again that he accepted as a fair cost for making armor plate the report of the Niles Committee, to which the Senator from Virginia has already referred. Mr. Grace accepted those figures, and the representative of the other concern—the Midvale concern—accepted those figures. Using those Government figures as a basis, they go on and show the various conditions under which armor plate has been manufactured and the various modifications of those costs that must be made from those circumstances.

Mr. SWANSON. If the Senator will permit me, he stated that they were within 10 per cent, he thought, of the costs indicated on their books, but he would not say whether the 10 per cent was larger or smaller.

Mr. LIPPITT. Oh, I read the controversy between the Senator from Virginia and the representative of the company, and, without meaning to be at all disagreeable to the Senator, I thought the answer of the representative of the manufacturing company was a proper commercial answer. His statement was that the report of the Niles Committee represented the costs as nearly as he thought any investigation could represent them, and that he believed those costs were within 10 per cent, one way or the other, of the actual costs.

Mr. SWANSON. Mr. Grace's estimate of the accuracy of the work done by these committees is different from that of the Senator from Massachusetts. As I understand, the Senator from Rhode Island agrees with Mr. Grace that these men had done very good work, and that their estimate was accurate and wise.

Mr. LIPPITT. I do not know anything about the work that those men did. I have made no such statement. I have merely said that Mr. Grace and the representatives of the Midvale people and of the Bethlehem people were satisfied to accept the figures that the Senator from Virginia wanted to have accepted, and that, based on those figures, they show that they were making a profit of some 7 or 8 per cent on the business.

Mr. WEEKS. Now, Mr. President, I will go on.

The report of the committee indicates that a conclusion was reached that the production costs of the proposed plant, operating at full capacity, is $262.79 a ton. Now, if we add to that 15 per cent loss in running at three-quarters capacity, it would add $39.49 a ton, or $302 for the total cost. The Tillman report is on the basis of running at one-half its capacity. Adding 33 per cent would make the cost of the armor $350.38. Running at one-quarter of its capacity, it would make the cost of the armor $491.41. Running at one-third of its capacity, it would make the cost of the armor $419.79. Running at two-fifths of its capacity, it would make the cost of the armor $350.38. Then, taking the items for administration, and so forth, that are contained in the committee's report, $10 a ton for administration; taxes and insurance, $4.50 a ton; interest at 6 per cent, $42 a ton—of course no manufacturing plant would be established, based on a probable profit of 6 per cent, but I take those figures as they are given in the report—this, with the plant run at two-fifths of its capacity, would make the armor cost $406.88, and there is nothing charged for depreciation in that item. The depreciation would be easily $35 a ton on a plant of the cost of

the plants that are now in operation. So that, practically speaking, running at two-fifths of the capacity, unless there is a difference in this character of manufacture from that which obtains in most others, there could not have been any profit greater than a very small rate of interest on the investment; and, as stated in the report, one of the witnesses testified that if the money which had been invested in these plants had been put into bonds bearing 4 per cent interest, the companies would have been better off than they are under present conditions.

The low prices made by manufacturers are due to the fact that they know that if a Government plant is established it will run 24 hours a day, as is done at the gun factory, and that they will get only the business that is left. The same situation exists in the case of the cartridge-case factory, which now manufactures all of the Government cartridge cases, and no inquiries are made of private manufacturers. It was for that reason, among others, that the manufacturers decided to make a reduction of $30 per ton—a price, of course, based on the Government having a consistent naval program for a term of years.

It has been suggested in these hearings that naval officers are thoroughly competent to pass on all the details of steel manufacturing. I have no disposition to deprecate their qualifications, and yet I want to say that, in my judgment, no officer of the Navy has had any proper or suitable opportunity to learn the details of steel making. He has capacity to inspect a steel product under conditions which have been obtained from experience. He has, more than that, capacity to test the finished product; but all of these Government plants, like the gun plant at Washington Navy Yard, as I have stated, are simply building-up or assembling propositions, and are not engaged in the earlier stages of steel manufacturing.

No attempt has been made by the Navy Department to experiment with or to investigate the details of armor making. The tests made by the department are more severe each year. The manufacturers have been spurred on to get the best possible results, and Admiral Strauss testified that no attempt was made to advise armor manufacturers how to conduct their business. In fact, there is no testimony to show that any officers of our Navy have an intimate knowledge of the methods used in manufacturing steel for armor.

If the Government builds an armor plant, competition will, as a result, be destroyed. It can not be shut down and started up at will, because the development of a suitable force is a matter of months and years. So the building of a Government plant of the kind contemplated would be a willful destruction of twenty to thirty millions of invested capital. How can we expect citizens to engage in business for the Government under such circumstances if we are to establish such a course as a Government policy?

I am informed that large coast-defense guns and field-artillery guns for South and Central American Republics are now under construction in United States plants, and, as I have stated, at least in one case, the armor plate manufactured in one of our private plants was used in the construction of a South American battleship. If we make our armor in a Government plant, the extension of this business will be impossible. The European countries which, before the present war, placed their orders for armament with German and Austrian manufacturers, have found it impossible to obtain delivery, even if they had not taken sides with the allies. I am told that one Balkan country which might become engaged in war on the side of the allies, would have done so before this if all of its armament had not been furnished by Germany and it would be necessary to practically reequip itself with guns and ammunition in order to keep itself supplied. The same would be true of the countries that have taken the side of the central powers, which had heretofore purchased their armament from England and France. Our own Government has in the past placed orders for submarine mines and other material with England, but now finds that it is impossible to have it delivered. All of which goes to show that the South American and Central American Republics, which can not now obtain their war material, would naturally turn to this country for their supply.

No European country has undertaken to manufacture armor plate on its own account. Germany, perhaps, of all countries now engaged in war, has most completely demonstrated its thorough preparedness; and yet private manufacturers produce absolutely all the war material used by Germany. There is no Government gun plant, no Government armor-plate plant, or plant for the manufacture of any other war material, and the countries which are opposed to the central powers which have in the past not completely developed their private enterprises are now doing their utmost to overcome this lack of foresight by building up their capacity to provide for themselves.

Everyone knows that the retreat of the entire Russian Army on the east front was largely due to lack of ammunition and the incapacity of Russian manufacturers to produce it. In fact, this whole proposition, instead of being one for preparedness, is one to cripple the most fundamental condition connected with preparedness. We can not hope to maintain an army in time of peace sufficient for our war needs; neither can we hope to manufacture ammunition or to have a Government plant sufficient to manufacture our ammuniton needed in time of war.

Gen. Crozier, who during a long and distinguished service has demonstrated his knowledge and capacity in connection with such a subject, testified before the Military Committee that a plant large enough to furnish all the ammunition needed by an army of 1,000,000 men would require a plant costing $400,000,000. What we should do in such cases is to cooperate with private manufacturers, provide them with sufficient orders to enable them to retain superintendents and other leading men in their plants, so that in case of need they can promptly turn from the peaceful operations which they are conducting to the manufacture of supplies for the Government.

One of the most interesting developments during this war has been the accomplishments of our manufacturers in connection with munitions of war. It is a reassuring development, because it gives an idea of what might be the result in case we required their assistance. The Government statistics of war materials exported to Europe during the past year show the spontaneous and adequate manner in which our privately owned manufacturing plants have been able to meet the emergency and turn their energies from the production of domestic articles to that of the necessaries of war. The most striking instance of this development is to be found in the production and exportation of gunpowder. In November, 1914, according to the reports of the Department of Commerce, we exported only $23,037 worth of gunpowder, while in November of last year the industry had been developed to such an extent that we were able to export $16,730,384 worth of this prime necessity of defense. The increase in explosives production and exportation was almost as notable, the exportation in November, 1915, having a value of $13,495,527 as compared with only $78,062 in November, 1914. The monthly exportation of aeroplanes developed from $31,935 in November, 1914, to $298,706 in November of last year. The total exportation of war materials in November, 1915, was valued at $53,009,024, as compared with only $14,923,105 for November, 1914, an increase of $38,085,919, or an increase of about 250 per cent. The total exportation of war materials during the single month of November just past—$53,009,024—was almost equal to the war exportation for the entire year of 1914—$54,965,113 from December 1, 1913, to November 30, 1914. Altogether these figures are convincing evidence of the ability of privately owned manufacturing plants to turn from the demands of peace to the demands of war and cope with either situation in an adequate manner. If these same concerns could be encouraged by the Federal Government to maintain their plants at or near their present state of efficiency through the parceling out of Government orders in time of peace, I believe we would go a long way toward meeting the question of preparedness. Industrial preparedness is an extremely important unit of the entire question, and I think our industrial world has convincingly shown its ability to meet the emergency if proper cooperation is forthcoming from the Federal Government.

I ask permission to include, Mr. President, a table showing the changes in the exportation of war materials during the past year.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

Total monthly exportations of all war materials from December, 1914, to November 30, 1915, compared with those of the previous year (1913–14).

	1915–1914	1914–1913	Increase.
December, 1914	$20,550,682	$3,341,207	$17,209,495
January, 1915	20,163,660	2,300,145	17,863,515
February, 1915	21,785,976	2,438,851	18,347,125
March, 1915	22,192,541	3,449,607	18,742,934
April, 1915	23,766,472	3,764,202	20,002,270
May, 1915	28,694,062	2,902,040	25,792,022
June, 1915	36,936,970	2,921,989	34,044,971
July, 1915	43,976,744	2,970,242	41,706,402
August, 1915	35,509,457	1,861,543	33,647,914
September, 1915	40,661,560	3,898,667	36,762,893
October, 1915	44,796,165	10,193,424	34,602,741
November, 1915	53,009,024	14,923,105	38,085,919
Total	383,073,313	54,965,113	328,108,200

Mr. WEEKS. Although it is frequently stated that our armor costs have been extravagant, it is noticeable that they are lower than the costs of any other country using armor. In Japan the cost is $490 a ton; in Austria it is $511 a ton. I am reading from the reports for the past year. In Italy it is $405 a ton or $444 a ton for turret armor; in Germany it is $490 a ton; in France it is $460 a ton; in England it is $503 a ton; in the United States it is $425 a ton; in Russia it is $510 a ton for turret armor and $368 a ton for Krupp side armor. On the average the cost here is very materially less than the average for all other countries, something like $50 a ton.

Mr. LIPPITT. Less than in any other country.

Mr. WEEKS. Less than in any other country. Everyone knows that the general cost of manufacturing in every one of the countries with which I have made comparison is less than in the United States, and that in itself would be a sufficient reply to the general charge that we have been paying scandalously high prices for armor plate.

Every fact on record up to the present moment proves unmistakably that all the great naval powers have regarded armor plate as a specialty and not a commercial product in any sense of the term. England, the first naval power of the world, Germany, the best-equipped military nation on earth, never have deviated from a policy in which consultation with and cooperation between their Governments and the private steel makers has been a stable feature. More than ever since the outbreak of the European war has the wisdom of this policy been vindicated. England, called upon suddenly to expand her Navy to an unprecedented degree, turned to her armor-plate manufacturers and secured her supplies readily. More than a million tons have been added by Great Britain to her navy since the beginning of hostilities. It is noteworthy, however, that notwithstanding these rush orders the facilities of the private armor plants of Great Britain have been equal to all demands upon them, and the Government has not been compelled to go outside its own producers for a ton of armor plate. During much of this time the armor plants of the United States have been idle and could readily have filled foreign orders had they been proffered.

I would make the point at the outset that should the United States, unfortunately, be plunged into a war calling for the extreme of her military and naval resources the American plants would be able to turn out armor faster than it could be placed upon the ships that could be built within an equal period of time. Not only this, but the private armor plants contain within themselves the capacity of indefinite expansion of their manufacturing facilities. The legitimate dependence of the Government upon private manufacturers would not be eliminated should this bill succeed, for it must be borne in mind that the gigantic concerns which constructed the American armor plants were compelled to make their own machinery. It could not be bought elsewhere, so they had no option but to design and build it. Consequently, were a Government plant attempted, these same companies, which are unique in their manufacturing facilities, still would be drawn upon because of the massive and unusual nature of the tools required. These points seem to me important because this interdependence is natural, normal, and proper. The impropriety of the hour is the attempt to destroy this indispensable copartnership. Does anyone doubt that Great Britain and Germany are thanking God to-day for their private armor plants?

The main charges made by the Senator from South Carolina and adopted by him in support of his bill are that, as he puts it in his blunt way, the steel men are robbers, that their prices have been too high and their profits too large, and that the Government is helpless in the hands of their combination. Where the great foreign naval powers see helpfulness the Senator from South Carolina sees only helplessness. Where they have found cooperation, he finds a combination. Where they have placed efficiency above profits, even granting that profits have been unreasonable—which I do not grant—he sees only dollars. The Senator's charges are serious and if true might warrant a respectful consideration of this bill, although I am frank to say that for many other reasons than those relating to money, reasons having to do with scientific problems, a Government armor plant is inadvisable.

But, taking the argument for this bill right on its own ground, a little analysis of incontrovertible figures may be found enlightening. Up to the present time, according to the Secretary of the Navy, as quoted by the Senator from South Carolina, the Navy Department, since 1900, has paid $76,195,960 for armor plate. To this should be added the amount paid for armor plate up to 1900 since 1887, when the industry was established, $10,860,073. The total amount paid by the Government for armor plate, therefore, is $87,056,033. The average per annum over the 29 years of the life of the business is $3,001,932.17. The appraised value of the existing plants is between $20,000,000 and $30,000,000. Undoubtedly $30,000,000 have gone into the plants, and their reconstruction value would probably be about $25,000,000.

But these figures do not take into account the large expenditures, the extra cost made necessary by the three major changes of process in the art experienced during this time, and the machinery once useful, but, through the operation of these changes of process, rendered obsolete and thrown into the discard. The companies bore the total burden of expense necessitated by these changes. Thus the total expenditure for plant and equipment in this period closely approximates $30,000,000 instead of the twenty millions represented by the present-day valuation of the three plants.

Here we have an investment of about $30,000,000 of private capital in a plant useless for any other purpose than that for which it was built, yielding an apparent gross sales return of $3,001,932.17 annually. That is 15 per cent on an investment assuming that the entire investment has been in operation for two-thirds of the time since 1887. The first plant was constructed in 1887, the second plant about 1895 or 1896, as I recall it, and the third plant about 1904. So I think that is a fair assumption.

If this total sales return were gross profit, it would yield the companies only 10 per cent. This showing, however, meager as it is, fails to take into account money paid out for the thousands of tons of material, millions of dollars of wages paid to labor, expenditures for salaries, for administration, for interest, taxes, insurance, accounting, and so forth. So that the net profits to the companies can not be the unreasonable and exorbitant amounts imagined and charged by the Senator from South Carolina. I am content to set these facts against the uninformed statement of Secretary Herbert, so triumphantly quoted by the Senator from South Carolina in his report upon this bill. I would repeat, that the Senate may not lose the significance of this showing, that if the total returns from sales of armor plate were all profit they would pay only 10 per cent on the investment. A man need not be possessed of extraordinary business sense to understand that no sales of anything ever are all profit. I am compelled to say that the charges brought against the steel companies and used as a basis for this impracticable legislation are so extravagant that this proposal would not command a moment's respect in any business house or under any other circumstances than those created by the present administration. Are we not compelled to infer that the reasons back of this proposition have not been completely stated in the report made upon the bill?

Senators do not realize, because they do not know, how infinitesimally small in comparison with their total output the armor-plate production of the great steel companies is. It is freely charged that the manufacturers foster preparedness for the sake of possible profits, and it is popularly and commonly supposed that the manufacture of war material occupies so much of the space and equipment of these companies as to make it of prime importance to them that they continue in this line of manufacture. The three steel companies manufacturing armor in America have a total steel production of 12,100,000 tons per annum. They sell therefore 1,200 times as much of their other product elsewhere as the Government buys of them in armor plate; for against this more than 12,000,000 tons of total production it should be remembered that the Government buys only a pitiful 10,000 tons of armor plate a year. The most ambitious naval-building program this administration can conceive calls for only 24,000 tons a year, consequently should the Secretary of the Navy be permitted to carry out his plan—which to my mind is a very modest, if not an inadequate plan—the armor-plate makers in other parts of their plants would be turning out more than 500 times as much as they would sell to the Secretary of the Navy. These are pregnant figures.

It is proper to ask, however, if the question appears intelligent, why the makers of armor plate should be unwilling to be put out of business. No concern with an investment of $30,000,000, which is returning any profit at all, would willingly see that investment destroyed. I need not argue this fact with everyone, although I fear it is not fully appreciated by some of the advocates of this bill. It is true also that it is an advertisement of great practical value for an American steel company to be able to say that its facilities are such, its scientific knowledge is so great, it has so perfected the costly processes of steel manufacture that it can satisfy the demands of the Government of the United States for the finest armor plate that human ingenuity can devise or factory skill can produce.

The steel manufacturers are proud of their achievement, which has not been duplicated anywhere else in the world. I have no doubt that the widespread knowledge of their skill has brought them commercial business from all parts of the world. They have proved that American steel stands without an equal. It was their thorough knowledge of steel making, acquired by a generation of fundamental investigations and founded upon costly experiments, that enabled the American manufacturers, when their Government turned to them for aid, to supply its demands. There is no question, I think, on any hand that the armor which has been manufactured in this country is of the highest quality. Of course there are defects which appear in armor. There are defects which appear in any steel billets, and very much of that kind of product is thrown out; it is unavoidable. One of the reasons for the high cost of manufacturing armor is that it does require an article of such high quality that it is very difficult to obtain, and probably it would not be obtained under the methods here proposed.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. WEEKS. I do.

Mr. LANE. There has been much question about the quality of the manufacture of armor plate. Some years ago the manufacturers were fined by the Government for furnishing an inferior quality of armor plate.

Mr. WEEKS. I think that statement about a fine is true; but if the Senator from Oregon will make an investigation he will find that the product of these armor-plate manufacturers has been quite as high as any other form of steel product. Of course there are defects which appear in armor. There are defects which appear in any steel billets, and very much of that kind of product is thrown out; it is unavoidable. One of the reasons for the high cost of manufacturing armor is that it does require an article of such high quality that it is very difficult to obtain, and probably it would not be obtained under the methods here proposed.

Mr. LANE. As I understand it, Mr. President, the type of armor now being manufactured, or which has been manufactured in the recent past, are armor plates designed to defeat the penetrating power of projectiles; that that type of armor is not being manufactured for the use of the navy of any other power in the world; and that they now build an armor plate to resist the power of explosives. I do not know whether that is true or not, but it is what I have understood.

Mr. WEEKS. Undoubtedly both kinds of armor are under consideration and tests are being made on both. I suggested at the beginning of my remarks that there were great changes in the requirements of the department, and that a much better quality of armor was undoubtedly being furnished to the Government to-day than was furnished 5, 10, or 20 years ago.

Using an expression in the committee report, it is "little short of scandalous" that a condition of controversy should exist or continue to exist between the Government and those who are manufacturing a product for the Government over what is really a very simple business proposition. It is not necessary to in any way attempt to deny, though it could easily be done, some of the extravagant statements which are made in the committee report relating to collusions, combinations, and so forth, to state this simple fact: The Government needs armor plate and there are three manufacturers prepared to furnish it, any one of whom can very nearly manufacture the entire requirement, and certainly any two of whom can more than furnish all that the Government needs or will need under the building program which is in contemplation.

The Government is obliged to purchase and the three manufacturers are likely to substantially agree on the price to be asked. Under those conditions the obviously sensible thing to do is for the Government to enter into a contract with these companies for a limited time, with a right of renewal on the part of the Government and with specified provisions for so doing, under which agreement the Government guarantees to take a minimum tonnage of armor and the companies agree to supply a maximum tonnage. The Government should guarantee to the companies a stated profit. Expert accounting has now become a science, so that profits can be determined with substantial accuracy. I am informed—although I believe it does not appear in the hearings—that the representatives of the companies appearing before the committee offered to permit expert accountants to examine their books and plant and report their actual cost, provided this information was not made public. No business man will fail to recognize the wisdom or the fairness of this proposition. To compel a business concern, especially one which is striving to lessen the cost of production and is employing experts of all kinds to bring about such a result, to expose its methods and its costs to its rivals, and especially its foreign rivals, is morally wrong and bad public policy. There is no difficulty in obtaining the actual facts about armor making in this country. Under our present laws the Trade Commission may go through any of the armor plants, or all of them, and obtain this information for the benefit of the Government, of course, without its being made public. Therefore, coming here without facts, as does this report, stating propositions based on theories or prejudices, and without actual knowledge, is unfair and unbusinesslike in the extreme.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. WEEKS. I yield.

Mr. TOWNSEND. Do I understand that all these companies are manufacturing armor plate exclusively for the use of the United States?

Mr. WEEKS. Almost entirely so. They manufactured the armor for an Argentine battleship and they have made some small sales abroad.

Mr. TOWNSEND. Then, may I ask, what danger or what damage would come to this country if they make public their method of manufacture?

Mr. WEEKS. The danger would come because it would be giving the information to foreign manufacturers.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. WEEKS. I yield.

Mr. CLAPP. If the Senator will pardon me for a moment, I know he would not want to put this matter in any but the most accurate light.

Mr. WEEKS. That is what I am trying to do.

Mr. CLAPP. I do not think the manufacturers were ever asked to disclose the methods employed in making their plate. So far as my remembrance goes, whenever the question was raised while I was in the committee it related solely to the cost and not to the methods employed by the companies.

Mr. WEEKS. I wish to say that I did not find anything in the hearings which indicated that any question about methods had been asked, and if I so stated I was in error.

Mr. CLAPP. No; except the Senator did say it would not be wise to expose their methods.

Mr. WEEKS. I should have said the cost, and the methods would have been a part of the general proposition. I do not think they have been asked to expose their methods.

Mr. President, I am not excusing the steel companies for not giving the committee any information which it required, except that I do insist that it is bad public policy to expose a man's business to his rivals, and we provided in passing the Trade Commission act that the information which the Trade Commission obtained should not be made public.

Mr. TOWNSEND. I do not quite understand, Mr. President, how the rivals of these companies could injuriously affect them in the home market. Would the United States Government purchase abroad if it could not purchase in this country?

Mr. WEEKS. No; but we do sell some armor abroad. We have sold in three different instances to Russia. We sold armor to Argentina, and we are manufacturing guns for several South and Central American countries. That has not anything to do with armor, but while we are trying to develop business arrangements with South America, it seems to be inadvisable to attempt anything which will destroy the possibility of that trade. That is what I am trying to get at.

It is not necessary at this time to go into details as to the kind of contract to be made with these manufacturers—it is the kind of proposition which occurs every day in business life—but, in addition to what I have suggested, a provision might well be inserted in the contract for the purchase of the plant by the Government at an upset price. The Government might not desire to take advantage of this provision, but it should always be in position to avail itself of the possibility. It should not be forgotten that there is an abundance of capital available for investment where a reasonable return is certain. It is the quasi-speculative character of dealings with the Government that justifies and, indeed, compels the high prices so often demanded by manufacturers. If this element of uncertainty were removed there would be no difficulty in securing for the Government armor plate or any other supplies at reasonable commercial prices.

It is not therefore my purpose to suggest a contract in detail, but simply to indicate the relations which, in my opinion,

should exist between the Government and the armor manufacturers. It is a similar relation to that which should exist in all cases where the Government has dealings with its own citizens. To attack them, to attempt to destroy their business, and to put itself into competition with them is without precedent abroad and without excuse. Such a policy will bring nothing but disaster. It will, in the end, lose us our home markets and destroy at one blow the possibility of our invading foreign markets. If an administration attempting to carry out the general suggestion which I have made should be unable to do so, and it shall be clearly demonstrated that the failure is due to the unreasonable demands of those who are dealing directly with the Government in products which pertain to the national defense, which is not true in this case, then, and only then, should Congress consider the creation of a Government plant.

Mr. POINDEXTER obtained the floor.

Mr. SUTHERLAND. May I ask the Senator from Massachusetts a question?

Mr. POINDEXTER. I yield to the Senator from Utah for that purpose.

Mr. SUTHERLAND. I first wish to ask the Senator from Massachusetts if he can tell us, approximately, how much capital is now invested in these armor-plate manufacturing plants?

Mr. WEEKS. About $30,000,000 has been invested in the plants. They are carried at about $20,000,000; the testimony, I think, shows $21,000,000 in round numbers, and the replacement value is estimated at $25,000,000.

Mr. SUTHERLAND. So the bill proposes that the Government of the United States shall invest in this business what would be about one-fourth of all the capital now invested?

Mr. WEEKS. Eleven million dollars this bill provides. So it would be about one-half of the book value at present.

Mr. SUTHERLAND. One-third of the total?

Mr. WEEKS. Just about one-third of the total.

Mr. SUTHERLAND. What is the raw material that is utilized in the manufacture of armor plate?

Mr. WEEKS. Pig iron converted into steel and given special treatment for these particular purposes.

Mr. SUTHERLAND. What I want to get at is whether or not the ore from which the basic material is manufactured is treated in any different way to produce material suitable for the manufacture of armor plate than to produce material suitable for the manufacture of any other steel product.

Mr. WEEKS. I think the testimony shows that the quality of steel ingots that goes into armor plate must be of the very highest type, and that it requires great experience in order to develop the steel which is suitable for this purpose.

Mr. SUTHERLAND. If the Government should go into this business, it would be necessary for it to depend upon private capital to supply the basic material?

Mr. WEEKS. Up to this time the Government has done that in all of its munitions-manufacturing business.

Mr. SUTHERLAND. It is not proposed that the Government shall go into the business of smelting the ore and producing the basic material?

Mr. WEEKS. I understand it is the purpose of the Government to conduct the whole operation up to the finished product, though perhaps it would buy its pig iron from others.

Mr. SUTHERLAND. To begin with smelting the ore and going through?

Mr. WEEKS. Yes; that is my understanding.

I ask unanimous consent to include in my remarks an editorial from the Boston Herald, which has a general relation to the subject.

The PRESIDING OFFICER. Without objection, it will be included.

The matter referred to is as follows:

[Reprint from the Boston Herald, Saturday, Nov. 20, 1915.]

WHY THE PRIVATE YARDS LOST THE BIDS FOR NEW SHIPS.

The American public has just learned that the private shipyards which submitted competitive bids for the construction of battleships 63 and 64 failed to offer so low prices as the Government-owned yards. This must strike our readers as odd. They see the Government do little at a less expensive rate than privately owned concerns. How, then, does it happen that Uncle Sam is so successful in shipbuilding by contrast with private enterprise?

The answer involves a little explanation. The New York Navy Yard makes up its estimate by entering $745,357 for "overhead" charges. The private yards have found by experience that they must rate this factor at approximately $2,000,000. And there is no necromancy by which the United States gets away with it for one cent less. It simply does not need to charge it, because it has no responsibility for making ends meet. Let us look over the items that go to overhead charges and see how the two bidders, respectively, regard them.

Depreciation of plant in private yards for the three years in which a battleship would be building is a factor of undoubted consequence. The private yards ordinarily estimate 5 per cent per annum of the total building and machinery value for the period the ship is under construction. The Government enters nothing for this item. But does Uncle Sam buy machinery or building material at any less than do private yards? By no means. Is there, then, any reason why his depreciation should be rated at a lower figure or disregarded? Yes; there is one reason. Because the Government estimators do not have to come out square. They do not have to make a battleship carry all the charges of building a battleship, but may distribute the charge over the operations of sovereignty.

When a building or a machine wears out Congress appropriates money for new ones, instead of distributing the depreciation as a charge over the work as it is performed. The private yard must either maintain such a scrutiny or go into the bankruptcy court, and that is all there is to the astounding disparity which Secretary Daniels has uncovered. For it should be understood, first and last, that an entity which keeps no real accounts can always make a showing of effective competition with bidders who do comply with the hard conditions of actual business. Let us examine a few cases.

The private yard has to pay for its drawings and plans, and charges these costs direct against the ship where they belong. This, with a battleship, amounts to $250,000. The navy yards carry this in a separate appropriation, as one of the general charges of conducting a government, and never think of leveling it against the building of a particular ship. But we have to pay for it just the same.

The cost of clerks, timekeepers, and other minor officials comes out of this general expense of the Navy as a part of governmental sovereignty. In the case of the private shipbuilder these items amount to $125,000 during the construction of ships like those for which bids were recently invited. Government yards get their moderate bids by omitting such items altogether.

The salaries of officers detailed for duty in connection with the construction, Uncle Sam charges to the Navy payroll and not to the ship. These amount to $30,000 with Uncle Sam, and to quite a little more in private yards which regularly utilize, as competitive rivalry compels, a higher order of business talent.

The item of insurance and indemnity bonds amounts to $100,000 to a private company. But the Government does not worry about such things. It does not insure a battleship in construction, since if anything happens to it another appropriation from Congress will build a new one. Nor does it consider the liability of loss by fire, or otherwise, as a factor in its estimates.

The Government allows all employees in the navy yards sick leave, holidays, vacation, etc., during the year, and these are charged to a separate appropriation and not to item of labor on the particular job in question. These would amount to $350,000 in the construction of the ship. But any gratuities that the private yard gives in the way of vacations, holidays, etc., must be lodged in overhead charges and borne in the cost of the ship. The private shipbuilder allows in his estimate the sum of $100,000 for trials, but the navy yard completes and commissions its ships, and after the crew has become accustomed thereto, holds the trial, but the cost of it is charged against operation, and not construction. Thus the dice are loaded.

No Government yard carries any part of the burden of local taxation. The Charlestown Navy Yard, for example, makes no contribution in taxes toward the surfacing of Chelsea Street by its side, as a private establishment of the same size and value would do. And yet this street-repair cost must come out of the people in one form if not in another. Any private yard hereabouts would pay in municipal taxation in the construction of one battleship not less than $50,000. This would be the sum which would go to the municipal government for taxes on the plant and machinery thus represented during the years of construction. Even if we technically save this in building by the Government, the municipality loses it, and so must take it out of the people.

The private contractor takes a ship at a fixed price, and gets no more unless the purchaser orders some changes from the schedule. In the case of a Government-built ship the only limit is the total of the appropriation, and when that is gone Congress passes another appropriation to finish the job. That has been done not once but several times. In other words, the Government yard has absolutely no responsibility to live up to. If any material change in the prices of materials or of labor comes to pass, the Government simply uses up the money at hand and then asks for more. If a Government yard, on the other hand, completed a ship, even with all these advantages, at less than the bid, such an event would be heralded broadcast as a triumph of Government ownership. But such a contingency has never arisen in the history of Government shipbuilding.

Secretary Daniels a year ago made a ruling whereby certain indirect charges which had been borne on the ship should thereafter be carried on other accounts. This served to make the competition more difficult for the private yard, but in the long run Uncle Sam must pay in one form if not in another. Why should we as a people "fool ourselves" about these things? Why should we debate over what Government ownership means and question whether it pays or not? Only one experience ever goes on the records in postal operations or in shipbuilding or anything else.

Another big factor in the competition is the Government's total lack of responsibility for completing a ship within a prescribed time. But a private yard must measure all these things very minutely, for every day of delay costs it a penalty. Two private bidders in the case under review offered to construct either ship in 34 months. The Mare Island Yard offered to construct one in 31 months after receipt of structural material, the Philadelphia Navy Yard in 36 months after awarding of contract for structural material, and the New York Navy Yard in the same time as the Philadelphia. But if past performances carry any lesson, none of these Government yards has any intention of fulfilling its contract within the time limit which it proposes. These estimates by the navy yards as to time of completion are misleading, because they hinge on the delivery of structural steel, an entirely unknown quantity under present market conditions, and will result in at least a year's being added to the promised time of completion.

The colliers constructed at the Government's Mare Island Yard took nearly twice as long to build as did similar ships at the Maryland Steel Co., in Baltimore. The battleships *California*, *Mississippi*, and *Idaho*, for which contracts were let in 1914, afford examples of the contrast. The *Idaho*, building at the New York Shipbuilding Co. on November 1 was 45 per cent complete. The *Mississippi*, building at the Newport News Co., was 33.1 per cent complete. Now, see the difference. The *California*, building at the New York Navy Yard, had not been yet begun, nor had the materials which are to go into her been assembled. And yet a year has passed.

Last December the department let contracts for six torpedo-boat destroyers. *Nos.* 63 and 64, building at Fore River, were on November 1, 61.1 and 57.5 per cent, respectively, complete. *Nos.* 65 and 66, building at the Bath Iron Works, were at the same time 57.5 and 53.8 per cent complete. *No.* 67, building at Cramps, was 34.1 per cent complete.

Now, listen: And *No. 68*, building at Uncle Sam's Mare Island, was 12.5 per cent complete.

Perhaps Boston people will recall that in the municipal election here two years ago a supply ship which various politicians were attempting to secure for the Charlestown Navy Yard played a prominent part. In the end, when the contract was let, Mr. Curley, then a candidate for mayor, and every other Democratic politician in Boston at once claimed the honor of having brought it here. This ship is now but 31.1 per cent completed. At a private yard she would have been put into commission long ago. The same is true of a transport now building at the Philadelphia Navy Yard, which is only 36.1 per cent completed. Of the last four submarine contracts, three went to the Electric Boat Co. and one to the Portsmouth Navy Yard. On November 1, *L–9* was 86.4 per cent complete, *L–10* was 83.9 per cent complete, and *L–11* was 80.3 per cent complete. Now comes the other: *L–12*, at Uncle Sam's Portsmouth Yard, was but 56.2 per cent complete, and practically no work had been done on her engines, a long and costly undertaking. And yet in all these things time is of the highest importance.

Preparedness is in the air. Do we really want it? If so, we must abandon all this Government-ownership folly and trust to the enlightened efficiency of private enterprise under the spur of real competition. If we want a supply ship, we should build her under conditions of demonstrated capacity; if we want to provide wages and contracts under the conditions that professional politics decree, we should hug to Government ownership and pretend to believe that Secretary Daniels could actually get ships built more economically in Uncle Sam's own yards. But if we want truth and reality in this world of ours, we should dismiss these conclusions which Josephus reaches as the sheerest nonsense, unworthy of a moment's consideration by any intelligent human being.

During the delivery of Mr. WEEKS's speech,

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senator from Massachusetts will desist for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

After the conclusion of Mr. WEEKS's speech,

PUGET SOUND NAVY YARD.

Mr. POINDEXTER. Mr. President, the other day, on the call of the calendar, the Senator from North Carolina [Mr. OVERMAN] objected to the consideration of the bill (S. 4505) appropriating money to equip Puget Sound Navy Yard for battleship construction. He has since informed me that he desires to withdraw his objection; and as it is a matter of pressing importance, I ask for the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. MYERS. Before I determine whether I shall object or not I will ask the Senator what the bill is?

Mr. POINDEXTER. It is a bill to equip the Puget Sound Navy Yard to build battleships.

Mr. MYERS. Will it lead to any debate?

Mr. POINDEXTER. I hope not. I think not. It is a matter which has been thoroughly considered by the Navy Department and by the committee.

Mr. MYERS. How long does the Senator think it will take?

Mr. POINDEXTER. I am asking unanimous consent for its consideration. It ought not to take more than a few moments.

Mr. MYERS. If the request is granted, in order to protect the parliamentary status of the unfinished business, I ask unanimous consent that the unfinished business may be temporarily laid aside only until the disposition of this bill, and not longer than one hour at the most.

The PRESIDING OFFICER. Is there objection to that course?

Mr. SHAFROTH. We would like to hear the bill read, so as to see what it is.

Mr. MYERS. Consent has not been granted yet.

The PRESIDING OFFICER. Without objection, the Secretary will read the bill.

Mr. MYERS. My request about the unfinished business has not been granted?

The PRESIDING OFFICER. Is there objection to temporarily laying aside the unfinished business?

Mr. MYERS. For not longer than one hour; and if the discussion on the bill which the Senator from Washington brings up lasts less than one hour, then until that bill is disposed of.

Mr. THOMAS. Reserving the right to object, I should like to hear what the bill is.

Mr. MYERS. I will state to the Senator from Colorado that my request has not yet been granted to temporarily lay aside the unfinished business.

Mr. THOMAS. I am not waiving my right to object, but I should like to have the bill read.

The PRESIDING OFFICER. Without objection, the bill will be read.

The SECRETARY. A bill (S. 4505) appropriating money to equip Puget Sound Navy Yard for battleship construction, reported favorably from the Committee on Naval Affairs. It reads as follows——

Mr. WILLIAMS. Mr. President, I do not know that I would have any objection to that bill upon its merits when it comes up in its regular order; but all navy yards, military posts, and everything else have become now a part of a common scheme, to express it in modern slang, of preparedness, although I have never known why we should not use the word "preparation" for "preparedness." I do not think I am willing to have that bill taken up out of its order.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I am reserving the right to object, and I yield to the Senator.

Mr. POINDEXTER. I hope the Senator from Mississippi will not insist upon his objection after he hears an explanation of the need for the passage of the bill.

We have on the Pacific coast no facilities for the construction of battleships. At Mare Island Navy Yard, in California, provision was made for constructing ships, but it is not accessible to battleships on account of the lack of depth of water.

The report on this bill shows the recommendation of every naval officer who testified before the Committee on Naval Affairs in the House to the effect that this is the only navy yard in the United States which requires no artificial dredging to enable a battleship to approach its building slip and its dock.

Mr. WILLIAMS. If the Senator will pardon me, has the bill passed the House?

Mr. POINDEXTER. It has not.

Mr. WILLIAMS. Has it the unanimous indorsement of the Naval Affairs Committee of the Senate?

Mr. POINDEXTER. It has met the unanimous indorsement of every member of the committee who was present and who could be reached.

Mr. WILLIAMS. And a quorum was present?

Mr. POINDEXTER. Oh, yes.

Mr. WILLIAMS. Mr. President, still reserving the right to object, I want to take about three minutes to make a general observation. It strikes me that the American people have managed somehow or other through the Navy Department and through the War Department to accumulate a whole lot of unnecessary naval stations and a whole lot of unnecessary military posts of one sort and another. It strikes me as though they were divided out among the States according to senatorial and congressional courtesy and not in accordance with the demand for preparation of the Army and Navy for actual fighting, if actual fighting should be necessary. I, for one, think that one way of raising revenue for the Government will be to decrease, destroy, annihilate, do away with a whole lot of these unnecessary military posts and a whole lot of these unnecessary naval stations.

However, considering the condition of the Pacific slope and considering the fact which the Senator from Washington has mentioned, that the entrance to Mare Island has not sufficient depth to carry a 30-foot battleship in or out, and the fact that we ought to have some place on the Pacific coast where that objection would not lie, I shall not object to the consideration of the bill; but I give notice now that I am going to fight these congressional and senatorial military posts and naval stations all over the United States wherever I find them, for they are either unnecessary or absolutely harmful. Most of the military posts are absolutely harmful, because they divide our posts into little bits of units instead of enabling them to be concentrated not only for regimental but for brigade and division drill.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. WILLIAMS. I yield to the Senator from South Carolina.

Mr. TILLMAN. I want to say to the Senator from Mississippi that this bill has the approval of the Secretary of the Navy, who urges it. He knows the defenseless condition of the Pacific coast and he wants to have facilities provided to take care of our battleships whenever they may need attention on that coast.

Mr. WILLIAMS. I just this moment said that I would not object to the consideration of this bill——

Mr. TILLMAN. Very well, then.

Mr. WILLIAMS. But I wanted to take advantage of this opportunity to give notice that I would object to measures being

brought forward under this guise merely to make politics in some States.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MYERS. Before any order is made I want it understood, if unanimous consent is given, that it is with the condition that the unfinished business shall be laid aside temporarily only till 3.30 o'clock, to be taken up at that hour, or sooner, if the bill brought up by the Senator from Washington shall be disposed of before that hour; but that the unfinished business shall be taken up in any event not later than 3.30 o'clock. I want that added to the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent to lay aside temporarily the water-power bill in order that the Senate may proceed to the consideration of the bill of the Senator from Washington?

Mr. MYERS. On the terms I have stated.

The PRESIDING OFFICER. The understanding being that at 3.30 o'clock the power bill shall have the right of way.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4505) appropriating money to equip Puget Sound Navy Yard for battleship construction.

The Secretary read the bill, as follows:

Be it enacted, etc., That for building slip, equipment for shop fitters' shop, shop, and plant tools equipment at the Puget Sound Navy Yard, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $2,065,000, or so much thereof as may be necessary.

Mr. BRANDEGEE. I inquire how much is to be appropriated?

The PRESIDING OFFICER. The Secretary will state the amount.

The Secretary read as follows:

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $2,065,000, or so much thereof as may be necessary.

Mr. BRANDEGEE. Oh, is that all? [Laughter.]

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SHAFROTH. Mr. President, it does seem to me that a bill of this kind ought not to be considered when there are so few Senators present. It seems to me the Senator ought to ask consent for the consideration of the bill in the morning hour, when there are a greater number of Senators present, or else that there should be a call of the Senate, to give all Senators a chance to be present in the event that there is any objection to the bill. It does not seem to me to be exactly right to call up a bill of this kind when there are so few Senators present. Some Senator may be interested in the bill and may desire to make objection. I will ask the Senator from Washington whether he knows of any Senator who has any objection whatever to the bill?

Mr. POINDEXTER. I do not know of any Senator who has any objection to it; on the contrary, every Senator who has expressed any opinion upon it, so far as I know at all, has expressly been in favor of it. The Senator from North Carolina [Mr. OVERMAN] objected to it upon the regular call of the calendar, but has since advised me that he did not understand the bill at that time; that he is in favor of it and wants to withdraw his objection.

Mr. SHAFROTH. I am not going to make objection, although I do think that a bill appropriating over $2,000,000 should be called up in the morning hour, when Senators are at least supposed to be here.

Mr. POINDEXTER. This is as near the morning hour, Mr. President, as we have been able to get.

Mr. SHAFROTH. But there are very few Senators present. That is the reason I made the suggestion.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

WATER-POWER SITES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. Mr. President, I will resume my discussion of this bill and I prefer not to be interrupted during the remainder of my remarks. If not interrupted I think I can finish in 10 or 15 minutes. If I yield to interruptions, I will be on the floor all day and then will not get through. I begin by reading a newspaper clipping which has been handed me and which goes to show the need for some provision in this country for the fixation of atmospheric nitrogen. It is printed as a telegram in a Seattle daily paper, and is as follows:

TACOMA, *Thursday, March 9.*

From $18,000 to $20,000 a day for 12 large freighters of the American-Hawaiian Line is said here to-day to be the offer made by the Du Pont Powder Co. for the use of the vessels in carrying nitrates from Chile to New York.

The rate is said to be from $1,500 to $1,700 a day each for the dozen freighters.

The *Baja California* and *Sinaloa*, which are making regular trips to this port with nitrates, are said to be under contract to the powder company, but the two are only able to keep the local plant of the powder company supplied.

That shows as decidedly as anything that has been said or read here, I think, the necessity in this country of some provision for the fixation of atmospheric nitrogen for our use. If that were provided for in this country, our nitrates would not all have to be brought from Chile at excessive transportation charges.

I have a number of other newspaper articles which go to show the necessity for the enactment of legislation of this character, some of them highly commending this particular bill and its provisions. I will not have them inserted in the RECORD now, but later I may ask to do so.

Mr. President, I will resume a brief and hurried explanation of the different sections of this bill. Section 1 I commented upon at some length yesterday. Beginning now with section 2, that section provides for diligent prosecution of work on a project after a lease for a power site has been let, and for the steady operation of a plant after its completion. Its effect is to provide against any unnecessary and unwarranted delay in the completion of a project or closing down of the plant after completion and withdrawal of its product from the market.

Section 3 very properly provides that all power developed which may be transmitted from one State into another shall be the subject of interstate-commerce control and that it shall be subject to the regulation of the Interstate Commerce Commission, which is the proper tribunal to have jurisdiction of such a matter.

Section 4 provides that in the case of a successor in interest or an assignee of any lease taking hold of a project it shall remain subject to all of the provisions of this measure, which is a proper matter of precaution.

Section 5 is the recapture clause, and provides that the Government may, upon certain terms and conditions, take over the property at the end of 50 years; and that if at the end of 50 years the Government does not take the property over, and the original lessee does not have his lease renewed, the land may be let to a new lessee.

Section 7 provides for letting contracts under certain conditions in excess of the 50-year period of the life of the lease. It is recognized that near the end of the 50-year term of the lease there may be necessity for letting a contract which would run a considerable length of time beyond the life of the lease. The bill as it came from the House provided for contracts under certain conditions to exceed the life of the lease for 20 years; the Senate committee made it 25 years, but by subsequent amendment struck out the limitation of time altogether and provided what the committee deems wiser—that under certain conditions such contracts may be let for a period of time beyond the life of the lease; but in order to do that, if the contract is to be let for use or execution in a State which has a public-service commission or a similar authority, both the approval of the public-service commission of the State and of the Secretary of the Interior must be obtained. If it be in a Territory or a State not having a public-service commission, then the approval of the Secretary of the Interior alone must be obtained. So no contract of that character may be entered into by the lessee without first having the approval of the Secretary of the Interior—that is absolutely provided—and if in a State having a public-service commission, then, in addition, the approval of the public-service commission of the State is required, which the committee thought a sufficient safeguard on contracts of that kind.

Section 8 makes what I think is a very wise provision in this bill. It provides that all of the revenue shall go to the State in which the project is located; that half of it shall go directly to the State, for such use as the State may see fit to make of it; that the other half shall go into the reclamation fund, and upon being returned from the reclamation fund shall go to the State in which the project is located. So the particular State in which the project is located will ultimately get all of the proceeds from operations under this bill, and the Federal Government claims nothing at all.

Section 9 provides that land which is covered by lease for water-power sites may under certain conditions be disposed of for other uses, subject to the paramount and the prior use as a power site.

Section 10 contains the very necessary provision that the Secretary of the Interior shall at all times have the right to examine the books and accounts of lessees and require them to submit statements, representations, or reports under oath. This is necessary in order to determine the amount of power developed and in order to fix the amount of compensation for the land leased.

Section 11 provides for the forfeiture of the lease under certain conditions and upon certain grounds therein set forth.

Section 12 authorizes the Secretary of the Interior to make rules for carrying into effect the provisions of this act, which is very necessary.

Section 13 is the section which provides in express terms that nothing in this act is to be intended to affect or shall be construed as affecting or in any way interfering with the laws of any State relating to the control, appropriation, use, or distribution of the waters of that State.

Section 14 provides that those who have hydroelectric power plants on public lands or transmission lines across public lands under existing laws or laws heretofore in force may, if they shall see fit, surrender the rights which they now hold and may come under the provisions of this bill.

Section 15 provides that nothing in the act shall apply to navigation dams or structures under the jurisdiction of the Secretary of War or the Chief of Engineers.

Section 16 is, I think, a very necessary and essential provision. It provides "that in instances where only 10 per cent or less of the lands actually necessary and required for the construction, maintenance, and operation of dams, water conduits, reservoirs, power houses, transmission lines, and other works for the development, generation, transmission, and utilization of hydroelectric power" is on Government land, and the land is "to be used only for overflowage, reservoir, or transmission purposes and not in whole or in part as a dam site or the site of a power house nor for the erection of buildings or operation of machinery," it shall be in the discretion of the Secretary of the Interior, if the applicant so elects, to waive any or all of the provisions of this bill and make such a lease of the Government land involved as he may deem just. That is believed to be a wise and prudent provision. There may be projects where only a negligible quantity of public lands will be involved; perhaps 1 or 2 acres, or half an acre, for overflowage or transmission or other minor uses. In a case of that kind it might not be fair or right to require the lessee to come under all of the provisions of this act, the same as if all the plant or the major portion of it were on public lands. It is left to the discretion of the Secretary of the Interior; he may or he may not require it, as he may see fit; and I think it may well be left to his discretion.

Sections 17 and 18 were inserted at the request of Senators from Colorado and New Mexico. The committee believes that they embrace subjects proper and appropriate to be dealt with in this bill; that they are germane to the nature of the bill; and the committee has no objection to their being incorporated in the bill.

Section 19 provides for subjecting a project to an enlarged use, by a party other than the owner, under certain terms and conditions, or to uses other than those for which it was first intended. While novel, the committee has adopted some amendments since the section was originally agreed to, which amendments appear to fairly well safeguard the section.

The purpose of this bill is to provide for the development of water power on the public lands, with due regard to the interests not only of the Federal Government but State governments and all who may be affected by such legislation. Water-power legislation should provide for the fair treatment of water-power companies to the end that they may be able to furnish the full measure of service with reasonable returns for the risks assumed; the protection of the investor to the end that the capital placed in the enterprise may receive fair interest and be held intact; the satisfaction of the local public dependent upon the power system that it may have good service at fair prices; the safeguarding of the rights of the general public that its property may be held intact and that the natural resources involved may not be wasted or destroyed; the recognition of the right of the State to control its own property and local affairs; and the retention by the United States of title to its water powers to the end that they may not be monopolized or misused but shall be put to work for the general welfare.

It is the intention of this measure to accomplish those purposes. It is believed that the provisions of the measure fairly well accomplish them. The committee has bestowed much labor upon it to that end. I have now spoken upon this bill the greater part of two days, and with this I submit it to the Senate for its consideration and ask for the passage of the bill.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Senator from Texas.

Mr. SHEPPARD. Mr. President, for the information of the Senate, I desire to submit an explanation of the bill (S. 1082) for prohibition in the District of Columbia and of certain amendments which I shall propose at the proper time. At this point I desire to set out in the RECORD the bill as originally reported from the Committee on the District of Columbia.

The PRESIDING OFFICER. In the absence of objection, that will be done.

The bill referred to is as follows:

A bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Be it enacted, etc., That on and after the 1st day of November, A. D. 1916, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, in the District of Columbia shall manufacture, store, or deposit, sell, offer for sale, keep for sale, traffic in, barter, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic liquors, give away the same, or import the same therein, except as hereinafter provided.

Wherever the term "alcoholic liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, pure grain alcohol, and all malt and other liquors which shall contain one-half of 1 per cent by volume of alcohol or more.

That any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall, directly or indirectly, violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000, and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than one year for each offense.

SEC. 2. The provisions of this act shall not be construed to prevent the manufacture, importation, or sale of denatured or wood alcohol for scientific or mechanical purposes, or the sale by wholesale druggists only of pure grain alcohol for scientific or mechanical purposes only, in quantities not to exceed 5 gallons at one time; but no such sale of alcohol shall be made any person who is less than 21 years of age or who is of intemperate habits, or who is addicted to the use of narcotic drugs; and every purchaser shall at the time and place of such sale make an affidavit in writing, signed by himself before such druggist or registered pharmacist at the time and place in the employ of such druggist, stating the quantity and the time and place, and fully for what purpose, and by whom such alcohol is to be used; that affiant is not of intemperate habits or addicted to the use of any narcotic drug, and that such alcohol is not to be used as a beverage or for any purpose other than that stated in said affidavit. Such affidavit shall be filed and preserved by such druggist and be subject to public inspection during business hours, and a record thereof made by such druggist in a record book kept for the purpose, showing the date of the affidavit, by whom made, the quantity of such alcohol, and when, where, for what purpose, and by whom to be used. Only one sale shall be made upon such affidavit, and in no greater quantity than is therein specified. For the purpose of this act any druggist or registered pharmacist making such sale shall have authority to administer such oath.

SEC. 3. If any wholesale druggist, owner of a wholesale drug store, registered pharmacist, clerk, or other employee of such store shall, upon such affidavit, or otherwise, sell or give away such alcohol to any person who is known to him to be of intemperate habits or is addicted to the use of any narcotic drug, or sell or give the same to anyone to be used for any purpose other than that named in said affidavit he shall be deemed guilty of a misdemeanor, and if convicted punished by fine of not less than $100 nor more than $500 and be confined in the District jail or workhouse not less than 30 days nor more than six months. In any prosecution against a wholesale druggist, owner of a wholesale drug store, registered pharmacist, clerk, or employee, for selling or giving liquor contrary to law, if a sale or gift be proven, it shall be presumed that the same was unlawful in the absence of satisfactory proof to the contrary, and the presentation of such affidavit by the defendant at the time of the trial for such sale or gift shall be sufficient to rebut the presumption arising from the proof of such sale or gift: *Provided*, That such druggist, owner of a drug store, registered pharmacist, clerk, or employee shall have complied with all other provisions of this act relating to a sale or gift.

SEC. 4. If any person who is of intemperate habits or addicted to the use of any narcotic drug shall make the affidavit mentioned in section 2 of this act, or if any person making such affidavit shall use as a beverage, or for any purpose, or at any place, other than that stated in such affidavit, or shall knowingly permit another to do so, said alcohol, or any part thereof, or shall knowingly make any false statement in such affidavit, he shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than $100 nor more than $500, or be confined in the District jail or workhouse not less than one nor more than six months for the first offense hereunder; and upon conviction for a second offense he shall be punished by a fine of not less than $200 nor more than $1,000, and shall be confined in the District jail or workhouse for not less than six months.

SEC. 5. Wholesale druggists desiring to deal in alcohol for scientific or mechanical purposes, as heretofore provided, shall, on or before the 1st day of November of each year, obtain a license from the Commissioners of the District of Columbia for the year beginning November 1, upon the payment of $25, which money shall be deposited with other license funds of the District. The said commissioners shall make necessary regulations governing the purchase and sale of alcohol by wholesale druggists in accordance with this act, and shall limit the number of licenses to wholesale druggists to not more than five, and may consider petitions for or protests against the granting of such licenses.

SEC. 6. That when any wholesale druggist, licensed as provided in the previous section, desires to sell or keep for sale pure grain alcohol, or

when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, or when any ambassador or minister of a foreign country duly credited to the United States of America and maintaining an official residence in the District of Columbia desires alcoholic liquors for use in such residence, and for no other purpose, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used, and in the case of wine the period to be covered by such use: *Provided*, That the amount of wine permitted to be shipped shall not exceed 5 gallons at one time, and in case of shipment of either alcohol or wine said permit shall be attached to the package by the shipper and remain attached until delivered to the consignee. The fee for issuing said permit shall be 25 cents, paid to the collector of taxes for the District of Columbia. Said permit shall be void after 20 days from date, and shall not be used for more than one shipment. The carrier or party making delivery shall keep a record of all such deliveries of wine for said purposes, which record shall, during business hours, be open to public inspection.

SEC. 7. That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association or order, his or its agents, clerks, or employees, any prohibited alcoholic liquors in the District of Columbia, knowing the same to be such, and in the case of legal shipments of alcohol or wine, as provided in section 6 of this act, it shall be unlawful to deliver the same, whether brought from without the District of Columbia, or otherwise, or whether in original packages or otherwise, on any Sunday or on any other day before 6 o'clock antemeridian and after 5 o'clock postmeridian. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 or more than $500, or be confined in the District jail or workhouse not less than one nor more than six months, or by both fine and imprisonment in the discretion of the court.

SEC. 8. That every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse or other place in which any alcoholic liquor is received or kept for the purpose of use, gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this act, and every person who shall use, barter, sell, or give away, or assist or abet in bartering, selling, or giving away any liquors so received or kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to the penalties prescribed in section 1 of this act; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this section of this act, or of any fact tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

The keeping or giving away of alcoholic liquors, or any schemes or devices whatever to evade the provisions of this act shall be deemed as unlawful selling within the provisions of this act.

SEC. 9. That is any person shall advertise or give notice by signs, billboards, newspapers, periodicals, or otherwise for himself or another the manufacturer, offering for sale, or keeping for sale of alcoholic liquors prohibited under this act, or shall circulate or distribute any price list, circulars, or order blanks advertising such liquors, or publish any newspaper, magazine, periodical, or other written or printed paper in which such advertisements of liquors appear, or shall permit to be posted upon his premises or premises under his control (including billboards) or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than $100 nor more than $500.

SEC. 10. That if one or more persons who are competent witnesses shall charge, on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act by manufacturing, storing or depositing, offering for sale, keeping for sale or use, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing alcoholic liquor, shall request said corporation counsel or any of his assistants duly authorized to act for him to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof, and if any such be found to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barrom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this act.

SEC. 11. That it shall not be necessary, in order to convict any person, company, house, association, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing, importing, or selling alcoholic liquors, to prove the actual manufacture, importing, sale, delivery of, or payment for any alcoholic liquors, but the evidence of having or keeping them in hand, stored or deposited, taking orders for, or offering to sell or barter, or exchanging them for goods or merchandise, or giving them away, shall be sufficient to convict; nor shall it be necessary in a warrant or information to specify the particular kind of alcoholic liquor which is made the subject of a charge of violation of this act.

SEC. 12. That any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building or in or upon any street car, or railroad passenger train, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

SEC. 13. The payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than wholesale druggists licensed under section 5 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering and exposing for sale alcoholic liquors contrary to the provisions of this act, and a certificate from the collector of internal revenue, his agents, clerks, or deputies showing the payment of such tax, and the name or names of person to whom issued, and the names of the person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax and of the association of such persons for the selling and keeping, offering and exposing for sale of liquors contrary to the provisions of this act in all trials or legal inquiries.

SEC. 14. All houses, boathouses, buildings, club rooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, stored, sold, or vended, given away, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, give away, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in section 8 of this act) shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 1 of this act, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping such liquor contrary to law, as the court may determine.

SEC. 15. The United States district attorney for the District of Columbia, or any citizen of the District of Columbia, may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not less than $100 nor more than $500 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 6 months, in the discretion of the court.

SEC. 16. That when any violation of this act is threatened, or shall have occurred, or is occurring, the doing of, or the continuance or repetition of the unlawful act, or any of like kind by the offending party may be prevented by a writ of injunction out of a court of equity upon a bill filed in all respects as in cases of liquor nuisances; in like manner the writ of injunction may be employed to compel obedience to any provision of this act.

SEC. 17. If a tenant of a building or tenement uses such premises, or any part thereof, in maintaining a common nuisance as hereinbefore defined, or knowingly permits such use by another, such use shall render void the lease under which he holds, and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof.

SEC. 18. Anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in section 14 of this act, after being notified in writing of such use, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance.

SEC. 19. That no property rights of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this act, and in all such cases the liquors are forfeited to the District of Columbia and may be searched for and seized and ordered to be destroyed by the court after a conviction when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the corporation counsel that such liquors are contraband.

SEC. 20. Every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling, bartering, or giving intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct.

SEC. 21. If any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, or while in charge of or operating any automobile or horse vehicle in the District of Columbia, shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than $25 nor more than $300, and in default in payment of said fine shall be imprisoned in the District jail or workhouse for not exceeding three months, or both fine and imprisonment, in the discretion of the court.

SEC. 22. It shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this act. They shall detail qualified members of the police force to detect violations of the act, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven to the corporation counsel; but it shall be the duty of all members of the police force to detect violations of the act and to promptly report any information or knowledge

concerning the same to the corporation counsel, together with the names of witnesses, by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this section, he shall upon conviction be fined in any sum not less than $100 nor more than $500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall in addition to imposition of the fine aforesaid order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this act any official herein referred to may be removed by court action.

SEC. 23. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

SEC. 24. That if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause, or part of the act not in and of itself invalid, but the remaining parts of sections shall be enforced without regard to that so invalidated.

SEC. 25. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

SEC. 26. That this act shall be in full force and effect on and after the 1st day of November, 1916, and all laws and parts of laws inconsistent herewith be, and they are hereby, repealed.

Mr. SHEPPARD. Mr. President, the bill in its present form aims at the personal use of alcoholic and other prohibited liquors as well as their manufacture and sale. On further consideration it has been deemed best to omit in this initial act the personal-use feature. The principal purpose of the bill is to abolish the saloon, one of the chief menaces of humanity. If after the enactment of the pending bill in its amended form conditions developing with its operation should demand further legislation, it will be promptly proposed.

Accordingly section 1 of the present bill is to be amended by striking out the word "store," in line 7, the words "or deposit," in line 8, by adding after the word "alcoholic," in line 10, the words "or other prohibited," and by striking out the remainder of line 10 after the word "liquors" and all of lines 11 and 12, the part stricken out reading as follows: "give away the same, or import the same therein, except as hereinafter provided," and inserting in lieu of the part thus stricken out the following: "for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes."

This section is to be further amended by striking out the words "pure grain," in line 4, page 2, and inserting in lieu thereof the word "ethyl," by striking out the remainder of line 4 after the word "alcohol" and all of lines 5 and 6 and inserting the words "all malt and all other alcoholic liquors."

The section as amended will read as follows:

Be it enacted, etc., That on an after the 1st day of November, A. D. 1916, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, in the District of Columbia shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic or other prohibited liquors for beverage purposes or for any other purposes than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Wherever the term "alcoholic liquors" is used in this act, it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

That any person of persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall, directly or indirectly, violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000 and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than 1 year for each offense.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. SHEPPARD. I yield.

Mr. BORAH. As I understand, the Senator has proposed an amendment to the original bill so as to eliminate now the question of personal use?

Mr. SHEPPARD. I have; yes, sir.

Mr. BORAH. And the bill as it would operate, if passed, relates simply to the sale of liquor?

Mr. SHEPPARD. To the liquor traffic in the District of Columbia.

Mr. BORAH. The Senator has given much more time to this subject than I have, but there will not be very much gained, it seems to me, by prohibiting saloons in the District of Columbia if they can be found just across the line.

Mr. SHEPPARD. Mr. President, the counties which border on the District of Columbia are dry counties.

Mr. BORAH. Is Baltimore a dry county?

Mr. SHEPPARD. The county in which Baltimore is located does not border on the District of Columbia.

Mr. BORAH. No; but it is in very close proximity to it. I doubt if there would be much gained by prohibiting saloons under the peculiar conditions which surround Washington.

Mr. SHEPPARD. Mr. President, as I have said, we have deemed it best not to try to accomplish everything in one bill. I will say to the Senator from Idaho that we have thought it best in the initial act to attack first the traffic itself; and, if that measure does not prove satisfactory, others can be brought into operation.

Mr. GALLINGER. Mr. President——

Mr. SHEPPARD. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I understand the Senator is about to propose a large number of amendments, which may or may not be very consequential amendments to the bill. I simply wish to suggest to the Senator that after he has submitted the amendments, I wish he would ask for a reprint of the bill as it would read if the amendments were agreed to.

Mr. SHEPPARD. That is my purpose in speaking now. I am making a detailed explanation of the amendments.

It will be observed that all malt liquors are on the prohibited list and are classed as "alcoholic." This is done because of the ease with which prohibition laws are violated if traffic in malt liquors is permitted. The numerous kinds of "near beers" are familiar instances of such violation. If it is attempted to permit the sale of malt liquors with a small per cent of alcohol or with no alcohol, it has been found by experience that it is almost impossible to adopt any effective system of measurement and inspection. Dealers will include in a case of bottles containing malt liquors a number of bottles with an intoxicating percentage of alcohol, and it has been found extremely difficult to detect them. Since they may be so easily used to defeat the law, it has been thought wise to stop their sale altogether.

In this connection let me quote from a recent decision of the United States Supreme Court the decision in the case of Purity E. & T. Co. against Lynch (226 U. S., 192). The quotation is as follows:

* * * It is also well established that when a State, exerting its recognized authority, undertakes to suppress what it is free to regard as a public evil, it may adopt such measures having reasonable relation to that end as it may deem necessary in order to make its action effective. It does not follow that because a transaction separately considered is innocuous it may not be included in a prohibition the scope of which is regarded as essential in the legislative judgment to accomplish a purpose within the admitted power of the Government. * * * With the wisdom of the exercise of that judgment the court has no concern, and unless it clearly appears that the enactment has no substantial relation to a proper purpose it can not be said that the limit of legislative power has been transcended. To hold otherwise would be to substitute judicial opinion of expediency for the will of the legislature, a notion foreign to our constitutional system. * * * It was competent for the Legislature of Mississippi to recognize the difficulties besetting the administration of laws aimed at the prevention of traffic in intoxicants. It prohibited, among other things, the sale of "malt liquors." In thus dealing with a class of beverages which in general are regarded as intoxicating it was not bound to resort to a discrimination with respect to ingredients and processes of manufacture which, in the endeavor to eliminate innocuous beverages from the condemnation, would facilitate subterfuges and frauds and fetter the enforcement of the law. A contrary conclusion, logically pressed, would save the nominal power while preventing its effective exercise. The statute establishes its own category. The question in this court is whether the legislature had the power to establish it. The existence of this power, as the authorities we have cited abundantly demonstrate, is not to be denied simply because some innocent article or transactions may be found within the prescribed class. The inquiry must be whether, considering the end in view, the statute passes the bounds of reason and assumes the character of a merely arbitrary fiat. That the opinion is extensively held that a general prohibition of the sale of malt liquors, whether intoxicating or not, is a necessary means to the suppression of trade in intoxicants, sufficiently appears from the legislation of other States and the decision of the courts in its construction. * * * We can not say that there is no basis for this widespread conviction. The State, within the limits we have stated, must decide upon the measures that are needful for the protection of its people, and, having regard to the artifices which are used to promote the sale of intoxicants under the guise of innocent beverages, it would constitute an unwarrantable departure from accepted principles to hold that the prohibition of the sale of all malt liquors, including the beverage in question, was beyond its reserved power. * * *

The second section permits the manufacture, importation, and sale without restriction of denatured, or methyl, alcohol. Under the amendments I shall propose it permits also the manufacture, importation, or sale of ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes, restricting such manufacture and sale within the District, as well as the manufacture and sale of alcoholic liquors for sacramental purposes within the District, to licensed manufacturers and druggists. Moreover, it permits the purchase of alcoholic or other prohibited liquors for medicinal purposes on prescriptions of physicians, under the regulations prescribed in section 3.

The specific amendments intended to be proposed to this section are as follows:

Strike out all of section 2 after lines 15 and 16, page 2, and insert "of methyl alcohol, or of ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes, nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians under the regulations set out in section 3 of this act: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes within the District of Columbia shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only."

As amended section 2 will read as follows:

The provisions of this act shall not be construed to prevent the manufacture, importation, or sale of denatured or of methyl alcohol, or of ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes, nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians, under the regulations set out in section 3 of this act: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol and alcoholic or other prohibited liquors, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only.

The present provisions of section 2 limiting sale of ethyl or pure grain alcohol to quantities of 5 gallons at one time, by wholesale druggists only, are eliminated, as are the other restrictions on the sale of ethyl alcohol in the section as it now stands.

Section 3 in the present bill is to be stricken out, as it relates to penalties for violation of the eliminated provisions of section 2. This section in its new form practically reenacts the provisions of the present excise law of the District of Columbia relating to the sale of liquors for medicinal purposes on prescriptions of physicians. Compounds, extracts, and proprietary medicines containing alcohol but so medicated as to be unfit for beverages are excepted. The form of prescription is provided, as well as the form of the book in which a description of sales on prescriptions must be kept by druggists. A similar book is also required to be kept by manufacturers and sellers of ethyl alcohol. Penalties are provided. The new section 3 reads as follows:

SEC. 3. That regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors, nor compound nor mix any composition thereof, nor sell any malt extract, or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient requires such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the Commissioners of the District of Columbia or the courts when required, and shall also contain a statement of the kind and amount of alcoholic and other prohibited liquors on hand when this act shall go into effect; and thereafter such druggist or pharmacist shall, on the order of the court or the Commissioners of the District, make a statement of the amount of intoxicating liquor sold or used in any manner since the last statement, and the amount on hand at the date when such court or commissioners require such statement: *Provided*, That ethyl alcohol may be sold without a physician's prescription for mechanical, medicinal, pharmaceutical, scientific, or other nonbeverage purposes by registered and licensed druggists or pharmacists, or by licensed manufacturers, each and all of whom shall keep a book for the purpose of registering such sales in a similar manner and form as required for the sale of other alcoholic and other prohibited liquors by the provisions of this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not less than $50 nor more than $300, and in default of the payment of such fine shall be imprisoned in the jail or workhouse of said District not less than 30 days nor more than 6 months.

Any druggist or pharmacist who shall sell or dispense any alcoholic or other prohibited liquors except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this act, shall be guilty of illegal selling, and, upon conviction thereof, shall be subject to the penalties prescribed in section 1 of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 1, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue license to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any alcoholic or other prohibited liquor except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $500, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

Section 4 of the bill in its present form is likewise to be stricken out, because, like the original section 3, it relates to eliminated provisions of section 2. In the revised form section 4 provides the method by which wine for sacramental purposes may be obtained. It provides that any minister, pastor, or priest desiring wine for sacramental purpose must obtain a permit from the Commissioners of the District of Columbia, the amount to be shipped or purchased under one permit not to exceed 5 gallons, each permit to expire in 20 days and to cover but one shipment or purchase. The new section 4 reads as follows:

SEC. 4. That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him, or the purchase by him, of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used, and the period to be covered by such use; the amount of wine permitted to be shipped or purchased under one permit shall not exceed 5 gallons, and the said permit shall be attached to the outside of the package by the shipper and remain so attached until delivered to the consignee, when it shall be canceled by the carrier. Said permit shall be void after 20 days, and shall not be used for more than one shipment.

Section 5 is to be stricken out and a new section inserted providing for the manufacture of alcohol for the purposes permitted in the act by licensed manufacturers, who must obtain an annual license, paying therefor $100. It provides that druggists desiring to deal in alcohol for such purposes shall obtain an annual license; wholesalers paying $25, retailers $10. Manufacturers may sell only to druggists licensed as herein provided—and only druggists properly licensed may sell alcohol for permitted purposes. Penalties are imposed for violations of this section. The original provision restricting purchase and sale of alchol to five wholesale druggists has been eliminated.

The new section 5 reads as follows:

Any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted in this act shall, on or before the 1st day of November of each year, obtain a license from the Commissioners of the District of Columbia for the year beginning November 1, upon the payment of $100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this act shall obtain a license in the same way for the same period, the fee for wholesale druggists being $25, for retail druggists $10. The commissioners shall have power to refuse or revoke all licenses referred to in this section, if doubtful of the good faith of the licensee and his intention to comply with this act. Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors to druggists only, and only to such druggists as are licensed under the terms of this section, provided that hospitals, departments of the Government, colleges, and laboratories may purchase alcoholic liquors from manufacturers, after obtaining permit from the District Commissioners, who shall be satisfied of the good faith of said purchasers before granting permit, and who shall require records and reports of all sales made by such manufacturers. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in this District of Columbia, and these only for the purposes permitted by this act. Violations of this section shall be punished by fine of not less than $300 nor more than $1,000, and by imprisonment in the District jail or workhouse for not less than 30 days nor more than one year.

Section 6 of the bill as introduced is to be omitted, as it relates to procurement of wine for sacramental purposes, a purpose already covered by the new section 4, and of alcoholic liquors

by legations and embassies, a feature rendered unnecessary by the amendments permitting personal use.

Section 7 is to be numbered section 6 and is to remain practically unchanged. The following amendments are to be proposed to this section: In line 21 strike out the word "prohibited." In line 22 strike out the word "alcoholic" and add, after the word "liquors," the words "for prohibited purposes." In line 23 strike out the word "legal." Strike out line 24 and insert in lieu thereof the words "liquors for purposes not prohibited." Strike out lines 25 and 26 and insert in lieu thereof "it shall be unlawful to bring the same into the District of Columbia or to deliver the same therein." In line 1, page 7, strike out the words "or whether."

The new section 6, as amended, will read as follows:

SEC. 6. That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, association, or order, his or its agents, clerks, or employees any liquors for prohibited purposes in the District of Columbia, knowing same to be such, and in the case of shipments of liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day before 6 o'clock a. m. and after 5 o'clock p. m. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 or more than $500 or be confined in the District jail or workhouse not less than one nor more than six months, or by both fine and imprisonment, in the discretion of the court.

This section makes it unlawful for any common or other carrier, express company, or any person to deliver knowingly any prohibited liquor at any time or to ship liquors into the District for any purposes on Sunday or on any day before 6 o'clock in the morning and after 5 o'clock in the evening. Penalties are imposed.

Similar antishipping provisions have been incorporated in a number of prohibition States, such as Alabama, Georgia, and West Virginia. They have been found essential to a well-enforced law. Better supervision may be had when shipments into the District can be made only in the daylight and not at all on Sunday.

Section 8 becomes section 7, and remains almost without change except for the elimination of the words "use," "gift," and "give away." This section is specially intended to prevent evasions of the law by clubs or associations. In many jurisdictions prohibition laws have been seriously hampered because clubs and similar organizations were able to dispense liquors by some scheme or device in violation of the plain intent and purpose of the law. One of the most common of these devices is known as the "locker system," a device prohibited by this section. It makes all officers, members, stockholders, and employees of clubs who in any way aid or abet in the sale of liquors liable to punishment. It also provides that all persons connected with a club shall be competent witnesses to prove violations of the act, and that no person shall be excused from testifying because he may incriminate himself, but that any testimony he may give shall not be used against him.

The experience of other jurisdictions has shown such provisions as these to be highly desirable. Similar provisions are found in the laws of nearly all the prohibition States. The State of Georgia recently enacted a law for the especial purpose of eliminating drinking clubs. There are similar provisions in the present excise law of the District.

The last four lines of section 8 of the original bill are to be made into a new section, known as section 8, and are to be amended so as to read as follows:

The keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section 1 of this act.

The justice of this provision is manifest. It is aimed at endeavors to evade this act under the cloak of keeping for pretended personal use or of a pretended gift.

Section 9 is to remain practically as it now is. A few changes are to be suggested, as follows: In line 12, before the words "by signs," insert the word "of." In line 14, after the word "alcoholic," insert the words "or other prohibited"; and after the word "liquors" insert the words "for purposes forbidden." In line 16, after the word "publish," insert the words "or distribute."

This section makes it unlawful to advertise liquors for prohibited purposes in any manner, by newspapers, periodicals, billboards, signs, or otherwise; to distribute order blanks, price lists, or circulars advertising such liquors, or to publish or to distribute newspapers, magazines, or other printed or written paper containing such advertisements. The penalty is a fine of not less than $100 nor more than $500.

Similar antiadvertising laws are in operation in Maine, Oregon, Alabama, Georgia, and other States. The effect of prohibition is to reduce to a minimum the consumption of alcoholic liquors. Evidently it is inconsistent with such object to permit a State or District to be flooded with advertisements of liquors for forbidden purposes.

Section 10 is the well-known "search and seizure" provision. The District excise law contains a similar provision, and it is found in the prohibition laws of Iowa, North Carolina, Maine, Oregon, Washington, West Virginia, and other States. It is regarded as a very essential part of any prohibition or even a license law. It enables the authorities to reach violations of the law that can not be reached in any other way. Upon a charge upon oath presented to the corporation counsel or any of his assistants authorized to act for him that the law is being violated, a search warrant shall be issued and placed in the hands of the captain of the police precinct in which the place to be searched is located, commanding him to search for and seize all prohibited liquors and the means for dispensing the same, and hold them as evidence, together with any internal-revenue tax receipt and any paraphernalia of a barroom or other alcoholic-liquor establishment.

The only change to be made in this section is the elision of the words "storing or depositing," in line 3, page 9; "or use," in line 4, page 9; and "giving away," in line 5, page 9.

The courts have sustained "search and seizure" practically everywhere, and it is now regarded as a necessary part of the law enforcing machinery of every up-to-date prohibition measure.

Section 11 is to be omitted, as its provisions are practically embodied in the new section 8.

Section 12 is to be changed to section 11. This section is designed to prevent the drinking of alcoholic liquors in the streets or roads, in any public place, or in street cars or other public conveyance; it also makes it an offense to be intoxicated in the streets, alleys, or roads, or in any street car, railroad passenger train, or in any other public place or building or to disturb the peace of any person anywhere. The punishment provided for any of these offenses is a fine of from $10 to $100, or imprisonment of from 5 to 30 days, or both fine and imprisonment, in the discretion of the court. Similar provisions are in force in Maine and Idaho, in the District of Columbia, and other jurisdictions. Such laws have been upheld wherever tried as being in the interest of good morals. A number of the non-prohibition States prohibit the drinking of liquors on railroad trains. Texas has a very stringent law of the kind. Such laws are becoming more and more popular.

The only change to be proposed for this section is to strike out, in line 24, the last word, "or," and, in line 25, the words "railroad passenger train or in or upon" and insert the word "or" before the word "any."

Section 13 becomes section 12. This section contains the now widely used provision which makes the payment of the special internal-revenue tax required by the Government from wholesale or retail liquor dealers prima facie evidence of the violations of the law by the person paying such tax, except in cases where such person is authorized by local license to sell liquors. Such a provision is of great use in the enforcement of prohibition laws, and will be until the Government ceases to collect revenue from the illicit sale of liquor in prohibited States and districts. It is in force in Maine, West Virginia, Washington, North Carolina, Arkansas, Idaho, and other States.

The only amendment I propose to this section is to strike out the word "wholesale" in line 16 and insert in lieu thereof the words "manufacturers or." Manufacturers and druggists licensed under this act are exempted from the operation of this section.

Section 14 becomes section 13. In this section it is provided that any building, clubroom, boathouse, or other place where this act is violated may be declared a public or common nuisance, and be abated by order of a court. In addition, any person who shall maintain any such public nuisance may be convicted and punished under the penalties provided in section 1 of the bill. This common-nuisance provision is found to be a valuable aid in the enforcement of prohibition laws, and West Virginia, Oregon, Washington, Arkansas, Idaho, and other States find the law effective.

This section is to be amended as follows: In line 7 strike out the words "stored" and "or," in line 8 strike out the words "given away," and in line 9 strike out the words "give away."

Section 15 becomes section 14, and remains without change. In this section it is provided how a "common nuisance," as declared in the previous section, may be abated. The United States district attorney for the District of Columbia, or any citizen of the District, may maintain an action in equity in the name of the United States to abate and perpetually enjoin such

nuisance. The injunction shall be granted at the commencement of the suit, and no bond shall be required. The penalty for violating the terms of any injunction is a fine of not less than $100 nor more than $500 and imprisonment for not less than 30 days nor more than 6 months. It is a summary, but often necessary, part of prohibition and other similar laws.

Section 16 becomes section 15 and remains unchanged. This section carries an extension of the operation of the writ of injunction in aid of law enforcement when other methods of procedure may fail. The writ may be employed to prevent a threatened violation of the law or a continuation or repetition of an unlawful act; and it may be employed to compel obedience to any provision of the act. The courts have generally upheld this use of the writ of injunction in enforcing liquor laws, and it has generally proven effective.

Section 17 becomes section 16 and remains unchanged. This section carries another aid to law enforcement. If a tenant of a building uses or knowingly permits said building to be used by another as a common nuisance, the lease to said building is rendered void, and the right of possession reverts to the owner or lessor, who may immediately enter into possession of the premises, or he may avail himself of the remedy for forcible detention.

Section 18 becomes section 17 and remains as it now is. This section provides further aid to law enforcement in that in case the landlord has knowledge that his property is being used as a common nuisance and neglects to take reasonable measures to eject the lessee he shall be deemed guilty of aiding in maintaining such nuisance. It is apparent that the provisions of this section and the one preceding will be valuable aids in securing enforcement of the act. Similar provisions are in force in the State of Kansas.

Section 19 becomes section 18, with no other change. In section 19 it is provided that there shall be no property rights in prohibited alcoholic liquors, and such liquors shall be held contraband. The reason for such a provision is plain. It is another aid to law enforcement. Liquors seized and used as evidence may be destroyed by order of the court after conviction, or upon satisfactory evidence that such liquors are contraband. Similar provisions are found in the prohibition laws of some of the States.

Section 20 becomes section 19. This section carries a civil damage provision similar to the laws in a number of the States, among them Illinois and Maine. A wife, child, parent, guardian, employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, shall have a right of action against the person selling or furnishing the liquors which caused the intoxication. This seems to be a wise and just provision, and effective as well. Such laws have been generally sustained by the courts.

This section is to be amended by inserting the word "or," in line 24, between the words "selling" and "bartering," and by striking out, after the word "bartering," the words "or giving."

Section 21 becomes section 20, and is otherwise unaltered. It is the purpose of this section to lessen the dangers of railroad, street-car, vehicular, and water traffic by making it an offense for any intoxicated person to be in charge of or to operate the motor power of or to be otherwise in charge of the agencies of such traffic. These provisions apply to conductors and brakemen as well as engineers of railroad trains. The value of such a law is manifest. Nearly all railroad companies prohibit their employees from drinking intoxicating liquors on or off duty. The lives of passengers intrusted to public carriers should be safeguarded in every way possible, and so should the traffic of the streets be safeguarded from the recklessness of drinking chauffeurs and drivers. The State of North Carolina has a law punishing drunken trainmen, as has other States. The section provides a penalty of from $25 to $300, or, in default, imprisonment for not more than three months, or both such fine and imprisonment.

Section 22 becomes section 21 and remains without alteration. In this section the duty of enforcing the law is charged to the Commissioners of the District of Columbia. They are required to detail qualified members of the police force to give special attention to the detection of violations of the law, but it shall be the duty of all members of the police force to detect violations of the act and report any information or knowledge concerning the same to the corporation counsel, with the names of witnesses, and the corporation counsel is charged with the duty of speedily prosecuting all offenders.

This does not change the method of prosecution now followed in excise cases in the District, except as to the proposed special detail of officers to detect violations of the law. To enforce the Kenyon red-light law for the District a special detail of officers give their whole time to the detection and prosecution of offenders. In West Virginia there is a State commissioner of prohibition, whose duty it is to enforce the law all over the State. Other places under license or prohibition laws provide officers who are specially charged with the enforcement of the law. It is assumed that this provision will appeal to all who desire the thorough enforcement of the law.

It is further provided that if any officer fail to do his duty under this section he may be so charged, and upon conviction be fined in any sum not less than $100 nor more than $500, and such conviction shall carry with it a forfeiture of his office; and the court may, in the case of any official who fails or neglects to perform his official duty in the enforcement of the act, remove such official from his office. Similar provisions for the punishment or removal of negligent officials are found in the prohibition laws of Maine, Idaho, North Carolina, West Virginia, and Oregon.

Section 23 becomes section 22 and is to be unchanged. As under the present District license law, it is provided here that prosecutions of alleged offenders shall be on information filed in the police court by the corporation counsel of the District or any of his assistants duly authorized to act for him; and information shall be filed upon presentation to him of sworn information that the law has been violated. Power is given to the corporation counsel or his assistants to administer oaths to informants or others who present themselves; and a false oath renders the person liable to a charge of perjury, with the penalties now provided by law. So much of the section is precisely as the law is now concerning prosecutions under the excise law. But the commissioners are given another method of prosecution by this section, to be exercised as their judgment directs. To secure more effective enforcement of the law, they may proceed through the office of the United States district attorney for the District of Columbia, who shall proceed to prosecute in the usual manner by indictment. This seems to be a desirable safeguard to prevent the miscarriage of justice, which so often happens in many jurisdictions in liquor prosecutions.

Section 24 becomes section 23, and remains unaltered. In this section it is provided that in case any part of the act shall be deemed unconstitutional or invalid the remainder shall not be affected thereby, but shall be enforced without regard to the part so invalidated. It is a wise provision, and no comment is necessary. Such provisions are not uncommon. They are found in the prohibition laws of Washington, Idaho, and other States.

Section 25 becomes section 24, and is to be unchanged. This section is simply an aid to interpretation of the act. Words of singular number shall include the plural, and words of the masculine gender shall include the feminine, as the case may be.

Section 26 becomes section 25. It is here provided that the act shall be in full force and effect on and after the 1st day of November, 1916, and all inconsistent laws are repealed.

This section is to be amended by adding after the word "repealed," in line 4, page 18, the following:

And that the Excise Board for the District of Columbia provided for and established under the act making appropriations to provide for the expense of the government of the District of Columbia for the fiscal year ending June 30, 1914, be, and it is hereby, abolished upon the taking effect of this act.

The date of November, 1916, is set as the time for this act to go into effect, because the present licenses of the saloons in the District expire at that time. Manifestly, with saloons abolished, there will be no need for the excise board.

Such, Mr. President, is an explanation of the bill for prohibition in the District of Columbia, with the amendments which I shall propose at the proper time. When the first water-power bill came before the Senate I gave notice that after the water-power bills had been disposed of I should call up another water-power bill, the prohibition bill for the District of Columbia, and I intend to do so at what I consider an opportune time. I shall, of course, not attempt to hold back other legislation which might be considered of immediate national importance; but I do not want this bill forgotten, nor do I want the Senate to be under the impression that we have given up in any way the idea of securing its consideration at a reasonably early date.

WATER-POWER SITES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. ASHURST obtained the floor.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from West Virginia?

Mr. ASHURST. I yield to the Senator.

Mr. CHILTON. I wanted to call up Senate joint resolution 98.

The PRESIDING OFFICER. Is there objection?

Mr. BORAH. Let us hear what it is.

Mr. CHILTON. It is the report of the Committee on Printing upon the printing of what is known as the report of the Industrial Relations Commission and certain parts of the evidence.

The PRESIDING OFFICER. With that information does the Senator object?

Mr. BORAH. No.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. CHILTON. What is the order of the Senate?

The PRESIDING OFFICER. The water-power bill.

Mr. CHILTON. But, I mean, what was the decision? Is it before the Senate now?

The PRESIDING OFFICER. After the request was made, the Senator from Idaho inquired to know what it was.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. The Chair will state that the water-power bill should be temporarily laid aside before a new matter can be taken up.

Mr. SHEPPARD. I rose to make that suggestion. I know that if the Senator from Montana [Mr. MYERS] were here he would make that request, and he would also ask unanimous consent that no business be considered other than that proposed by the Senator from West Virginia, and that, as soon as it is disposed of, the consideration of the water-power bill should be resumed.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. Mr. President, in reply to the suggestion of the Senator from Texas, I desire to say that there is a little bill on the calendar which it will take about two minutes to pass—not any longer than the Senator's bridge bills take—and I hope I may be permitted to ask for the consideration of that bill.

Mr. SHEPPARD. The Senator knows that permission has been asked for the consideration of another bill.

Mr. GALLINGER. Yes.

Mr. SHEPPARD. I shall not object.

The PRESIDING OFFICER. Without objection——

Mr. WALSH. Mr. President——

Mr. JONES. Mr. President, just a moment. I do not want this bill laid aside with the distinct contract that only certain matters shall be considered.

Mr. GALLINGER. No; of course not.

Mr. JONES. I have a resolution that I want to have passed. It will take but a minute. I shall not object, unless it is insisted that as soon as this matter is disposed of the other bill shall be taken up.

Mr. THOMAS. Mr. President, while I am perfectly willing to see the water-power bill laid aside indefinitely, I do not think it is doing justice to the Senator having charge of that bill that any disposition be made of it during his temporary absence from the Chamber; and I certainly shall object, very largely on his account, to its indefinite laying aside.

The PRESIDING OFFICER. The proposition, as the Chair understood it, was to lay aside temporarily the water-power bill in order that the bill suggested by the Senator from West Virginia might be taken up. Without objection——

Mr. WALSH. Mr. President, I shall object.

The PRESIDING OFFICER. The Senator from Montana objects. The water-power bill is still before the Senate and open to amendment.

Mr. ASHURST. Mr. President, it is obvious to my mind that no one wishes to speak on the water-power bill at this time. Must we therefore adjourn? Why can we not lay aside the water-power bill for 20, 30, or 40 minutes and dispose of this report from the Printing Committee?

The PRESIDING OFFICER. It is a matter that rests entirely with the Senate.

Mr. WALSH. Mr. President, the Senator will understand perfectly well that I have a great desire to see the report published.

Mr. ASHURST. I know that.

Mr. WALSH. But I do not see any reason why the water-power bill should be laid aside on any consideration. We are ready to go on with the water-power bill.

Mr. ASHURST. I did not know that. I beg the Senator's pardon.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum. If we are going to transact business, we ought to have some Senators here.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	McCumber	Sherman
Borah	Hitchcock	Martin, Va.	Smith, Ga.
Brandegee	Hughes	Martine, N. J.	Smith, S. C.
Chamberlain	James	Myers	Smoot
Chilton	Johnson, S. Dak.	Newlands	Thomas
Clapp	Jones	Norris	Thompson
Clark, Wyo.	Kenyon	Page	Vardaman
Cummins	Kern	Robinson	Wadsworth
Gallinger	La Follette	Saulsbury	Walsh
Gore	Lea, Tenn.	Shafroth	Warren
Gronna	Lippitt	Sheppard	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER] on public business. He is paired with the junior Senator from Idaho [Mr. BRADY]. This announcement may stand for the day.

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. ASHURST. I wish to announce the absence of the Senator from Ohio [Mr. POMERENE] and to state that he is paired with the Senator from Maine [Mr. BURLEIGH].

The PRESIDING OFFICER. Forty-three Senators have responded to their names. There is not a quorum present.

Mr. KERN. I ask that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. JOHNSON of Maine, Mr. SWANSON, Mr. TILLMAN, Mr. TOWNSEND, and Mr. WORKS answered to their names when called.

Mr. OVERMAN, Mr. BANKHEAD, and Mr. CURTIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have responded to their names. There is a quorum present.

Mr. SHAFROTH. Mr. President, in the consideration of this bill I wish to call the attention of the Senate to the fact that this is the first of a series of bills that will follow. The program of the advocates of these measures is to adopt a leasing bill for water power on the public domain. The next proposition is to provide for the leasing of the coal, oil, gas, phosphate, potassium, and sodium lands of the United States.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Does the Senator suggest that that will be the conservation program of Congress, that if this bill passes——

Mr. SHAFROTH. No; I do not know that it is. But those bills have passed the House of Representatives, and they have come over here, and I understand they are to be taken up for consideration.

Mr. GALLINGER. About how long does the Senator think it will take to get consideration of those bills?

Mr. SHAFROTH. I do not know. These bills are to be followed by still another one, in my judgment, because that is the program of the so-called conservationists. They adopted in their conventions the program that all the mineral lands, such as contain gold, silver, copper, lead, and zinc mines, are to be subject to a leasing system by the Federal Government. So there is to be a complete leasing system, according to their program.

Now, whether or not that will be carried out, or to what extent it will be carried out, I can not say, but unquestionably, when we consider this proposition of leasing the waters on the public domain by the Federal Government, waters that the Government has no more right or title to than you have, I think we are getting to a state where we ought to consider this question most seriously.

Mr. BORAH. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Idaho.

Mr. GALLINGER. I have a further question.

Mr. SHAFROTH. I beg pardon; I thought the Senator was through.

Mr. GALLINGER. I have a further suggestion to make, because this becomes a practical matter with some of us. Even if this program should be partially submitted to the Senate, it is safe for us to send for our summer clothes, is it not?

Mr. SHAFROTH. I will not say that. I want to have a reasonable time to discuss this measure, because I think I am right. I am entirely satisfied myself, I am thoroughly convinced, that the passage of this bill will be a disaster to the Rocky Mountain States, and I think if people will lay aside their prejudices upon this matter I can convince them to that effect.

Did the Senator from Idaho desire to interrupt me?

Mr. BORAH. I was only going to say to the Senator from New Hampshire that the vice of this bill, as we see it and as suggested by the Senator from Colorado, is that it establishes a precedent for the leasing system which is to be carried to its completion by covering all the natural resources of the States known as the arid or public land States.

Mr. WALSH. I should like to inquire of the Senator from Idaho if we did not commit ourselves to the leasing system the other day in passing the Shields bill?

Mr. SHAFROTH. No; I do not think so.

Mr. WALSH. I ask the Senator from Idaho, not the Senator from Colorado.

Mr. SHAFROTH. Very well; I can explain that.

Mr. BORAH. I want to say to the Senator from Montana that I voted against the Shields bill.

Mr. WALSH. I know that, but——

Mr. BORAH. Wait a moment. I voted against it because I thought it had that principle involved in it.

Mr. WALSH. I supposed it had the approval of the Senator.

Mr. BORAH. The Senator from Colorado did not agree with me. The Senator from Colorado and I talked it over, and he did not think the principle inhered in that bill. But I felt otherwise and was constrained to oppose it for that reason, among other reasons.

Mr. MYERS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Montana.

Mr. MYERS. I think I am in a position to assure the Senator from Colorado and have the authority to assure him that there will be no other leasing or conservation measure at this session of Congress, except the water-power bill and the mineral-land leasing bill, which my colleague [Mr. WALSH] introduced. I do not think anyone has any intention of introducing any other measure. I am sure that no one connected with the administration has any idea of recommending any other measure.

Mr. SHAFROTH. Mr. President, the Senator seems to think that that is a little program of itself, but when you consider that we have in the western country 343,000,000 acres of public land, a very large part of which consists of coal lands, phosphate lands, potassium lands, sodium lands, gas lands, oil lands, and mineral lands, you can readily see that the second bill which he proposes to introduce is one of most vital consequence to the development of that section of the country. Inasmuch as I think these bills if enacted will retard development, and inasmuch as I think they will be destructive of good government by holding back the settlement of the public lands, I can not help but view with apprehension not only the presentation of this water-power bill providing for the leasing of the waters of nonnavigable streams by the Federal Government, but also I view with apprehension the other bill which he has mentioned.

Now, as to whether there is going to be a third bill which will provide for the leasing of the gold mines, the silver mines, the copper mines, and the zinc mines and other mines, I can not tell, but if the United States Government proposes to lease the lands to the extent named, it seems to me there is logically much more reason for it to proceed to the other extreme and lease the mines of the precious metals of the country.

Mr. BORAH rose.

Mr. SHAFROTH. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I see the same consolation in the suggestion of the Senator from Montana that there is for a man who is condemned to die and is given 30 days' reprieve. If this bill is passed at the present session and another passed at the present session and then the third and fourth are to come at the next session, there is very little consolation in that fact to the West, because this is the lifetime struggle with those States. If the precedent is to be established and the system is to be inaugurated it had all just as well be done at this session as at a later session. We are not asking for a reprieve, we ask for acquittal. We think we can run our affairs as States and object to the surveillance proposed.

Mr. SHAFROTH. It has been admitted on the floor of the Senate that the National Government has no title or right whatever to the waters of nonnavigable streams. Yet as some may doubt the verity of the admission, I want to present one authority which can not be questioned, to show that the United States Government never had and never could have had, considering our dual form of Government, any right whatever to any of the waters of the nonnavigable streams. In fact, it has no title to the navigable waters except of a negative nature, that is to prevent obstructions to navigation in navigable streams. So far as the nonnavigable streams are concerned it is clear that there is no title, right, or interest whatever in the United States to the waters of nonnavigable streams in the States of the Union whether they pass by private or Government lands.

Mr. President, I wish to state that the original States owned their own water, and that the United States Government never acquired any right, title, or interest in the nonnavigable streams of the original 13 States. It is almost axiomatic to state it. There has been added to that statement certain acts of Congress which make it apply to the new States because, for instance, when Colorado was admitted into the Union Congress passed an enabling act, which contained the following:

> That the inhabitants of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government, with the name of the State of Colorado, which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever.

That was the language used in the enabling acts of all the other States admitted into the Union.

Mr. President, those words have been construed by the Supreme Court of the United States. The language is so strong that the court has said repeatedly the exact rights which these 13 original States possessed were given to all the States subsequently admitted into the Union. That same language was used even in the admission of States immediately after the formation of the Federal Constitution. Even the deeds that were passed by Virginia and by Connecticut to the United States for the land they owned west of the Allegheny Mountains contained that language. The Supreme Court has held that that language places the new States upon an exact equal footing with the original States in every respect whatsoever.

Now, inasmuch as it must be conceded that the United States Government never owned the waters of any of the 13 original States, and each of the States admitted into the Union after that time contained the clause of equality in every respect whatsoever, it seems to me to be absurd for any person to contend that the United States Government obtained by reason of the formation of the Union any right to any of the waters of such streams, or even of the navigable streams, except the right under the interstate commerce clause of the Constitution to prevent obstruction to invasion.

Mr. President, upon that matter we find that the Supreme Court of the United States has said that the Federal Constitution contains no grant or title to those waters. The United States Constitution is a grant of powers by the States and all the powers not granted are reserved to the States, and that consequently not having granted any right to the waters of a State they are reserved to the State.

Then what right has the Government to enter into a State and lease the waters thereof when it does not own the same?

Mr. President, I wish to call attention to the language used in the case of Kansas *v.* Colorado in 206 United States Supreme Court Reports at page 46. This is the language that is used in the syllabus, and it is borne out in the opinion of the court:

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty;—

It can not go into a State and exercise sovereignty over the affairs of that State because it is not contained in the United States Constitution, and the State has not by its act granted any such right. The State does occasionally grant the right of sovereignty over land in the State by a special act of the legislature of that State. The land upon which a United States public building is located is expressly excepted from the sovereignty of the State by act of its legislature. If a man is injured or killed on the property of the United States Government dedicated to the public use, the offender is not tried in the State court; he is tried in the United States court. The United States exercises sovereignty upon that smaller piece of land, but it takes an act of the legislature specifically to confer that jurisdiction. Every time a Government public building is erected in a city or town the legislature of such State invariably grants and cedes jurisdiction thereof to the National Government.

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people; and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I want to say if Senators want to have the rule adopted of leasing waters that do not belong to the Govern-

ment they should, in the language of this decision, obtain a new grant from three-fourths of the States of the Union.

I yield to the Senator from Washington.

Mr. POINDEXTER. I do not think myself that a question of sovereignty is involved one way or the other in this act. It seems to me it is simply a matter of contractual right, of riparian ownership. But supposing that the question of sovereignty were involved, does not the Senator think that section 13 of the act, which provides—

That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water—

completely avoids any conflict between the Federal Government and the States and is a full recognition of all the rights of the States?

Added to that question, in order not to break up the Senator's argument any further, I should like to make just this comment: So far from the question of sovereignty being involved, it seems to me nothing more is involved here than can be by a private individual——

Mr. SHAFROTH. Now, Mr. President——

Mr. POINDEXTER. Just one second, and I will sit down. The reason I am stating this is because I should like to have the Senator discuss it while he is on that subject.

Mr. SHAFROTH. I shall be glad to do so.

Mr. POINDEXTER. The humblest private citizen in the State who owns the site of a dam on a nonnavigable stream and has the fee simple title to the abutting shore line and the bed of the stream, where it is desired to erect a dam, would have a right to erect a dam there, so long as he complied with the laws of the State which this act requires the lessees under this act to do. If he did that, would he not own the power that was developed by the waterfall that is created? Would the ownership and right to use that power by this private citizen involve any question of sovereignty? Is it not simply a property right instead of a governmental right?

Mr. SHAFROTH. No, Mr. President, it is not a property right alone. If this were a property right a different proposition would be presented. We had the property right presented in the Shields bill. The Senator from Washington absolutely opposed every effort to make that a property right. We there provided that the United States Government should charge nothing for the water which it did not own, and that it should charge simply the market value of the land as in a suit in condemnation against a private citizen. But here the United States Government proposes to make a charge upon the waters which do not belong to the United States Government. It proposes not to take the amount of money that would be awarded for a site at its actual fair valuation, ascertained and determined in a condemnation proceeding. Oh, no; it is proposed to impose some kind of a charge dependent upon the water power developed, and that water has been held by the Supreme Court of the United States to belong to the States. But whenever we attempt to do that we invade the sovereignty of the State, and that is the reason why the question of sovereignty is involved in this particular bill.

Mr. BORAH. Mr. President——

Mr. SHAFROTH. But, Mr. President, I want to continue reading the balance of this syllabus:

While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed, without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

Mr. President, I want to state to the Senator, if he has not read this decision, just what are the facts of the case. The State of Kansas commenced a suit against the State of Colorado to prevent the Colorado authorities from diverting the waters of the Arkansas River to lands in the State of Colorado, claiming that her riparian owners should have the right of the water flowing thereby. The Colorado authorities resisted the suit on the ground that riparian rights did not exist in the State of Colorado; that by virtue of the provisions of our Constitution and by the known usages of our State for years and years, the doctrine of riparian rights did not prevail in the State of Colorado; that we had the right to divert the water and to take it out of the stream and to use it for the purpose of making greater crops upon the lands adjacent to the river. The United States came in as an intervenor. It claimed that it had an interest by virtue of the act of 1902 which provided that the United States Government should construct irrigation works under the reclamation act, as it was termed, and they filed a petition in intervention, claiming certain rights in these waters. The court, after a long period of time and after elaborate arguments, held that the United States had no right whatever to intervene in that case as to those waters, because it had no right or title in or to the waters.

Mr. WORKS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from California.

Mr. WORKS. And the purpose of this bill is to give the United States Government just what was denied to it by that decision.

Mr. SHAFROTH. That is exactly what is proposed to be given.

The Senator from Washington must realize that if the Congress of the United States were to pass a direct act providing for a charge for the use of the water in the State of Colorado of 25, 50, 75 cents or $1 a unit of horsepower the Supreme Court of the United States would declare it unconstitutional. Why?

Mr. MYERS. I should like to ask the Senator a question.

Mr. SHAFROTH. I yield for that purpose.

Mr. MYERS. Does the Senator claim that you can do, by indirection, what you can not do by direction in law?

Mr. SHAFROTH. That is what you claim and what I contend you can not do.

Mr. MYERS. You claim, then, that the bill would be unconstitutional?

Mr. SHAFROTH. It may be that the courts would deny its constitutionality, but practically the Government would enforce the act. We have had contests in which the United States were on one side and it meant bankruptcy to the people who undertook to resist.

Mr. MYERS. Surely, if the people are denied to make a charge by the Federal Government for the use of State waters, the courts would declare the act to be unconstitutional.

Mr. SHAFROTH. There is always included some limitation as to time or something of that kind, although the object of the legislation may be perpetual use. If we were to pass a law by the Congress of the United States now that the waters of the State of Colorado should be subject to leasing by the Federal Government in direct terms, I have not the slightest doubt the Supreme Court of the United States would declare it unconstitutional.

Mr. MYERS. If this bill, then, would undertake to do it directly, the Senator may be sure that it would be held to be unconstitutional.

Mr. SHAFROTH. It does it, according to my view, indirectly, and that is where the Senator differs from me in that respect. Why? I am also satisfied it would be unconstitutional for Congress to pass a law saying that the United States Government shall never relinquish or dispose of its property in a State. Lands were not given to the United States except as a trust for the purpose of disposing of them.

If you were to put it in that language, I have not the slightest doubt that the Supreme Court of the United States would declare such an act to be unconstitutional. The danger of such an outcome is attempted to be removed by saying that for a period of so many years this power of ownership may be exercised. The judges of the Supreme Court have said, in the only case in which they have passed upon the subject, that "five years is a very limited time in the history of a nation. We can not say, and will not say, that that is not within the scope of the power of Congress." Although in the same decision they admit and declare that the United States Government is vested with this power of holding the public domain in trust for temporary purposes only and for the purpose of disposing of the land. They can well say, and some do say, that this may be for the purpose of getting the lands of the United States in better condition to dispose of, and, of course, as a means to that end, they could say it is within the power of Congress, but the Senator from Montana [Mr. MYERS] knows that under this bill the object and purpose is to have a leasing system of the waters of the States forever.

Mr. MYERS. Oh, no; I disclaim any attempt to lease the waters of the State. The Senator can not point out anything in the bill which will bear out that assertion.

Mr. CLARK of Wyoming. Mr. President, in this connection I should like to ask a question of the Senator from Montana.

Mr. SHAFROTH. I yield to the Senator from Wyoming for that purpose.

Mr. CLARK of Wyoming. I should like to ask the Senator whether or not the purpose of this bill is to put in the General Government the control of the waters which are the subject matter of the bill?

Mr. MYERS. Not at all.

Mr. CLARK of Wyoming. The Senator disagrees, then, with the department which has this matter under its immediate charge.

Mr. MYERS. I do not care with whom I disagree. I agree with the bill, which says there is no intention to control or to interfere with the waters of the States. I am satisfied to agree with the printed terms of the bill in its plain language.

Mr. BORAH. May I ask the Senator from Montana a question?

Mr. MYERS. Yes.

Mr. BORAH. Does the Senator from Montana admit that before the National Government can utilize this water for power purposes it must go under the State law and make application for the water and secure it by an appropriation the same as an individual would have to do?

Mr. MYERS. The Federal Government is not undertaking to utilize any water at all. It furnishes the land, and the applicant must go to the State authorities to get the water.

Mr. BORAH. Suppose that in the development of power under this bill it should become essential for the National Government to exercise control over some of the water, could it do so without making an application to the State authorities for the purpose of appropriating it?

Mr. MYERS. Under the terms of this bill I can not conceive of any contingency in which the Federal Government would undertake to control the waters of a State.

Mr. BORAH. Well, does the Senator believe that the National Government can acquire any interest to the use of the water other than for the purpose of navigation, except that it go as an individual and make application to the State and appropriate it?

Mr. MYERS. No; I do not believe it can acquire such interest in any other way.

Mr. WORKS. Mr. President——

Mr. SHAFROTH. Mr. President, I yield to the Senator from California.

Mr. WORKS. Besides the fact that this bill undertakes, in a sense, to control the use of the water by imposing a charge based upon the use of the water itself, it undertakes to regulate the means by which the water may be taken out of the stream and diverted; it undertakes to determine when the work shall be commenced and when it shall be completed, all of which is within the power and the jurisdiction of the State. Beyond that the Government, in the end, proposes to take over the whole thing itself and to operate the plant.

Mr. SHAFROTH. Mr. President, I thank the Senator from California for his statement. Can it be possible that the Senator from Montana [Mr. MYERS] can contend that this is not an interference with the waters of the States? If the Government makes a charge for the land only, as the Senator says that it does, it would be the price of the land, not that there shall be paid by any company undertaking an enterprise of this kind a charge of, say, a hundred dollars a horsepower—it is limited in the bill, it is true, to, I think, 40 cents or 50 cents, perhaps less than that——

Mr. MYERS. Twenty-five cents.

Mr. SHAFROTH. Twenty-five cents. Suppose that is true; the small amount of money charged does not determine the principle. If the Federal Government has a right to dispose of this, it has a right to exact any requirement that it may see fit to make. The charge of a hundred dollars a horsepower would conclusively show it was not for the value of the land but for the water used. The mere fact that the price is low makes it simply a sugar-coated pill which we have to take. It is an interference with the waters of the streams; the price charged is measured in water. The bill does not say that we shall charge the value of the land. That was what was said in the Shields bill, and that is the very thing which the Senator from Washington made speeches against. He wanted something charged by the Federal Government more than the value of the land, and he has got it in this bill; and that is an interference upon the part of the Federal Government with the rights of the States in this matter.

My MYERS. I desire to call the attention of the Senator to an amendment offered by the committee to section 8 of the bill as reported. The section now reads:

The Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for—

For what?

all land leased, which charges or rentals shall be based on the value of the land—

And so forth.

Mr. SHAFROTH. Well, Mr. President, I have not yet seen the amendment to which the Senator is referring. However, as a matter of fact, you invade the right of the State when you attempt to say that the power of the State shall not exist as to eminent domain, which provides for just compensation for property taken, which is always in a lump sum. The State has some right to say what shall be done with relation to a public enterprise of this kind. Eminent domain does not exist in the National Government; it exists solely and purely in the State governments. It is the right of the State to determine how these lands shall be condemned, and the Federal Government absolutely interferes with the sovereignty of the State when it attempts to provide a different mode, even if it is sugar-coated, as I have before stated.

It is a question of power, and the decisions of the Supreme Court are to the effect that the right of the United States to the water does not exist. You can not avoid the difficulty by saying that the United States owns the land and can prescribe that it shall be used in a certain way so as to deny the right of the State to the water. If you are going to be fair, you should not exercise those powers which, it seems to me, were retained to the States themselves.

Mr. CUMMINS. Mr. President, I am not thinking so much of the bill which is under consideration as I am of a statement which has just been made by the Senator from Colorado. It rather conflicts with my idea of the powers of the General Government, and I can not allow it to pass without calling it to his attention. The Senator has just said that the United States has no power of eminent domain.

Mr. SHAFROTH. Yes, sir.

Mr. CUMMINS. Does the Senator mean to say that if the United States desired to establish a post office in the State of Colorado for the transaction of its business it could not acquire the land on which to do it unless the State of Colorado consented?

Mr. SHAFROTH. Yes, sir. Let me explain——

Mr. CUMMINS. Just a moment——

Mr. SHAFROTH. When the Federal Government does that, it does it by virtue of the power of the State. It has to come in and set forth that it needs the land for a public purpose, and it invokes the power of the State. As I have said, the power of eminent domain exists in the State, and any citizen or any corporation or any other government can invoke that power, but the power is not in the Federal Government any more than it is in the individual; it is vested in the State government, which provides the machinery by which the condemnation can be made.

Mr. CUMMINS. So that the United States Government can not carry out any of its functions; it can not establish a post road or a post office or a customhouse, or perform any of the functions given to it by the Constitution, unless the State in which the function is to be performed gives its consent?

Mr. SHAFROTH. The way I have indicated is the way in which it is done. When a post office is established the Government does not take possession of the land by virtue of any inherent power in the Federal Government; it takes it by virtue of condemnation, if it wants to take it in that way, under State laws and by virtue of the authority of the State. I have a decision here which is directly in point.

Mr. CUMMINS. But the Senator from Colorado made a much broader statement than that.

Mr. SHAFROTH. I did not mean to do so.

Mr. CUMMINS. The Senator from Colorado asserts practically that the Federal Government is dependent upon the laws of the States for the execution of the powers which are given to the General Government in the Constitution. I do not believe that that is good law.

Mr. SHAFROTH. Let me read a few lines on that point right here from Pollard's Lessee *v.* Hagan (3 How., U. S., p. 223). It is a leading case which has been affirmed time and time again. I read from it as follows:

The right which belongs to the society, or to the sovereign, of disposing, in case of necessity and for the public safety, of all the wealth contained in the State is called the eminent domain. It is evident that this right is, in certain cases, necessary to him who governs, and is, consequently, a part of the empire or sovereign power. This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth article of which it is declared that "new States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned, as well as of Congress."

When Alabama was admitted into the Union on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative.

Mr. CUMMINS. Precisely. There is nothing there that conflicts with the suggestion that I make. I say that with respect to any power that is given to the United States under the Constitution it can execute that power against the will of the State, and certainly without the consent of the State. The view taken by the Senator from Colorado would mean that the United States could not march its Army across a State without its consent.

Mr. SHAFROTH. Oh, no; there are certain provisions of the Constitution which relate to that.

Mr. CUMMINS. There are none that provide for that definite thing, but simply that we have a right to maintain an Army.

Mr. SHAFROTH. There are certain rights that are granted in the Constitution to the United States; there is no doubt about that; but all of the powers given the United States in the Constitution were grants from the States.

Mr. WORKS. Mr. President——

Mr. SHAFROTH. Just let me finish this one sentence from the decision, and then I will yield to the Senator:

> And, if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

Mr. CUMMINS. Precisely; and it is inferentially granted in connection with the execution of the granted powers of the United States.

Mr. SHAFROTH. The court specifies wherein those powers are granted:

> By the sixteenth clause of the eighth section of the first article of the Constitution, power is given to Congress "to exercise exclusive legislation in all cases whatsoever, over such district, not exceeding 10 miles square, as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings." Within the District of Columbia, and the other places purchased and used for the purposes above mentioned, the national and municipal powers of government, of every description, are united in the government of the Union. And these are the only cases, within the United States, in which all the powers of government are united in a single government, except in the cases already mentioned of the temporary territorial governments, and there a local government exists. The right of Alabama and every other new State to exercise all the powers of government, which belong to and may be exercised by the original States of the Union, must be admitted, and remain unquestioned, except so far as they are, temporarily, deprived of control over the public lands.

Mr. President, it seems to me that that principle is clear, and that when it is invaded it must be by the consent of the States. Of course, if the United States Government wants to erect a post office we are all eager to get one, and the grant or cession of the site is made by the legislature invariably without any question whatever, and the land is exempted from taxation forever, but to say that eminent domain can be exercised by the United States would mean that it could absolutely own and control the State, and that could never be permitted under the dual form of government which we have.

Mr. WORKS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from California.

Mr. WORKS. The Senator from Iowa [Mr. CUMMINS] fails to distinguish between the power of eminent domain, which is a sovereign power, and the right of the Government or of anybody else to bring an action to condemn land. The two are entirely different. Of course, the Government of the United States can bring an action to condemn land in California or anywhere else for governmental purposes. There is not any doubt about that, but so may any corporation do exactly the same thing. It is not a sovereign right at all. It is simply a right to bring an action under the laws of the State.

Mr. CUMMINS. What I asserted and what I still assert is that in the execution of a granted power in the Constitution Congress can take the private property of citizens in any State for those purposes.

Mr. WORKS. I think the Senator is wrong about that.

Mr. CUMMINS. Suppose a State had not provided any plan for the condemnation of property?

Mr. WORKS. The States provide how property may be condemned within the States——

Mr. CUMMINS. But suppose a given State has not?

Mr. WORKS. And the Government may take advantage of that, just the same as anybody else.

Mr. CUMMINS. Suppose a State has not done so; suppose the State were to repeal every law relating to the condemnation of property for public use and there was no machinery provided at all for that purpose; it is impossible for me to believe that the operations of the Federal Government must cease for the reason that no State has provided a proceeding for taking private property for public use.

Mr. SHAFROTH. Why, Mr. President, the constitution of the State of Colorado, as well as the constitution adopted by every other State, had to be approved by Congress before the State could be admitted into the Union, and that expressly provides for the exercise of the right of eminent domain. The Congress of the United States could have refused to admit the State of Colorado unless such a provision were contained in its constitution.

Mr. CUMMINS. But the State of Colorado could repeal that provision at any time.

Mr. SHAFROTH. It is a constitutional provision, and further it is one of those concessions which no State has ever refused to give to the National Government. It allows it to come in as a suitor; and that gives the right which exists in the United States Government.

Mr. CUMMINS. I understand that is the way in which it is done; but it is impossible for me to conceive that the Government of the United States depends for its existence upon the remedies which may be provided in the States for the assertion of an undoubted right.

Mr. SHAFROTH. And yet, upon the other hand, if the inherent power exists, where is the clause of the Federal Constitution that gives it as a grant to the United States? It can not be pointed out; and the decision of the Supreme Court from which I have quoted says it does not exist in the Federal Government. If the United States Government has a right to exercise eminent domain, which is defined in this very decision as "the right which belongs to the society, or to the sovereign, of disposing, in cases of necessity, and for the public safety, of all the wealth contained in the State," you can readily see that the Government of the United States could wipe out a State, although this Government is the creation of the States themselves. The States never relinquished that power; they were too jealous of that right, and consequently it does not exist in the Federal Government.

Mr. WORKS. If the United States Government should acquire land in the way suggested by the Senator from Iowa it would be simply usurpation and nothing else. It must acquire title to property by legal means in this country, I hope.

Mr. SHAFROTH. Now, Mr. President, I have been diverted from the second part of my remarks.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to ask the Senator from California a question?

Mr. SHAFROTH. Certainly; I yield.

Mr. BRANDEGEE. I want to ask the Senator from California when the legislature of a State has conferred upon a public-service corporation, for instance, the right to take land for the accomplishment of the purpose for which it is chartered under a legal proceeding, does he not consider that to be the exercise of the right of eminent domain?

Mr. WORKS. Yes; but the sovereign power comes from the State.

Mr. BRANDEGEE. The sovereign power is the State.

Mr. WORKS. The sovereign power is the State in that instance, and the citizen is simply authorized to take advantage of it under certain terms and conditions by resorting to the courts.

Mr. BRANDEGEE. He is exercising the right of eminent domain as the agent of the State in that case.

Mr. WORKS. Certainly.

Mr. BRANDEGEE. I understood the Senator was trying to draw some distinction between the permission to bring a suit, as he stated, and the exercise of the right of eminent domain.

Mr. WORKS. No; not at all. I was trying to draw a distinction between the sovereign right as it exists in the State, and the right of the citizen to maintain an action to condemn land, which is quite another thing.

Mr. BRANDEGEE. As I understand, Mr. President, no citizen has a right to bring an action to condemn land unless he has been authorized by the sovereign.

Mr. WORKS. Certainly not. That is the position I am taking.

Mr. BRANDEGEE. So that there is no distinction between the right which exists and the right which does not exist at all.

Mr. WORKS. Not at all.

Mr. BRANDEGEE. Now, let me ask a question of the Senator from Colorado, to whose argument I have listened very patiently. Will he be kind enough to tell me what there is in this bill which authorizes the Government to invade the right of the State of Colorado to control the nonnavigable waters of that State?

Mr. SHAFROTH. By denying the right of eminent domain. Whenever any company or any person is legally constituted to bring a condemnation suit under the laws of the State, they have a right to have the land sought at the valuation that would be placed upon it in a condemnation suit, and whenever the Federal Government attempts to vary that right it abridges the power of eminent domain of the State. If it can say "We will require the payment of 25 cents a horsepower," it can say "We will require $1,000 a horsepower." It differs only in degree; if it has the power in one instance, it has the power in the other. It is a fact that it seizes the law of eminent domain and says, "You can not exercise the right of eminent domain which you have set forth in your statutes and in your constitution." For that reason, the pending bill is an invasion of the sovereignty of the State.

Mr. BRANDEGEE. Mr. President, I may be very dense about this thing, but I do not follow the Senator in his reply. I do not understand him. What I ask the Senator is this: The Government owns certain public lands; the Senator does not deny the authority of the Government to sell them, does he?

Mr. SHAFROTH. No; I do not deny that it owns them for temporary purpose, as stated by the decision from which I have quoted.

Mr. BRANDEGEE. Of course the Senator does not deny that it owns them, because it does own them. Does he deny that the Government has a right to sell that which it owns, namely, the public lands?

Mr. SHAFROTH. Certainly it has.

Mr. BRANDEGEE. It has that right?

Mr. SHAFROTH. Yes.

Mr. BRANDEGEE. Very well. Does the Senator deny that the Government has the right to lease its public lands?

Mr. SHAFROTH. Yes; I do.

Mr. BRANDEGEE. I get something definite now, Mr. President.

Mr. SHAFROTH. I deny that, because a leasing system means permanent holding, because a leasing system does not provide for disposing of the land. A leasing system is the best form of permanent holding that can be devised, and I say it is contrary to the spirit of our institutions. It may be an unlimited lease. The Supreme Court has decided the matter so far as the five-year lease is concerned, and it may be that in a question of that kind the court would decide to recognize the acts of Congress; but if you were to put a law on the statute books of the United States to the effect that the public land shall be leased forever, I have not any doubt that it would be declared unconstitutional.

Mr. BRANDEGEE. Whether the power to lease perpetually would be included in the power to sell I do not know. Ordinarily the greater includes the less. However that may be, there is nothing in this bill that proposes a perpetual lease, as I read the bill.

Mr. SHAFROTH. It proposes that. That, of course, is the policy.

Mr. BRANDEGEE. I do not see the word "policy" in the bill. What I see in the bill is——

Mr. SHAFROTH. There is no provision that at the end of 20 years or 50 years the leasing shall end; oh no; it is a proposition that these leases shall be extended and renewed forever and forever. That is what it means, and therefore it institutes a permanent leasing system.

Mr. BRANDEGEE. Of course, if the leases should be renewed forever and forever, I think, the tenure would be fairly permanent; but the bill, as I understand, provides an alternative. If the lease is not renewed, it provides a process by which the Government may take over the plant and the land and the fixtures which the lessee has placed there.

Mr. WORKS. Mr. President——

Mr. BRANDEGEE. Just a moment. But, as I recollect the remarks of the Senator from Montana [Mr. MYERS], yesterday or day before he referred to a decision of the Supreme Court of the United States, in which they held that the General Government had a right to lease its public land. Whether it was for a period of 5 years or 10 years would not seem to me a question upon which the Supreme Court would decide "yes" in one case and "no" in another. If they have the right to lease for 10 years, they have the right to lease for 50 years. So far as I can see, there is nothing unconstitutional in that regard in this bill.

Mr. WORKS. Mr. President——

Mr. BRANDEGEE. I can hardly yield to the Senator, because I am myself the recipient of the courtesy of the Senator from Colorado.

Mr. WORKS. I merely want to ask the Senator from Connecticut a question. Suppose under this bill the Government should lease the land for 50 years, fixing the price to be paid according to the amount of water used or the power developed, and should provide when the dam, or whatever structure may be necessary, shall be constructed, when the work shall be commenced and when it shall be completed, and the lessee takes possession under a law of that kind, does the Senator think that under the laws of California some utility corporation could condemn the land for the purposes of irrigation, for example, under those conditions?

Mr. BRANDEGEE. Mr. President, the Senator is raising a collateral question.

Mr. WORKS. No; I am not, Mr. President. I beg the Senator's pardon. That is the very issue that is involved in this bill.

Mr. BRANDEGEE. It may be one of the issues involved in the bill or one of the objections to the bill which the Senator may have in mind that the State of California may not be able to condemn the public lands of the Government which the Government has leased to somebody for a period of years. Whether they have that right or whether they do not is a matter of law, which it is not necessary to consider in connection with this bill, so far as the authority of Congress to pass it is concerned. The fact, Mr. President, that under section 8 the "charges or rentals for the land leased may, in the discretion of the Secretary, be measured by the power developed and sold" is no argument at all against the power of Congress to lease the land. They could well say that the amount charged for the lease of the land shall be based upon its availability for a water-power site, or upon its availability for anything else; and they can put into the lease, if they have a right to lease the public lands, any conditions that they have a mind to, or that the two parties have a mind to contract for, as to how a dam shall be built, or how power shall be distributed. If the permittee or the lessee has a mind to agree to those conditions, it is nothing but a matter of contract between the parties, as it seems to me.

Mr. WORKS. Mr. President, the Senator has not quite answered my question, because he has not included in what he has said all of the conditions that are embraced in the question. I think, however, the Senator is utterly mistaken in the view he takes that the Government may, by a mere condition in a lease, deprive a State of its sovereign power to control the waters of the stream; and that is precisely what they are attempting to do. It has been insisted upon heretofore, when we were discussing the other bill, that that might be done; but I think the Senator is mistaken in respect to that particular feature of the bill.

Mr. BRANDEGEE. Of course I may be mistaken as to all of them. I do not know. I simply have an opinion about it. I say because the bill provides that the compensation or lease money for the land may, in the discretion of the Secretary, be determined by the number of horsepower developed on the water which flows by the land, that is a reasonable rule, if Congress wants to make it, for the determination of the lease money. The fact that it says that does not at all constitute an invasion upon the right of the State to control its own water power. In fact, the bill in two sections distinctly provides that the lessee must have first obtained from the State the right to exercise whatever rights he is going to exercise in the water power. The Government owns the land by the water and says: "We will lease to that man." Now, I can not see what there can be unconstitutional about that.

Mr. WORKS. The Senator entirely overlooks the fact that the matter of fixing the rates that shall be charged for the use of the water, whether it be for the development of power or for irrigation or for anything else, is a power that rests with the State. Here is an attempt to fix the value of the water that is to be used upon the basis of the amount of power that it will develop, which is a distinct invasion of the rights of the State.

Mr. SHAFROTH and Mr. MYERS addressed the Chair.

Mr. BRANDEGEE. There is no right of the State involved. A contract is being made between the United States Government and an individual or a municipality for the lease of real estate; and the two parties agree that one of them will pay, as rental for that real estate, an amount to be determined by the number of horsepower to be developed by the water in an adjoining stream. They might just as well agree, and could legally agree, that the rent should be determined by a board of appraisers upon the basis of the population of the State, if they had wanted to do so.

Mr. SHAFROTH. No; let me call the attention of the Senator to the fact that while he is talking about the two contractual parties, he entirely overlooks the State. The State has an interest here, and it has the power to say that in certain proceedings certain rules shall be followed in determining what the land is worth.

Mr. BRANDEGEE. The bill leaves the State just where it stands now, as I read the bill, because the bill provides that the Secretary of the Interior can not lease the public lands under this bill except in accordance with the laws of the State where the lands lie, and that they can not be leased by anybody who has not obeyed the laws of the State as to the use of the waters within that State. How can that constitute an invasion of the powers of the State to control the water?

Mr. SHAFROTH. Let me ask the Senator from Connecticut a question. Suppose, up in the State of Connecticut, the United States Government should buy a tract of land of, say, 300 acres, a natural water-power site. Can it be possible that when a person should want to improve that water-power site and construct a power plant there, the United States could step in and say: "I require so much per horsepower that may be generated there, and if you do not pay that you can not erect the plant"?

Mr. BRANDEGEE. Why, Mr. President, if the United States should buy land in the State of Connecticut, it would have all the rights to the use of that real estate that a private proprietor would have.

Mr. SHAFROTH. Certainly.

Mr. BRANDEGEE. The Senator is aware that the laws as to water rights in the Eastern States are entirely different from the laws as to water rights in the semiarid States.

Mr. SHAFROTH. Not with respect to that.

Mr. BRANDEGEE. Absolutely so.

Mr. SHAFROTH. The Government owns these lands in the State of Colorado as a proprietor only, and does not exercise any sovereignty over them. Consequently it is just the same as if it were to buy 300 acres on the Connecticut River and a person should come by and say, "I want that land for a power site." Is it possible that the United States Government could say: "I will not let you have it unless you give me a certain percentage of the water that flows by here"? Why, certainly not. It has only the rights of an individual. Therefore this bill, which attempts to make its rights different, invades the sovereignty of the State, and it should not be permitted to do it.

Mr. BRANDEGEE. Mr. President, I repeat that if the United States Government buys land in a New England State it has just the same rights—no more and no less—that a citizen would have. The citizen in the Senator's State has no such rights in the nonnavigable waters flowing over the lands which he owns as the citizen does in my State.

Mr. SHAFROTH. Oh, yes.

Mr. BRANDEGEE. Well, I say, oh, no.

Mr. SHAFROTH. So far as this right of condemnation is concerned, he has.

Mr. BRANDEGEE. I am not talking about condemnation.

Mr. SHAFROTH. Of course, the question as between riparian owners does not affect this question in any way whatever.

Mr. BRANDEGEE. In the Senator's State the State controls the waters.

Mr. SHAFROTH. Certainly.

Mr. BRANDEGEE. The proprietor does not. In my State the proprietor owns to the center of the stream. If the stream is on his own land, he has the right to dam it up without saying anything to the State. He has the right to use it for domestic purposes and for power purposes. The rule is entirely different in the Western States; but that is a side issue. That has nothing to do with this matter.

Mr. SHAFROTH. Then is it possible that in order to establish a water-power plant in the Senator's part of the country it becomes necessary to condemn the right of every person along the river, from the source to the mouth?

Mr. BRANDEGEE. Why, Mr. President, you can not dam up a stream in my State to make an ice pond without compensating the proprietors lower down on the stream for whatever water you hold back from them.

Mr. SHAFROTH. I will state to the Senator that every one of the States that is to be the subject of this bill has the rule as it exists in my State, and not as it exists in the Senator's State.

Mr. BRANDEGEE. I agree to that, and I agree that it is perfectly immaterial. The Senator is lugging in the law about the New England water rights, which has nothing to do with this bill. I did not bring it in. I say to the Senator that under the terms of this bill, as I read it and in my opinion, every State will have the control of its waters after the passage of this bill just as much as it does now.

Mr. SHAFROTH. Oh, no; it will not.

Mr. BRANDEGEE. Only the United States, having leased a piece of land bordering upon a stream in a semiarid State, collects as rent, by agreement with the lessee, a sum which may, under the language of the bill, in the discretion of the Secretary of the Interior, be equivalent to so much a horsepower as developed by the power plant that is located there. The fact that you refer to the number of horsepower that may be developed as a possible measure of the rental money under a lease of real estate can not, it seems to me, be construed by any clear-minded man as an invasion by the United States of the water rights of the State.

Mr. SHAFROTH. Why, the Senator admits the power that he claims exists, regardless of whether it is double or treble or quadruple the value of the land. Now, if that is true, we are absolutely changing the power of eminent domain, which says that the value shall be as fixed under the procedure of the State and as defined by the State; and whenever we do that we are taking away the sovereignty of the State.

Mr. BRANDEGEE. It is not a question of eminent domain. It is a question of how much the lessee shall pay to the United States Government. There is no condemnation proceeding whatever involved. In the case suggested by the Senator from California [Mr. WORKS], a supposititious case, he asked what would be the situation if, after the power plant had been built upon the land leased by the Government to the person who had previously obtained from the State of California the right to use the water, California as a State wanted to come in and condemn the whole property, the land owned by the Government, subject to a lease to a citizen who had the right under the laws of California to use the water. That is a question which I would want to look up, perhaps, before I answered it. Perhaps the Senator has looked it up.

Mr. WORKS. The Senator from Connecticut is quite right in saying that the Government of the United States has the right to make such a contract as it desires to make respecting this land by way of lease, if that is not in violation of the Constitution, or by way of sale, just the same as any private individual can do, and to no greater extent. It is simply a proprietary owner of the land. As such, in these irrigated States it has no control over the water. It has not even any riparian rights. Now, if a private individual under those circumstances should execute a lease of this kind, and impose the conditions that are imposed in the lease, he could make it, unquestionably, but those provisions would be absolutely void. That is precisely the condition where the Government undertakes to deal with it in the same way. These provisions, undertaking to control the use of the water by the State, while they may be contained in the contract of lease, are absolutely void as against the State or anybody who seeks to obtain title to the water under the laws of the State.

I think the Senator from Connecticut has overlooked that feature of the situation in dealing with this question of the right of the Government to impose conditions. It has a right to impose such conditions as are not in conflict with the laws of the State. It has no right to impose them if they are in violation of the laws of the State.

Mr. BORAH. In other words, any contract which the Government makes with reference to its land is the same as if John Doe or Richard Roe should go in, owning that land, and make the same contract. It is subject to the laws of the State and to the direction of the State.

Mr. BRANDEGEE. I have assumed that the laws of the State have been complied with, under the terms of the bill, before the Government makes the lease to the party.

Mr. SHAFROTH. They have not been complied with under the procedure of eminent domain.

Mr. BRANDEGEE. I do not like to have the gory locks of that spectre shaken at me again, because I am not talking about eminent domain.

Mr. WORKS. Mr. President, the question of eminent domain, of course, is not the only question involved here. Now, I am perfectly satisfied that under the laws of the State of California it would be utterly impossible to comply with these conditions. Then what would you do?

Mr. BRANDEGEE. I should say that the Senator would not be damaged at all if that was the case.

Mr. WORKS. Still, the law itself may be void in its terms if it attempts to do that; and certainly Congress does not want to do that.

Mr. BRANDEGEE. If the conditions of a lease are impossible of execution, I suppose the lease would be set aside; but what has that to do with the question? What conditions are impossible of execution in the State of California under this bill?

Mr. WORKS. For instance, it is required that before the construction of the works can be begun the law of California must be complied with, and the right to take out the water must be acquired. Under the laws of California, all that you can do is to get a permit in the first instance to take out the water, and to construct the necessary dams under that statute; and the party gets no right at all to the water until the con-

struction is actually completed and approved by the State authorities. Therefore, it is utterly impossible for the laws of the State of California to be complied with before this work commences.

Mr. BRANDEGEE. Then I should think clearly the bill could not operate in the Senator's State.

Mr. POINDEXTER and Mr. WALSH addressed the Chair.

Mr. SHAFROTH. I think the Senator from Washington rose first. I will yield first to him, and then to the Senator from Montana.

Mr. POINDEXTER. I simply wished to comment on the Senator's statement that Congress has no power, under the constitutional term "dispose of * * * the territory or other property belonging to the United States," to lease the public lands.

Mr. SHAFROTH. Oh, there was a decision rendered in the Missouri case about 1846 or 1847 which held that the United States did have a right to lease; that it was not a determination to dispose of the land, and it was a five-year lease. It was a case involving the lead mines in Missouri. Senator Benton was the man who fought the leasing system in those days, and he carried it to the extent of becoming counsel in the case in the Supreme Court of the United States.

Mr. POINDEXTER. Yes. I want to quote just a word from what Mr. Benton said in that case to show that the identical argument which the Senator from Colorado is making now was made then. I read from the case of The United States, plaintiff in error, against John P. Gratiot, et al., defendants in error, reported in Fourteenth Peters, at page 526. I read first from the argument of counsel for the defendant, Mr. Benton, on page 532:

> The position has been assumed by the Attorney General that the United States may enter into the broad business of leasing the public lands, and, by consequence, that the President may have as many tenants on the public lands of the United States as he shall desire; that he may lease in perpetuity, and have those tenants to the extent of time. Such a power is solemnly protested against.

That is quite parallel to the attitude of the Senator from Colorado.

Mr. SHAFROTH. Yes; I have made a protest or two.

Mr. POINDEXTER. Mr. Benton proceeded:

> No authority in the cession of the public lands to the United States is given but to dispose of them and to make rules and regulations respecting the preparation of them for sale, for their preservation, and their sale.

The Supreme Court in deciding the case uses this language, at page 538. I will read only a line:

> The words "dispose of" can not receive the construction contended for at the bar; that they vest in Congress the power only to sell and not to lease such lands. The disposal must be left to the discretion of Congress. And there can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within their borders, as has been so strenuously urged in the argument.

Mr. SHAFROTH. Yes. Now, Mr. President, nearly all of these decisions refer to this exercise of ownership of the public lands of a temporary nature, as is contained in this later decision. The statement is made that it is for a temporary purpose.

> The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

That is the situation. Not only that, but time and again, in decisions of the Supreme Court, this right of the Government is considered a right to hold the lands in trust for the people until disposed of; and for 125 years the policy has been to dispose of them, and not to lease them. Consequently, if there was nothing else but a construction of the past acts of Congress with relation to the disposition of the public lands, together with the fact that we were brought into the Union by an enabling act confirming the rights of the various States as being upon an equal footing, that would show that there has been such a construction placed upon that expression in the Constitution, "dispose of," as indicated sale or parting of title, and consequently, with that construction, Colorado was admitted into the Union. Is it possible, under those circumstances, that it is right for the Government to change it? Is there not an implied contract upon the part of the Government, even if it were not in violation of the Constitution, to adhere to that principle that existed at the time Colorado consented to become a State of the Union?

Mr. WALSH. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Montana.

Mr. WALSH. I thank the Senator from Colorado, although it may bring neither comfort nor satisfaction to him. I desire to say to the Senator from Connecticut [Mr. BRANDEGEE] that, in my humble judgment, the views expressed by him concerning this matter are eminently sound and the arguments advanced are altogether unanswerable. It is exceedingly gratifying that a lawyer from the East, having listened to the discussion of this question, takes so readily the view of it that he has announced.

Mr. BRANDEGEE. If the Senator will allow me, I should like to ask the Senator from Idaho a question bearing on that matter.

Mr. POINDEXTER. Certainly.

Mr. BRANDEGEE. Does not the Senator from Idaho think that the Government has a right to lease these public lands?

Mr. BORAH. I have not any doubt about that, at least for a limited period.

Mr. BRANDEGEE. What does the Senator complain of in this bill, then?

Mr. BORAH. I complain, in the first place, that it is a leasing system; that as a matter of policy it is wrong, because it is a leasing system. Let us suppose that the little State of Connecticut——

Mr. BRANDEGEE. Just a minute.

Mr. BORAH. Wait just a moment.

Mr. BRANDEGEE. I agree that people can well differ about that; but, I mean, what does the Senator claim there is illegal or unconstitutional in the bill?

Mr. BORAH. I have not yet discussed that question at all.

Mr. BRANDEGEE. Oh, very well.

Mr. BORAH. But here is the proposition: As a practical proposition, suppose that the State of Connecticut, like the State of Idaho, had 82 per cent of its entire area under the control of the National Government, and suppose that a leasing system were being introduced in the National Congress which had for its ultimate object the holding of that 82 per cent in the control of the National Government for all time to come. As a matter of policy it reaches almost to the dignity of a constitutional question, because in effect it deprives us of Statehood. It deprives us of the ability to build up those institutions which are indispensable to Statehood. As a practical proposition, it transfers the local affairs, the local conditions, and our local institutions to control at Washington. It is in violation of the entire spirit of our dual form of government. It destroys local self-government without which we can have no States. It is a vicious policy and its constitutionality involves other and graver constitutional questions than the mere power of the National Government to lease lands.

Mr. BRANDEGEE. Mr. President, I am perfectly familiar with that objection to this class of measures. The Senator's former colleague, Senator Heyburn, felt very deeply about that subject, principally in relation to the subject of forest reserves, and the amount of lands that were withdrawn for that purpose.

I appreciate the difficulty under which the western Senators labor when they picture that large portions of their States are to be withdrawn for years—and in some cases forever—from taxation, and so forth; but I was not discussing those subjects. I think I would sympathize very much with the Senators who are situated in those States in their views on the wisdom of that policy. I supposed, however, that the objections which were being made to this bill were legal and constitutional, and I was looking at it solely with that in view.

Mr. BORAH. I do not mean to say that there are not legal and constitutional questions involved in the matter, because, ultimately, by the processes provided for in this bill, the National Government does come to own these power plants and the water rights which are attached to them. If the lease expires and the Government takes over the property, and so forth, the Government, through a process which we claim is not constitutional, comes ultimately to own these properties and to control them and to prevent our developing in the way that the local authorities might seem to think best for the purpose of development.

Mr. BRANDEGEE. I see that, of course. I was not discussing that at all, however.

Mr. SHAFROTH. I expect to treat this question from a practical standpoint, if I can get to it.

Mr. MYERS. Mr. President, I should like to ask the Senator from Colorado a question.

Mr. SHAFROTH. I yield to the Senator from Montana.

Mr. MYERS. If this bill should provide that the compensation for the use of the land should be regulated by the amount of cubic feet per second which flows past in a stream, would that be any invasion of the rights of the State over the control of the waters?

Mr. SHAFROTH. Why, that is practically the way measurements are made.

Mr. MYERS. But if this bill should provide that the rental price of the land should be fixed according to the number of cubic feet per second of water that flow by in a stream, would

that be any invasion of the rights of the State to control the water?

Mr. SHAFROTH. I think so, because the State has prescribed another way of ascertaining the value of the land.

Mr. MYERS. If the bill should say that if a thousand cubic feet per second flow by the land it shall be worth ten times as much as if a hundred cubic feet per second flow by the land, would that be any infringement on the rights of the State?

Mr. SHAFROTH. Yes; because——

Mr. MYERS. I can not see that at all.

Mr. SHAFROTH. Because the State has prescribed a certain measure of value in condemnation proceedings; and whenever you attempt to set up a different measure, whether it is for the benefit of the State or to the detriment of the State, it is an invasion of the right. If the State says they can get land upon payment of just compensation, that is the requirement, and it must not be measured by what the stream is worth or how much the water is worth.

Mr. MYERS. It must not have anything to do with the stream?

Mr. SHAFROTH. No, sir; because the State has the power of eminent domain, and if it waives that, or if it is superseded by the National Government prescribing another way of doing it, it is an invasion of the sovereignty of the State.

Mr. MYERS. All right. Now let me ask the Senator another question. Suppose this bill becomes a law just as it is, and suppose the Legislature of the State of Colorado enacts a law providing that nobody shall be allowed to appropriate any water of the flowing streams of that State for the purpose of generating hydroelectric power in connection with land leased from the Federal Government, nor shall any of the waters be so used, and forbids any man from appropriating any of the waters of a stream to be used under a lease in this bill. Would that law be effective?

Mr. SHAFROTH. Why, certainly not, because the constitution of the State of Colorado prescribes absolutely that the waters shall be used for this purpose.

Mr. MYERS. Then this is no invasion of your constitutional rights?

Mr. SHAFROTH. Oh, no. Here is the invasion of them: We have the power of eminent domain. The Federal Government has not the power of eminent domain. When we have a law of eminent domain, if the Federal Government comes in and says that such another mode of procedure or such another way of ascertaining the value shall exist in that State, it is an invasion of that right.

Mr. MYERS. The Senator always gets off on the right of eminent domain. That has nothing whatever to do with the question.

Mr. SHAFROTH. I think it has. I think that is the measure.

Mr. MYERS. Suppose a citizen of the State now has the right of exercising the power of eminent domain on United States lands: Can this bill take it away, or lessen that right in any degree?

Mr. SHAFROTH. It evidently practically takes it away as to the United States Government.

Mr. MYERS. Can you not condemn subject to the lease?

Mr. SHAFROTH. Why, you would never make any headway against the Government.

Mr. MYERS. But in the case of anybody who wanted to condemn, you would not take away the right?

Mr. SHAFROTH. Oh, no. You would find that it would cost so much that it would be impossible to condemn; but if you want to do what this bill is intended to accomplish—namely, that you shall get a revenue out of the waters of the State—that is just what you are doing.

Mr. MYERS. Why, the bill expressly disclaims that.

Mr. SHAFROTH. Oh, yes; it disclaims it, but it makes it so that nothing can be done unless that charge is made. If you were to pass such a law as that, and say in direct terms that the United States Government shall get a revenue out of the water, you would find that no one would agree that such an act would be constitutional; and yet in effect, indirectly, you are doing that identical thing.

Now, I want to call attention, if I may resume where I left off before the interruption, to this decision in Kansas versus Colorado. I explained the nature of the decision, and I want to read from page 92 of Two hundred and sixth United States Reports:

> As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same—no greater and no less—than those within the limits of the original 13, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation.

Now I wish to read a little paragraph at page 93:

> But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

And again, on page 94:

> Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce. * * * Sometimes large areas so reclaimed are occupied—

And so forth.

That does not bear upon the question.

Mr. President, it seems to me this decision in the case of Kansas against Colorado, which says that the ownership of the Federal Government with relation to water is identically the same as the ownership of it in the New England States or in the Original Thirteen States, ought to make it clear that the Federal Government has no right directly to make any tax or interfere with the policy of the State as to the water, and whenever it undertakes a leasing system prescribing compensation for property taken in violation of the eminent domain of the State it seems to me that it is doing not only what is wrong but which, if expressed in clear language as the intent and meaning of this act, would be unconstitutional. It may be that its wording may be in such an indirect manner that the court would not declare it to be unconstitutional, but it seems to me that it would and must if the direct meaning of the act could be clearly shown to be the purpose of the bill.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Colorado yield to the Senator from Iowa?

Mr. SHAFROTH. Yes; I yield to the Senator.

Mr. CUMMINS. I recognize that the point we were discussing a few moments ago is not very relevant to the bill, but I am sure the Senator from Colorado desires to be right in the matter, and I want now to ask him to examine three rather recent cases of the Supreme Court of the United States which I shall cite to him, all of which hold directly that the United States has the sovereign power of eminent domain to carry out any power that is granted to it in the Constitution.

Mr. SHAFROTH. Yes; any governmental power.

Mr. CUMMINS. Any governmental power. Of course it has no power to exercise the right of eminent domain in order to effectuate its purposes merely as a proprietor.

Mr. SHAFROTH. There is no governmental power to take any water.

Mr. CUMMINS. I agree with the Senator from Colorado about that, but I was concerned with the principle which he announced with respect to the power of the General Government. The cases are Kohl against United States, in Ninety-first United States, at page 371; Fort Leavenworth Railroad Co. against Lowe, in One hundred and fourteenth United States, at page 531, and the Cherokee Nation against The Kansas Railway Co., in One hundred and thirty-fifth United States, at page 657. The only reason why I asked the Senator from Colorado the question is because I think it is intimately connected with another proposition which he made yesterday, in which I concur with him, namely, I think the State of Colorado has the right to condemn the public land of the United States within the limits of Colorado which is not being used for some governmental purpose, and these two things are rather closely connected with each other.

Mr. SHAFROTH. What is the page of the last decision, please?

Mr. CUMMINS. The page from which I would read, if I were citing the case to a court, is page 641.

Mr. SHAFROTH. Thank you.

Mr. SUTHERLAND. Has the Senator from Iowa among the cases the one which involved the condemnation of land forming part of the battle field of Gettysburg?

Mr. CUMMINS. No. I supposed that, of course——

Mr. SUTHERLAND. That is an exceedingly strong case.

Mr. CUMMINS. That would be a very strong case in favor of the proposition I made. I did not suggest that, because I have always been gravely in doubt whether the purpose of taking property there was a purpose within a grant in the Constitution.

Mr. SUTHERLAND. The Supreme Court held that it was.

Mr. CUMMINS. It held that it was, and that the United States could condemn it.

Mr. SUTHERLAND. I did not suppose that there was any doubt about the power.

Mr. CUMMINS. It was denied a few moments ago that the United States had any power of eminent domain as a sovereign power, and that it could not go into any State against the will of that State and take property for any governmental purpose.

Mr. SHAFROTH. I should like to cite to the Senator from Utah, if he doubts this proposition, the statement concerning the matter in Pollard's Lessee versus Hagan. All the proceedings by the United States are under and by virtue of the laws of the State, and this goes upon the theory that there is no delegated power which gives the right of eminent domain to the United States, and that therefore it does not possess it; but the Federal Government in the exercise of any of its functions to acquire land for peculiarly governmental purposes has a right to condemn under the very laws of the State, and those laws have been required in the constitution of every State which has been admitted into the Union.

Mr. SUTHERLAND. It seems to me the General Government may exercise the right of eminent domain to acquire lands whenever that is necessary to enable it to carry out any governmental purpose.

Mr. SHAFROTH. Certainly.

Mr. SUTHERLAND. And when it does it exercises its own power. It does not condemn under the laws of the State. It is one of the powers that are included in the general clause of the Constitution, which confers the so-called implied power to pass laws necessary to carry into execution the granted powers. Whenever the General Government has the power to do any particular thing, it has as an incident to it all the necessary subsidiary power, and it has it as a matter of its own right and not by virtue of the laws of some State, as I understand it.

Mr. SHAFROTH. Of course there is not any doubt but that the Federal Government has the right in things that are governmental to exercise not its sovereign power of eminent domain, but the sovereign power of the State in eminent domain. Let me read this decision.

Mr. SUTHERLAND. Let me call the Senator's attention to the case I spoke of a moment ago; that is, the Gettysburg case. What was done there in the way of condemning and taking land was done under an act of Congress.

Mr. SHAFROTH. Certainly.

Mr. SUTHERLAND. Not under the law of the State of Pennsylvania, where the battle field is situated.

Mr. SHAFROTH. I do not know whether the act of Congress prescribes what should be done, but I want to call the Senator's attention to this very decision. It seems to me that it is so clear there can not be any doubt about it:

> The right which belongs to the society or to the sovereign of disposing in case of necessity and for the public safety of all the wealth contained in the State is called the eminent domain. It is evident that this right is in certain cases necessary to him who governs, and is consequently a part of the empire or sovereign power. (Vat. Law of Nations, sec. 244.) This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth article of which it is declared, that "new States may be admitted by the Congress into this union, but no new State shall be formed or created within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned, as well as of Congress.
>
> When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted—

For temporary purposes.

Mr. President, we get confused in regard to the United States attempting to condemn something. It is not condemning something by virtue of its power of condemnation. It is condemning it by reason of the fact that it is for a public purpose, just like an individual or a company must condemn for something within the charter of the company, and it has a right to exercise the eminent domain of the State for that purpose. But evidently that decision is very plain.

Mr. CUMMINS and Mr. SUTHERLAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and if so, to whom?

Mr. SHAFROTH. I yield first to the Senator from Iowa.

Mr. CUMMINS. I only have to say that there is nothing in these later opinions in conflict with the case from which the Senator from Colorado has just read, when they are examined closely.

Of course the United States has no power of eminent domain with respect to the municipal affairs of the State of Alabama, and, of course, the State of Colorado has the entire sovereignty in eminent domain so far as her laws and her sovereignty are concerned. But the proposition laid down in these cases is that when the Constitution has granted to the Federal Government a certain power or function, then with regard to that function the Federal Government is supreme; it has all the attributes and characteristics of sovereignty, and can employ all the powers of sovereignty, including that of eminent domain.

There are two of the cases to which I have called the Senator's attention in which the right of eminent domain has been granted by Congress. In one of them Congress granted a right of way across the Cherokee Indian lands and granted to the railway company which was to occupy the right of way the power of eminent domain. Another case arose in Minnesota where another had granted the power of eminent domain, and the suit was prosecuted in the courts of the United States, without any respect to, or any authority from, the laws of the State.

I beg the Senator's pardon for injecting this in his speech. I recognize that it is not very material to the argument he is making, but I think we ought to keep our views with regard to the power of the United States as straight as we can, and not to judge or determine the merits of this bill upon a false conception with regard to the supremacy or sovereignty of the United States.

Mr. SHAFROTH. Mr. President, I will examine the authority to which the Senator has referred; but if the power of eminent domain exists in the National Government, would it not exist to the full extent that it may be desired to exercise it for a governmental purpose?

Mr. CUMMINS. Precisely; for no other purpose. It must be limited to the accomplishment or carrying out of a power that is granted by the States to the General Government.

Mr. SHAFROTH. Now, suppose, Mr. President, that the Congress of the United States should say that we want all of Colorado as a military reservation. That is within the power of the Government to exercise for the purpose of exercising its right to designate and to acquire things for governmental purposes. But suppose it should say we will acquire all of Colorado. You can wipe out a State if that power of eminent domain exists in the Federal Government.

There is confusion, it seems to me, upon the part of Senators who have disputed this proposition as to where the power of eminent domain exists. It exists in the State. It does not exist in the Federal Government, but the Federal Government can appeal and in the process of the eminent-domain power of the State acquire anything it wants for governmental purposes. But it can not wipe out a State. If it has this power of eminent domain, it has it against the State. The State has never ceded it to the Federal Government, and inasmuch as this decision which I have read in Kansas against Colorado says that unless it is in the grant it does not exist in the Federal Government, for that reason it seems to me, as to this power of eminent domain, it is an important matter now to determine as to whether the Government can take that which exists owned by the State and thus cripple the State's power of eminent domain over the waters of a State.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Delaware?

Mr. SHAFROTH. I yield to the Senator.

Mr. SAULSBURY. Has the Senator considered in connection with the argument he has just made the limitation upon the power of the United States respecting "the erection of forts, magazines, arsenals, dockyards, and other needful buildings" contained in section 8 of Article 1 of the Constitution?

Mr. SHAFROTH. Certainly I have, and unquestionably the question is not whether the United States can exercise the power of eminent domain of the State for the purpose of acquiring that. It can. There is no doubt but that the Federal Government can appeal to the State and to the procedure of the State, where certain rules and regulations are prescribed, and acquire a site there. It can do that.

Mr. SAULSBURY. With the consent of the legislature.

Mr. SHAFROTH. With the consent of the legislature.

Mr. SAULSBURY. Precisely.

Mr. SHAFROTH. But it requires the consent of the legislature; and that very fact shows that the power of eminent domain does not exist independently in the National Government itself.

Mr. SAULSBURY. I will state to the Senator from Colorado that my interruption was a friendly one, as I had not heard him discuss that provision. It seems perfectly applicable to the present stage of the discussion.

Mr. SHAFROTH. Yes, sir. I thank the Senator very much.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. SHAFROTH. I yield.

Mr. CHILTON. In the case of Fort Leavenworth Railroad Co. v. Lowe (114 U. S., p. 531), in disposing of this very question, the Supreme Court says:

> The General Government is not dependent upon the caprice of individuals or the will of State legislatures in the acquisition of such lands as may be required for the full and effective exercise of its powers.

I have run that down, and I will assure the Senator from Colorado that there can not be any doubt about it. It has been discussed and the proposition of law is exactly as stated by the Senator from Iowa [Mr. CUMMINS]. The reasons why the courts have so held are fully set forth in the decisions. I did not want to interrupt the Senator, but there is no question in the world but that the Supreme Court has settled the docrine just as I have read it.

Mr. SHAFROTH. Well, the Senator from West Virginia has heard the comment which I made just a while ago from the decision in Third Howard, in which it was directly stated that the Government had no power of eminent domain inherent in itself; and unquestionably that is settled by the decision in the case of Kansas against Colorado, to which I referred and which was a recent decision, more recent even than the one from which the Senator from West Virginia has just read. It seems to me that it is very plain and clear. In that decision, Two hundred and sixth United States Reports, page 46, it is stated:

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment of the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people, and that if, in the changes of the years, further powers ought to be possessed by Congress, they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream, that the full control over those waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed, without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

Mr. SUTHERLAND. Mr. President, I understood the Senator from Colorado a moment ago, in a colloquy with the Senator from Delaware [Mr. SAULSBURY], to assent to an assertion made by the Senator from Delaware, that the Government of the United States could not condemn a site for a post office in a State without the consent of the State. Did I understand that statement correctly?

Mr. SHAFROTH. I am inclined to think that is correct. It is always done; I know that.

Mr. SUTHERLAND. Mr. President, I think both Senators are confusing the question of the power of eminent domain with the question of jurisdiction over the land which constitutes the site after it may be acquired by the General Government. Before the General Government can exercise exclusive jurisdiction over the land which it has acquired for a post-office site it must have the consent of the State.

Mr. SHAFROTH. There is no doubt of that.

Mr. SUTHERLAND. But if the United States has the power to build a post office, which undoubtedly it has——

Mr. SHAFROTH. Yes.

Mr. SUTHERLAND. Then it has necessarily every subsidiary power that may be necessary to enable it to acquire the site for the post office.

Mr. SHAFROTH. I have not any doubt that the United States——

Mr. SUTHERLAND. Just a moment. If the Senator from Colorado is right, that the United States Government must obtain the consent of the State before it can do that, then it exercises its power at the sufferance of the State, and the State may prevent it if it passes appropriate legislation. Now, if the Senator will permit me——

Mr. SAULSBURY. May I suggest that I made no such statement as that attributed to me by the Senator from Utah?

Mr. SUTHERLAND. That is set at rest, it seems to me, by the decision, which I called attention to a moment ago, in the Gettysburg case.

Mr. SAULSBURY. If I may interrupt the Senator, I wish to say that I made no such assertion as that attributed to me by the Senator.

Mr. SUTHERLAND. I perhaps misunderstood the Senator, but I understood that that was his statement, and that the Senator from Colorado assented to it.

Mr. SHAFROTH. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me a moment——

Mr. SHAFROTH. I wish the Senator to bear in mind that the Government has, by reason of its right to build post offices under the eminent-domain act of the State, a right to come in and condemn; it does not require an act of the legislature, except to cede jurisdiction.

Mr. SUTHERLAND. No.

Mr. SHAFROTH. But it does seem to me that it is exercising the power of eminent domain when it is going into a State.

Mr. SUTHERLAND. No; Mr. President, I can not assent to that. The Government of the United States, when it exercises the power of eminent domain to carry out one of its legitimate functions, exercises that power under the Constitution of the United States. If it has the power to do a thing, it has impliedly all subsidiary powers which are necessary to enable it to effectuate the power which is conferred.

Let me read the Senator what was said in the case of the United States against Gettysburg Electric Railway, a case to which I directed attention a moment ago. It is reported in 160 United States. I will read from page 680.

> Upon the question whether the proposed use of this land is a public one, we think there can be no well-founded doubt. And also, in our judgment, the Government has the constitutional power—

That means the power under the Constitution of the United States, not under some State constitution or under the laws of some State—

> The Government has the constitutional power to condemn the land for the proposed use. It is, of course, not necessary that the power of condemnation for such purpose be expressly given by the Constitution. The right to condemn at all is not so given. It results from the powers that are given, and it is implied because of its necessity and because it is appropriate in exercising those powers.

Nothing could be clearer or more explicit than that.

Mr. SHAFROTH. I do not think anything could be more explicit than the language which I have read, which has been approved time and time again. I will read it once more:

> And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State.

It seems to me, Mr. President, that that is a clear authority, and it has been approved in any number of cases, and it is one of the leading cases in the United States.

Mr. President, it seems to me that it is clear from these decisions—and we have been diverted by a discussion of the question of eminent domain—that the Government of the United States possesses no ownership in the waters of nonnavigable streams, and, under the case in Third Howard cited by me, I expected to invoke the principle that the United States Government had no right by any indirect method to do that which it could not do directly. I was interrupted by the Senator from Iowa [Mr. CUMMINS], because of a statement which I had made, and the discussion has traveled somewhat afield from the original proposition, but I believe that the authority is plain and clear and recognized by all that if the United States should attempt to lease, in a State, the waters of a nonnavigable stream, it would be held to be an absolutely unconstitutional act on its face, and that the Supreme Court of the United States would so declare. Under the pending bill the United States seeks to do indirectly what it can not do directly. That being the case, it seems to me this bill is in effect, although couched in words which might by liberal construction bear the intent and interpretation that it was not designed to effectuate that kind of Federal control, in violation of the Constitution. It may be that because of the indirect language used it might not be so held by a court, just as the courts have held that the Government can lease for a limited period of time; but I have no doubt that if land were attempted to be leased forever, so as to prevent the opportunity of sale, and if that should be stated to be the policy of the Government to lease its lands forever, it would be declared by the Supreme Court of the United States unconstitutional, because the Constitution provides that public lands shall be disposed of, and leasing forever

is not a disposition, but is a permanent holding. I will resume the discussion of the provisions of the bill to-morrow.

Mr. SMOOT. I inquire if the Senator from Colorado desires to proceed further this afternoon? The hour is rather late.

Mr. SHAFROTH. I would prefer, if it be agreeable to the Senate, to suspend at this time and yield for an adjournment.

MILITARY PREPAREDNESS.

Mr. McCUMBER. I desire to give notice that to-morrow morning, immediately after the close of the routine morning business, with the permission of the Senate, I shall submit some remarks on certain phases of the so-called preparedness program.

Mr. MYERS. Mr. President, in relation to what the Senator from North Dakota has just said, I favor taking a recess until to-morrow. He could, however, deliver his remarks immediately upon the meeting of the Senate at the expiration of the recess with the unfinished business pending. The taking of a recess would not prevent him from making his remarks.

Mr. CHAMBERLAIN. I hope the Senator from Montana will not move a recess. I desire to report the military reorganization bill, if I can get the opportunity to do so, to-morrow morning.

STATUE OF HENRY MOWER RICE.

Mr. CHILTON. From the Committee on Printing, I desire to make a report on Senate concurrent resolution 16, and I ask unanimous consent for its immediate consideration. It is in the usual form, it is according to custom in every way, I understand, and I should like to have it now considered.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent for the present consideration of a resolution which he reports from the Committee on Printing. Is there objection?

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator object to receiving the report?

Mr. PITTMAN. I want to know what the request is.

Mr. CHILTON. It is simply a report from the Committee on Printing regarding the printing of the proceedings in Congress upon the acceptance of the statue of Henry Mower Rice, of Minnesota.

Mr. PITTMAN. I have no objection.

Mr. SMOOT. Is it the usual resolution in such cases?

Mr. CHILTON. It is the usual resolution.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Printing with an amendment, in line 7, after the words "sixteen thousand five hundred copies," to insert "with suitable illustration."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Henry Mower Rice presented by the State of Minnesota, 16,500 copies, with suitable illustration, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Minnesota.

COLLECTION OF DISCRIMINATING DUTIES.

Mr. JONES. I have a Senate resolution asking for certain information from the Treasury Department, which I should like to have considered, if I may, at this time.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent for the present consideration of a resolution, which will be read.

The resolution (S. Res. 133) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate:

First. With a tabulation showing, so far as possible, the amounts collected by the United States of extra or discriminating duties on imports in foreign vessels, by years and by nationalities of vessels bringing such imports into the United States, from the passage of the act of August 10, 1790, entitled "An act making further provision for the payments of the debts of the United States," to date.

Second. With a tabulation showing, so far as possible, the amounts collected by the United States of tonnage duties on foreign vessels, by years and by nationalities of vessels entering the ports of the United States from foreign countries, wherever and in such amounts as such tonnage duties were in excess of the tonnage duties imposed on vessels of the United States, from the first collection of such extra-tonnage duties on foreign vessels, in 1789, to date.

FUNERAL OF SENATOR SHIVELY.

The PRESIDING OFFICER. If the Senate will indulge the Chair, the Vice President has asked the occupant of the chair to announce the appointment of the following committee to attend the funeral of the late Senator SHIVELY: Mr. KERN, Mr. SMITH of Arizona, Mr. WILLIAMS, Mr. HOLLIS, Mr. JOHNSON of Maine, Mr. POINDEXTER, Mr. STERLING, Mr. THOMPSON, Mr. ASHURST, and Mr. PAGE.

PROPOSED RECESS.

Mr. MYERS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

Mr. CHAMBERLAIN. I hope the Senator will not move to take a recess. I should like very much to report the Army reorganization bill to-morrow, and if there is a single objection to it I can not do so if we have a recess.

Mr. MYERS. I do not think any Senator will object to the Senator making the report; but if the Senator thinks that a recess might interfere with the presentation of the report, I will withdraw the motion.

Mr. SMITH of Georgia. I do not think the Senator from Oregon need fear that there will be any objection.

Mr. CHILTON. I am quite sure the Senator need have no such fear.

The PRESIDING OFFICER. The Chair will suggest that a motion to adjourn takes precedence.

Mr. MYERS. The Senator from Oregon can move to adjourn if he prefers.

Mr. CHAMBERLAIN. I would not do so but for the fact that the Senator from North Dakota [Mr. McCUMBER] can make his speech in the morning with the water-power bill pending just the same, and he will do it in the morning hour. He tells me it will take an hour and a half, at least, to deliver his remarks, and I do not think an adjournment will at all disturb the business of the Senate.

Mr. MYERS. I have no objection to the Senator making a motion to adjourn.

Mr. SMOOT. I will say to the Senator that it is expected to bring up the urgent deficiency appropriation bill for consideration to-morrow.

Mr. MYERS. Then I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 17, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 16, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw us by Thy holy influence into the heavenly zone, that we may behold with our spiritual eyes the glories round about us and hear with our spiritual ears, above the din, turmoil, and roar of battle on this good old earth, the voices of angels calling us to come up higher, yet higher into the realms of purity; that as a people we may have a clearer vision of government of the people, by the people, for the people; that a higher type of citizenship may obtain throughout the length and breadth of the land; that we may have a firmer grip on the things which make for righteousness in the home, in society, in government, and "render unto Cæsar the things that are Cæsar's and unto God the things that are God's," after the manner of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MR. CANNON'S EIGHTIETH BIRTHDAY.

Mr. MANN. Mr. Speaker, I ask unanimous consent that on Saturday, May 6, following the approval of the Journal, my colleague, Mr. RODENBERG, have permission to occupy one hour.

Mr. FITZGERALD. For what purpose?

Mr. MANN. The reason for making the request is that May 7 falls on Sunday. That is the eightieth birthday of my colleague, Mr. CANNON. [Applause.] It seems appropriate that we have a short speech from my colleague, Mr. RODENBERG, on that subject, and I hope that on the same occasion we may have the pleasure of hearing from the Speaker of the House, the leader of the majority, and the gentleman from Illinois, my colleague [Mr. CANNON] himself, although I do not make that a part of the request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that on Saturday, May 6, after the reading of the Journal and the transaction of the business on the Speaker's table, the gentleman from Illinois [Mr. RODENBERG] be permitted to occupy one hour. Is there objection?

There was no objection.

FUNERAL OF SENATOR SHIVELY.

The SPEAKER. Five of the members whom the Chair appointed on the committee to attend the funeral of Senator

SHIVELY can not go. They are Messrs. ADAIR, AUSTIN, GRAY, COX, and TREADWAY. In lieu of those gentlemen the Chair appoints Messrs. FERRIS, BAILEY, STEELE of Iowa, DYER, and WALSH.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. GRIFFIN, for five days, on account of illness.

To Mr. GALLIVAN, for three days, on account of urgent business.

To Mr. HULL of Tennessee, for six days, on account of important business.

APPROPRIATIONS.

The SPEAKER. With the permission of the House, the Chair wishes to make a statement in the interest of the right conduct of business. There are certain committees which under the rules have the right to report appropriations. There are certain other committees—and that includes most of them—that have no such right; but some of those committees lug in appropriations in the bills which they report. Now, this is fair notice to all of them that if any of them do that in the future the Chair is going to refer such bills to the Committee on Appropriations, because there must be some sort of a limit on the reporting of appropriations.

POSTAL SAVINGS BANK.

Mr. MOON. Mr. Speaker, the bill (H. R. 562) to amend an act approved June 25, 1910, authorizing a postal savings system, has been returned from the Senate with amendments. I move to concur in all the Senate amendments, except those to the first and second sections of the bill, and to disagree to those and ask for a conference.

Mr. MANN. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MANN. I evidently misunderstood the gentleman. I thought he was going to ask to nonconcur in all the Senate amendments, and then ask to have the bill printed, with the Senate amendments numbered, so we could know what they were.

Mr. MOON. I will ask that the bill be printed in the RECORD. The amendments to section 3 and the following sections are the same propositions that the House has passed time and again, in reference to administration. Most of them are now in the Post Office bill. We would like to concur in them, and get rid of them on the Post Office bill; but I ask to disagree to the amendments to the first and second sections.

Mr. MANN. Will the gentleman, then, have any objection to letting it go over until morning, and having the amendments numbered and printed, so that the House may know what the amendments are before concurring in them?

Mr. MOON. I do not object to that at all.

Mr. MANN. I do not think there will be any objection to concurring in them, but we would like to see them.

Mr. MOON. Then, at the request of the gentleman, I will defer the motion to concur, and will ask that the bill be printed in the RECORD.

Mr. MANN. I hope the gentleman will also ask unanimous consent to have the bill printed, with the Senate amendments numbered.

Mr. MOON. Mr. Speaker, I make that request also.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to have the bill printed, with the Senate amendments numbered, and that it also be printed in the RECORD with the Senate amendments numbered, and that the bill lie on the Speaker's table. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That such part of section 6 of the act approved June 25, 1910, authorizing a system of postal savings depositories, as reads "but no one shall be permitted to deposit more than $100 in any one calendar month" is hereby amended to read as follows: "but the balance to the credit of any person, upon which interest is payable, shall not exceed $1,000, exclusive of accumulated interest"; and said act is further amended so that the proviso in section 7 thereof shall read as follows: "*Provided*, That the board of trustees may, in their discretion, and under such regulations as such board may promulgate, accept additional deposits not to exceed in the aggregate $1,000 for each depositor, but upon which no interest shall be paid."

SEC. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under National or State laws, and whether member banks or not of a reserve bank created by the Federal reserve act approved December 23, 1913, being subject to National or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2½ per cent per annum, which rate shall be uniform throughout the United States and Territories thereof; but 5 per cent of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion of the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof: *Provided, however*, If one or more member banks of a reserve bank created by the Federal reserve act, approved December 23, 1913, exists in the city, town, village, or locality where the postal deposits are made, such deposits shall be placed in such member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then the same shall be deposited with the treasurer of the board of trustees and shall be counted in making up the reserve of 5 per cent. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from the banks and savings depository offices for the repayment of postal savings depositories when required for that purpose. When, in the judgment of the President, war or other exigency involving the credit of the United States so requires, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of 5 per cent herein provided for, in the bonds or other securities of the United States. The board of trustees may in its discretion purchase from the holders thereof bonds which have been or may be issued under the provisions of section 10 of the act of June 25, 1910. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositories, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue: *Provided further*, That postal savings funds in the treasury of said board shall be subject to disposition as provided in this act, and not otherwise: *And provided further*, That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word "bank" shall be held to include savings banks and trust companies doing a banking business.

SEC. 3. That on account of the increased weight of mails resulting from Postmaster General's Order No. 7349, of July 25, 1913, respecting rates upon and limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum.

SEC. 4. That on account of the increased weight of mails resulting from Postmaster General's Order No. 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages effective from January 1, 1914, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum.

SEC. 5. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

SEC. 6. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

SEC. 7. That so much of section 4 of "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

SEC. 7. That so much of section 4 of "An act making appropriations as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

SEC. 9. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for

inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

SEC. 10. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

SEC. 11. That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

SEC. 12. That the act of March 4, 1909 (35 Stat., p. 1126), be amended to read as follows:

"That whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

SEC. 13. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (chap. 370, 29 Stat., p. 262), and June 26, 1906 (chap. 3546, 34 Stat., p. 477).

SEC. 14. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

SEC. 15. That section 2 of the act of April 28, 1904 (chap. 1759, 33 Stat., p. 440), be amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than 300 identical pieces of third-class matter and of second-class matter and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

SEC. 16. That the act approved January 21, 1914 (38 Stat., p. 278), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include Navy mail clerks and assistant Navy mail clerks.

SEC. 17. That hereafter the Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding four years.

SEC. 18. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

SEC. 19. That on and after July 1, 1916, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

SEC. 20. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 562. An act to amend the act approved June 25, 1910, authorizing a Postal Savings System.

The message also announced that the Senate had insisted upon its amendments to bills of the following titles disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. MCCUMBER as the conferees on the part of the Senate:

H. R. 10037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.;

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.;

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River;

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States, as reenacted and amended by act of February 23, 1909; and

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following enrolled bills and joint resolution:

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery;

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909;

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River;

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.;

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River; and

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency.

SUGAR.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11471; and pending that I ask unanimous consent that the general debate close at 4.30 p. m. to-day.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11471; and pending that motion he asks that general debate on this bill close at 4.30 p. m. to-day.

Mr. FORDNEY. I wish to say to the gentleman from North Carolina that I have so many requests for time that I shall have to refuse half a dozen Members who want to speak.

Mr. KITCHIN. I will put it at 4.40 p. m.

Mr. FORDNEY. Make it 5 o'clock.

Mr. KITCHIN. No; let us put it at 4.40.

Mr. FORDNEY. All right.

The SPEAKER. And pending his motion the gentleman from North Carolina asks unanimous consent that general debate close at 4.40 p. m. to-day. Is there objection?

Mr. SIMS. Mr. Speaker, reserving the right to object, I know that it will take some time to call the roll, and I suppose from what the gentleman from Illinois said yesterday morning that a motion to limit debate will be made if there is objection to the request. But yesterday morning when we were setting

aside Calendar Wednesday—more commonly called "Holy Wednesday"—by unanimous consent, the gentleman from Illinois [Mr. MANN] said:

Mr. Speaker, reserving the right to object, I doubt whether the heavens will fall if we should dispense with Calendar Wednesday in order to dispatch real public business.

I want to know if the gentleman from Illinois thinks a debate of eight hours on this one-paragraph bill is real public business?

Mr. MANN. I certainly do. I consider this bill real business, as you will find out later on.

Mr. SIMS. I am talking about general debate, not confined to this bill, but on any subject under heaven. Does the gentleman regard that as real business.

Mr. MANN. The speeches made from this side of the House are real business.

Mr. SIMS. And the advantage to come to that side of the House from their speeches prompts the gentleman to call it real business and prompts the gentleman to have Calendar Wednesday set aside in order that they may go on with such "real business."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. KITCHIN was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Chairman, I think the American people ought to be congratulated on the fact that the leaders of the Democratic Party are so nearly unanimous in the opinion that there is at least one great American industry entitled to the protection of this Government against foreign invasion.

I can see in this action a slow but gradual getting together of the two great political parties on the immensely important question of a protective tariff. This getting together, I predict, will continue until the time will be reached when the protective system of Government will be just as lovingly embraced and as enthusiastically advocated by the Democratic Party in the future as it has been by the Republican Party ever since the latter's organization.

There is no question but that the great sugar industry of this country is entitled to a protection from foreign field and factory, and I am only sorry that the majority side of this House could not see its way clear to extend this protection to all branches of American industry and labor. We recognize, however, in this a partial acknowledgment on the part of that great party of the soundness of the protective system of government, this system that has so long been championed by the Republican Party.

I know it must require courage of the highest degree on the part of these great leaders of a truly great party to abandon this one distinct tradition that has been so distinctly characteristic of the Democratic Party in the past. This action will certainly be a great stimulant to the business interests of the country when it is realized that, after all these years, the tariff for revenue, or free-trade idea, is about to be thrown into the discard. These men ought to be earnestly encouraged in this heroic American stand that they have so lately assumed. When this protection is properly extended to other industries it will mean that the shoddy product of a cheap foreign labor will not again flood our markets, robbing the American workman of his right of employment. Then American capital will again invest in American enterprise. American labor will then find a market for every ounce of its energy and at an American standard of wage. Then American capital and American labor will not be dependent upon the continuance of the European war for prosperity.

I am indeed glad that the great sugar industry of this country is to receive a continued protection, and waiting in hope that this protection before many months will be extended to all of our great American business institutions, that they may flourish and labor employed regardless of whether or not a great European war continues to rage in all of its hideous profusion.

I am indeed sorry that there was not this unanimity of opinion a few days ago when we attempted to pass upon a resolution tending to request Americans to do all in their power to preserve the peace of this great Nation; and what I shall say further at this time will be directed more particularly to the questions that were involved in that discussion.

Mr. Chairman, at that time the membership of this House was called upon to take action upon what was known as the McLemore resolution. This resolution, among other things, undertook to warn Americans against traveling on armed merchant ships of belligerent countries.

A great many newspapers in reporting the proceedings of the House have been greatly biased in giving to the country just what actually occurred on that occasion; that is, these dispatches sent out from Washington were to a great extent sent out in the interests of munition and powder manufacturers, who are growing rich selling munitions of war to the allies.

The McLemore resolution contained much matter foreign to the issue, and in the form presented to the House was repulsive, perhaps, to every Member on the floor, except, possibly, Mr. MCLEMORE himself.

It should be borne in mind that the gentleman who introduced this resolution is a Democrat. The Committee on Rules reported this resolution out of the committee for consideration of the House on a motion to consider the resolution. A great many Republicans, including myself, together with a great many Democrats, fought against considering the resolution at all. We believed the question involved in the resolution was one of a diplomatic nature and ought to be handled exclusively by the President and the Secretary of State, without interference or embarrassment on the part of Congress. We held to the belief that Congress ought not to invade the province of the President and his Secretary of State in this very delicate matter. Holding these views, we voted to send the resolution back to the committee without taking any action at all, and in this way leave the whole matter with the President and his Secretary of State.

The facts leading up to this resolution covered a period of some five or six weeks and are now a matter of history. This trouble all grew out of the German submarine campaign against Great Britain's commerce of the seas. Great Britain had taken the stand that Germany's submarine warfare was in violation of all the rules and laws governing in such matters.

On the 18th day of January, 1916, the President of the United States, in a diplomatic letter sent to all the powers interested, stated our position relating to the use of the submarine, and in that letter the President told the world that Germany was right in its contention and that the allies were wrong. In the letter of January 18 Secretary Lansing set forth the position of our Government on the subject of submarines and armed merchant vessels in the following language:

* * * I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

* * * * * * * *

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war and the limitation of armament to have been dependent on the fact that it could not be used effectively in offensive against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

POWERLESS IN DEFENSE.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

INNOCENT LIVES AT STAKE.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights which may be denied on account of new conditions.

STAND ON QUESTION SOUGHT.

I would be pleased to be informed whether your Government would be willing to make such a declaration conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

This letter was given wide publication. Perhaps every Member of Congress read it and thoroughly digested it, and I undertake to say that nine-tenths of the membership of this House thoroughly agreed with the President and Secretary Lansing when they said to the warring nations:

I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce.

And further on they made use of the following language:

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government.

So it will readily be seen from a reading of that letter that the attitude of the United States Government was that submarine warfare was recognized to be legal and that an armed merchant ship is armed but for one purpose, and that purpose is to destroy an enemy's ship. We believe that this was a wise and patriotic conclusion. For myself, I concluded that, come what might, I would stand by the President in this position. But just before this resolution came to a vote it seems the President had changed his position in the matter and had taken the position that Americans had the absolute legal right to take passage on an armed merchant vessel of a belligerent country sailing through the war zone. This position raised a very serious stir in both Houses of Congress. Friends of the President, all of them being Democrats, flocked to the White House and advised him of the danger of his change of attitude upon this very serious question. So serious did it become that resolutions were introduced in the Senate, and whatever muss was stirred up in the Senate was at the hands of Democrats and friends of the administration. There was not a Republican who took an active part or did anything that would in any way embarrass the President in his negotiations with foreign countries.

The President, however, had become set in his record view of the situation, and he demanded a vote in each House of Congress on the subject of a warning resolution. He wanted to know the opinion of Congress as to whether American citizens should be allowed the privilege of riding on armed belligerent ships. He demanded a vote upon this question and this question alone. He then stated to the world that American citizens had this privilege, and he wanted to hear from the membership of this House directly upon this subject. There was a protest set up all over the country from every loyal American, protesting against our citizens traveling on armed merchant ships flying a belligerent flag. These protests came from the mouths of practically every loyal American who did not want to see his country become embroiled in this greatest and bloodiest war that has ever threatened the destruction of civilization.

As I said before, the Committee on Rules reported this resolution for consideration by the House, and over our protest it came before us for consideration. After it had been forced upon us, those Republicans and Democrats who had the interest of America—and America alone—at heart, considered that we ought to tell the President what we honestly believed and what we honestly thought the American people believed; and for this reason, after it had reached this stage, we protested against the resolution being tabled. If this were all we were going to do, the House was doing a vain thing, because the McLemore resolution was, in the first instance, nailed fast to the table in the committee room, and where was there any earthly use of voting it out of the committee in order to vote to send it back again? That was all that was done. As I have said, the question was before us against our will, and since we found ourselves in this position, we thought it our public duty to tell the President the truth. He had asked us a direct question, and we thought since we were going to attempt an answer we ought to answer him honestly, fairly, and patriotically. He is the President of the greatest Nation in the world and is entitled to fair treatment. The question he had asked us was a very simple one, and we believed he wanted our candid views, and for these reasons we voted against tabling the resolution.

After it had reached this stage, we had wanted the right to cut out all the verbiage in the resolution and so amend it that it would present one simple proposition, to wit:

Should Americans be advised to forego a legal right, if, indeed, they have any such right, to travel on an armed merchantman during the European hostilities?

Since it was up to us to act, we believed such a warning would not surrender one American right and would go far to keep our own country out of this war.

Mr. Chairman, we know that possibly 99 per cent of the people in America, excepting in districts wholly controlled by munition and powder plants, entertain the view that such a warning as this ought to be issued. They feel that no foolhardy or venturesome man or woman who happens to be an American and wants to "enjoy the thrills of such a trip" should be allowed to take passage on one of these ships, and in the event that ship should be destroyed by a German submarine, it would mean another backdown on the part of our Government or, in all probability, would mean war with Germany.

The people of this country do not want war with Germany or any other country. We claim to be neutral, and as neutrals we ought to do nothing that would have the appearance of prejudice in favor of one country as against another. It seems to me that all of us who are loyal, patriotic citizens of America are willing to forego for the time being any doubtful right, legal or otherwise, that we may have to travel on these ships. We ought not want to put ourselves in a position that might embarrass our Government and might finally drag the American people into this disastrous and shocking war. I will say that 95 per cent of the Republicans who voted to table this resolution are Members of Congress who represent districts whose constituency have no other business except manufacturing munitions of war to be shipped to the allies. They are at this time very prosperous by reason of this trade with the allied nations, but it is a blood-soaked prosperity. That abnormal prosperity will last only as long as a delivery of their goods can be made on British shores. The allies and those who are opposed to warning American citizens against riding on armed merchantmen believe that the cheapest and safest insurance that these ships can write to insure their safe passage across the ocean is to see to it that American citizens are aboard. If they can not make deliveries to the allies, the allies will not buy our powder and our cannons and our shells. In other words, England comes to America, loads a ship with munitions of war, puts on board an American citizen, sails from our port, then mans the ship with monstrous guns and naval officers. The guns are to be used by trained marksmen to destroy German submarines. The Americans are to be used to say to an enemy of the allies, "You can not destroy this ship, because American citizens are aboard." This seems, to my mind, to be as stupid a position as it is preposterous. I have no interest in either side in this war, but two years ago I was told by high authority to be neutral, and I am trying to be.

Germany has a wonderful fleet of submarines. Those submarines were built for no other purpose except to destroy commerce of her enemies. She has many hundreds of them. No one knows how many, except Germany herself. We recognize the legality of submarine warfare, because Secretary Lansing said so in his letter of January 18. We recognize the legality of submarine warfare, because we are building and preparing to build hundreds of them ourselves. We have now nearly a hundred of them and appropriations made for at least a hundred more. We appropriated and have appropriated in the past millions of dollars for their construction, to be used by us in case we should ever be forced into war. What are we to do with them, if this should not be international law? I am only looking at the interest of America. I do not care what the allies or the central powers do as long as they do not disturb the rights of Americans, but I am trying to look at the future of this country in case we should become involved in war with some other nation or combination of nations. We have but few merchantmen of our own, and we would certainly want to destroy with our submarines the armed merchant ships of an enemy country. Compared with other seagoing vessels, a submarine is a frail craft and easily destroyed, as is set forth in the letter of January 18. A submarine to be effective must have the first shot. It would seem from England's position in this dispute, if her contention should be adopted and enforced, her armed merchant ships would be given the first shot. She has armed these ships with dangerous and far-reaching guns, thereby making a warning: "Dangerous if not fatal to the submarine." If she does not intend to destroy an enemy's submarine, there is no necessity of thus arming her merchant ships.

Senator STONE, another Democrat and close to the President, in a speech on the floor of the Senate gives voice to this opinion when he criticized the President's definition of defensive warfare, as relating to armed merchant ships. He said:

As I understand it, the President's attitude is this: He has concluded to support the contention that belligerent merchant ships have a right under international law to bear arms for defensive purposes. What he may regard as a defensive armament I do not know. In fact, I doubt that any man would venture authoritatively to define that kind of armament.

And further in his speech he says that if the President's policy were adhered to—

It would tend to plunge us headlong into war.

This is the opinion of the Democratic leader in the Senate and a friend of the President's and not necessarily my opinion.

Senator GORE, another Democrat and lifelong friend of the President, made open charges against him on the floor of the Senate. These charges were so serious that I do not believe it is well to again repeat them, as I am sure Republicans do not care to do anything that would in any way tend to embarrass this administration.

Senator STONE took the position that guns are made to shoot, and for no other purpose. I do not know who was back of the President or who caused him to change his position as set forth in the letter of January 18. The entire country had agreed with what he said in that letter, except the munition districts of the East. Whatever may be the case, I am glad I did not cast my vote on the side of those Republican Members of the House who represent the munition and powder manufacturing districts of the East. I am sometimes afraid the powder men think at least as much of the enormous profits they are making as they do of the safety of our Nation.

Every Democrat who made a speech on this subject favoring the tabling of the McLemore resolution on the day it was up for consideration confessed that he was against the President and his views. Every one of them said that Americans ought not to so travel, and that they had no right to so travel on such ships. We, on the other hand, said to the President we want to be with you, and, being with you, our advice is to request Americans to stay off of such ships. Our position of a steadfast loyalty to the President and this country could dictate to us no other course.

When the real truth is unfolded to the country at large as to just what was done relative to the McLemore resolution the people will then understand that every man who voted against requesting Americans not to travel on armed ships voted against the interests of Americans and the President himself.

Let us see what they did. Men who made speeches favoring the tabling of the resolution, except those who live in munitions districts, almost without exception, said Americans ought not to travel on such ships, and then voted directly opposite. Their vote, if it meant anything, would at least tend to encourage thoughtless and unpatriotic Americans to so travel. Their speeches were made, it seems, to allay the wrath of the populace, and their votes were cast, as they claimed, to uphold the hands of the President. How this could uphold his hands or mean anything to the country at all surpasses my understanding. Their attitude, their conduct, and their speeches will be viewed by the country as political buncombe of the worst sort. Their conduct amounted to a false pretense. They appeared to do something and then admit they did nothing. They seem to forget that their speeches, as well as their votes, would be carried to the central powers, and these countries would be advised that these lawmakers were performing the greatest feat of political jugglery that was ever performed, perhaps, in the House of Representatives.

I am afraid after the people fully digest the conduct of these Members—and the people are neither fools nor knaves—their conduct will be the object of a most bitter contempt in their eyes.

After this question had been forced upon us and we were required to vote, we did so that we might answer the question, "Shall we warn or not?" We wanted to say to him and Mr. Lansing, "Do as you please, and if the worst comes the people of America will stand by American interests; but it is our opinion that our citizens ought, at least, be asked to stay off of armed merchant ships flying a belligerent flag until this war is over. There are other ships, flying neutral flags, upon which our people can travel abroad if they want to go."

The vote in the Senate upon the Gore resolution was entirely different, as there the rules are different from the rules of the House.

In the Senate the resolution need not go to a committee, but can be presented by the author of the resolution himself. This is what Senator GORE did, and the Senate voted to table the Gore resolution, thereby saying they would not meddle with the business of the President and the Secretary of State. That is exactly what we tried to do when we voted to keep the McLemore resolution out of the House at all. But after all, there has been much good come out of this. The President heard the speeches of his friends on the floor of the Senate and the House. He had heard them all say that the American people wanted her citizens to be warned in the name of their country and for its safety to refrain from riding on these ships. Within 24 hours after the vote was taken in the House there was issued from the White House to the press a statement that American citizens would in some way be kept off of these ships. Whether it would be by direct warning or the refusal of passports was not indicated. Up to this time passports have not been issued to American citizens to ride on armed merchant ships. Those who tried to vote for a warning accomplished a great good. Since they had to vote at all, they were voting their conscience and they were voting in the interest of patriotism.

Mr. Chairman, since I had to vote, I voted in the interests of 100,000,000 American citizens. I voted this way because I do not believe there is one American mother who has one son to spare in this bloody carnival of war-crazed Europe. When I voted I will confess I was thinking more of the writhing, twisting windrows of dead and dying men on European battlefields than I was of the President of the United States. When I voted I will confess that I was thinking less of President Wilson and more about the blood-stained hills, slopes, and valleys of Europe. When I voted I plead guilty to the charge that I was thinking little of Woodrow Wilson, but I was thinking more of the millions of young men, the brawn and the brain, the flower and the chivalry of American manhood. When I voted I plead guilty to the indictment that I thought but little of those eastern capitalists who have grown fat by drinking the blood that is flowing from the gaping wound of bleeding Europe. I was thinking more of the millions of American firesides and family circles that are to-day happy because we are at peace with the world.

Just before I voted I was walking from the office building to the Capitol. I thought of an expression used by Mr. REAVIS, from Nebraska, in his speech a few hours before. He had said, "I am thinking of the hills and plains of that locality that yesterday were white with snow, the color scheme of which to-day has been changed to red at Verdun." As I thought of this I looked across the Potomac far into the hills beyond, they too were white with snow. I did not want to see that color scheme changed to scarlet, made red with American blood.

Mr. Chairman, I am glad to know that if a crisis comes there is not a man in Congress but will stand for America and her rights.

Mr. FORDNEY. Mr. Chairman, I yield 20 minutes to the gentleman from Louisiana [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, representing, as I do, the largest sugar-growing district of Louisiana, I am naturally deeply interested in legislation affecting sugar.

The purpose of the bill now under consideration is to repeal that provision of the Underwood bill admitting all sugar into this country free of duty after May 1 of the present year.

If this bill becomes a law, it will mean that the sugar farmers of this country may, for a time at least, continue to cultivate the sugar beet and sugar cane.

If this bill should not become a law, it will result in completing the disaster and destruction that immediately followed the enactment of the Underwood bill in the sugar-growing districts.

No one living outside of a sugar district can appreciate the conditions that followed the enactment of this measure. The horizontal cut of 25 per cent in the sugar tariff and the promise of free trade after May 1 of the present year so depressed the market for a short period that sugar sold for much less than it costs to produce it.

This sudden fall in the market price of sugar, coming as it did immediately after an overflow that in many sections of my district did not leave sufficient cane for planting purposes, resulted in untold hardship and suffering. Creditors, who were willing to stand by the cane planter in order that he might recover from the effects of the flood, refused to advance another dollar in the face of free sugar.

As judge of my district at that time, it became my unpleasant and painful duty to play a conspicuous part in what followed, and I grew sick at heart when I was called upon to sign writs of seizure and sale, which resulted in the sacrifice of properties, many of which had been in the same families for nearly a century.

Sugar properties immediately decreased in value more than 50 per cent, and were usually adjudicated to the seizing creditor for the lack of other bidders. Many of our sugar mills were dismantled and the machinery therein sold at a great sacrifice for transportation to Cuba and Mexico, where the industry was on a boom, as a result of the same legislation that brought ruin and disaster in this country.

Those who were able to hold their properties and those who became the unwilling purchasers of others were now in a quandary. They knew not what to do. Thousands were thrown out of employment, and many of our once fertile fields were either permitted to grow up in weeds or were converted into cattle pastures and pigpens. Our people in desperation were searching for some industry to take the place of that which was about to be destroyed.

Assisted by the National Government, experts were employed for the purpose of teaching our people how to grow crops other than sugar cane. In one season three counties in my district purchased $3,000 worth of cauliflower seed, and hundreds of acres were planted in this vegetable. But along came one of the tropical storms, for which south Louisiana is noted, and did not leave enough cauliflower for domestic table use.

Such were the conditions in the sugar districts when the European war broke out. Its effect was almost immediate. Unable to secure adequate supplies from former sources England, France, and other European countries found it necessary to purchase large quantities of sugar from this country and from Cuba.

This was an important factor in swelling the export trade in sugar and in diminishing our supply, and the industry of this country was thus afforded indirect protection.

The effect of the European war more than offset the reduction in the tariff made by the Underwood bill. This great conflict across the waters has saved the sugar industry for the time being, but God forbid that the life of this industry should depend upon the duration of the death struggle now going on in another continent. [Applause on Republican side.]

The suspension of the free-sugar clause of the Underwood bill and the continuance of the present duty will enable the sugar industry to survive just as long as the present war continues. But when peace has been restored, and the internal affairs of the countries now engaged in this conflict have been adjusted, then sugar, like many other industries in this country, will have to be afforded adequate protection in order to meet the competition brought about by foreign cheap labor.

EXCISE TAX.

But, Mr. Chairman, there is a great combination in this country which, in season and out of season, by fair means and foul, is working to destroy the domestic sugar industry.

As long as the sugar growers of this country were only producing the raw product, the refining interests interposed no objection to a tariff. But within the past few years the refining interests have come in contact with serious competition at the hands of the domestic producers, and they now fear that they may be deprived of a privilege they have long enjoyed—that of regulating and manipulating the market price of sugar.

The beet-sugar producers of the West are making refined sugars, and the sugar producers of the South, by the use of improved machinery, are placing upon the market a finished article that goes direct into consumption. Realizing that they can no longer hope to purchase raw sugars to any extent in this country, and realizing further that they must now meet and compete with the domestic sugar growers in the open market, the refining interests are now making every effort to wipe out the domestic industry.

Their activity during the last Congress is too well known to require comment, and when the Underwood law went upon the statute books, contemplating as it did free sugar on May 1 of this year, this great interest had good reason for believing that the day was not far distant when the sugar market of this country would be in their grasp and absolutely under their control and domination.

The announcement made by the Secretary of the Treasury that he would recommend the suspension of the free-sugar clause of the Underwood bill and the subsequent indorsement of this recommendation by the President was, to the refining interests, like a clap of thunder from a clear sky.

But nothing daunted they have now devised a scheme which, if adopted, would at once crush the domestic sugar industry out of existence. The mouthpiece of these interests, the self-constituted representative of an imaginary wholesale grocers' association, Mr. Frank C. Lowry, has written an open letter to the President, suggesting the advisability of placing an excise, consumption, or producers' tax on sugar.

It is proposed that sugar be permitted to go on the free list on May 1 of the present year, and in lieu of a duty that all sugar consumed in this country be made to pay an excise tax of 1 cent a pound.

By this method of taxation the President is informed that $84,000,000 in the way of revenue can be raised annually.

A wonderful plan indeed for raising a revenue, but Mr. Lowry takes particular pains to conceal both the purpose and effect of this plan. Its purpose is so clear that he who runs may read. Knowing that the sugar industry of this country is dependent upon a protective tariff, and knowing that it could not survive such an iniquitous method of taxation, they hope by this ingenious method to encompass the destruction of this great industry.

With the domestic industry destroyed and out of the way, the refining interests would then be left a clear field and we would be entirely dependent upon foreign countries for our supply of sugar, and if perchance this country should become involved with a great sea power we would be at the mercy of our enemies, and our people would be deprived of a product that is now both a luxury and a necessity.

That England is at this time able to supply her people with sugar is due alone to the fact that she is mistress of the seas. That Germany has an ample supply of sugar on hand is due alone to the fact that she produces a sufficient supply within her own borders. If this great war has taught one lesson that the United States should take to heart, it is that it is only by the encouragement and protection of our own industries that we can ever hope to become independent of the world. [Applause on Republican side.]

It is true that the sugar market is now up, but it is equally true that this is due to the conditions brought about by the European war. But what would the price of sugar now be in this country if the domestic supply were wiped out and every pound of sugar had to be imported into this country? Strike this industry out of existence, and before the dawn of another year those who are to-day crying "free breakfast table" will be appealing to Congress to restore competition to the end that they may be relieved of the oppressive prices fixed and determined by the refining interests.

I know that it is contended that even though the domestic industry should be destroyed there would still be competition by reason of the fact that there are many sugar refineries in this country operating independent of each other. To those who are laboring under this delusion, I would refer them to the hearings held before the Hardwick committee in 1911, when by dint of cross-examination the sugar magnates themselves were made to admit that to a great extent they parceled out the markets and did not trespass upon each other's territory.

That the refiners fix the price of sugar and purposely and deliberately depress the market when the domestic product is placed thereon is shown by the following letters written by Mr. J. T. Witherspoon, local manager of the American Sugar Refining Co., at New Orleans, to the officers of that company in New York. These letters were offered in evidence on the part of the Government in the suit of the United States against American Sugar Refining Co., in New Orleans, in December, 1912, for violation of the Sherman antitrust law. It will be noted that both of these letters were written in the latter part of October, just before the harvest season, which begins about November 1 and lasts for three months.

NEW ORLEANS, *October 27, 1904.*

Mr. H. C. MOTT,
No. 117 Wall Street, New Orleans.

DEAR SIR: It was mentioned yesterday that some of the parties here who have sold us large lots of sugar at a fixed price under the New York price day of arrival would probably enter into an arrangement with the Federal Refinery, of New York, whereby this concern throughout November and December would buy small lots on the New York market at not less than 4¼ for 96 test, and thereby fix the New York quotations at this figure, which in turn would be the supposed figure for settlement of sugars arriving here.

While this would be a most contemptuous plan, still there are some people here not too good to make the attempt, and if the Federal is willing, I am satisfied that some of the large buyers here would reimburse them for any loss they might sustain.

I only mention this to show you what might possibly take place and for you to be on your guard. * * *

Commencing with the latter part of next week, the daily arrivals here on account of contracts already made will be large. These contracts, as you know, will be settled at a differential under the New York price day of arrival. Hence it behooves you to depress the New York markets as much as possible, for the lower the New York quotation is the less these sugars will cost us.

Yours, very truly,

J. T. WITHERSPOON.

NEW ORLEANS, *October 28, 1908.*

Mr. W. B. THOMAS,
President the American Sugar Refining Co.,
New York, N. Y.

MY DEAR MR. THOMAS: I want to bring to your attention the competition in the way of refined sugars that we will have in New Orleans during the coming winter. * * *

What I particularly desire to call your attention to is that the higher we hold our prices for granulated sugar here during the next three months, naturally, the more profit these plantations will make on their product; and if the information once gets abroad that it is more profitable for the different plantations to produce granulated sugar than to turn out raws or clarified, I am afraid next season many others will commence doing likewise; consequently it might be well for you to consider the proposition of permitting New Orleans, during the next three months, to maintain a difference in price below New York of at least 10 cents, and at periods of extreme dullness, when these outsiders here are quoting low prices and selling their product, of even 20 cents per hundred pounds.

What I am particularly interested in is seeing the little outside competition develop as little as possible.

Yours, very truly,

J. T. WITHERSPOON.

The meaning of these letters is clear and unmistakable. They show that notwithstanding that some measure of competition exists between the refiners and the domestic producers, they still control the market to some extent; and if this can be done in the face of competition, what can and will be done if all competition is destroyed?

But what is this excise tax that is being advocated by Mr. Lowry? It is the same tax that is now being levied upon whisky, beer, tobacco, and similar articles. It is a tax levied not alone for the purpose of producing revenue but also for the purpose of limiting and discouraging the production of the commodity.

By what method of reasoning is sugar placed in the same category as whisky and beer?

Sugar is now a necessity, and if the revenues of this Government are to be raised by placing an excise tax on sugar, then, with equal justice and fairness, it should be placed on other articles of necessity, such as wheat, meat, shoes, and clothing. This method of taxation is antagonistic to the historic policy of this Government, and it is not only revolting to a sense of justice, but would result in the destruction rather than protection and encouragement of great American industries. [Applause on the Republican side.]

Mr. Chairman, I can not believe that this unfair, unjust, and un-American method of taxation will be seriously considered by Congress, but the fact that resolutions offered in another branch of this body would seem to indicate that the Lowry plan had attracted some attention has prompted me to speak at this time.

It is bad enough that, viewed in the light of the Baltimore platform and the legislation which immediately followed, the sugar industry should have been classed as being illegitimate; but to now penalize that industry and subject it to a revenue tax such as is placed on whisky and beer would be the unkindest cut of all.

RELATIVE COST OF PRODUCING SUGAR.

As stated at the outset of this address, sugar can at this time be raised at a profit because of the additional indirect protection afforded the industry by the European war, but that when peace has been restored and the countries now engaged in war have resumed the production and exportation of sugar the industry will have to be given additional protection in order to meet foreign competition.

In support of this assertion I desire to submit the following facts and figures:

The cost of producing a pound of sugar in Cuba is from 1½ to 2 cents. All our importations of sugar—excepting, of course, our insular possessions, whose output enters this country free of duty—come almost entirely from Cuba. After the Underwood law went into effect, making, as it did, a horizontal cut of 25 per cent in the sugar tariff, the duty on sugar was 1.264 cents per pound; and, deducting the preferential duty in favor of Cuban sugars, it will be found that the sugars from this island only pay a duty of 1.01 cents per pound. Transportation charges from Cuba to this country amount to 15 cents per 100 pounds. Cuban sugars can therefore be delivered in this country for not more than 3.16 cents per pound.

The cost of production of cane sugar in Louisiana, as shown by the following figures taken from a report made in 1913 by the Department of Commerce in its Miscellaneous Series No. 9, entitled "The Sugar Industry," averages 3.62 cents per pound for the years 1909 and 1910.

Cost of production of cane sugar in Louisiana in the years 1910 and 1909.

	1910[1]			1909[2]		
	Cost per ton of cane.	Cost per pound of sugar.	Per-centage of cost.	Cost per ton of cane.	Cost per pound of sugar.	Per-centage of cost.
Cost of cane delivered at factory	$4.090	$0.0277	74.40	$4.182	$0.0267	73.90
Manufacturing labor	.324	.0022	5.90	.331	.0021	5.90
Supplies and operating expenses:						
Fuel	.204	.0013	3.71	.326	.0015	4.17
Reagents—lime, sulphur, etc.	.037	.0002	.67	.039	.0002	.68
Cooperage—sugar bags, barrels, etc.	.095	.0006	1.72	.105	.0006	1.85
Salaries—superintendents and clerks	.079	.0005	1.43	.077	.0005	1.36
Taxes and insurance	.081	.0005	1.47	.091	.0005	1.60
Other operating expenses	.202	.0013	3.67	.213	.0014	3.76
Total operating expenses	.713	.0048	12.96	.811	.0052	14.30
Repairs and maintenance	.371	.0025	6.74	.334	.0022	5.90
Total factory cost	5.498	.0372	100.00	5.658	.0362	100.00
Yield:						
Pounds of sugar per ton of cane			147.53			156.30
Gallons of molasses per ton of cane			5.44			5.13

[1] Fifteen factories; 959,849 tons of cane ground; $5,278,048 manufacturing cost; 141,608,822 pounds of sugar.

[2] Fourteen factories; 792,624 tons of cane ground; $4,484,904 manufacturing cost; 123,887,437 pounds of sugar.

The Cuban product, therefore, with the duty now carried in the Underwood bill, has an advantage of 0.51 cent per pound over the cane sugar produced in this country, and even under the Payne-Aldrich bill, which carried a duty of 1.348 cents per pound on Cuban sugars, had an advantage of approximately 0.17 cent per pound over the domestic cane sugars.

Bearing in mind the advantage that the Cuban sugars have in the markets of this country, let us now consider the influence of the war upon the industry and the certain results to follow after the war.

Stimulated by the high prices induced by the war, a tremendous impetus has been given the sugar industry in Cuba. The cane acreage has been extended enormously, and to meet this expansion no less than 10 additional sugar factories have been constructed.

According to the latest statistical estimate of the Cuban crop for 1916, as shown by the International Sugar Journal, there is now enough cane planted and nearing maturity to produce at least three and one-half million tons of sugar. The total sugar supply of the United States and its insular possessions is estimated as follows:

	Tons.
Louisiana and Texas cane sugars	200,000
Beet-sugar production	750,000
Porto Rico	350,000
Hawaiian Islands	575,000
Philippine Islands	120,000
Total	1,995,000

The total available sugar supply of the United States and its insular possessions is therefore 1,995,000 tons, and as the sugar consumed in this country amounts to approximately 3,750,000 tons, it follows that the importations of sugar necessary to supply the sugar consumed will amount to 1,755,000 tons.

The Cuban crop of three and one-half million tons will therefore not only be more than sufficient to supply our needs but will leave a surplus of 1,745,000 tons, and unless this sugar is absorbed by European countries, whose usual source of supply is now cut off, this country, even though we take into consideration the natural increase in consumption, will be overstocked with sugar, and as a result the sugar market will suffer.

I speak advisedly, therefore, when I say that when the sugar-producing world has returned to its normal state the sugar industry of this country will have to be afforded additional and adequate protection if this industry is to be fostered and encouraged and protected from the foreign competition sure to follow when the European war ends.

NECESSITY FOR THIS LEGISLATION.

The report from the Ways and Means Committee, made by Mr. KITCHIN and accompanying this bill, gives the following reasons for recommending this legislation:

> Had the normal conditions existing at the time of the passage of the act of October 3, 1913, not been disturbed by the European war, it would not have been necessary to continue the present rates of duty on sugar after May 1, 1916.
>
> This legislation is made necessary in order that the Treasury may have the benefit of the revenue receipts from sugar to assist in meeting the decline in customs and postal receipts, due to the disturbed conditions resulting from the European war, and also to assist in meeting the decline in ordinary internal-revenue receipts.
>
> Your committee therefore recommends that the free-sugar provision of paragraphs 177 and 178 of the sugar schedule of the act of October 3, 1913, be repealed, in order that the present rates of duty upon sugar and its kindred products may remain in full force and effect, to the end that the Treasury may not under existing international trade conditions be deprived of the receipts from sugar.

It is both disappointing and much to be regretted that the Democratic Party should deem it necessary to offer an apology for this bill. The sugar-beet farmers of the West and the cane growers of the South, who have upward of $200,000,000 invested in this industry, and who are depending upon this legislation to save them from utter ruin, beg to assure the majority members of the Ways and Means Committee that no apology is necessary.

The statement in this report to the effect that the duty is being retained only because of the disturbed conditions brought about by the European war, to the end that the Treasury may not be deprived of the revenue derived from this source, and the very strong implication which necessarily follows, that when the war ends and conditions are normal there will exist no further necessity for this duty, and the same will be abolished, is not calculated to inspire the sugar growers with any great confidence in the future of this industry.

This report is, in effect, a notice served by the Democratic Party upon the sugar growers of this country that this legislation is to be passed solely for the purpose of replenishing a depleted Treasury and not for the purpose of repairing the wrong, injury, and injustice done a great industry by the provisions of the Underwood bill.

Those interested in sugar are made to thoroughly realize and understand that the free-sugar clause of the Underwood bill is being repealed not because of any consideration for them but because this administration finds that it must have additional revenue to run the Government and is using sugar temporarily for this purpose.

Let us hope that when the tariff is next revised there will be no necessity for apologies, but that the revision will be based on the more humane and broad policy of adequate protection to all American industries.

DELAY DANGEROUS.

But whether this bill is intended to produce revenue or whether it is intended to repair the wrong and injustice done the sugar producers of this country, it is of the greatest importance that it should be passed speedily and become a law. Delay at this time is dangerous. Dangerous to the Treasury if its purpose be to meet the threatened deficit, and dangerous to the sugar producers if its purpose be to save them from further disaster.

Unless this bill is upon the statute books by May 1 of this year sugar will be imported into this country duty free, and even though it should become a law shortly after this date it will still have failed to accomplish its purpose. If on May 1 this bill has failed of enactment, then foreign sugars will be rushed into this country in enormous quantities so as to escape duty, and as a result the Government will lose the revenue and the sugar market will be demoralized, even though the bill should afterwards become a law.

This bill has yet to pass the Senate, and in view of the fact that there is still much important and pressing legislation to be considered and acted upon by that body, and in view of the further fact that the Senate is a deliberative body and is not prone to act with haste upon any measure, it would seem that there is every reason why this measure should be speedily passed by this body and sent to the Senate, where it is to be hoped it will be passed without amendment before May 1.

Relying upon the recommendation made by the Secretary of the Treasury that the present duty be retained, and relying upon the President's message to the same effect, and believing that this Congress would speedily carry out this recommendation, the sugar producers of this country have invested large sums of money and planted a tremendous acreage, with the hope of somewhat recovering from their past losses.

And while they do not now question the good faith of the President, the Secretary of the Treasury, and this Congress, they still realize the uncertainties of legislation, and they will not be able to secure the advances so necessary for the cultivation and harvesting of a sugar crop until all uncertainty has been removed and this bill has become a law.

TARIFF BOARD.

If the sugar industry is saved from impending disaster by the enactment of the bill now under consideration, it will then not only court but welcome an investigation with the view of determining the extent to which it should be protected from foreign competition.

The fact that the President has changed his mind and now favors the appointment of a tariff commission, in accord with that advocated in the platform of the Progressive Party, has given rise to the hope that the sugar producers of this country will at last be given a square deal, and will not be continually harassed and threatened with every change of administration.

Of course, much depends upon the personnel of this board and the purpose for which it is appointed. To be efficient, this board must be made up of men who will take a broad and comprehensive view of the tariff question, with the view of according to each of the great industries of this country such a measure of protection as may be necessary in order to preserve its existence, and at the same time protect those engaged in such industries from foreign aggression and competition.

Does the President purpose to appoint such a board if the administration bill introduced by Congressman RAINEY becomes a law? We have had no expression from the President indicating the scope and purpose of the work to be undertaken by this board, except his letter to Majority Leader KITCHIN, which, to say the least, is not encouraging.

In the course of his letter the President, in referring to the proposed tariff board, says:

> I have had in this change of mind no thought whatever of a change of attitude toward the so-called protection question.

In what, then, has the President changed?

If, as his letter seems to indicate, he is opposed to a protective tariff, then for what purpose is a tariff board to be appointed?

If this board is to be expected and directed to adhere to the policy of a tariff for revenue only, then it would seem to follow that its duties will be confined only to those articles which the board at its option may select for this purpose, regardless of the merits or demerits of the claim of any particular industry for protection.

And again, if revenue be the only end desired, then it follows that even those industries most deserving of protection will be given but scant consideration if it is possible to raise the revenue needed for this Government by the means of taxing incomes, notes, bonds, stocks, and other methods of direct taxation to which this administration seems to be wedded.

There are now pending before the Ways and Means Committee two bills looking to the appointment and organization of a tariff commission—one introduced by Mr. RAINEY, and known as the administration bill, and the other introduced by Mr. BARNHART.

Under the provisions of the former the appointment of the five members of the proposed tariff commission is left to the President, and not more than three of the members can belong to the same political party. Under the provisions of the Barnhart bill, which is also a Democratic measure, only one of the five members of the commission can be appointed by the President, it being left to the majority and minority Members of both branches of Congress to select the other four.

That the Barnhart measure is the more meritorious of the two bills there can be no question, and this seems to be the opinion of many of the leaders of all parties.

While it is true that the administration measure provides that only three members shall belong to the same party, it does not state from what party the other two members shall be appointed, and the President would be at liberty to make such appointments in his discretion from the Republican, Progressive, Prohibition, or Socialist Parties.

He could follow the law to the letter and yet have the commission composed entirely of men in absolute accord with his views on the tariff question, which would mean that we would have a commission that would enter upon its work not with a view of so distributing the tariff as to protect, encourage, and upbuild our great American industries, but with the view solely of raising revenue sufficient to meet the needs of this Government, and, this having been done, to refuse to listen to further appeals for protection on the grounds that the commission favored protection for revenue only.

The Barnhart bill, on the other hand, provides that not less than two of the members of the commission shall be selected from the minority party, thus insuring at least some measure of consideration for those who believe that the tariff should be equitably distributed in such a manner as to give fair and adequate protection to those industries in need of such legislation and whose existence is now threatened by reason of our present free-trade policy.

A tariff commission that will approach this most important question with an open mind, prepared to give all industries a fair hearing, with the view of granting such protection as may be necessary to safeguard and foster such industries, to the end that they may not be injured or destroyed by like industries in foreign countries, will prove of inestimable value to this country.

It may be that the President contemplates the appointment of such a commission, but the fact that in recommending the appointment of this commission he has taken occasion to state that he has in no way changed his attitude on the "so-called protection question," and the further fact that he insists upon naming all the members of this commission, has in some degree shaken the confidence of those most anxious to see such a commission created.

Many of the great industries of this country owe their existence to-day to the European war; but this war will not last always, and when peace has been restored this country will be flooded with the goods and products produced by foreign cheap labor, unless the necessary measures are taken to prevent it.

If the prosperity of this country is to be maintained, then some steps must be taken to meet this threatened situation, and a competent tariff commission could solve the problem intelligently and satisfactorily.

The great industries of Louisiana, such as sugar, rice, and lumber, were not only unfairly and unjustly dealt with under the provisions of the Underwood bill, but they must and should be given additional protection when the producing world has been restored to its normal state, and if a competent tariff commission should be created, then all these industries ask is that they be accorded a fair hearing, due consideration, and justice.

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, it is very seldom that I find myself at variance with the majority of my brethren on this

side of the Chamber, but upon this measure that is about to be passed through the House there is a principle involved, so far as I am concerned, that the exigencies of the occasion are not great enough to have me cast aside now.

I have always believed and so now believe in a tariff for revenue, which, of course, gives to domestic producers incidental protection to whatever extent the revenue rate is fixed.

In laying revenue taxes it is my firm and unalterable position that they should be levied upon the luxuries, and not upon the necessaries of life. This bill strikes a heavy blow at this principle which I have been taught to believe is true Democratic doctrine.

Mr. Chairman, to raise approximately $45,000,000 for governmental purposes we tax the people approximately $90,000,000, the other half of which goes into the coffers of the Sugar Trust.

Of course, I understand, as every man in this country understands who has a thimbleful of brains, that our customs revenues have been woefully impaired by the inability of some of the great nations at war to exchange commerce with us at all, and that those nations having the freedom of the seas are taxing their own industries to the extreme limit to supply their pressing and immediate demands brought about by the conflict now raging in Europe. It is necessary to find other sources of taxation to meet the current demands upon the Treasury and to meet the very great increase in our appropriations for the Army and Navy, but I contend that, even under such conditions as now confront us, for which no one except a crowd of demagogic politicians would censure the administration, it is neither necessary nor fair to the masses to continue this tax on sugar.

Gentlemen have said that the price of sugar is higher to-day than it has been in years, and that the reduction already in effect has not been reflected in the price to the consumer. That is true. Since August 1, 1914, there has been a gradual increase in the price of sugar, and every gentleman on this floor knows the reason for this increase. As soon as war was declared in Europe the sugar market here, as well as there, was shot all to pieces. France harvested hardly a third of her crop, Belgium practically none, and 2,000,000 tons of sugar under ordinary conditions imported from Austria and Germany were no longer available, and Russia was eliminated as an exporter. This, of course, meant a very great reduction in our supply of sugar without a corresponding reduction in consumption.

In the first six months of 1914, 2,131,098 tons of sugar was consumed in the United States, this being 245,131 tons, or 12.99 per cent, more than was consumed in 1913. During practically this entire six months' period the people were obtaining from the retailer 20 to 25 pounds of sugar for a dollar; to-day they get only 15 pounds.

The present duty of 1 cent a pound on sugar is the equivalent of 33⅓ per cent of the cost of production of refined sugar. Then if this duty is reflected in the price to the consumer—and all tariff experts agree that it is and our experience as consumers of sugar in normal times substantiates their statement—why not place a consumption tax of one-half cent a pound on all sugars, which would amount to a saving of approximately forty-two and a half million dollars to the people, and every penny of this sum would go into the Treasury, and the reduction in the price of sugar by this method would reduce the cost of sugar 1 cent per pound and the people would be in pocket at the end of a year just the exact amount they paid into the Treasury in a consumption tax. Or if we are to continue this tax and a 1 cent a pound rate is necessary and we need the revenue, then why divide it equally with the Sugar Trust? This bill means that the people's sugar bill for the next 12 months will be eighty millions more than it would have been had it not been reenacted. Then, if the people are to part with eighty millions, why not all of the eighty millions go into the Treasury of the United States by way of a consumption tax of 1 cent a pound rather than a tariff tax of 1 cent a pound, which means the same to the people but a direct loss of forty millions to the Treasury?

Mr. Chairman, let us lay this tax on luxuries. Put a 35 per cent ad valorem tax on raw silk, which is not now contributing one penny in revenue, consumed almost exclusively by the rich and a small percentage of our people who are able to bear the tax. This will raise $35,000,000. India rubber, used largely in the manufacture of automobile tires, contributes nothing to the Treasury, and a 10 per cent ad valorem tax on raw rubber will produce an additional sum equivalent to the amount a continuation of the sugar tax will produce.

It is my purpose to make such a proposal on a motion to recommit, thereby maintaining our integrity as to a time-honored principle of a great party that has heretofore borne a reputation for the fulfillment of all pledges made to the people.

The gentleman from Ohio [Mr. LONGWORTH] welcomed us into the Republican fold yesterday. If you gentlemen get any comfort out of welcoming me into your fold you will have to take a hyperdermic along with your welcome sufficient in size and strength to allay the sufferings of a colic-stricken Missouri mule. [Laughter and applause.]

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, we are here to bury a part of the Underwood bill, and without intending any disrespect to the few and lonely mourners, I want to say that it is the most enjoyable funeral I ever attended. [Laughter.] I feel as though my span of life had been in some way lengthened. I never expected to live long enough to see the Democratic chairman of the Ways and Mean Committee introduce a bill for a protective tariff on sugar, and I never expected that my great-grandchild would ever learn of any competition between the Democratic Members of this House to see which should bring in a bill for a tariff commission.

Of course, this is only a halfway conversion, but we welcome them. When so many gentlemen are getting on the anxious seats it will not be long before a large number of them, in the language of a noted evangelist, will be "hitting the sawdust trail." [Laughter.]

Mr. Chairman, I think our Democratic friends in one respect have not treated us exactly fair. There had been no tariff bill introduced for two years, no tariff agitation in the House, apparently nothing doing, and apparently nothing about to be done, and we all thought it was a good time to take a day off and go in swimming. The first thing we know we find Democrats are trying to run away with all of our clothes. [Laughter.] Of course, we are willing they should be rehabilitated in this one act, and, if the thing keeps on, by next November it will be in order for some one on this side to rise up and make a motion that it be made unanimous. The only objection will be some ancient fossil, reading like a voice from the tombs, from the Democratic platform of 1904, "We denounce protection as a robbery of the many to enrich the few."

It is necessary that this bill should be passed, but I am not satisfied with the reasons given for its passage by gentlemen on the other side.

When the Ways and Means Committee last had the floor I was much interested in the remarks of the gentleman from North Carolina, the distinguished chairman of the Ways and Means Committee, a gentleman for whom I always had the highest respect, and for whom I have come to have an affectionate regard. He spoke at that time with so much wit and humor, in so pleasing a manner, in a somewhat whimsical and utterly irresponsible way that I do not know when I have been so much entertained. [Laughter.] I do not mean to say that I did not get any information from the gentleman, because I did; and also a lot of misinformation. I had never fully understood what was meant by a tariff for revenue only. There were some that seemed to think that it meant a tariff for incidental protection; others that it meant a tariff with protection in spots, such as Louisiana sugar or Texas goats, the preference being given by the Democratic system to the goats. But the gentleman made this all perfectly clear and I understand it fully now. A tariff for revenue only is one that decreases the revenue, and that is the only thing that it does do; but when the gentleman was speaking on this particular point he was so extremely modest and moderate—a fault to which he is so little given that I am sure the House will excuse him—that he did not half state the case. I hasten to come to his assistance and to the assistance of my friend from Mississippi [Mr. COLLIER], who has just spoken upon the same subject.

For the purpose of full understanding of the necessity for this bill, and of what kind of a law the Underwood tariff is as a revenue producer, I want to make a comparison of two years, the calendar year 1913 and the calendar year 1915. This comparison will be highly favorable to the other side, because in the calendar year 1913, during the last three months certain portions of the Underwood tariff were in force. During the calendar year 1913 the imports were $1,792,000,000, speaking in round numbers, and in the calendar year 1915 the imports were $1,778,000,000—only $14,000,000 less—but the customs receipts collected in the year 1913 were $310,000,000, and the amount collected under the Underwood tariff in the year 1913 was $197,000,000. In other words, while the imports were only $14,000,000 less, the revenue collected was $113,000,000 less, and yet they talk about the war having caused the depreciation in the revenues under the Underwood law!

If this bill is not passed it is a fair estimate to say that with the same amount of imports the customs receipts will be

$150,000,000 less per year than under the Payne bill. Let us take a more recent instance, and, indeed, I am more concerned in what may happen to us in the future than I am in what has happened in the past, because I believe we will have a more severe experience in the future than we have had in the past. In January, 1916, the imports were $21,028,861 greater than they were in January, 1913, and the customs revenue collected in January, 1916, was only $15,529,802, while the customs revenue collected in January, 1913, was $29,334,124. Thus, with $21,000,000 more of imports in January, 1916, they collected only a little over half of the revenue which was produced in 1913. But the gentleman from Mississippi [Mr. COLLIER] says that during the first few months of the Underwood tariff law, before the war broke out, they got the revenue necessary to carry on the Government.

It is true that with the help of the sale of some battleships, together with the income tax and with the increase in the imports, they did take in somewhat more than was taken in during the same months under the Payne law, and they also expended a great deal more. During the first seven months of 1914 the imports were $121,000,000 larger than they were during the same months of 1913.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HILL. I would like to make a correction right now. The gentleman from Mississippi [Mr. COLLIER] last night made the statement which the gentleman has just made, that the receipts from customs revenue for the first seven months of 1913 were less than they were for the first seven months of 1914 under the Underwood law. He is absolutely and totally mistaken, and I said last night that I would look up the figures and I have looked them up this morning, and they are $23,000,000 greater.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. With pleasure.

Mr. COLLIER. I think the gentleman from Connecticut is in error when he says that I stated that the imports received were so and so. I said the receipts.

Mr. HILL. I say the receipts.

Mr. GREEN of Iowa. Mr. Chairman, I shall have to decline to yield if the gentleman from Mississippi is going to enter into a discussion with the gentleman from Connecticut [Mr. HILL].

Mr. Chairman, as I have just stated, the imports were $121,944,698 more, and the revenue was $23,360,548 less, comparing the first seven months of 1914 with the first seven months of 1913. As the gentleman said, they did get the revenue, but how did they get it? They got it by displacing the products of American mills, of American farms, of American labor. That was the way they got it. They got it by bringing about the greatest list of failures both in number and amount that the financial history of this country has ever known. They got it by creating the greatest number of idle freight cars and putting more miles of railroad under a receivership than had ever been done before.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a short question?

Mr. GREEN of Iowa. Yes.

Mr. LONGWORTH. Who benefited by that?

Mr. GREEN of Iowa. Nobody but some importers of New York City and the immediate vicinity. Never was revenue collected in a more costly way; never was there such a case of a few gaining at the expense of the many as was done when this revenue was collected in this manner. They took away the wages of between two and three million American workingmen and, for all practical purposes, handed them over to foreign citizens. According to a statement made by the Department of Labor, a bureau conducted by this administration, 381,000 men were idle in the winter of 1913–14 in the city of New York alone.

Mr. Chairman, for the present we are enjoying a prosperity as the result of a traffic in the implements of death. Our mills are whirring as they manufacture the weapons of destruction. It is said that hundreds of thousands of dollars in value have been exported in a single day of the last week from the city of New York alone, but this prosperity is unnatural, ephemeral, and fleeting. Peace—blessed peace—so much wished for by all of us, so much prayed for everywhere, will bring us back again under the Underwood law, where experiences we have had will be but a foretaste of what is to come upon us. When the embargo that is created by the war is removed, once more our ports will be flooded with foreign products; once more the fires in our mills will go out; once more our streets will be filled with workingmen, walking the streets until prosperity is restored under a Republican administration by a Republican tariff. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield one minute to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I wish to say to the gentleman from Connecticut [Mr. HILL] that I think he is in error in saying that I said the customs receipts were more.

I intended to say, and the stenographer's notes bear out my contention, that the Underwood Act produced more revenue from January 1, 1914, to August 1, 1914, by over $17,000,000 than the Payne Tariff Act produced from January 1, 1913, to August 1, 1913, but I included the returns from the income tax for 1914, just as the gentleman included thirty-four million and odd dollars returns received from the corporation tax in 1913.

Mr. FORDNEY. Mr. Chairman, I yield one minute to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Chairman, I understood the gentleman from Mississippi [Mr. COLLIER] to say, and I think Members generally understood him to say, that the customs receipts for the period referred to, the first seven months of the calendar year of 1914, were greater under the Underwood law than under the Payne law for the first seven months of the calendar year of 1913, and I immediately went to him in the cloakroom and asked for his figures. He did not have them, and I have therefore compiled them this morning. His remarks do not appear in the RECORD to-day. As his statement from his stenographer's notes shows that I was mistaken, and that he referred to the whole bill, of course I have nothing further to say, except to make this suggestion, that the total amount received from the whole customs and revenue law by the Government included the proceeds of the sale of two battleships for $12,000,000 to Greece——

Mr. COLLIER. No; I did not——

Mr. HILL. In the month of July, 1914, if I am not mistaken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, it is not at all pleasant to have to disagree with some of my associates on this side of the House, neither is it pleasant to one's ears to hear sarcastic invitations from gentlemen on the other side to join their party, and I assure them that I am not going to do so. There are two reasons why I can not support this bill. The first is that I solemnly stated to the people whom I have the honor to represent that I would not do so; that I would not only help to put this article on the free list but likewise every other necessity of life. Believing that my pledge to the people is of more importance than any man's opinion as to the wisdom of this legislation, if there were no other reason, then for that reason alone I would vote against this bill. But there is another reason. I think that the results which would flow from this legislation would be not only injustice but would be immoral. I never yet have been able to see the philosophy or the wisdom in making the great rank and file of the American people pay taxes in this way. I have been suspicious for a good many years as to the means used in getting popular sentiment in favor of what seems to me to be such an outrageous system of taxation, and accordingly I was not greatly surprised when I read a letter in the hearings before the United States Senate committee to investigate in regard to the maintenance of a lobby to influence legislation. This letter is addressed to Mr. C. B. Warren, president of the Michigan Sugar Co., Detroit, Mich., and is written by a man named Hamlin, who was employed by the American sugar industries as their attorney and represented them in Washington and attended to their interests in matters of legislation. I am going to read as much of this letter as I can during the short time I have:

MARCH 20, 1912.

Mr. C. B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR MR. WARREN: Since our meeting on Saturday I have had two conferences with Mr. Hinman, who controls the Chicago Inter Ocean. It seems to me that the matters discussed deserve our serious consideration. Mr. FORDNEY may have spoken to you something about the matter. It seems that Mr. Hinman has purchased, or arranged to purchase, $200,000 of bonds of the Inter Ocean, formerly held by the Yerkes estate, but, as I gather it, he is not in shape to handle the proposition personally and desires to place these bonds. The total bond issue against the paper is $600,000, including the above, and bear interest at 5 per cent and mature in 1926. Of the $200,000 mentioned, $165,000 has already been placed, and Mr. Hinman desires assistance in handling the remaining $35,000. In placing the bonds already sold Mr. Hinman has had the assistance of the Vice President and ex-Speaker CANNON, both of whom are interested in seeing him carry through this transaction. His proposal is that we assist him in taking care of the remainder of these bonds, $50,000 of the proceeds to go to working capital.

The Inter Ocean has had its vicissitudes, and is now operating at some loss, but Mr. Hinman assures me that it is on the upgrade. He tells me that they are practically free from floating indebtedness and have never defaulted in an interest payment. The Inter Ocean is one of the three papers which hold *Associated Press* franchises in the city of Chicago, and is the only Chicago daily which publishes a weekly

edition. This weekly edition has a circulation of nearly 100,000, almost exclusively among the farmers in sections which it is most desirable for us to reach. I think no paper published in that section of the country is so generally quoted by the agricultural and country press as is the Inter Ocean. The paper has always been friendly to our interests, and should we aid Mr. Hinman a specialty will be made of the sugar tariff, and our business will receive particular attention all along the line. The daily circulation of the paper is about 86,000. Mr. Hinman tells me that he has a standing offer of $1,000,000 for the paper, and while these securities are not such as to be disposed of readily, it seems to me they are perfectly safe, as a paper with the circulation, franchise, and standing such as the Inter Ocean surely ought always to be worth $600,000. It certainly seems to me that it would be a good business for our people to make this investment, and thereby establish an organ in the Middle West which will give our industry the attention it deserves. So far as my own company is concerned, I feel safe in saying that we will do our share.

If these bonds, or a considerable portion of them, were taken over and then distributed among the larger concerns, the amount invested by anyone would not be large, neither would the money be given in the way of a contribution.

I gather from my talk with Mr. Hinman that the matter is somewhat urgent in so far as time is concerned. Mr. Hinman personally owns about three-fourths of the stock of the company. Mr. Oxnard seems to think that his people would look with favor upon helping.

I am writing only to yourself and Mr. Morey. If two or three of the stronger concerns could underwrite the remainder of these bonds, or a substantial portion of them, I believe we would have no difficulty in distributing them among the various interests affected.

You had better communicate with me by wire on receipt of this, giving your general impressions concerning same.

Very truly, yours.

The following letter, written by the same Mr. Hamlin, gives us some idea of the manner in which tariff speeches are prepared:

FEBRUARY 1, 1912.

Mr. C. B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR MR. WARREN: I wired you to-day as follows:

"Have Hathaway prepare immediately and forward me brief which can be used as basis for presentation of our side of question when bill is before House. Bill will not be in under 10 days and probably longer, but want this very earliest moment possible. Urgent personal business calls me West for two or three days, but will be back before anything turns up. Might be well for Hathaway come here do this work on ground. Am writing."

Mr. Pickett, of Iowa, who is classed as an insurgent, will make one of the principal speeches in opposition to any sugar measure which may be brought in. Mr. Palmer is now at work on the necessary data. He will take the question up from the standpoint of its being a refiners' propaganda and also from the agricultural end.

Mr. MONDELL, of Wyoming, also wishes to enter the fight on the floor and to be equipped with the necessary information. It is for him that I want Mr. Hathaway to prepare a brief. Have two purposes in this, the principal one being that in furnishing information for two persons it is well to have the question approached from two different viewpoints, as it is difficult for one man to prepare a brief for two persons without their running along the same line. In addition to this we want to give ourselves all the time we can, for when the bill is once introduced, under the system adopted for other bills, it is apt to be pushed along very rapidly, and there will be very little chance for preparation. This is very important, and the sooner it is done the better. It might be well if Mr. Hathaway could come here and do the work on the ground. If he does, I will arrange matters so that he can get into immediate touch with Mr. MONDELL and know exactly what he wants. It seems to me wise to have this question presented as far as possible by Members whose districts or States are not largely interested in this industry.

A matter of most urgent personal importance demands that I go to Colorado for a couple of days. I have checked the matter up here carefully and satisfied myself by first-hand information that our matter will not come up for at least 10 days and will probably be longer. Everything is working all right and I shall not be away a minute longer than is absolutely necessary. The matter on which I go is of the gravest importance or I would not think of leaving at this time.

The inclosed sugar story appeared in the Washington Post this morning. Mr. UNDERWOOD stated to-day that if the information came from an authoritative source it was the individual judgment of some member of the committee, as the committee itself had reached no conclusion whatever as to the rate of duty.

Very truly, yours.

Another letter explains to some extent the methods of publicity pursued by the interests. It is as follows:

DECEMBER 2, 1911.

Mr. C. B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR MR. WARREN: I am very much pleased with the results of the little trip I made, and believe it has done considerable good. We are getting matters started and, if followed up, think we will secure the line of publicity which will do much to rectify the false impression which prevails concerning our industry. Visited one big town on each day of my trip and invariably succeeded in getting our story in at least one of the leading papers. Of course, some handled it more satisfactorily than others, but, generally speaking, they all did well. I am inclosing herewith a copy of the Pioneer Press interview, both because it is a fair sample of our best results and for the reason that you will be directly interested in the local features of it. Am having a marked copy of the Pioneer Press sent to every newspaper in Minnesota and the two Dakotas. The papers which carried our story are Cleveland Plain Dealer, Chicago Inter-Ocean, Springfield News, St. Paul Pioneer Press, Indianapolis News, Minneapolis Tribune, Des Moines Capital, Des Moines Register and Leader, and Kansas City Times. Find that the Associated Press have handled some of our stuff in very good shape. The sale of the Chaska plant and its benefit to the beet industry generally was handled in this manner. You probably saw it, but will try and locate it and forward clipping.

While in Indianapolis I took up the matter of publicity with the American Press Association. This concern furnishes matter for the country press. It is not patented inside stuff, but goes on the outside of the paper as news. Am trying it out in a limited way in Indiana, and if successful there believe we can get a big line of publicity at a very reasonable figure in this manner. Furnished them with two stories—one upon the agricultural benefits of beet growing, and the other upon the tariff and price of sugar—the two occupying one column of space. This goes to 250 Indiana papers, and the cost to us is $125, including delivery. For twice this amount they would have given us an entire page, so you will see the expense is small if we can secure the results. I will have a full check-up on this before our Chicago meeting and believe we will want to take it up in all the States which it is most desirable to reach.

I believe by the time we meet in Chicago that I will have a plan of publicity to submit which will give us what we desire within a reasonable range of cost. I find that wherever I can get a chance to take these questions up with people it is not difficult to clear up the situation, although I find that there is an almost universal prejudice against us among newspaper people and a general misunderstanding of the situation everywhere. I am leaving for Washington to-morrow morning and will arrive Tuesday morning.

Thanks for your telegram with reference to contribution. Others have responded with like promptness, and we will be in good shape financially to take care of everything which can arise up to the first of the year.

Very truly, yours.

Here is another letter, which for obvious reasons will interest us:

MAY 6, 1912.

Mr. GEORGE W. HINMAN,
The Inter Ocean, Chicago, Ill.

MY DEAR MR. HINMAN: I have been very much engaged for the past few days, which will account for my delay in answering yours of the 29th ultimo.

The letter sent out was marked "Personal and confidential," and you can depend upon its being treated in that way. I did not ask our people to wire, and as yet can give you no definite information, but should hear from them at an early date. Have been unfortunate in missing Mr. FORDNEY. Went to see him two or three times and called at his hotel to-day only to find that he is in Michigan. You have doubtless heard from Mr. Scheutte that Mr. Warren expressed himself very favorably, but seems to want to procrastinate in this matter. I shall keep you advised of anything that takes place.

Very truly, yours.

The Senate committee stated at the hearing that the Mr. FORDNEY referred to in the foregoing letter is a Member of Congress.

The Democratic Party in 1912 made a vigorous campaign upon the proposition that it would lower the cost of living by reducing the tariff, and, Mr. Chairman, it gave me a great deal of satisfaction to know that the price of sugar, one of the articles most necessary to the life of every citizen in the land, was actually reduced a little more than 1 cent a pound, which was the amount of the reduction of the tariff on sugar made by the Underwood law passed by the last Congress. Under the new rates from March 1 to July 1, 1914, the refiners' selling price of refined sugar averaged 3.81 cents per pound as compared with an average price for the previous 10 years of 4.85 cents per pound.

Now, note the effect upon the price of sugar of the announcement that the duty on sugar should be retained. The price rapidly advanced during October and November, 1915, until it reached 5.73 cents per pound, and to-day it has reached a point where it sells for 6.65 cents per pound.

Of course the author of the bill disclaims any intention of giving the sugar barons any special privilege to throttle the American people. We are given to understand that the reason for making it possible for them to get this bounty or bonus is that the Government may get some revenue. Now, if they want only the revenue it would be easy enough for the Government to procure for itself as revenue the total increase in the price of sugar. If we must have a tax upon what the people consume, let the Government reduce the tax upon sugar imported to one-half the amount proposed to be levied, and then levy a tax of equal amount upon the sugar produced within the limits of the United States and its Territories. This would secure the total increase in price to the Government as revenue and would provide fair competition for the sugar producers of this country. This would prevent them from monopolizing the market and unreasonably advancing the price. As I have already said, I do not believe in taxing the people according to the amount of food they must have. That is wrong. That is infamous. But if we are going to tax people according to the quantity they must eat, then let us tax equally what is produced here and what is imported. That, at least, will make it certain that the Government will receive as revenue whatever may be the increase in the price on account of the tax.

Mr. KITCHIN. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL of Tennessee. Mr. Chairman, when my confirmed reactionary stand-pat friends on the other side raise the black flag of special privilege and hark back to the Payne law, I am always reminded of the remark of that distinguished Senator from Iowa, Mr. Dolliver, to the effect that the year 1909 was notable for two great frauds practiced on the American people, namely, the alleged discovery of the North Pole by Dr. Cook and the enactment of the Payne-Aldrich law, and that the President with equal enthusiasm sent a telegram of hearty congratulations to the authors of each.

Mr. Chairman, it would be impossible to describe the diligent, strenuous, and vain efforts of our friends upon the other side to find an issue on which they can with some plausibility go before the people in the coming campaign. They have been attempting through some of their great leaders, like Senator Root, to frame up some kind of an issue with respect to our foreign affairs, but some of the stand-pat gentlemen on the other side, having overindulged, a few days ago, in the political goose step, destroyed whatever plans were being perfected in that direction. They now turn to the old idea of a stand-pat high-protective tariff. They are endeavoring as best they can to revive this old issue, now rapidly becoming academic and obsolete.

In my judgment, Mr. Chairman, viewing existing conditions, both present and prospective, protection, the kind of monopoly-breeding protection which gentlemen on the other side have been accustomed to proclaim in this country, as an issue is practically dead. High protection will certainly not be a material or controlling issue in the coming campaign. The country has unbounded prosperity under the Underwood law. But in their efforts to present that issue we find at every turn conflicting views and suggestions emanating from gentlemen on the other side of the House. Some of them insist that the war was sufficient to overcome the evils of the Underwood tariff law, enough to bring about prosperity in this country, while others say that the war was not able to overcome its other evils enough to allow it to yield a sufficient amount of revenue to the Government. Both of those propositions taken together are untenable and absurd. Gentlemen upon the other side must agree and admit that the war has affected our revenues or it has not affected our prosperity. They must also admit that even though they assume that the war has had no material effect upon either——

Mr. MEEKER. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. MEEKER. I would like to ask if there is a tax on exports?

Mr. HULL of Tennessee. I take it that the gentleman has read the Constitution of the United States.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] stated the truth in his remarks on yesterday when referring to this bill he said that the Treasury needs the money and that is all there is to it. That is true with respect to Democratic action in dealing with the tariff; it looks solely to the needs of the Treasury.

Now, gentlemen upon the other side have undertaken to twit Democrats by pretending to assume that we have abandoned our principle with respect to the removal of the tariff tax from sugar. If gentlemen upon the other side will convince the beet-sugar manufacturers and the cane-sugar growers and manufacturers that we have abandoned that or any other principle with respect to tariff taxation, then I will be willing to listen to the remarks of the gentlemen made in this spirit of criticism. If gentlemen upon the other side will bring a single beet-sugar manufacturer or a cane-sugar grower before this House and let him state in his judgment that the Democratic Party has abandoned permanently any phase of its doctrine with respect to sugar, then I will have more deference for the remarks which gentlemen have been making on this floor. The truth is, Mr. Chairman, the Democratic Party, in charge of the Government, yielded, as the gentleman from Pennsylvania [Mr. MOORE] stated, to expediency in the light of pressing war emergencies. We yielded to expediency in this one instance, while our friends upon the other side yield to expediency in all instances. Now, I was surprised at the remarks of my friend from Connecticut [Mr. HILL]. He stated that when the Republican Party went out of power they left $149,000,000 cash in the Treasury, and he states that at present there is only $44,000,000, and that, eliminating the amounts deposited for the redemption of national-bank notes, and other funds, which in some senses are not strictly available for expenditure, the Republicans left $80,000,000 in the Treasury, whereas we now have only $16,000,000. I am sure the gentleman overlooked the fact that $75,000,000 of income tax, which has already accrued and will be paid into the Treasury during this fiscal year, which accrued at the rate of $6,500,000 per month, would properly be an item in his calculation. If that is included, then there would be $6,500,000 multiplied by eight, or $54,000,000, added to the $16,000,000 which he gives the present administration credit for.

Mr. HILL. I said the figures were taken from the daily Treasury report of March 3, 1913, and March 4, 1916, during three years of time.

Mr. HULL of Tennessee. I understand, Mr. Chairman; but I am making the statement that the income tax accrued to the Treasury last year at the rate of about $6,500,000 per month.

Mr. HILL. That will not accrue at all in four months after this statement is made.

Mr. HULL of Tennessee. This fiscal year.

Mr. HILL. Will not accrue until four months after this statement is made.

Mr. HULL of Tennessee. The gentleman is accounting for the corporation tax under the Payne law and refuses to include the income tax accrued at present.

Mr. HILL. Mr. Chairman, will the gentleman allow an interruption?

Mr. HULL of Tennessee. Yes.

Mr. HILL. It does include the income tax for last year, but not for this year, because that will not come in until June and July.

Mr. HULL of Tennessee. But, Mr. Chairman, we are talking about the present resources of the Treasury in this fiscal year.

Mr. HILL. That is exactly what I say.

Mr. HULL of Tennessee. I will undertake to say that at the end of this fiscal year there will be as much and more money paid into the Treasury than has ever been paid into the Treasury in the history of the Government in a single fiscal year. I will say, further, that when the income tax that has accrued is considered in this calculation—which is but fair and proper—our present state of the Treasury as compared with its condition on the 4th of March, 1916, will be very close to those figures.

Now, it has been the habit of gentlemen on the other side to undertake to make the impression that under Democratic tax laws we have deficits, and that the balance of trade is sometimes against this Government. I glanced over the figures some days ago, and I found that although it has been claimed that a deficit is almost an impossibility under Republican rule, and that the balances of trade are always in our favor under their rule, since 1861 down to the present year the balance of trade has been against this country 16 years, and that it was against it during 2 years of Democratic administration and 14 years of Republican administration. [Applause on the Democratic side.]

I also found that from 1861 to 1916 there have been 14 deficits in the ordinary receipts and expenditures of the Government, including postal receipts and deficiencies. Of those 14, 5 occurred under Democratic rule and 9 under Republican rule. [Applause on the Democratic side.]

I went a little further and looked into the deficits that have occurred in our total receipts and expenditures since 1861. I found that 27 deficits had occurred in the total receipts and expenditures of the Government, and I discovered that 5 of these had occurred under Democratic administration and 22 of them had occurred under Republican administration. [Applause on the Democratic side.]

The fact is, Mr. Chairman, that while we hear much talk about the state of the Treasury, yet up to 1890 it had never been the practice of the Government to count as an asset of the Treasury either money deposited for the redemption of national-bank notes or the subsidiary coin, which was only legal tender to the extent of $5; but under the financial stress of that year our Republican friends then enacted a law which transferred all these so-called assets and trust funds—I think about $54,000,000—from one side of the ledger to the other. In that way they made a pretense of having some money in the Treasury at the end of that administration, to the extent of two or three million dollars.

But they have not only approved that act; they have gone further than that. They have not only utilized the current receipts and the subsidiary coin and the deposits for the redemption of national-bank notes, but they have invaded almost every trust fund in the Treasury at some time or another during their incumbency. I may further say that, when the Payne law was reported to this House, gentlemen who now talk very loudly about the alleged depleted condition of the Treasury solemnly brought into this House a report, unanimously signed by them, in which they asserted as a matter of sound finance that, in estimating the condition of the Treasury and the expenditures for a fiscal year in advance, it was good fiscal policy to include 5 per cent of the unexpended appropriations already made as an amount available for general expenditures. The result was that this report, in its estimates, deducted from our prospective and estimated expenditures 5 per cent of appropriations already made, amounting to $45,906,000.

Let me read you this extract from that report, dated March 18, 1909, accompanying the Payne tariff bill:

It is proved by experience and from an examination of the appropriations from year to year that a balance of from 6 to 8 per cent of the appropriations calling for the payment of money is unexpended at the end of each fiscal year. In estimating for the expenditure of money for the year 1910, the committee has made a deduction of only 5 per cent on this account, in order to furnish a conservative estimate. The estimates of the revenue to be derived from customs made by the committee, and found below, are on the basis of the importations

for the fiscal year 1906. That year was selected because it was the last year of normal conditions. If the year 1907 had been taken as a basis, at least $30,000,000 would be added to this estimate, and it is quite probable that the importations under this bill during the second year of its existence will equal or exceed those of 1907, and that the revenue will approach the same amount.

With these explanations, the committee submits the following table showing the estimate of the amount of money required to meet the expenditures under the appropriations for 1910, and the estimate for revenue, viz:

Total appropriations for 1910		$1,044,014,298.23
Deduct estimated sinking-fund appropriation	$60,000,000.00	
Deduct bank-note redemption (paid by banks)	30,000,000.00	
Deduct Panama Canal appropriation, to be provided by bonds	35,886,190.58	
		125,886,190.58
		918,128,107.65
Deduct 5 per cent estimated appropriations which are not usually expended		45,906,405.88
Amount for which revenue is to be provided		872,221,701.77
Estimated revenues, report Secretary Treasury:		
From internal revenue	$250,000,000	
From miscellaneous revenue	62,000,000	
From postal revenue	223,340,712	
Estimated by committee from—		
Customs under proposed bill	305,225,173	
Internal revenue on legacies, etc	20,000,000	
Internal revenue on cigarettes, increase	1,500,000	
		862,065,885.00
Deficit		10,155,816.77

Now, if any Democrat on this floor had even suggested that policy at present he would almost have been driven out of this Hall by the denunciation and criticism of gentlemen on the other side. This Democratic administration has never been reduced to that extremity, and I predict that it never will be.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. HULL of Tennessee. Mr. Chairman, I listened to the reading of an English publication by the gentleman from Connecticut [Mr. HILL] on yesterday inclining toward a protective tariff. I have here a publication which would be taken for a resolution adopted by the Home Market Club, of Boston, or gotten out by the American Economist, which stands for ultra-high protection. This, however, in reality was adopted by the Association of Saxon Manufacturers. We have heard much pretended fear expressed by a few individuals in regard to the prospective dumping by Europe of its surplus products upon us, but I find upon an investigation that Europe is in far greater fear of this result from the United States than any intelligent citizen of this country is in fear of this result from Europe. This association solemnly resolved that raw materials, semimanufactures, and manufactures themselves be subjected, so far as imports are concerned, to an embargo, limiting imports to only a percentage of those that were coming in before the war, in order that Germany might have time to readjust her commercial conditions and to build up and to revive her industries and her financial affairs from the ruinous effects of the war. Here is a translation of that resolution:

FOREIGN TARIFFS.

[Jan. 17, 1916.]

GERMANY—PROPOSED MEASURES FOR PROTECTION OF GERMAN MARKET.

[Handel und Gewerbe, Nov. 20, 1915.]

The Association of Saxon Manufacturers (Verband Sächsischer Industrieller) adopted the following resolution on October 7, 1915:

"In view of the danger of a scarcity of raw materials, semimanufactures, and manufactures that may be caused by the change in the economic life of Germany from war conditions to those of peace, and the possibility that a sudden resumption of commercial relations with the present hostile countries upon the conclusion of the war will result in the flooding of the German market with foreign products, the Association of Saxon Manufacturers considers it necessary that the Bundesrath (Federal Council) adopt proper measures to guard against such displacement of German industry from the German market, and believes that this could be accomplished most expeditiously by a temporary restriction of foreign imports of semimanufactures and manufactures to a fixed portion of such imports prior to the war."

Mr. Chairman, I have in the same connection a statement from a noted English economist. When the Payne law was pending the Republicans in the Senate published and circulated extensively as a public document an argument by Mr. J. Ellis Barker, of England, entitled "One Hundred Points Against Free Trade." They circulated that all over the country. I have here now a recent magazine article by this same gentleman, whose arguments and statements they are estopped from denying, showing clearly and convincingly, according to the census of the United States for 1909 and the census of England for 1907, the relative cost of production in this country and in England in about twenty important industries. I read:

[Excerpt from a London magazine on Great Britain's war finance and economic future, entitled "A forecast and a warning," by J. Ellis Barker. (Source.—The Nineteenth Century and After, Dec., 1915.)]

The greatest resource of every nation is, in Colbert's words, the labor of the people. Unfortunately, the labor of the British people is very largely wasted. If we compare the productivity of labor in this country and in the United States we find, incredible as it may sound, that American labor is about three times as efficient as is British labor; that one American worker produces approximately as much as do three British workers. This assertion can be proved by means of the British and the United States censuses of production. The British census of production refers to the year 1907 and the American census to the year 1909. The two years lie so near together that one may fairly compare the results given. There is, of course, a difficulty in comparing the efficiency of British and American labor. In the first place the industries in the two countries have not always been officially classified in the same manner. Therefore many industries, such as the iron industry, can not be compared by means of the census figures. In the second place the qualities of American and British produce frequently differ widely. These considerations have necessarily narrowed the range of comparative figures. The following table contains statistics relating to some British and American industries which may fairly be compared. They will show conclusively that in many of the comparable industries the American workers produce approximately three times as large a quantity of goods as do their English colleagues, and that they succeed in producing three times as much, not because they work three times as hard, but because, as is shown in the table, the United States use in the identical industries approximately three times as much horsepower per 1,000 men as does Great Britain. The following figures are extracted from a fuller table, which appeared in an article of mine published in the Fortnightly Review for August, 1913, to which I would refer those who desire further details. They were much discussed at the time, but they have hitherto not been successfully challenged.

Articles.	Production per year.	Number of wage earners.	Horsepower employed.	Horsepower per thousand wage earners.	Value of production per wage earner per year.
Boots and Shoes:					
United Kingdom	$97,792,318	117,565	20,171	172	$832
United States	512,798,000	198,297	96,302	486	2,586
Cardboard boxes:					
United Kingdom	10,059,056	19,844	2,288	115	507
United States	54,450,000	39,514	23,323	590	1,378
Cement:					
United Kingdom	17,621,597	13,860	60,079	4,335	1,271
United States	63,205,000	26,775	371,799	13,886	2,361
Clothing:					
United Kingdom	302,545,439	392,084	17,837	45	772
United States	952,829,000	393,439	65,019	165	2,422
Cocoa, chocolate, and confectionery:					
United Kingdom	78,696,172	54,629	19,898	364	1,441
United States	157,186,000	47,464	46,463	979	3,312
Cotton goods:					
United Kingdom	642,378,000	559,573	1,239,212	2,215	1,148
United States	628,392,000	378,880	1,296,517	3,422	1,659
Clocks and watches:					
United Kingdom	2,983,165	4,448	550	124	671
United States	35,197,000	23,857	14,957	627	1,475
Cutlery and tools:					
United Kingdom	9,961,726	12,485	5,248	420	798
United States	53,266,000	32,996	68,294	2,070	1,614
Firearms and ammunition:					
United Kingdom	3,294,621	4,444	2,619	589	741
United States	34,112,000	14,715	17,840	1,212	2,318
Gloves:					
United Kingdom	5,134,158	4,532	509	112	1,133
United States	23,631,000	11,354	2,889	254	2,081
Hats and caps:					
United Kingdom	25,578,324	28,420	5,142	181	900
United States	82,978,000	40,079	23,717	592	2,070
Hosiery:					
United Kingdom	42,786,268	47,687	7,784	163	897
United States	200,143,000	129,275	103,709	802	1,548
Leather tanning and dressing:					
United Kingdom	89,003,419	26,668	22,609	848	3,337
United States	327,874,000	62,202	148,140	2,382	5,271
Matches:					
United Kingdom	4,194,923	3,865	1,591	412	1,085
United States	11,353,000	3,631	6,224	1,714	3,127
Paint, colors, and varnish:					
United Kingdom	44,416,546	10,574	14,575	1,378	4,201
United States	124,889,000	14,240	56,162	3,944	8,770
Paper:					
United Kingdom	66,286,597	38,642	172,224	4,457	1,715
United States	267,657,000	75,978	1,304,265	17,166	3,523
Pens and pencils:					
United Kingdom	3,849,402	6,025	1,450	241	639
United States	12,695,000	6,058	4,261	703	2,096
Printing and publishing:					
United Kingdom	65,931,342	34,210	16,365	478	1,927
United States	737,876,000	258,434	297,763	1,152	2,855
Silk:					
United Kingdom	26,011,443	30,710	18,867	614	847
United States	196,912,000	99,037	97,947	989	1,988

The figures given, which have not been selected for the purpose of fixing a case, show irrefutably that the British manufacturing industries as a whole are almost incredibly inefficient. Wherever we look we find that the American worker produces per year approximately three times as much as does his British colleague. Even the British cotton industry, the premier industry of the country, is, both on the spinning and on the weaving side, not provided with the best labor-saving machinery, as I pointed out very fully in an article in this review three years ago.

The comparison of production per wage earner per year in England and the United States is based upon wholesale prices. It is true that the shop prices of many commodities are higher in the United States than in England. However, this difference is due very largely to the fact that the American retailers require a larger profit because they have larger expenses, and because the business of distribution is more costly in the United States than here because distances are greater. In most cases the wholesale prices of comparable commodities are nearly identical in both countries. The fact that the American workers produce on an average approximately three times as much as their British colleagues employed in the same industries can therefore not be gainsaid.

It is, of course, generally known that in many cases American workers employ far more perfect machinery than do their British colleagues, but it is not generally known, and it seems almost unbelievable, that the American workers employ, besides better machinery, about three times as much power as do the British workers engaged in the same trades. If we allow for the fact that the American industries possess not only better machines but in addition three times as much power with which to drive them, it is obvious that the mechanical efficiency of the American industries is considerably more than three times as great as that of the corresponding British industries.

The lamentable inefficiency of British production is apparent not only in manufacturing, but in agriculture and mining as well. The coal tables of 1912, published by the British Board of Trade in March, 1914, contain many interesting figures relating to coal production in England and abroad. Coal is the bread of the manufacturing industries. Its importance to the nation can scarcely be exaggerated. Let us see how British coal production compares with coal production elsewhere.

Tons of coal produced per annum per person employed.

Years.	United Kingdom.	United States.	Australia.	New Zealand.	Canada.
1886-1890	312	400	333	359	341
1891-1895	271	444	358	388	375
1896-1900	298	494	426	441	457
1901-1905	281	543	437	474	495
1906-1910	275	596	462	470	439
1908	271	538	500	478	422
1909	266	617	388	456	400
1910	257	618	449	478	453
1911	260	613	485	487	395
1912	244	660	542	503	472

It will be noticed that the coal production per man per year is about twice as large in Australia, New Zealand, and Canada as it is in the United Kingdom, and that it is almost three times as large in the United States as it is in this country. This startling difference can only partly be explained by the fact that in many cases the coal seams are thicker in the United States than in Great Britain and are to be found at a lesser depth. This startling discrepancy in output is largely, if not chiefly, ascribable to this, that the British miner, as the British industrial worker, is hostile to improved machinery and is determinedly bent upon limiting output. It is ominous that whereas British coal production per man has steadily been decreasing during the last 30 years, American, Australian, New Zealand, and Canadian coal production per man has been steadily increasing. The British miner has unfortunately succeeded in more than nullifying the technical improvements made in coal production which in other countries have greatly increased production per man.

While an increasing coal production per man in America, Australia, and New Zealand has brought about the cheapening of coal, or has, at least, prevented it becoming dearer, greatly increased wages notwithstanding, the reduction in the British output per man, combined with increased wages, has fatally increased the price of British coal. This will appear from the following figures:

Average value of coal per ton at the pit's mouth.

	United Kingdom.	United States.	Australia.	Canada.
1886	$1.17	$1.54	.....	.....
1887	1.17	1.58	$2.23	$2.63
1888	1.23	1.46	2.19	2.65
1889	1.54	1.29	2.17	2.74
1890	2.01	1.27	2.07	2.68
1891	1.95	1.29	2.13	2.76
1892	1.77	1.31	1.92	2.74
1893	1.65	1.30	1.80	2.70
1894	1.62	1.24	1.62	2.68
1895	1.47	1.16	1.54	2.70
1896	1.42	1.16	1.50	2.63
1897	1.44	1.12	1.44	2.43
1898	1.54	1.07	1.40	2.43
1899	1.84	1.14	1.48	2.43
1900	2.63	1.29	1.46	2.61
1901	2.28	1.35	1.84	2.68
1902	2.00	1.38	1.88	2.65
1903	1.86	1.60	1.78	2.61
1904	1.75	1.43	1.66	2.61
1905	1.69	1.38	1.50	2.57
1906	1.77	1.41	1.52	2.57
1907	2.19	1.45	1.66	2.57
1908	2.17	1.45	1.79	2.52
1909	1.96	1.37	1.83	2.64
1910	1.99	1.42	1.83	2.70
1911	1.98	1.43	1.81	2.64
1912	2.20	1.48	1.83	2.66

The figures given show that the British coal miners have succeeded in reducing the output of coal per man and creating an artificial scarcity. In former years British coal was approximately as cheap as American coal, and in some years it was cheaper. Of that advantage the manufacturing interests have now been deprived. Of late years, owing to increased wages and reduced output, English coal prices have been 50 per cent higher than American coal prices. Hence, the British manufacturing interests suffer not only from insufficient output due to inefficient machinery and insufficient power to drive it, but also from unnecessarily high coal prices.

While British masters were opposed to industrial progress and to all innovations from conservatism, from indifference, or from sheer laziness, their men looked upon improved organization and machinery with positive and undisguised hostility, for they had been taught by their leaders that their greatest interest lay in a high wage and in a low output; that every increase in output injured the other workers and themselves. It seems incredible that such a foolish fallacy should have been allowed to restrict and stifle the development of the British industries. Unfortunately the British workers, as a whole, are at present as hostile to the introduction of modern methods and improved machinery as they were in the machine-smashing era a century ago. The world is a great cooperative society. Men are paid money wages, but as they spend in purchasing goods they are in reality paid in goods, in food, clothes, etc. A man who produces food is paid in clothes, and a man who make clothes has to buy food. If both produce "scientifically" as little as possible they will lack food and clothes, whatever their wages may be. If, on the other hand, both produce much there will be abundance and prosperity. Production determines wages. Small production and high wages are incompatible. High production and high wages go hand in hand. In the United States wages are from two to three times as high as in this country, because production per man is from two to three times as great, goods are very little dearer in the United States than in England, high wages notwithstanding. The result is that the very highly-paid American workman can purchase with their large wages an abundance of food, clothes, etc., and can save large amounts in addition.

In the lengthy table summarizing British and American production per worker per year, printed on another page, the gross value of the goods produced is given. Of course, a worker who converts in a day a piece of leather into a pair of boots worth 15s. does not really produce 15s. worth of goods. To arrive at the real value of his day's work we must deduct from the value of the goods made by him, the cost of the raw material, and the general factory expenses. By deducting these we find that the net production per worker per week is as follows in the United States and Great Britain, according to the censuses of production:

Net produce per worker per week.

Articles.	United Kingdom.	United States.
Boots and shoes	$7.15	$17.46
Cardboard boxes	5.25	13.98
Cement	13.20	24.32
Clothing	6.52	21.83
Cocoa, chocolate, and confectionery	8.80	24.52
Cotton goods	7.53	13.06
Clocks and watches	8.04	19.40
Cutlery and tools	8.10	20.39
Firearms and ammunition	11.33	22.34
Gloves	9.09	17.65
Hats and caps	6.82	20.49
Hosiery	6.16	13.37
Leather, tanning and dressing	11.88	24.61
Matches	9.90	35.77
Paint and varnish	24.29	61.95
Paper	11.00	25.87
Pens and pencils	7.61	21.45
Printing and publishing	24.26	39.89
Silk	5.37	17.31

It will be noticed that in the trades enumerated the American workers produce per week, as a rule, from two to three times as much net as their British colleagues. As no worker can possibly obtain for his work more than the entire value of his work, it is clear that the British worker, in cardboard boxes, for instance, can not obtain more than $5.25 per week unless he produces more. This table, which has not previously been given, explains why wages are high in America and relatively low in this country.

Mr. FORDNEY. I yield to the gentleman from Virginia [Mr. SLEMP].

Mr. SLEMP. Mr. Chairman, in introducing the free-sugar bill in the House of Representatives on March 14, 1912, Mr. UNDERWOOD said:

There is no bill that more clearly marks the dividing line between the two political parties of this country than does this bill—

The bill admitting sugar into this country free of duty. This is another way of stating that, should there be confusion in any man's mind as to whether he belonged to the Republican Party or to the Democratic Party, there was at least one sure and permanent guide in eliminating this confusion, and that is that if a man favored free sugar he was a Democrat and if he favored a duty on sugar he was a Republican. [Applause on the Republican side.] Mr. UNDERWOOD also stated that the differences between the two parties on this subject were of historical standing and so fundamental as not to be composed.

In spite of this position taken by the former Democratic leader of the House of Representatives, and in spite of the fact that advocacy of free sugar offers to Democrats generally their only means of self-identification, the Democratic members of the Ways and Means Committee joined with the Republican members of the committee in adopting the Republican position in favor of retaining the present sugar duty, and I congratulate them upon their action.

I voted for a retention of the duties on sugar in 1912, in 1913, and will do so again when this bill comes before the House.

It is interesting, however, to note the reasons advanced by the Democratic leaders for changing their position and advocating this Republican doctrine. Their report says:

This legislation is made necessary in order that the Treasury may have the benefit of the revenue receipts from sugar to assist in meeting the decline in customs and postal receipts, due to the disturbed conditions resulting from the European war, and also to assist in meeting the decline in ordinary internal-revenue receipts.

It becomes, therefore, the subject of investigation as to whether there has been any decline in postal revenues, ordinary internal-revenue receipts, and custom duties; and if so, whether such decline has been brought about by conditions resulting from the European war.

Treating these subjects in order, let us examine the situation relating to postal revenues. Mr. UNDERWOOD, on December 17, 1915, while addressing another body on the subject of the Underwood tariff bill and the sufficiency of the revenues therefrom, said:

It was assumed at the time the present law was written that postal receipts would take care of postal expenditures, and I believe that can be assumed as a fact to-day and for the immediate future.

One gets confirmation of this view in a statement issued by Postmaster General Burleson, November 5, 1915, in which he announces the "return of postal receipts to practically a normal rate of increase."

Mr. Burleson goes so far as to use this normality of the increase in postal receipts to prove the return of prosperity and normal business conditions, the lack of such returning prosperity being a very sore subject with our Democratic officials.

The Third Assistant Postmaster General, Mr. Dockery, sustains Mr. Burleson in reference to postal receipts in a statement issued December 20, 1915, in which he states that—

A veritable slump occurred in August, the first month of the war, and sharp decline in receipts followed monthly until November, when they reached the point of lowest depression—

This was more than 16 months ago.

Then the tide turned. Poise was regained and business began to adjust itself to existing conditions, and have been climbing up ever since, in step with increasing prosperity and commercial activity throughout the country.

I also read Mr. Dockery's letter to me of March 15, in further confirmation of the statement that postal receipts are increasing and not decreasing:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, March 15, 1916.

Hon. C. B. SLEMP,
House of Representatives.

MY DEAR MR. SLEMP: In compliance with your request by telephone to-day I submit the following statement of postal receipts at the 50 largest post offices for the months of January and February, 1913, 1914, 1915, and 1916, respectively:

	1913	1914	1915	1916
January	$12,386,358.08	$12,629,225.55	$11,586,330.10	$12,832,655.81
February	11,242,080.96	11,607,402.66	11,074,330.13	12,805,615.20

Yours, very truly,

A. M. DOCKERY,
Third Assistant Postmaster General.

Thus do Mr. Dockery and Mr. Burleson refute the claims that there is a decline in postal revenues and therefore render unjustifiable a claim that the sugar duties are retained because of the falling off of postal receipts. It would be idle to comment on the lack of coordination of consistency or sincerity in Democratic leaders issuing statements that are so contradictory. So much for this feature.

Let us next examine the ordinary internal-revenue receipts. These receipts for five years, for the eight months preceding March 1, are as follows:

Eight months ending—	
Feb. 29, 1912	$195,861,423
Feb. 28, 1913	207,650,113
Feb. 28, 1914	209,855,503
Feb. 28, 1915	216,268,964
Feb. 29, 1916	252,775,774

It will be seen from these figures, which are the latest figures available at the Treasury Department, that there has been a steady increase in ordinary internal-revenue receipts for the past five years. They show conclusively the Democratic contention that the proposed retention of duties on sugar as due to a decline in internal-revenue receipts to be utterly fallacious and without any foundation whatever. There might have occurred a decline in ordinary internal-revenue receipts after the passage of the Underwood tariff bill because of the demoralization it occasioned to the business interests of this country and the consequent limiting of the ability to purchase internal-revenue articles on the part of the American people, and doubtless there would have been a falling off of such receipts for a few months at the beginning of the European war. The Democratic Party was prompt to recognize this decline, however, and immediately imposed the present onerous stamp taxes on the American public to make up for such decline. These stamp taxes still remain and are included within the figures just given. It will be observed that the ordinary internal-revenue receipts for the eight months ending February 29, 1916, was $252,775,774. It is estimated that this includes about $60,000,000 duties collected as war taxes. If this should be eliminated, there would remain about $193,000,000 as purely ordinary internal-revenue receipts, which would compare favorably with such receipts under the Republican administrations. As a matter of fact, however, by including these war taxes the Democratic Party for eight months has had available at least $60,000,000 more from these sources than the Republican administration ever had. For an entire year this additional revenue amounts to about $90,000,000. There is no reason therefore for the Democrats to argue a restoration of the duties on sugar on the theory that there is a decline in the ordinary internal-revenue receipts. The logical Democratic argument should be to remove the remaining duties on sugar because of the excessive amount of revenue received from ordinary internal-revenue receipts, which excess is shown to be much greater than the total amount that will be secured through the duties on sugar, estimated to be about $50,000,000. So much for this feature.

Let us now examine the customs revenues with reference to their decline.

It is not only confusing but amazing for Democratic leaders to complain of the decline in customs duties, when their whole theory of tariff legislation involved a reduction in customs duties. This reduction has not only been defended but made a subject of boast and pride by Democratic leaders, who contended that diminished customs revenues was positive proof of the saving to the American people brought about by the Underwood tariff bill. Now, they would inaugurate new legislation and take the Republicans' position on sugar because customs duties were reduced. Mr. UNDERWOOD has stated time and again, not only at the time of the passage of the Underwood tariff bill but subsequently, that he expected such decline in customs revenue; that the Underwood tariff bill was based on that theory; and that loss in customs revenue thereby is to be made up by an increased corporation tax and the imposition of the income tax. If one should agree with the argument of Mr. UNDERWOOD on December 17, 1915, it would render absurd the Democratic contention of the members of the Ways and Means Committee in regard to decline in customs revenue, as a basis for sugar legislation. He claimed that the falling off in the customs revenue for the year 1914, as compared with 1912, was only $19,193,045, and as compared with 1913, the last year of the Payne law, only $26,762,868. He shows, however, in defending his bill from a revenue standpoint that the income-tax law added more than $45,000,000 new money to offset this loss in customs revenue. Thus by his new legislation he more than makes up for the loss in customs revenue and actually adds $19,000,000 new money to the Treasury.

From Mr. UNDERWOOD'S statement, therefore, it would be absurd for the Democratic Party to change their historical position on the sugar question on account of a decline in duties for which they have more than compensated.

The situation has not been stated fairly, because no part of the year 1915 was considered by Mr. UNDERWOOD, else he would have been forced to admit the complete failure of his bill as a customs-revenue producer. Let us, then, see what are the facts. The customs receipts for the eight months' period to the last day of February for each year for the last five years are as follows:

Eight months ending—	
Feb. 29, 1912	$201,858,207
Feb. 28, 1913	222,887,540
Feb. 28, 1914	199,614,527
Feb. 28, 1915	138,684,521
Feb. 29, 1916	131,854,332

I take eight-month periods because the circulars issued by the Treasury Department contained this information from June 30 of each year to the date of the issue of the circulars, and I considered March 1 as a fair and recent date for comparison. The figures show conclusively that there has been a marked decline in customs revenues, and that this decline amounts to more than 33⅓ per cent of what had been collected under Republican law. We can all agree on this. Democrats, Republicans, Socialists, and everyone else can unite on this point. The figures are indisputable; customs revenues have fallen off, and the statement of the Ways and Means Committee to this extent, and to this extent only, is correct.

We come now to a discussion of the cause of this decline, and the remedy therefor. The Democratic leaders claim that this decline was brought about by disturbed conditions resulting from the European war. They claim that the European war brought about a decline in importations, and that this necessarily meant the decline in customs revenues. Their whole argument would fall to the ground if importations were normal, and yet customs revenues declined.

Republicans claim that there is a decline in customs revenues, but that this decline is due to the placing of articles on the free list, and in other reductions in the tariff schedule, brought about by the Underwood tariff bill. They claim that importations are practically normal and ever increasing.

Let us see which is right.

I now give figures showing the value of our imports for the past four calendar years, the duty collected, and the average duty rate, for about 92 per cent of our total imports.

Calendar year.	Value of imports.	Duty collected.	Average duty rate
			Per cent.
1912[1]	$1,818,000,000	$326,340,000	18
1913[2]	1,792,600,000	310,800,000	17
1914[3]	1,789,250,000	241,250,000	13
1915[4]	1,778,000,000	198,606,000	11

[1] Full year under Republican law.
[2] Last three months under Democratic law.
[3] Last five months under war conditions—temporary curtailment.
[4] Full war period.

An analysis of these figures shows that in 1915, a full year war period, imports fell off but slightly over 1½ per cent compared with 1912, a full Republican year; but customs revenues fell off over 39 per cent. They demonstrate the normality of importations and coincidentally the decline in customs revenues.

Imports declined 1.50 per cent; customs declined 39 per cent.

The inquiry naturally runs as to what duties would have been collected had the Payne bill been in force during the preceding years. It is impossible to determine this, because no one can say what effect on importations tariff reductions would make; but assuming they would have been the same—and under the circumstances involved in our business opportunities arising from the European war I believe this to be fair—some interesting figures result.

If we take certain articles on the dutiable list in the Payne bill which were placed on the free list in the Underwood bill and apply the Payne duties thereto we obtain for the six months ending December 31, 1915, the following amounts as representing the loss of revenues on each article transferred from the dutiable to the free list:

Loss in revenue 6 months ending Dec. 31, 1915.

Articles made free:	
Wool	$15,000,000
Loss of revenue on sugar	6,600,000
Live animals	3,500,000
Corn	150,000
Quebracho extract	370,000
Bituminous coal	360,000
Flax and hemp	200,000
Burlaps	3,500,000
Cured fish	300,000
Fresh fish	500,000
Iron ore	100,000
Pig-iron scrap	250,000
Railroad bars	150,000
Leather	300,000
Fresh meat	750,000
Milk	250,000
Cod-liver oil	140,000
Boards	880,000
Laths and shingles	600,000
Wood pulp	700,000
Total	34,600,000

Here is an approximate loss from the placing of these articles on the free list for six months of $34,600,000. On the same basis for the entire year of 1915 there would have been a loss of twice this amount, or $69,200,000 as a total loss in revenue for the year 1915 by placing those articles on the free list. It is difficult, on account of classifications, to estimate the losses in duties on articles on which the duty was simply reduced and the article not placed on the free list. An estimate of $3,000,000 per month loss due to such reductions would be found to be fair, or $36,000,000 per annum. Or we have as a summary of revenue loss:

Loss in duties by the Underwood tariff bill, calendar year 1915, by transferring articles from the dutiable to the free list	$69,200,000
Loss in duties in other reduction of duties	36,000,000
Total	105,200,000

Now, Mr. Chairman, the cost of Mr. Wilson's proposed program of preparedness is $98,000,000. So had our old tariff rates been in existence during the past year of 1915 we could have collected enough revenue therefrom to pay for this entire program of preparedness and still have a surplus in the Treasury.

If we take more recent figures, the results show that we are going from bad to worse, so far as the Democratic tariff law is concerned. The average rate of duty on all imports coming into this country in December was only 9½ per cent and for January only 8 per cent, as against an average of about 17 per cent under the last full calendar year of the Republican tariff law. The importations for December, 1915, for example, were $171,832,505, an amount of imported goods seldom exceeded in our history, and yet we collected from this huge body of foreign goods less than $17,000,000, whereas under a Republican tariff law we collected in December, 1912, on an average rate of 15.7 per cent, more than $24,000,000 from importations amounting to $154,095,444, or $17,000,000 less. The same story is told by the duties collected from January, 1916, importations, that amounted to $184,192,000, the largest amount of goods ever brought into this country in any January, and yet we collected only $15,544,000 of customs duties, at an average rate of duty of 8 per cent, whereas in January, 1913, with only $163,000,000 of importations, we collected under a Republican law, at an average rate of about 18 per cent, over $29,000,000 for our Treasury. I would not accept these monthly statements as defining any general condition except for the fact that the conclusions therefrom are borne out entirely during the existence of the Underwood tariff law. They again show that the decline in customs revenues is due to the removal of tariff duties instead of to the restriction of importations.

If we apply Payne rates to the importations for January, 1916, we will have more interesting results.

These importations cover about $184,000,000. Applying the average rate under the Payne bill during the last Republican year of 17 per cent to these importations we would get $31,240,000, or an increase of about $15,700,000 over the amount received under the Underwood bill, or, summarizing:

Duties estimated had Payne rates been in effect month of January, 1916	$31,240,000
Duties actually collected January, 1916	15,500,000
Loss for month of January, 1916	15,740,000

To check this estimate I give the loss in revenue for most of the articles transferred from the dutiable to the free list in the Underwood bill for the month of January, 1916:

Approximate loss in revenue, month of January, 1916.

Articles placed on free list:	
Wool	$8,900,000
Sugar	1,250,000
Fresh meats	220,000
Cured fish	120,000
Dressed fish	100,000
Cattle	80,000
Quebracho	185,000
Bituminous coal	70,000
Leather	80,000
Boards	80,000
Iron ore	15,000
Laths and shingles	50,000
Wood pulp	30,000
Flax	7,000
Hemp	12,000
Total	11,199,000

This represents the loss on the transfer to the free list and the loss on sugar alone for one single month of January, 1916. The remainder, I have no doubt, would be had from a restoration of other duties of the Payne bill, other than the free list. Assuming $3,000,000 gains from such revenues, we would have as a loss $14,000,000 for this month, which is somewhat less than the estimate above.

One only needs to multiply this $14,000,000 by 12 to get the annual loss in revenue due to the change in the tariff law, based upon the January importations and duties therefrom. It will for the year 1916 amount to a loss of $168,000,000 per annum, which we are now giving to the foreigner at the expense of our home producer and at the expense of our home wage earner. If these duties were restored, according to these figures, they would be sufficient to meet the entire additional expenditures required by the preparedness program, including all the provisions that the President advocates in regard to all increase in Army, Navy, and fortifications, and still leave a surplus of over $70,000,000, which would justify removing the onerous and unjust war tax now imposed upon the people, or to summarize:

Estimated loss revenue, 1916, due to disregarding Payne rates		$168,000,000
Cost President's preparedness:		
Additional program	$98,000,000	
Stamp and other war taxes	90,000,000	
		188,000,000

Let this restoration of sugar duties be the forerunner of other changes in tariff duties in accordance with the long-established principles of the Republican Party. [Applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman and gentlemen, in the message delivered by the President at the opening of the present Congress he stated that "National defense is the particular matter that lies at the very front of my whole thought as I address you to-day." He advocated a larger Army and Navy. To provide the necessary revenues he recommended the retention of the present emergency tax and the duty on sugar, as well as certain new taxes. His recommendations concerning the emergency tax and the duty on sugar agree with the previous recommendations of the Secretary of the Treasury upon the same subjects.

The President, however, goes further than simply to advise increasing the Army and Navy. In speaking upon the "single theme, the preparation of the Nation to care for its own security," he says:

> While we speak of the preparation of the Nation to make sure of her security and her effective power we must not fall into the patent error of supposing that her real strength comes from armaments and mere safeguards of written law. It comes, of course, from her people, their energy, their success in their undertakings, their free opportunity to use the natural resources of our great homeland and of the lands outside our continental borders which look to us for protection, for encouragement, and for assistance in their development; from the organization and freedom and vitality of our economic life. The domestic questions which engaged the attention of the last Congress are more vital to the Nation in this its time of test than at any other time. We can not adequately make ready for any trial of our strength unless we wisely and promptly direct the force of our laws into these all-important fields of domestic action. A matter which, it seems to me, we should have very much at heart is the creation of the right instrumentalities by which to mobilize our economic resources in any time of national necessity.

He further recommends an appropriation that would enable him to organize, from leading civilians, a board "who can sugget the best way in which to bring about prompt cooperation among the manufacturers of the country, should it be necessary, and those who would assist to bring the technical skill of the country to the aid of the Government in the solution of particular problems of defense." With the utmost emphasis he declares:

> What is most important is that the industries and resources of the country should be available and ready for mobilization.

Finally, in the last paragraph, the President sums up his entire message in these words:

> For what we are seeking now, what in my mind is the single thought of this message, is national efficiency and security.

It is very evident from the report of the Secretary of the Treasury and the message of the President that the administration favors the retention of the present duty on sugar as a practical means of securing necessary governmental revenues to carry out the present program of national defense. Such a reason for a duty on sugar is more or less transient. When the extraordinary expenses incident to the sudden increase of the Army and Navy have been met and the equilibrium of national expenditures is again restored the advisability of a duty on sugar might not be apparent and the pendulum would once more swing toward free sugar.

In former years I occasionally attended a circus to witness the high and lofty tumbling of the acrobats. This form of entertainment has a peculiar fascination for me. During the past three years I have had no occasion to attend the circus. The acrobatic feats of the present administration have afforded all the diversion that any sane citizen could desire.

Originally, the administration declared for Panama tolls. Afterwards it begged Congress to repeal the toll bill "for secret reasons," which it was not willing to give even to the leaders of the Democratic Party in Congress. It declared for noninterference in Mexico; then sent a military and naval expedition to Vera Cruz; then withdrew all armed forces from Vera Cruz. It stated that the Mexicans could settle their own internal difficulties; then determined that Huerta should not be president; then assisted Villa against Huerta; then turned its support to Carranza in opposition to Villa. Now, the American guns placed in Villa's hands have been turned against our people. A year ago the administration pooh-poohed the idea of preparedness. Now the President says, "Preparedness stands in the very front of my whole thought." Two years ago the only increase which the administration favored for the American Navy was the dreadnaught *Friendship* and the enemy destroyer *Fellowship*. Now the President wants within the next year the construction of 2 battleships, 2 battle cruisers, 3 scout cruisers, 15 destroyers, 5 field submarines, 25 coast submarines, 2 gunboats, and 1 hospital ship. Still further increase is to be made throughout subsequent years. Twice the administration has favored a tax on automobiles and twice this plan of taxation has been withdrawn. It raised its hands in holy horror against making war loans by American financiers; then it permitted the greatest war loan in history to be floated in the United States. With righteous indignation it declared for progressive democracy, then formed alliances with machine Democrats in every State. In the alleged interest of a free market basket it passed a law removing the duty on sugar. Under the guise of a revenue tariff it now asks for a duty on sugar.

It declared for the protection of American trade on the high seas, but passed a law that drove many of our ships from the ocean. With strident voice it proclaimed that there should be no combinations in restraint of trade; then enacted a law which specifically exempted farmers and laborers from such combinations. To-day the administration is using the single-term plank of the Democatic national platform of 1912 as a springboard from which it may turn a back somersault into the White House for another four years.

While the administration is now temporarily standing on the sound Republican doctrine of national defense and urging that legislation should be shaped so that the industries and resources of the country "shall be ready and available for mobilization" to the end that we may have "national efficiency and security," *I desire to take advantage of the opportunity and discuss—*

THE DUTY ON SUGAR AS A MEANS OF NATIONAL DEFENSE.

Mr. Chairman and gentlemen, I am glad to take part in this discussion to-day. I must concede that I believe men who differ with me politically are honest in their convictions; but the man who is honest in his conviction that this great sugar industry can survive in this country without protection must be in a very unsettled frame of mind if he is familiar with the industry, with the cost of production and the cost of the establishment of the industry, in this country, and the cost of establishment and cost of the production of sugar abroad.

I have on the frame behind me a picture of a magnificent beet-sugar factory. I thought by looking at that picture you could determine better the importance of this great industry. We have in the United States to-day 77 of those sugar factories. Twelve of them are not in operation. Last year 17 were out of commission.

These 77 factories have cost $100,000,000. Gentlemen, an industry with an investment in the machinery and plant of $100,000,000 is an important industry. This is all American-owned capital. Since the enactment of our present tariff law, of which my beloved friend, Mr. UNDERWOOD, is the author—and I love him as I do a brother—there has not been the establishment of a single sugar factory in the United States. Since the enactment of that law on the 22d day of October, 1913, there have been some 20 sugar factories built on the island of Cuba, 11 of which were built during the calendar year 1915.

Mr. MAYS. Will the gentleman yield?

Mr. FORDNEY. I will; yes.

Mr. MAYS. Is the gentleman not informed that six factories are in process of construction in Utah and Idaho at the present time?

Mr. FORDNEY. No; I am not, but I am informed that there are four now under contract for construction in the whole United States, contracted for since the Secretary of the Treasury announced that you were going to repeal the free-sugar clause in the Underwood Tariff Act. [Applause on the Republican side.] They will be built, provided they can secure beet seed for the coming year.

Gentlemen, the sugar industry is one of great importance to the South. Cane sugar was first introduced in Louisiana by the Jesuit fathers in 1751. Down to 1795 molasses only was made from cane. Then the production of sugar began.

In 1789, when the first tariff law of this country was enacted, it gave a stimulus to that industry, and I want to read to you the enacting clause of that law, approved July 4, 1789:

> Whereas it is necessary for the support of Government, for the discharge of debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported into the United States.

Yet some of our friends will say that we never had a protective tariff on sugar until after the Civil War. In that very act of 1789 the duty placed upon brown sugar was 1½ cents per pound and 3 cents a pound on loaf sugar.

The growth of the cane industry of the South began in about 1820, and because there are several gentlemen who want to speak on this subject I will not go into that in detail, but I will call your attention to the production of sugar in the South from 1852 down to date.

From and including the year 1852 down to 1860 there was an average each year of sugar produced in Louisiana of 156,000 tons.

From 1861 to 1870 the average was 63,000 tons. During a portion of that period the industry in the South was practically destroyed by the Civil War.

From 1871 to 1880, inclusive, the production was 79,000 tons annually.

Now, listen, gentlemen. From 1881 to 1890 the average production was 133,000 tons.

Under the stimulus of the McKinley tariff law, which provided for a bounty on the production of sugar in the United States, from 1891 to 1895—which period took in a portion of the time the Wilson tariff law was upon our statute books, when the duty was 40 per cent ad valorem, or about 80 cents per 100 pounds—the industry produced 263,000 tons per year.

From 1896 to 1900, inclusive, the annual production was 273,000 tons, and from 1901 to 1905, 330,000 tons under the influence and encouragement of the Dingley tariff law. [Applause on the Republican side.]

From 1906 to 1912, inclusive, the production was 352,000 tons annually under a Republican tariff law. [Applause on the Republican side.]

Under the reduction in the rates of duty of our present existing tariff law the average production dropped to 188,000 tons, or a loss of 46½ per cent in the States of Louisiana and Texas. Now comes the most disastrous part of all. Day before yesterday I received by telegraph a statement that the output of Louisiana and Texas sugar for the years 1915 and 1916 is but 121,000 tons, a loss of about 70 per cent in that industry under the influence of existing law.

The first successful effort in the United States in the production of beet sugar was made by one E. H. Dyer, who established a factory at Alvarado, Cal., in 1879. It seemed as though that industry would fail up to 1883, with a total of six factories in the United States that year; but a few years later the industry began to bloom as the roses of June. My friends, one gentleman said yesterday in answer to my friend and colleague from Michigan [Mr. LOUD] that it was not meritorious to impose this tax upon all the people for three sugar factories in the gentleman's district. I do not give the exact words, but that was the gist of his argument. The gentleman forgets that there are 77 of these magnificent factories in the United States, scattered over 17 States of this Union. Stop and think of it for a minute, you who oppose this magnificent industry.

Another gentleman [Mr. KEATING, from Colorado] said that we never had as low a price for sugar in this country as we had from the adoption of the Underwood tariff law down to the beginning of the war in Europe. Let me give him a little light on the subject. From the time the beet-sugar industry of this country produced 40,000 tons annually to the time it has increased to its present greatness, or to 700,000 tons—a little less than at present—the average wholesale price of granulated sugar was lowered in the markets of the United States from $4.97 per hundred pounds to $4.11 per hundred pounds. [Applause on the Republican side.]

Do you believe the sugar refiners were responsible for that reduction? If you are of that opinion just get the sugar statistical and trade journals and study the prices and quotations. When the domestic crop is on the market, from October until the following March or April, and sometimes May—at which time our domestic is exhausted—you will find that ever since the beet-sugar industry in this country became well established the price of sugar, when the domestic crop was on the market, has been lowered to the consumer. And immediately upon the going off the market of the domestic product the price has gone up for the balance of the year.

The gentleman from Colorado [Mr. KEATING], who represents a great sugar-producing State, said yesterday that the owners of the seaboard refineries, the trusts, as he called them, were all in favor of a protective tariff on sugar. I called his attention to the fact that he was in error, but he stated that it was I that was wrong, and told me to consult the records of my own committee. I did, and here is what I find.

There came before the committee Claus A. Spreckels, president of the Federal Sugar Refining Co., who is the paymaster of Frank C. Lowry, whom I will mention before I conclude. Here is what he said when before the Hardwick sugar investigating committee, of which I was a member.

Mr. HINDS, of Maine: "In other words, perhaps you would take the tariff all off and have free trade?" Mr. Spreckels said: "I would have free trade absolutely." [Applause on the Republican side.]

Charles E. Heike, secretary of the American Sugar Refining Co., appeared before that same investigating committee, and I asked him the following question:

Now, Mr. Heike, if the duty were removed absolutely on sugar, could we produce cane or beet sugar in this country?
Mr. HEIKE. I doubt it very much.
Mr. FORDNEY. Free trade would destroy the industry absolutely in this country, would it not?
Mr. HEIKE. Yes.
Mr. FORDNEY. And you would approve of that?
Mr. HEIKE. Yes.

That was the secretary of the American Sugar Refining Co. that the gentleman from Colorado said wanted protection.

William C. Gilmore, a partner of Arbuckle Bros., testified. He was asked by Judge Madison, poor fellow, since deceased:

In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?
Mr. GILMORE. Yes; I am in favor of free trade in sugar.

Mr. Post, president of the National Sugar Refining Co.—at that time under the control of the Havemeyers, but the court since held that $10,000,000 of common stock of that company was watered and invalid, and that threw the company, so I have been informed, into the hands of the National Sugar Refining Co.—said:

If Congress did not need the revenue from sugar; that is a different proposition, but they have to have it from something, and sugar seems to be the thing that has paid a part of it for a great many years. As far as I am personally concerned I would like to see free sugar.

Mr. SMITH of Michigan. Will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. SMITH of Michigan. Did they give any reason why they wanted free sugar?
Mr. FORDNEY. Yes. They said it would destroy the domestic industry and permit them to control the price. They frankly admitted that.

Now, Mr. William A. Jamison, a partner of Arbuckle Bros., when asked the question, when beet sugar came on the market, what was the cause of the reduction in price, if it was on account of their not having sugar enough to run his factory full blast, said, "Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar."

Later on, when asked the question if he favored free sugar, he said yes. Going on a little further, I wish to refer to Mr. Lowry, who has been so conspicuous around here of late years. I never knew him to speak the truth except when he was under oath before the lobby investigating committee, and admitted that he wrote the sugar article—the Farmers' Sugar Bowl—in the Democratic campaign textbook of 1912. [Laughter on the Republican side.]

Mr. Lowry, who had been questioned as to the reduction of the price of sugar in the country, said:

The demand came on us so fast we could not take care of it, and we went to 7 cents. Arbuckle & Co. were delivering promptly, and they went to 7 cents. We were about 10 days oversold at the time, and Arbuckle was the only refiner prepared to give immediate delivery, and he jumped his price to 7.5 cents. We had, as I remember it, somewhere in the neighborhood of enough raw sugar on hand to make 60,000 or 75,000 barrels of sugar, and the trade was coming to us so fast that it soon cleaned us up. We did not want to be cleaned out. We wanted to keep in the market and supply our customers right along, and we put the price at 7.25, and at 7.25 the market stopped, and from that time on, whether we talk about beet sugars or cane sugars, the market became absolutely a jobbers' market. The beet-sugar price was 6.5 cents.
Mr. FORDNEY. What are you selling for now?
Mr. LOWRY. We have been cutting the market this last week and got down to 5.65.
Mr. FORDNEY. 5.65 now, why?
Mr. LOWRY. The same price made by the Michigan Beet Sugar Co.

Those are the gentlemen who represent the seaboard refineries that the gentleman from Colorado [Mr. KEATING] said were in favor of a duty on sugar.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. SLOAN. Is that Frank C. Lowry whom the gentleman mentioned the same Frank C. Lowry who for years represented himself to be the secretary and treasurer of the Wholesale Grocers' Association or committee of the United States, and who afterwards, before the committee, admitted that he was all there was of that association, that it had no membership except himself, that the membership paid no dues, but that he had expended $25,000 in his propaganda for free sugar, contributed almost entirely by Claus A. Spreckels?

Mr. FORDNEY. Mr. Chairman, before I answer the gentleman let me say that I have several more witnesses who all testified along the same line. Every man who came before the committee, who was a refiner, or in any way connected with refineries, wanted free sugar. Now, in answer to the gentleman from Nebraska [Mr. SLOAN], I will say that he is the

same man. There is only one Frank C. Lowry on earth. [Laughter.] Mr. Lowry came before the committee and represented himself as secretary and treasurer of the Wholesale Groceries' Association of this country, and had been sending broadcast all over this land literature advocating free trade on sugar. He placed that literature in every package of sugar that went out from his factory in New York, and when questioned under oath he tried to dodge the question, but finally admitted that there was no such thing as the Wholesale Grocers' Association of America, that he was all there was to it, except his paymaster, Mr. Spreckels, who had put up more than $25,000 for the publications and the printing of this literature to which he referred. [Applause on the Republican side.]

He admitted that there were no dues, there never had been; there never had been a meeting; there were no monthly, annual, semiannual, or any other kind of dues; there was no such thing as such an association except himself, and he was a mighty slippery object, in my eye. Let me tell you a little more about Frank C. Lowry. He is the sales agent of the Federal Sugar Refining Co. Through a commission firm in New York City he and that commission firm purchase, as he testified before the lobby investigating committee, all the raw sugar for the Federal Sugar Refining Co., and sell all the refined sugar the company makes. Mr. Lowry has been very industrious in appearing before the Committee on Ways and Means every time anything came up which enabled him to get in a word in favor of free sugar. He has lost hope altogether now of getting free sugar since the introduction of this bill. The week before last he was over here and personally called upon some of the Democratic members of the Committee on Ways and Means, but upon no Republican, and he now advocates a consumption tax—an internal-revenue tax—on sugar, but free trade on imported sugar. If you will remember, some time ago, under Mr. Taft's administration, certain men of the American Sugar Refining Co. and of the Arbuckle Bros. Co. and of the Federal Sugar Refining Co. were indicted by the Federal Government for underweighing of imported raw sugars. The American Sugar Refining Co. settled their case with the Government and paid, in round numbers, $3,000,000 in fines. The Arbuckle Bros. Co. settled their case with the Federal Government and paid, in round numbers, a fine of $700,000.

I have here a clipping from a paper of last Wednesday, and I called up the Attorney General—one of the finest gentlemen on earth—and asked him as to the accuracy of the statement in this clipping in the newspaper, and he assured me that it was correct. I then asked him if it would be proper for me to use it publicly and he said, "Mr. FORDNEY, I never have thought there was any good reason why any man should not speak the truth at all times. [Applause.] What you say is true and, therefore, you are at liberty to use it." Last week the Federal Sugar Refining Co., Mr. Lowry's company, paid the Government $67,173 for fraudulently underweighing imported raw sugars. He also testified before the lobby investigating committee that he had been requested by certain gentlemen—prominent Democrats, fine gentlemen, good friends of mine—to write the "Farmers' sugar bowl" in the Democratic campaign textbook of 1912, that he did write it, and that it is published in the textbook practically word for word as he wrote it. Let me say to my friends upon the other side of the House, you have been misled by a man in whom I have but very little confidence. The gentleman from Colorado [Mr. KEATING] yesterday spoke of the great profits, the enormous profits, of the beet-sugar factories of this country. There is no question, it is not denied by anyone, that at the present time, because of the unsettled conditions caused by the war in Europe, the price of sugar in this country and the whole world, except in Germany and Austria-Hungary, has gone skyward. I received a telegram this morning, which I will read to you, quoting the price to-day for raw sugars in this country and in Cuba, where it has gradually advanced, while it has not advanced in Germany. Here is the telegram which I received at my request:

Federal Reporter, March 14, quotes raw sugar in Germany for crop grown from 1916 plantings as established at $3.31 per hundred. Same paper quotes April and May Cuban raws delivered in bond New York $4.62 to $4.75 per hundred. This shows advantage of national economic preparedness.

Mr. Chairman, that shows a good cause why we should have protection to a great food supply in this country that we might be prepared to supply ourselves in case we were at war with any great foreign power.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a moment?

Mr. FORDNEY. Yes.

Mr. MADDEN. Of course the price of sugar has gone up, because exports of sugar from September 1, 1912, to August 31, 1913, were only $1,714,000 in round numbers, while from September, 1913, to September, 1914, they were $4,300,000, and from September, 1914, to August 31, 1915, $36,816,000, all on account of the war abroad.

Mr. FORDNEY. Yes; I will come to that in a moment. I want to say to the gentleman from Colorado that he is greatly mistaken in saying that this great industry is the cause of an advance in the price of sugar. I will show him that twice since the war has occurred in Europe the domestic crop has brought down the price of sugar offered by the seaboard refiners.

But, as I have before stated, at all times when there is no beet sugar on the market our seaboard refineries have raised their prices. The gentleman from Colorado [Mr. KEATING] said yesterday that there never had been a time in the history of this country when the price of sugar had been as low as it was between the date of the enactment of the Underwood tariff act down to the declaration of war in Europe, August 1, 1914. Now, the gentleman is partly correct. If you will remember, however, in the Underwood tariff law the item affecting sugar did not take effect until March 1, 1914, and between the enactment of the law and the date that the sugar schedule took effect sugar was lower than ever before. [Applause on the Republican side.] But immediately after the 1st day of March the margin between raw and refined sugar advanced until in October, before the domestic crop came on the market, the margin was as high as $1.25 per 100 pounds. The time when sugar was cheapest was between the enactment of the law and the date the schedule took effect, March 1, 1914. I have here this map, that anybody can see who wishes to do so. This map shows the fluctuations in the price of raw and refined sugar and the margin between raw and refined. Now, the gentleman spoke of the great profit to these beet-sugar industries. Let me tell him something. The Federal Sugar Refining Co. has a capacity of 8,000 barrels of refined sugar per day. Mr. Lowry testified that their capital is $10,000,000—$3,300,000 cash paid in, $6,700,000 watered stock. It has a refining capacity of 8,000 barrels a day, or about 400,000 tons per year.

Gentlemen, the greatest crop ever produced from beets in this country is this last season now closed, 1915–16, of about 760,000 tons. These factories cost $100,000,000. Mr. Lowry's company, with their $3,300,000 investment, produces about 70 per cent as much as our total beet-sugar production, but here is the important point. Labor in the refineries in refining imported raw sugar receives about one-third of a cent per pound for converting the raw sugar into refined sugar, while the labor in the beet industry receives in round numbers 3½ cents a pound, or more than 10 times the amount paid the labor in the refineries. [Applause on the Republican side.] And yet my friend from Colorado, where the largest amount of domestic sugar made from beets of any State in the Union is produced, would crush out that industry in his own home State and aid the refiners, such as Mr. Lowry, who, when they can not get a duty by law, evidently propose to get it any way [applause on the Republican side] and then settle to the best advantage possible with the Federal Government for fraud.

Mr. FESS. Will the gentleman yield?

Mr. FORDNEY. I do.

Mr. FESS. Suppose we had no home production at all, what would be the price we would pay?

Mr. FORDNEY. Let me tell you, my friend. Germany, prior to the war in Europe, produced about 2,500,000 tons of sugar annually. She exported about one and a half to one and three-quarters million tons of that sugar annually. That sugar chiefly went to England. England does not produce any sugar at all. She had refineries prior to the war to refine 45 per cent of her total consumption. She looked to the rest of the world for the balance of her refined sugar.

The price of sugar to-day in Germany, including the consumption tax of 1.51 per 100 pounds, is but 4.93 cents per 100 pounds. Sugar has not advanced in price in Germany since the declaration of war, while on the other hand, my friend, England, the very second day after the declaration of war, came to Cuba to buy her raw sugar and laid in a six months' supply, and in 10 days, from August 3, 1914, to August 13, 1914, the price of raw sugar from Cuba, where we get the majority of our supply, jumped up from $3.22 to $6.52 per 100 pounds, and the people of England the first 17 months of the war paid $127,000,000 wholesale in the increase for her sugar. England, because of the increase in price, has paid $127,000,000 more in 17 months than paid by the German people for the same amount of sugar, as I a little later will show fully. That means the wholesale price laid down in England, not the retail price. The retail price in England to-day is 9 cents a pound.

England, coming to Cuba for her raw sugar, from whence we import one-half our total consumption, imposed a great burden upon the people of the United States, and the increase in the

wholesale price of sugar to the people of this country during that 17 months amounts to $180,000,000. We produce in this country but 20 per cent of our total consumption. We get 25 per cent of our consumption from our insular possessions and about 50 per cent from Cuba, and 5 per cent from all other countries in the world. Where would we be to-day for sugar, gentlemen, if we were at war with a great nation and our ships, as few as they may be, were driven from the high seas, and we were obliged to depend upon our own industries for our supply? We would be in a most chaotic condition. Our people would suffer for want of one of the principal food supplies—sugar.

Mr. FESS. Will the gentleman yield for a question?

Mr. FORDNEY. Yes, sir; I yield.

Mr. FESS. We produce 20 per cent. What would be our capacity under favorable legislation? Can we produce more than that?

Mr. FORDNEY. We are producing this year from the factories that are running about all our factories can produce.

Mr. FESS. What I meant was, do we have the land capable of producing more?

Mr. FORDNEY. Oh, yes. Because of the increased price of sugar this year each factory in the country sought for and obtained a very high acreage, and consequently the 65 factories in commission, of a total of 77 factories, this year will produce more sugar than the 71 factories did when in commission in 1913, because of the great rush and demand for sugar. But it must be borne in mind that that can not always last. Our beet-sugar and our cane-sugar industry to-day could thrive with no duty at all because of the advanced price brought about by the war in Europe. But what will come to the industry the minute war is ended? You know and I know. The seaboard refineries would crush the domestic industry out of existence immediately. The seaboard refiners have a capacity to-day, without adding anything more to their machinery, for refining sugar for 125,000,000 to 150,000,000 people. But the gentleman asks if we have soil adapted to the raising of beets in this country for sugar to supply all our consumption. I will call his attention to a report made by Secretary of Agriculture Wilson during his term in office. He sent men out and made tests of the soil to see whether or not we had sufficient area in the United States adapted to the growing of beets to supply us with all the sugar that might be consumed in the country. This is what he found: Tests were made covering some 274,000,000 acres of land.

Germany last year produced two and one-half million tons of sugar from 1,007,000 acres, equal to just about one-half the territory of the congressional district that I have the honor to represent in this House. Mr. Wilson's report was that if one crop were produced from the 274,000,000 acres of soil tested, such a crop as has been produced in Michigan, it would produce more sugar than has been consumed by all the people of all the world since the birth of our Savior. [Applause on the Republican side.]

Mr. FESS. Will the gentleman yield again?

Mr. FORDNEY. Yes.

Mr. FESS. Does beet-sugar cultivation ruin the soil?

Mr. FORDNEY. The soil in beet-sugar cultivation, when the crops are rotated, yields greater crops after beets than from any other thing that can be planted in the soil. As an illustration, a Mr. Doyle, of Saginaw County, Mich., who appeared before the Hardwick investigating committee, called our attention to the fact that he had planted in one field on his farm of 160 acres 65 acres of beets. The next year he sowed the 160 acres to oats. As the crops came on, he saw there was a marked difference in the crops on the land that had been planted with beets the year previous and the land on which other crops were raised. He cut the oats and kept the crops separately and when he thrashed his oats gathered from the 95 acres that had been planted to some other crops, he found that they averaged 52 bushels to the acre, and off of the land planted to beets the year before he thrashed 72 bushels of oats to the acre.

History shows that in Germany, my friends, to follow a crop of beets with a potato crop, for instance, the yield is 102 per cent greater than following any other crops produced on the land. And with all kinds of grain it is from one-quarter to one-third more. It is the best fertilizer that can be used on the farm for any crop following a crop of beets.

Now, let me call your attention to another thing. I do not see the gentleman present, but only a few days ago a letter was handed to me by a Member of this House from New York State written by a sugar broker in his district who handled sugar of the seaboard refiners. This broker complained bitterly of the competition of the far-western beet sugar, which he claimed was sold at ruinously low prices east of the Mississippi. The whole underlying thought in his letter and his sole reason for complaint was that domestic beet sugar was being sold at lower prices than necessary—that he was being undersold and the market demoralized. To me, it is a pretty good indication when a domestic industry can demoralize prices which importers are endeavoring to maintain.

The gentleman asked me to reply to that broker, and I did. Do not forget that ever since the beet-sugar industry has been established in this country there never has been a time but that all beet sugar has sold from 10 to 60 cents per 100 pounds below the prices of refined cane sugar. This last fall the margin was 50 cents per 100 pounds. But let me show you something of the profits. Here is Mr. Lowry, representing a great concern. By the way, the president of the firm he represents is now a member of a great corporation just organized in New York under the laws of the State of New Jersey, with a capital of $50,000,000, to purchase sugar plantations in Cuba, and in one day $10,000,000 of that capital was paid in and the common stock, which represented no investment, first sold at $35 a share, and before the day closed it ran up to $46 a share, while the preferred stock ran up from seventy-odd dollars a share to $87 the very first day it was offered on the market.

Now, follow these figures, please. Early last week the margin between raw and refined left a profit to the seaboard refineries of 73 cents per 100 pounds. Seventy-three cents per 100 pounds is $2.55 for a barrel of 350 pounds of sugar. On Saturday that profit had gone down to 38 cents per 100 pounds. Thirty-eight cents per 100 pounds on a barrel of sugar of 350 pounds yields a profit of $1.33 per barrel, and on 8,000 barrels a day output a profit of $1.33 per barrel would be $10,640, or $3,200,000 in 300 days on a capital of three and one-third million dollars. [Applause on the Republican side.] And at the higher margin, $6,400,000 per year.

At the same time the gentleman from Louisiana will bear me out in the assertion that the American Sugar Refining Co. has a factory in New Orleans, where they refine 12,000 barrels a day. They, too, are complaining about a duty on sugar, wanting free trade, and their profits, my friends, on the higher margin of seventy-odd cents per 100 pounds in 300 days would be $9,500,000 on a capital of $5,000,000. Let some man deny that.

I have stated to you, gentlemen, that the margin runs up at times to more than $1.25 per 100 pounds, or nearly $4 a barrel. Yet, in the face of all this our Democratic friends, honest in their convictions, can not see that when they vote for free trade they vote to destroy the great domestic industry, and to throw the entire production of our sugar into the hands of the seaboard refiners. If we were to have a war with some great nation a few well-directed shots at a seaboard refinery would put it out of commission. If we had 300 beet-sugar factories, distributed all over the land, in all the States of this Union, all the powers of Europe could not destroy them against Uncle Sam and his Government. [Applause on the Republican side.]

Oh, my friends, I tell you if we are going to enter into the theory of preparedness, for Heaven's sake let us prepare to furnish our people with one of the greatest food supplies of the country. [Applause on the Republican side.]

I have shown you that during the 14 years that domestic sugar increased in production from 40,000 to 700,000 tons the price of granulated sugar has gone down to the consumers of this country 85 cents a hundred pounds. Gentlemen, what does it mean? Figure it up, if you will. It means some $68,000,000 a year to our consumers, or, in the 14 years, the magnificent sum of $970,000,000 which this domestic sugar saves the consumers of this country. [Applause on the Republican side.]

In the face of all the opposition that has been presented here since I have had the honor to be a Member of this House there scarcely has been a Congress in the nine in which I have participated when an attack has not been made upon this great industry. I remember the American Sugar Refining Co.'s vice president, Mr. Atkins, who came here in 1900 and wanted free trade with Cuba at the time Cuban reciprocity was being considered, and appealed to the people then. We knew but little about the conditions down there or the ownership of those great sugar industries there. He appealed to the Committee on Ways and Means, and said, "If you do not give some relief to those people in Cuba you will see the greatest panic in Cuba ever experienced among any people in the world." The old fox at the same time had a sugar plantation of 30,000 acres in Cuba. [Laughter on the Republican side.] He produced 30,000 tons of sugar, which he was importing and bringing to New York.

When the Ways and Means Committee was having hearings on the Underwood tariff law, Mr. Adkins appeared and testified that he had increased his farm, which he said was a farm

of "moderate size." And I remembered what he had said in 1900, and I asked him, "Mr. Adkins, how many acres have you in that little farm of yours?" He replied, "Oh, 45,000 acres; that is all." [Laughter on the Republican side.] I asked him, "How much sugar do you produce now?" and he answered, "Somewhere between 35,000 and 40,000 tons a year." That is the little farm that the vice president of the American Sugar Refining Co. owns in Cuba.

And now come Mr. Spreckels and Mr. Seligman and Mr. Morgan and Mr. Ryan and Mr. Horace Havemeyer—I have the names—who are the directors of this new $50,000,000 concern, organized in January, and they are going to purchase the most valuable sugar plantations in Cuba. Mr. Horace Havemeyer told me, at the time the Hardwick sugar-investigating committee was conducting its hearings, that on his plantation in Cuba he produced sugar at a cost as low as 1 cent a pound. He said he was producing sugar at a lower cost than was the fair average in the island, but the fair average did not exceed 1½ cents a pound.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. FORDNEY. Yes.

Mr. MEEKER. Before you close this discussion I wish you would kindly give to the House a catalogue of the domestic industries that were benefited by the passage of the Underwood tariff bill. [Laughter on the Republican side.]

Mr. FORDNEY. Well, perhaps my understanding and that of the Democratic Party as to what is of benefit will differ.

Gentlemen, the passage of the pending bill is a matter of great importance. I have endeavored not to offend any Democrat. I do not intend to. I am in a peculiar position here. I want votes for this bill from that side of the House. I am like the Irishman who was very sick, and who was being prepared for death by the good father who was at his bedside. He said, "Now, Pat, you are going to die. You renounce the devil and all his works?"

"Now, look here, father," said Pat, "I've been a rather bad man in my lifetime. I ain't just certain which way I am going, and I think it a mighty bad time to be making enemies." [Laughter.]

My Democratic friends, this is your bill. We are helping you. We will give you every Republican vote on this side of the House. [Applause.] Last year you collected $51,252,827 duty on imported sugar. You need it. I want to help you get it next year. Some gentlemen say we exported sugar. Yes; we imported 2,250,000 tons of sugar from Cuba last year, the greatest amount ever imported in any single year, and we exported 538,000,000 pounds, or more than 250,000 tons, of refined sugar to England. On most of that sugar exported, that which had been imported and had paid a duty, there was a drawback, and I presume that our friend Lowry swore that all that was exported had paid a duty, no matter where it came from—free or dutiable.

My friends, one gentleman stated the other day that a very great profit was being made out of the by-products of the beet-sugar factories of this country. I have here a statement just issued, released by the Department of Commerce, Bureau of the Census, for immediate use, which shows the total receipts for by-products in 1914 from all the beet-sugar factories in the country to have been $2,478,000, or sixteen one-hundredths of 1 cent per pound on the amount of sugar produced. Gentlemen must not forget, also, that it costs money to produce a by-product. There is about $100,000 invested in a drying plant. The pulp must be dried. It must be bagged or barreled. Some put the residue sirup on the pulp and through a drying process, and it makes an extraordinary good food for cattle and sheep. I venture to say that perhaps five one-hundredths of a cent per pound would be a fair profit to be credited to the production of beet sugar from the by-products.

The managers of the beet-sugar factories of the whole country testified in 1911 that it costs $3.54 per hundred pounds to produce granulated sugar from beets, while in Louisiana the cost was shown to be $3.73 per hundred pounds to produce brown sugar. The factories of Louisiana and the South generally do not make granulated sugar. Beet-sugar factories do. The American Sugar Refining Co. refines practically all the brown sugar produced in the South. But if we will give adequate protection to the industry in the Southern States they will establish their own refineries on the plantation, and they will no longer be at the mercy of seaboard refineries. To destroy the domestic industry would curb competition and create a monopoly. To build up and aid the domestic industry will encourage a healthy competition and insure an adequate supply of sugar to the consumers in this country at all times at low prices. [Applause on the Republican side.]

If it shall be found that sugar is a necessity of life; that its domestic production in sufficient quantities to meet our requirements can only be secured by the maintenance of a protective tariff; that in time of war our present sources of supply might be cut off entirely, thus causing great suffering to our citizens (and possibly forcing the United States to conclude an unfavorable treaty of peace), then we must conclude that a tariff on sugar should not depend upon the temporary necessities of a depleted treasury, but upon a governmental policy which demands that "our industries and resources shall be available and ready for mobilization," in order that we may enjoy "national efficiency and security." Such a conception of the reason for the law makes the tariff on sugar not only an integral part of our settled plan of national finance but also an integral part of our settled plan for national defense.

Sugar is a recognized article of food among every civilized people on the globe. This fact alone would strongly indicate that it is a necessary article of food. On the basis of having the same purchasing power, the per capita consumption of sugar is a fair general index of the degree of civilization attained by a people. As a nation advances its per capita consumption of sugar increases. If with this advancing civilization there is also increased purchasing power, there will be the maximum increase in sugar consumption. The history of Japan during the past 50 years illustrates the truth of this observation. In Europe and America there is a steady increase not only in the total amount of sugar consumed but also in the annual per capita consumption. Owing to the outbreak of war in August, 1914, the last official European statistics we have are for the year 1913. These show 754,000 long tons increase over 1912 and a per capita consumption of 36.61 pounds, an increase of 3.54 pounds over 1912. The number of pounds per capita consumption of sugar in the leading European countries during the year 1913 is as follows:

Germany	49.26
Austria-Hungary	28.14
France	43.47
Russia	24.31
Belgium	39.20
Holland	49.90
Turkey	19.84
England	95.52

Italy and Greece, situated on the shores of the Mediterranean in a warmer climate, with an abundance of semitropical fruit, have a much smaller annual per capita consumption of sugar, the amount being 11 and 11½ pounds, respectively.

During the 30 years from 1884 to 1914 the consumption of sugar in the United States increased from 1,252,366 long tons to 3,760,827 long tons, a gain of 2,508,461 long tons, an average yearly increase of 6.66 per cent. During the same 30 years the annual per capita consumption increased from 51 pounds to 84.29 pounds, an average annual increase of 1.14 pounds.

Such figures speak volumes in support of the proposition that sugar is a necessary part of the food supply of civilized people in this day and age of the world.

Bread can be made from flour produced from wheat, rye, corn, potatoes, and rice. If one source of flour is cut off a nation might turn to any one or more of the others without endangering its national existence. Not so with sugar, which, commercially speaking, is made from sugar cane or sugar beets. There are no substitutes. Moreover, the raw material from which commercial sugar is made—cane and beets—can not be held in storage for any length of time, nor can it be transported any great distance to be manufactured into an edible food, sugar. The nearest approaches to commercial sugar as a human food are dried fruits and glucose; but neither one nor both of these can be substituted for commercial sugar in the food supply of a nation, even though that nation is engaged in a life and death struggle for its very existence.

What light does the present European war throw upon the question under discussion?

When that war broke out, France and Belgium were producing their own sugar; Germany, Austria-Hungary, and Russia were not only producing all they consumed, but also great quantities for export, the leading sugar-exporting country among the belligerents being Germany. England produced no sugar, except in some of her distant colonies, and depended upon Germany for from two-thirds to three-fourths of her supply.

German armies soon destroyed the beet fields of Belgium and forced that country to depend upon the charity of the world for its supply of foodstuffs, including sugar. Her armies also overran the northern beet fields of France, destroying two-thirds of the sugar supply of that country, thereby forcing France into

the markets of the world to purchase at greatly enhanced prices this necessary food for her people. The beet fields of Austria-Hungary have been free from invasion, and that country continues to supply its people with sugar at reasonable prices, and still has considerable sugar to export to adjacent neutral countries.

Some of the beet fields of Russia have been captured by the enemy, but there remain to the Russians enough such fields so that these people have all the sugar they need and at prices but little advanced over those prevailing in time of peace. Germany, however, furnishes the best illustration of a country whose sugar industry was ready for mobilization that it might help the country attain "national efficiency and security." In the midst of its titanic struggle it harvested and manufactured average sugar crops during the falls of 1914 and 1915. During the year and a half of struggle its people have had all the sugar they needed, and there has been plenty of sugar for export wherever it has been possible to export it. The low-grade raw sugars have constituted an abundant and cheap food for cattle and horses, while from the final molasses alcohol has been distilled to be used as a fuel to drive its motor cars, its aeroplanes, and its Zeppelins. From October 1, 1915, to December 1, 1915, the fifteenth, sixteenth, and seventeenth months of the war, the manufacturer's price of refined sugar had only advanced to $4.93 per 100 pounds, which price includes not only the sugar but the package and also the consumption tax of $1.51 per 100 pounds. Moreover, the 400 sugar factories of Germany are so scattered over the Empire that the transportation cost of moving this sugar to the consuming markets is not over 10 cents per 100 pounds, making the manufacturer's delivered price of German refined sugar $5.03 per 100 pounds. There is no reason why Germany can not continue these sugar conditions indefinitely no matter how long the war may last.

Compare this with the manufacturer's average New York price of refined sugar for the same months, viz, $5.56 per 100 pounds, to which must be added an average freight rate of 25 cents per 100 pounds for transporting the sugar to the consuming markets, making the American delivered price $5.81 per 100 pounds. In other words, the people of the United States, living in peace and quiet within the boundaries of a strictly neutral country and paying 50 cents per 100 pounds less tariff than the consumption tax paid by the Germans, must nevertheless pay 78 cents per 100 pounds more for their refined sugar than do the Germans in the very midst of this war.

Though Germany continues to collect a consumption tax equivalent to an ad valorem tax of 41 per cent on the in-bond price of sugar, her people have been able to buy sugar during the entire period of the war at a less price than has prevailed during the same months in any other civilized country on the globe. Moreover, she has had much surplus sugar for cattle food, for the manufacture of alcohol, and for export. All this has been accomplished without sending any money out of the country or pledging the nation's credit for a single mark. This is certainly an example of a "mobilized industry" working for "national efficiency and security."

How about England? During the month of July, 1914, the in-bond New York price of raw sugar had ranged from $2.25 to $2.31 per 100 pounds. The f. o. b. Cuba price was from 10 cents to 15 cents per hundred pounds less than the New York price. After the supply of European beet sugar was cut off Cuban sugar was practically the only stock that could be purchased until the new cane crop could be harvested the following late fall and winter months. Two days after the declaration of war England began to buy Cuban raw sugar and such refined sugar as she could purchase in the United States. Gladly would she have taken every pound of sugar remaining in Cuba. Had the American refiners permitted this, the United States would have been without sugar until our domestic crop came on the market in October and November. Not having even 30 days' supply of raw sugar on hand, the American refiners were forced to go into the market in competition with the English Government. The result was that within 10 days from England's declaration of war—from August 3 to August 13—the in-bond price of raw sugar advanced from $2.28 per 100 pounds to $5.50 per 100 pounds, or $3.22 per 100 pounds, a jump of 140 per cent. England did not stop buying until she had purchased in 10 days 6 months' supply of sugar. She depended upon her great navy to guard the transportation of this food product to her shores. Before purchasing her supply of flour or meat, before arranging for her supply of ammunition or rifles or cannon, before even attempting to mobilize her army, she bought, without regard to price, six months' supply of sugar.

The first day of the war she mobilized her navy; the second day she began buying sugar. The only thing that took precedence over the purchase of this article of food was the fleet to guard her coast and protect the transportation of food supplies. She had no sugar industry to be mobilized. Within her borders there was nothing but a few seaboard refineries that were as useless as cannon without ammunition unless they could secure convoyed cargoes of raw sugar from a tropical land 3,000 miles across the sea.

Whatever doctors may say concerning the necessity of commercial sugar as a means of sustaining human life, the experience of England in August, 1914—indeed, through the entire war—proves the necessity of commercial sugar as a means of sustaining life. It is not too much to say that if her navy had not made it possible for England to procure a new and constant supply of sugar after her German supply had been cut off, she would have been forced to go without sugar.

For the remainder of this discussion I shall consider that I have established the truth of the proposition "in this day and age of the world sugar is a necessary article of food."

For years preceding the war England maintained a sugar tariff for revenue only, the rate being 40 cents per 100 pounds. Though her soil and climate are adapted to beet culture, this tariff did not encourage the establishment of the industry. When this revenue tariff was established she refined 85 per cent of her sugar. The tariff was not found sufficient to maintain even the refining industry. Refinery after refinery was closed. In Greenock alone 18 refineries were dismantled. To-day she has refining capacity for only 45 per cent of her peace consumption. She is therefore obliged to buy not only raw but refined sugar. Her annual consumption of sugar before the war was 2,000,000 long tons. Under existing war conditions she must maintain in England at least a three months' surplus, so that during the first 17 months of war she has been obliged to buy 20 months' supply of sugar.

If, as reported by Willett & Gray, her consumption during the war is only 80 per cent of her consumption in time of peace, she has purchased 2,666,660 long tons of sugar during the past 17 months. Supposing her refineries have been running at full capacity, these purchases have been about half raw sugar and half refined. Most of the sugar has been bought in Cuba and New York. Markets where the remainder of the stock has been purchased have been fully as high as these. The average f. o. b. Cuba price for raws from August 1, 1914, to December 31, 1915, is $3.46 per 100 pounds. The average in bond New York price for refined sugar during the same period has been $4.62 per 100 pounds. To these prices must be added brokerage, insurance, discount on English exchange, and ocean freights, a total of $1.13 per 100 pounds, making the price of this sugar delivered in England $4.59 for raws and $5.75 for refined per 100 pounds. These prices do not represent the cost to the ultimate consumer, but simply the first cost of the sugar landed on the wharves in England. On this basis, since the beginning of the war England has paid $308,825,894 for sugar, every dollar of which, except the ocean freight, was sent out of the country. These purchases have been made by the Government for the refiners and wholesalers. It must have required an enormous working capital, all of which was secured by pledging the nation's credit, thus adding another load to the unprecedented demands of the war upon England's resources. In return, the Government collected during the first part of the war 40 cents per hundred revenue tariff; later the tariff was increased to approximately 2 cents per pound; all of which is a tax on the people, as they have no domestic sugar industry.

Germany adopted a policy of fixing the price which her manufacturers could charge for sugar, viz, $4.93 per 100 pounds, and limiting the gross profit of the jobbers to 5 per cent. The retail price, while supervised by the Government, has not yet been fixed by imperial regulations. On the other hand, England early in the war fixed the retail price at 4½ pence, practically 9 cents per pound. Later she reduced this to 7 cents per pound. When the tariff was increased from 40 cents per 100 pounds to nearly 2 cents per pound the greater part of this increase was added to the retail price of sugar, which has fluctuated during the entire war between about 7 cents and 9 cents per pound.

Since the beginning of hostilities in August, 1914, the ultimate consumers in England have been paying for their sugar an average of at least 2½ cents per pound more than have the ultimate consumers in Germany. That is, the 2,266,661 long tons of sugar consumed in England between August 1, 1914, and December 31, 1915, have cost the English people $126,933,000 more than the same quantity of sugar would have cost the German consumers during the same period of war. Moreover, England could not have obtained this sugar at this or any other price had she not a fleet capable of driving from the seas every ship belonging to a country having one of the largest navies in

the world. There is no reason for thinking that sugar conditions in England will improve during the continuance of the war; in fact, there is every reason to believe that conditions will become worse with this continual drain upon the nation's resources and increasing strain upon the national credit.

The experience of England and Germany during the present war demonstrates more conclusively that I can express the advantage of a mobilized domestic sugar industry as a powerful aid to "national efficiency and security" in time of war.

To refer again to the experience of the United States during the present war:

During the 10 days from August 3 to August 13, 1914, when the price of raw sugar advanced $3.22 per 100 pounds, the New York price of refined sugar advanced from $4.40 to $7.50 per 100 pounds, a jump of $3.10. It fluctuated between $7.50 and $6.50 per 100 pounds from August 13 to October 1, when the domestic beet crop came on the market. The New York price then dropped steadily, reaching $4.95 by the close of the year 1914. Owing to the demands of Europe for Cuban raws, the call for our domestic beet crop for home use was unprecedented, and it went into consumption very rapidly. By the early spring months of 1915 the supply was well-nigh exhausted. Eastern cane again advanced to $6 during the summer months.

The early supplies of beet sugar in the autumn of 1915 were distributed in every State in the Union, and pulled the price of cane down to $4.80 by the latter part of September. Then the supply of Cuban raws became again practically exhausted, and during the last two months of the year the price of eastern cane rose to $6.15. Beet sugar did not follow this advance, the actual selling price throughout the Central States not going above $5.45, though the beet-sugar quotation did advance to $5.65; in fact, during the entire period of the war whenever beet sugar has been on the market its delivered price has been from 20 cents to 50 cents per 100 pounds below the delivered price of cane, as before stated. Twice during the war the advent of the domestic beet crop pulled down the price of eastern refined sugar, the first time from $7 to $4.95, the second time from $6 to $4.80. This helped every consumer in the country, whether he bought beet or cane sugar. Of course, it helped the user of beet sugar more, because he purchased his beet sugar at 20 cents to 50 cents per 100 pounds below the cane prices. Notwithstanding the effect of our domestic beet sugar upon the American market, the average New York net cash price of cane sugar during the war—from August 1, 1914, to December 31, 1915—is $5.62, against $4.11 for the 12 months preceding the war; that is, though we are a strictly neutral country, the war has advanced the price of sugar to the American consumer $1.51 per 100 pounds. On the 5,327,834 long tons we have consumed during the first 17 months of the war this amounts to an increase of $180,186,245 in the cost of our sugar—all because we have not an adequate supply of domestic sugar. Is it not time to mobilize this industry?

In the calendar year 1914 the United States consumed 3,760,827 long tons of sugar. The sources of supply were as follows:

	Per cent.
Domestic beet	16.6
Louisiana and Texas cane	3.8
Hawaii	13.5
Porto Rico	7.3
Philippines	3.2

Nearly all of the remainder came from Cuba. Continental United States thus produced 20.4 per cent of our supply, the insular possessions 24 per cent, leaving a balance of about 55 per cent to be imported from foreign countries. All our sugar except the domestic beet and a small portion of the Louisiana and Texas sugar, together less than 18 per cent of our consumption, was refined by the seaboard refineries. At the average rate of increase for the past 30 years, our annual consumption of sugar in 1917 will be 4,000,000 long tons. On the basis of our present distribution of supplies, only one-fifth, or 800,000 tons, of this would be produced in continental United States and about 1,000,000 tons in our insular possessions. Unfortunately the last Congress passed a law providing that our domestic sugar industry should be demobilized May 1, 1916. If that law goes into effect it is safe to state that after peace has been restored and sugar prices are again normal our total continental sugar crop will not exceed 300,000 tons, and our insular crop will be reduced one-half, or to 450,000 tons, together making 18¾ per cent of an annual consumption of 4,000,000 tons. We would then be obliged to depend on a foreign supply for over 80 per cent of our sugar and upon the seaboard refineries to refine all our sugar except the paltry amount produced from our domestic beet crop.

There are some people who believe that if the United States gets into a position where it really needs a supply of sugar that all we would have to do would be to annex Cuba, and thereby secure an ample supply of sugar for all our necessities. Do not be too sure that this is a good policy. Cuba is an independent Republic, with an area greater than the combined area of the seven States, Vermont, New Hampshire, Connecticut, Rhode Island, Delaware, Massachusetts, and New Jersey. It has a population greater than the combined population of the nine States, Arizona, Colorado, Delaware, Idaho, Montana, Nevada, New Mexico, Oregon, and Wyoming. It could be divided into five States, each having a greater area than Massachusetts and each a greater population than Oregon.

It is a Republic in which the negro race and the white race are on terms of equality. Negroes not only enjoy theoretical civil and political equality, but actual equality. Moreover, the social barriers between the two races have been thrown down even to the extent that the intermarriage of the races is a matter of such common occurrence that it excites no comment. Very frequently children born of the same parents differ in color from the blond fair type of the white race to the coal-black skin of the native African. Let not my Democratic friends of the South think for one moment that if Cuba were annexed to the United States the majority of its citizens would vote the same ticket that is supported by the electors of our own Southern States. You may say that such a view is pure sentiment founded upon race prejudice. Make no mistake. It is the same sentiment and the same race prejudice that, no matter what other question might arise, has preserved the solid South intact for a hundred years. Nor need my friends from the North be so sure that the annexation of Cuba would be a good plan. Have we not enough race problems in the South, in the Philippines, in Hawaii, in Porto Rico, that we need take unto ourselves the Gem of the Antilles, where the hereditary ideas concerning the amalgamation of the white and black races have been incorporated into the social and civil customs of that Republic? Nor is this all. There are many of us who have not forgotten the circumstances under which the sentiment of the United States was incorporated in the Platt amendment of 1898. We do not believe that our Government is ready to consider such a declaration of principles a "mere scrap of paper." The President of the United States, in his message delivered at the opening of the present Congress, declared that the various American Republics are no longer to be considered as wards, but are to be treated as partners in the consideration of all those questions which affect the integrity of the two Americas. To annex Cuba to the United States at the request of a few aliens of that Republic who have invested their money in the island is to trample under foot the strongest political and social sentiment in our own Southern States, to violate the sacred obligations of the United States, and to throw into our political arena the most difficult race problem that has confronted the Union since 1861. Nor in the end, in time of a great foreign war, would we attain the commercial results which alone would prompt the annexation of Cuba.

In time of great national stress we could not rely on securing our supply of sugar either from our present insular possessions or from Cuba. Of what avail would it have been to Germany at the present time, even though she has one of the largest navies in the world, if her supply of sugar were produced in her colonies? Of what avail would it have been to England at the present time to have been able to purchase abroad an unlimited amount of sugar had she not a navy large enough to drive from the seas every ship flying the enemy's flag, leaving the highways of her ocean commerce practically as secure as in time of peace. No matter how zealously we increase our Navy, we can not, within the next 10 years, build warships enough to insure our supply of sugar from Cuba and our insular possessions. Moreover, if we are involved in a great war, our fleet will have all it can do in protecting our enormous coast line without being called upon to convoy cargoes of sugar. In time of such a war neither Cuba nor our present insular possessions would be able to protect themselves against the enemy. Every regiment, every cannon, every shipload of ammunition, every battleship which we would send to defend our present insular possessions or Cuba would diminish by that same amount the forces which we otherwise would have for use in defending our continental domain. Nor do the difficulties stop here. Every pound of sugar which we secure from our insular possessions or from Cuba must be refined in our seaboard refineries before it can be used as human food. Where are these seaboard refineries located? At San Francisco, New Orleans, Baltimore, Philadelphia, New York, and Boston, the very cities which an enemy might first attempt to capture or destroy. Not only are these refineries located on the seaboard, but on the very water front, with their own wharves where ocean-going vessels can load and unload cargoes. A few well-directed shots from a fleet 10

miles out at sea would destroy them, and our citizens would be without refined sugar, even though the sources of supply for raw sugar might still remain open for a time. Seaboard refineries are a vulnerable part in a nation's armor, making "national efficiency and security" impossible. They are the heel of Achilles, and enable an enemy equipped with a powerful navy to destroy a necessary food supply of a nation dependent on such refineries.

Notwithstanding our great natural resources, if we are to depend for our sugar upon a supply of raws brought to our shores from our insular possessions and Cuba and refined in seaboard refineries, we are in a more precarious condition than England, because we can not expect ever to possess a Navy equal to that which has made England mistress of the seas. On the other hand, if our supply of refined sugar is made from beets grown in the United States area adapted to their culture, we are not subject to any of the dangers that would beset us if our supply of sugar were to come from Cuba and our insular possessions and be refined by seaboard refiners. Like Germany, our main beet area lies in the very heart of the continent, where it would be secure from invasion no matter what enemy might attack us. Moreover, that area is so distributed that were we to produce a very considerable amount of our supply of sugar from home-grown beets the number of necessary factories each producing refined sugar would be so scattered over the country that the expense of transporting this sugar to the consuming markets would be small compared with the expense of transporting raw sugar to the seaboard and refined sugar to the interior. In this respect again our position is comparable to that of Germany.

While admitting the advisability of producing our sugar from home-grown beets, some may wonder whether we have a sufficient area adapted to beet culture to produce all the sugar we need. On the authority of the United States Department of Agriculture I wish to say that we have enough land adapted to beet culture and secure from invasion to produce in one year as much sugar as the entire world has consumed since the year of our birth or the birth of our Savior. Germany produces annually two and a half million long tons of sugar on an actual planted area which is less than the area of three average Michigan counties. To neglect to develop to the extent of our necessities our natural resources for the production of beet sugar is greater folly than to leave unproductive those great desert regions of the West which are made to blossom as the rose by our national system of irrigation. If we fail to conserve our water supply for mechanical and irrigation purposes, we are simply postponing the development of our productive power, while if we fail to develop our natural resources for the production of beet sugar we are not only postponing our national productive power, but we are making vulnerable the defense of the Nation in a vital part, the production of a necessary food supply.

With a per capita consumption of 85 pounds, which calls for an annual supply of 4,000,000 tons sugar in 1917, what is the least amount that we should produce in continental United States to provide for reasonable national security? In time of war England is using 80 per cent of her peace consumption. We certainly ought not to plan for less than 60 per cent of our regular supply. This would give us a per capita consumption of 51 pounds—practically the same as Germany—and require in 1917 a domestic sugar crop of 2,400,000 tons. I do not believe a less amount is compatible with conservative ideas for national security. Even with this supply of sugar our people would be obliged to discontinue the use of many sweets and many other articles of diet now extensively used.

Still, by placing the country under martial law and dealing out sugar tickets, as they now deal out bread tickets in Germany, we would probably be able to get along without causing the sugar-consuming citizens to clamor too loudly for sugar at any price. A smaller annual supply than 50 pounds per capita to cover sugar used in the family and for manufacturing purposes would cause a continued protest that would certainly embarrass the Government and might endanger the very life of the Republic. On the basis of an annual continental production of 2,400,000 tons Louisiana and Texas would produce about 400,000 tons, most of which would be refined on the plantations, while the balance, or 2,000,000 tons, would be produced by the beet-sugar factories, all as refined sugar. This means that our present supply of continental sugar should be increased threefold. Any fiscal legislation relative to sugar which fails to recognize the truth of this position strikes at the very security of the Nation. To make the domestic sugar industry the football of party politics is to commit a crime against the integrity of the Republic.

The present war illustrates how the production of an adequate supply of munitions can be built up within a few months, or can be secured in the markets of the world if a belligerent country has the necessary credit and navy. In ante bellum days France believed that the war, when it came, would be short and sharp. Her supplies and munitions of war were therefore planned accordingly. She found to her dismay that her entire stock of ammunition was exhausted in repelling the drive on Paris. She could not follow up the advantages of the battle of the Marne for lack of adequate guns and ammunition.

The best she could do was to intrench and defend the Republic with the naked bayonet. Feverishly she withdrew her mechanics from the trenches, and, though her principal iron district had fallen into the hands of the enemy, she again started the fires in her munition factories and converted hundreds of other factories into ammunition plants. At the end of six months she was able once more to supply her troops with necessary munitions of war, and since that time the supply has been equal to the demand. During these six months her forces were compelled to act on the defensive and husband with greatest care every munition of war. She was, however, able to rehabilitate her munition industry in six months.

In July, 1914, England was even more poorly supplied with munitions of war than was France. While doing her utmost to build up her domestic production of munitions, her unprecedented financial resources enabled her to come to the United States and offer the manufacturers of this country most profitable financial inducements to transform their various factories into munition plants. Within from three months to a year these various American factories began to turn out in enormous quantities all kinds of munitions of war. To pay the expenses of such an undertaking compelled England to strain her national credit to the danger point. The task was, however, accomplished, and within a few months both England and Russia were being supplied by the United States and Japan with enough munitions of war, which, added to their own supply, gave these allies an adequate stock. That which it was possible for these various countries to accomplish in furnishing munitions of war within a few months would have been impossible if the demand had been to produce sugar rather than guns and ammunition. To get the first returns in producing sugar requires a full year. Even to secure a supply in 12 months it must be supposed there is on hand an abundant supply of seed from which to grow either cane or beets. Also that the land is prepared or is in a condition to be prepared for the planting of the seed. Also that there are plenty of factories already erected and equipped with machinery suitable to produce the required amount of sugar.

Such prerequisites are never at hand and ready to be used upon such an emergency. Time is the very essence of the problem. No matter how patriotic a citizenry might be, or how great the financial inducements that might be offered, or how great the natural resources of the country, it would be from three to five years before our people could respond to the necessities of such a call and the United States would be starved before its present supply of sugar could be increased, in time of war, sufficiently to satisfy the necessities of the people. It is very fortunate for us that when Congress passed the free-sugar bill it provided that the law should not take effect until May 1, 1916. To-day we have the experience of 17 active years in the production of domestic beet sugar, and the farm and factory equipment for an annual output of 700,000 tons. By proper fiscal legislation we can, within the next three to five years, increase this domestic output to the minimum amount required for national security. If, on the other hand, the law as it now stands on the statute books is allowed to go into effect, our entire domestic beet-sugar industry will be demobilized, and when thus destroyed it will be impossible for us to rehabilitate it in less than 10 years to the point where it will supply our minimum requirements for national security.

Some people criticize the protective sugar tariff on the ground that there has not been a sufficient development of the beet-sugar industry in the United States to justify such a tariff. Our domestic beet-sugar industry virtually dates from the passage of the Dingley Tariff Act in 1897, at which time there were but nine small beet-sugar factories in the United States. Our entire domestic crop at that time amounted to 287,578 tons cane sugar, and 40,399 tons beet sugar, or together, 327,917 tons, making 16.3 per cent of our consumption in the calendar year 1897. The year following the passage of the Dingley Tariff Act marks the Spanish-American War with its resultant acquisition of the Philippines and Porto Rico, together with the assumption of guardianship over the newly formed Republic of Cuba. It also brought about the annexation of Hawaii. All this acquired ter-

ritory is located in the Tropics and adapted to sugar-cane culture. From 1876 to 1898 Hawaii enjoyed free trade with the United States, which relation was dependent upon treaty. By the act of annexation in 1898 the free-trade relationship was made permanent and the development of the sugar resources of those islands was greatly promoted. In 1897 Hawaii produced 232,213 tons of sugar. In 1914 she produced 565,000 tons of sugar.

As soon as the Spanish-American War was concluded the question of the commercial relationship with Cuba became prominent. Some wished free trade between that Republic and the United States. Others wished the maintenance of full tariff relations, while still others believed that a tariff concession should be granted, which concession should be somewhere from 20 per cent to 75 per cent. The matter was discussed for four years in Congress, receiving attention at every session. Finally a compromise was reached, whereby goods entering the United States from Cuba should pay but 80 per cent of the full tariff rate. This arrangement has been in effect from 1903 to the present.

Two different Congresses undercook the settlement of the tariff relations with Porto Rico, the first making a tariff concession, the second passing a law which provided for free trade.

The tariff relations between the United States and the Philippines was a subject for discussion in every Congress from 1903 to 1913. At first the full tariff was levied on goods shipped from those islands to the United States. Then a law was passed granting a concession of 25 per cent; then another law was passed granting free trade up to 300,000 tons of sugar; and, finally, in 1913 Congress provided for absolute free trade in the matter of sugar shipped from the Philippines to the United States.

In 1911 there was a general revision of the tariff, at which time there was a strong sentiment in favor of a substantial decrease in the rate of duty. The next year, in 1912, a Democratic House passed a free-sugar bill, which failed in the Senate. In 1913 there was another general revision of the tariff providing for an immediate cut of 25 per cent in the sugar duty, with the still further provision that there should be absolute free trade in sugar beginning May 1, 1916.

It will thus be seen that since 1897 there has been scarcely a session of Congress when some phase of the sugar tariff has not been attacked, every such attack tending to diminish the amount of protection afforded the domestic sugar industry. Finally these attacks culminated, in October, 1913, with the passage of a law providing that after May 1, 1916, the entire duty on sugar should be removed. Under such circumstances it is not at all strange that the development of the domestic sugar industry has been hampered from the start. It is passing strange that during these 17 years of conflict we have increased the domestic beet-sugar industry from an annual output of 40,399 tons to an annual average output of 646,257 tons. Nothing but the indomitable energy and perseverance of our people has enabled us to accomplish so much.

The domestic sugar industry can not be maintained, even in its present state of inadequate efficiency, without a protective tariff. It can not be developed to the point where it will provide national efficiency and security without a protective tariff that will induce twice as much capital to embark in this business as is now invested in the industry.

Soon after the present administration went into power the Department of Commerce instituted a most thorough investigation of the sugar industry of the United States. This investigation covered the beet-sugar industry and also the cane-sugar industry in Louisiana, Porto Rico, and Hawaii. It was most thorough, involving a minute examination of every book of account to discover the cost of production, the method and area of distribution, the profits of the company, and the business relations between the manufacturer and the farmers who grew beets and cane. So minute was the investigation that it sometimes required the work of three or four expert Government accountants for from four to six weeks to investigate the books of a single company. For some reason or other this investigation did not cover the refining sugar industry. It is very strange that this exhaustive investigation was conducted in such a manner as not to obtain any notice in the public press. It is equally remarkable that the results of this investigation have never been given to Congress to assist that body in framing fiscal legislation relative to sugar. I challenge the Department of Commerce to turn over to the Ways and Means Committee of the House of Representatives all the reports made by their investigators upon the domestic sugar industry of the United States. I do not wish the department's comments or conclusions concerning these reports, but the actual reports themselves. I am thoroughly convinced that such reports will establish the truth of my assertion that the domestic sugar industry of this country can not be maintained at its present state of efficiency in time of peace without a protective tariff, and my further assertion that the continental sugar industry can not be developed to the point of providing a minimum of national efficiency and security without a protective tariff that will induce new capital to embark in this industry to a far greater extent than we have at the present time.

The results of the free-sugar law passed October, 1913, effective May 1, 1916, are most marked. That law was placed on the statute books too late to affect the size of the crop harvested the fall of 1913. Its influence is shown on the crops harvested the falls of 1914 and 1915. Eleven beet-sugar factories that operated the fall of 1913 were closed the fall of 1914, and the output of sugar was 9,000 tons less than in 1913. By the spring of 1915 it became quite apparent that the war would probably continue another year, and five of the factories that were closed in 1914 were opened for the fall of 1915, making 65 factories in operation in 1915 as compared with 60 in 1914 and 71 in 1913. The factories that operated in 1915 made a special effort to secure acreage, and the yield of beet sugar for the crop of 1915 is somewhat larger than in 1914. Notwithstanding the high prices incident to the war, the certainty that a free-sugar law is on the statute books overbalances the uncertainty of the duration of the war, and 12 of our factories remained idle in 1915 because their stockholders would not risk bankruptcy resulting from peace and free trade. Under the recommendations of the President and the Secretary of the Treasury that the free-sugar law be repealed, all of the 77 beet-sugar factories in the United States, with the exception of 2, are planning to operate next season if they can secure a supply of beet seed. Not a single new beet-sugar factory has been erected in this country since the passage of the present tariff law, but already since the announcement of the Secretary of the Treasury contracts have been made to erect four new factories for the fall of 1916.

Our output of domestic cane sugar was 54,141 tons less in 1914 than in 1913 and 62,196 tons less in 1915 than in 1914. In other words, under the two years of threatened free trade our supply of domestic cane from Texas and Louisiana dropped from 267,337 tons to 151,000 tons, a loss of 43 per cent, and 121,000 tons in 1916.

Compare the above figures with those relating to Cuba. In 1913–14 Cuba harvested 2,597,732 tons of sugar. Mr. Himely, the greatest authority in Cuba, estimates the Cuban crop for 1915–16 to be 3,173,429 tons, an increase of 575,697 tons, or 22 per cent, in the two years that have elapsed since the passage of our free-sugar law. There were 3 new factories (centrals) erected in Cuba in 1914 and 11 new factories erected for the fall of 1915.

Mr. Himely also says:

> Land continues to be prepared, and plantings of cane are being made for the crop of 1916–17, a few more new centrals will also be working by that time, while appearances indicate that a considerable number of centrals in Matanzas and Santa Clara Provinces will then be the property of a wealthy syndicate headed by the ablest sugar men in this hemisphere, who will probably increase the output of these estates

All reports from that island show there is a feverish haste in developing new cane lands and erecting new factories. The values of some of the leading sugar stocks of Cuba have increased 500 per cent since the passage of our free-sugar law in 1913. A most interesting fact in connection with this recent development in Cuba is that many of the leading stockholders and officers interested in the seaboard refineries of the United States are prominent in the organization of new Cuban companies for the development of the resources of that island. An examination of the list of the directors of these two classes of corporations shows that they are fully acquainted with the advantages to be obtained by interlocking directorates. Never has Cuba and the Americans who have invested their money in Cuba seen such prosperity as has been brought to that island by our tariff law of 1913.

The largest Cuban sugar merchant protested personally to the President of the United States against the entire removal of the duties on Cuban cane sugar. He declared: "This would be a gift of $60,000,000 per annum to the island of Cuba. It would promote riotous speculation and industrial and social disorganization." Nevertheless, Congress did pass the free-sugar law, effective May 1, 1916, and the results have justified the prophecy made by this Cuban merchant. Aside from the actual developments already completed and previously set forth, options were obtained in October, 1915, upon 35 plantations upon a cash basis. J. & W. Seligman & Co., The Guaranty Trust Co., the house of Morgan, the sugar house of

Rionda and their associates became interested in the promotion of a $50,000,000 syndicate. With no authorized public announcement $10,000,000 of cash was paid in early in 1916, and Mr. Rionda is now in Cuba selecting from his options those plantations which can be most advantageously united for commercial operation.

One can not but conclude that the free-sugar law of 1913 was to Cuban sugar interests a promise, and to the beet and cane interests of the United States a threat.

If the advisability or necessity of having a domestic sugar supply of considerable size within the borders of the United States as a means of securing national efficiency and security be admitted, then the necessity of a protective tariff on sugar can be shown in a very few words.

We can not have such a supply without having a domestic sugar industry to produce that supply. From the time the beet seed or cane seed is planted, throughout the growing of the crop, the transportation of the beets or cane to the factory, and the manufacture of this material into edible food, it is continuously a question of human labor. This is preeminently true throughout the agricultural part of the process. Notwithstanding Europe has been engaged in raising beet sugar for over a century, very few implements have been invented to supplant human labor in cultivating or harvesting a crop of beets. The beet-sugar world still finds it necessary to hoe the sugar into the beets and harvest the crop by hand. Notwithstanding the fact that sugar cane has been grown since the building of the pyramids, no one has yet invented a successful sugar-cane harvester. The stalks must still be stripped by hand and cut by hand.

Sugar, the world over, is human labor, and the cost of producing sugar depends primarily upon the cost of the labor entering into its production. Sugar cane is indigenous to the Tropics and semi-Tropics. Sugar beets are grown only in the Temperate Zone. Aside from the fact that an acre of good sugar cane will produce more sugar than an acre of good sugar beets, the labor that plants, cultivates, harvests, and manufactures that cane into sugar is paid less at every stage in the process than the corresponding labor that plants, cultivates, harvests, and manufactures the beet into sugar. This disparity in wages is greater than the disparity in efficiency. It is the centuries old conflict between the Tropics and the Temperate Zone.

The laborer of the Temperate Zone can not accept the wages of the laborer of the Tropics, for he will not descend to the scale of living in the Tropics. These facts have been recognized by every country in the world that has developed the beet-sugar industry. Every one of them has maintained a high protective tariff on sugar until such time as its production equaled its consumption, and after that a moderately high tariff, which effectually protected its labor from competition with the cheap labor of the Tropics. If such a policy has been found necessary in Europe, how much more necessary is it in the United States, where labor is paid the highest wage in the world. This fact is accentuated by the further fact that the greatest cane-sugar producing country lies much closer to us than to Europe, thus forcing upon us fiercer competition.

That this reasoning is founded upon fact and not theory is shown by comparing the in-bond price of Cuban raw sugar f. o. b. New York with the price the American manufacturer pays for the beets delivered at his factory. In July, 1914, the last month of peace and the height of the summer sugar season, the in-bond price of Cuban raw sugar f. o. b. New York ranged from $2.25 to $2.31 per 100 pounds.

The cost of sugar beets delivered at the factories throughout the United States ranges from $5.50 to $6.50 per short ton of 2,000 pounds. From such beets the average extraction ranges in different years from 240 to 250 pounds per ton of beets. Call it an average of 245 pounds. If we had access to the actual reports of the investigators appointed by the Department of Commerce, we would find that they substantiate these figures. It thus appears that the American manufacturer actually pays from $2.25 to $2.65 per 100 pounds for the extractable sugar in the beets before beginning the process of manufacture, or more than the selling price of Cuban sugar delivered duty free in New York. At 2¼ cents per pound the Cuban planter can make money.

About 10 years ago the Hollanders sent commissioners around the world to ascertain the cost of raising sugar. After thorough investigation the report was returned that the island of Cuba could produce sugar cheaper than any other section of the globe. It costs 2½ cents per pound to produce sugar from the beet in Germany, but Cuban plantations make a fair investment return upon selling sugar at 2 cents a pound. The $50,000,000 corporation now being organized in New York for the operation of Cuban plantations figure that—

with sugar at its bottom price, or 2 cents per pound, the company should earn at least one and one-half times the dividend on the preferred.

In face of such indisputable facts it is folly to maintain that our domestic sugar industry can be developed without the aid of a protective tariff. Those who are responsible for free sugar, either unintentionally or knowingly played into the hands of the foreign sugar producer and the seaboard refiners. If they continue to perpetuate this error, upon them and upon them alone will devolve the responsibility for demoralizing our domestic sugar industry. Upon them and upon them alone will rest the responsibility for failure to develop one of the great natural resources of the country. Upon them and upon them alone will rest the responsibility for imperiling the life of the Republic should we become involved in a great war. Before it is too late let Europe, with its mountain-high debt, its devastated fields, its ruined commerce, its razed cities, its starving millions, teach us the value of an adequate food supply safe from the dangers of invading armies. Such a supply is an absolute necessity if we would enjoy "national efficiency and security."

Mr. KITCHIN. I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, in all legislation we must have a philosophy back of us. We have to deal not in absolute quantities but in trends and tendencies. It has all along seemed to me that in this connection working toward free trade was working toward peace and working toward high protection meant commercial war, which is likely to lead to trouble. There is one thing about the protective doctrine that I have always stood for, and that is the encouragement of infant industries that can at some time or other become self-supporting in our country. If they can not become self-supporting they ought not to be protected under ordinary conditions. Looking the world over, it has always seemed to me that it has been proven that sugar can be raised best and cheapest in the Tropics. If under free sugar or lower tariffs on sugar the refiners profit at the expense of the consumer, that seems to be a question for the Department of Justice or the Department of Commerce. It seems to me that it is a cowardly way of raising revenue to raise it out of the pocket of the consumer. I would much rather see it raised more directly from those who have property over and above the common hunger than to have it taken out of the consumption of this necessary article, paid for in equality out of unequal pockets. But to my mind the retention of this tariff at this time is justified on entirely different grounds from those ordinarily held. I do not believe in it as a revenue measure and I do not believe in working toward permanent protection, but this is a war measure. The war has upset all our economic ideas. It becomes necessary for us to become more self-sustaining in our own continental boundaries. In the case of a food as important as sugar, of which we might be deprived in case of war by the cutting off of our commerce or if in avoiding war we turn in and live to ourselves, it behooves us to see to it that we provide a domestic supply as a war measure, or perhaps as a peace measure. [Applause.]

From my standpoint as a large woolgrower I object to having wool put on a parity with sugar. This country is raising all the wool it can raise now, and raising it more profitably without a tariff. It is strange, but when we had a tariff I never got more than 12 cents a pound for my Nevada wool, and I sold this year's clip for 19¾ cents by contract in advance of shearing.

Mr. CHARLES. Will the gentleman yield?

Mr. KENT. I will. I have only a short time.

Mr. CHARLES. Is it not a fact that the high price of wool is owing to the scarcity of wool all over the world?

Mr. KENT. It is. I was not saying that the high price was on account of the tariff being taken off, but I do say that the tariff never did me any good. The world's demand has now caught up with the supply, and we woolgrowers are getting the benefit of it. There is one way to increase the supply of wool in this country, and that is by protecting the range rather than by protecting the wool. We can not have any more wool in this country unless the range is conserved, fenced and improved, and allotted by lease, and I hope Congress will not be afraid to deal with that when the time comes.

It seems to me that the encouragement granted by a protective tariff, to the extent of 1 cent a pound on sugar, is at this time a necessary measure of national defense to the end of providing a domestic sugar supply.

Unjustifiable as a means of raising revenue, it finds its only sanction in the same false economy to which of necessity we

yield when we appropriate for the Navy, for the Army, and for other warlike preparation. I am regretfully certain that we must answer a foolish world according to its folly. I shall cast a vote for this measure of protection, and shall vote for armament when given opportunity.

Mr. KITCHIN. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, the Democratic State central committee of Louisiana, whose membership was chosen in a primary on January 25, met at the city of New Orleans on the 7th of February and formulated a platform upon which the Democratic candidate for governor and other State officers are now appealing to the people for their suffrages. One of the planks of that platform bears upon this measure, which I shall read. I want to say that it was offered by the mayor of the city of Shreveport, Dr. S. A. Dickson, who hails from a section of our State where there is no cane grown and where there is not a single sugar factory. It shows the unanimous opinion of the Democratic Party of the State of Louisiana on the subject. The plank reads:

Be it resolved, That for the purpose of providing the revenues necessary for the honest and economical administration of the Government we indorse the recommendation of President Wilson and the Democratic Secretary of the Treasury to repeal that provision of the present tariff law which places sugar on the free list after May 1, 1916, and we respectfully request our Senators and Representatives in the United States Congress to use their united efforts for the early passage of a law carrying the recommendation of the President and the Secretary of the Treasury into effect.

A true copy.

A. W. NEWLIN,
Secretary Democratic State Central Committee of Louisiana.

NEW ORLEANS, LA., *February 15, 1916.*

By unanimous consent, the following Members were given leave to extend their remarks in the RECORD: Mr. MCLAUGHLIN, Mr. MANN, Mr. GOOD, Mr. VARE, Mr. JOHNSON of Washington, Mr. POWERS, and Mr. KINKAID.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman, I have not the time nor the inclination to enter into a lengthy discussion of the tariff question as a whole nor even in that part of it affected by the pending resolution. This has been done by Members here who by reason of their long service in Congress, their careful study of the subject, fully qualify them to do. Yet, as a Representative of a district in the great State of Colorado, that contains nine beet-sugar factories, I feel that I would not be justified in silence when this subject is being considered.

Do you know, my friends, that this is "Baby week" all over this fair land of ours? The press tells us that 20,000 cities and communities are simultaneously celebrating. This contemplates enlightened care of infants in this country; "protection," if you please, to our infant industry.

So, Mr. Chairman, is it not most fitting that the Congress of the United States at the same time should be fostering and protecting one of its chief infant industries by refusing to remove, for the time at least, its last swaddling cloth of protection, without which this industry must necessarily languish and in the end die.

In my district, at least, the manufacture of beet sugar is an infant industry, having grown and developed to its gigantic proportions within the last 15 years.

Its beneficent effect is keenly felt by all our people. This includes, of course, those interested in its manufacture, but it also includes other classes of our citizenship. It includes the farmer who raises the beets; and I can speak for him, for I am an actual grower of sugar beets and know that the price which the factory was able to pay prior to the reduction of the tariff was a satisfactory price to the farmer and enabled him to secure better returns from his land, by far, than obtained prior to its coming. This is demonstrated by the fact that since the advent of the sugar beet land values have doubled and quadrupled.

And, again, as a Representative of a beet-growing district, I am gratified that the Chief Executive and the present legislative majority have seen fit to recommend this wise piece of legislation, and "with good will to all and malice toward none" I shall vote for the measure; and although it may seem paradoxical—the administration being Democratic—for once during this Congress, at least, I shall be found standing by my party, my principles, and my President.

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Ohio [Mr. FESS] one minute.

Mr. FESS. Mr. Chairman, I am in favor of the measure and shall vote for it, not simply to get the revenue so necessary today but rather to stimulate an industry that under proper legislation will reach the plane where we would not only be producing the sugar we need in this country, but we could ultimately become an exporter of sugar. I am also in favor of the bill because, under proper legislation, we will increase the productivity of the soil by the use of a root crop which makes one of the best soil fertilizers when rotated with other crops. I will vote to increase the production of sugar because it will invest American capital in the production of one of the greatest of food products, and will employ not only labor in the field but will insure to the farmer a ready market for the fruits of his toil. With the increase of beet growing and sugar production the price of sugar to the consumer is reduced.

Free sugar benefits no one save the importer, while a protective duty benefits the farmer who plants the beets, the manufacturer who manufactures the sugar, the consumer by a reduced price of his sugar, and the Government will be benefited by the revenue collected. I shall not hesitate to vote for this protection of sugar, even though it is brought in by the Democrats. It is not a question of who brings in this Republican measure. While I vote for Republican principles when they are brought here by Republicans, I will not vote against a Republican measure simply because it is brought in by the Democrats.

Mr. Chairman, I shall vote for the suspension of the Underwood bill on sugar. I will also vote for its suspension on wool, on lumber, on agricultural products, and upon other articles which come in competition with American products of American labor.

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FORDNEY. I yield to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FORDNEY. I yield to the gentleman from New Hampshire [Mr. SULLOWAY].

Mr. SULLOWAY. Mr. Chairman, I am in favor of the bill, notwithstanding the Democrats are going to vote for it. [Laughter.] I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. FORDNEY. I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I did have a speech prepared, which I intended to deliver at this time, but it is impossible for me within the limited time granted me to discuss the matter I had in mind. In the few minutes that I have I desire to refer to the particular argument that we have heard our Democratic friends make for so many years about the tariff. How many times have we heard them say: "The tariff is a tax; it is added to the price of the article; the consumer pays it." This is the first article in the Democratic creed. Until you have subscribed to that article of faith you can not be in good standing in the Democratic Party. That declaration has been written in every Democratic platform and has furnished the central idea of every Democratic speech that for the last 50 years has vexed the troubled air. It has been the foundation for the favorite morsel of Democratic orators that by a "robber tariff the rich have grown richer and the poor poorer."

How are the righteous degraded! The denouncers of special privilege, plutocracy, and tariff barons, the old Democratic Party comes before the American people to-day actually advocating a tariff, not upon a luxury but upon one of the greatest of all necessities, a necessity of the rich and poor alike. Oh, the tears that you have shed and the sobs that you have sobbed and the sympathy that you have spilled in the sad days of the past, when you were wanting to get into office, about the hordes of protection and plunder taxing the articles on the poor man's breakfast table! Surely sugar is one of the articles that you would place there. Have you forgotten that singsong tale of woe that every Democratic orator used to recite?

But now the ancient Democratic faith is forgotten. Every Democratic platform is forgotten. Every Democratic doctrine is forgotten, and you come in here advocating a tariff—a tax that is added to the price of the article and that the consumer pays—and that tariff is to be placed upon one of the great necessities of life.

Why this change? If Congress intends to enter into a contest of reversals with the Executive, the frequency and the rapidity of the performance will produce such a seasickness that the present Democratic stomach will be able to retain little of the ancient and honored Democratic faith. The whole country is already nauseated by the frequency of these performances.

But you answer that the country needs the money. It always does under a Democratic administration. [Applause on the Republican side.] No one but a Democrat is surprised at the condition of the National Treasury. Everyone else knew from the day it was enacted what the result under the Underwood law would be. But if you must have money, why not place your tax upon luxuries? That is what you have always preached. Did not your Baltimore platform declare that your pledges were made to be kept after election as well as to be used to get into office?

Why should the party that has always posed as a particular friend of the poor, the enemy of the rich, levy a tax upon sugar? Certainly sugar is a necessity. Sugar is life. Why should it be taxed? If you must levy a tax, why not levy it, as nearly as possible, according to the ability of those to pay it upon whom the burden is placed? You have said ten thousand times that the tariff on sugar was a robbery; that it was an unjust tax which oppressed the poor and permitted the rich to escape their just burden. But now you propose to make the poor man pay as much tax as the rich man. If what the Democratic Party has been preaching all these years be true, then, in fact, the poor man will pay more of this tax than the rich man, for he has, as a rule, a larger family to support. Under this law if during all these years you have stated the fact the janitor who cares for this building will pay as much of this tax as any one of us. Is that fair?

If your statements in the past have been true, the day laborer that gets $2 a day will pay as much of this tax as a bank president. Do you gentlemen on that side of the House believe this to be the truth? Did you ever believe it, except in campaign times, when the fatal hunger for office was gnawing at your vitals? If the Democratic doctrine be true, the man that amid the dust and smoke of mill or mine or factory, laboring 10 hours a day, supporting himself and his family by the sweat of his face, will pay more of this tax than will the useless parasite that spends his unearned millions and, feeble-mindedly puffing his doped cigarette, rides in his high-powered auto beside his childless wife with her perfumed and powdered Pomeranian pet. [Applause on the Republican side.]

If the tariff is a tax and the consumer pays it, as you have always preached, why should you be so unjust to the poor and so favor the rich? Why should the day laborer pay as much to support the Nation as the millionaire? There is no theory upon which you can justify a tariff upon sugar without repudiating all you have ever said about a tariff. You can not justify it upon the ground of necessity; for if you must have revenue and you have not the courage to levy a direct tax, then there are many other articles that would not so heavily burden the poor upon which a tariff can be placed.

Would it not be fairer and more equitable and more in accordance with what you have always taught to place a tax upon the income of the rich instead of placing a tax upon sugar, a universal necessity? Why not increase that tax? Why not place a tax upon the munitions of war? Millions are being made by the sale of these products to the warring nations of Europe. Why not let those who are becoming rich give some of it to support the Government rather than the working classes, that use sugar? Rather than unjustly tax the poor by placing a tax upon sugar, would it not be better to increase the tax upon beer and whisky and tobacco? These might be classed by some as luxuries; by some, perhaps, as an unmixed evil; by some, perhaps, as necessities; but surely none will contend that whisky or beer or tobacco are necessary to sustain the lives of little children. The use of these is not universal. If something must be taxed, why not tax them instead of sugar? Either the Democratic Party has renounced its ancient faith—that the tariff is a tax, that it is added to the price of the article, and that the consumer pays it—or it must confess that this legislation is a deliberate crime against the poor of their country.

Is there no politics in your action to-day? Has the result of the election in Louisiana alarmed you? As you look upon the ruined and prostrate sugar industry of the South, has it brought to you no conviction? Is it mere chance that you now add one more southern product to the protected list? If the tariff is a tax that the consumer pays and you are levying these duties solely for revenue, you can hardly hope to have the country believe that for this reason alone you are so altruistic as to place it principally upon southern products.

In view of the brave words spoken but a few short months ago, who would have expected to see the Democratic Party, led by a distinguished Democrat from North Carolina, fighting for a tariff upon sugar—a tariff that is paid principally by the middle classes and the poor, while upon the rich it practically imposes no burden.

The old Democratic Party that for years managed to live only because in solemn and dramatic tones it righteously railed at the rich and piously pleaded the cause of the poor; the Democratic Party here in Congress under pressure from the President that it fears but does not honor and dare not disobey, facing the dismal failure of the Underwood law, in their perplexity and panic in perpetual performance, continues to play "such fantastic tricks before high Heaven as make the angels weep." [Laughter and applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman, I yield now to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, it was my intention to make a speech upon this question two years ago, but, like 100 other Republicans, I was not here. It was one time stated up in Reading by a gentleman that he was 25 years old. Upon being questioned as to the exact time he was born he confessed that he was 27, but he did not count the two years he had lived in Delaware.

Mr. Chairman, those two years I was absent from this House I do not count, but instead of inserting a speech in the RECORD to-day I am going to try and give my observations in the three minutes that have been granted to me.

The reason I was not here two years ago to deliver an address upon the question was because my Democratic opponent told the board of trade at Waynesboro and the people in the seventeenth district that if they had free sugar the price of that article would go down. As a matter of fact, as soon as he was elected the price commenced to go up and it has been mounting ever since, and there is no promise of lower prices, even though this law should not be repealed. It seems to me foolish to debate this question when we are all agreed upon it, unless campaign ammunition is to be made and a record vote is sought. If we in this country ever have intensive farming as it is carried on in France and Belgium, we will be able to sustain a population of not only 100,000,000, but of 300,000,000, and therefore I think it is absurd to send our money abroad when we can raise all the sugar we need here in America. [Applause on the Republican side.] In 1804 the greatest statesman the world, I believe, had seen, as well as the greatest warrior up to his time at least, Napoleon, when the British had put a blockade on sugar that had been coming from Java, this man of genius and oversight placed a bounty on the production of sugar in France, and from that time until now that country has been able to supply herself with this great necessity. We can do the same thing in this country. It was an absurdity, and it will be again repeated if we ever again take off the duty on sugar, when we have enough land to raise what we need, and protection will keep our money in the country for circulation at home. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. I have some statistics which I would like to insert.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] may be permitted to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] may be permitted to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I yield now to the gentleman from Colorado [Mr. HILLIARD].

Mr. HILLIARD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, in view of the situation that now confronts this Nation, it seems to me any party would be justified in reversing almost any position it had previously taken in order to put an adequate sum in the Treasury of the country to put our Army and Navy in the condition they ought to be in order to properly defend the country in the crisis that now presents itself. This is purely an effort to create not protection but revenue, and the Democratic Party from time immemorial has been in favor of a tariff for revenue. We are not, therefore, taking any new position upon this proposition as to our general position upon the tariff A situation to-day confronts us and makes it necessary in view of conditions that exist at home and abroad to raise additional revenue that we may spend larger sums for the Army and Navy than have ever been expended in time of peace. Dangers threaten our citizens and commerce on the high seas, and brigands have invaded our country and murdered innocent women and children. To-day with an inadequate force we are defending our border and sending our Army into Mexico. The President demands a larger Army and Navy, and this Congress will give them to him, making necessary an increase in our revenues.

I am so strongly in favor of raising a sufficient sum to increase, arm, and equip our defensive forces on land and sea in order that they shall not be found inadequate if war should be declared either by Mexico or some European or Asiatic country that I will not only vote to retain this source of revenue, but I will gladly vote for a bond issue to give us the necessary funds that they may give us that measure of defense which our wealth, importance, and the abnormal conditions surrounding us justify.

Recently the gentleman from Colorado [Mr. KEATING] went out of his way to make, to my mind, an inexcusable and unjustifiable attack upon the people of my State for the way in which it handles the question of child labor. I desire to read now from an article in the Evening Mail newspaper of New York of March 11, 1916, by Rheta Childe Dorr:

The fiction that the farm is an ideal place for children to grow up has been unmasked more than once, but it still manages to maintain a respectable position in the minds of the sentimental. A farm may indeed be an abode of happiness for children, but it can just as easily be the exact reverse.

Revelations by the national child-labor committee of the toiling children of the Colorado sugar-beet fields is a good illustration of this. Colorado is proud of the fact that she produced more sugar beets than any other State in the Union. There is nothing to be proud of in the fact that the little hands of 5,000 children from 7 to 13 years of age helped to produce this wealth.

Colorado has a good child-labor law, but, like other laws, it fails to protect children in their homes. Thus, according to the committee's report, the number of children in the sugar mills is negligible. The young toilers work in their fathers' fields. They work long hours, at back-breaking labor, from the early spring until the crops are harvested in the late fall.

The work begins with thinning the beets as their first growth begins. Children 7 and 8 do this, bending over until their backs must ache excruciatingly. All summer they hoe and weed, and in the autumn help with the harvest, the heaviest work of all. Some of the details given by the committee are almost beyond belief. A girl of 10 is reported to have handled from 10 to 12 tons of beets in a day.

Most of these farmers are foreigners. They are poor, and they see in their beet fields the first opportunity of their lives to buy comfort and security for their old age. Some, however, are American citizens, and a few are wealthy. One of these men told a school-teacher that he made $10,000 a year. His boy, he said, was worth $1,000 a season to him in the beet fields, whereas if the boy went to school he was nothing but an expense.

The remedy for this horrible exploitation of children on the farm is good rural schools and rigid application of a compulsory education law. Moreover, the enforcement of the law should not be left to local districts, because too often school trustees are found among the child drivers.

The State must assume this responsibility. The State is the one power before which the enslaver of childhood stands disarmed, because the State is the overparent of all children, and the public school is their city of refuge.

Mr. Chairman, coming from the State of South Carolina, and being somewhat conversant with labor conditions that obtain there, I give it as my opinion that nowhere within the boundaries of that State are labor conditions anywhere near so bad as those described in this article, written by a stranger and published in a northern newspaper. It seems to me that the gentleman from Colorado [Mr. KEATING], instead of standing in the way of his party in this effort to put money into the Treasury of the United States, whereby we can increase the Army and Navy to the position where they can defend our country and flag, instead of opposing legislation that the leaders, from the President down, think expedient and necessary, could well turn his attention to the question of these child-labor conditions in Colorado. I think he should endeavor to relieve the condition there instead of going into other States and violating our rights by what we believe to be an unconstitutional law. If he would do so, I believe that he would find more honor at home and that he would more worthily represent his people, and do more for the people of our country, and the people of Colorado especially, that would merit their support and approval.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

By unanimous consent leave was granted to Mr. RAGSDALE to extend his remarks in the RECORD.

Mr. FORDNEY. Mr. Chairman, I believe I have seven minutes remaining, and I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for seven minutes.

Mr. MONDELL. Mr. Chairman, after what we have witnessed and what we shall witness to-day let no man say that the age of miracles has passed, for behold the protectionist, the tariff-for-revenue advocate, and the free trader all join in the support of an important measure affecting the tariff and the revenues of the country. We on this side do not particularly care what you on the Democratic side label this act of legislation, on what theory you base, or with what arguments you fortify your support of the measure. The tremendously important fact is that we are about to provide by a practically unanimous vote for a reasonable, and we hope a sufficient, protective tariff on sugar. Far be it from me to embarass you gentlemen on the Democratic side in the performance of what I believe to be a real patriotic duty, by rudely emphasizing the rapid and marvelous change that has come over the spirit of your dreams and the character of your acts. As a matter of fact, as lightning-change artists you are still several laps behind your administration. [Applause on the Republican side.] Furthermore, I would not refer to your former vehement and frequent assertion in platforms and on the stump that the act which you are now about to take would be as wicked as unnecessary, except to emphasize the truth of that old familiar and hopeful refrain:

And while the lamp holds out to burn
The vilest sinner may return.

[Applause on the Republican side.]

It may not be out of the way in passing to refer to the fact that there are still a few, just a few, of the pledges of your last national platform that you have not up to this time specifically repudiated, and as there is very little time remaining I feel it my duty to call attention to that fact. [Laughter on the Republican side.] I am prepared now, in your behalf, to denounce as false any claim that may be made hereafter that you gentlemen are Bourbons who learn nothing, for behold here is abundant proof that even the Democratic Party can recognize the fact of a yawning and empty Treasury, even though you do not seem to be as thoroughly alive as we hoped you would be to the blessing of a protective tariff. I am so kindly disposed toward your present attitude that I am rather inclined to furnish you arguments in support of this belated acceptance on your part of the protective idea, although we realize that the acceptance is under the spur of a very urgent necessity for revenue.

You gentlemen have insisted that it is all on account of the European war. Let me suggest to you that it would be very much to the point if you were to argue that the European war has cast a tremendously illuminating light upon the imperative necessity of making this country absolutely independent for the essential articles of food and use of foreign peoples and foreign lands.

"Let the Nation do its own work" has long been the watchword of the protective idea. "Let the Nation be self-sufficient and self-supporting" may well be the rallying cry of a new protective economic industrial preparedness.

Sugar, which we can produce in abundance and which we will produce in ever increasing quantities now that the policy of the Nation touching that product is fixed by our action to-day, is the first fruit of the new, truly national consciousness of the necessity of protective duties, as an essential feature of national preparedness. A duty on dyestuffs should swiftly follow this enactment. Then wool, for which the dyes are needed, and which is an article of prime necessity in war and peace, should be promptly placed on a firm protective basis, followed by a variety of the products of the industry and the labor of the land.

Some of these things should and we hope may be done at this session or in this Congress, and then next year, when we take control of things on this side of the center aisle, the entire program of protective-economic preparedness will be carried out.

Of course, we shall regret to defeat you now that you are showing an inclination to learn and are coming to a more rational frame of mind; but we must, for, good as this begin-

ning of yours is, we realize that it is taken under the coercion of necessity, and therefore the American people will not care to trust you for the completion of the job, for the correction of your faults in tariff tinkering.

The performance of that glorious and patriotic work the American people will on November next place in the hands of the Republican Party, and right promptly and thoroughly will we perform the inspiring duty placed upon us. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Chairman [applause on the Democratic side], it would seem to be the dawn of a brighter and a happier day for this Republic when you find men like the gentleman from Ohio [Mr. LONGWORTH], the gentleman from Michigan [Mr. FORDNEY], and the other gentlemen on that side of the House voting on a tariff question like the good Democrats on this side. I appreciate the emotion of happiness and joy which fills the bosom of my friend from Ohio [Mr. LONGWORTH], and which he expressed yesterday, in living to see the day when Democrats and Republicans vote alike on a tariff question. The gentleman has been associating with Republicans for the last 25 years and no wonder he rejoices in being in respectable, honorable company for one time in his life. [Applause on the Democratic side.] It will be one of the proudest recollections of his life hereafter to reflect that on this day he voted just like the Democrats, and I am sure that he will appeal to his constituents in the coming campaign to vote for him because he is almost as good as a Democrat and will point to his action of this day as evidence of it. [Laughter.]

The gentleman from Wisconsin [Mr. COOPER] said yesterday that he thought free sugar was a time-honored principle of my party and twitted us for its apparent change of attitude in presenting this bill. He wanted the Members of the House to believe that he had always been for a tariff on sugar. I want to remind him and the committee that about the first vote he ever cast in this House he cast for free sugar. [Applause on the Democratic side.] If the Democratic Party ever committed itself to free sugar, and it looks like in the Underwood bill it did, it was following the example—and it may have been a doubtful one—of the gentleman and his party.

I can recall, and I know some of you older Republicans can, when it was the claim of the Republican Party that it was the only free-sugar party that ever existed in this country. In its campaign textbook of 1892 the Republicans boasted that they had given the country free sugar; that the Democrats were against free sugar. I remember, too, that the Republican campaign textbook of 1896 denounced the Democratic Party under Cleveland for putting a tariff on sugar, and called the attention of the people of this country to the fact that they, when they were in power, had given the country free sugar and had wiped out all the tariff on sugar. [Applause on the Democratic side.]

Why, I see sitting in front of me my distinguished——

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. KITCHIN. I certainly will.

Mr. COOPER of Wisconsin. At the time of which the gentleman speaks there had been no movement in this country, as I understand, for the establishment of the beet-sugar industry, but the machinations of the Sugar Trust so incensed the people of the country that the Republican Party, in the defense of the rights of the people, began the movement for the establishment of the beet-sugar industry, and I have voted consistently with my colleagues as a Republican ever since.

Mr. KITCHIN. You have voted consistently ever since the sugar refineries of the North and the beet-sugar interests of the West told you to vote that way. [Applause on the Democratic side.] I see in front of me my distinguished friend from Illinois [Mr. CANNON], ex-Speaker of the House. I know that he does not forget the time when he stood on this floor and demanded that every man who loved the American people, that every man who had a heartbeat for the laboring man, for the farmer, for the housewife, every man who had a desire to relieve the consumers of this country, ought to vote for free sugar and against any tariff on sugar.

Mr. CANNON. Tell all the story. [Laughter.]

Mr. KITCHIN. I am going to tell all the story. The gentleman from Illinois was in favor of free sugar for about six years thereafter, until the same influences that made the gentleman from Wisconsin [Mr. COOPER] change his position and vote for a high tariff on sugar captured him. [Applause on the Democratic side.]

Mr. CANNON. That is not all the story. There was a 2-cent bounty to protect the American interests.

Mr. KITCHIN. I am going to finish the story. The gentleman from Illinois says the reason that he favored and demanded free sugar was that there was a provision, or proposed provision, to put a 2-cent bounty on sugar. But here is what he said in a speech on the floor of the House at the time:

> My principal anxiety is to place sugar on the free list and relieve the people of this great burden of taxation. I will take that burden off, even at the expense of paying a bounty of 2 cents a pound for all the sugar produced in this country.

But he continued:

> We are for free sugar, with or without a bounty.

[Applause on the Democratic side.]

Mr. CANNON. It is a long time since that happened. I was for the bounty, and the bounty went into the law, but I made so many speeches in the House that I can not recollect everything that I said. I will get a microscope and hunt up my friend's record upon various questions, as he is about to make a record.

Mr. KITCHIN. That was in 1890. In 1894 the Democrats did repeal the bounty, and did put a tariff on sugar for revenue purposes, and the gentleman from Illinois [Mr. CANNON] and the late distinguished gentleman from New York, Mr. Payne, author of the Payne Act, and the late distinguished gentleman from Maine, Mr. Dingley, the author of the Dingley Act, denounced the Democrats for attempting to put a tariff on sugar.

He declared that the free-sugar agitation began when the Mills bill of 1888 was pending, and that the Republicans then "made the best fight they could to place upon the free list this universal necessity," but the Democrats would not let them have free sugar.

Mr. CANNON. Will the gentleman allow me?

Mr. KITCHIN. I certainly will.

Mr. CANNON. It seems to me, in his remarks, he has now brought to the attention of the House the strongest possible reason for his change of opinion.

Mr. KITCHIN. The Democratic Party, gentlemen, never laid it down as a principle that sugar, or coffee, or tea, or other food products should be put on the free list. The only principle that we ever laid down was that whenever the Treasury conditions and revenue necessities permitted, the Democratic Party would put food products on the free list, preferring to tax other products, either by internal revenue—especially on luxuries—or by import duties. When we passed the Underwood Act, in 1913, providing for free sugar after May 1, 1916, we were convinced that by May 1, 1916, we would have sufficient revenue to let sugar go to the free list, and we calculated aright. We could not foresee this European war. We estimated that with the lower tariff rates of the Underwood Act there certainly would be at least as large an amount of importations, as large annual increase of importations, as there had been under the higher Payne Tariff Act.

Now, then, if under the Underwood Act importations had increased annually to the same extent as under the Payne Act during its existence we would have had, by reason of the increase of importations alone, more than $40,000,000 in addition, so that we could have given up the $44,000,000 that we received in the last fiscal year from the tariff on sugar and permitted sugar to go to the free list as provided. That was our contention. That is what we said on the floor of the House, and that is exactly what would have been done and could have been done but for the reduction of customs receipts on account of the European war.

I have heard many of you denounce the Underwood Act during this and the last Congress, but I have not heard a single Republican defend or champion the Payne Act. [Applause on the Democratic side.] You repudiated your own tariff act in the very first Congress following its enactment—indeed, the last session of the same Congress. Mr. Taft, at the very first opportunity after that act went on the statute books, promised the people to revise it, and you in the campaign following promised the people in your campaign textbook that you would help him do it.

Mr. CANNON. Mr. Chairman, will the gentleman yield again?

Mr. KITCHEN. Yes.

Mr. CANNON. If the gentleman will allow me a single sentence, the Payne-Aldrich Act I approved of then, and I have never apologized for it since; and I would to God it was on the statute books now. [Applause on the Republican side.]

Mr. KITCHIN. Then you are repudiating the platform of the Republican Party in 1912, because it promised in that platform to change it, to revise it, and declared that the Payne-Aldrich Tariff Act was too high and ought to be cut down. [Applause on the Democratic side.]

I will say to the gentleman from Illinois, every single member of his party here except one, as I recall, repudiated the Payne-Aldrich Act when in the Sixty-second Congress, the Congress following its enactment, it voted for the Hill wool bill as a substitute for Schedule K of that act. There was but one lone Republican in the House who refused to vote for the Hill substitute, and thus repudiate the Payne-Aldrich Act, and that was the distinguished standpatter from Michigan [Mr. FORDNEY].

Mr. FORDNEY. I am proud of it. [Applause on the Republican side.]

Mr. KITCHIN. Yes; he is proud of it, and it takes less to make him proud than any man I ever saw. [Laughter and applause on the Democratic side.]

Mr. GREENE of Massachusetts. I voted against it, too.

Mr. KITCHIN. I will tell you, my friend from Massachusetts, I know you think you voted against it, but——

Mr. GREENE of Massachusetts. I voted against it, and so did Butler Ames, of Massachusetts.

Mr. KITCHIN. I know what you are talking about. You are talking about the cotton bill, the Hill substitute cotton bill. You voted against that. You live at Fall River, the big cotton-mill center. You did not vote against the wool bill, because I called attention to it at the time, and the gentleman from Michigan knows, too, that I am correct when I say that he was the only man on that side that had the courage or audacity to stand upon this floor as an indorser of the Payne Act.

Mr. FORDNEY. No; the gentleman is mistaken.

Mr. KITCHIN. Did our good friend, Hon. DICK AUSTIN, vote against it? [Laughter.]

Mr. FORDNEY. Yes. The gentleman is mistaken.

Mr. KITCHIN. I was sitting back there when the vote was taken, and I saw all these Republicans get up in a body and vote in favor of that substitute bill repudiating the Payne Act. I was glad to see it. [Laughter.] It made an impression on my mind. I knew that their President had repudiated the bill a few months after it was signed, but when I saw the whole crowd of standpatters getting up over there and repudiating it I knew I was right. [Laughter.] When the vote was taken on that side there stood up against it my friend, Brother FORDNEY, solitary and alone, like the boy who "stood on the burning deck, whence all but him had fled." [Laughter.] I never will forget that. But when the vote on the Hill cotton bill, another repudiation of the Payne Act, was taken, only three Republicans—the gentleman from Tennessee [Mr. AUSTIN] and the gentleman from Michigan [Mr. FORDNEY] and the gentleman from Massachusetts [Mr. GREENE]—stood up against it.

Mr. GREENE of Massachusetts. And also Butler Ames.

Mr. KITCHIN. Yes; I believe he did. Yes; I believe there were four Republicans who voted that way on the cotton schedule substitute. Another instance of your repudiation of the Payne Act is the Canadian reciprocity bill, which changed and reduced the tariff rate on several hundred articles, which your President, Mr. Taft, sent to Congress demanding passage—the same Congress which had theretofore enacted the Payne bill. Republicans of the Ways and Means Committee favorably reported it. My friend from Connecticut [Mr. HILL], a member of that committee then, as he is now, made as good a so-called free-trade Democratic speech on that bill as ever I heard; and not only was the gentleman from Connecticut in favor of the Canadian reciprocity but he wanted to go it one better, and in May, 1912, he introduced a bill in Congress to put "fresh beef, veal, mutton, lamb, pork, and meats of all kinds"—the gentleman from Nebraska [Mr. SLOAN] will take notice—to put your cattle products, hog products, and sheep products, and "meats of all kinds" absolutely on the free list. He was for repudiating the Payne Act good and strong.

I do not feel so bad or humiliated in having you gentlemen vote with me on the pending proposition. [Laughter.]

I am used to a little Republican company on tariff votes. I am sort of proud of some of this company I kept at the time of the passage of the Payne-Aldrich Act. [Laughter.] The new Members do not know this, and probably some older ones have forgotten it, but I want to tell you that some good Republicans on that side of the House repudiated the Payne Act before it reached the statute books, and voted against it just as I did, and just as other Democrats on this side of the House did. Why, let me show you some of this distinguished company. There is that champion defender of Republican policies, the gentleman from Wisconsin, my friend Mr. LENROOT. He was then a great progressive Republican. He can defend and does defend Republican policies, whether Progressive or standpat policies, with as much skill and ability as any man in or out of the House. He is one of the strongest champions in the House or the country of the Republican Party and its principles. He and myself voted just alike on the Payne-Aldrich Act. Both of us voted against it. The distinguished gentleman of Iowa [Mr. WOODS], the present chairman of the National Republican Congressional Committee, and I voted exactly alike on the Payne-Aldrich Act. Both of my Republican friends voted against it, because they knew that the Payne-Aldrich Act was a deliberate violation of the plain pledge of the Republican platform and the expressed promise of the Republican Party in the campaign of 1908. [Applause on Democratic side.]

That is pretty good Republican company, but I have still better. I remember that day when we stood up and when the yeas and nays were called I was standing shoulder to shoulder and my voice rang out in accord with the distinguished gentleman from Illinois, the able minority leader, Hon. JAMES R. MANN. [Applause on the Democratic side.] Yes; Mr. MANN, Mr. LENROOT, Mr. WOODS, and myself voted together that day in condemnation of the Payne-Aldrich Act. Mr. MANN knew that this act was a deliberate violation of the plain pledge which the Republican Party, in its platform and on the stump, had made to the people, and in good conscience and good manhood and good faith to the people he had to record his vote just as I recorded mine—against the Payne-Aldrich Act. [Applause on the Democratic side.]

Mr. Chairman, as I catch a glimpse of the genial countenance of my good friend from Washington [Mr. HUMPHREY] I am tempted to observe that we have on this occasion another reason for happiness, when we realize that it is possible for the gentleman to make a speech on this floor, as he did to-day, and not indulge in his old habit of calamity howling. I have heard him make more calamity speeches—I will not count them now, because I have not the time, but I think since the Underwood Tariff Act went on the statute books he has made—well, I guess, at least 39 speeches on this floor, whining and crying about the lumber industry and the shingle industry in Washington being ruined and destroyed by the Underwood tariff law. He sobbingly told us how the flood of Canadian shingles and Canadian lumber was drowning out these industries. When the Underwood Act had been in operation a few months I heard him make one of his characteristic, tear-flowing, calamity speeches, and he got me almost to shedding tears picturing how in 1914 thousands of honest, able-bodied men who under the Payne Act always had work to do were going about the streets of Seattle, his home city, and other lumber towns of the State of Washington, with no money, with no work, begging charity. This was the first time since the election of 1910 I saw Republicans in the House cheer. They almost went on top of their desks applauding and cheering the gentleman's speech. There is nothing in the world that makes a Republican rejoice more than to hear the story of men going about the streets without money, without work, begging, and their wives and children at home freezing and starving. [Laughter.]

But the gentlemen over here on this side were humane enough to feel and look, as I did, sad and distressed. But I got to reflecting that there was no use in wasting tears until I found out whether the gentleman's horrible tale was fact or fiction. I had heard him make so many calamity tariff talks, which almost moved me to tears, and afterwards found that there was so little fact and so much fancy in them, I decided before giving myself up to grief to make some investigation. And what were the facts? Why, I found that the city of Seattle, the home city of the gentleman, in the year of our Lord 1914, under the Underwood Act, enjoyed the greatest degree of prosperity in its whole history. [Applause on the Democratic side.]

The story of Seattle, the gentleman's home city, during the year 1914, under the Underwood Act and Wilson's administration, is an unfolding romance of progress and prosperity. In the year 1914, when, according to the imagination of my friend, her good people were wandering about her streets, begging bread and charity, the building permits of Seattle increased, in spite of five months of the European war, more than 35 per cent over the Payne Act year of 1913 [applause on the Democratic side]—the greatest building expansion in its history. Her coastwise and over-sea trade was larger than ever before. Her postal receipts increased in 1914 over 1913, $48,702.34. [Applause on the Democratic side.] I do not ask you to take my statement or that of any Democrat. I shall produce the testimony of Republican protectionists. I am going to quote from the American Lumberman, published in Chicago, a high protectionist, as the organ of the lumber interests in the United States, and from the West Coast Lumberman, a high protectionist, published in

the gentleman's home city, Seattle, the organ of the lumber interests of the State of Washington and the Pacific coast. [Applause on the Democratic side.] I read from a special from Seattle, of date January 2, 1915, in the American Lumberman:

Building permits in Seattle for 1914 reached the total value of $12,664,970, and increased the record of 1913 by $3,343,855.

[Applause on the Democratic side.]

If the increase of the year had been as large proportionately as the average increase for June and July, the two last months of the Underwood Act, immediately preceding the breaking out of the European war, the increase in 1914 over 1913 Payne Act year would have been over 75 per cent. [Applause on the Democratic side.]

The West Coast Lumberman, of Seattle, in the issue of July 15, 1914, gives the amount of building permits of Seattle for June, 1913, as $897,310, and for June, 1914, $1,163,165; and in its issue of August 15, 1914, states that the permits in July, 1913, amounted to $1,414,620, while for July, 1914, they reached the sum of $2,520,590. [Applause on the Democratic side.]

Let me quote again from the Seattle "special" to the American Lumberman:

Despite the war and the disappearance from the seas of the German craft and many French and English vessels, this port enjoyed the greatest prosperity in its history from its coastwise and over-sea trade.

[Applause on the Democratic side.]

As further evidence of Seattle's great progress and prosperity in 1914, it says:

The postal receipts in Seattle increased in 1914, over 1913, $48,702.24.

Mr. POWERS. Will the gentleman yield?

Mr. KITCHIN. Just for a question; yes.

Mr. POWERS. The people in Seattle who were out of a job were writing home for money, and that increased the postal receipts.

Mr. KITCHIN. I do not see how those hungry, wandering people, out of a job, could be building all those houses there and have time to write home for money. [Laughter and applause on the Democratic side.]

Permit me here to relate a little amusing incident in the calamity-howling career of my distinguished friend from Washington [Mr. HUMPHREY]. He was in Washington City here, and not in Washington State, and he just fancied the distressing, deplorable condition which he pictured. The gentleman wanted to start a propaganda of calamity howling from his State. He wrote numberless letters, with return envelopes or cards inclosed, to the lumbermen and shingle men in Washington asking for a story of the depression and stagnation and ruin of the lumber and shingle industries under Democratic administration and the Underwood Act. Well, he got a lot of replies—now, did not you? [Laughter.] I have read many of them, but there was one that struck me particularly. One gentleman replied on the return postal card:

HUMPHREY, get a hump on you. Go to work and stop "hollering" calamity in the city of Washington. The State of Washington is all right.

[Applause and laughter on the Democratic side.]

The gentleman from Washington did not know what was going on in the State of Washington and in his city of Seattle under the Wilson administration and the Underwood Act. He did not know of the wonderful progress going on there. He had not been there in two years. Both administrations, with their long sessions and extra sessions, had kept him and all of us here.

Mr. HUMPHREY of Washington. The gentleman has used his imagination to such an extent I wonder if he will permit me in a sentence to state a fact?

Mr. KITCHIN. Yes; to state a fact. Why, for a Republican to state a fact on the tariff—yes; of course I will yield. [Laughter.]

Mr. HUMPHREY of Washington. I began by stating it is a fact, because I knew the gentleman would not recognize it unless I did. I will say to the gentleman for his information in regard to the shingle business which he has just been talking about, that the statistics which have just recently come in show that British Columbia, notwithstanding the fact that she is engaged in a great war and doing her part of it, increased her sales of lumber and shingles to the United States last year over 83 per cent; or, in other words, during the last month of 1915 more shingles came into this country from British Columbia than came in during the whole of the last year of the Payne tariff.

Mr. KITCHIN. I want to ask this question: Did not the shingle association of your State in 1914 declare that one of the reasons which caused the importation of shingles into the United States from Canada was that Canadian mills made a better shingle, and is it not a fact that shingles in Canada sell for from 25 to 40 cents more per thousand than shingles made in your State?

Mr. HUMPHREY of Washington. I know where the gentleman got his statement; it came from a report made by the representatives of the Department of Commerce sent out there to investigate.

Mr. KITCHIN. Oh, no; I got it out of the West Coast Lumberman, published in your city, the organ of the lumber interests in Washington and the Pacific Coast States. In its issue of June 1, 1914, it states that Canadian or British Columbian shingles are selling from 25 to 40 cents a thousand more than the Washington shingles. Why? Because they make a superior shingle. In the same issue in an article by a big shingle manufacturer it is admitted that the shingle of British Columbia is superior to the Washington shingle.

Mr. HUMPHREY of Washington. The gentleman is mistaken; they do not make a better shingle, and I think the gentleman from North Carolina ought not to cast reflection on the American workingman, for there are none better than the American workingmen. I do not think he ought to make the assertion that they can not make as good shingles as the Chinaman who works making shingles in British Columbia. Now, will the gentleman permit me one more statement. The shingle business in the State of Washington is much better than it was a year ago, and much better than it was two years ago, but not nearly up to normal. The gentleman from Michigan [Mr. FORDNEY], and others will corroborate what I say, that the wages today in the shingle mills in my State are only two-thirds of what they were when the Underwood law went upon the statute book.

Mr. KITCHIN. The organs of the lumber and shingle interests do not agree with the gentleman. There are more, and certainly larger, shingle mills in Washington to-day than at any other time under the Payne tariff act, and they are paying good wages.

Mr. HUMPHREY of Washington. But one-third of them are not running.

Mr. KITCHIN. Oh, but the gentleman said in Washington the industry was much better now than it was a year ago, and much better than it was in 1914. Now, let us see how it was in 1914 according to the testimony of the West Coast Lumberman, the organ of the shingle and lumber industry in the gentleman's State, and published in his city; and the testimony of the American Lumberman, the organ of the lumber and shingle industry of the United States. He was here tearing his throat "hollering" calamity and did not know what was going on out there. [Laughter.]

From the West Coast Lumberman, published in Seattle, of July 1, 1914, I quote:

The coast shingle market has stiffened perceptibly. Mill prices have lifted.

A special from Everett, Wash., the biggest shingle-mill town, to the Lumberman:

Shingle situation improved.
It will not be long before Everett shingle production will reach a new high-water mark.

And this under the Underwood Act. [Laughter.]

Again—

The Jameson Mill Co.'s new shingle mill at Everett was turned over for the first time Tuesday, June 23—a 10-hour output of 800,000 shingles.

[Applause on the Democratic side.]

That is the second largest shingle mill in the United States, is it not?

Mr. HUMPHREY of Washington. It is the largest.

Mr. KITCHIN. Under the Underwood Tariff Act there was built in the State of Washington the largest shingle mill in the United States!

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KITCHIN. Oh, let me get through with this good testimony.

Special from Ballard, Wash., same issue: McDowells Lumber Co. mill at Ballard greatly enlarging capacity of its shingle mill. It will have nearly one-half million output daily.

From its issue of July 15, 1914:

Every shingle mill at Ballard in full operation. The new shingle mill of Chester Snow Log & Shingle Co., at Littell, is running at full capacity and outlook bright.

And this, too, in July, 1914, after the Underwood Act had been in operation 9 or 10 months in the State of this distinguished calamity howler. [Laughter.]

And yet the gentleman from Washington has been begging and crying around here for two years to get Democrats and Republicans to help save the shingle mill industry from being ruined by the Underwood Act!

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KITCHIN. Let me get through; this is too good to stop now. [Laughter.]

Mr. HUMPHREY of Washington. I will give you something equally as good.

Mr. KITCHIN. I am going to yield to the gentleman in a minute. I read again:

New shingle mill just built at Bolch, 90,000 daily capacity. Mr. Hartman established a record in the construction of this mill, finishing it in 29½ days after starting.

The shingle industry was so good in Washington that a new record for building mills had been made—from start to finish in 29 days, working with a daily output of 90,000 shingles. They wanted to hurry up and get some of the good prosperity under the Underwood Act that was going on. [Laughter.]

This is not all. In the July 1, 1914, issue:

The new plant of the Wabash Lumber & Shingle Co., at Tono, Wash., is operating in full force. New shingle mill at Mays, Wash., of 90,000 daily capacity is being built. A new shingle mill to be built at Lebam, Wash. Increase of output daily 400,000 shingles.

Bellingham, Wash., special—July 11—to the American Lumberman of July 18, 1914: "Shingle mills are opening."

You see they had all been closed down for the Fourth of July holidays to celebrate the virtues and blessings of the Underwood Tariff Act. [Laughter.]

And further, from the West Coast Lumberman, of June 15, 1914:

Everett, Wash., special: C. & B. Shingle Co.'s new mill started operation to-day. Exclusively shingle production. Daily capacity, 400,000.

And—

The new mill of the Cobolis Lumber Co., at Carlisle, Wash., is now in active operation. Plans for the mill just built calls for capacity of 150,000 feet of lumber and 350,000 shingles per day.

And further—

The new mill of the Johnson & Dean Lumber Co., above Granite Falls, Wash., will start operation about July 1. Daily capacity, about 400,000 shingles.

Hoquiam special: The Panama & Eastern Lumber Co. will soon begin on its new saw and shingle mill.

But, gentlemen, such good [illegible]ts are not confined to the gentleman's State. It did not have a monopoly of the shingle industry growth. According to these organs of the lumber and shingle industry the same conditions prevailed in the other far West States.

Mr. HUMPHREY of Washington. Mr. Chairman, before the gentleman leaves my State I wish he would yield to me. I do not want to extend my jurisdiction.

Mr. KITCHIN. Very well.

Mr. HUMPHREY of Washington. I do not know that this has a great deal to do with sugar, but the gentleman seems to want to pursue it. The gentleman referred to the shingle mill at Everett—the Jameson mill—which is the largest shingle mill in the world. It was established and opened just at the time the gentleman says it was, but there is another chapter to that, and I can tell that in about three sentences.

Mr. KITCHIN. Oh, the gentleman can extend that in the RECORD.

Mr. HUMPHREY of Washington. No; I want to answer the gentleman. He mentioned Mr. Jameson.

Mr. KITCHIN. I have not the time to yield for a speech. Do not these organs of the shingle industry report the true condition of the industry?

Mr. HUMPHREY of Washington. No; they do not, as conditions exist now; and the gentleman ought not to refuse to yield at this time.

Mr. KITCHIN. I have said that I was not testifying on my own responsibility. I am relying on the testimony of the organs of the shingle-mill industry.

Mr. HUMPHREY of Washington. Mr. Jameson is one of the largest shingle manufacturers in my State and a man of high standing, and I do not think the gentleman desires to misrepresent him.

Mr. KITCHIN. I do not desire to misrepresent him.

Mr. HUMPHREY of Washington. I will give what I desire to say to the gentleman in about three sentences. After that report from the Department of Commerce came out, and after he started that mill, Mr. Jameson came here to the city of Washington, and he asked me and the other members of the delegation from that State if we would not go over with him to see the Secretary of Commerce. We went over, and he told the Secretary of Commerce that unless the tariff was restored on shingles he would eventually be compelled to close his mill. He said, "I have found out that I was mistaken; I am losing money every day." The distinguished Secretary of Commerce then made this statement, "There will be no revision of the tariff under this administration." It seems to me that somebody has changed his attitude or changed the attitude of the Democratic Party since then. [Laughter and applause on the Republican side.] That is the history of the Jameson matter.

Mr. KITCHIN. Of course, what I said of Mr. Jameson or his mill was not of my own knowledge, nor did I take it from the report to which the gentleman refers. I quoted from the West Coast Lumberman. His mill is and was making more shingles than any mill in the world, according to this organ, and he has not closed down his mill yet.

I believe I have given some evidence at least that the shingle business in Washington under the Wilson administration and the Underwood Act was not so bad as the gentleman from Washington pictured it to the House.

Now, let us see if the lumber industry in Washington was so depressed and ruined as the gentleman has so often told us. I shall call upon these same organs of the lumber interests to testify. I begin with the West Coast Lumberman, as I have before said, the special organ of the lumber industry in the State of Washington and the Pacific Coast States, published in Seattle—be it remembered—the gentleman's home city, and a high protectionist. From the June, July, and August, 1914, issues—editorials and specials from various lumber-mill towns and cities in Washington:

Spokane (June 15 issue):

Several large mills running full capacity and others would increase operations if they could get logs. More orders than they can fill.

Nothing the matter in Spokane under the Underwood Act and Wilson administration. We are piling up orders on them.

And again:

A pulp, paper, and lumber company organized with a capital of $4,000,000.

They are shuffling out the money for lumber mills under the Underwood Act.

And another special from Spokane (July 15, 1914, issue):

At the present time the situation is generally believed by lumber manufacturers to be the best in the last two years.

[Applause on Democratic side.]

Better under the Underwood Act and Wilson's administration than under the Payne Act and Taft's administration, says this special.

Morton special (July 15 issue):

Large new sawmill being built at Morton.

Everett special (July 1 issue):

So far as volume is concerned, Everett lumber manufacturers have no complaint to offer.

Love special (July 15 issue):

J. L. Rogers and W. P. Frost, of Spokane, are building new sawmill at Love, Wash.

Wallula special (July 1 issue):

Big sawmill to be built at Wallula.

Everett special (June 15, 1914, issue):

Both the lumber and shingle situation in Everett is decidedly stronger. * * *

It has been a long time since Everett lumber mills have been supplied with orders as they are now. In fact, one prominent manufacturer said to-day that he rarely has seen it so easy to get business as right now.

And all under Wilson's administration and the Underwood Act, which are keeping the Everett mills full of orders.

From the same issue of the West Coast Lumberman:

Snowqualmie Falls Lumber Co., of Seattle, will build a big new sawmill near Snowqualmie. The company recently incorporated with a capital of $3,000,000. * * *

The Goodyear Logging Co., of Seattle, recently incorporated with $200,000.

Plenty of money in Seattle under the Underwood Act for building lumber mills. I have not time to quote more from this journal, published in the gentleman's home city.

Let me now produce my other witness, the American Lumberman, the general organ of the lumber industry in the United States—a high protectionist—and see what it says of the lumber situation in the State of Washington under Wilson's administration and the Underwood Act prior to the European war.

Spokane special (July 18, 1914, issue):

Lumber business good, though this is the usual dull period.

Good under the Underwood Act, but dull at this period, of course, under the Payne Act.

Bellingham special (same issue):

Cargo shipping of lumber still brisk.

All the lumber mills at Bellingham, Blaine, and Anacortes are running full capacity, as are the interior mills.

Mount Vernon special:

New sawmill of the Stock Bros. Lumber Co. will be operating here in a short time.

Centralia special:

R. M. Shover is rebuilding his sawmill, which was burned—larger and more modern.

Mills are running full capacity.

Other Spokane specials, same issue:

Despite the fact that this is the time of the year when lumber buying is at a low ebb, considerable amount of stock has been moving from the mills of local territory.

And again, July 11, 1914, issue:

The increase in demand for lumber during the last few months has caused many inland empire mills to make extensions in their facilities.

I have two or three quotations from these two organs, to which I direct the special attention of the gentleman from Washington and of the House.

One is a special from Everett to the American Lumberman of August 1, 1914, from which I read:

A review of the employment situation in Everett shows that more men are employed in manufacturing industries than ever before in the history of the city.

One from Spokane to the West Coast Lumberman of June 15, 1914:

Lumber shipments by the Western Pine Manufacturing Association, as reported by Secretary A. W. Cook, are running higher than during the same period a year ago.

Now note:

Several mills in this section have recently added night shifts, and at the present time none of the larger mills is idle.

And a Seattle special, of date July 11, to American Lumberman of July 18, 1914:

Many of the mills closed only for a few days for July 4, and practically all will resume in a few days—

Though, as it further shows—

The usual shutdown is from six weeks to two months.

[Applause on the Democratic side.]

Under Wilson's administration and the Underwood Act new million-dollar mill plants were built, old mills enlarged their capacities, labor was employed. So great a prosperity did we send to the lumber industry in the State of Washington we put them to working at nights, and in the town of Seattle, the gentleman's home city, while under the Payne Act and Taft's administration the usual shutdown for July the 4th was from six weeks to two months, under the Underwood Act and Wilson's administration they were so busy that they only shut down from a few days to two weeks. [Applause on the Democratic side.]

No wonder that gentleman wrote back to my friend HUMPHREY, "HUMPHREY, get a hump on you and stop hollering calamity. The State of Washington is all right." [Laughter on the Democratic side.]

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. No; not now.

Mr. HUMPHREY of Washington. Will the gentleman permit me to ask him a question?

The CHAIRMAN. The gentleman declines to yield.

Mr. HUMPHREY of Washington. I would like to ask the gentleman a question.

Mr. KITCHIN. I will let the gentleman do it before I get through.

The CHAIRMAN. The gentleman declines to yield.

Mr. KITCHIN. I have just found out why some men are kept in Congress. This continuous calamity howling, such as my friend indulges in, gives their busy, prosperous constituents the jimjams, and so, to get them out of the way, they send them here to the House of Representatives to palm it off on us, where they think we are paid to listen to them. [Laughter on the Democratic side.]

I wish to say again to the gentleman from Washington and to the House that what I have said about the shingle mills and the lumber mills in the State of Washington is not my own testimony. I know nothing about the facts. I never went there. I am just stating the facts as reported in the high-protection organs of these industries, the American Lumberman and the West Coast Lumberman. The gentleman was not alone in his calamity agitation as to the industries of his State. Other gentlemen here and elsewhere have joined in in behalf of the industries in their States. Take, for instance, the textiles. They, or rather the protectionist politicians, have made the same complaint, raised the same cry of ruin and distress, as to these industries that the gentleman from Washington has made in regard to the lumber and shingle industries, and with just as little, or less, foundation of fact. What is true of the lumber and shingle industries in Washington and the far West I could show, if I had the time, is true of the cotton and woolen industries of the country during the 8 or 10 months of the operation of the Underwood Act preceding the European war. In fact, these were more prosperous than the lumber and shingle business. I see Brother HILL smiling over there; but it is the fact, just the same.

I hope some time to convince my friend from Connecticut [Mr. HILL] and my friend from Massachusetts [Mr. GREENE] of the truth of this statement—I have the evidence, and I trust I can get the opportunity later on in the House to produce it—that under the Underwood Act, which reduced the tariff rates in the woolen schedule more than in any other, the woolen industries of this country were employing more labor and running more machinery and turning out more products in June and July, the two months immediately preceding the European war, than any other June or July in the history of the woolen industry in this country. [Applause on the Democratic side.] I make this statement to the gentleman from Massachusetts [Mr. GREENE], who lives in Fall River, the great cotton-mill city, that, though the Underwood Act cut to the bone the rates of the cotton schedule, in June and July, the two months immediately preceding the European war, there were more labor employed, more machinery running, and more cotton spindles operating in the United States by over 500,000 than ever before in any June and July in the history of the cotton-mill industry of the United States. [Applause on the Democratic side.] I have not much time left, but I want to refer——

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. KITCHIN. If the gentleman will promise to take only one minute.

Mr. HUMPHREY of Washington. I will promise only to take one minute, and the gentleman can look at the clock if he desires to do so.

Mr. KITCHIN. All right, go ahead.

Mr. HUMPHREY of Washington. Here is the one minute:

If Congress should attempt to change the tariff provisions relating to the sugar or any other item in the present tariff law, President Wilson would veto the measure in whatever form it might appear. I talked with the President to-day—

Representative OSCAR W. UNDERWOOD, June 10, 1914. What does the gentleman say as to that?

Mr. KITCHIN. Yes; the President would have the right under the then conditions to veto such a bill, of course.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KITCHIN. The gentleman is from Washington, too? [Laughter on the Democratic side.]

Mr. JOHNSON of Washington. Yes.

Mr. KITCHIN. The gentleman ought to know, then, I am telling the truth.

Mr. JOHNSON of Washington. I only desire to say that the lumber and shingle business in the district which I have the honor to represent has been down for the past two years——

Mr. KITCHIN. Is the gentleman from Bellingham?

Mr. JOHNSON of Washington. I am from Hoquiam, the city in which the Panama-Eastern mill, spoken of by the gentleman, has been built, and I will take an oath business has been off over 40 per cent since the Underwood Tariff Act went into effect. [Applause on the Republican side.]

Mr. KITCHIN. Then these protection organs of the lumber and shingle interests from which I have quoted controvert what the gentleman says. How does that happen?

Mr. JOHNSON of Washington. Does the gentleman blame the newspapers and business men out there for trying to keep up a face and make the wheels go round? [Laughter on the Democratic side.] They are entitled to hold up their face if they can in the face of this law.

Mr. KITCHIN. The gentleman has a lumber industry?

Mr. JOHNSON of Washington. Yes; a great distressed and suffering industry.

Mr. KITCHIN. All right. Why, the lumber industry can not be depressed on account of the Underwood Act, because before the European war began under this act 50,000,000 feet less lumber came in from Canada and other countries than during the last year the Payne Act or the first year of the Payne Act, and 100,000,000 less than in 1912 under the Payne Act. [Applause on the Democratic side.] And I venture to say to the distinguished gentleman that he did not pay much attention to the lumber industry, and that he has simply got this calamity howling from my distinguished friend from Seattle. Now, I do not believe——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KITCHIN. I do not believe that the gentleman and my friend from Seattle got together and entered into a conspiracy to calamity howl, but I suppose the gentleman caught it from him. [Laughter.]

Mr. JOHNSON of Washington. I have paid just enough attention to be very sure that the remarks made by the gentleman on the lumber industry will be the best campaign argument for the Republican Party in the Northwest. [Applause on the Republican side.]

Mr. KITCHIN. The gentleman from Washington knows my fondness and admiration of him. He is a gentleman of high character, integrity, patriotism, and ability; he is as genial and courteous and lovable as any man in this House. We all recognize this, but he has the poorest memory of any man I ever saw, and he does not know the facts, and can not tell fact from fancy. I am only impeaching the gentleman's knowledge of and intimacy with facts.

Mr. JOHNSON of Washington. I am impeaching the gentleman's knowledge of the lumber and shingle industry in the State of Washington under the Underwood bill. [Applause on the Republican side.]

Mr. KITCHIN. All right, let us see about that. The gentleman lives at Hoquiam, in the Aberdeen lumber section. Here is a Hoquiam special to the West Coast Lumberman of August 15, 1914:

Actual work about to begin on the new mill of the Panama Eastern Lumber Co. Daily capacity, 100,000 feet of lumber and 150,000 shingles.

Another special from Aberdeen and Hoquiam to the American Lumberman of August 1, 1914:

In lumber market decidedly improved. In June water shipments above normal. Lumbermen say that indications for July are for heavy shipments by water and more than an average shipment by rail.

And another to the West Coast Lumberman:

All of the mills report heavy business!

[Applause on the Democratic side.]

Before my time expires, this being my first good opportunity, I desire to refer to the speech of the distinguished gentleman from Michigan [Mr. FORDNEY] made in the House on January 12 in reply to a speech made by me on December the 16th, last. I willingly pay him the compliment by saying that it was as good an argument as I have heard from that side, and the best reply that could be made. It is the only speech I have heard in several years in the House that really made the Republicans feel good and proud. After the conclusion, he walked out amid applause and handshaking and embraces of his colleagues, because he had proved, as he and they thought, that the majority leader had attempted to deceive the House by manipulating and juggling figures in order to discredit the Payne Act, and to boost up, as he said, the Underwood Act.

I declared in the speech of December 16, in answer to the persistent charge by the Republicans here and elsewhere that the Underwood Act had proved a failure as a revenue producer, that the Underwood Act for the time that it had been in operation, from October, 1913, to August 1, 1914, the date of the breaking out of the European war, had produced over $10,000,000 more revenue than the Payne Act for the same months in any year of its existence; that from January 1, to August 1, 1914, the Underwood Act, with its customs receipts and income tax, produced in round numbers $18,000,000 more revenue than the Payne Act, with its customs receipts and corporation tax, for the same months the preceding or any other year during its enactment. I gave the figures in detail in corroboration of that declaration. The gentleman from Michigan did not dispute that statement, because he could not. I could have, with truth, declared, as I do now, that for the fiscal year ending June 30, 1914, nine months of which were under the Underwood Act, the amount of ordinary revenue receipts was over $10,000,000 more than in any fiscal year in the history of the Government; and that the amount of all receipts was $33,000,000 more than ever before. The gentleman can not dispute that statement. Here are the figures of record for the four years of the Payne Act, and the fiscal year 1914:

In 1910 total amount of ordinary revenue receipts was	$675, 511, 000
In 1911 total amount of ordinary revenue receipts was	701, 372, 000
In 1912 total amount of ordinary revenue receipts was	691, 778, 000
In 1913 total amount of ordinary revenue receipts was	724, 111, 000

But in 1914 the total amount was $734,673,000, an excess of $10,563,000 over the best year of the Payne Act, and an excess of $36,480,000 over the average annual amount of the four years of the Payne Act.

Here is the record of all receipts for the same years:

In 1910 the amount of all receipts was	$899, 640, 000
In 1911 the amount of all receipts was	962, 610, 000
In 1912 the amount of all receipts was	972, 170, 000
In 1913 the amount of all receipts was	992, 660, 000

But in 1914 the amount was $1,025,726,000, an excess of $33,000,000 over the best year of the Payne Act, and an excess of $68,956,000 over the average annual amount of the four years of the Payne Act. It should be remembered, too, that included in the amount for 1911 is $18,102,000 of canal-bond proceeds and in the amount for 1912 is $33,189,000 of such proceeds, but in the amount for 1914 there is not a dollar of receipts from canal bonds.

In answer to the charge often made here and elsewhere by our Republican friends that the Wilson administration and Underwood Act had drained the Treasury of its gold, I declared that the gold balances, exclusive of the $150,000,000 gold reserve redemption fund, was over $10,000,000 more on August 1, 1914, under Wilson's administration and the Underwood Act, than on August 1 of any year of the Taft term. I gave the figures of record in detail in corroboration of that declaration. The gentleman from Michigan did not and could not dispute that statement.

In answer to the oft-repeated charge of the Republicans here and elsewhere that the Wilson administration and Underwood Act had caused deficits and had largely reduced the general-balance fund in the Treasury, I further declared that, exclusive of the proceeds of canal bonds, on the 1st day of August, 1914, the date of the outbreak of the European war, under Wilson's administration and the Underwood Act, the general-fund balance in the Treasury was $15,000,000 more than on the 1st day of August in any year of the four years of Taft's administration. I gave the figures of record in detail in corroboration of that declaration. The gentleman from Michigan did not and could not dispute that statement. I said, as is shown by the CONGRESSIONAL RECORD, that "on August 1, 1914, we had a larger general-fund balance in the Treasury by over $15,000,000 than you had on the 1st day of August in any year of the four years of Taft's administration," which was absolutely true. All these balances included the national-bank redemption fund.

But while giving the amounts for each "August 1 of the four years of Taft's administration" and for August 1, 1914, of the Wilson administration and Underwood Act, I also gave the amount for August 1, 1913, which, remember, was not of Taft's term, but of Wilson's term, and therefore unnecessary to sustain the truth of my statement and contention. The amount for August 1, 1914, I gave as $158,384,000 and for August 1, 1913, $131,454,000.

It turned out that in the amount for August 1, 1914, as it was in each of the four years of Taft's administration, the national-bank redemption fund then held by the Treasury was included or added, not by me but by an honest, efficient Republican official in the Treasury Department, while in the amount given for August 1, 1913, the redemption fund was not included, but deducted, not by me but by this official. In informing me of the general-fund balance for August 1, 1913, he doubtless overlooked the fact that in preparing for me the former statement of the balances for August 1 of the other five years he had included or added the redemption fund to the general balances, as had been the custom of all administrations since 1890, until the Wilson administration. The gentleman from Michigan seized upon this to hold up his hands in holy horror and declare that the "majority leader" had juggled figures, and thereby attempted to mislead the House and the country. He failed to tell the House that the national-bank redemption fund was included or added in the amount for each "of the four years of Taft's administration," as well as in the amount for the one year, August 1, 1914, under Wilson's administration and the Underwood Act, the years for which I was making comparison. He failed to tell the House that in each of these "four years of Taft's administration" the redemption fund which was added, thereby swelling the general-fund balance, was from $8,000,000 to $15,000,000 more than the redemption fund which was added to the August 1, 1914, general balance under the Wilson administration.

He failed also to remind the House that the amount given by me for August 1, 1913, against which he protested because the redemption fund was not included, was under Wilson's and not Taft's administration. He said that if I had deducted the redemption fund of $15,642,000, which was included in the August 1, 1914, general fund balance, it would have been $142,742,000 instead of $158,384,000, and there would not have been such a difference between the amounts on August 1, 1913, and August 1, 1914. This is true. What consolation is it to him to compare August 1, 1913, with August 1, 1914, when both were of the Wilson administration? It is true that the Payne Act was in force on August 1, 1913, and that the balance fund was many millions larger than in any year of the Payne Act while Taft was President. This is a compliment to the Wilson administration. It shows that his administration managed the affairs of the Government and enforced the laws, even the Republican tariff and corporation-tax act, so wisely, honestly, and efficiently that it ran up the general balance to the highest mark it had reached under the Payne Act.

But he said that I should have deducted from the August 1, 1914, amount the $12,535,000 proceeds of the sale of the two battleships to Greece, which was included or added by the Treasury statement, not by me, and further said that I should

have deducted from the balances given for each of the five years the amount of the national bank redemption fund, as was done for August 1, 1913. Although by an act in 1890 the inclusion of the redemption fund is authorized—and it was included in the years mentioned, that is, up to August 1, 1913, not by me but by the Treasury officials—I agree with the gentleman that it should properly be deducted, as then the net balance of the general fund would be shown. Now, gentlemen, deducting the redemption fund, as in my opinion it ought to be, and the ship money, the fact is that instead of having on August 1, 1914, under Wilson's administration and Underwood Act $15,000,000 larger balance fund than on any August 1 of the four years of the Taft administration, exclusive of canal bonds proceeds, as I asserted in my former speech, we had a larger general-balance fund by over $24,000,000 than there was on any August 1 of the four years of Taft's administration. [Applause on the Democratic side.]

Let me astound the gentleman and the House by giving the record figures:

Aug. 1, 1914:	
Balance in general fund (Wilson administration and Underwood Act)	$158,384,000
Less ship proceeds	12,535,000
Total	145,849,000
Less national-bank redemption fund	15,642,000
Net balance	130,207,000
Aug. 1, 1912:	
Balance (less bonds, $33,189,000)	128,655,000
Less national-bank redemption fund	23,051,000
Net balance	105,605,000
Aug. 1, 1911:	
Balance (less bonds, $18,102,000)	134,952,000
Less national-bank redemption fund	31,358,000
Net balance	103,594,000
Aug. 1, 1910:	
Balance	91,999,000
Less national-bank redemption fund	27,557,000
Net balance	64,442,000
Aug. 1, 1909:	
Balance	107,520,000
Less national-bank redemption fund	26,806,000
Net balance	80,714,000
Excess of Aug. 1, 1914 (Wilson's administration and Underwood Act), over Aug. 1, 1912	24,602,000
Excess of Aug. 1, 1914 (Wilson's administration and Underwood Act), over Aug. 1, 1911	26,613,000
Excess of Aug. 1, 1914 (Wilson's administration and Underwood Act), over Aug. 1, 1910	65,765,000
Excess of Aug. 1, 1914 (Wilson's administration and Underwood Act), over Aug. 1, 1909	49,493,000

So the general balance fund was $24,602,000 larger on August 1; 1914, under Wilson's administration and the Underwood Act than on August 1 of any year of Taft's entire term. Remember there is no ship money and no redemption fund in this. [Applause on the Democratic side.]

Now, if we take the amounts of the general balance fund on June 30, at the end of each fiscal year under Taft's administration, and compare them with the amount on June 30, 1914, under Wilson's administration and Underwood Act, with no ship money included—as this was paid in the July following—and with no redemption fund added, the general balance fund in the Treasury on June 30, 1914, was larger by over $37,000,000 than in any year of the Taft administration. [Applause on the Democratic side.]

I read the figures of record:

June 30, 1912:	
Balance, less national-bank redemption fund	$141,552,000
Less canal bonds	33,189,000
Net balance	108,363,000
June 30, 1911:	
Balance, less national-bank redemption fund	105,040,000
Less canal bonds	18,102,000
Net balance	86,938,000
June 30, 1910, net balance, less national-bank redemption fund	72,586,000
June 30, 1909, net balance, less canal bonds and national-bank redemption fund	65,203,000
But June 30, 1914, under Wilson administration and Underwood Act the net balance was	145,835,000
Excess of June 30, 1914 (Wilson administration and Underwood Act), over June 30, 1912	37,472,000
Excess of June 30, 1914 (Wilson administration and Underwood Act), over June 30, 1911	58,897,000
Excess of June 30, 1914 (Wilson administration and Underwood Act), over June 30, 1910	$73,249,000
Excess of June 30, 1914 (Wilson administration and Underwood Act), over June 30, 1909	80,632,000

An excess of $37,472,000 of Wilson's administration and Underwood Act, over the best year of the Taft administration, and no ship money and no redemption fund included! [Applause on the Democratic side.]

In further answer to the unfounded charge that the Wilson administration and the Underwood Act had caused deficits in the Treasury, I asserted that, excluding the Civil War period, the three largest fiscal year deficits of ordinary receipts and disbursements in the history of the Government occurred while Republican tariff acts were on the statute books. In 1894, under the McKinley Act, the deficit was $69,000,000; in 1899, under the Dingley Act, the deficit was $89,000,000; in 1909, again under the Dingley Act, and Taft President, the deficit was $58,000,000.

The gentleman from Michigan did not and could not dispute that statement.

I could with truth have declared, as I do now, that, exclusive of the Civil War period, the four largest deficits of all receipts and disbursements in the history of the Government occurred under Republican administrations and tariff acts.

In 1880 the deficit was	$141,485,000
In 1898 the deficit was	61,948,000
In 1904 the deficit was	66,634,000
In 1909 the deficit was	118,795,000

I remind the House that, while the deficit of 1909 was the second to the largest we have ever had, in the receipts of that year are included proceeds of canal bonds, amounting to $30,731,000, without which the deficit was $149,526,000.

Here are other deficits under Republican administrations and tariff acts:

In 1908 the deficit was $26,890,000, and in the receipts of that year are included $25,367,000 proceeds of canal bonds, without which the deficit was $52,257,000.

In 1910 the deficit was $19,480,000.

In 1912, exclusive of canal-bond receipts, the deficit was $6,214,000.

The total deficits—that is, the difference between all receipts and all disbursements—from 1908 to 1913, inclusive, under Republican administrations and tariff acts were $101,270,000, and without the canal-bonds proceeds were $208,660,000.

But at the end of the fiscal year June 30, 1914, prior to the outbreak of the European war, under Wilson's administration and the Underwood Act, there were both a surplus of ordinary receipts over ordinary disbursements, and a surplus of all receipts over all disbursements, without the aid of a dollar of canal bonds, though we expended out of our revenue receipts on the Panama Canal $34,826,941.

The gentleman from Michigan declared that, in giving the deficits or surplus on August 1 for each of the Taft four years and August 1, 1914, Wilson's administration, I attempted to mislead the House and the country into the belief that I was comparing a 12 months' period. He then quotes 15 or 20 lines of my speech. What he quoted would make that impression—so he quoted that. He omitted the two sentences immediately preceding, which made plain that I referred only to that part of the new fiscal year, from July 1 to the 1st day of August, 1914, inclusive. We all knew the preceding fiscal year ended June 30, 1914, and the new fiscal year began July 1.

The war in Europe broke out August 1, 1914, 10 months after the passage of the Underwood Act. I was comparing the surplus and deficits of ordinary receipts and disbursements of the fiscal year up to that date with those of the same date of each of the preceding years under Taft's administration and the Payne Act. I wanted the House and the country to know exactly how the books stood on that date. The gentleman charged that I had resorted to cunning and manipulation of figures as to these deficits, and asserted that for August 1, 1914, I had included $12,535,000, proceeds of the sale of the two battleships to Greece, in order to make the surplus for August 1, 1914.

This is exactly what I said, and the RECORD shows it:

> I at once remind the House and the country that August 1, 1914—the date of the outbreak of the European war—under Woodrow Wilson's administration and the Underwood Act, was the first August 1 in five years when the books of the Treasury Department showed an actual surplus of ordinary receipts over ordinary disbursements.

I then gave the figures in detail for each August 1st. I have before me now, as I had then, the books containing the Treasury statements showing on each August 1st of the years in comparison the deficits and surplus. What I stated then and the figures I gave are in exact accordance with the books and the statement of the department.

It gives the amount of customs receipts so much, income and corporation tax so much, internal revenue so much, and miscellaneous receipts so much, and below this the disbursements are

given, then the balance is struck, showing the surplus and deficits from the beginning of the fiscal year up to and including that day. No mention, no intimation, in any way, is made in this statement by the department for August 1, 1914, of the proceeds of the battleships. I followed the language of the Treasury books and statements. The gentleman who keeps these books and makes out these Treasury statements is as honorable, capable, and efficient a man as there is in the Treasury Department, and, after such a description of him, you will be surprised to learn that he is a life-long Republican. [Laughter.] The proceeds of the battleships were, I understand, included in the "miscellaneous receipts" amount, though, as I have said, no mention of it was made in the Treasury statement, and they were properly so included. I never stopped to inquire what different items constituted the "miscellaneous receipts" for August 1, 1914. Nor did I inquire what different items constituted the "miscellaneous receipts" of the several years of the Taft administration which were under review. I have since ascertained that there were many unusual, extraordinary items. For instance, in the fiscal year 1911, there are about $10,000,000 of unusual, extraordinary items contained in the "miscellaneous receipts," all of which I gave credit without question. I gave the facts and figures exactly as the books showed them to be.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Connecticut?

Mr. KITCHIN. Yes.

Mr. HILL. If the gentleman will pardon me, I think it is a very natural mistake, and should not be criticized. My recollection is that it was during the month of July, 1914, that the receipts from the battleships came in.

Mr. KITCHIN. Yes. If any mistake was made, it was because of the way the books were kept by this good, honest Republican. However, the books and statements were kept properly. These proceeds should have gone into the miscellaneous receipts. I quoted exactly from the statement. But even if you deduct the battleship proceeds, we had on August 1, 1914, $2,954,000 less deficit than you had in 1909 under your Dingley Act and Taft's administration, and we had $4,473,000 less deficit than you had in 1911 under the Payne Act and Taft administration.

The gentleman in his speech failed to tell the House that in the August 1, 1914, statement there are included disbursements of $6,440,000 that ought to have been paid before the expiration of the fiscal year on June 30, but which were paid in July, and that sum of $6,440,000 was for appropriations authorized by a Republican administration and paid for by us in July instead of in June out of the taxes that we had raised under our tariff and income-tax act. So, then, we have the facts. If we deduct this indebtedness that we paid on account of a Republican administration, and which should have been paid in June, then for every August 1 in every single year of the Taft administration and Payne Act except one, even if we deduct the battleship proceeds, your deficit would be 100 per cent larger than the deficit of August 1, 1914, under the Wilson administration and Underwood Act.

Whenever we remind Republicans of the small balances and large deficits under their administrations and tariff acts, they at once put up the plea of Panama Canal expenditures. The gentleman said that during Taft's administration $107,000,000 over and above receipts for bonds was expended on the canal. He missed it by $11,000,000.

Mr. FORDNEY. Will the gentleman permit me?

Mr. KITCHIN. Yes.

Mr. FORDNEY. In my figures were included any money expended to fortify the canal—all the money that was paid out for fortifying the canal, as well as constructing it.

Mr. KITCHIN. I included that too.

Mr. FORDNEY. That was all Panama Canal.

Mr. KITCHIN. Instead of $107,000,000 it was $96,752,000. Let us now, once for all, get the facts as to the canal expenditures. During the four fiscal years of Taft's administration and Payne Act, without the aid of canal-bond proceeds, there was expended $96,752,000, an average of $24,188,000 a year, while for the fiscal year 1914, under Wilson's administration and Underwood Act, we expended $34,826,000, and for the fiscal year 1915, $29,187,000, or an average of $32,000,000 a year, and not a dollar of canal bonds sold.

For the 10 years (1904 to 1913, inclusive) Republican administrations expended on the canal $318,219,000 and they received $138,600,000 of proceeds from the sale of canal bonds, leaving an expenditure of $179,619,000, without the aid of bonds. In other words, their average annual expenditures for the canal without the aid of bonds were $17,961,000, while the average annual expenditures under Wilson's administration for the two fiscal years without the aid of bonds were $32,000,000, practically $15,000,000 a year more than the Republicans expended, or nearly twice as much.

I give now the Panama Canal disbursements and receipts for canal bonds for each of the fiscal years from 1903 to 1915, both inclusive:

Year.	Disbursements.	Canal bond receipts.
1903	$9,985.00	None.
1904	50,164,500.00	None.
1905	3,918,819.00	None.
1906	19,379,373.00	None.
1907	27,198,618.00	$31,210,817.95
1908	38,093,929.04	25,367,768.67
1909	31,419,442.41	30,731,008.21
1910	33,911,673.37	None.
1911	37,063,515.33	18,102,170.04
1912	35,327,370.66	33,189,104.15
1913	41,741,258.03	None.
1914	34,826,941.76	None.
1915	29,187,042.22	None.
Total	382,242,470.07	

Before concluding I wish to refer to one or two other statements made by the gentleman from Michigan. He said that the loss of revenue and the consequent deficits were not caused by a decrease in importation on account of the war. "Why," he exclaims, "imports for the nine months ending November 30, 1915, exceeded imports for the corresponding nine months of 1913, when adequate revenue was being produced under an efficient Republican tariff law by $72,716,000."

He missed that by $9,000,000, the excess being $63,900,000 instead of $72,716,000. He compares, of course, the total imports, both dutiable and free list.

Why did he cull out of the whole year 1913 and 1915 only the nine months? Why did he not do the proper thing and compare the whole year 1915 with the whole year 1913? Because the nine months would give an excess of imports in 1915 over 1913, while the whole year would give an excess of imports in 1913 over 1915 of over $13,000,000. For the three months which he omitted the excess of imports in 1913 over 1915 was $77,000,000. If he had put these three months in they would have spoiled his argument of the "flood of importations" under the Underwood Act even during the war. Of course, the gentleman is too fair and candid to juggle figures. I am the figures juggler.

Why did not he tell you that while the free-list importations in 1915 increased, the importations of the dutiable articles, from which we get the revenue, largely decreased?

Why did he not tell you that of the increase of importations for that part of the year, the nine months, which he undertook to give, at least $50,000,000 consisted of articles that were on the free list in the Payne Act, for which he voted, and were retained on the free list by the Underwood Act? Why did he not tell you the important fact that of the total increase of free-list importations for the calendar year 1915 a little over $85,000,000 consisted of articles on the free list in the Payne Act, for which he voted, and which were retained without change on the free list by the Underwood Act? Such as coffee, tea, cocoa, hides, raw silk, crude rubber, etc. Why did he not tell you that practically all the other increase of imports consisted of crude materials and food products, all of which were for the benefit of our manufacturers, labor, and consumers, and none of which the Republican Party would dare exclude by tariff or otherwise? Why did he not also tell you that, while our free-list imports increased and our dutiable list decreased, our exports of 1915 increased over 1913 more than a billion dollars and the balance of trade in our favor was $1,772,309,000, practically three times larger than ever before.

The gentleman stated that our loss from customs on account of the war since August 1, 1914, the date of the outbreak of the war, averaged only $5,520,000 a month. This is a pretty good admission from him, but not enough to cover the whole truth. He said, too, that the emergency act produced $1,300,000 a month more, or $15,000,000 a year more than the loss of customs sustained on account of the war. He argued from this that if there had been no war and no emergency act, we would have failed to produce enough revenue to meet the expenses of the Government and there would, therefore, have been deficits in the Treasury, and so forth.

What are the facts? The Underwood Act was passed October 3, 1913. In it the Payne Act rates were retained on wool until December 1, 1913, on manufacturers of wool until January 1, 1914, and on sugar until March 1, 1914. Therefore, prior to the war the Underwood Act had only five months, from March 1

to August 1, 1914, inclusive, of full and free operation, unaffected by the Payne Act and unhampered by the war.

The average monthly customs receipts from the Underwood Act for these five months was $23,162,000. For a year at this rate the receipts would be $277,944,000; we collected for fiscal year 1915 from income tax $80,200,000; total, Underwood Act, $358,144,000. It is estimated by the department that this fiscal year we will collect $100,000,000 from the income tax.

The amount of customs receipts given is based on the assumption that no increase in importations would have occurred under the Underwood Act since August 1, 1914, though Republicans claim that there would have been a flood of increase and Democrats admit there would have been a substantial increase, and thereby an increase in customs receipts. For the same five months of the last year of the Payne Act, 1913, the average monthly customs receipts were $24,603,000. At this rate for a year the receipts would be $295,236,000. The corporation tax of the Payne Act collected was $35,006,000. Total, $330,242,000. According to this, the excess of the Underwood Act, with its income tax, over the Payne Act, with its corporation tax, is $27,902,000.

So we would have had, if no war had come, on the basis of what both acts were yielding before the war, $27,902,000 more than you would have had under your Payne Act with its corporation tax.

Whether there would have been a surplus or deficit, under your act you would have had $27,902,000 less.

Monthly average of customs receipts before the war for the five months was $23,162,000. Monthly average since the war from August 1, 1914, to end of fiscal year, June 30, 1915, was $16,981,000. Loss per month, $6,181,000. Total loss for the 11 months from August 1, 1914, to June 30, 1915, $67,991,000. Monthly average customs receipts from July 1, 1915, to January 31, 1916, 7 months, fiscal year 1916, was $16,087,000. Loss per month, $7,075,000. Total loss for the 7 months, fiscal year 1916, $49,525,000. Total customs receipts loss from August 1, 1914, to January 31, 1916, on account of war, $117,516,000. Total receipts from emergency act to January 31, 1916, $101,009,000. Excess loss in customs, $16,507,000.

Instead of a loss in customs on account of the war of $5,520,000 per month for the 18 months, as stated by the gentleman, it was $6,528,000 per month; and instead of the emergency act producing $1,300,000 revenue per month, or $15,000,000 per year, more than the loss of customs receipts, as he stated, it produced for the 18 months $16,507,000 less; that is, the emergency act lacked that much making good the loss of customs revenue during the war. This is upon the assumption, as said before, that, if no war, there would have been no increase in imports under the lower tariff act.

But there is another important factor in the loss of revenue not caused by the war, to which neither the gentleman from Michigan nor any other Republican has alluded. I refer to the loss of internal revenue from beer and whisky on account of the spread of prohibition. Since June 30, 1914, 10 States—West Virginia, Arizona, Alabama, Arkansas, Colorado, Oregon, Washington, Idaho, Iowa, South Carolina—have enacted State-wide prohibition laws. Virginia's State-wide prohibition law goes into effect November 1, 1916.

In the fiscal year 1915 the loss of revenue from whisky and beer, excluding the emergency act, was $23,390,000. From July 1, 1915, to January 31, 1916, of fiscal year 1916, loss was $12,988,000; total loss since June 30, 1914, $36,378,000. Will my friend from Michigan or any other Republican dare say that this loss would not have occurred under a Republican administration? Will any Republican dare assume that these States would not have "gone prohibition" if the administration had been Republican instead of Democratic? Will any Republican dare claim that there would have been more intemperance, more "drunks," and therefore more beer and whisky revenue under a Republican than under a Democratic administration?

In conclusion, one further word about the sugar tariff and the pending bill. With the free-sugar provisions, which were to go into effect May 1, 1916, repealed by the pending bill, the other provisions of the Underwood Act reduce the tariff on refined sugar which the consumer buys one-half of a cent a pound and on raw sugar one-third of a cent lower than the Dingley or Payne Act, and over 1 cent per pound lower than the act of 1883, and much lower than the Wilson-Gorman Act of 1894.

If our Republican friends are satisfied with the Underwood sugar tariff rate as it stands, with the free-sugar provisions repealed, then we Democrats have accomplished much in forcing or persuading them to a real, substantial revision of the tariff downward, at least with respect to sugar.

I trust we will have a practically unanimous vote for the pending bill. [Loud applause on the Democratic side.]

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOPWOOD. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. KITCHIN] desire to use any more of his time?

Mr. KITCHIN. No, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the proviso of paragraph 177 of the act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913 (Stat. L., vol. 38, pp. 114–202, inclusive), which proviso reads as follows: *"Provided further*, That on and after the 1st day of May, 1916, the articles hereinbefore enumerated in this paragraph shall be admitted free of duty," be, and the same is hereby, repealed.

Mr. BAILEY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BAILEY:

Page 1, line 3, after the word "that," insert the words "the operation of," and on page 2, line 3, strike out the word "repealed" and insert in lieu thereof the following: "suspended until on and after the 1st day of May, 1917."

Mr. BAILEY. Mr. Chairman, I listened with very great interest to the remarks that have just been made by the majority leader, every word of which with reference to the Underwood tariff I indorse; and I wondered that the leader of the majority would lay an impious hand upon a measure to which he brought such high and such just approval. As I understand it, this measure is intended to meet an emergency occasioned by the war conditions prevailing in the world. We all hope and most of us believe that these war conditions will have passed before the end of another year. I therefore propose that instead of repealing the Underwood tariff, as far as it relates to sugar, we merely suspend the operation of the free-sugar clause of that law until May, 1917.

I want to say, Mr. Chairman, that in 1912 I went before my people promising the very things that we fulfilled in the Underwood tariff. In 1914 I went before my people again, giving them an earnest of what we had done, the fulfillment of our promise, and I do not want to have to go back to my people and say that the thing we did has been repudiated. I believe the members of the Democratic Party on this side at heart are in unity with the proposal I have made. I have conversed with a great many Members. I do not know what action they are going to take, but I believe that if they were to act favorably upon the amendment I propose, the people of this country would give their approval.

I believe, Mr. Chairman, that with the continuance of this revenue we would meet the emergency. Perhaps by the end of the year we should find normal conditions restored, when the Underwood tariff would produce what it produced before—ample revenue to take care of all of the ordinary expenses of the Government. I do hope and I earnestly urge the Democrats of this House to stand loyally by the work they have done. Do not let us permit the Republicans to go out to the country and say we have made a confession of error, for I do not believe we have made an error. I believe the Underwood tariff has vindicated itself as far as circumstances have allowed. I want to stand by the Underwood tariff law, and I want the Democratic Party to stand by it too, and I believe the country will stand by it if given an opportunity.

Mr. FORDNEY. Mr. Chairman, I hope the amendment will not prevail. The passage of this bill will give encouragement and stimulation to a great industry, and the passage of this amendment would be a great cloud that would hamper that industry, because it would leave it absolutely in doubt as to the future. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BAILEY].

The question was taken; and on a division (demanded by Mr. MANN) there were 18 ayes and 193 noes.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That the proviso of paragraph 178 of the aforesaid act, which proviso reads as follows: *"Provided*, That on and after the 1st day of

May, 1916, the articles hereinbefore enumerated in this paragraph shall be admitted free of duty," be, and the same is hereby, repealed.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and had directed him to report the same back without amendment, with the recommendation that the bill do pass.

Mr. KITCHIN. Mr. Speaker, I demand the previous question on the bill to its final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HOWARD. Mr. Speaker, I desire to submit a motion to recommit.

The SPEAKER. Is there any gentleman of the minority who desires to offer a motion to recommit?

Mr. MANN. No, sir.

The SPEAKER. Is the gentleman from Georgia opposed to the bill?

Mr. HOWARD. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOWARD moves to recommit H. R. 11471 to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendment:

Strike out all after the enacting clause and insert the following:

"That on and after May 1, 1916, a duty of 35 per cent ad valorem be levied upon all importations of raw silk."

Mr. KITCHIN. To that, Mr. Speaker, I make a point of order.

The SPEAKER. The point of order is sustained.

Mr. HOWARD. Mr. Speaker, I desire to offer the following motion to recommit.

The SPEAKER. The gentleman from Georgia offers another motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. HOWARD moves to recommit H. R. 11471 to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendment:

Strike out all after the enacting clause and insert the following:

"That on and after May 1, 1916, an excise tax of one-half of 1 cent a pound be levied on all sugars imported into or produced in the United States."

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. HOWARD) there were 7 ayes and 221 noes.

So the motion to recommit was lost.

The SPEAKER. The question is on the passage of the bill.

Mr. BUTLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 345, nays 13, answered "present" 5, not voting 70, as follows:

YEAS—345.

Adamson	Candler, Miss.	Decker	Frear
Aiken	Cannon	Denison	Freeman
Alexander	Cantrill	Dent	Fuller
Almon	Capstick	Dickinson	Gallagher
Anderson	Caraway	Dies	Gandy
Ashbrook	Carew	Dill	Gard
Aswell	Carlin	Dillon	Garland
Austin	Carter, Okla.	Dixon	Garner
Ayres	Cary	Doolittle	Garrett
Bacharach	Casey	Doremus	Gillett
Barchfeld	Charles	Dowell	Glass
Barnhart	Church	Drukker	Glynn
Beakes	Clark, Fla.	Dunn	Godwin, N. C.
Beales	Cline	Dupré	Good
Bell	Coady	Dyer	Goodwin, Ark.
Bennet	Coleman	Eagan	Gould
Black	Collier	Eagle	Gray, Ind.
Blackmon	Connelly	Ellsworth	Gray, N. J.
Booher	Conry	Elston	Green, Iowa
Borland	Cooper, Ohio	Emerson	Greene, Mass.
Britt	Cooper, W. Va.	Esch	Greene, Vt.
Britten	Cooper, Wis.	Estopinal	Guernsey
Browne	Costello	Evans	Hadley
Browning	Cox	Farley	Hamilton, Mich.
Brumbaugh	Crisp	Farr	Hamlin
Buchanan, Tex.	Curry	Ferris	Hardy
Burgess	Dale, Vt.	Fields	Hart
Burke	Dallinger	Finley	Haskell
Burnett	Danforth	Fitzgerald	Hastings
Butler	Darrow	Flood	Haugen
Byrnes, S. C.	Davenport	Focht	Hawley
Byrns, Tenn.	Davis, Minn.	Fordney	Hay
Caldwell	Davis, Tex.	Foster	Hayden
Heaton	Littlepage	Platt	Stedman
Helgesen	Lloyd	Pou	Steele, Pa.
Helm	Lobeck	Powers	Steenerson
Helvering	Longworth	Pratt	Stephens, Cal.
Hensley	Loud	Price	Stephens, Miss.
Hernandez	McArthur	Quin	Stephens, Tex.
Hicks	McClintic	Ragsdale	Sterling
Hill	McCracken	Rainey	Stiness
Hinds	McCulloch	Raker	Stone
Holland	McDermott	Ramseyer	Stout
Hollingsworth	McFadden	Randall	Sulloway
Hood	McGillicuddy	Rauch	Sumners
Hopwood	McKenzie	Rayburn	Sweet
Houston	McKinley	Reavis	Swift
Howell	McLaughlin	Reilly	Taggart
Huddleston	McLemore	Ricketts	Talbott
Hughes	Magee	Riordan	Taylor, Ark.
Hull, Iowa	Mapes	Roberts, Mass.	Taylor, Colo.
Hull, Tenn.	Martin	Roberts, Nev.	Temple
Humphrey, Wash.	Matthews	Rodenberg	Thomas
Humphreys, Miss.	Mays	Rogers	Tillman
Husted	Meeker	Rouse	Tilson
Hutchinson	Miller, Del.	Rowe	Timberlake
Igoe	Miller, Minn.	Rubey	Tinkham
Jacoway	Miller, Pa.	Rucker	Towner
James	Montague	Russell, Mo.	Treadway
Johnson, S. Dak.	Moon	Russell, Ohio	Tribble
Jones	Morgan, La.	Sanford	Vare
Kahn	Morgan, Okla.	Saunders	Venable
Kearns	Morin	Schall	Vinson
Kennedy, Iowa	Morrison	Scott, Mich.	Volstead
Kennedy, R. I.	Moss, Ind.	Scott, Pa.	Walker
Kent	Moss, W. Va.	Sears	Walsh
Kettner	Mott	Sells	Ward
Key, Ohio	Mudd	Shackleford	Wason
Kincheloe	Murray	Shallenberger	Watkins
King	Neely	Sherwood	Watson, Pa.
Kinkaid	Nelson	Shouse	Watson, Va.
Kitchin	Nicholls, S. C.	Siegel	Webb
Konop	Nichols, Mich.	Sims	Whaley
Lafean	Nolan	Sinnott	Wheeler
La Follette	Norton	Sisson	Williams, W. E.
Langley	Oakey	Slayden	Williams, Ohio
Lazaro	Oliver	Slemp	Wilson, Fla.
Lee	Olney	Sloan	Wilson, Ill.
Lehlbach	Overmyer	Small	Wilson, La.
Lenroot	Padgett	Smith, Idaho	Wise
Lesher	Page, N. C.	Smith, Mich.	Wood, Ind.
Lever	Paige, Mass.	Smith, Minn.	Woods, Iowa
Lewis	Park	Smith, N. Y.	Young, N. Dak.
Lieb	Parker, N. J.	Smith, Tex.	Young, Tex.
Liebel	Parker, N. Y.	Snell	
Lindbergh	Peters	Snyder	
Linthicum	Phelan	Stafford	

NAYS—13.

Buchanan, Ill.	Hilliard	McAndrews	Van Dyke
Callaway	Howard	Sabath	
Crosser	Johnson, Ky.	Tavenner	
Gordon	London	Thompson	

ANSWERED "PRESENT"—5.

Bailey	Johnson, Wash.	Mann	Mondell
Gardner			

NOT VOTING—70.

Abercrombie	Doughton	Heflin	O'Shaunessy
Adair	Driscoll	Henry	Patten
Allen	Edmonds	Hulbert	Porter
Anthony	Edwards	Keating	Rowland
Barkley	Fairchild	Keister	Scully
Bruckner	Fess	Kelley	Sherley
Campbell	Flynn	Kiess, Pa.	Sparkman
Carter, Mass.	Foss	Kreider	Steagall
Chandler, N. Y.	Gallivan	Loft	Steele, Iowa
Chiperfield	Graham	McKellar	Stephens, Nebr.
Copley	Gray, Ala.	Madden	Sutherland
Crago	Gregg	Maher	Switzer
Cramton	Griest	Mooney	Tague
Cullop	Griffin	Moore, Pa.	Williams, T. S.
Dale, N. Y.	Hamill	Moores, Ind.	Wingo
Dempsey	Hamilton, N. Y.	North	Winslow
Dewalt	Harrison	Oglesby	
Dooling	Hayes	Oldfield	

So the bill was passed.

The Clerk announced the following pairs:

For this vote:

Mr. COPLEY (for sugar tariff) with Mr. BAILEY (against).

Mr. BARKLEY with Mr. LANGLEY (both for sugar bill).

Mr. MANN (for sugar bill) with Mr. KEATING (against).

Until further notice:

Mr. ALLEN with Mr. CAMPBELL.

Mr. CULLOP with Mr. CARTER of Massachusetts.

Mr. DRISCOLL with Mr. CHANDLER of New York.

Mr. GRAY of Alabama with Mr. CHIPERFIELD.

Mr. GRIFFIN with Mr. DEMPSEY.

Mr. HAMILL with Mr. EDMONDS.

Mr. HARRISON with Mr. FAIRCHILD.

Mr. MCKELLAR with Mr. GRAHAM.

Mr. OGLESBY with Mr. KEISTER.

Mr. OLDFIELD with Mr. MOONEY.

Mr. SCULLY with Mr. MOORES of Indiana.

Mr. STEAGALL with Mr. SWITZER.

Mr. STEELE of Iowa with Mr. WINSLOW.

Mr. HENRY with Mr. HAYES.

Mr. HEFLIN with Mr. CRAMTON.

Mr. BRUCKNER with Mr. ROWLAND.
Mr. FLYNN with Mr. SUTHERLAND.
Mr. ADAIR with Mr. THOMAS S. WILLIAMS.
Mr. DOOLING with Mr. MOORE of Pennsylvania.
Mr. GALLIVAN with Mr. NORTH.
Mr. TAGUE with Mr. GRIEST.
Mr. DEWALT with Mr. CRAGO.
Mr. SPARKMAN with Mr. FOSS.
Mr. WINGO with Mr. PORTER.
Mr. GREGG with Mr. KELLEY.
Mr. ABERCROMBIE with Mr. KREIDER.
Mr. STEPHENS of Nebraska with Mr. ANTHONY.
Mr. SHERLEY with Mr. MONDELL.
Mr. EDWARDS with Mr. JOHNSON of Washington (everything except immigration).
Mr. DALE of New York with Mr. KIESS of Pennsylvania.
Mr. MAHER with Mr. HAMILTON of New York.

Mr. MONDELL. Mr. Speaker, I voted "aye." I have a pair with the gentleman from Kentucky, Mr. SHERLEY, and I wish to change my vote and answer "present."

The name of Mr. MONDELL was called, and he answered "Present."

Mr. JOHNSON of Washington. Mr. Speaker, I voted "aye." I am paired with Mr. EDWARDS, of Georgia, and I desire to withdraw my vote and answer "present."

The name of Mr. JOHNSON of Washington was called, and he answered "Present."

Mr. LANGLEY. Mr. Speaker, I have a general pair, as announced by the Clerk, with the gentleman from Kentucky, Mr. BARKLEY. I voted "aye." He told me before leaving the city to-day that if he were present he would also vote "aye" on this bill. I therefore feel warranted in letting my vote stand as "aye."

The result of the vote was announced as above recorded.

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FORDNEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FORDNEY. I ask unanimous consent that the gentleman from Minnesota [Mr. SCHALL] be permitted to extend his remarks on the bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Minnesota [Mr. SCHALL] be permitted to extend his remarks on the bill just passed. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that all gentlemen who spoke on the bill to-day and yesterday be given the privilege of extending and revising their remarks in the RECORD.

Mr. LANGLEY. Mr. Speaker, if the gentleman will permit a suggestion, why not make it apply to every Member who desires to extend his remarks?

Mr. KITCHIN. Well, I make that request.

The SPEAKER. What was the request?

Mr. KITCHIN. I ask unanimous consent that any Member shall have the privilege of extending his remarks for five legislative days in the RECORD on the bill that passed this afternoon.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that all Members who desire to do so may have the privilege of extending their remarks in the RECORD for five legislative days on the bill just passed. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the World-News, of Roanoke, Va., dated March 15, 1916, which pays a very deserved compliment to my friend and colleague, the distinguished gentleman from Virginia, Mr. SLEMP.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks by printing an editorial from the Roanoke News. Is there objection?

Mr. BARNHART. Reserving the right to object, Mr. Speaker—I object.

The SPEAKER. The gentleman from Indiana objects.

Mr. GLASS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GLASS. Mr. Speaker, owing to illness I have not been able to avail myself of the privilege of the extension of remarks on the McLemore resolution, and I now ask unanimous consent that I may do so.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the privilege of extending his remarks on the McLemore resolution, illness having prevented him from taking advantage of the leave originally given. Is there objection? [After a pause.] The Chair hears none.

Mr. MOSS of West Virginia. Mr. Speaker, I rise to request the same privilege of extending my remarks on the McLemore resolution.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks on the McLemore resolution. Is there objection?

Mr. POU. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from North Carolina makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. EAGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a copy of a letter which I wrote to the Washington Post in reply to some observations it made concerning me.

The SPEAKER. The gentleman from Texas [Mr. EAGLE] asks unanimous consent to extend his remarks in the RECORD by printing a letter which he wrote to the Washington Post in answer to some remarks made about him. Is there objection? [After a pause.] The Chair hears none.

ARMY REORGANIZATION BILL.

Mr. GARRETT. Mr. Speaker, I present the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 170 (H. Rept. 367).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12766; that the first reading of the bill shall be dispensed with; that there shall be not exceeding 24 hours' general debate, the time to be controlled one-half by the gentleman from Virginia [Mr. HAY] and one-half by the gentleman from California [Mr. KAHN]; that all debate shall be confined to the subject matter of the bill; that while the bill is under consideration the House shall meet at 11 o'clock a. m., and during general debate on this bill the House shall each day take a recess at 5 o'clock p. m. until 8 o'clock p. m., and adjourn not later than 11 o'clock p. m.; that the bill shall be in order on all legislative days except Wednesdays. At the expiration of general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House on the state of the Union shall perfect and report the bill to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motions, except one motion to recommit.

Also the following committee amendment was read:

Page 1, line 6, strike out the word "twenty-four" and insert the word "ten."

Mr. GARRETT. Mr. Speaker, I will first ask unanimous consent that the committee amendment may be considered as agreed to.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the committee amendment, changing 24 hours to 10 hours for general debate, be agreed to. Is there objection?

Mr. LONDON. Mr. Speaker——

Mr. MANN. Mr. Speaker——

Mr. GARRETT. I desire to consider the matter as a whole, and that it might be in shape to consider as a whole at this time is why I made the request. If the gentleman from Illinois objects——

Mr. MANN. If the gentleman wants to put it that way, I do object. I am perfectly willing to vote for the amendment.

Mr. GARRETT. Mr. Speaker, I should like to ask the gentleman from Wisconsin [Mr. LENROOT] if we can agree upon time for general debate. I will ask for a vote upon it at the conclusion of the debate.

Mr. MANN. I understood there was to be no debate.

Mr. BENNET. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] is not on the floor at present, and I seem to be the ranking minority member. I do not desire to have an discussion of the rule.

Mr. MANN. The gentleman from Wisconsin conferred with me, and we both said we could see no occasion for debate on the rule at all.

Mr. HAY. I suggest that the Speaker put the question on the adoption of the amendment.

Mr. MANN. I would like to ask the gentleman a question.

Mr. GARRETT. Certainly.

Mr. MANN. Whether it is likely there will be any effort, if he knows, to have a night session this evening?

Mr. GARRETT. Mr. Speaker, under the terms of the rule there would be a night session to-night. After the rule has been adopted the matter will be within the control, naturally, of the gentleman from Virginia [Mr. HAY], and I understand that he has a request to make.

Mr. HAY. I will state to the gentleman from Illinois that I expect to ask that the session to-night be dispensed with after the rule is passed. It is after 5 o'clock now, and I hardly think the rule would apply to-day anyway.

Mr. MANN. I would like to say to the gentleman from Virginia that I would like very much to hear most of this debate. I think if there is any one subject of great importance upon which most of the Members of the House are not informed thoroughly, it is upon this subject. I am glad that general debate on the rule has been cut out. I hope no occasion will exist for a night session either night, so that Members may have an opportunity to hear the discussion, which, I take it, will be upon the bill.

Mr. HAY. The rule so provides.

Mr. MANN. I know the rule so provides, but I mean really upon the bill and the provisions in it.

Mr. HAY. So far as the members of the Committee on Military Affairs are concerned, they will confine their remarks strictly to the bill. Of course I do not know what other gentlemen may do who may have time given them.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARRETT. I yield.

Mr. STAFFORD. Was it not contemplated to have night sessions so that there could be 24 hours' general debate, and does not the curtailing of the debate to 10 hours virtually obviate the necessity for having night sessions?

Mr. GARRETT. No. That matter was considered when the amendment was adopted by the committee and it was still desired to have night sessions. The committee considered it desirable.

Mr. Speaker, I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the part of the rule requiring a session to-night may be dispensed with.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the provision about having a night session on this bill to-night may be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that I have half an hour in which to discuss the military bill.

Mr. HAY. Mr. Speaker, I object.

EXTENSION OF REMARKS.

Mr. LANGLEY. Mr. Speaker, I am assured that if I renew my request that the editorial from the Roanoke World-News regarding Mr. SLEMP be inserted in the RECORD there will not be any objection, and I therefore renew the request.

The SPEAKER. The gentleman from Kentucky [Mr. LANGLEY] asks unanimous consent to publish an editorial in the RECORD from the Roanoke World-News. Is there objection? [After a pause.] The Chair hears none.

The editorial is as follows:

[From the World-News of Roanoke, Va., Mar. 15, 1916.]

SLEMP.

Valiant efforts are made every year to dislodge Mr. BASCOM SLEMP from his place in Congress. These efforts thus far have proved a failure; and if we are not mistaken, they are destined to prove equally a failure in time to come. Mr. SLEMP seems a fixture.

From one viewpoint this state of affairs may appear to be undesirable; from other viewpoints it appears to be highly satisfactory.

A Democrat of the old type—that is, a Democrat whose intellect is shackled by a machine organization and whose ambition is to serve party first and country last—regards with horror and profound grief Mr. SLEMP's ability to hold his own.

A Democrat of the new type, who has an eye to the decency of things, and above all to the best welfare of his State and country, finds in Mr. SLEMP'S continued tenure of office many reasons for gratifying reflection.

Some old-line adherents of Democracy may hold up their hands in abject amazement at a statement like this, but the statement is based on earnest consideration of conditions and on a sincere endeavor to look at the political situation in Virginia in a broad way.

Mr. SLEMP, as a Republican Representative from the ninth district, is of inestimable value to all Virginia, and we are of the opinion that success of any effort to unseat him would be unfortunate. We think we can prove our case.

Mr. SLEMP means 11 Democrats and 1 Republican in Congress from Virginia. People who would not accord to the Republican Party 1 Representative out of 12 from this State are pretty good imitations, humanly speaking, of a certain well-known breed of the animal kingdom.

Mr. SLEMP in Congress proves that there is one spot in Virginia and in the South where men vote according to conviction and not according to prejudice or the dictates of political demagogues.

Mr. SLEMP in Congress is a tribute to the independence and manhood of the people of the ninth district. It is in marked contrast to the political meekness, humility, and cowardice of the rest of the State.

Mr. SLEMP in Congress is notice to the world that the germ of independence and aggressive citizenship in Virginia is yet alive and that if Democracy does not free itself from the officeholders' trust to which it is so servilely obedient, freedom will come from some other source.

Finally, Mr. SLEMP in Congress is an encouragement to young men in this State that promotion in public office is possible without abandonment of principle and without bending to the yoke of an age-incrusted combination.

A few more SLEMPS from south of the Potomac and real leaders of national affairs will have far less discouragement in their efforts to guide our Nation wisely. Character and ability would count vastly more than shrewdness and seniority. Change of Representatives would be much more frequent, and iron-bound tenure of office would be impossible. Men in Congress would think vastly more of building character and record in public life than of building fences at home.

Mr. SLEMP is a refreshing sign, refreshing to those of us who are nonoffice-holding Democrats as well as to Republicans. He is a sign that all servitude ultimately must have an end and that political courage is not a lost art in old Virginia.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, March 17, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for the repair and restoration of sea walls, retaining walls, and fill, and for urgent repairs to batteries, in the defenses of Galveston, Tex. (H. Doc. No. 904), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the joint resolution (S. J. Res. 103) to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living, reported the same without amendment, accompanied by a report (No. 365), which said joint resolution and report were referred to the House Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 65) creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army, reported the same with amendment, accompanied by a report (No. 369), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 80) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, René W. Pintó y Wentworth, a citizen of Cuba, reported the same without amendment, accompanied by a report (No. 366), which said joint resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 8267) to place Bernard A. Schaaf on the retired list of the Army, reported the same without amendment, accompanied by a report (No. 368), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HILLIARD: A bill (H. R. 13273) for the issuance of certificate in lieu of lost certificate of discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 13274) fixing the term of service of certain soldiers, sailors, or marines during the Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 13275) to amend the act of Congress approved December 13, 1894 (28 Stat., 594), entitled "An act to provide for the location and satisfaction of outstanding military bounty-land warrants and certificates of location under section 3 of the act approved June 2, 1858"; to the Committee on Military Affairs.

By Mr. STEDMAN: A bill (H. R. 13276) authorizing the Secretary of War to donate to the city of Winston-Salem, Forsyth County, N. C., three bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. SIEGEL: A bill (H. R. 13277) to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910, as amended in section 1 by the act of Congress approved January 23, 1913; to the Committee on the Judiciary.

By Mr. STEELE of Iowa: A bill (H. R. 13278) to authorize the Secretary of Agriculture to license establishments for, and to regulate, the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes; to the Committee on Agriculture.

By Mr. MORIN: A bill (H. R. 13279) for organizing and creating an efficient reserve and defensive force of citizen soldiery for national defense from among the members of organized societies and fraternities; to the Committee on Military Affairs.

By Mr. COLEMAN: A bill (H. R. 13280) providing for the control of the flood waters and the regulation of the stream flow of the Allegheny and Monongahela Rivers and tributaries, and for other purposes; to the Committee on Flood Control.

By Mr. BAILEY: A bill (H. R. 13281) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. KENT: A bill (H. R. 13282) to provide revenue by taxing wine, and for other purposes; to the Committee on Ways and Means.

By Mr. SCOTT of Michigan: A bill (H. R. 13283) for the purchase of a site and the erection thereon of a public building at Boyne City, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 13284) directing the Secretary of the Treasury to investigate and report as to the advisability of erecting public buildings in certain towns and cities in Texas; to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 13285) granting extra pay to mechanics and other employees at the Indianhead Proving Grounds for full days' services performed on days declared by law to be legal holidays or by Executive order to be half holidays; to the Committee on Naval Affairs.

Also, a bill (H. R. 13286) granting to the employees at the Indianhead Proving Grounds half holidays with pay on December 24 and December 31, in each year; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 182) authorizing, directing, and enabling the Secretary of the Navy to carry out the intention of Congress to increase the wage scale of mechanics employed at Indianhead, Md., during the fiscal years 1914 and 1915; to the Committee on Naval Affairs.

By Mr. JAMES: Resolution (H. Res. 174) to amend paragraph 21 of Rule XI of the Rules of the House of Representatives, Sixty-fourth Congress; to the Committee on Rules.

By Mr. GARDNER: Memorial of the General Court of the State of Massachusetts, requesting Congress to provide for equipping the Charlestown Navy Yard for building battleships and cruisers; to the Committee on Naval Affairs.

By Mr. LEVER: Memorial of the General Assembly of the State of South Carolina, indorsing the policy of military preparedness as advocated by President Wilson; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 13287) granting a pension to Nellie Evans; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 13288) granting an increase of pension to John M. Gray; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 13289) granting a pension to Jane Taylor; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13290) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

By Mr. CLINE: A bill (H. R. 13291) granting a pension to Peter V. Gruesbeck; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13292) for the relief of Mollie Taber; to the Committee on Claims.

Also, a bill (H. R. 13293) granting a pension to Theodore A. Melter; to the Committee on Pensions.

Also, a bill (H. R. 13294) for the relief of Henry Hotchner; to the Committee on Claims.

Also, a bill (H. R. 13295) granting a pension to Melissa A. Hawley; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 13296) granting a pension to Mrs. Mary J. Wooley; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 13297) granting an increase of pension to William Wood; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 13298) authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation in the State of South Dakota who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota; to the Committee on Indian Affairs.

By Mr. GRAY of New Jersey: A bill (H. R. 13299) for the relief of the Modern Building & Loan Association of Newark, N. J.; to the Committee on Claims.

Also, a bill (H. R. 13300) for the relief of the Preferred Building & Loan Association of Newark, N. J.; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 13301) granting an increase of pension to Leonard Waller; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 13302) granting a pension to Arthur B. Clark; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 13303) granting an increase of pension to Samuel Massey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13304) granting an increase of pension to Hiram Eells; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 13305) granting an increase of pension to Phyllis Channels; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 13306) granting an increase of pension to George W. Wolfgang; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 13307) granting a pension to George W. Harding; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 13308) for the relief of the heirs of John Graham; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 13309) granting an increase of pension to William H. Merritt; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 13310) granting an increase of pension to Zachariah D. Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13311) granting a pension to Mrs. Dicie J. Sullivan; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 13312) granting a pension to Harriet A. Pearman; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 13313) granting an increase of pension to Samuel B. Turner; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 13314) granting an increase of pension to Emma L. Porter; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 13315) granting a pension to George H. Wilkinson; to the Committee on Pensions.

Also, a bill (H. R. 13316) granting a pension to Lewis H. Gorgas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13317) granting an increase of pension to Edward Johnson; to the Committee on Pensions.

Also, a bill (H. R. 13318) granting an increase of pension to Simon Burris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13319) granting an increase of pension to Francis M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13320) granting an increase of pension to Charles E. Burr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13321) granting an increase of pension to Logan Holder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13322) granting an increase of pension to Catherine Lyon; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 13323) granting a pension to Adella I. Cummings; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 13324) granting a pension to Elizabeth Redman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13325) granting an increase of pension to Henry Frakes; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13326) granting a pension to Ed Hastings; to the Committee on Pensions.

Also, a bill (H. R. 13327) granting an increase of pension to John A. Keltner; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 13328) granting a pension to George A. Hewlett; to the Committee on Pensions.

Also, a bill (H. R. 13329) granting an increase of pension to Rasmus I. P. Jensen; to the Committee on Pensions.

Also, a bill (H. R. 13330) granting an increase of pension to Eleazar B. Adgate; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13331) granting a pension to Daniel S. South; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 13332) granting a pension to William A. Wade; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13333) to cancel the allotment of Little Bear, deceised, Indian of the Crow Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. STERLING: A bill (H. R. 13334) granting a pension to Milo M. Miller; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 13335) granting a pension to Minnie M. Dodge; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 13336) granting a pension to Martin D. Downs; to the Committee on Pensions.

Also, a bill (H. R. 13337) for the relief of the estate of Joseph I. B. Kirk; to the Committee on Claims.

Also, a bill (H. R. 13338) for the relief of the estate of Christopher Chaffe; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. O. Diamond, of South Fork, Pa., against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BROWNE: Petition of S. E. Pearl and others, against House bill 652; to the Committee on the District of Columbia.

By Mr. BYRNS of Tennessee: Memorial of Commercial Club of Nashville, indorsing Government flood control of the Mississippi and its tributaries; to the Committee on Flood Control.

Also, petition of Young People's Society of Nashville; Lackland Baptist Sunday School, of Nashville; Cumberland Presbyterian Sunday School of Nashville; Cumberland Presbyterian Church of Nashville; Christian Sunday School of Nashville; East End Christian Church of 30 people, of Nashville; Baptist Young People of Nashville, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of Minnesota Conference of the Augusta Synod, favoring an embargo on munitions; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of sundry churches of Schenectady County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various residents of Schenectady, N. Y., favoring embargo on munitions of war; to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of East Troy, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of National Defense Conference of Mayors at St. Louis, in re national defense; to the Committee on Military Affairs.

Also, petition of Associated Physicians of Long Island, in re preparedness; to the Committee on Military Affairs.

By Mr. DENISON: Petition of Congregational Church of Mounds, Presbyterian Sunday School people of Blair, 150 people of Sparta, Reformed Presbyterian people of Houston, Woman's Christian Temperance Union people of Red Bud, Baptist Church of Red Bud, Reformed Presbyterian Church of Coulterville, First Methodist Episcopal Church of Coulterville, Woman's Christian Temperance Union of Marion, Women's Home Missionary Society of Carbondale, Soldiers and Sailors' Christian Temperance League of Quincy, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of First Methodist Episcopal Church of Murphysboro, Railroad Y. M. C. A. of Mounds, Methodist Episcopal Church of Mounds, 150 people of Percy, 103 people of Percy, First Presbyterian Church of Sparta, 100 people of Sparta, United Presbyterian people of Sparta, citizens of Sparta, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local No. 21, International Union of the United Brewery Workers of America, at Cairo, Ill., against national prohibition; to the Committee on the Judiciary.

By Mr. DUNN: Petition of Rochester Lodge, No. 412, International Order of Good Templars; 23 citizens of Rochester; and 22 citizens of Rochester, all in the State of New York, for national prohibition; to the Committee on the Judiciary.

Also, petition of Lee Box Manufacturing Co., of Rochester, N. Y., indorsing the dyestuffs bill, House bill 702; to the Committee on Ways and Means.

By Mr. DYER: Memorial of St. Louis Retail Grocers' Association, indorsing the Stevens-Ayres bill, House bill 9671; to the Committee on Interstate and Foreign Commerce.

Also, memorial of St. Louis Railway Club, indorsing creation of Flood Control Committee in the House of Representatives; to the Committee on Flood Control.

Also, memorial of Manhattan Camp, No. 1, United Spanish War Veterans, indorsing the administration's policy toward belligerent nations in Europe and policy in Mexico; to the Committee on Military Affairs.

By Mr. FINLEY: Petition of sundry citizens, protesting against the enactment of any law abridging the rights of free speech or free press; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Memorial of president of Association of the Farmers' Educational and Cooperative Union of America, in re cotton-futures act; to the Committee on Agriculture.

Also, petition of Associated Physicians of Long Island, in re preparedness; to the Committee on Military Affairs.

Also, memorial of National Defense Conference of Mayors and Municipal Representatives, at St. Louis, in re preparedness; to the Committee on Military Affairs.

By Mr. FOSTER: Petition of 53 citizens of the city of Newton, county of Jasper, State of Illinois, favoring the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. FULLER: Papers to accompany a bill granting an increase of pension to William Wood; to the Committee on Invalid Pensions.

Also, petition of F. Emory Lyon, superintendent of Central Harvel Association, of Chicago, concerning the bills to prohibit shipment of convict-made goods in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Defense Conference of Mayors and Municipal Representatives, for preparedness for national defense; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of sundry citizens of the twelfth congressional district of Massachusetts, indorsing House bill 5792; to the Committee on Agriculture.

By Mr. GARNER: Memorial of International Association of Machinists of Kingsville, Tex., indorsing House bill 11168 and Senate bill 4316; to the Committee on Reform in the Civil Service.

By Mr. GRIEST: Petitions of Methodist Episcopal Church of 150 people of Millersville; No-License League of Mountville; Methodist Episcopal Church of 110 people of Leola; Woman's Christian Temperance Union of 32 people of Leola; Woman's Christian Temperance Union of East Petersburg; Lutheran Sunday School of East Petersburg; and the Temperance League of Elizabethtown College, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

Also, petition of C. V. Leach and sundry citizens of Lancaster County, Pa., protesting against House bill 652, to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of F. W. Schwartz and others, of Leetonia, Pa., protesting against the enactment of any law looking toward the abridgment of the press; to the Committee on the Post Office and Post Roads.

By Mr. GREENE of Vermont: Petition of Lakeside Grange, No. 309, Patrons of Husbandry, of the first congressional district of Vermont, urging that Congress take action in accordance with the recommendations of the Postal Department and acquire all electrical and radio means of communication; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of Woman's Christian Temperance Union of Foxcroft; union meeting of churches (90 people) of Foxcroft; First Universalist Church, of 100 people, of Dexter; 25 people of Dexter; Methodist Episcopal Church of Eddyton; Woman's Christian Temperance Union of Guilford; Methodist Episcopal Sunday School (75 people) of Guilford; First Baptist Church of Parkman, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Bolivar, Richburg, and Little Genesee, all in the State of New York, protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of 75 people of Meyersdale, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 17 citizens of Somerset County, Pa., protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of Methodist Episcopal Sunday School of 80 people of Bremerton; 17 voting citizens of Seattle; Methodist Episcopal Church of 86 people of Bremerton; Methodist Episcopal Church of Seattle; 36 people of First Christian Church of Seattle; Methodist Episcopal Church of 60 people of Edmonds; Seattle Lodge, No. 6, International Order of Good Templars, of Seattle, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of St. Louis Retail Grocers' Association, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of St. Louis Railway Club; to the Committee on Flood Control.

By Mr. KETTNER: Resolutions favoring House bill 137, providing for investigation of dairy conditions, by Imperial Valley Trades Council, El Centro, Cal., H. B. Root, president; to the Committee on Agriculture.

Also, protest against House bill 491, to amend postal laws, from 12 citizens of Edom, Cal.; to the Committee on the Post Office and Post Roads.

Also, protest against Shields water-power bill, by tricounties reforestation committee, Francis Cuttle, chairman, Riverside, Cal.; to the Committee on the Public Lands.

Also, petition favoring Gard-Pomerene bill for extension of military training, from J. S. Bright, jr., San Bernardino, Cal.; to the Committee on Military Affairs.

Also, petition urging support of bill putting export duty on gasoline, from Dr. E. B. Eadie, Hemet, Cal.; to the Committee on Ways and Means.

Also, petition favoring 1-cent letter postage, from Merchants' Association of San Diego, Cal., W. O. Talbot, secretary; to the Committee on the Post Office and Post Roads.

By Mr. KING: Petition of the Methodist Episcopal Sunday School of East Galesburg, Ill., representing 50 people, signed by Mrs. F. S. Dutiel, favoring a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the First Swedish Lutheran Church of Galesburg, Ill., representing 1,800 people, signed by Rev. F. A. Johnson, favoring a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Galva (Ill.) Woman's Christian Temperance Union, signed by Harriet W. Gibbs and Ahloe Craig, representing 25 people, favoring a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Christian Bible School of East Galesburg, Ill., representing 50 people, signed by Mrs. R. E. Stites, favoring a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition signed by George R. Stewart and 100 other citizens of Quincy, Ill., favoring a prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of National Defense Conference of Mayors and Municipal Representatives of March 3 and 4, 1916; to the Committee on Military Affairs.

Also, memorial of Farmers' Educational and Cooperative Union of America, indorsing reenactment into law of the Smith-Lever bill, omitting sections 11 and 11a; to the Committee on Agriculture.

Also, memorial of Farmers' Educational and Cooperative Union of America, relative to the United States new cotton-futures act; to the Committee on Agriculture.

By Mr. LITTLEPAGE: Petition of 200 citizens of St. Albans, W. Va., for national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of 37 citizens of Omaha, Nebr., asking Congress not to pass House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE: Petition of J. Horatio Earl and 24 other citizens of Skaneateles, N. Y., favoring national park service, House bill 8668; to the Committee on the Public Lands.

Also (by request), petition of A. L. Carley and 115 other citizens, of Syracuse, N. Y., protesting against the passage of House bill 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Park Avenue Methodist Protestant Church; Sunday School of the Wesleyan Methodist Church (79 people); congregation of the Wesleyan Methodist Church (98 people); and Pilgrim Congregational Church Bible School, all of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McCLINTIC: Petition of Bible School of Christian Church of Mangum; Baptist Sunday School of Willow; Sunday School Methodist Episcopal Church Society of Headrick; divers citizens of Mangum; several citizens of Mangum; 17 citizens of Headrick, all in the State of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McLEMORE: Petition of sundry citizens of Harlingen, Tex., in reference to military headquarters in the Lower Garden Valley; to the Committee on Military Affairs.

By Mr. MAPES: Petition of 13 citizens of Grand Rapids, and Second Baptist Church of Grand Rapids; First Methodist Episcopal Church of Lowell; Baptist Church Sunday School and Y. P. B. U. of Lowell; and First Congregational Church of Lowell, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petition from Delta, Fulton County, Ohio, asking Congress not to pass House bill 652; to the Committee on the District of Columbia.

Also, petition from Delta, Fulton County, Ohio, asking Congress not to pass Senate bill 645; to the Committee on the District of Columbia.

Also, petition from Delta, Fulton County, Ohio, asking Congress not to pass House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of F. C. McKee, of Pittsburgh, Pa., in favor of adequate preparedness of Army and Navy; to the Committee on Military Affairs.

Also, petition of Branch 14, Post Office Clerks' Beneficial Association, in favor of House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

Also, petition of Frankford Arsenal Association of Philadelphia, Pa., in favor of amendment of act of March 4, 1913, to allow increase of salaries of Government employees; to the Committee on Appropriations.

Also, petition of Barney Dreyfuss, of Pittsburgh, Pa., in opposition to passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Troy Hill Council, No. 319, F. P. A., in favor of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Memorial of Mrs. Louis J. Myers and members of the Columbian Club, of Oneida, N. Y., favoring Federal inspection of dairies and dairy products; to the Committee on Agriculture.

Also, petition of Woman's A. M. S. people of La Fayetteville; M. P. Ladies' Aid people of Stone Mills; Methodist Episcopal Church of La Fayetteville; Woman's Christian Temperance Union of La Fayetteville; M. P. Sunday School of Stone Mills; Methodist Episcopal Church Ladies' Aid, of La Fayetteville, all in the State of New York, for national prohibition; to the Committee on the Judiciary.

Also, petition of Henry C. Dexter and others of Black River, N. Y., in favor of House bill 709; to the Committee on Ways and Means.

Also, petition of H. J. Rouse and other citizens of Cazenovia, N. Y., against woman suffrage; to the Committee on the Judiciary.

By Mr. MURRAY: Petition of the Young People's Society of Christian Endeavor of McLoud, Okla., and the Methodist Episcopal Sunday School of Holdenville, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NELSON: Petition of sundry citizens of city of Madison, Wis., in favor of the national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of sundry citizens of Madison, in favor of Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Woman's Christian Temperance Union of Lancaster; B. Y. P. U. of Lancaster; Union Congregational Church of 70 people, of Windsor; Baptist people of Dodgeville; Plymouth Congregational Church, of Dodgeville; and Methodist Episcopal Church of Dodgeville, all in the State of Wisconsin, for national prohibition; to the Committee on the Judiciary.

By Mr. OLNEY: Petition of 26 voting citizens of Brockton, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Petition of divers citizens of Louisville, Ky., in favor of national prohibition amendment; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Somerset Y. P. B., of Ithaca, N. Y.; W. C. T. U. of Kanona, N. Y.; and Northern Tioga Sunday

School Association, Tioga County, N. Y., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. RAGSDALE: Petition of sundry citizens of Georgetown, S. C., protesting against the passage of House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Florence, S. C., favoring the prohibition of sale or export of munitions of war to any of the nations at war in Europe; to the Committee on Foreign Affairs.

By Mr. RANDALL: Memorial of the Highland Park Ebell, Los Angeles, Cal., favoring an appropriation for improvements in Yosemite National Park; to the Committee on Appropriations.

Also, petition of the Highland Park Ebell, of Los Angeles, Cal., favoring inspection and sanitation of dairies under Federal direction; to the Committee on Agriculture.

Also, memorial of the Brotherhood of Electrical Workers of Los Angeles, Cal., urging the appointment of a commission to inspect and supervise the dairies of the United States; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: Papers to accompany House bill 13323, for relief of Adella I. Cummings; to the Committee on Invalid Pensions.

Also, petition of Advent Christian Church, of Chelsea; Methodist Episcopal Church of South Windham; the Baptist Sunday School of Yarmouth; 52 citizens of Yarmouth; and 15 citizens of Yarmouth, all in the State of Maine, for national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Hubert S. Wynkoop, favoring military training in civil educational institutions; to the Committee on Military Affairs.

Also, memorial of New York Letter Carriers' Association, indorsing the Penrose-Griffin bill; to the Committee on the Post Office and Post Roads.

Also, petition of Society of Colonial Wars, in the State of New York, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of the American Federation of Labor, favoring immediate steps toward the creation of an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cuxhavener K. U. Verein, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of Nannie Fisher Williams and sundry other citizens of Fleming, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Rev. M. C. Flegal and 9 other citizens of Lumber City, James Jones and 19 other citizens of Houtzdale, and Men's Bible Class (40 members) of Houtzdale, all in the State of Pennsylvania, favoring national prohibition, Senate joint resolutions 55 and 64, and House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. RUSSELL of Missouri: Petition of citizens of Campbell, Mo., for national prohibition; to the Committee on the Judiciary.

By Mr. SIEGEL: Memorial of National Defense Conference of Mayors and Municipal Representatives at St. Louis, March 3 and 4, 1916; to the Committee on Military Affairs.

Also, seven petitions of sundry citizens opposing the passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Republican County Committee of New York, opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SIMS: Petitions of Methodist Episcopal Church of 100 people of Malesus; 100 or more people of Malesus; Baptist Sunday School, 50 people, of Malesus, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petitions of 100 people of Christian Sunday School, Sandpoint; 200 people of Methodist Episcopal Sunday School, Sandpoint; 100 people of Boise; 350 people of Greenleaf; 100 people of Pocatello; 79 people of Greenleaf; 200 people of Christian Church, Sandpoint; 150 people of Baptist Church, Sandpoint; 33 Baptist Young People, Sandpoint; 35 people of Weippe, all in the State of Idaho, favoring the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Protestant churches of Westerly, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rhode Island Branch of American Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Tyler Council, No. 45, Knights of Columbus, of Providence, R. I., favoring the bill to make Columbus day a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR or Arkansas (by request): Petition of Otto Fleming, B. S. Dunnahoe, and many others, in support of resolution declaring an embargo on shipment of arms and war materials to belligerents of Europe; to the Committee on Foreign Affairs.

By Mr. TILSON: Petitions of the Young People's Society of the First Baptist Church, Meriden; Men's Bible Class, First Methodist Episcopal Church, Meriden; Swedish Baptist Church, Meriden; Woman's Christian Temperance Union, Meriden; Woman's Christian Temperance Union, Wallingford; and Main Street Baptist Church, Meriden, all in the State of Connecticut, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Meriden, Conn., for censorship of films; to the Committee on Education.

Also, petition of R. W. Bunn and others of New Haven, Conn., opposing House bill 652; to the Committee on the District of Columbia.

Also, petition of R. H. Chappell, of New Haven, Conn., for Federal censorship of films; to the Committee on Education.

Also, petition of R. H. Chappell, of New Haven, Conn., for Kenyon-Sims bill, House bill 3107; to the Committee on the Judiciary.

Also, petition of Alsace-Lorraine Society, of Meriden, Conn., for amendment of the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of Alsace-Lorraine Society, of Meriden, Conn., opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Woman's Christian Temperance Union of Meriden, Conn., for prohibition of the sale of liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Alsace-Lorraine Society, of Meriden, Conn., against national prohibition; to the Committee on the Judiciary.

Also, petition of Alsace-Lorraine Society, of Meriden, Conn., urging Congress to pass legislation prohibiting the exporting of arms and ammunition; to the Committee on Foreign Affairs.

By Mr. WALSH: Petition of Lynn (Mass.) Musicians' Association, by W. H. Ricker, secretary, favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of New Bedford (Mass.) Meeting of the Religious Society of Friends, by William Thompson, minister, petitioning for prompt enactment of Gillett bill (H. R. 10924) to prohibit exports of New England rum and other intoxicants to Africa; to the Committee on Foreign Affairs.

Also, petition of Mrs. Jennie F. Leonard and 6 others, of Bridgewater, Mass., opposing tax on sugar to provide revenue to enlarge Army and Navy; to the Committee on Ways and Means.

Also, petition of J. G. Burrows and 35 others, residents of Wareham, Mass., protesting against extravagant appropriations for preparedness and approving judicious appropriations for coast defenses; to the Committee on Military Affairs.

Also, petition of Arthur E. Tatlow and 40 others, residents of Wareham, Mass., protesting against legislation providing for compulsory military service; to the Committee on Military Affairs.

Also, petition of Walter S. MacIntire and 63 others, residents of New Bedford, Mass., petitioning for the speedy passage of House joint resolutions 84 and 85, proposing amendment to United States Constitution for Nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judicary.

By Mr. WARD: Petition of Paul W. Weber and others, of Modena, N. Y., in re Sisson resolution; to the Committee on Indian Affairs.

By Mr. WATSON of Virginia: Petitions of 104 people of Bacons Castle; Methodist Episcopal Church and 75 people of Ocran; 18 people of Anslia Court House; 210 people of Farmville; 1,200 people of Reams; 175 people of Chase City; 125 people of Clarksville; 19 people of South Hill; 250 people of Petersburg; and sundry citizens of Richmond, all in the State of Virginia, for national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Virginia, protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Crewe, Boydton, Emporia, North Emporia, Lawrenceville, South Hill, Chase City, Blackstone, Prince Edward County, Burkeville, Amelia County, Petersburg, Waverly, Sussex County, and Farmville, all in the State of Virginia, asking Congress to levy a tax on interstate mail-order business; to the Committee on Ways and Means.

SENATE.

FRIDAY, *March 17, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the Creator and Judge of the universal faith. Thou art the Holy One of ancient Israel. To us Thou art our Father in heaven. The thoughts that arise in our minds as we lift them to Thee we seek to express in prayer and supplication before Thee. We pray that Thou wilt perfect in us Thy work. Minister to us through Thy truth that we may be holier and freer and more closely akin to Thyself.

Still we are bound under the thraldom of this world, held with many chains. O God, set us free. Let the light of Thy truth shine away all the darkness of error within us, and let Thy holy Spirit guide us in the discharge of every duty. May we cling not so much to the clod below us as to a God above us, and may we claim by life and by the achievement of character our kindship with Thee. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE, PRESIDENT PRO TEMPORE,
Washington, D. C., March 17, 1916.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE S. OVERMAN, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. OVERMAN thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of the preceding day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JAMES, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LINCOLN'S MEXICAN POLICY.

Mr. JAMES. Mr. President, I present an editorial from the New York World of to-day showing how the policy of Woodrow Wilson in Mexico compares with Abraham Lincoln's Mexican policy. I ask that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

LINCOLN'S MEXICAN POLICY.

"For a few years past the condition of Mexico has been so unsettled as to raise the question on both sides of the Atlantic whether the time has not come when some foreign power ought, in the general interest of society, to intervene, to establish a protectorate or some other form of government in that country and guarantee its continuance there.

"You will not fail to assure the Government of Mexico that the President neither has, nor can ever have, any sympathy with such designs in whatever quarter they may arise or whatever character they may take on. * * *

"The President never for a moment doubts that the republican system is to pass safely through all ordeals and prove a permanent success in our own country, and so to be recommended to adoption by all other nations.

"But he thinks also that the system everywhere has to make its way painfully through difficulties and embarrassments which result from the action of antagonistical elements which are a legacy of former times and very different institutions.

"The President is hopeful of the ultimate triumph of this system over all obstacles as well in regard to Mexico as in regard to every other American State; but he feels that those States are nevertheless justly entitled to a greater forbearance and more generous sympathies from the Government and people of the United States than they are likely to receive in any other quarter. * * *

"The President trusts that your mission, manifesting these sentiments, will reassure the Government of Mexico of his best disposition to favor their commerce and their internal improvements.

"I find the archives here full of complaints against the Mexican Government for violation of contracts and spoliation and cruelties practiced against American citizens. It is not the President's intention to send forward such claims at the present moment. He willingly defers the performance of a duty, which at any time would seem ungracious until the incoming administration in Mexico shall have had time, if possible, to cement its authority."

These are not the words of Woodrow Wilson defining the attitude of the United States toward the Carranza government in Mexico. They are the words of Abraham Lincoln defining the attitude of the United States toward the Juarez government.

President Wilson's Mexican policy is President Lincoln's Mexican policy.

When the Lincoln administration came into power Mexico had been in a turmoil for years. The Juarez government had come into power, but was unable to enforce order over the country. Not only had American property been destroyed, but American lives had been lost and a member of the American legation had been murdered.

The memorandum printed above was part of President Lincoln's instructions to the American minister to Mexico, and it defined the principle that President Wilson has followed in dealing with our unfortunate neighbor to the south.

Mexico is still making its way "painfully through difficulties and embarrassments"; but the administration at Washington to-day is still guided by the principles laid down by the Lincoln administration 55 years ago, and no government at Washington has a moral or a political right to be guided by any other principle.

PETITIONS AND MEMORIALS.

Mr. JAMES. I present a letter from the Jemima Johnson Chapter of the Daughters of the American Revolution, of Paris, Ky., in the nature of a petition asking for national-defense legislation. I ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PARIS, KY., *March 15, 1916.*

Hon. OLLIE JAMES.

DEAR SIR: As a patriotic organization interested in the welfare and preservation of our native land, the Jemima Johnson Chapter of the Daughters of the American Revolution asks you, as the Senator from their district, to indorse all bills in the Senate relating to preparedness and protection of the United States.

Sincerely, yours,

NANCY V. GRIFFITH,
Secretary of Daughters of the American Revolution.

Mr. ASHURST. I have a telegram in the nature of a memorial protesting against the passage of Senate bill 3904, giving Indians the right to nominate their superintendents. I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FARIBAULT, MINN., *March 16, 1916.*

Senator HENRY ASHURST,
The Senate, Washington, D. C.:

Senate bill 3904, introduced by Senator JOHNSON of South Dakota, for right of Indians to nominate their superintendents has received favorable consideration. By such law the very worst elements will seek to control Indian tribes. We ask your aid against the measure.

SHERMAN COOLIDGE,
President Society of American Indians.

Mr. HARDING presented petitions of sundry citizens of Norwalk, Ohio, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Union of Norwalk, Ohio, praying for Federal censorship of motion pictures, for the adoption of certain amendments to the pure food and drugs act, and also for national prohibition, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Portage County, Ohio, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. WALSH presented a petition of sundry citizens of Eureka, Mont., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Livingston, Mont., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. CHAMBERLAIN. I present 150 letters in the nature of petitions signed by citizens of Philadelphia and Lancaster, in the State of Pennsylvania, and also of Wilmington, Del., asking Congress to legislate in favor of preparedness for national defense.

The PRESIDING OFFICER. The letters will lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to make Sun-

day a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Waukegan, Ill., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Union of Rockford, Ill., and a petition of Local Union No. 840, Brotherhood of Carpenters and Joiners of America, of Olney, Ill., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Springfield and Onarga, in the State of Illinois, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Astoria, Ill., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Robinson and Zion City, in the State of Illinois, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the students of Lyons Township High School, of La Grange, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. JOHNSON of South Dakota presented a petition of Jefferson Grange, No. 133, Patrons of Husbandry, of Colman, S. Dak., praying for the enactment of legislation to provide national storage grain elevators at the primary grain terminals of the country, which was referred to the Committee on Agriculture and Forestry.

Mr. CLAPP presented a petition of the Advisory Commission of the Minnesota State Sanatorium, praying for the enactment of legislation to provide Federal inspection of dairies, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Minnesota Conference of the Augustana Synod, of Minnesota, North Dakota, South Dakota, and Wisconsin, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Hutchinson and Atkinson, in the State of Minnesota, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented a memorial of sundry citizens of Austin, Tex., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Maine Commandery of the Loyal Legion of the United States, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Androscoggin County Rural Letter Carriers' Association, of Auburn, Me., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented petitions of the Christian Endeavor Society, of Farmington; the Woman's Christian Temperance Union, of Seymour; and of Friendship Lodge, No. 33, Ancient Free and Accepted Masons, of Southington, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Portland, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Alsace-Lorraine Society, of Meriden, Conn., praying for a revision of the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a petition of the Alsace-Lorraine Society, of Meriden, Conn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Alsace-Lorraine Society, of Meriden, Conn., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Alsace-Lorraine Society, of Meriden, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Mothers' Aid Society, of New Haven, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of 108 lace operatives of Pawtucket and Central Falls, in the State of Rhode Island, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WORKS (for Mr. JOHNSON of Maine), from the Committee on Fisheries, to which was referred the bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established, reported it with an amendment and submitted a report (No. 264) thereon.

Mr. NEWLANDS, from the Committee on Interstate Commerce, to which was referred the bill (S. 1289) for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded linseed oil, turpentine, or paint, asked to be discharged from its further consideration, and that it be referred to the Committee on Manufactures, which was agreed to.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 4840) for making further and more effectual provision for the national defense, and for other purposes.

In this connection I will state that I have not quite completed the report to accompany the bill and I shall file it a little later, possibly to-day or possibly to-morrow morning. It is a detailed report showing estimates and so forth, the usual report showing the conditions and explaining the provisions of the bill.

The PRESIDING OFFICER. Without objection, further time will be granted to file the report.

Mr. BRANDEGEE. Will the Senator permit me to ask him a question? He reported the bill?

Mr. CHAMBERLAIN. The bill is reported, but as to the report which usually accompanies such a bill I am asking for a little more time within which to complete it.

Mr. BRANDEGEE. I understand that. I was going to ask the Senator if any order had been made for the printing of an additional or unusual number of copies of the bill. The reason why I ask is that there are many people I am sure in my State, and I think in the States of other Senators, who will be very glad to have a copy of the bill that they may read it and may make suggestions and comments on it. I think there ought to be more than the usual number printed, so that it may be distributed.

Mr. CHAMBERLAIN. No more than the usual number has been ordered printed, but I will ask the Senator to make a request that whatever number he thinks may be necessary shall be printed.

Mr. BRANDEGEE. Of course, I can not tell what the demand will be. I do not even know how many under the usual procedure would be printed.

Mr. CHAMBERLAIN. I think it is a thousand copies.

Mr. BRANDEGEE. I should like to send out several hundred copies that I know about, but principally to members of

the National Guard of my State. I could not say what number would satisfy the demands upon the whole Senate.

Mr. CHAMBERLAIN. I am informed by a member of the Committee on Printing that without an order of the Senate we can request and have more printed, so that as the demand increases we will have the number printed to supply the demand.

Mr. SUTHERLAND. How many more?

Mr. SMOOT. Up to $200.

Mr. SUTHERLAND. How many copies would that be.

Mr. SMOOT. That will print 100,000 copies.

Mr. BRANDEGEE. Let the Public Printer be instructed or requested to print the additional number.

Mr. SUTHERLAND. There ought to be 10,000 additional copies at least.

Mr. CHAMBERLAIN. Probably 10,000 extra copies will be enough. I will ask for the order now.

The PRESIDING OFFICER. Is there objection to printing 10,000 extra copies of the bill reported by the Senator from Oregon for the use of the Senate document room? The Chair hears none.

Mr. SUTHERLAND. I should like to ask the Senator from Oregon, the chairman of the committee, whether it is his intention to bring up the bill for early consideration.

Mr. CHAMBERLAIN. I was going to make the request that the bill might be taken up to-morrow when the Senate convenes.

Mr. SMOOT. Will the Senator have his report printed at that time?

Mr. CHAMBERLAIN. I will have the report in at that time.

Mr. SMITH of Georgia. I do not think that request should be disposed of now.

The PRESIDING OFFICER. It can be done only by unanimous consent.

Mr. CHAMBERLAIN. I was asking for unanimous consent. If the Senator objects——

Mr. SMITH of Georgia. The bill will require a great deal of debate and should receive a great deal of study. I wish to see this bill and the House bill, and I think other Senators will wish to read them. I think the Senate bill is a decided improvement, so far as I know, on the House bill; but there are changes that I very much favor in the present bill, and I do not think the bill should be rushed through.

Mr. CHAMBERLAIN. There is no desire to rush through this or any other measure affecting the public.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Georgia. I do not in any sense wish to be understood as being with those who are opposed to enlarging the Army and strengthening the Army. All those features of the bill, so far as I understand them, I approve. I may wish to go even further than the bill goes on that line, but I especially wish to see very careful provision made for the private soldier, provision for his preparation while with the colors to become more capable as a citizen when he returns to civil life.

Mr. SUTHERLAND. Will the Senator from Oregon permit me to make a suggestion to him; that is, that he give notice that he will call the bill up for consideration at some early day next week?

Mr. CHAMBERLAIN. In view of the situation that has developed here, let me say again that I have no desire to rush the bill through, but I want to have early consideration of the bill at the hands of the Senate. I shall therefore have the report in this evening or to-morrow, and I give notice now that on Monday I shall request unanimous consent to have the bill taken up for consideration.

Mr. JAMES. And disposed of as quickly as possible.

Mr. HITCHCOCK. I ask leave to submit the views of the minority to accompany the bill which the Senator from Oregon has just reported, the Army reorganization bill; and in view of the fact that it is short, I ask consent that those views be published in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARREN. Does the Senator want to have his minority report in before the majority is made?

Mr. HITCHCOCK. I think that is immaterial. It will be printed and the majority report will be printed. I ask to have it accompany the bill.

Mr. WARREN. I think it is rather out of the ordinary to print the negative side of a question before the affirmative side has been presented. If both could be printed at the same time in the RECORD and in the same pamphlet as the committee report, it would conduce to the convenience of Senators and others.

Mr. HITCHCOCK. It is not entirely the negative side. It is only the minority views on certain phases of the bill.

Mr. BRANDEGEE. I was going to ask the Senator from Oregon if he does not think it would be wise to print the report he is soon to make in the RECORD to-morrow?

Mr. CHAMBERLAIN. I shall request to have that done. I was going to make a further request that the printing of the minority report be withheld until the majority report can be printed along with it. I think that would be more in order.

Mr. WARREN. In the same RECORD, so that persons can get it in one RECORD. I think that request ought to be permitted.

Mr. HITCHCOCK. I have no objection to that. They may go together.

Mr. SMITH of Georgia. I understand that both will be in the RECORD to-morrow morning.

The PRESIDING OFFICER. The order is to print both reports in the RECORD.

The report submitted this day by Mr. CHAMBERLAIN, from the Committee on Military Affairs, together with the views of the minority, submitted by Mr. HITCHCOCK, follow:

[Senate Report 263, part 1, 64th Cong., 1st sess.]

PREPAREDNESS FOR NATIONAL DEFENSE.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following report (to accompany S. 4840).

The Committee on Military Affairs, to which was referred the bill (S. 4840) for making further and more effectual provision for the national defense, and for other purposes, have carefully considered the same and report it back to the Senate with amendments, and recommend that the bill do pass as amended.

The bill deals with five subjects. Sections 1 to 38, inclusive, pertain to the Regular forces; sections 39 to 41, inclusive, to the Officers' Reserve Corps; sections 42 to 55, inclusive, to the Reserve Officers' Training Corps; section 56 to the Volunteer force authorized; sections 57 to 119, inclusive, to the National Guard, and section 120 contains the usual clause repealing former laws inconsistent with the proposed one.

The committee has been guided in the preparation of its bill by the advice of practically all the most prominent officers of the Regular Army and the National Guard, in addition to that of eminent civilians who have interested themselves in the subject of preparedness. In addition to this the committee had before it and considered the tentative drafts of the so-called Hay, Chamberlain, and War Department bills, selecting therefrom whatever was thought best and most applicable to the Nation's needs, and the bill as now reported is believed to represent, as far as practicable, the consensus of opinion of the best available judges on military matters.

The bill provides for an adequate Regular Army in the true sense. It will not be found large enough to arouse the fear of militarism in any reasonable mind, nor will its cost be exorbitant, but it is large enough to meet the needs of the Nation in first-line troops and form the nucleus for the national forces.

The bill increases the Regular Army by the addition of the following units:

34½ regiments of Infantry.
10 regiments of Cavalry.
15 regiments of Field Artillery.
5 regiments of Engineers.
93 companies of Coast Artillery.
2 battalions of Mounted Engineers.
7 aero squadrons.

And the necessary increases of other auxiliary troops and staff departments.

These new organizations will increase the authorized Regular Army in time of peace about 74,789 enlisted men. The authorized strength of the Regular Army under ordinary circumstances will be about 174,789 men, or less than 2 men per thousand for our population, and can in emergency be raised to about 236,000 by the addition of men trained in its own ranks and then passed to the Regular Army reserve.

These numbers need some explanation as do all statements regarding the strength of the Army, for otherwise no accurate comparison can be made. The present authorized strength as limited by law is 100,000 enlisted men of the line, including Philippine Scouts, but to this must be added 6,000 Quartermaster Corps enlisted men, 4,012 enlisted men of the Hospital Corps, and 4,000 unassigned recruits, which, under existing laws, are not to be counted as part of the strength of the Army, making a total force authorized of 114,012 enlisted men. The present actual strength is 89,324 so-called "line, including the Philippine Scouts," plus 4,900 enlisted men of the Quartermaster Corps, 4,436 enlisted men of the Hospital Corps, and 4,000 authorized unassigned recruits, a total actual strength of 103,660. This number is limited by appropriations for the support of the Army and is fixed by the President.

The proposed force will include 174,789 enlisted men "line of the Army and Philippine Scouts" plus 6,409 enlisted men of the Quartermaster Corps, plus 7,290 enlisted men of the Hospital Corps, plus 6,098 unassigned recruits, an actual total of 194,586, or an actual increase in the authorized strength of 74,789 enlisted men of the "line and Philippine Scouts," 409 Quartermaster Corps men, 3,278 Hospital Corps men, and 2,098 unassigned recruits, a total actual increase of 80,574 enlisted men.

The total commissioned strength at present is 5,045. The proposed bill increases this number to 10,726. This number seems out of proportion to the proposed increase in the enlisted force, but in this number are 124 veterinarians not heretofore counted as officers, 822 officers for detached service with the National Guard and at educational institutions, etc., and a largely increased number of officers (88) for aviation service. The proportional increase in reality is not as large as the increase in enlisted men because of the increased size of the company units.

The proposed Regular Army will consist of 7 Infantry divisions and 2 Cavalry divisions, in addition to the Porto Rico Regiment of Infantry, the Philippine Scouts, and 1 regiment for Alaska, and the various small detachments for special purposes throughout the Army.

Table I, appended hereto, shows in detail the present and proposed minimum strength of each arm, corps, and department.

Table II shows the present and proposed maximum strength of each arm, corps, and department.

Tables III to IX, inclusive, show the present and proposed organization of the units, whose organization is prescribed in the bill.

The details of the organization of the separate arms is essentially a technical subject, and the committee has followed approximately the recommendations of the General Staff, but in order to keep the cost within practicable limits, has provided that, except in case of emergency, the organization shall be kept at about two-thirds of their full strength. This is the practice commonly followed in all countries. It is believed that the proposed organization will meet the needs of the service and the approval of all reasonable persons in each of the arms concerned.

The principal changes in the Infantry, Cavalry, and Field Artillery consist in the addition of a headquarters and a supply company to each such regiment, the addition of a machine-gun company to each Infantry and Cavalry regiment, and an increase of the minimum strength of the Infantry companies.

The object of the headquarters company is to furnish an organization in which will be collected, under the command of the adjutant, all the personnel necessary to perform the regimental duties of administration, and is made to include the band, the regimental orderlies, headquarters clerks, etc. It will have charge of the records and of the preparation of all reports and returns required of the regiment.

For purposes of administration and for properly caring for the pay and supply of the regiment and of all papers, funds, and property pertaining thereto, it is proposed to combine all the regimental personnel charged with these functions into a supply company, under the command of the quartermaster. It will include the drivers of vehicles, the clerks and noncommissioned personnel necessary for paying and supplying the regiment. It seemed to be the general opinion that the personnel of this company should belong to the regiments and not to any staff corps, and therefore the former plan has been adopted.

No detailed argument is required to show the necessity for a separate organization to operate and care for the machine guns of a regiment. The instruction of the personnel charged with this weapon is so essentially different from that of the other companies of the regiment that such companies should be permanent and self-contained, as are the other companies of the regiment. The proposed company will be armed with six machine guns, with one extra gun in case of breakage.

The necessity for these new organizations has been felt for a long time and has been met, heretofore, by organizing provisional companies out of the personnel otherwise provided for in existing regiments. This has resulted in two evils, the first of which was the depletion of companies by the personnel so detailed, and the second was that the provisional organizations could neither be properly organized nor given the proper numbers without seriously interfering with the efficiency of the rest of the regiment.

The minimum strength of the Infantry companies is increased from 65 to 100 men. This is an exceedingly important provision. A company of only 65 men, out of which the sick, the furloughed men, and other inevitable absentees must come, leaves only about 40 or 50 men for duty, a number totally inadequate for purposes of instruction either of officers or enlisted men. The proposed strength of 100 men will provide a company double the size of the old one and will far more than double the efficiency of the company units. A company of 50 men can not be raised to 150 men in case of war without seriously impairing the company's efficiency, but a company of 100 men can be increased by 50 men, some of whom will be from the reserve, and the company will still be an efficient organization.

The regimental organization for the Field Artillery has been retained. It has been suggested that this arm should be organized into a corps composed of battery units only. Field artillery is used in war, in battalion, regimental, and brigade units and not as batteries, and therefore that arm should be organized in time of peace in practically the same form in which it will be used in time of war.

The proposed regiments of Artillery are of two classes, two-battalion regiments and three-battalion regiments. The reason for the difference in organization exists either in the method in which it is proposed to use them or is inherent in the amount of the particular arm that can be handled by a single battalion commander. The field artillery, commonly known as light artillery, consists of guns and howitzers, the personnel and equipment of which can easily be handled in groups of three batteries each by a single battalion commander. The horse artillery and the heavy artillery consist of guns and howitzers, of which two batteries make up as large a command as is suitable for a single battalion commander. It is therefore proposed to organize the Field Artillery of Infantry divisions into regiments of two battalions of three batteries each, and to organize the horse and heavy artillery into regiments of three battalions of two batteries each.

Under existing law the engineer troops are organized into battalions of four companies each. In the proposed organization the engineer troops for an infantry division are organized into a regiment of two battalions of three companies each, and provision is made for two mounted battalions for use with cavalry divisions. The number of men proposed for an engineer regiment is such as to give approximately 6 per cent of the total number of Infantry of the divisions to which it is attached. This increase brings the number of troops of this arm up to about the average percentage found in foreign armies.

The regimental organization will give greater flexibility for the same number of men than would be possible in the smaller number of companies of greater size. The regimental commander will perform the duties formerly assigned to the chief engineer of the division, and will also command the engineer troops, a combination of duties which will greatly promote efficiency in that arm.

The mounted battalions of engineers proposed for cavalry divisions performed practically the same functions for the cavalry arm that the engineer regiment does for the infantry division, the percentage of mounted engineers to cavalry being about 3½ per cent. The organization of the engineer troops provided for in the bill will greatly increase the efficiency of that arm.

The bill under consideration differs from the existing laws regarding the organization of the Coast Artillery Corps by doing away with the company organization. This change is recommended because in reality, a company of fixed size is an anomaly in a corps whose duties pertain to batteries requiring manning details of a certain size, and not companies in the usual sense of the word. Under the proposed law the officers and enlisted men can be made up into companies to suit the batteries that they will man, and the efficiency of the arm will be considerably increased. The bill provides the full personnel for the batteries in the foreign garrisons and for all mine companies, at home and abroad, and in the United States it provides the highly technical men for all the batteries, the skilled men for half of the guns and full crews of the unskilled personnel for one-quarter of the guns. The reserves created will furnish the necessary personnel to man half of the guns, and the National Guard will furnish the remainder of the personnel of the other half of the guns.

The commissioned personnel of the Medical Corps will furnish approximately one surgeon to each 200 men in the field forces. This is an adequate provision for both the medical and sanitary duties in the Army and compares very favorably with the numbers of that corps in foreign armies.

The Signal Corps is increased sufficiently to provide the necessary telephone, telegraph, and wireless companies and the aero squadrons and staff officers necessary for the proposed increase in the rest of the Army, and the aviation section has been more than doubled to provide for that important branch of the service.

The Ordnance Department is increased by a sufficient number of officers to provide for the increased staff duties of that department and for the designing and experimental work involved in the production of new arms and armament shown to be necessary by the present European war.

The Corps of Engineers is increased by the necessary officers for the proposed increase in engineer troops and by additional 51 officers necessary for duty with the National Guard, at educational institutions, and for other similar detached duties not heretofore provided for.

The Quartermaster Corps, the Inspector General's Department, The Adjutant General's Department, and the Judge Advocate General's Department have each been increased sufficiently to provide for the increased staff duties required of each department incident to the increase in the Army.

The General Staff Corps has been increased sufficiently to perform its proper functions. Heretofore it has been very inadequate in numbers and has never been able to undertake the solutions of many of the problems devolving upon the general staff in foreign armies. Germany has a general staff of 309 general staff officers, with 228 other officers attached for general staff work. France has a general staff of 612 general staff officers, with 263 other officers attached for duty. Austria-Hungary has a general staff of 508 general staff officers, with 421 other officers attached for duty. Great Britain has a general staff of 171 general staff officers. In view of these numbers the increase in our General Staff to 88 must be considered as very moderate indeed.

The so-called detached officers' list is increased from 200 to 1,022. This will provide officers for duty with the National Guard, at educational institutions, as military attachés, and other detached duty authorized by existing law without depleting the commissioned personnel of the companies, troops, batteries, and higher units and thereby crippling the efficiency of the Army to a deplorable extent.

The status of dental surgeons and veterinarians is materially improved in this bill. The dental surgeons and veterinarians are commissioned as dental surgeons and veterinarians, respectively, but, inasmuch as they are never called upon to command troops, they are not given rank, but only the pay and allowances of the grade in which commissioned. The number of chaplains has been increased to meet the increased strength of the Army.

Provision is made for citizens of the United States who have served as officers of Philippine Scouts who, after having served faithfully therein, are permitted to retire with the highest pay and allowances of a retired enlisted man of the Regular Army.

The present plan of recruiting the staff departments by details of officers from the line of the Army is retained in the bill, and the plan is extended to include the Judge Advocate General's Department. Many proposed provisions which would make staff duty more attractive than duty with troops were not favorably considered, on the hypothesis that service with troops is the prime duty of a soldier and that staff service should be incidental and supplementary thereto.

The enlisted period has been retained as heretofore, but provision has been made to encourage men to enlist by making it possible for a bright, intelligent man to qualify in his duties and pass to the reserve in a shorter time than possible heretofore. Young men are also to be encouraged to enlist by giving men who have served honorably and faithfully further preference in regard to appointments under the civil service of the Government.

A new class of reservists is created, to consist of men who, by the nature of their civil occupation or profession, are peculiarly fitted for the special technical work of the Quartermaster, Engineer, or Signal Corps, or the Ordnance or Medical Departments of the Army. The number of this class of men that would be needed in time of war is far in excess of the numbers that will ever be maintained in the Regular Army. This class of men do not require drilling and training in field exercises as do infantrymen or cavalrymen, but they must be technically skilled in their own particular occupation, whether it be that of chauffeur, automobile engineer, railroad man, bridge builder, surveyor, gas-engine man, telegraph or telephone engineer, wireless operator, machine-shop expert, powder expert, doctor, nurse, or pharmacist. The daily occupation of these men in civil life is the best training they could have for the functions that they would perform in time of war, and therefore all that is required of them is that they should enlist in some reserve, so that the Government may be sure of their services when it needs them. It is not expected that these men will be called out in time of peace for any drill or training, but it is expected that they will be arranged in organizations and that officers of the officers' reserve corps will be assigned to such organizations, thereby creating units which will be immediately available for active service upon the very shortest notice.

The members of the Regular Army reserve will be paid a small sum of $2 a month to keep them in touch with the War Department, but the large bonus contemplated in existing law will be done away with and more assurance of service in time of need and more economy will result under the proposed law.

One of the greatest causes of delay in training a force of citizen soldiers is usually the lack of training that exists in its commissioned personnel. The officers must learn their functions at the same time that they are endeavoring to teach the enlisted men the part that they have to play. It is proposed to create an officers' reserve corps, consisting of men who have been partially educated and trained along military lines for use in such an emergency. They will have few or no functions to perform in time of peace, but the idea is to have them examined mentally, morally, and physically in time of peace to determine their fitness for command in time of war. This will allow the examinations to be carefully conducted when there is no emergency and will insure a far better personnel than could possibly be raised in the confusion incident to a state of war. It is proposed to commission these men in time of peace as reserve officers in the various arms, corps, or

departments, and their commission renders them liable for service when called upon by the President; but his authority so to call them is limited to the time of actual or threatened war, except for short periods of training and for other purposes when authorized by Congress, and with the consent of the reserve officers concerned, as, for instance, the use of certain of them as Medical Reserve officers are now authorized to be used. This reserve of officers is intended to supply wastage amongst the forces in active operation, to officer the depot battalions and companies which train the recruits, and to officer new organizations of volunteers raised in time of war. Of all the proposed provisions for preparedness, there are few of more importance than this one, and none from which the Government will receive so great a return for the small expenditure involved.

To furnish the personnel for the Officers' Reserve Corps it is proposed to utilize the educational institutions of the country which have adopted or will adopt approved courses of study, including a certain amount of military instruction. The students who enter into this plan will form the Reserve Officers' Training Corps, and the provisions for this corps have the approval of the representatives of the educational institutions concerned and of the War Department. These provisions for an Officers' Reserve Corps and the Reserve Officers' Training Corps do what no previous legislation has ever done—i. e., they give the members of those organizations certain rights and responsibilities and make them a real and valuable assets to our military strength and in a true sense will mobilize, in time of peace, our national assets in trained military and professional men for time of danger.

Section 56 proposes to create a volunteer force in which citizens can be enrolled who for any reason can not join the National Guard or the Regular Army. This is to be purely a Federal force, not to be used except in case of actual or threatened hostilities. The plan to maintain such a force in time of peace being an entirely new idea, it was deemed best to give the greatest possible latitude to the President regarding the rules and regulations under which these volunteers should be raised, limited, however, by certain fundamental restrictions which, in addition to those imposed by a voluntary enlistment and public sentiment, will prevent any abuse of such a force.

Under the limitations imposed these volunteers will form a valuable asset to our national-defense plans, and will replace and provide for the public-spirited citizens who heretofore have manifested their willingness to serve the Nation by participation in the so-called student camps and business men's camps of the past few years.

The volunteer force so created will have a maximum strength of about 261,000 officers and enlisted men.

The patriotism and enthusiasm that has animated the members of the Organized Militia during the many years of our national indifference on the subject of preparedness has received its just recognition in the bill as submitted and the National Guard, as it is now called, will be found to be amply provided for. The bill increases the scope of usefulness of the National Guard and binds the 48 small disconnected detachments, that now exist, into one great national force as far as constitutional limitations will permit. Pay is provided for the members of the National Guard who give a great deal of time to that work, and largely increased appropriations for the National Guard are anticipated in the provisions of the bill. Under the new plans the future of the National Guard looks brighter and better than ever before in our history. Existing defects regarding the appointment of officers and the sytem of training have, to a large degree, been remedied. No constitutional right of the States is invaded but certain rules are laid dow, upon compliance with which is based participation in the Federal appropriations for the support of the National Guard; and in addition thereto certain heretofore unused powers of the Federal Government under the Constitution have been assumed.

An increased number of Regular Army officers for instructing the National Guard is provided for. A uniform law governing enlistments in the guard and uniform methods of administering discipline through National Guard courts-martial are laid down in the bill.

The National Guard authorized under the proposed act will be about 280,000 officers and enlisted men in the active guard.

A National Guard Reserve is created to which men who have served can be furloughed, so that their services will not be lost when they leave the active organizations of the guard. The annual period of training is somewhat increased, but is still well within the limits of time that any man can give to his country without injuring his personal interests, especially in consideration of the pay involved. The period is still too short to produce trained soldiers, but it will enable them to acquire the rudiments of military training and will be a great improvement upon existing conditions.

Tables X to XII show the estimated cost of each of these forces provided for in the bill until and after its provisions are in full operation.

Table XIII shows the combined cost of all parts of the proposed military forces.

Table XIV shows the comparative cost of necessary new construction to house the proposed Regular Army if in permanent structures and if in cantonment type of structures. The latter form is advocated for a considerable part of the force in the United States and can be used for some time, without injury to the service, in our outlying garrisons.

The committee does not expect that the bill will fulfill the hopes of every individual interested in the subject of national preparedness, and especially not those of enthusiasts who have become particularly interested along some special line, but the committee has had to heed the appeals and weigh the recommendations from all sources and to judge of the relative importance of the national needs along many different branches and finally to evolve a measure broad enough to cover all phases of the subject. This the committee has endeavored to do with entire impartiality, and the results of long consultation and deep deliberation have finally been embodied into the Senate bill now submitted for your consideration.

TABLE I.—*Summary of the minimum strength of the Army.*

Under existing law.											Under proposed Senate bill.									
Maj. Gen.	Brig. Gen.	Colonel.	Lieut. Col.	Major.	Captain.	1st Lieut.	2d Lieut.	Total commissioned.	Total enlisted.		Maj. Gen.	Brig. Gen.	Colonel.	Lieut. Col.	Major.	Captain.	1st Lieut.	2d Lieut.	Total commissioned.	Total enlisted.
....	....	30	30	90	461	460	460	1,531	26,569	31 Inf. regts. (incl. P. R. Regt.) 65	....	....	65	65	195	975	1,040	975	3,315	87,035
....	....	15	15	45	225	225	225	750	12,240	15 Cavalry regiments 25	....	....	25	25	75	400	400	400	1,325	24,900
....	....	6	6	12	66	78	78	246	4,998	6 Field Artillery regiments 21	....	....	21	21	48	237	294	258	879	18,018
....	1	14	14	42	210	210	210	701	[1] 19,321	170 Companies C. A. C. 263	....	1	24	24	72	360	360	360	1,201	24,897
....	....	....	....	....	....	....	....	....	.....	Brig. Hdqrs., Inf., Cav. & F. A.. 43	....	....	....	....	....	....	....	....	.....	288
....	....	....	....	....	....	....	....	....	.....	Hdqrs. troops, Inf. & Cav. Div.... 6	....	....	....	....	....	6	6	6	18	738
7	17	....	....	....	....	....	....	24	.....	General officers of the line	[8] 10	[9] 37	....	....	....	....	....	....	47	.....
....	....	4	6	12	12	....	....	34	.....	General Staff Corps	....	....	10	12	32	34	....	....	88	.....
....	1	5	7	10	....	....	....	23	.....	Adjutant General's Department	....	1	7	13	39	....	....	....	60	.....
....	1	5	4	9	....	....	....	17	.....	Inspector General's Dept	....	1	4	8	16	....	....	....	29	.....
....	1	2	3	7	....	....	....	13	.....	Judge Advocate General's Dept	....	1	2	6	12	10	....	....	31	.....
1	2	12	18	48	102	....	....	183	[3] 6,403	Quartermaster Corps	[11] 1	[10] 2	17	30	54	155	....	....	259	[11] 6,409
1	....	14	24	105	[4] 239	[4] 215	....	598	[5] 4,012	Medical Corps	[12] 1	....	20	40	214	[13] 622	....	....	1,070	[11] 7,290
....	1	15	22	51	60	56	43	248	1,246	Corps of Engineers	....	1	23	30	72	152	148	79	505	5,334
....	1	6	9	19	25	25	....	85	765	Ordnance Department	....	1	6	12	24	33	33	....	109	1,065
....	1	1	2	6	22	74	....	106	1,481	Signal Corps	....	1	3	10	23	64	215	....	316	[14] 3,387
....	1	1	.....	1	....	....	....	3	.....	Bureau of Insular Affairs	....	1	1	.....	1	.....	....	....	3	.....
....	....	.....	.....	15	[6] 23	[6] 29	....	67	.....	Chaplains	....	....	....	.....	.....	.....	....	....	[16] 136	.....
....	....	.....	.....	.....	.....	.....	.....	.....	.....	42 Veterinarians	....	....	.....	.....	.....	.....	....	....	[16] 124	.....
....	....	8	9	27	82	74	....	200	.....	Detached officers	....	....	19	23	185	389	426	....	1,022	.....
....	....	.....	.....	.....	.....	.....	.....	.....	.....	Detached enlisted men	....	....	.....	.....	.....	.....	.....	.....	.....	1,500
....	....	4	3	.....	.....	.....	.....	7	632	Military Academy [7]	....	....	4	3	.....	.....	.....	.....	7	632
....	....	25	1	.....	.....	1	.....	27	.....	Additional officers [7]	....	....	.....	.....	.....	.....	.....	.....	.....	.....
....	....	.....	.....	.....	.....	.....	.....	.....	6,098	Recruiting parties, recruit depots, and unassigned recruits [7]	....	....	.....	.....	.....	.....	.....	.....	.....	6,098
....	....	.....	.....	.....	.....	.....	.....	.....	746	Service School detachments [7]	....	....	.....	.....	.....	.....	.....	.....	.....	746
....	....	.....	.....	.....	.....	.....	.....	.....	350	U. S. D. B. guards [7]	....	....	.....	.....	.....	.....	.....	.....	.....	350
....	....	.....	.....	.....	.....	.....	.....	.....	110	Disciplinary organizations [7]	....	....	.....	.....	.....	.....	.....	.....	.....	110
....	....	.....	.....	.....	.....	.....	.....	.....	7	Mounted orderlies [7]	....	....	.....	.....	.....	.....	.....	.....	.....	.....
....	....	.....	.....	.....	.....	.....	.....	.....	75	Indian scouts [7]	....	....	.....	.....	.....	.....	.....	.....	.....	56
9	27	165	173	499	1,527	1,447	1,016	4,863	85,053	Total Regular Army	12	47	251	322	1,042	3,437	2,922	2,078	10,544	188,853
....	....	.....	.....	.....	52	65	65	182	5,733	Additional force, Philippine Scouts ...	....	....	.....	.....	.....	52	65	65	182	5,733
9	27	165	173	499	1,579	1,512	1,081	5,045	90,786	Grand total	12	47	251	322	1,042	3,489	2,987	2,143	10,726	194,586

[1] Including 14 bands.
[2] Not additional to authorized commissioned strength of the Army.
[3] Of which 6,000 are not included in strength of Army.
[4] Including 94 Medical Reserve Corps and 60 dental surgeons; contract surgeons employed in emergency in such number as necessary.
[5] Enlisted strength fixed by President.
[6] Number of captains depends upon length of service and, consequently, number is constantly changing.
[7] Not enumerated in preceding tables because proposed Senate bill continues present strength.
[8] Including Chief of Staff with rank of lieutenant general.
[9] Including assistants to Chief of Staff, Chief of War College Division, and Chief Division of Militia Affairs.
[10] Eventually 1 brigadier general only.
[11] Enlisted strength fixed by President, not counted in authorized strength of the Army.
[12] Eventually 1 brigadier general.
[13] Captains or lieutenants.
[14] Enlisted strength fixed by President.
[15] Dental surgeons at the rate of 1 per 1,000 enlisted men; not to exceed 15 of same with pay and allowances of major, total 173.
[16] Not to exceed 15 with pay and allowances of major.

TABLE II.—*Summary of the maximum strength of the Army.*

Under existing law.											Under proposed Senate bill.									
Maj. Gen.	Brig. Gen.	Colonel.	Lieut. Col.	Major.	Captain.	1st Lieut.	2d Lieut.	Total commissioned.	Total enlisted.		Maj. Gen.	Brig. Gen.	Colonel.	Lieut. Col.	Major.	Captain.	1st Lieut.	2d Lieut.	Total commissioned.	Total enlisted.
....	....	30	30	90	461	460	460	1,531	56,315	31 Inf. regiments including P. R. regiments 65	....	....	65	65	195	975	1,040	975	3,315	127,660
....	....	15	15	45	225	225	225	750	18,540	15 Cavalry regiments 25	....	....	25	25	75	400	400	400	1,325	26,825
....	....	6	6	12	66	78	78	246	7,110	6 Field Art. regts 21	....	....	21	21	48	237	294	258	879	26,599
....	1	14	14	42	210	210	210	701	[1]19,321	170 C. A. C. companies 263	....	1	24	24	72	360	360	360	1,201	30,009
....	....	....	....	....	....	....	....	....	....	Brig. Hdqrs. Inf., Cav., F. Art. 43	....	....	....	....	....	....	....	....	....	288
....	....	....	....	....	....	....	....	....	....	Hdqrs. troops—Inf., Cav. divs. 6	....	....	....	....	....	6	6	6	18	738
7	17	....	....	....	....	....	....	24	.....	General officers of the line	[9]10	[10]37	....	....	....	....	....	....	47	.....
....	....	4	6	12	12	....	....	34	.....	General Staff Corps	....	....	10	12	32	34	....	....	88	.....
....	1	5	7	10	....	....	....	23	.....	Adjutant General's Department	....	1	7	13	39	....	....	....	60	.....
....	1	3	4	9	....	....	....	17	.....	Inspector General's Department	....	1	4	8	16	....	....	....	29	.....
....	1	2	3	7	....	....	....	13	.....	Judge Advocate General's Department	....	1	2	6	12	10	....	....	31	.....
1	2	12	18	48	102	....	....	183	[3]6,403	Quartermaster's Department	[11]1	[11]2	17	30	54	155	....	....	259	[12]6,409
1	....	14	24	105	239	[4]215	....	598	[5]4,012	Medical Corps	[11]1	....	20	40	214	[12]622	....	....	[14]1,070	[12]7,290
....	1	15	22	51	60	56	43	248	2,014	Corps of Engineers	....	1	23	30	72	152	148	79	505	7,797
....	1	6	9	19	25	25	....	85	765	Ordnance Department	....	1	6	12	24	33	33	....	109	[12]1,065
....	1	1	2	6	22	74	....	106	1,481	Signal Corps	....	1	3	10	23	64	215	....	316	[12]4,338
....	1	1	....	1	....	....	....	3	.....	Bureau of Insular Affairs	....	1	1	....	1	....	....	....	3	.....
....	....	....	....	15	[6]23	[6]29	....	67	.....	Chaplains	....	....	....	....	....	....	....	....	[15]136	.....
....	....	....	....	....	....	....	....	....	.....	42 Veterinarians	....	....	....	....	....	....	....	....	[15]124	.....
....	....	8	9	27	82	74	....	200	.....	Detached officers	....	....	19	23	165	389	426	....	1,022	.....
....	....	....	....	....	....	....	....	....	.....	Detached enlisted men [7]	....	....	....	....	....	....	....	....	....	1,500
....	....	25	1	....	....	1	....	27	.....	Additional officers [7]	....	....	....	....	....	....	....	....	....	.....
....	....	....	....	....	....	....	....	....	6,098	Recruiting parties, depots, unassigned recruits [7]	....	....	....	....	....	....	....	....	.....	6,098
....	....	4	3	....	....	....	....	7	632	Military Academy [7]	....	....	4	3	....	....	....	....	7	632
....	....	....	....	....	....	....	....	....	746	Service schools detachments [7]	....	....	....	....	....	....	....	....	.....	746
....	....	....	....	....	....	....	....	....	350	U. S. disciplinary barracks guards [7]	....	....	....	....	....	....	....	....	.....	350
....	....	....	....	....	....	....	....	....	110	Disciplinary organizations [7]	....	....	....	....	....	....	....	....	.....	110
....	....	....	....	....	....	....	....	....	7	Mounted orderlies [7]	....	....	....	....	....	....	....	....	.....	.....
....	....	....	....	....	....	....	....	....	75	Indian Scouts [7]	....	....	....	....	....	....	....	....	.....	56
9	27	165	173	499	1,527	1,447	1,016	4,863	123,979	Total Regular Army	12	47	251	322	1,042	3,437	2,922	2,078	10,544	248,510
....	....	....	....	....	52	65	65	182	5,733	Additional force Philippine Scouts	....	....	....	....	....	52	65	65	182	5,733
9	27	165	173	499	1,579	1,512	1,081	5,045	129,712	Grand total	12	47	251	322	1,042	3,489	2,987	2,143	10,726	254,243

[1] Including 14 bands.
[2] Not additional to commissioned strength of Army.
[3] Of which 6,000 are not included in the strength of the Army.
[4] Number of captains and lieutenants depends upon length of service.
[5] Enlisted strength fixed by the President.
[6] Number of captains and first lieutenants depends upon length of service.
[7] Included in the strength of their organizations.
[8] Enlisted strength fixed by the President.
[9] Including Chief of Staff with rank of lieutenant general.
[10] Including assistant to Chief of Staff, Chief of War College Division, and Chief Division of Militia Affairs.
[11] Eventually 1 brigadier general only.
[12] Enlisted strength fixed by President, Quartermaster Corps and Hospital Corps men not counted in the strength of the Army.
[13] Either captains or lieutenants.
[14] Dental surgeons at the rate of 1 per 1,000 enlisted men plus.
[15] Not to exceed 15 to have the pay and allowances of majors.

TABLE III.—*Composition of the line of the Army.*

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Regiments of Infantry	30	Same as minimum.	64	Same as minimum.
Regiments of Cavalry	15		25	
Porto Rico Regiment of Infantry	1		1	
Regiments of Field Artillery	6		21	
Companies of Coast Artillery Corps	170		263	
Battalions of Engineers	3		.....	
Engineer band	1		1	
Regiments of Engineers	.....		7	
Mounted battalions of Engineers	.....		2	

TABLE IV.—*Composition of Infantry units.*

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Colonel	1	Same as minimum	1	Same as minimum.
Lieutenant colonel	1		1	
Majors	3		3	
Captains	15		15	
First lieutenants	15		16	
Second lieutenants	15		15	
Total commissioned	50		51	
Sergeant major	1		.....	
Quartermaster sergeant	1		.....	
Commissary sergeant	1		.....	
Battalion sergeants major	3		.....	
Color sergeants	2		.....	
Noncommissioned staff	8		.....	
Band	1		.....	
Companies	[1]12		[1]12	
Headquarters company	.....		1	
Machine gun company	.....		1	
Supply company	.....		1	

[1] 3 battalions, 4 companies each.

TABLE IV.—*Composition of Infantry units*—Continued.

INFANTRY BAND.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Chief musician	1	Same as minimum	Included in headquarters company.	Included in headquarters company.
Principal musician	1			
Drum major	1			
Sergeants	4			
Corporals	8			
Cook	1			
Privates	12			
Total enlisted	28			

INFANTRY COMPANY, REGIMENTAL.

Captain	1	1	1	1
First lieutenant	1	1	1	1
Second lieutenant	1	1	1	1
Total commissioned	3	3	3	3
First sergeant	1	1	1	1
Quartermaster sergeant	1	1	.....	.....
Mess sergeant	.....	.....	1	1
Supply sergeant	.....	.....	1	1
Sergeants	4	6	6	8
Corporals	6	10	11	17
Cooks	2	2	2	3
Musicians	2	2	.....	.....
Buglers	.....	.....	2	2
Mechanics	.....	.....	1	2
Artificer	1	1	.....	.....
Privates, first class	.....	.....	19	28
Privates	48	127	56	87
	65	150	100	150

TABLE IV.—*Composition of Infantry units*—Continued.

INFANTRY HEADQUARTERS COMPANY.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Captain	None....	None.....	1	Same as minimum.
Regimental sergeant major			1	
Battalion sergeant major			3	
First sergeant (drum major)			1	
Color sergeants			2	
Mess sergeant			1	
Supply sergeant			1	
Stable sergeant			1	
Sergeant			1	
Cooks			2	
Horseshoer			1	
Band leader			1	
Assistant band leader			1	
Sergeant bugler			1	
Band sergeants			2	
Band corporals			4	
Musicians, first class			2	
Musicians, second class			4	
Musicians, third class			13	
Privates, first class			4	
Privates			12	
			58	

INFANTRY MACHINE GUN COMPANY.

Captain	None....	None.....	1	1
First lieutenant			1	1
Second lieutenant			1	1
Total commissioned			3	3
First sergeant			1	1
Mess sergeant			1	1
Supply sergeant			1	1
Stable sergeant			1	1
Horseshoer			1	1
Sergeants			5	7
Corporals			6	8
Cooks			2	2
Buglers			2	2
Mechanics			1	2
Privates, first class			8	12
Privates			24	36
			53	74

INFANTRY SUPPLY COMPANY.

Captain	None....	None.....	1	1
First lieutenant			1	1
Second lieutenant			1	1
Total commissioned			3	3
Regimental supply sergeants			3	3
First sergeant			1	1
Mess sergeant			1	1
Stable sergeant			1	1
Corporal			1	1
Cook			1	1
Saddler			1	1
Horseshoer			1	1
Wagoners			15	22
			25	32

TOTAL INFANTRY REGIMENT.

Commissioned	50	50	51	51
Enlisted	816	1,836	1,336	1,964

PORTO RICO REGIMENT OF INFANTRY.

Lieutenant colonel	1	Same as minimum.	Same as for Infantry regiment.	Same as for Infantry regiment.
Majors	2			
Captains	11			
First lieutenants	10			
Second lieutenants	10			
Total commissioned	34			
Sergeant major	1			
Quartermaster sergeant	1			
Commissary sergeant	1			
Battalion sergeants major	2			
Color sergeants	2			
Total noncommissioned staff	7			
Band	1			
Companies (2 battalions, 4 companies each).	8			

TABLE IV.—*Composition of Infantry units*—Continued.

PORTO RICO REGIMENT OF INFANTRY—Continued.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War
Band, Porto Rico Regiment	Same as regiment of Infantry.	Same as regiment of Infantry.	Included in headquarters company.	Included in headquarters company.
Company, regimental	...do.....	...do.....	Same as regiment of Infantry.	Same as regiment of Infantry.
Headquarters company	None....	None.....	.....do.....	Do.
Machine-gun company	...do.....	...do.....	.....do.....	Do.
Supply company	...do.....	...do.....	.....do.....	Do.
Total Porto Rico Regiment of Infantry:				
Commissioned	34	34	51	51
Enlisted	555	1,235	1,336	1,964

TABLE V.—*Composition of Cavalry units.*

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
COMMISSIONED.				
Colonels	1	Same as minimum	1	Same as minimum.
Lieutenant colonels	1		1	
Majors	3		3	
Captains	15		15	
First lieutenants	15		16	
Second lieutenants	15		16	
Total	50		52	
ENLISTED.				
Sergeants major	1		.....	
Quartermaster sergeants	1		.....	
Commissary sergeants	1		.....	
Squadron sergeants major	3		.....	
Color sergeants	2		.....	
Noncommissioned staff	8		.....	
Band	1		.....	
Troops	[1] 12		[1] 12	
Headquarters troop	.....		1	
Machine-gun troop	.....		1	
Supply troop	.....		1	

CAVALRY BAND.

Chief musician	1	Same as minimum.	Included in headquarters company.	Included in headquarters company.
Chief trumpeter	1			
Principal musician	1			
Drum major	1			
Sergeants	4			
Corporals	8			
Cook	1			
Privates	11			
Total	28			

TROOP, REGIMENTAL.

Captain	1	1	1	1
First lieutenant	1	1	1	1
Second lieutenant	1	1	1	1
Total commissioned	3	3	3	3
First sergeant	1	1	1	1
Quartermaster sergeant	1	1	.....	.....
Sergeants	6	6	5	5
Corporals	6	8	8	8
Cooks	2	2	2	2
Farrier	1	1	.....	.....
Horseshoer	1	1	2	2
Saddler	1	1	1	1
Wagoner	1	1	.....	.....
Trumpeters	2	2	.....	.....
Mess sergeant	.....	.....	1	1
Supply sergeant	.....	.....	1	1
Stable sergeant	.....	.....	1	1
Buglers	.....	.....	2	2
Privates, first class	.....	.....	10	20
Privates	43	76	36	61
Total enlisted	65	100	70	105

[1] 3 squadrons of 4 troops each.

TABLE V.—*Composition of Cavalry units*—Continued.

HEADQUARTERS TROOP.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Captain	None	None	1	1
Regimental sergeant major			1	1
Squadron sergeants major			3	3
First sergeant (drum major)			1	1
Color sergeants			2	2
Mess sergeants			1	1
Supply sergeants			1	1
Stable sergeants			1	1
Sergeants			1	3
Corporals				5
Cooks			2	2
Horseshoers			1	2
Saddler			1	1
Privates, first class			2	7
Privates			9	27
Band leader			1	1
Assistant band leader			1	1
Sergeant bugler			1	1
Band sergeants			2	2
Band corporals			4	4
Musicians, first-class			2	2
Musicians, second-class			4	4
Musicians, third-class			13	13
			54	83

SUPPLY TROOP.

Captain	None	None	1	1
Second lieutenants			2	2
Total commissioned			3	3
Regimental supply sergeants			3	3
First sergeant			1	1
Mess sergeant			1	1
Stable sergeant			1	1
Corporals			1	2
Cooks			1	2
Horseshoers			1	2
Saddlers			1	2
Wagoners			[1] 25	25
			35	39

MACHINE-GUN TROOP.

Captain	None	None	1	1
First lieutenant			1	1
Second lieutenants			2	2
Total, commissioned			4	4
First sergeant			1	1
Mess sergeant			1	1
Supply sergeant			1	1
Stable sergeant			1	1
Horseshoers			2	2
Sergeants			5	8
Corporals			6	8
Cooks			2	2
Mechanics			1	2
Saddler			1	1
Buglers			2	2
Privates, first class			12	13
Privates			35	49
			70	91
Total Cavalry regiment:				
Commissioned	50	50	53	53
Enlisted	816	1,236	999	1,473

TABLE VI.—*Composition of Field Artillery units.*

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Colonel	1	Same as minimum.	1	Same as minimum.
Lieutenant colonel	1		1	
Majors	2			
Captains	11		1	
First lieutenants	13			
Second lieutenants	13			
Total commissioned	41		3	
Sergeant major	1			
Quartermaster sergeant	1			
Commissary sergeant	1			
Battalion sergeants major	2			
Color sergeants	2			
Noncommissioned staff	7			
Band	1			
Batteries	[2] 6			
Headquarters company			1	
Supply company			1	
Battalions			[3]	

[1] 1 for each authorized wagon of the field and combat train, approximately 25 in peace and war.
[2] 2 battalions, 3 batteries each.
[3] 2 (or 3) of 3 (or 2) batteries each.

TABLE VI.—*Composition of Field Artillery units*—Continued.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Battalion of 3 batteries (with Infantry division):				
Major	Included in regiment.	Included in regiment.	1	Same as minimum.
Captain			1	
Total commissioned			2	
Batteries			3	
Battalion of 2 batteries (horse and heavy):				
Major	None	None	1	
Captain			1	
Total commissioned			2	
Batteries			2	
Band	Same as Cavalry.	Same as Cavalry.	Included in headquarters company.	Included in headquarters company.

BATTERY.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Captain	1	1	1	1
First lieutenants	2	2	2	2
Second lieutenants	2	2	2	2
Total commissioned	5	5	5	5
First sergeant	1	1	1	1
Quartermaster sergeant	1	1		
Supply sergeant			1	1
Stable sergeant	1	1	1	1
Mess sergeant			1	1
Chief mechanic	1	1	1	1
Sergeants	6	8	6	9
Corporals	12	16	13	20
Mechanics	4	7	1	3
Cooks	3	3	3	3
Saddler			1	1
Musicians	2	3		
Horseshoers			2	3
Buglers			2	3
Privates, first-class			22	35
Privates	102	149	71	108
	133	190	126	190

NOTE.—In absence of Quartermaster Corps men, add 1 packmaster (sergeant, first-class), 1 assistant packmaster (sergeant), 1 cargador (corporal).

FIELD ARTILLERY HEADQUARTERS COMPANY.

	Present law.		Senate bill.			
			Regiment of 2 battalions.		Regiment of 3 battalions.	
	Peace.	War.	Peace.	War.	Peace.	War.
Captain	None	None	1	1	1	1
First lieutenant			1	1	1	1
Total commissioned			2	2	2	2
Regimental sergeant major			1	1	1	1
Battalion sergeant major			2	2	3	3
First sergeant			1	1	1	1
Color sergeants			2	2	2	2
Mess sergeant			1	1	1	1
Supply sergeant			1	1	1	1
Stable sergeant			1	1	1	1
Sergeants			2	4	3	4
Corporals			9	14	12	19
Horseshoers			1	2	1	2
Saddler			1	1	1	1
Mechanic			1	2	1	2
Buglers			3	3	4	4
Cooks			2	2	2	4
Privates, first class			5	6	6	8
Privates			15	21	20	27
Band leader			1	1	1	1
Assistant band leader			1	1	1	1
Sergeant bugler			1	1	1	1
Band sergeants			2	2	2	2
Band corporals			4	4	4	4
Musicians, first class			2	2	2	2
Musicians, second class			4	4	4	4
Musicians, third class			12	13	13	13
			76	92	88	109

NOTE.—When no Quartermaster Corps men are attached, add to each mounted regiment headquarters company, 1 packmaster (sergeant first class), 1 assistant packmaster (sergeant), 1 cargador (corporal).

TABLE VI.—*Composition of the Field Artillery units*—Continued.

FIELD ARTILLERY SUPPLY COMPANY.

	Present law.		Senate bill.			
			Regiment of 2 battalions.		Regiment of 3 battalions.	
	Peace.	War.	Peace.	War.	Peace.	War.
Captain	None.	None.	1	1	1	1
First lieutenant			1	1	1	1
Second lieutenant					1	1
Total commissioned			2	2	3	3
Regimental supply sergeants			2	2	3	3
First sergeant			1	1	1	1
Mess sergeant			1	1	1	1
Corporals			1	2	1	2
Cooks			1	2	1	2
Horseshoers			1	2	1	2
Saddlers			1	2	1	2
Privates			2	2	3	3
Wagoners			17	17	17	17
			27	31	29	33
Total regimental strength:						
Commissioned	41	41	41	41	44	44
Enlisted	833	1,185	859	1,263	873	1,282

TABLE VII.—*Composition of the Coast Artillery Corps.*

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Brigadier general	1	Same as minimum.	1	1
Colonels	14		24	24
Lieutenant colonels	14		24	24
Majors	42		72	72
Captains	210		360	360
First lieutenants	210		360	360
Second lieutenants	210		360	360
Total commissioned	701		1,201	1,201
Regimental sergeants major	21			
Sergeants major (senior grade)			31	31
Sergeants major (junior grade)			64	64
Master electricians	26		41	41
Engineers	60		72	72
Electrician sergeants, first class	74		99	99
Electrician sergeants, second class	74		99	99
Assistant engineers			275	275
Battalion sergeants major	42			
Master gunners	42		62	62
Firemen	65		106	106
Radio sergeants			93	93
First sergeants			263	263
Supply sergeants			263	263
Mess sergeants			263	263
Sergeants			1,784	2,104
Corporals			2,516	3,156
Cooks			526	526
Mechanics			526	526
Buglers			526	526
Privates, first class			4,186	5,225
Privates			12,562	15,675
	404		24,357	29,469
Companies	170			
Bands	14			

COAST ARTILLERY CORPS BAND.

Chief musician	1	Same as minimum.		Same as minimum.
Band leader			1	
Assistant band leader			1	
Chief trumpeter	1			
Principal musician	1			
Drum major	1			
First sergeant (drum major)			1	
Sergeants	4			
Band sergeants			2	
Corporals	8			
Band corporals			4	
Cooks	1		2	
Privates	11			
Musicians, first class			2	
Musicians, second class			4	
Musicians, third class			13	
	28		30	

TABLE VII.—*Composition of the Coast Artillery Corps*—Continued.

COAST ARTILLERY COMPANY.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Captain	1	Same as minimum.	Enlisted strength prescribed by President.	Same as Minimum.
First lieutenant	1			
Second lieutenant	1			
Total commissioned	3			
First sergeant	1			
Quartermaster sergeant	1			
Cooks	2			
Mechanics	2			
Musicians	2			

Number of sergeants, corporals, and privates fixed by President. Sergeants not to exceed 1,360; corporals not to exceed 2,040; total enlisted not to exceed 19,147, exclusive of master electricians, electrician sergeants first class, electrician sergeants second class.

TOTAL STRENGTH COAST ARTILLERY CORPS.

Commissioned	701	Same as minimum.	1,201	1,201
Enlisted (including 14 bands)	19,321		24,897	30,009

TABLE VIII.—*Composition of Engineer units.*

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Battalions of 4 companies each	3	Same as minimum.		Same as minimum.
Band	1		1	
Regiments (2 battalions, 3 companies each)			7	
Mounted battalions of 3 companies each			2	

REGIMENT OF ENGINEERS.

Master engineers (senior grade)	None	None	2	4
Regimental sergeant major			1	1
Regimental supply sergeants			2	2
Color sergeants			2	2
Sergeants				2
Sergeant bugler			1	1
Cook			1	1
			9	13
Wagoner for each wagon of the field and combat train			1	1
Battalions			2	2

NOTE.—Under existing law and under the proposed Senate bill officers for units are detailed from the commissioned personnel of the corps.

ENGINEER BATTALION, REGIMENTAL.

Sergeant major	1	Same as minimum.		
Battalion sergeant major			1	1
Quartermaster sergeant	1			
Master engineer, junior grade			3	6
	2		4	3
Companies	4		3	7

MOUNTED ENGINEER BATTALION.

Master engineer (senior grade)	None	None	1	2
Battalion sergeant major			1	1
Battalion supply sergeant			1	1
Master engineer (junior grade)			3	6
Sergeants				2
Corporals			1	1
			7	13
Wagoner for each wagon of field and combat train			1	1
Companies			3	3

ENGINEER COMPANY, MOUNTED BATTALION.

First sergeant	None	None	1	1
Sergeants, first class			2	2
Mess sergeant			1	1
Supply sergeant			1	1
Stable sergeant			1	1
Sergeants			4	6
Corporals			8	11
Horseshoers			2	2
Saddler			1	1
Cooks			2	2
Buglers			2	2
Privates, first class			12	20
Privates			37	61
			74	111

TABLE VIII.—*Composition of Engineer units*—Continued.

ENGINEER COMPANY, REGIMENTAL.

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
First sergeant	1	1	1	1
Quartermaster sergeant	1	1		
Sergeants, first class			3	3
Sergeants	8	12	6	8
Mess sergeant			1	1
Supply sergeant			1	1
Stable sergeant			1	1
Corporals	10	18	12	18
Musicians	2	2		
Cooks	2	2	2	3
Horseshoer			1	1
Buglers			2	2
Saddler			1	1
Privates, first class	38	64	19	31
Privates	38	64	59	93
	100	164	109	164
Band	Same as infantry.	Same as minimum.	Same as infantry, plus 2 cooks.	Same as minimum.
Total strength:				
Commissioned	248	248	505	505
Enlisted	1,246	2,014	5,185	7,799

TABLE IX.—*Composition of brigade and division headquarters (enlisted men).*

BRIGADE HEADQUARTERS (INFANTRY, CAVALRY, FIELD ARTILLERY).

	Present law.		Senate bill.	
	Peace.	War.	Peace.	War.
Sergeant	None	None	1	Same as minimum.
Cook			1	
Privates			6	
Wagoner			1	
			9	

HEADQUARTERS TROOP (CAVALRY, INFANTRY DIVISION).

Captain	None	None	1	Same as minimum.
First lieutenant			1	
Second lieutenant			1	
Total commissioned			3	
First sergeant			1	
Mess sergeant			1	
Supply sergeant			1	
Stable sergeant			1	
Sergeants			5	
Corporals			8	
Horseshoers			2	
Saddler			1	
Cooks			2	
Buglers			2	
Mechanic			1	
Privates, first class			14	
Privates			43	
			82	

TABLE X.—*Cost of Regular forces.*

	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Annually thereafter.
Quartermaster Corps	$113,401,915	$125,399,009	$138,907,036	$153,184,888	$167,249,582	$167,249,582
Ordnance:						
Current cost	4,006,650	4,539,250	5,067,250	5,641,250	6,179,250	6,179,250
New equipment	4,952,000	3,984,000	3,901,000	4,558,000	4,130,000	
Heavy artillery	1,361,000	1,361,000				
Engineer:						
Current cost	224,000	239,000	232,000	254,000	269,000	269,000
New equipment	105,000	110,000	35,000	115,000	101,000	
Signal:						
Current cost	928,500	1,343,499	1,758,500	2,003,500	2,248,500	2,493,500
New equipment	649,264	592,508	315,750	327,034	313,497	
Medical Department	973,684	1,123,684	1,273,684	1,424,922	1,576,723	1,576,723
Total	126,602,013	138,691,950	151,490,220	167,508,594	182,067,552	177,768,055

TABLE XI.—*Cost of National Guard.*

	First year.	Second year.	Third year.	Fourth year.	Annually thereafter.
Quartermaster Corps	$17,846,200	$20,581,400	$21,685,800	$23,817,500	$24,760,200
Ordnance Department:					
Current cost	3,201,000	5,099,000	7,600,000	12,123,000	12,123,000
New equipment	18,689,400	18,689,400	8,743,000	8,743,200	
Heavy artillery	3,265,000	3,265,000	1,532,000		
Corps of Engineers	722,400	680,070	230,000	235,000	235,000
Signal Corps	2,525,000	2,489,400	722,400	746,700	3,600,000
Medical Department	100,800	117,800	124,200	155,000	155,000
Total	46,349,800	50,922,000	40,637,400	45,820,400	40,873,200

TABLE XII.—*Cost of Volunteers.*[1]

	First year.	Second year.	Third year.	Fourth year.	Annually thereafter.
Quartermaster Corps:					
New equipment	$2,199,260	$2,800,994	$3,559,761	$4,308,175	$4,308,000
30 days training	3,481,410	6,940,120	11,449,200	16,000,500	16,000,500
Ordnance:					
Current cost	1,134,500	2,267,000	3,574,000	4,976,000	4,976,000
New equipment	15,059,000	15,059,000	17,489,000	17,489,000	
Heavy Artillery	1,361,000	2,722,000	1,361,000	2,722,000	
Corps of Engineers	376,000	376,000	402,000	398,000	398,000
Signal Corps	1,203,153	1,203,153	1,253,325	1,253,325	1,660,000
Medical Department	130,615	167,910	223,689	266,567	266,567
Total	24,944,938	31,536,177	39,311,975	47,413,567	27,609,067

[1] Based on 30 days' service for which pay and supplies are furnished.

TABLE XIII.—*Total cost of all forces contemplated under Senate bill.*

	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Annually thereafter.
Regular Army	$126,602,013	$138,691,950	$151,490,220	$167,508,594	$182,067,552	$177,768,055
National Guard	46,349,800	50,922,000	40,637,400	45,820,400	40,873,200	40,873,200
Volunteers	24,944,938	31,536,177	39,311,975	47,413,567	27,609,067	27,609,067
	197,896,751	221,150,127	231,439,595	260,742,561	250,549,819	246,250,322

TABLE XIV.—*Cost of housing proposed Regular Army.*

Organizations.	First increment.		Second increment.		Third increment.		Fourth increment.		Fifth increment.	
	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.
34 regiments Infantry	$869,400	$6,521,025	$869,400	$6,521,025	$869,400	$6,521,025	$869,400	$6,521,025	$766,800	$5,589,450
10 regiments Cavalry	185,980	1,573,280	185,980	1,573,280	185,980	1,573,280	185,980	1,573,280	185,980	1,573,280
5 regiments Engineers	99,595	828,650	99,595	828,650	99,595	828,650	99,595	828,650	99,595	828,650
15 regiments Field Artillery	289,410	2,248,200	289,410	2,248,200	289,410	2,248,200	289,410	2,248,200	289,410	2,248,200
2 battalions Mounted Engineers			26,785	205,650			26,785	205,650		
6 field battalions, Signal Corps	47,160	410,480	23,580	205,240	23,580	205,240	23,580	205,240	23,580	205,240
7 aero squadrons	53,800	1,080,000	53,800	1,080,000	26,900	540,000	26,900	540,000	26,900	540,000
2 battalions Signal Corps, mounted			30,950	238,100			30,950	238,100		
17 ambulance companies	30,120	238,350	30,120	238,350	30,120	238,350	40,160	317,800	40,160	317,800
11 field hospitals	19,120	154,760	19,120	154,760	19,120	154,760	19,120	154,760	28,680	232,140
6 companies Coast Artillery	62,076	515,520	62,076	515,520	62,076	515,520	62,076	515,520	62,076	515,520
Division headquarters	36,900	221,400								
Ordnance Department	53,250	472,200								
Quartermaster Corps	257,050	1,542,300								
Total	2,003,861	15,806,165	1,690,816	13,808,775	1,606,181	12,825,025	1,673,956	13,348,225	1,523,181	12,050,280

NOTES.

The basis of this estimate has been to utilize first all existing accommodations both in the United States and overseas, each arm considered separately. A per capita cost is arrived at for officers, noncommissioned officers, enlisted men, and animals, and the excess brought about by the increase proposed in the bill over the accommodations that now exist was multiplied by this per capita.

There is a wide margin of difference between temporary construction and permanent construction, as indicated by the table. Whether or not this represents economy it would be difficult to say. The total amount required for all five increments under temporary construction will be $8,497,995; while the amount required for permanent construction will be $67,838,470. In the temporary construction, plans for which now exist, it is contemplated to furnish water and sewers as needed, and the buildings to be of such character as can be made comfortable in cold climates, and to last for probably 10 years. The permanent construction is the same as is now being used in providing accommodations for troops.

It has been assumed that the existing military reservations will be used, and that no sites will be necessary other than those. For that reason no amount has been included for additional sites.

The distribution of the units contemplated by the proposed bill will not materially affect the cost of sheltering them; that is, it costs approximately the same to provide quarters in one part of the United States as in another, and about the same to provide quarters in our over-sea posts as in the United States. That being true, the same per capita has been used for all localities, so that in actually constructing accommodations the place where they are constructed will not materially matter; i. e., if it is desired to place the first increment, say, on the Pacific coast, the whole amount could be used for that purpose; or if it were decided to scatter the first increment into several of the proposed localities for these troops, that also would be immaterial as far as the actual cost of the construction would be affected.

[S. Rept. 263, pt. 2, 64th Cong., 1st sess.]

PREPAREDNESS FOR NATIONAL DEFENSE.

Mr. HITCHCOCK, from the Committee on Military Affairs, submitted the following views of a minority (to accompany S. 4840):

The undersigned member of the Committee on Military Affairs takes leave to report these views in partial dissent from the favorable report on Senate bill 4840, known as the Army reorganization bill.

I do not feel justified in joining my colleagues in recommending that the standing Army be increased 78 per cent, even though that increase be distributed over five years. In my opinion the increase is about twice as much as it should be. It would give us an army in times of peace amounting to 178,000 men when the various organizations are enlisted to 65 per cent of their full strength; and it would give us an army of 250,000 men when the organizations are enlisted to their full strength.

I question also whether the General Staff should be increased from 35 officers to 88 officers. Such an increase seems to me unnecessarily large. Indeed, I can not approve the increase in the number of commissioned officers which this bill provides for—from 5,000 officers, as at present, to 10,700 officers as provided in this bill. The increase seems to me excessive, notwithstanding the fact that many of these officers will be used in drilling and training student bodies in schools, members of the National Guard, and members of the reserve.

I am particularly opposed also to the provision in this bill which permits the unlimited reenlistment of soldiers with increased pay at each reenlistment. I think in times of peace a man should not be required nor permitted to serve more than two years in the Regular Army, but should be compelled to retire to civil life, there to remain upon the reserve for several years subject in case of war to his country's call. If permitted to reenlist repeatedly, he becomes a professional soldier or hireling and occupies a place which should be held by a young man who needs the training to make him a good soldier. Two years is enough to make a man a good soldier, and upon the expiration of that period each man should be required to retire to make place for another man to be trained and drilled and educated and then retired to civil life in the reserve army, where he will be available in case of need.

Another objection I have to the present and proposed plan of reenlistment at advanced pay is that it costs the country several million dollars in increased rates of pay. In my opinion, the Army should be made to as large an extent as possible a training school from which men shall be graduated into civil life, where they may be retained for several years as members of the reserve under the nominal pay of $2 a month provided in the bill. The shorter the period of enlistment, the larger will be the reserve and the more men we will have in this country trained and ready for service. The longer the period of army service, the smaller will be the reserve and the fewer men we will have to call upon in time of need. That is our trouble now.

With these specific reservations and exceptions and some others of less importance, I am glad to concur with my colleagues in reporting this bill, which I believe to be in its general scope an admirable measure for modernizing the Army, for providing a Reserve and a Volunteer Army, for federalizing the State militia, and for encouraging patriotic organizations in cooperation with the Regular Army.

GILBERT M. HITCHCOCK.

INCREASE IN NUMBER OF CADETS AT WEST POINT.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy, and I submit a report (No. 265) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. BRANDEGEE. Let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 from each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 60 from the United States at large. They shall be appointed by the President and shall, with the exception of the 60 appointed from the United States at large, be actual residents of the congressional or Territorial district or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed: *Provided*, That so much of the act of Congress approved March 4, 1915 (38 Stat. L., 1128), as provides for the admission of a successor to any cadet who shall have finished three years of his course at the academy be, and the same is hereby, repealed.

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men of the Regular Army between the ages of 19 and 22 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe, at the rate of one for each regiment of the mobile army and equivalent units of organizations of other arms, and the Corps of Cadets is hereby increased to the number necessary to provide for maintaining hereafter one representative of each organization as herein prescribed.

SEC. 3. That, under such regulations as the President shall prescribe, the increase in the number of cadets provided for by this act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SMITH of Georgia. Will the chairman of the committee explain to the Senate the changes the bill makes?

Mr. CHAMBERLAIN. It practically doubles the number of cadets in the academy and is substantially the same bill that is pending in the House of Representatives, with this addition: There is no recognition of the enlisted man in the bill as it is pending in the House, and our committee thought that there ought to be some encouragement given to the enlisted men of the Army, the young men who go in as boys practically, should they desire to be educated for the military service.

Mr. GALLINGER. May I ask the Senator——

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. Are the facilities at the academy sufficient to take proper care of twice the number of the cadets who are there now?

Mr. CHAMBERLAIN. There will be, by putting three young men in a room and messing them in two shifts instead of one. I will say that the bill provides for making these appointments by increments covering a period of four years, so that there will be only about 106 added each year. Therefore there will be plenty of time to make additional improvements if they become necessary.

Mr. GALLINGER. Then we would have to make an appropriation for that purpose, of course?

Mr. CHAMBERLAIN. That would have to be done.

Mr. GALLINGER. It seems to me that putting three young men in a room is a rather insanitary procedure.

Mr. CHAMBERLAIN. I will say that when I was at college I was glad to be one of three in a room, and we had an old-fashioned stove to heat the room, without any modern sanitary arrangements, and we got along pretty well.

Mr. GALLINGER. That was a long time ago.

Mr. CHAMBERLAIN. It was a good many years ago, I am sorry to say.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I yield.

Mr. JONES. As I heard the bill read, it provides that this increase shall be appointed directly by the President.

Mr. CHAMBERLAIN. That is the way cadets are appointed now. The President appoints on the recommendation of Senators and Representatives, with the exception of 60, whom he appoints directly from the United States at large, usually the sons of officers of the Army.

Mr. JONES. So the bill does not change the present status?

Mr. CHAMBERLAIN. It does not change the method of appointment. Practically the only change in the bill is that it recognizes enlistments; and if the present reorganization scheme goes through, it would provide for 64 young men out of the enlisted strength of the Army. There would be under the reorganization scheme 31 Infantry regiments, 15 Cavalry regiments, 6 Field Artillery regiments, 1 of Engineers, and 11 units of other organizations equivalent to a regiment, so that it would make 64 young men to be appointed from the enlisted strength of the Army.

Mr. SMITH of South Carolina. Mr. President, did I understand the Senator from Oregon to say that the appointment of these 60 young men from the Army was to give them an opportunity for an education after they have enlisted in the Army?

Mr. CHAMBERLAIN. After they have enlisted in the Army; and it gives them the chance to be educated for the purpose if they are found to be physically fit and mentally qualified to pass the examination.

Mr. SUTHERLAND. How are they to be selected?

Mr. CHAMBERLAIN. They are to be selected by the President after such examinations and under such rules as may be prescribed, and recommended, of course, by the officers of the regiment.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. CHAMBERLAIN. I yield.

Mr. CURTIS. I should like to know how promotions are made in the existing organization, whether there is to be a single list or whether promotions are to be made from each branch so as to give the officers the advantage of the service they have had, as it should be?

Mr. CHAMBERLAIN. I did not hear what the Senator from Kansas said.

Mr. CURTIS. I desire to know what provision is made in reference to promotions of the officers who are now in the service—whether or not they are to be appointed from a single list?

Mr. CHAMBERLAIN. That has nothing to do with this bill.

Mr. CURTIS. I beg pardon.

Mr. CHAMBERLAIN. This only has reference to the Military Academy.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. SIMMONS. I desire to ask the Senator from Oregon if there is any change in the age limit with respect to the enlisted men who may be appointed?

Mr. CHAMBERLAIN. There is no change in the ages.

Mr. SIMMONS. They must be of the same age as required of other cadets?

Mr. CHAMBERLAIN. Yes.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Rhode Island?

Mr. CHAMBERLAIN. I yield.

Mr. LIPPITT. I should like to ask the Senator if there is any provision made in this bill for the filling of quotas of the States that are not filled by the States? I have found that it has frequently happened in the past that the full membership at West Point and Annapolis was not obtained on account of the fact that there were certain apportionments to each State, and if the States did not fill their apportionments the result was that there were not the required number of students at those institutions. Is it not possible to make some arrangement in this bill so that in case of vacancies of that sort from States in which appointments were not made such appointments could be made by the President or by some other authority?

Mr. CHAMBERLAIN. It might be done, Mr. President; but the committee did not deem it wise to make any change in that respect, because it would interfere with the privileges of Senators and Representatives in Congress if it were sought to do that; but under the law as it is now if a vacancy exists at the Military Academy the Senator or Representative concerned can make a recommendation for appointment.

Mr. LIPPITT. But it has happened frequently in the past that there have been no applicants from certain States or from certain congressional districts, and that the Representative or the Senator has not been able to make any appointment, except from his own State. In a case where there is no applicant from a State there is no way of making an appointment and the vacancy occurs.

Mr. CHAMBERLAIN. That is true; but there has been no change made in this bill with respect to that.

Mr. LIPPITT. I wondered if it would be possible, or considered wise, that some such thing should be done to broaden this power of appointment so that there should not be vacancies. Why should not such power be given to the President in case a Senator or Representative does not choose to exercise his power of appointment?

Mr. CHAMBERLAIN. I question the propriety of making the change, Mr. President, particularly in view of this increase, because I am sure it would arouse great opposition on the part of the different States.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. Judging from the letters I am receiving, it seems to me that a very considerable proportion of our young men want to go to the Military Academy at the present time, and I think there will be no difficulty in getting cadets.

Mr. CHAMBERLAIN. I do not think there will be any difficulty on that score.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. CHAMBERLAIN. I yield.

Mr. JAMES. As I understood the bill as read at the desk, it provides that the appointees of the Representatives shall be residents of their congressional districts. Is that correct?

Mr. CHAMBERLAIN. Yes.

Mr. JAMES. It very frequently occurs that the Representative has no one in his district who desires the appointment or that there are none who are competent to stand the examination.

Why would it not be well in such a case to let the Representative appoint from any district in the State?

Mr. WARREN. I think that is the law now as to Senator's appointments, anyway. I will ask the chairman of the committee if it is not?

Mr. CHAMBERLAIN. I think the Senator from Wyoming is correct.

Mr. WARREN. I think the law now is that such appointments may be made from the State.

Mr. JAMES. I think the Senator from Wyoming is mistaken about that.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. CHAMBERLAIN. I yield.

Mr. SIMMONS. I should like to inquire of the Senator from Oregon whether, in his opinion, it would be wise to raise the age limit above 21 years of the enlisted men to be appointed by the President? I think that is the maximum age limit at present.

Mr. CHAMBERLAIN. I hardly think it would be advisable, Mr. President. As a matter of fact, there are thousands of young men in the country who want to adopt the military service as a profession, and there is no better way to give them an opportunity than through a short enlistment in the United States Army. It will then very soon develop whether or not they are capable of meeting the requirements, and it gives them an opportunity to be appointed. If we should raise the age limit they might not enlist until they were really too old to be properly educated.

Mr. SMITH of Maryland. May I ask the Senator from Oregon is not the age limit for enlistment in the Army 22 years?

The PRESIDING OFFICER. The Senator from Oregon has yielded to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, what is the present age limit?

Mr. SMOOT. It is 22 years.

Mr. SIMMONS. I made the suggestion which I did because it has occurred to me that, as a rule, young men do not enlist in the Army until they are somewhere near their majority, say from 18 to 21, and I think they should have a little broader latitude with reference to age than that which is provided under the present law in relation to the appointment of cadets. It would give an opportunity to more enlisted men; it would not confine the list from which appointments might be made to such narrow limits.

I hope the Senator from Oregon may see his way clear to raise that age limit to not less than 23 years of age. I am not disposed, of course, to make any controversy about it, or to offer any amendments if it does not meet the approval of the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, the committee discussed the whole situation at considerable length, and this bill represents the best judgment of the committee after full consideration of the matter.

Mr. SMOOT. Mr. President, I understood the Senator from Oregon to say that the present age limit was 21 years.

Mr. CHAMBERLAIN. It is 22 years.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. I repeat that I understood the Senator from Oregon to state that the age limit for appointment to West Point was 21 years. Is he not mistaken? Is it not 22?

Mr. CHAMBERLAIN. It is 22.

Mr. CURTIS. I quote this from the Naval Regulations:

14. All candidates are required to be citizens of the United States and must, at the time of their examination for admission, be between the ages of 16 and 20 years. A candidate is eligible for examination on the day he becomes 16 and is ineligible on the day he becomes 20 years of age.

This is to the Naval Academy.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. JAMES. A moment ago a Senator—perhaps it was the Senator from North Caroline [Mr. SIMMONS]—stated that it was not a requirement of the law that the appointee of a Representative should be a resident of his district.

Mr. SIMMONS. I said that it was a requirement of the law.

Mr. JAMES. Then I misunderstood the Senator. Several Senators have said that they thought a Representative could make such appointments from any part of the State; but that is not true. Under this bill the provision is:

That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 from each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 60 from the United States at large. They shall be appointed by the President and shall, with the exception of the 60 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia.

I think that ought to be amended so that if a Representative has no one in his own congressional district who desires the appointment, or who comes up to the standard of the physical or intellectual test, he may be permitted to appoint anyone from the State from which he comes as a Member of Congress. I hope the Senator will have the bill amended to that effect.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I yield.

Mr. McCUMBER. I want to ask the chairman of the committee if he does not think that a bill as to which no two Senators seem to agree, and concerning which 11 of them seem to be wanting to speak at the same time, is not of such importance that it ought really to go over, so that we may consider it under some other than the five-minute rule?

Mr. CHAMBERLAIN. I do not see very much disagreement among Senators about it. I think it is pretty generally conceded that it ought to pass.

Mr. McCUMBER. But it appears that hardly any one Senator agrees with any other.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield.

Mr. WORKS. Mr. President, I am surprised to hear that there is any State which has not had the number of applicants for appointment to West Point and the Naval Academy to which it is entitled. I am embarrassed because of the number of applications which I have from California, and I should be gratified if the suggestion made by the Senator from Kentucky could be followed out, because I should be very glad to give the Representatives from my State the opportunity to share with me in making the appointments which are applied for. I myself think the proposed amendment would be a very excellent one.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Rhode Island?

Mr. CHAMBERLAIN. I yield.

Mr. LIPPITT. Mr. President, the suggestion which has just been made by the Senator from Kentucky and concurred in by the Senator from California is exactly what I had in my mind. I know or I think I do, that the quota of cadets both at West Point and at Annapolis has never been full, due to the rule which compels cadets and midshipmen to come from certain districts and certain States. I know that from the State of Rhode Island, being on the Atlantic coast, there are a good many applicants, particularly for Annapolis, and several times applicants have come to me and said that the quota of some Representative or Senator was not full, and wanted to know if I could not arrange to have an appointment made by a Representative or Senator who was in that situation. I have been obliged in each case to tell them that it was impossible, because cadets or midshipmen could only be appointed from the district or from the State in which they lived. If we are to have military and naval academies we ought to keep them full. All of the facilities are there, and it seems to me a very unwise and unnecessary provision to hamper appointments so that when in one section of the country there are boys anxious to go and none in another, no arrangement can be made for their appointment. I think it is a very good time to consider that situation; and I hope the chairman of the committee will make some alteration in the regulations so that that difficulty may be overcome.

Mr. JAMES. Mr. President, I suggest to the Senator that I think that the desired object can be accomplished by providing that cadets and midshipmen shall be residents of the States from which they are appointed. If a Representative has no one in his district who desires the appointment and there is an applicant in an adjoining district in his State who desires the place, I think he ought to have the opportunity of appointing him. If the law is not amended, that can not be done. We have had experience in Kentucky right along this line. I recall the case of a young man who took the examination as alternate and who thought the principal had failed on account of underweight. The War Department telegraphed the alternate to come on, and he came here. Then the Secretary of War waived the deficiency in weight in the principal, the deficiency amounting only to a few

pounds, and the alternate was left high and dry. He thought he had the appointment, but he was compelled to go back to Kentucky without it. I took up the matter with the President. He was anxious to aid and there was a Representative from Kentucky who had an appointment and who desired to give it to this young man, but the situation was such under the law that the only way the appointment could be made was to get the President to appoint the young man.

Mr. CHAMBERLAIN. Mr. President, with reference to the suggestion of the Senator from Kentucky as to the Representative being required to appoint from his own congressional district, I do not think this bill contemplates that at all. A Representative could recommend the appointment of a cadet from some other congressional district than his own. I do not think he is limited to his own district.

Mr. JAMES. I beg the Senator's pardon. I think he is mistaken as to that.

Mr. LIPPITT. The law is very definite in that respect, Mr. President.

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. Just one moment before we pass from that. In reference to the suggestion of the Senator from Rhode Island, I wish to say there is a good deal of force in it. Quite often there is a vacancy in some State and a worthy young man from an adjoining State wants an appointment, but he can not get it in his State because its quota is filled. I think very properly he might be appointed from some other State, and I think that amendment could very easily be made by striking out, in lines 10 and 11, the words "congressional or," so that it would read:

They shall be appointed by the President and shall, with the exception of the 60 appointed from the United States at large, be actual residents of the Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively.

That would enable a Senator from one State to appoint a man in another State, but he would have to be a resident of the State from which he was appointed.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. Yes.

Mr. GALLINGER. I simply want to suggest to the Senator that I am positive that the blanks which are sent to Representatives in Congress to be filled require them to recommend for appointment a young man who actually resides in the congressional district from which he is appointed.

Mr. CHAMBERLAIN. I should think that would be a regulation rather than a law.

Mr. GALLINGER. That may be. I do not know precisely what the law is on that point, but I know that is the form in which the blanks are sent out.

Mr. CHAMBERLAIN. This is the law as it stands now:

The Corps of Cadets at the United States Military Academy shall hereafter consist of two from each congressional district.

That is all there is to it.

Mr. LIPPITT. Mr. President, I should like to ask the Senator if he does not think it would be a good idea to let this bill go over until to-morrow, so that he may look it over and suggest the proper language to effectuate the desired change? I do not think there is any opposition to the bill, but I do think this detail is of value and might just as well be properly provided for.

Mr. CHAMBERLAIN. I am quite familiar with the bill, I will say to the Senator, and I think the striking out of the words I have suggested will accomplish what the Senator wants to accomplish.

Mr. LIPPITT. If that is the case, very well.

Mr. CHAMBERLAIN. I move, Mr. President, that the words "congressional district or," in lines 10 and 11, be stricken from the bill.

Mr. LIPPITT. Should not the words "actual residents" be also stricken out?

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Oregon.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I do.

Mr. JONES. Would the amendment permit a Member of Congress to appoint a cadet from any State of the Union?

Mr. CHAMBERLAIN. I think it would; yes.

Mr. JONES. I do not think that ought to be done.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. SUTHERLAND. I suggest to the Senator from Oregon that his amendment would not accomplish entirely what he desires. The language of the bill is—

That the Corps of Cadets at the United States Military Academy shall hereafter consist of two from each congressional district—

And so forth.

That language would still require the cadets to be appointed from the respective congressional districts, even if the Senator's amendment were adopted. I suggest that his amendment should be broadened somewhat and that the bill should be reframed by striking out, after the words "consist of," in line 4, the words "two from each congressional district" and inserting, after the words "at large," in line 7, the words "and two additional for each congressional district within the State," so that the bill would then read:

That the Corps of Cadets at the United State Military Academy shall hereafter consist of 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large and 2 additional for each congressional district within the State, and 60 from the United States at large.

Then, with the Senator's amendment added, I think he will accomplish what it seems to be the desire to accomplish.

Mr. SMITH of Georgia. Mr. President, I inquire if the House has passed a bill on this same subject and sent it to the Senate?

Mr. CHAMBERLAIN. I understand that there is a bill pending there similar to this, but it does not recognize the enlisted force.

Mr. SMITH of Georgia. It has not yet reached the Senate?

Mr. CHAMBERLAIN. No, sir.

Mr. SMITH of Georgia. I understood the Senator to say it had reached the Senate.

Mr. CHAMBERLAIN. If I said that, it was an inadvertence. I did not mean that.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Oregon.

Mr. HUGHES. Mr. President, I wish to call the attention of the chairman of the Committee on Military Affairs to a difference that exists in the manner of appointing cadets to the Military Academy and midshipmen to the Naval Academy. In listening to the debate it occurred to me that there was quite a considerable difference in the law governing appointments to the Military and Naval Academies. I have the language of the law before me. It is short, and I think it could be read with profit by everybody who is interested in this matter. It reads as follows:

SEC. 1513. There shall be allowed at said academy 1 cadet midshipman for every Member or Delegate of the House of Representatives, 1 for the District of Columbia, and 10 appointed annually at large.

That is all the language of the law, so far as the appointment of midshipmen is concerned; and I know it has been the practice for Senators to appoint midshipmen from any part of the country, from any congressional district. There are a great many States where it is impossible to get an applicant for an appointment as midshipman. I understand that a Senator from a New England State would hardly be able to realize that, but there are a great many interior States where there is absolutely no demand for places as midshipmen, and no application is received for the appointment. There may be a great many more applicants for cadetships than there are places, but that is the situation so far as the midshipmen are concerned, and I think we can safely follow the model of the midshipmen's act. The statute is satisfactory to everybody concerned, and under its terms you can do what I believe ought to be done. If a Senator from one State finds that he is not able for one reason or another to furnish a satisfactory boy to the academy, there is no reason on earth why he should not go into another State.

Mr. THOMAS. But can that be done?

Mr. HUGHES. It can be done under the terms of the law.

Mr. THOMAS. I understood that it could not be done.

Mr. LIPPITT. Mr. President, do I understand from the Senator from New Jersey that he understands that the law now enables a Senator or a Representative to go outside of his own State or district?

Mr. HUGHES. Undoubtedly. There is not any question about that.

Mr. LIPPITT. That has not been the custom, and I have been told over and over again that it could not be done.

Mr. HUGHES. That is not only the law but it is the practice. I know myself of instances where it has been done. I will read the act, so that the Senator can see that there is not any reason why it should not be done, as far as that is concerned.

Mr. LIPPITT. I listened to what the Senator said, and the language of the act as he read it seems to me to carry out his view; but that has not been the practice, and I have been told over and over again that it could not be done.

Mr. HUGHES. I know, as a matter of practice, that it has been done. I know in one case where it was done not long ago. There are a great many instances where Senators have no applicants for admission to the Naval Academy.

Mr. LIPPITT. Is it not a fact that the form that is supplied to Senators by the department specifies that the appointees shall be residents of the State or district?

Mr. HUGHES. I will say to the Senator that I am not as familiar with that matter as my secretary is. He is the chief of that department with me.

Mr. LIPPITT. I am quite sure that it does.

Mr. HUGHES. But he has advised me on one or two occasions that there is a distinct and a vast difference between the law governing the appointment of midshipmen and that governing the appointment of cadets, and that is the reason why I read that quotation, so as to have it before the Senate.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. HUGHES. I do.

Mr. CURTIS. I should like to read the regulation on that subject:

13. Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated.

Mr. CLARK of Wyoming. Is that the regulation, or the law?

Mr. CURTIS. It is the regulation.

Mr. THOMAS. My information is that one of my predecessors made a recommendation of an applicant living outside of his State, and he was required to certify that the candidate he named was a resident of the State; and being unable to do so, the recommendation was rejected. My information generally is that such is the uniform practice, either under the statute or under the regulations of the department, or both, with regard to appointments to the Naval Academy.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, after consideration I believe I will withdraw that amendment, if the Senate does not object. I think possibly it might make an inconsistency with the balance of the bill.

Mr. LIPPITT. Mr. President, does not the Senator think that it would be well to let this bill go over until to-morrow, so that we could draw up an amendment that would cover this matter?

Mr. CHAMBERLAIN. My experience in this body has been that if the bill goes over until to-morrow we will have the same trouble about getting it into shape and putting it through that we will have now.

Mr. LIPPITT. Mr. President, I think that if the bill meets the views of Senators it will go through. Certainly here are a number of Senators who have agreed that this particular custom or law ought to be changed in this respect, and this is the time to do it.

Mr. CHAMBERLAIN. Then I suggest to the Senator that he propose an amendment and let the Senate vote on it.

Mr. LIPPITT. I will ask that the bill go over until to-morrow, Mr. President, and I will prepare an amendment.

Mr. CHAMBERLAIN. I hope the Senator will not ask that the bill go over until to-morrow. The matter has been the subject of discussion time and again, and it seems to me its consideration could be completed now. If the Senator wants to submit his suggestions in conference, they can be taken up then.

Mr. BRANDEGEE. Mr. President, I desire to make a parliamentary inquiry. Has not the Senate already given its unanimous consent for the present consideration of the bill?

The PRESIDING OFFICER. The Chair thinks not.

Mr. BRANDEGEE. I understood so.

The PRESIDING OFFICER. The Secretary informs the Chair that the Chair so announced, and therefore it has so consented.

Mr. BRANDEGEE. Then the bill is before the Senate now?

The PRESIDING OFFICER. Yes.

Mr. JONES. Mr. President, is it not true that under the rule, where a bill is taken up by unanimous consent, if objection is made at any time before the consideration is completed it goes over?

The PRESIDING OFFICER. The Chair asked repeatedly if there was any objection to the present consideration of the bill, and the Secretary informs the Chair that the Chair announced that the bill was before the Senate for present consideration.

Mr. JONES. Yes; but——

Mr. SMITH of Georgia. An objection at any time would carry it over, would it not?

The PRESIDING OFFICER. Does the Chair hear objection?

Mr. JONES. What is the request?

The PRESIDING OFFICER. Does the Chair hear objection to the present consideration of the bill?

Mr. JONES. I ask that the bill go over.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Does the Chair rule that a bill that is taken up for consideration by unanimous consent loses its place on a single objection?

The PRESIDING OFFICER. The rule declares that the objection may be interposed at any time during the morning hour.

Mr. CHAMBERLAIN. Then, Mr. President, I move that the Senate take up the bill for consideration.

The PRESIDING OFFICER. Notwithstanding the objection?

Mr. CHAMBERLAIN. Yes, sir.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

Mr. SMITH of Georgia. I do not think that motion can be made until 2 o'clock or until the close of the morning business.

The PRESIDING OFFICER. Does the Senator raise that point of order?

Mr. SMITH of Georgia. Yes.

The PRESIDING OFFICER. The point of order is sustained.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 5097) for the relief of the heirs of Dr. James Gower, deceased; and

A bill (S. 5098) for the relief of A. H. Rebentish; to the Committee on Claims.

By Mr. HARDING:

A bill (S. 5099) granting an increase of pension to Charles F. De Long (with accompanying papers);

A bill (S. 5100) granting an increase of pension to Nettie Mower (with accompanying papers);

A bill (S. 5101) granting an increase of pension to Franklin T. Alderman (with accompanying papers); and

A bill (S. 5102) granting an increase of pension to William Harrington (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5103) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 5104) granting a pension to Mary O'Hara Carnes (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5105) to amend section 5197 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. BECKHAM:

A bill (S. 5106) granting an increase of pension to Fannie Wyckliffe Throckmorton; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5107) granting an increase of pension to Alexander Lemora; and

A bill (S. 5108) granting a pension to India Reisner; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5109) for the relief of Edward Shannon; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 5110) granting an increase of pension to Alonzo P. Hart; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5111) to reinstate Wilmot A. Danielson as an additional officer in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

A bill (S. 5112) granting an increase of pension to John A. Vanderhoff; and

A bill (S. 5113) granting an increase of pension to Orin Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5114) granting an increase of pension to Alfred A. Bonney; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5115) appropriately designating, fixing the status of, and granting an increase of pay to certain clerks employed with the Army at headquarters of departments, divisions, brigades, districts, Army-service schools, service boards, and posts commanded by general officers, and heretofore known as headquarters clerks; to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 5116) granting an increase of pension to Ludim Rose; and

A bill (S. 5117) granting an increase of pension to Perry M. Mick; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5118) granting an increase of pension to John Hornback (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5119) authorizing the Secretary of the Interior to cancel the allotment of Irene Lydia Simmons, and for other purposes; to the Committee on Indian Affairs.

NATIONAL DEFENSE.

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 4840) making further and more effectual provision for the national defense, and for other purposes, which was ordered to lie on the table and be printed.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (S. 4840) making further and more effectual provision for the national defense, and for other purposes, which was ordered to lie on the table and be printed.

DUTY ON SUGAR.

Mr. HARDWICK. I submit an amendment in the nature of a substitute intended to be proposed by me to the bill (H. R. 11471) to provide for the retention of the duty on sugar, which I ask may be printed and referred to the Committee on Finance.

The PRESIDING OFFICER. The amendment will be printed and referred to the Committee on Finance.

ANNA R. NIXON.

Mr. MARTIN of Virginia submitted the following resolution (S. Res. 135) which was read, and, with the accompanying paper, referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to Anna R. Nixon, widow of Richard B. Nixon, late financial clerk of the Senate, a sum equal to one year's salary at the rate he was receiving by law at the time of his demise, said sum to be considered as in lieu of funeral expenses and all other allowances.

MANUFACTURE OF ARMOR.

Mr. SWANSON. I desire to give notice that on next Tuesday, March 21, after the conclusion of the remarks of the Senator from Pennsylvania [Mr. OLIVER], I shall address the Senate on Senate bill 1417, known as the armor-plant bill.

DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. SMITH of South Carolina. On behalf of the Committee on Patents, I report back favorably without amendment, Senate bill 4889 to permanently renew patent numbered 21053, and I ask for its immediate consideration. The bill will not provoke any discussion at all, and it is a very urgent matter for the ladies who desire its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read.

Mr. SMITH of South Carolina. I ask that the bill be read, Mr. President.

Mr. GALLINGER. Is the bill reported from a committee?

Mr. SMITH of South Carolina. Yes; it is unanimously reported from the Committee on Patents.

The PRESIDING OFFICER. The Secretary will read the bill as requested.

The Secretary read the bill, as follows:

Be it enacted, etc., That a certain design patent issued by the United States Patent Office, of date September 22, 1891, being patent No. 21053, is hereby permanently renewed and extended, with all the rights and privileges pertaining to the same, as of the original patent, being generally known as the badge of the Daughters of the American Revolution, title thereto being hereby vested in the board of management of the National Society of the Daughters of the American Revolution and their successors in office.

Mr. SMOOT. Mr. President, I do not rise to object to the consideration of the bill, but I do wish to say that there has been but one patent extended, so far as I am aware, since the passage of the patent law. If this were for any other purpose than an organization such as is named in the bill, I certainly should object to the extension of a patent.

Mr. President, I remember well that Senator Platt, of Connecticut, was for years chairman of the Committee on Patents, and when I was appointed chairman of that committee he came to me and said: "Senator SMOOT, there is one thing that I regret in my official action as chairman of the Committee on Patents, and that is that there was an extension of one patent while I was chairman of that committee. By all means, as long as you are the chairman of that committee, never allow a patent to be extended."

As I said, however, this is for an entirely different object. It is not to be used in trade; it is not to be used by any person in commerce; and therefore I think the bill ought to pass as reported.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. BRANDEGEE. Mr. President, does this bill come from the Committee on Patents?

Mr. SMITH of South Carolina. It comes from the Committee on Patents.

Mr. JAMES. Mr. President, I will state that the committee was polled by the Senator from South Carolina [Mr. SMITH]. I will ask that Senator whether he polled the Senator from Connecticut, who is a member of the committee. I did not poll the committee myself.

Mr. BRANDEGEE. I simply inquired because I am a member of the committee, and I have no recollection of the bill having been ordered to be reported.

Mr. JAMES. I will state to the Senator that the bill never was considered by the committee.

Mr. SMITH of South Carolina. I think it was my fault. I have marked on the card that the bill was submitted to Senators JAMES, SMITH of South Carolina, GORE, KENYON, and COLT.

Mr. JAMES. The Senator has left out the most important member of the committee.

Mr. SMITH of South Carolina. Yes; I did.

Mr. BRANDEGEE. I do not feel at all sensitive about it. I was simply curious to know the situation.

Mr. SMITH of South Carolina. I shall have to correct my statement, then, because I thought the Senator from Rhode Island [Mr. COLT] was the last member of the committee.

Mr. BRANDEGEE. I know nothing of the merits of the bill, and hence I would not like to object.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill was passed.

INCREASE OF NUMBER OF CADETS AT WEST POINT.

Mr. JAMES. Mr. President, I understand Senate bill 4876, in regard to the cadets, was laid aside. Before we leave that subject, however, I will state that I have just had a talk with the Secretary of War, who consulted with the Judge Advocate General, and telephoned me that a Congressman in one district could not appoint to the Military Academy a cadet who was a resident of another district, because the cadet himself had to sign a certificate that he was an actual resident of the district of the Congressman from whom he received the appointment.

Mr. CHAMBERLAIN. I do not think there is any question about what the rule has been, but I say that is not the law.

Mr. JAMES. He read the law to me. If the Senator will permit me a moment, here is what the law says:

That the Corps of Cadets shall consist of 1 from each congressional district, 1 from each Territory, 1 from the District of Columbia, 2 from each State at large, and 30 from the United States at large. They shall be appointed by the President and shall, with the exception of the 30 cadets appointed from the United States at large, be actual residents of the congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

Now, "the States, respectively," refers to the appointment by Senators; but where a Congressman appoints, the appointee must be an actual bona fide resident of his own congressional district.

Mr. CHAMBERLAIN. The point I make is that the cadet must be a resident of the congressional district from which he is appointed, and he must say so; but the statute does not say that a Congressman can not appoint a cadet from any other congressional district than his own.

Mr. JAMES. I know; but, if the Senator will permit me, I have had experience with this for 10 years, and the form

that they send out requires the Congressman to state that the young man is an actual resident of the congressional district from which he is appointed, and then the Congressman signs it as a Member of Congress from such and such a district and such and such a State.

Mr. CHAMBERLAIN. I say to the Senator that that confirms what I say; that the department has adopted a rule that it had not any authority to adopt.

Mr. JAMES. Whether it is a rule or whether it is the law, which I believe it to be without doubt, it is there, and you can not get away from it. If the law is not satisfactory, it can be amended.

Mr. SMITH of Georgia. If we should change the word "from" to "for," so that it would read "for each congressional district" instead of "from each congressional district," it would cover the matter.

Mr. CLARK of Wyoming. Mr. President, a point of order.

The PRESIDING OFFICER. This discussion is all out of order.

Mr. BRANDEGEE. Mr. President, I rise to a point of order. If the Chair will indulge me just a minute, I shall have to read the rule in order to make the point of order.

I do not think this bill could be properly laid over upon a single objection. The Senate had given unanimous consent for the consideration of this bill, and it was before the Senate. Rule VIII, which provides that the objection may be entered at any stage of the proceedings, applies only when the Senate is upon the calendar for the consideration of unobjected bills under that rule.

Mr. STONE. Mr. President, I should like to ask my friend from Connecticut a question.

Mr. BRANDEGEE. Certainly.

Mr. STONE. Whether the rule is as the Senator states or otherwise, the Chair has made a ruling and other business has intervened. Is it not too late now to raise that question, so as to bring that bill before the Senate, when it has already gone over?

Mr. BRANDEGEE. I agree that it is an accomplished fact, and I have no particular interest in this bill. My point is not to bring it before the Senate again at this time, but simply to call attention to the fact that I do not think the ruling of the Chair, upon further consideration by the Chair, would be sustained; and I did not want it regarded as a precedent that after the Senate has given unanimous consent for the present consideration of a measure and the Senate is in the midst of it a single Member can then rise and undo the unanimous consent that has been given.

The PRESIDING OFFICER. The Chair based his ruling upon the language of the rule, which states that at any stage of the proceedings in the consideration of the bill the objection may be interposed.

Mr. BRANDEGEE. But the Chair's attention was distracted when I made the point. Rule VIII provides:

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, upon any question; and the objection may be interposed at any stage of the proceedings.

This was not a case of proceeding with the calendar under Rule VIII. The Senator from Oregon [Mr. CHAMBERLAIN] reported a bill from the committee and asked unanimous consent for its present consideration, which was given by the Senate. After he had obtained unanimous consent and the Senate had debated the matter for half or three-quarters of an hour a Senator rose and said that he objected to its further consideration. The Chair ruled that that took the matter right away from the Senate. The Chair had in mind, I think, the language of Rule VIII, which did not apply to the case.

The PRESIDING OFFICER. The Senator does not call for a ruling now?

Mr. BRANDEGEE. I do not ask for a ruling. I simply wanted to get those remarks in the RECORD.

SOVEREIGNTY OF MEXICO.

Mr. LA FOLLETTE. Mr. President, I submit a concurrent resolution and ask unanimous consent for its present consideration.

I believe when the resolution is read the Senate will not only be willing to proceed to its present consideration but will agree unanimously that it should be passed without debate. If it provokes debate, I will withdraw it or let it go over.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 17), as follows:

> Whereas it is understood that the President has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico for the pursuit and punishment of the band of outlaws who committed outrages on American soil at Columbus, N. Mex.; and
>
> Whereas the President has obtained the consent of the de facto government of Mexico for this punitive expedition; and
>
> Whereas the President has given assurance to the de facto government that the use of this armed force shall be for the sole purpose of apprehending and punishing said lawless band, and that the military operations now in contemplation will be scrupulously confined to the object already announced, and that in no circumstance will they be suffered to trench in any degree upon the sovereignty of Mexico or develop into intervention of any kind: Therefore be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That the use of the armed forces of the United States for the sole purpose of apprehending and punishing the lawless band of armed men who entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico, is hereby approved; and that the Congress also extends its assurance to the de facto government of Mexico and to the Mexican people that the pursuit of said lawless band of armed men across the international boundary line into Mexico is for the single purpose of arresting and punishing the fugitive band of outlaws; that the Congress in approving the use of the armed forces of the United States for the purposes announced joins with the President in declaring that such military expedition shall not be permitted to encroach in any degree upon the sovereignty of Mexico or to interfere in any manner with the domestic affairs of the Mexican people.

Mr. STONE. Mr. President, I wish merely to say that I hope the resolution will be agreed to without debate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on the adoption of the concurrent resolution.

The concurrent resolution was unanimously agreed to.

CLARA M. CURRAN.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 136), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Clara M. Curran, widow of John W. Curran, late a laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

INCREASE IN NUMBER OF CADETS AT WEST POINT.

Mr. CHAMBERLAIN. I now ask unanimous consent to take up the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. JONES. I understand the Senator from Oregon has asked unanimous consent to take up the bill. I wish to say that I am in favor of the increase provided for in the bill, but there seems to be so much divergence of opinion as to what the law is now and the method of appointment and what should be done that I think the bill should go over until to-morrow. So I object.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. CHAMBERLAIN. I have the floor, I think.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. ASHURST. Very well; I withdraw my motion for the present.

Mr. CHAMBERLAIN. I move that Senate bill 4876 be taken up for consideration.

Mr. JONES. I make the point of order that that can not be done, as it is the report of a committee made to-day, and under the rule it must lie over until to-morrow if there is objection.

Mr. CHAMBERLAIN. It is reported to-day.

Mr. MARTINE of New Jersey. Will the Senator from Oregon yield to me for one second?

Mr. CHAMBERLAIN. I presume if the Senator from Washington insists on his objection it is well taken, as the report was filed this morning.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ST. PATRICK'S DAY.

Mr. MARTINE of New Jersey. Mr. President, the thought occurs to me, as it must to all of us, that to-day is the 17th day of March—St. Patrick's Day. Naturally, as liberty-loving Americans, our hearts turn to Ireland and the struggle of her sons for home rule. A warm-hearted and impulsive race, its bones have bleached on every field of battle for liberty's cause, and they are to be commended.

As an evidence of how our immortal George Washington's heart beat for Ireland's cause and her people, I ask leave to send to the Secretary's desk and to have read three short letters written by George Washington to the Irish people.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

GEORGE WASHINGTON ON THE CONDITION OF IRELAND.

MOUNT VERNON, *July 20, 1788.*

To Sir EDWARD NEWENHAM.

DEAR SIR: * * * If Ireland were 500 miles farther distant from Britain, the case with respect to the former would be speedily and materially changed for the better.

I have the honor to be, etc., GEORGE WASHINGTON.

—

GEORGE WASHINGTON'S LETTER TO IRISHMEN.

MOUNT VERNON, *January 20, 1784.*

To the YANKEE CLUB,
Stewartstown, County Tyrone, Ireland.

GENTLEMEN: It is with unfeigned satisfaction that I accept your congratulation on the late happy and glorious revolution. * * *

If in the course of our successful contest any good consequences have resulted to the oppressed Kingdom of Ireland, it will afford a new source of felicitation to all who respect the interests of humanity. * * *

I have the honor to be, with due consideration,

GEORGE WASHINGTON.

—

CHAMPIONS OF LIBERTY!

Patriots of Ireland!—Champions of liberty in all lands—be strong in hope! Your cause is identical with mine. You are calumniated in your day; I was misrepresented by the loyalists of my day. I triumphed. Had I failed, the scaffold would be my doom. But now my enemies pay me honor. Had I failed, I would have deserved the same honor. I stood true to my cause even when victory had fled. In that I merited success. You must act likewise.

WASHINGTON.

MANUFACTURE OF ARMOR.

Mr. LIPPITT. Mr. President, I should like to give notice that, with the permission of the Senate, on Monday, at the close of the morning business, I shall address the Senate in regard to the armor-plant bill.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

The PRESIDING OFFICER. The calendar is in order.

Mr. MYERS. I move that the Senate proceed to the consideration of Order of Business 134.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none. The Secretary will read the title of the bill.

The SECRETARY. Order of Business 134, Senate joint resolution 98, to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Mr. McCUMBER. Mr. President, I gave notice that immediately after the close of the morning business to-day I would submit some remarks on certain phases of the preparedness proposition.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BRANDEGEE. What matter is now before the Senate?

The PRESIDING OFFICER. Senate joint resolution 98.

Mr. BRANDEGEE. I understood the Senator from Montana to make a motion to proceed to the consideration of some bill.

The PRESIDING OFFICER. Order of Business 134.

Mr. MYERS. Mr. President, I rise to make an inquiry. There was no objection made to taking up Order of Business No. 134. I will ask the Senator from North Dakota whether, if there be no objection to it, he will not yield the floor long enough to put it to a vote and have it carried. Then he can go ahead with his remarks.

Mr. McCUMBER. I assumed that the matter was before the Senate.

The PRESIDING OFFICER. The Chair did not hear any objection.

Mr. BRANDEGEE. This is not the water-power bill?

Mr. MYERS. I ask the Senator to yield long enough for a vote to be taken on it without debate.

Mr. McCUMBER. If this is the water-power bill——

Mr. MYERS. Oh, no; it is a joint resolution to print the report of the Industrial Commission.

Mr. McCUMBER. Certainly, I will yield for that purpose if there is to be no debate.

Mr. SMITH of Georgia. Is it to print the report which will cost $10,000, or does the Senator wish to have the testimony also included which will cost $90,000?

Mr. SMOOT. I will say to the Senator that as the Committee on Printing submitted the report the printing will cost ninety-odd thousand dollars.

Mr. MYERS. It is to print whatever the Committee on Printing recommend.

Mr. SMOOT. It provides for the printing of 100,000 copies of the so-called Industrial Commission report, and it also provides for the printing of 10,000 copies of the full testimony, and that will cost something like $90,000.

Mr. MYERS. An objection, if made, is too late. The joint resolution has already been taken up by the Senate for consideration, and it is before the Senate.

The PRESIDING OFFICER. The Chair asked if there was any objection, and there was none.

Mr. SMITH of Georgia. Undoubtedly it was not taken up by a vote but by unanimous consent.

The PRESIDING OFFICER. By unanimous consent.

Mr. SMITH of Georgia. Unquestionably, under the rule it can be taken up in that way, subject to objection.

Mr. MYERS. I made a motion and there was no objection; therefore it was carried by unanimous consent.

The PRESIDING OFFICER. The Chair understood the Senator from Montana to ask for unanimous consent.

Mr. MYERS. No, sir; I made a motion, and there was no objection to my motion, and that means that everybody was for it, and it was unanimously carried.

The PRESIDING OFFICER. The Chair did not understand that a motion was made, but thought unanimous consent was asked,

Mr. MYERS. Surely the Reporter heard me make a motion. I claim that the joint resolution is now before the Senate, and it is too late to object. The question is on its adoption.

The PRESIDING OFFICER. No motion was put to the Senate.

Mr. MYERS. There was no objection made, and I understood the Chair to say it was unanimously agreed to, or words to that effect. I claim that it is now before the Senate.

Mr. BRANDEGEE. What happened was this: The Senator made a motion to proceed to this matter, and the Chair said, "Is there objection?" and then, "Without objection, it is so ordered."

Mr. MYERS. It was so ordered by the Senate, and it is now before the Senate, and I ask for a vote on it. The Senator from North Dakota [Mr. McCUMBER] kindly yielded for a few minutes. I appreciate his courtesy. I think we ought to vote on the joint resolution right away and not detain him any longer from delivering his speech.

Mr. SIMMONS. Mr. President, I think this is a matter of some importance, and I suggest that the notes of the Reporter be read, so that we will know exactly what is the status of the question.

Mr. MYERS. Mr. President, I ask that the same thing be done.

Mr. SIMMONS. If it was a motion that was made to proceed to the consideration and it was carried, that would settle it.

Mr. MYERS. It is evidently before the Senate. I ask that the notes be read.

The PRESIDING OFFICER. The Reporter will read as requested.

The Reporter read as follows:

Mr. MYERS. I move that the Senate proceed to the consideration of Order of Business No. 134.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none. The Secretary will read the title of the bill.

Mr. MYERS. The joint resolution is evidently before the Senate.

Mr. THOMAS. Mr. President, I shall not object to the consideration of the measure or to its passage. I think, however, that the money might well be devoted to some more useful purpose. In saying that I reflect neither upon the report nor upon its importance nor upon the demand for its publication, but I recall that in 1901, I believe it was, a similar industrial commission was appointed for a similar purpose. It took a vast amount of testimony which was printed in 20 or 30 volumes at very considerable cost. I do not think one man out of a hundred now recalls that there ever was such a commission, while the report either fills the shelves of the libraries throughout the country or it has been discarded in the scrap heap. I think that will be the result of the publication of this document.

Mr. MYERS. I have hundreds of applications for copies of this report.

Mr. THOMAS. So have I. I am not going to oppose it. I merely make the statement.

Mr. MYERS. Question!

Mr. SMITH of Georgia. I ask for the reading of the report of the committee so that we may see just what it is.

The PRESIDING OFFICER. The Secretary will read the report of the committee.

Mr. McCUMBER. I should like to ask the Senator from Montana if the report is a lengthy one?

Mr. SMITH of Georgia. I will yield to the Senator from North Dakota if he desires to address the Senate.

Mr. McCUMBER. I wish to say both to the Senator from Georgia and the Senator from Montana, that if there is a purpose to delay the vote upon the particular joint resolution the Senator desires to have a vote on there would be nothing gained by my waiting until that measure is disposed of. The regular business comes up at 2 o'clock.

Mr. MYERS. Oh, no; but the question has been called for and no one appears to want to speak. Will the Senator let us have a vote now?

Mr. SMITH of Georgia. I desire to make some remarks on the joint resolution after the report has been read. I do not object to printing the report at a cost of about $10,000. I object to printing the evidence at a cost of about $90,000.

Mr. MYERS. The report of the committee in very short. I ask the Senator from North Dakota to let the report be read, and if there is going to be a long debate I will not insist upon the consideration of the joint resolution further to-day.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary proceeded to read report No. 143, submitted by Mr. FLETCHER, from the Committee on Printing, February 14, 1916, and was interrupted by

Mr. MYERS. I make a point of order that this joint resolution is before the Senate now by unanimous consent, and it can not be debated more than five minutes by any one Senator. I refer to Rule VIII.

Mr. GALLINGER. Mr. President, let the reading of the report be proceeded with.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the report.

The Secretary resumed the reading of the report and was interrupted by

Mr. SMITH of Georgia. Mr. President, the Senator from North Dakota [Mr. McCUMBER] desires to address the Senate, and I think I shall ask that the further reading of the report be suspended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. GALLINGER. Mr. President, I inquire what is the request?

Mr. MYERS. I ask if the joint resolution may not come to a vote now without further debate?

Mr. SMITH of Georgia. No.

Mr. MYERS. Then I make the point that it can only be debated five minutes by each Senator.

The PRESIDING OFFICER. The point is not well taken.

Mr. MYERS. I wish to submit my authority, Mr. President.

Mr. PRESIDING OFFICER. We are not now proceeding under Rule VIII.

Mr. GALLINGER. The last clause of Rule VIII settles the question.

Mr. MYERS. I desire to give my authority, which is Rule VIII.

The PRESIDING OFFICER. The Chair will call the attention of the Senator to the last three lines of the first paragraph of Rule VIII, which read:

> But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provision touching debate shall not apply.

Mr. MYERS. Yes, Mr. President, but the RECORD shows that a motion was made to bring this matter up, and it was agreed to by unanimous consent without any objection whatever.

The PRESIDING OFFICER. The fact is we have not reached the calendar under Rule VIII. The Chair had not announced that the calendar under Rule VIII was in order. The Senator from Wisconsin [Mr. LA FOLLETTE] arose when the Chair announced that concurrent and other resolutions were in order and presented a concurrent resolution. The Chair then recognized the Senator from Montana. The Senate had not reached the consideration of the calendar under Rule VIII, but was really operating under Rule VII, which relates to morning business.

Mr. MYERS. Then I made a motion to take up the joint resolution; the Chair asked if there was objection; and the Chair announced that there was no objection made. Therefore the joint resolution is put in the category of being taken up by unanimous consent——

Mr. SMITH of Georgia. Oh, no.

The PRESIDING OFFICER. The point of order is not well taken.

Mr. MYERS. And no Senator can speak more than five minutes upon it.

Mr. SMITH of Georgia. Not at all. The Chair having heard no objection, regarded the motion to consider the resolution as having been agreed to; that is all. The motion having been agreed to, the subject is open to unlimited debate.

Mr. GALLINGER. It did not abrogate the rule at all.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the report. All of this discussion is out of order.

The Secretary resumed the reading of the report and was interrupted by

Mr. MYERS. Mr. President, do I understand that my point of order was overruled?

The PRESIDING OFFICER. The point of order was made when the Secretary was reading the report. The Chair overruled the point of order. It was not made at the proper time, because the report was being read.

Mr. MYERS. Because it was made at that time?

The PRESIDING OFFICER. Yes.

Mr. MYERS. Not on the merits of my point?

The PRESIDING OFFICER. That was one reason. The Secretary will resume the reading of the report.

The Secretary resumed and concluded the reading of the report, which in full is as follows:

The Committee on Printing, to which was referred various resolutions and petitions for the printing of the report and testimony submitted to Congress by the Commission on Industrial Relations, in compliance with the act approved August 23, 1912, having had the same under consideration, reports back a joint resolution (S. J. Res. 98) providing for the printing of said report and testimony, and recommends that said resolution do pass.

The resolution provides for the printing of 100,000 copies of the "Final Report of the Commission on Industrial Relations" in one volume, as agreed to by the House of Representatives in the adoption of the House concurrent resolution No. 9. In addition thereto, the resolution provides for the printing of 10,000 copies of the complete testimony taken by the commission at its various hearings, together with all the exhibits submitted with such testimony except the exhibits which are in printed form. It is intended that the printed exhibits shall be referred to in the testimony by title, author, and publisher, so that they may be properly identified and thus made available to any person who desires to obtain such printed exhibits from libraries or publishers that have copies of the same on hand.

The Public Printer has estimated that the cost of the printing proposed by the resolution will be as follows:

100,000 copies final report	$9,729.88
10,000 copies complete testimony (7 volumes of 1,008 pages each)	54,978.84
10,000 copies of exhibits, except those heretofore printed (3 volumes of 1,008 pages each)	27,979.53
Total cost	92,688.25

The Public Printer also estimated that the cost of printing all the exhibits, including the exhibits heretofore printed, would be $74,612.08 for 10,000 sets, consisting of 8 volumes of 1,008 pages each. Excluding the exhibits heretofore printed, leaves only three volumes of exhibits to be printed, at a cost, as stated above, of $27,979.53, or a saving of $46,632.55 by excluding exhibits that already are in printed form and thus available to the public.

The estimated cost of printing the 27 reports of special investigators submitted by the commission is $28,449.18 for 10,000 sets of 3 volumes of 1,008 pages each. If the investigators' reports and the printed exhibits were included in the resolution to print, the total estimated cost would be $167,769.98, or $75,081.73 in excess of the expenditure proposed by the resolution for the printing of the report of the commission. The committee does not consider this additional expenditure advisable in view of the recommendations submitted by members of the Commission on Industrial Relations and others interested in its report that the exhibits heretofore printed and the reports of the special investigators need not be ordered printed by Congress.

The condition of the allotment for printing and binding for Congress for present fiscal year as reported by the Public Printer is, unencumbered balance available for Congress, February 12, 1916, $693,678.26.

The report of the Commission on Industrial Relations was laid before the House of Representatives by the Speaker on December 17, 1915. On January 12, 1916, the House agreed to a concurrent resolution (H. Con. Res. 9) for the printing of 100,000 copies of the final report of the commission. This resolution was referred to the Senate Committee on Printing the same day, since which time the matter has been given most careful consideration by the committee.

The report of the Commission on Industrial Relations as submitted to Congress was accompanied by a great mass of papers, books, and records collected by the commission, all of which were packed into several large wooden boxes and transmitted to Congress when the term of the commission expired by limitation of law on August 23, 1915. In laying the final report before the House the Speaker said concerning the material submitted to Congress by the commission:

"Information came to the Speaker as to the bulk of this report and the evidence, and inquiry was made as to what to do with it, and somebody suggested that it be brought here. There was not room enough in the well of the House for it, and the Chair ordered it not to be brought in. It is out in the lobby, and if anybody wants to inspect it, he can go out there and see it."

It has required considerable time to sort over and arrange this mass of material and the hundreds of exhibits, both in printed form and in manuscript, submitted by the commission so as to obtain the estimate required by law as to the cost of printing the same.

It also has been difficult for the committee to determine what portions of the vast bulk of matter submitted by the commission were desired to be printed by Congress as a part of the commission's report. Certain recommendations as to printing were made in the final report, which were modified subsequently in either oral or written

statements submitted by officers of the commission. The committee therefore decided to hold a hearing in regard to printing the report, at which time there were present Mr. John B. Lennon, a former member of the Commission on Industrial Relations; Mr. Basil M. Manly, former director of research and investigation for the commission; Mr. Otto F. Bradley, secretary of the Committee on Industrial Relations; Mr. H. E. Wills, assistant grand chief Brotherhood of Locomotive Engineers; Mr. Val Fitzpatrick, vice president, Brotherhood of Railway Trainmen; Mr. W. N. Clark, vice president, Order of Railway Conductors; Mr. P. J. McNamara, vice president, Brotherhood of Locomotive Firemen and Engineermen; Mr. M. Grant Hamilton, representing the American Federation of Labor, all of whom submitted statements urging the printing of the final report and testimony in sufficient numbers to meet the demand therefor. Mr. Manly suggested that 100,000 copies of the final report and 10,000 copies of the testimony would be considered sufficient for Congress to print at this time, and his recommendation was concurred in by former Commissioner Lennon, and seemed to meet the wishes of representatives of labor, who were present at the hearing. Owing to the fact that the great mass of exhibits and most of the reports of the special investigators, which were transmitted to Congress by the commission, had not been edited or put in proper form for publication, the committee was uncertain as to what portion of this matter the Commission on Industrial Relations really desired should be printed by Congress as part of its report. The chairman of the Joint Committee on Printing therefore directed the following letter, under date of January 8, 1916, to the former chairman of the Commission on Industrial Relations, Hon. Frank P. Walsh, of Kansas City, Mo., who is now chairman of the Committee on Industrial Relations:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON PRINTING,
Washington, January 8, 1916.

Hon. FRANK P. WALSH,
Chairman Commission on Industrial Relations,
Kansas City, Mo.

MY DEAR MR. WALSH: There are pending before the Printing Committees of the two Houses of Congress numerous resolutions providing for the printing of the report of the Commission on Industrial Relations. These resolutions call for the printing of either the "final report," "the full report," "the hearings," "all the testimony taken at the hearings by said commission," "the report of the Colorado strike," or "the Colorado report with the Rockefeller correspondence attached."

The so-called "final report" of your commission was transmitted to Congress in printed form, together with two supplemental reports also in printed form, one relating to the Colorado strike and the other to the National Erectors' Association and the International Association of Bridge and Structural Iron Workers. Accompanying these printed reports there appear to have been submitted to Congress a mass of manuscript including the testimony taken by the commission and a number of supplemental reports which are contained in several large wooden boxes. The Printing Committees therefore are in some doubt as to just what constitutes the "final" or "full" report of your commission, and desire to have some authoritative expression as to what portion of the mass of matter transmitted to Congress from your commission actually constitutes its formal report and should be made a part of the printed report.

In this connection I desire to call your attention to the following statements taken from the volume designated and printed by your commission as the "final report" thereof.

On page xii of the final report appears this statement in Director Manly's letter of submittal:

"I have drawn most largely upon the following reports, which are submitted herewith, with the suggestion that Congress be requested to print them as supplements to this report."

Mr. Manly then proceeds to enumerate 27 reports of special investigators which he thus requests be printed as "supplements" to the final report which you have transmitted to Congress.

On page 289 of the final report appears the following paragraph as a part of the statement submitted by Commissioners Lennon and O'Connell:

"We concur in the history and statement of this regarding the Colorado strike, as written by Mr. George P. West, which is printed as an addendum to this report."

It might be inferred from the foregoing statement that it was the intention of your commission to have the special report on the Colorado strike printed as a part of the final report.

On page 92 of the final report, under the heading of "Conclusions and recommendations," appears this statement:

"The completed corrected testimony is transmitted to Congress, as well as carefully prepared digests of the evidence. The reports of the investigators have likewise been placed in the possession of Congress."

In connection with the latter statement, the committee has been advised that it is not the desire of your commission, as expressed by Mr. Manly, to have all of the exhibits submitted with the transcript of testimony printed as a part thereof, but that only a few of the exhibits have been selected by Mr. Manly as suitable to have printed with the testimony as published by Congress.

I have also been informed that Mr. Manly does not deem it advisable to have printed by Congress at this time the various supplemental reports referred to in his letter of submittal as quoted above, although they appear to have been made a part of, or at least a supplement to, your final report and were formally recommended for printing in the report submitted to Congress.

I feel sure that the printing committees of Congress desire to have the report of your commission printed in an adequate and proper manner and that a suitable resolution authorizing such printing will be reported to Congress as soon as we can obtain information as to just what your commission desired to include in its report as submitted to Congress. If you now desire to have any portion of your report or the accompanying manuscripts and exhibits, which you have transmitted to Congress, omitted from the printed report, an expression from you in this regard would be appreciated by the committee.

Very respectfully, yours,

DUNCAN U. FLETCHER, *Chairman.*

The following reply was received from Mr. Walsh:

COMMISSION ON INDUSTRIAL RELATIONS,
January 15, 1916.

Hon. DUNCAN U. FLETCHER,
Chairman Joint Committee on Printing,
Congress of the United States, Washington, D. C.

MY DEAR SENATOR FLETCHER: I have delayed answering your favor of January 8 until I had an opportunity to communicate with Mr. Manly, and to reach an understanding with regard to certain of the detailed questions contained therein.

The material which I consider should be printed by Congress is:

First, the final report of the commission in the form in which it was submitted to Congress, including the report of Mr. Manly, signed by Commissioners Walsh, Garretson, Lennon, and O'Connell; the report of Commissioner John R. Commons, signed by Commissioners Commons and Harriman, and, with certain exceptions, by Commissioners Weinstock, Aishton, and Ballard; the report prepared by Commissioner Weinstock and signed by Commissioners Weinstock, Aishton, and Ballard; together with the supplementary statements of the various individual commissioners.

Second, the complete testimony taken by the commission, together with such exhibits as seem to be pertinent and necessary for an understanding of the testimony.

I wish to express my very strong conviction that it is of the greatest importance that the entire testimony be printed. The work of the commission can be judged only in the light of the evidence furnished by the witnesses who appeared before it. Furthermore, this testimony constitutes an almost inexhaustible mine of information regarding economic and industrial conditions in the United States, which should be made accessible not only to students but to men in all walks of life who are interested in any particular phase of the economic problem.

With regard to the reports of the investigators, I wish to say that I do not consider it necessary that these reports should be ordered printed by Congress. They contain a mass of extremely valuable information, it is true, but they were very completely epitomized in the commission's final report, and, furthermore, the main facts which they disclose were communicated to the public through newspapers and magazines at the time of their preparation. I might add that on account of lack of time none of the reports of investigators was formally approved by the commission, and consequently they stand as the findings of individual employees of the commission. The two reports which the commission considered to have the greatest bearing upon its entire work, namely, the report on Colorado, by George P. West, and the report on the National Erectors' Association and the International Association of Bridge and Structural Iron Workers, by Luke Grant, have been published and widely distributed.

With regard to the reports of the investigators, I wish to say that I did not conduct its hearings in the formal manner of a law court, but allowed witnesses to submit anything which they felt might be of value in weighing the testimony. As a result, the exhibits submitted are so voluminous that it would be unwise and impracticable to include them all. They consist, in a large measure, of printed matter which is readily available, such, for example, as constitutions and by-laws of labor unions and employers' associations, testimony before other commissions, official reports and articles by witnesses setting forth their ideas at greater length than was possible in their oral testimony.

The idea of the commission with regard to these exhibits was that all the matters so submitted would be available for reference purposes in making the final report, and that when the testimony was printed only such exhibits would be included as contained original matter not otherwise available or which was necessary for an understanding of the testimony. I understand that Mr. Manly, former director of the commission, has examined the entire mass of exhibits and made such selection. Mr. Manly informs me that the material which was put to one side as not to be included in the testimony consisted of printed matter and supplementary statements of witnesses that were never considered as being in the proper sense exhibits. I believe that a selection made upon such a basis is thoroughly sound and will meet the ideas not only of the commission but of the reading public.

I trust that this covers fully the points raised in your letter. If not, I shall be very glad to communicate with you further.

Very truly, yours,

FRANK P. WALSH, *Chairman.*

The resolution submitted to the Senate provides for the printing of all the matter which the chairman and the director of the Commission on Industrial Relations have recommended that Congress ought to print. The only portions of the material transmitted to Congress by the commission that are not included in the resolution for printing are the exhibits which were submitted to the commission in printed form, and which undoubtedly are obtainable from libraries and publishers, and the reports of the special investigators for the commission, which Chairman Walsh states in the foregoing letter he does not consider it necessary should be printed by Congress. Two of these special reports, one on the Colorado strike and the other on the National Erectors' Association and the International Association of Bridge and Structural Ironworkers, were printed by the commission itself at the time its final report was printed. Of the final report the commission printed and distributed an edition of 10,000 copies, and of the two special reports referred to 6,500 copies were printed and distributed by the commission, all of which was paid for out of its final appropriation of $100,000, as provided for by the sundry civil act of March 3, 1915.

To print the testimony and exhibits as provided for in the resolution will require considerable preparation to get the copy in suitable form so as to identify and properly place the exhibits that are to be included with the testimony and those heretofore printed which are to be referred to by title, author, and publisher. It is therefore deemed advisable to have the report printed under the direction of Congress as expressed through some such committee as the Joint Committee on Printing, which seems to be the proper committee to vest with this supervision, as has been done in numerous other instances.

The committee has not received any protests from any source whatever against the printing of this report. The resolution here presented was agreed to unanimously by the committee and is believed to meet the wishes of all concerned in the publication and distribution of this report, which was prepared by the Commission on Industrial Relations after an expenditure of $450,000, appropriated by Congress for its investigation of various industrial problems throughout the United States.

Mr. MYERS. Mr. President, I do not wish to keep the Senator from North Dakota [Mr. MCCUMBER] off the floor unnecessarily. He yielded through courtesy. I now rise to a parliamentary inquiry. I ask if the matter which is now before the Senate can be debated more than five minutes by any one Senator?

The PRESIDING OFFICER. The Chair so rules.

Mr. MYERS. The Chair has ruled that it can be?

The PRESIDING OFFICER. Yes. The Chair calls attention to the fact that we are not proceeding under Rule VIII:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order—

The Senator from Montana has made a motion to proceed to the consideration of this matter, and we are not proceeding under Rule VIII.

Mr. MYERS. The reading of the report having been concluded, and the matter being before the Senate, I thank the Senator for his courtesy in yielding, and as I understand he is going to deliver an address I suggest the absence of a quorum. I think he ought to have more Senators present to hear him.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

Mr. McCUMBER. Before the roll is called I wish to state that I hope the Senator will withdraw that request.

The PRESIDING OFFICER. The Senator can not withdraw it.

Mr. MYERS. I am willing to withdraw it.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martine, N. J.	Smith, Md.
Brandegee	Hitchcock	Myers	Smith, S. C.
Broussard	Hughes	Norris	Smoot
Catron	Johnson, S. Dak.	Overman	Sutherland
Chamberlain	Jones	Pittman	Swanson
Chilton	La Follette	Reed	Thomas
Clapp	Lane	Robinson	Tillman
Colt	Lea, Tenn.	Saulsbury	Underwood
Cummins	Lee, Md.	Shafroth	Vardaman
du Pont	Lippitt	Sheppard	Warren
Gallinger	McCumber	Sherman	Weeks
Gore	McLean	Simmons	
Gronna	Martin, Va.	Smith, Ga.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. PITTMAN. I desire to announce the unavoidable absence of the senior Senator from Ohio [Mr. POMERENE] and to state that he is paired with the junior Senator from Maine [Mr. BURLEIGH].

Mr. SAULSBURY. I desire to announce that the senior Senator from Maine [Mr. JOHNSON] is absent on business of the Senate.

Mr. JONES. I desire to announce that the Senator from Vermont [Mr. PAGE] is necessarily absent on business of the Senate. I also make the same announcement with reference to my colleague [Mr. POINDEXTER].

Mr. CHILTON. I desire to announce the absence of Mr. KERN, Mr. SMITH of Arizona, Mr. WILLIAMS, Mr. HOLLIS, Mr. JOHNSON of Maine, Mr. STERLING, and Mr. THOMPSON on business of the Senate.

Mr. GALLINGER. On account of illness, the Senator from Maine [Mr. BURLEIGH] is detained from the Senate. He is paired with the Senator from Ohio [Mr. POMERENE].

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. McCUMBER obtained the floor.

The PRESIDING OFFICER. Will the Senator from North Dakota indulge the Chair for a moment?

Mr. McCUMBER. Certainly.

The PRESIDING OFFICER. The Chair desires to reverse his ruling made this morning. At the time the question was presented the Assistant Secretary, Mr. Rose, called the Chair's attention to these words:

The objection may be interposed at any stage of the proceedings.

These words are contained in Rule VIII. At that time we were not proceeding under Rule VIII, but we were proceeding with the morning business, and unanimous consent had been given for the consideration of the bill before the calendar had been reached.

The Chair therefore reverses his ruling.

NATIONAL DEFENSE.

Mr. McCUMBER. Mr. President, I shall avail myself of the liberality of the rules of the Senate which allow some latitude in the discussion of any particular bill.

In opening the discussion on some of the phases of this preparedness program I am not flattering myself with the expectation that any views or sentiments I may express will influence to any considerable degree in shaping the preparedness legislation; I have but the modest hope that the place of the utterance, rather than any skill of presentation, might challenge some attention and have some little weight in bringing to bear on this great subject a calmer public judgment than that so far manifested by the great press of the country.

PREPAREDNESS.

Mr. President, one can only conjecture what condition this country would be in to-day had Congress at all times allowed journalistic extravagances to dominate and control its actions or yielded to the impulse of every temporary wave of excitement created by this instrumentality. Recognizing the power of the press to excite and lead public sentiment in any particular direction, and often to misconstrue the acts and motives of those Members of Congress whose steps do not measure exact time to its music, these representatives of the public may, and I know often do, find it somewhat difficult to follow the straight line of conviction and duty to public welfare. And this is doubly true when the war spirit of the people is evoked for the accomplishment of a purpose.

Mr. President, I am satisfied the Congress to-day is laboring to bring forth an Army and Navy program that will meet every requirement of the Nation for both defensive and offensive warfare and yet to keep within the bounds of reason and proper economy.

Against this effort and real desire of Congress is the press-created sentiment which has brought into existence a vast number of organizations which, unloosing every restraint, would force upon the country a navy and military program that would outrival and make insignificant the armaments and the militarism of the Old World—a program that would, if carried out, within 10 years entail a cost of at least a billion dollars a year for maintenance and war purposes in general, more than the entire cost of conducting the whole Government to-day. The question is not one between a sufficient and an insufficient preparedness. Everyone is for full and adequate preparedness for war. It will rather be an issue between the demands of reason and the demands of hysteria—between the creation and maintenance of an Army and Navy sufficient to meet every requirement of the country and an Army and Navy capable of cowing the whole world.

From quotations which I shall presently give, we will find that there are grave reasons to fear that we may be led into wild and reckless military and naval extravagances, possibly not by a single plunge, but by following a course that will irresistibly lead us into such a condition.

Mr. President, that my humble efforts to check this wilder spirit of militarism may not be misunderstood, let me say at the outset that, while as a believer in peace and arbitration I have supported every treaty that has broadened the realm of arbitrable questions, I nevertheless recognize that so long as there is no power other than the unrestrained will of any great nation to check or restrain its ambitions, that so long as international difficulties are settled by arbitrament of war, so long as other nations are armed to enforce their demands—to make might the measure of right—it will be necessary for the United States to be able to meet force with force; and I shall support any program of defensive and offensive preparedness which shall meet the needs of the country. I shall go further than my judgment would dictate as to the limit of necessity, to the end that the people may rest assured that this country can at all times master any situation that may come before it.

For the purpose of showing the extent to which many of these organizations I have spoken of would lead us, I wish to quote but one paragraph of the preamble of a resolution adopted by the National Defense Conference of Mayors and Municipal Representatives, at St. Louis, March 3 and 4, 1916. It reads:

Whereas we believe that the Navy should be increased with all speed until we shall become the first naval power of the world, with strength on the Atlantic equal to that of any other power upon that ocean, and with additional strength upon the Pacific such as to make us the first naval power upon that ocean.

That means, Mr. President, that we must have a Navy on one ocean fully equal to the Navy of Great Britain—which navy is more than double that of any other nation in the world—and, in addition, another Navy on another ocean as powerful as that of Japan, which is to-day about as large as any European nation except Great Britain, and that in addition to the enormous coast defenses, mines, submarines, aeros, and so forth.

It would require fully a billion dollars a year to maintain such an extraordinary naval armament, in connection with such military organization as would be a necessary complement to the naval power.

Of course, no such proposition will be proposed by this Congress. But we are not so certain that while this Congress would not consider such an unnecessary, extravagant idea, it might not be led into a policy which would end in such a program, and especially in the light of the declaration of the President himself, that we need a Navy more powerful than any navy afloat.

This startling demand of the President, the Commander in Chief of the Army and Navy, speaking from his position of

authority, was reechoed back from our frightened coasts in a demand for a million trained soldiers to repel invasion, and found a further expression in this resolution of a great organization demanding a Navy so enormous in its proportions that the whole world must tremble in the shadow of its might; and it is these extravagant declarations and demands, kindling fires which may grow into a conflagration of unchecked military and naval extravagance, that demand in this Senate some word of refutation.

The PRESIDING OFFICER. The Senator from North Dakota will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. McCUMBER. Mr. President, I shall not attempt, in discussing this preparedness question at this particular time, to indicate the number of each character of war craft or the number or composition of a standing army which would answer every requirement of this country, but, rather, to dispel, so far as my efforts may prevail, the imaginary dangers which are being proclaimed by the press and by many organizations to frighten this country into the adoption of a naval and military program that will outdo the militarism and naval prowess of any of the armament-ridden, tax-burdened countries of the Old World.

Mr. President, I have observed in this life that the pathway of prudence generally lies about midway between those advocated by extremists on either side; that the only progress which experience has proven wholesome and permanent has been a conservative progress founded on cool and deliberate, rather than excited or hysterical, consideration; that when a people allow themselves to become stampeded they paralyze for the time being their reasoning faculties and bewilder their good judgment. In the observance of these simple philosophies of life I shall find my justification for refusing to run mad at the beat of tom-toms of fear, no matter how fiercely pounded by any political or industrial organization for political or business effect, or even by those who mistake their vanity for patriotism.

Mr. President, there is no true American living who does not desire, and deeply desire, that his country shall be prepared, not only now but at all times, to meet any danger that may beset it. Such unconcern in his counrty's welfare would be little less than treason. Let us, therefore, assume in this argument that every American worthy of the name is for full and adequate defense. Let us do this that we may fairly, candidly, and calmly pass judgment upon any program of so-called preparedness which may be submitted to us. Let us once and for all remove this man of straw—this supposed indifference to national safety, created only to furnish extreme advocates an object against which they can direct their assaults. Let us go further and eliminate every bogey cunningly thrown on the screen of national affairs to excite the public mind and fire the public heart in furtherance of the interests of a political party or of a business propaganda.

We need in the consideration of this great subject that precision and accuracy of judgment which emanate from minds free from the phantoms of fear. We need a plain and honest view of our exact military and naval status and position as compared with other nations of the world. Side by side with their security and our weaknesses we should place our security and their weaknesses.

Mr. President, there is and there can be, never a moment in the history of a country when it is for the best interests of its people to be deceived, when it is best that innuendo and veiled suggestion should hide the real truth. If the safety of this country has suddenly become endangered, we are entitled to something more definite and understandable than that "sparks of the European conflagration are falling around us." If we are to enter upon a program not of simple preparedness for probable emergencies but of excessive armament, powerful enough to bring the whole world to its knees, and entailing an expenditure of billions in the near future, we are entitled to something more substantial than gilded epigrams, something more definite than the assertions of the Executive that as the nations of Europe are engaged in the process of butchering each other, we may be called upon any day to assist in the utter annihilation of one or the other side.

Mr. President, as no man can look upon a desperate battle between two others with utter complacency and unconcern and free from any degree of excitement, so each neutral nation of Europe, at whose very threshold the crimson waves of this maelstrom of blood now rages, may be excused if its tranquillity has been disturbed and it is thereby rendered less capable of that calm reasoning now so necessary for its preservation and future welfare.

But for this country, as powerful, measured by its resources, as any two nations now exhausting themselves in this deadly struggle, and with the ocean between us and them, to lose its head is worse than senseless. National sanity is always a very useful attribute, but when all of the rest of the great nations are war mad, with their lunacy directed only toward the destruction of each other, then, above all times, is it proper and meet for us to remain perfectly sane, to propound sane questions, and demand sane answers.

In the face of all this excitement about preparedness and increased armament, we may well ask ourselves what is the cause of this sudden awakening to our unpreparedness, an awakening which sets into feverish activity the support of our armor-plate and munition factories; that fills the press with scare-head lines; that initiates and sets into active endeavor navy leagues; that calls the Executive from the seat of Government, where he is most needed to advise, counsel, or command the majority party in Congress in all its daily activities; that fills the country with lecturers on preparedness, fills it with moving pictures of this country of mammoth size, population, and wealth being invaded, conquered, and maltreated by a country thousands of miles away, so small in territorial domain that it could be wrapped within the borders of an ordinary State of the Union.

What is the cause of such a rude awakening to such awful, depicted dangers? Why has not this thing occurred to us before? Is it because we have been blind these many years, blissfully ignorant of some mighty danger which has hovered o'er us? Do we really hear the ominous mutterings of the black cloud of war ever drawing near us? Is the danger signal true or is it imaginary? The normal mind, reasoning from cause to effect, would naturally arrive at the conclusion that when all the other nations of the world have so exhausted themselves, have so bankrupted their treasuries, have so burdened future generations with debts heretofore undreamed of that they can fight no longer, our danger from assault from any of them would be so much lessened. But this hysteria reasons exactly in the opposite direction. It says that we should treble our normal war strength immediately; that while we have never had the slightest fear of any live nation, we must treble our naval and military power to be able to defend ourselves against a half-dead one. We know this extraordinary departure from our old policy can not be intended to meet any exigency that could arise out of this war, because it would take five years to construct the warships and create the proposed Army, and these warring nations will be exhausted long before five years.

Mr. President, there is a very widespread error that this vast increase in the size of our Navy is to meet exigencies that may arise during this great war. We do not stop to consider that it would be about two years before the first battleship or cruiser would be in existence. Of course, there never has been a time and never can be a time when we could not have a war if we were bound to make one, for any nation will battle to defend itself. But that is not the argument used to excite public sentiment to support this extraordinary war power. It is the scare of invasion—of our own cities sacked, of tribute exacted, of unprepared armies demolished on our own soil. We are asserting that we are unprepared to defend ourselves. We may admit that we are not prepared to land 10,000,000 soldiers in Germany or Russia. But, Mr. President, we will never have occasion to land soldiers there. The screaming headlines of the press all deal with the terrible inadequacy of our defenses. The President simply declares that there is danger of a war. He does not say whether offensive or defensive. While he asserts in one speech that no sensible man will believe for a moment that any nation will attempt to invade us, he asserts in another that our coast line is so extensive that we could not protect it against invasion. I am not criticizing this inconsistency, but rather attempting to allay the excitement which fails to note such inconsistency.

Mr. President, if war comes it must come through the declaration of Congress. If we are to raise billions for armaments, Congress must vote the appropriations and levy the taxes. Therefore, Congress should be the judge of the necessity and of the propriety of changing our historical attitude of allowing nations whose conditions necessitate it to continue the crushing weight of armaments, while we, blessed by nature in our isolation and invulnerability, could direct our greater energies along the pathway of peace and progress.

DANGERS FROM FOREIGN POWERS.

Mr. President, it takes two nations to make war. If we are liable at any moment to get into a war with another country, then it behooves us to prepare for it. But do you not really

think that it might be well for us, before we vote for an extraordinary program, to ask ourselves what country we are liable to have a war with? And would it be unpatriotic for us to pause another moment to measure the comparative strength and comparative weakness of that other nation with our own, for certainly the comparative war efficacy of two nations must be determined by the sum total of the strength and weakness of each. And as reasoning human beings may we not assume that before another nation would permit itself to get into war with us, if it could help it, it would take measurement of both the comparative strength and weakness of the two countries; that before the spaniel tackles the mastiff he will stop to consider, not which can get the first bite, but which in all probability will take the last one. Mr. President, we can not have a war without an enemy. Let us suppose that the enemy is Great Britain. First let us look at our supposed enemy from our own side of the water. There is a country whose very life depends on maintaining her merchant marine and her channels of trade all over the whole world. If she had three times her present navy, she could not protect that commerce against us. With practically all the German battleships locked up in the Baltic, the sun scarcely sets on a day that does not chronicle the sinking of from one to six British merchantmen. In her war against Germany she has to guard only two little passageways to prevent the escape of German cruisers or submarines—the Strait of Skagerak, only about 60 miles wide, and the mouth of the Kiel. If she can not with her vast navy guard this narrow strait, tell me how can she guard her merchant marine over the entire earth from foes which may approach from all parts of the vast ocean.

The President in one of his addresses speaks of our weakness due to the vast coast line of the country. Why, Mr. President, in a battle against a naval power that vast coast line is a bulwark of enormous strength, not a weakness. Battleships are not for coast defenses, their use is on the broad ocean. Our land batteries and our submarines and our mines will take care of the coast. With half a thousand inlets from which submarines or cruisers could emerge to play upon British commerce, how impotent, how useless would be the entire naval armament of Great Britain to protect her merchant marine! If we have three or four thousand miles of coast that may be assaulted, we have just that many miles of coast which must be guarded against by an enemy navy. The moment Great Britain would accept our challenge to war our cruisers would scatter over the ocean in search of her merchantmen. While she would be attempting to guard the escape from New York or Charlestown or New Orleans we would be sending cruisers from San Francisco, Portland, and Seattle; we would be sending submarines to attack her warships and merchantmen from a hundred other ports. Looking to the northward, we could send an army of such size as to crush all resistance of her principal colony, Canada. It would be impossible for her in case of war with the United States to land a sufficient number of men to defend that Province. Great Britain's stake would be too heavy, the assurance of defeat too certain, for her to ever court war with the United States or to permit one if she could with national honor prevent it. I do not think that Great Britain has ever conducted a war where her sacrifices have not been double those of the enemy. Her maritime situation makes this so. With this great country as her enemy her sacrifices would be multiplied many times over.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Will the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. Certainly

Mr. SUTHERLAND. The Senator has suggested that in case we might be at war with Great Britain we could send cruisers and submarines and various other battleships from a very large number of points upon both coasts. In order to do that we would have to have the cruisers and battleships and submarines first, would we not?

Mr. McCUMBER. Oh, yes. I am in favor of a sufficient number of them.

Mr. SUTHERLAND. I did not know.

Mr. McCUMBER. But I am considering the possibility of Great Britain attempting to attack us, becoming the aggressive power—attempting to invade our territory.

In peace, in order to live, she has had to battle the storms of ocean. There are more English bones lying in the bottom of the sea than those of any other nation or all nations of the world. There are more English ships sleeping beneath the oceans than the ships of all other countries.

If Great Britain has been mistress of the seas, she has paid the toll with her British dead. The lines of Kipling come to us with mighty force as we contemplate her history:

We have fed the seas for a thousand years
And she calls us, still unfed,
For there's never a wave of all her waves
But marks our English dead.
We have strawed our best to the weeds' unrest,
To the sharks and the shearing gull.
If blood be the price of admiralty,
Lord God, we ha' paid in full.

And, Mr. President, as we look over the list of British warships and British merchantmen that have been sunk to date in this war, with practically all their crews and passengers sent down to death, we begin to realize the astounding truth so graphically portrayed by that great author:

There's never a flood goes shoreward now
But lifts a keel we've manned;
There's never an ebb goes seaward now
But drops our dead on the sand;
But slings our dead on the sands forlore,
From the Ducies to the Swin.
If blood be the price of admiralty,
Lord God, we ha' paid it in.

Happy, indeed, Mr. President, is the situation of that country whose internal resources are such that all her food and clothing and all those elements which make for convenience and comforts can be produced within her own borders, and thrice happy should she be in her security if with all of these resources she be separated by thousands of miles of ocean from any other great power that might desire to threaten her. No nation on the face of the earth can compare in these respects with the United States.

On the other hand, most dangerous and precarious is the lot of that nation whose territory can furnish but a meager proportion of the necessities of life and the lives of whose millions of population must rest on the ability of the nation to bring from across the oceans and from every land under the sun the raw materials for her factories, to keep open every channel of trade on the globe, that her people may be fed and clothed.

That is the position which fate has imposed upon the people of Great Britain. There is reason and necessity in the policy of Great Britain to keep her navy equal to any two navies of the great powers of Europe. The life of that little island demands it. That is why Great Britain has bent every effort to maintain a mighty navy and a comparatively small army. Her navy is maintained, not for aggression, not because she desires a navy that can punish or conquer in an aggressive war the navies of any two countries, but for the defense of her vital interests should she be attacked by any two great naval powers, and big as that navy is, it is none too great to insure and guard her bread line.

Our condition and necessities for a mighty Navy are not only not similar but are exactly the reverse of Great Britain's. We are not dependent in any respect upon the outside world. It follows, Mr. President, that the declaration of the Executive, that we need a Navy as powerful as that of any other country, if the papers properly quote him, is not well founded. The creation of such a Navy would contravene the rule founded upon reason, that all preparedness should measure up to the necessities of our situation; and that means sufficient to protect the vital interests of the country. We should not stop short of this requirement in our preparedness, and we should not burden the people in an attempt to go way beyond it as has been proposed.

Admiral Grant, in his testimony, says in substance that there is but one country in the world whose navy might enable her to make a landing of soldiers on American shores, and that there was no danger of that nation trying. He referred to Great Britain. When asked why, he stated in substance, the friendliness of the two nations and the lack of anything to fight about. I think his answer savored a bit more of diplomacy than of the greater reason, that Great Britain would measure the cost of such a step, and would never give a real cause for war.

No, Mr. President, we could force war upon Great Britain. We could force it by making unjust demands. Great Britain, with her peculiar weaknesses, with her vulnerable position and dependence upon the outside world, can not and will not ever do more than make a defensive war against us. The population of Great Britain is about 40,000,000, the United States about 100,000,000. The estimated wealth of Great Britain is about $80,000,000,000, the United States about $200,000,000,000.

COMPARATIVE POWERS.

Great Britain, by arming her last available man, might place an army of 4,000,000 men in the field. To meet these we could assemble a host of 10,000,000 men. Great Britain would be

compelled to transport these 4,000,000 men, with supplies and ammunition, across the ocean and maintain an unbroken transport line. Were she four times more powerful she never could do it. Even though we watched with folded hands and complacent smile she could not land more than 150,000 a month. Through scouts, through wireless we would know every moment of the day just where those ships were located. Great Britain would have to drive those ships through our mines and under our guns in every port. No; that is an error, for not a transport could ever get within a hundred miles of a port before it would be sent to the bottom by a submarine. But, you say, some of those dreadnaughts have guns of superior power and range to those on our shore batteries. Well, then, increase the size of our shore guns. If one shot from one of their vessels should by any possibility find a shore battery it might dig a hole in the earthworks; if one of our shells should find a man-of-war the chances are ten to one that the dreadnaught, with its thousands on board, and with its $18,000,000 of cost, would go to the bottom of the sea. Do you believe the commander of a dreadnaught would take that unequal chance? They are not doing it in Europe to-day, and they never would do it. No, Mr. President, while the history of British wars is replete with official blunders in all her battles from Hastings to Gallipoli, I could never believe that country, so great in so many respects, would ever be guilty of such assinine stupidity as to attempt the invasion of this vast country.

And if, Mr. President, under normal conditions Great Britain would be comparatively weak as compared with us, what must her position be to make war or even defend herself against us in war by the time the present raging conflict ceases?

Lloyd George declared in Parliament the other day that the war had cost the belligerents so far $40,000,000,000. England's contribution to that war is now $25,000,000 per day and her expenses increasing each day—$9,000,000,000 a year now, $10,000,000,000 next year. If the war should last four years in all, as it probably will unless some very great discovery, some new and very effective instrument of destruction shall sweep the British Navy from the sea, Great Britain's cost alone will be $40,000,000,000, or more than half of the estimated wealth of that Empire—a cost of about a thousand dollars for every man, woman, and child in the country, a mortgage of the par value on every acre in the island.

One year of submarine warfare sent to the bottom more than 800 merchantmen of the entente powers. According to the German report, up to November 1, 1915, 624 British ships, with a total tonnage of 1,231,944 tons, had been torpedoed, or about one-seventeenth of the entire merchant marine of Great Britain destroyed.

During the 18 months of war, the central powers have borrowed $11,000,000,000, the entente powers about $16,000,000,000.

During the first 18 months of the war, 3,000,000 men in the prime of life have been killed, two and a half million have been made prisoners, and ten million have been wounded. Great Britain, having a comparatively small army at the front, has lost about 625,000 men.

I have a statement here from the War Department giving the estimated casualties up to date of all of the nations engaged in the European war, which I will ask may be printed at the close of this address.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

The statement referred to will be found as Appendix A to Mr. McCUMBER's speech.

Mr. McCUMBER. At the beginning of this war Great Britain had of the predreadnaught class, mostly old and antedated, 40; we had of a newer type and of later construction, 22. Great Britain had of the later type of dreadnaught, 20; we had of that type and of a higher average rating for effectiveness, 8. During this war Great Britain has up to December last lost of her battleships, 8; she has lost 13 cruisers, 2 gunboats, 8 submarines, 5 destroyers, 3 torpedo boats, and 6 armed liners. She has lost to date about 700 merchantmen.

These are only those which are acknowledged to have been lost. This is the toll of Great Britain alone. Do you imagine she will do anything to challenge another war which might destroy her commerce altogether?

Can any sane man say that there is danger of Great Britain hazarding a war on us, even were it possible to stop the devastation on her ships and shipping to-day? Would she to-day court another enemy?

And yet, Mr. President, they tell us that when this war is over these nations will be so powerful that any one of them may make war on the United States. What an abominable falsehood to frighten unthinking men. Great Britain has borrowed to the limit in this country. In case of war with us where could she look for further credit, and how would she guard her bread lines?

Is it Germany that looms up a mighty figure on the mirage of our frightened vision as being ready to destroy us when her military prowess has enslaved all of Europe?

Germany before the war had of the dreadnaught type, 13; of the predreadnaught type, 20. She had 9 battle cruisers, as against our 11; she had 41 armored cruisers, as against our 14; 130 cruisers, as against our 51. Germany has lost since this war started—that has been conceded: Battleships, 1; cruisers of all classes, 24; gunboats, 9; submarines, 15; destroyers, 10; torpedo boats, 12; armed liners, 14.

Germany has lost practically all of her war vessels which were at sea, all except those protected under the guns of her batteries and her flotilla of submarines, and, in addition, practically all of her merchant marine; and yet we are trying to frighten ourselves with the idea that Germany has designs upon our peace and tranquillity.

Mr. President, I have here a statement from the Naval Intelligence Office showing the casualties of armed vessels of every character of all of the nations up to January 1, and how each vessel has been destroyed. It contains such important information in determining the kind and character of war vessels we should construct that I shall ask that it may be printed in the RECORD at the close of this address.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

The statement referred to will be found as Appendix B to Mr. McCUMBER's speech.

Mr. McCUMBER. So much, then, of the fighting strength of these nations is gone; so much, then, is lessened the possibility of either of these nations attempting an aggressive warfare against us while they are engaged in this war; and I am trying to make clear what the general public apparently fail to take cognizance of—that whatever we do now in the shape of increased military power can have no relation to this war because the work can scarcely be begun before the war is over.

Is there danger from Germany now, when she is engaged in a life and death struggle in Europe? Her commerce has been swept from the seas, her transports breast no ocean waves, and her dreadnaughts hide behind the mines and under the great guns of her harbors. Only her submarines are dealing destruction to the enemies' commerce. Is it Germany that we fear? I admit that if we insist upon dictating how Germany shall conduct her war against her enemies in every particular she might refuse and we could declare war on her; but that will not happen, and, if it should happen, this five years' program would not help us now.

Is it Great Britain? She is struggling as never before to protect her commerce, and in the face of her most strenuous efforts not a day passes but that from one to seven of her merchant vessels go down to death, stung by this new serpent of the seas. Can she go to war with the United States? Can she invite a further devastation.

Is it France? About a third of her territory is to-day in the hands of the enemy. Trench after trench is being wrested from her, with no present prospect of regaining an inch of her conquered territory. Can she turn from the foe in front and meet another enemy behind, thrice her population and many times her resources?

Can Russia, with a large portion of her armies now prisoners of war to the Teutons, cultivating the fields of her enemies, and digging graves for their own brothers, turn her attention to us?

Can any one or all unloose their death grapple to battle with this country? Can Europe, slowly bleeding to death, meet this fresh, unwounded giant of the West?

Is it Japan? Can that little island of 45,000,000 people, poor of the poorest, with no credit on the face of the earth, her people still bending beneath the load of her last war tax, attempt to make war on a nation two and a half times her population, one hundred times her resources, and three hundred times her territory, can she hope to successfully invade us? Will the present war craze of Europe develop into such utter imbecility of either or any of the great nations that it would attempt an invasion of the United States?

HISTORIC LIES.

A witness before the House committee deplored the fact that our school histories are so false to the fact that they give the American boy an exalted idea of American fighting prowess which is not justified by the facts, and naturally inculcates the idea that we could whip the world without any preparation. I agree with him that the inferences drawn from our school histories are worse than lies. They are in many instances such silly lies that they dwarf the reasoning faculties.

I am astonished, however, that these critics fail to see the same exaggerations which are now filtering through the press and being sent home to the youth of the land in the "Battle Cry of Peace" and like productions going to the other extreme and impressing one with the idea that any little nation on the face of the earth can whip the United States; impressing him with the idea that the hundreds upon hundreds of millions of dollars spent in warships and coast defense has been money thrown away; that countries with not one-third of our population nor one-tenth of our resources—nations now nearly bleeding to death—are liable to attack and conquer us; giving us the idea of the horrors of a German invasion. Ought not these lies to be checked? If the old falsehood ought to be re-formed out of our histories, why should not the new ones be re-formed out of the press of the country? I want the boy in our public school to know that when we fought the battles of the Revolution we battled against brave and valorous soldiers, and that we were not chasing cowards and imbeciles, as our school histories would indicate. So, too, I want him to understand—and it might be well for his father to also understand—that this country, with its more than a hundred millions population, the wealthiest, best-fed, and most comfortably clad people in the world, would probably be doing something itself while another nation of half or a third its powers would be capturing its great cities and enslaving its inhabitants. It might be well for him to look at the weaknesses of our supposed adversary before going into hysterics over some inadequately protected port. If we find a place where the other nation can strike us a blow, it might be well for us just to stop to see the hundreds of places where we can strike a death blow, and then use our judgment as to whether this other nation will jeopardize its very existence because it sees some opportunity where if it should strike when we were not looking it might scratch our face a little.

For a century Great Britain has had a navy twice as powerful as our own, and it never occurred to us in all these years that we were in any danger. We knew where we could strike and strike home, and she knew it also. We have never had a fort or warship between us and the British possessions for about a century. Why? Because she knew and we knew how futile such forts would be with 3,500 miles which could be crossed, and we knew we had no fear of invasion from Canada. These conditions and these reasons have not changed in the slightest degree. But it is declared that because of our naval weakness some of the warring nations are infringing upon our commercial rights.

WARRING NATIONS WILL AVOID WAR WITH US.

Mr. President, no nation is pursuing a policy detrimental to our interests because of our military or naval weakness. Every warring nation knows that if we should throw the weight of our great prowess against either of the nearly balanced forces now at war it would mean the quick defeat of the power against which it should be hurled. These nations are holding persistently to their claims because they believe they are within their just rights, not, perhaps, measured by international law heretofore obtaining, but by the stern necessities of their several situations in this war. With them it is a question of life or death, and each one of them is asking us to view the case in its peculiar circumstances and conditions, and each one is relying upon us to insist upon no mere technical right which, if accorded, would mean defeat to it.

Each nation is attempting to make us see its own desperate situation as it sees and knows it. Each one feels that to weaken any special advantage which it may have, to overcome or equalize the special advantage of its foe, to loosen its grip upon the throat of the other, would mean its own death. Each appeals to us not to use our strong arm to neutralize or destroy its special means of aggression or defense.

Under such circumstances, ought not every principle of justice, humanity, and fairness demand of us that we do not stand with rigid and austere attitude, demanding the last ounce of the pound of flesh which we may by international law exact? Do we not owe a higher duty to ourselves, under the peculiar circumstances of these nations, than the insistence upon every possible recognized right? Ought we not to put ourselves in the position of Germany and Austria, with commerce raided and destroyed, surrounded by foes, and ask ourselves what we would do under the same circumstances? Ought we not to put ourselves for a moment in the position of Great Britain and France, whose territory has been slowly but surely invaded by the Teuton allies, and whose merchantmen are going down to death at the rate of more than a thousand a year, and ask ourselves what we would do to prevent supplies going to the enemy—put ourselves in the position we were in during the Civil War, when not a copper penny was allowed by us to enter through a southern port?

I insist, Mr. President, that there are far higher duties which the Government owes to its own people, to its own sense of integrity and justice, than to demand in their name from the suffering, struggling nations every possible commercial or traveling right. There are higher duties it owes to its people than to exact the last drop of blood to which it might be entitled from the unhappy nations of Europe.

But the President says that war may be with us to-morrow. What does he mean? We know the other nations can not make war on us to-morrow. He must, therefore, mean that we are liable to make war on any one of them to-morrow. We are the only country, except possibly Japan, that can make war to-day. And my belief is that we will not have occasion to make it. I am not unmindful that of late years the American people have strayed very far from that spirit of the Constitution which provides that Congress and not the President should be the lawmaker. I will admit that Congress itself, in its growing servility, has allowed its functions to be usurped by the Executive, until it has become but the tool to convert presidential programs into law. But, thank God, we have one safeguard in that old Constitution left, which I believe Congress will respect. That safeguard is that Congress and not the President shall determine and declare war, and on that I pin my faith that, while war scares may be indulged in for political effect or business profits, the people are powerful enough to prevent this country from making a cowardly assault on any of the unhappy, bleeding nations of Europe. But "our rights," cry the tom-tom performers.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER [Mr. OVERMAN in the chair]. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Certainly.

Mr. BORAH. Before the Senator leaves the point which he has been discussing, I desire to ask him a question. What is the position of a neutral nation in the midst of a conflict such as that which is now prevailing in Europe with reference to maintaining neutral rights? The Senator says that we should yield to this nation and to that nation and should place ourselves in the position of this nation and that nation, and not maintain, with too much exactness at least, the rights of neutrals. Would the Senator go so far as to say that——

Mr. McCUMBER. I want to answer that part first. That is what the Senator says I said.

Mr. BORAH. Did I misunderstand the Senator?

Mr. McCUMBER. I think so.

Mr. BORAH. Well, I understood the Senator to say that we should not exact the last pound of flesh. I take it by that that he was speaking in a figurative and imaginative way to the proposition that we should not insist upon a strict regard for the rights of neutrals. Was I correct in that?

Mr. McCUMBER. Mr. President, I have stated that we should be charitable and ought to take into consideration the desperate conditions of the warring nations, and not insist upon every inconsequential right. That is perhaps as succinct as I can make it.

Mr. BORAH. But the time would come, I think, even under the Senator's philosophy, when we would have to assert our rights. While we should not be exacting, yet in substantial matters we could only yield so far. The encroachment could be so great and so marked that the time would come when we would have to be prepared to take care of ourselves.

Mr. McCUMBER. Then we would take care of ourselves; but let us remember what I have been stating, that so far as this program—and I am not speaking of the program which has been reported or which is likely to be reported to the Senate, but of the program demanded by a great many people—that so far as that program is concerned it can not affect any immediate conditions, because it would take at least two years before the first ship would be constructed under it. So that the whole idea of our building a mighty fighting machine, in my opinion, looks beyond this war.

Mr. BORAH. I am inclined to agree with the Senator that we would not perhaps under this program be ready to take care of an immediate situation, but it is not the immediate situation which appeals to me; it is the situation which confronts a great Nation like this, whose commerce is ramifying all parts of the earth, and which is most likely in time, in my judgment, to have some misunderstandings with different nations of the earth. The best way to insure peace, the best way to insure respect, is to be prepared for war. Of course, we are not to seek for war, but can we maintain our rights and protect our citizens unless we have reasonable preparation to that end?

Mr. McCUMBER. Mr. President, I do not think there is any disagreement with the Senator upon that proposition. We all stand for the rigid enforcement of vital interests and important

rights, but there never occurs a war in which one nation or the other in the desperation of its conflict does not strain or pass over the strict line of international rights; and where such questions can be settled without conflict we certainly ought not to make them a cause of war.

Mr. BORAH. Precisely, and that has been the history of this country for 125 years. I do not at all wish to change our policy of a peaceful Nation.

Mr. McCUMBER. Yes; and I wish it to remain so.

Mr. BORAH. I think it is going to remain so; but, notwithstanding it has been the policy of this country from the beginning to settle matters without difficulty and without conflict, the Father of our Country and practically all of his successors have said that the way to avoid conflict is to be prepared for conflict in case there is a disposition to encroach upon our rights.

Mr. McCUMBER. Why, Mr. President, that is just what I stated in the beginning of this address—that we should be prepared to meet any probable contingency; and I certainly shall support war measures that will meet that requirement. It is simply a question as to how far we need to go.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. In just a moment. I insist that our condition, our size, our ability to produce everything within our own borders, should be taken into consideration in the question of the size of the Navy; and I insist that it is not necessary for the life and protection of this country that we should have a navy on the Atlantic larger than that of Great Britain and on the Pacific larger than that of any Asiatic power.

Mr. VARDAMAN. Mr. President——

Mr. McCUMBER. I now yield to the Senator from Mississippi.

Mr. VARDAMAN. In answer to the question propounded by the Senator from Idaho, I ask, Has this country been prepared in the past to defend its rights? If it has been prepared and if it has done those things which are necessary to uphold the rights of the country and its citizens, it seems to me a very safe assertion that 125 years of experience might be worth something in lighting the way for our conduct in the future.

Mr. BORAH. Mr. President, that is true; but the last time we had to meet a situation of any moment from a foreign foe we were not prepared, and we got badly hurt and had the Capitol here at Washington burned.

Mr. VARDAMAN. Certainly not.

Mr. BORAH. It was a war only on one side, and that was the other side.

Mr. McCUMBER. I thought it ended rather favorable to our side. But, irrespective of that, in 1812 Great Britain's population was about two and one-half times greater than ours; in 1916 our population is about two and one-half times greater than that of Great Britain. The conditions are reversed in our favor.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. SUTHERLAND. Before the Senator resumes the thread of his argument, I should like to invite his attention for a moment to a statement he made a moment or two ago, in which he was contrasting the population and the resources of this country with other countries with which we might be likely to come into conflict. He said what was quite accurate, that Great Britain had a population of 40,000,000, and we had a population of 100,000,000, and Japan had a population of about 45,000,000. Now, I ask the Senator whether or not in his judgment, upon reflection, that is after all a very valuable comparison?

Mr. McCUMBER. In the matter of invasion of the country of 100,000,000 by a country of 45,000,000, it is a most important factor.

Mr. SUTHERLAND. Let me call the Senator's attention to the fact that China has a population of 400,000,000, four times as much as ours.

Mr. McCUMBER. Yes.

Mr. SUTHERLAND. And yet little Japan had no difficulty whatever in invading China in spite of her overwhelming population, almost ten times as great as that of Japan. After all, is not the proper comparison that of the fighting strength? If Japan has an army of trained men a million strong, and we have an army of 60,000 or 65,000, notwithstanding our great population, is not Japan in a better condition from a military point of view than we are?

Mr. McCUMBER. Why, yes; if that was all we could raise to meet them.

Mr. SUTHERLAND. Is she not more likely, if the conditions are not equalized, to win in a contest than we would be?

Mr. McCUMBER. Oh, not finally; of course not. We would more than equalize her number. But I was comparing one branch of the Caucasian race with another. I could scarcely place the American people in the category of the Chinese people, and therefore I do not think the illustration is very pertinent.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. Just one moment. On the question of an invasion—and all this defense talk is on the question of invasion; we are defending against some imaginary enemy—I think our 100,000,000 American people would be able to take care of any part of that 45,000,000 that must cross the ocean, and must keep up a line of communication to maintain themselves.

Mr. SUTHERLAND. Let me remind the Senator that I was instituting a comparison between two oriental peoples, between two Asiatic powers.

Mr. McCUMBER. Well, they are not much alike.

Mr. SUTHERLAND. My comparison was between Japan upon the one side and China upon the other. One was prepared and the other was not.

Mr. McCUMBER. You might as well make a comparison between a pack of wolves and a flock of sheep.

Mr. BRANDEGEE. Then, Mr. President, let us make a different comparison, as between Japan transporting its army across the sea and whipping Russia, and whipping her finally.

Mr. McCUMBER. In the first place, Japan did not have to transport her soldiers very far. Secondly, Russia had to bring hers on one line of railroad a vast distance, and Russia was hardly in condition for a real war at that time.

Mr. BRANDEGEE. She was in as much condition as we are.

Mr. McCUMBER. I should hate to think that.

Mr. BRANDEGEE. I hate to think it, too, but I believe it.

Mr. McCUMBER. If so, Mr. President, then the Senator and myself and others have been voting away an enormous number of millions of dollars that have been of no practical use to us.

Mr. BRANDEGEE. We will have to vote more. I do not know of how much use it will be.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. Certainly.

Mr. THOMAS. I have been greatly interested in the discourse of the Senator from North Dakota, and am in accord with many of its important features, particularly that which has reference to the relative strength of the navies. In this connection I desire to ask the Senator if his attention has been called to the testimony of Admirals Fletcher and Badger before the House Committee on Naval Affairs in December, 1914, on which occasion they were examined by the late Judge Witherspoon, from Mississippi, who, in my judgment, knew more about the Navy and every feature of it and of other navies than any man in public life? If not, I think it is very appropriate, because it is quite short, to read into the RECORD, in connection with the Senator's remarks, what was there said about the strength of the American Navy.

Mr. McCUMBER. Would the Senator just as soon put it at the end of my address, where I have placed other records concerning the comparative strength of the navies, and so forth, so that the two will be together?

Mr. THOMAS. It is entirely as the Senator shall determine with reference to that.

Mr. McCUMBER. I think it had better go there, because we will have the whole thing right there together then, as I shall put in a further record showing the comparative strength.

Mr. THOMAS. It is such a complete and perfect refutation of the present contention that we have a weak Navy, drawn from the reluctant lips of some of those now so contending, that it is extremely appropriate as a part of the Senator's address.

Mr. McCUMBER. I have heard a great deal of what our naval men think ought to be done in the construction of ships. I read some time ago what they said in reference to the submarines—that they were practically useless, and never would be of any material value. I read a good many things that they said that have not just exactly proved accurate in the present European war.

Mr. President, in the midst of this carnage, while each nation believes its very life hangs on its aggressive and defensive measures, we hear them shout "We can not carry on our business just as we did when the sun of peace smiled over that land.

Our commerce and our freedom of travel have been interfered with and we must make these nations yield to our demands; we must by force maintain our self-respect."

Talk to me about maintaining our self-respect by insisting upon every possible legal right in such a contest as this. Can a grown man who would strike to death a drowning child because in its frantic struggles for life it may spatter water on him, retain his self-respect? Can a great Nation like ours pounce upon one of these combatants because it is trying to do those things which it regards absolutely necessary for the maintenance of its life, because it may differ with our ideas as to what international law now is, or as to the full and complete rights of shipping goods destined ultimately to belligerents, because it is doing just what we would probably do were we so sorely pressed and beset?

No, Mr. President, we do not need to deviate from our course of orderly progressive development of our Navy because of any new danger of assault on us. Every thinking man knows that so far as defensive war is concerned, we are safer to-day than ever before in our history.

What then does this cry for excessive preparedness mean? I am not speaking now of the preparedness that we ought to have, but this enormous preparedness, capable of cowing the entire earth. I shall not speak now of the support it receives from those who wish to make munitions and armor plate, nor of those army and navy leagues, who may desire that we shall at all times be in a position to make other nations tremble at our prowess. I know there are many in the country who wish an enormous navy that we may bully Great Britain. I know there are many who want an enormous navy to cow Germany. I regret that the hatreds of the one or the animosities of the other should influence any one in this great question. Standing squarely for those rights which clear justice and true neutrality demand, we should not be severely punctilious in the assertion of inconsequential rights. I should expect such clemency and consideration to be exercised by the neutral nations during this conflict as would be exercised by individuals under like circumstances.

What I want to get at is the administration's sudden conversion to a military and naval policy which he and his party have always condemned. The history of our diplomatic relations with the belligerent powers since this war began foreshadows the real purpose, which has so far been adroitly hidden, or at least but half revealed. The purpose of the administration in abandoning our ancient policy of steady but healthy growth of our Navy and of maintaining such a standing army as is necessary for a peace footing, and in a single leap suddenly demanding a navy that can overcome any other navy in the world and an army that will rival the militarism of any power of continental Europe, is that we may compel any one of the fighting nations by a show of our teeth to accede to our view as to what commercial rights may be to our financial interest to insist upon, no matter though the insistence upon such rights would sound the death knell of such other nation.

That seems to be the purpose of this preparedness program—offensive, not defensive, preparedness. It seems to be the same spirit that harried Huerta to his death and continued the reign of terror in Mexico for years; that regarded the overthrow of Huerta to satisfy an animosity as of more consequence than the peace of Mexico. If it is the high destiny of this great country of ours that it is to be the one supreme dictator of the world, then, of course, we must maintain the proposed armament. If our influence is to be maintained by a show of force rather than by a spirit of justice, then we must have our Army and Navy more powerful than any other country.

Mr. President, we hear very much about the training of men, of the necessity for years of practice and drill. We cling to an old idea long after its reason has departed. When practically all battles were fought by the weight and force of human impact, when each section of an army must adjust its movement to those of another, must load and fire its guns with the precision of a single unit, long drilling was necessary. But how are battles fought to-day? They are fought with spade and pick, with burrowing and mining, with gases and fire jets and curtains of fire, with desultory firing, with long-range and immense siege guns, and with short-range and deadly machine guns.

Kitchener, speaking of the recruits being raised in Great Britain, said: "I don't care whether they know the right foot from the left; I want them to learn to shoot and shoot true." And, Mr. President, I know enough about shooting to know that a man can learn to shoot and shoot true in three months or he never can learn.

No, Mr. President, the wars of to-day mean chemistry, science, mathematics, everlasting study, and the highest degree of mental training on the part of the officers. No private soldier of one nation is so superior in courage or fighting qualities to the other. It is a question of governmental support and of official acumen. The volunteer has given just as good account of himself as the trained veteran.

NEED COMPETENT OFFICERS RATHER THAN EXTRA TRAINING OF MEN.

Mr. President, if we have any grounds for alarm because of inefficient training, we would better direct our attention to the training of the officers rather than of the private soldiers. If there is any one thing that this war has brought home to us with greater force than any other, it is the unpreparedness of the officers of the armies and navies rather than the unpreparedness of the men. And next to that is the nonsense of stage setting Army drills.

Germany is the only country engaged in this war that has had fully competent commanders, and next to Germany is France; and what has that meant to Germany? To-day she has 1,500,000 prisoners—a sufficient number to perform all of the labor necessary to produce all the food for her people and her armies. And these prisoners are not mobs who have not had training. They did not become prisoners because of their inefficiency. On the contrary, they are for the most part the regulars—the trained soldiers of Russia, of France, and of England—men who can step perfectly and obey commands. German learning, careful and complete study, led the half-informed officers of the allies again and again into traps, and the poor private soldiers could do nothing but obey the commands of their superior officers to surrender. It does not require any great amount of training to instruct an army of men how to stack their arms and surrender themselves to the enemy. All of the successes of this war have been successes won by science and skill of officers, coupled with superior guns, and not through any predominating valor or training of the soldiers of any particular army.

In the beginning of the war Russian leaders threw their armies among the lakes and marshes of east Prussia, every foot of which was known to German military men, and every means of entrapping the enemy therein had been worked out by them with mathematical accuracy. And before Russian generals and other officers had the faintest idea of what was happening they were securely netted and a quarter of a million of the flower of the Russian Army were German prisoners.

Austria was again and again defeated by the overwhelming numbers of Russian infantry, but when German officers took the command the tide of battle turned. Science won the day. Great Britain, true to her ancient record, has added horror after horror to the incapacity of her admirals and her generals.

As we look back over the military history of that plucky little island—and no nation furnishes braver men—from the Battle of Hastings, where again and again the brave Saxons were led by a feint of the Normans to follow a seeming retreat only to be closed in upon and annihilated, all the way down to the shocking failure of the Gallipoli Peninsula affair, we find a history of blunders, not blunders of the men but blunders of the officers. Those blunders turned to our advantage when Great Britain failed to feed and support her American armies. Those blunders manifested themselves in the abandonment of armies to their fate in India, the failure to support Gen. Gordon in Africa.

She has lived and been successful in the world through the sturdy fighting qualities of her common soldiery, their ability to suffer and die, their courage and tenacity. The Duke of Wellington speaks contemptuously of the army which won the Battle of Waterloo. Victor Hugo, a Frenchman, gives the credit of the victory to the raw recruits of Great Britain who had never before handled a musket. Britain raises a mighty monument to Wellington, forgetful that its foundation is the cement of the blood and bone of her common soldiery.

What more pitiful admission than that made by Kitchener himself, when, after visiting the front at the Dardanelles, he declared that he never knew there were such obstacles to be overcome! The duty of a commander is to know. German officers did know, and from the very beginning they prophesied the collapse of this enterprise.

Winston Churchill at the very beginning of the war declared that the British Navy would hunt the German Navy out of its holes like rats; and it started out to do so, but mines and submarines beset the dreadnaughts and the rats are still there, and every once in a while one slips out of its hole and the first knowledge the British Admiralty has of that fact is the sinking of a dozen or so of her merchantmen, the capture of her great liners. Those officers were brave enough, but the evidence of inefficiency is very strong at least.

I do not know whether our officers of the Army and Navy measure up to the Germans. I have no means of knowing; I simply know that all of their prophecies, so far as I have

heard them, concerning the war in Europe have proven untrue. I know they founded their faith on the mighty dreadnaughts and scoffed the little submarine. I do not know how much time they give each day to the study of a possible world-wide war and all its possible details. I simply know that the ordinary human machine is not so constructed that it can tango during the night and study very hard the next day. And I know also that this war teaches that a knowledge of the topography of a vast section of the earth is necessary.

I am coming more and more to the belief, Mr. President, that we are depending altogether too much on what we call expert testimony to guide our policy.

The average expert, holding closely to details, rutted in some theory, is liable to overlook great governing principles. He can make computation of how Germany can land a million of men in this country in a given number of months, provided we do nothing in the meantime, without stopping to consider the foolhardiness of Germany adopting that most dangerous method of striking at us—a method which would secure for her ultimate defeat, with no ultimate end to be gained, and where she could accomplish much more in another direction with less danger to herself. I may not be able to give these naval officers advice, but I can remember when they scoffed at the submarine idea, and what few we did construct were forced down their reluctant throats. And those submarines in this war, measured by the amount of money expended upon them, have accomplished a thousandfold more than any other type of warcraft.

I am not overconfident that the Army or Navy officer can give me reliable advice in all matters pertaining to his own vocation. I think he is too liable to get into a rut himself, too liable to hang to world traditions and world customs long since worn out. The danger of every kind of organ created by man is that it gets to running into certain grooves, which it never gets out of until it is pried out by some other force. The sword, which had outlived its usefulness more than a century ago, must still be worn because it was one time used. The bayonet had its particular use when firearms had not been perfected as they are to-day. The little automatic revolver, which could be worn with ease and which would be worth a hundred bayonets at bayonet range, has no place in warfare, because it does not show off in parade.

So far in naval warfare the most effective work has been accomplished by the little fighting craft. In my own candid judgment, if we would take the $15,000,000 which it costs to construct one dreadnaught, with, say, 15 big guns, and expend it instead in 15 smaller swift war vessels, capable of carrying and handling one big gun each, they would be ten times as effective as your $15,000,000 dreadnaught, but, of course, they would not be so imposing in a naval parade. I have always believed that in actual warfare the swift armored cruisers, with long-range guns, were far more useful than the great dreadnaughts which would sink if they received a jar. Heretofore our naval strategist has stuck to the dreadnaught and underestimated the smaller craft, and they are practically doing the same now because they insist even to-day that the real fighting force of the Navy must still be its dreadnaught. This war has demonstrated the dreadnaught to be a liability rather than an asset.

Mr. President, those who preach a navy big enough to crush any other two navies in the world, an army big enough to cow any other nation in the world, have proceeded in a very cunning way to blind the American public. None of them ever discuss the great question that should govern such wonderful preparedness. They content themselves in trying to show how we could be greatly injured by some foreign power. They do not stop to consider that the foreign power may have sense enough not to attempt to attack a country of this size and resources. They do not stop to consider what justification there could possibly be for any of those foreign powers warring with us. They do not stop to tell us the real condition of these countries or any of them for aggressive warfare after they are through with their present blood-letting process. They picture them with armies landing in every port of this great country. They tell us that with such an immense coast line we must have a comparatively immense Navy to defend it. They carefully conceal from us the fact that from every port on this immense coast line could issue submarines and war vessels and that the enemy would have just that many more places that it must also guard. They do not tell us what our own submarines and cruisers might be doing to the commerce of the other nation and to their troop transports while they would be engaged in the folly of attempting to land troops on our soil. They do not explain to us exactly how Great Britain, with about 40,000,000 people and with her very life depending upon taking care of her channels of ocean trade, could spend her energies in landing troops away from her base of supplies in a vast country reaching from the Atlantic to the Pacific and containing more than 100,000,000 people. There is no mention made of what we would be doing. The man who does any thinking knows that Great Britain will never wage a war with us except it be a wholly defensive one on her part.

Mr. President, 16 years ago on the floor of the Senate I propounded to the chairman of the Committee on Naval Affairs the question of why about every five years, or about the time that any warship should be completed, it should be found to be out of date, not sufficiently powerful, and armed with guns of too short a range; why it was not better for us to look ahead, to go at once to the full limit of possibilities in speed and carrying power of our naval guns and coast-defense guns, rather than each year trying to go a little step ahead of some other nation? I have never received an answer to that question, although 20 years ago the necessity of cruisers more speedy than those of any of the enemy, of guns more powerful than those of the enemy, was just as apparent as it is to-day. We could have crossed that gap at one bound just as well as to spend hundreds of millions for vessels which would be antedated before completed. But we followed the advice of our naval board, and now we are complaining of the comparative inadequacy of our Navy.

The scare-head lines of our press call attention to the fact that our coast guns can not carry as far as the guns of some of the heavier dreadnaughts. Very well; that is easily remedied; make them bigger. No one objects to that; everyone would vote for that. And while we are about it, make them larger than any other gun that was ever made. Take time by the forelock and reach the limit in the beginning.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. Certainly.

Mr. THOMAS. In his testimony before the Committee on Military Affairs Gen. Weaver, who is in command of the Coast Artillery, testified that our coast defenses are the best in the world, and that all that is needed to make them effective is a greater force of men and the increase of the trajectory of the guns; that that done they would have no superior, even with the present size of guns, anywhere in the world.

Mr. McCUMBER. I am glad to hear it, Mr. President, because I saw in the New York papers, but a very short time ago in one of their scare articles, that any one of those great dreadnaughts could be out at sea and destroy the city of New York, as we did not have a coast gun that could reach them. I did not believe it at the time, but that is the stuff that is being fed to the American people; that is the stuff that we gather in this Battle Cry of Peace play that pictures New York in the hands of the Germans.

Everyone will agree to vote the money necessary for purposes of defense. If you are fearful of some nation half our size attempting to land men and support them in a country of our territorial dimensions, just build enough submarines to make it too hazardous for any nation to so attempt. There will be no one objecting to such preparedness for defense.

But when it comes to demanding that we impose upon our people, even though we can stand it, such a burden as has been imposed upon the peoples of Europe to maintain a navy armament as large as the largest in one ocean and half as large again in the other we then have a right to ask the reasons. Germany does not need as large a navy as Great Britain in order to live. The reason is manifest. She can live—with great economy, we may admit—though cut off from the rest of the world. Great Britain can not live six months under such conditions. Her very life depends on her keeping open the channels of ocean trade. Her people must be fed and they must be clothed, and she can not produce enough to clothe and feed them. Her policy of a navy big enough to cope with any two nations of Europe is a sane policy just so long as nations settle their differences by the gauge of battle. No such condition confronts the United States. We not only can produce everything that is necessary for our people to live on, but we can produce it ten times over. We could live and be prosperous if there was nothing else in the world but ourselves. Our life does not depend upon a great navy like that of Great Britain. The only purpose of such a navy would be to be able to crush any other country in the world, because with our size, our resources, and our population, and with such an army, we would have no difficulty in accomplishing that feat.

The knowledge of our potential power to-day by other nations of the world is so well understood that those nations would submit to any just demand rather than dare to wage war with us.

I do not mean that we could have our own way in everything. In the mighty struggle now going on across the ocean I have no doubt but that if we would make such demands on Germany as would spell defeat to her she would take her chances rather than submit to it. I have no doubt but that if we would make such demands upon Great Britain that it would be equivalent to pushing her off the plank on which she is now struggling in the waves of war she would fight us rather than go down to death without a fight. But neither of these countries and no other country in the world to-day is going to battle us unless we carry our demands of what we claim to be our rights outside the pale of international justice. We do not need a navy big enough to carry on a war of aggression on our part and overcome the biggest navy of the world. I go further and declare that we ought not to have such a navy. I can imagine no one thing that would be worse for a man than to be more powerful than all other men. I know of no more dangerous condition of a country from every moral standpoint than to be in a position where it knows that it is not responsible to world sentiment and fears no danger to itself. Such a condition is not necessary for the true advancement of any nation in the world and it is most detrimental to national character. Why, Mr. President, that is just what the world is claiming ails Germany, that her military power has made her a menace to world peace. We are all of the same Caucasian race, and the same cause will operate the same way.

If it would make Germany a menace to the world, it would make any other country having supreme power a menace to the peace of the world. Our citizenship is made up of Germans, English, Scandinavians, Irish, Scotch, Poles, Russians, Greeks, and Italians. They bring over to us the same characteristics that their ancestors had in their own homes. The same inherited characteristics under the same conditions which will produce the same results. If the mighty war power of Germany is a danger to the world, then putting us upon an equal condition in the world would undoubtedly detract from our peaceful proclivities.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. Certainly.

Mr. GRONNA. Is it not possible that in speaking of the preparedness of Germany the public has been misinformed as to the appropriations made by that Government for the navy? I read the other day a statement, which I believe is true, that during the last decade we have appropriated $1,200,000,000 for our Navy and Germany during that same period has appropriated only $900,000,000.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield with pleasure.

Mr. THOMAS. Since 1901 our appropriations for naval purposes have exceeded those of any other nation except Great Britain.

Mr. McCUMBER. That is true.

Mr. GRONNA. Mr. President——

Mr. McCUMBER. I yield to my colleague.

Mr. GRONNA. If my colleague will pardon me, I simply want to add to what I said, that in that same statement I saw that during the time Germany had added in number to her craft 260 or more ships and the United States had added in number 64.

MILITARISM.

Mr. McCUMBER. I know at heart the American people are opposed to the militarism suggested in the program for a million soldiers ready for immediate action.

What do we mean by militarism? It means, first, a nonproducing official aristocracy, raised by the people themselves above themselves, maintained by the people by taxing themselves to support a society which pays no taxes itself, produces nothing itself, is freed from all anxieties and worries incident to the ordinary life of humanity, and is assured support throughout its entire existence, subject to no vicissitudes of success and failure that beset the path of the ordinary mortal—a caste that may retire from even the light duties of making reports or signing balance sheets at the age of 62 or 64 years, with salaries going on just the same, which salaries must be paid by those who have labored strenuously during a long life and who must still follow their trade until the working tools fall from the feeble hands of age.

It means throwing into our midst army and navy societies and auxiliary army and navy societies composed of wives and daughters, to conduct a campaign of movies and theatricals to increase their numbers and powers, to fill the country with lurid pictures of captured American citizens, their inhabitants enslaved by imaginary buccaneers, of a giant beaten to death by a dwarf, a whale swallowed by a catfish.

It means a tendency toward the development of the arrogant side of humanity and the dwarfing of the manly independence of it. It means punishment in court-martial proceedings for minor offenses against haughtly demeanor so out of proportion to the importance of such offense that it shocks our sense of justice. It means what we have all learned very lately that court-martial justice is generally so excessive and might be called barbarous in some instances. If a servant or employee in civil life resents abuse by master or employer with a blow, a civil court might, for the sake of upholding the peace and order of the community, impose a fine of $10 or a sentence of 10 days' imprisonment. If a private soldier, exasperated by discourteous treatment that any true American ought to resent, resents with physical force, he is sent to the penitentiary for five years, and that five years very often in its final result is equivalent to a death sentence. This is the difference between civil justice and military justice. That is one of the reasons why the American people have a dread of military domination.

It means just what it has grown to mean in some of the old countries of the world, that the civilian has no right that the military is bound to respect. If the young officer with strutting mein shoves the civilian off the walk in one of these military-dominated countries, the latter dare not resent it manfully, because he knows the awful penalty of lèse majesté.

There is no evading the truth that a mighty standing army with the officials that command it as a separate institution in this country means the division of our citizenship into civil and military castes, just exactly what it has done in other countries. Americanism and militarism can not walk hand in hand.

FROM WHAT SPRINGS THIS DEMAND FOR OVERPOWERING MILITARY FORCE?

Mr. President, when we get right down to the basis of the sentiment which actuates so many Americans, and which is so strongly reflected in this Congress and in this Senate in the demand for a gigantic naval and military program, I find that this sentiment is founded upon a sense of pride rather than a sense of danger.

We love to exult in the knowledge of our superior power. We want other nations to fear us. We want this country to be bigger than any other country in the world not only in territorial domain but in everything that makes for power and preponderance. We have seen the same sentiment reflected in the jealousy and envy that often exist between two neighboring cities—a jealousy of the size, the wealth, the population of another city. We have seen that envy become so tense as to result in the padding of the census of one or the other that it might outstrip its neighbor in bigness. We have altogether too many people in the world who mistake this sentiment for patriotism. It is nothing more or less than common, everyday vanity. You never hear of such a city working itself up to a white heat to demonstrate that it has a higher standard of civic righteousness or citizenship or a higher degree of excellency in any respect than its neighbor. It is the vanity of bulk rather than a just pride of quality.

Naturally these persons can not find much use for those whom they denominate "sentimentalists," who believe that national character is of more importance than national prowess, who believe that the sentiment that thou shalt not steal or bribe is of more importance to our country than a strip of Nicaraguan territory or the coveted coaling station in Francesco Bay.

No, Mr. President, we are deceiving the people of the United States in projecting upon the black curtain of fear this ghost of unpreparedness, unless we mean to make war and not merely to defend ourselves against war.

IN THE MIDST OF ARMAMENTS WE MUST BE ARMED.

Mr. President, since the initiation of this movement to change our ancient policy from the paths of peaceful progress to the pathway of military prowess, we find the press slurring those whom it calls "pacifists," picturing them as a spineless people, who would rather retreat than fight. It may be that my observation of the true courage and fighting qualities of men in general has been of the exception rather than the rule, but I do not believe it. From my own observation, if I were to select a man upon whom I was to rely for courage of conviction, for staying qualities, one who would fight to the death for a principle, and against all odds, I should always select the man whose words and efforts are for peace. I would never in the world select the bully or the braggart. The rule that holds good as between individuals would equally hold good as between collections of individuals which make a state or a nation.

The "pacifists" who do not believe in such preparedness as the conditions of the country demand are so neglible in num-

bers that they need not be taken into consideration. While I believe, and believe firmly that the time will come, and measured by the life of nations, will come soon, when there will be an international code of rights, liabilities, and duties of nations, subscribed to by all the great nations of the world, and enforced by combined action against any one of the membership which should defy its rules, and that those rights and liabilities will be, by compulsory process, determined by a great international court, I nevertheless know that such time has not yet arrived; that so long as there is no power other than the unrestrained will of any great nation to check it, so long will greed and selfishness prevail over right, so long will the stronger of nations impose upon the weaker, and so long will it be necessary for each nation to meet force with force.

But, Mr. President, this does not necessitate enslaving the populations of the great nations of the earth to maintain national life and national rights.

Mr. President, is there any general safe and sane rule which should govern a nation in the character and extent of its naval and military program or preparedness? If so, what is it? And if there is such a rule, should we not follow it, measure up to its demands, and keep within its limits?

The first duty of a nation is to defend its territory from invasion or subjugation. No matter what the cost to its people, its bounden duty is to maintain such a navy and at least the nucleus of such an army and such coast defenses as are ample for such purpose; second, a sufficient army and navy to guard its vital interests. In respect to this, one nation's requirement might be almost wholly in her navy, another's in her army, another's in both army and navy, and still another may be so situated that she is not liable to be molested.

What, then, do we need? With newer and longer range guns to replace the older ones of our shore batteries, with submarine flotilla to supplement these stationary defenders of our coasts, with a sufficient equipment of aeros, with a steady, progressive growth and development of our program, followed so many years, for cruisers and dreadnaughts, and with a system of training of either our State militia or the cadets of high schools and colleges, which would give us a peace army fit for any emergency that might suddenly be forced upon us, we should be able to meet, and meet successfully, the prowess of any two nations of the world.

Mr. President, we are in danger of sacrificing our ancient policy of aggrandizement in the arts of peace, a policy which our splendid isolation makes possible—we are in danger of surrendering that for the aggrandizement of military prowess. It is the vanity of power gaining mastery over the just pride of a higher, better, and more humane enlightenment.

You are seeking to stampede our people by the cry of danger that you may overthrow our ancient policy. As the false cry of fire in a crowded hall will for a moment destroy the higher sentiment of chivalry and cause the weak and helpless to be trampled to death beneath the feet of the strong, so your false danger cry will dethrone the loftier sentiment and policies of this country and crown the god of brute force, into whose rapacious jaws you will pour the golden stream of wealth drawn from the toil and sweat of our people.

APPENDIX A.

WAR DEPARTMENT,
Washington, February 29, 1916.

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.

MY DEAR MR. MCCUMBER: Referring to your letter asking for certain statistics, you are informed that it is very difficult indeed to obtain any data that are accurate, and it results, therefore, that the information furnished you is nothing more than an estimate, and these estimates differ very widely.

There are no lists of casualties that give an accurate idea of the real conditions. Germany omits to publish slight wounds; France publishes no list at all; the Russian lists are defective; in all lists the same name may occur more than once; a great majority of the more slightly wounded or slightly diseased men go back in a short time to the colors, and many of the more serious cases do the same; and since August no lists have been received at the Army War College. The British list is the latest. The rest date from July.

Casualties.

France (estimated 800,000 killed)	2,000,000
Germany (estimated 580,000 killed)	2,500,000
Austria-Hungary	2,000,000
Russia (estimated 1,000,000 killed)	5,000,000
Great Britain	620,000
Italy	175,000
Serbia	228,000
Belgium	160,000
Turkey	350,000

There are wide discrepancies in all these estimates. Mr. Simonds estimates the German loss up to September 15 as 2,400,000; the English estimate of the same losses up to July 31 is 2,640,000; the Geneva Red Cross estimated the French losses at 2,115,500; the Russian loss has been estimated at from 3,500,000 to 3,600,000, which is thought to be too low. These casualties, of course, include prisoners and missing, as well as killed and wounded.

This is probably as accurate a list as could be made.

With reference to your second question, the following estimate is made of the indebtedness incurred by the belligerents, to include the 1st of January, 1916:

England	$14,000,000,000
France	7,500,000,000
Germany (includes reported loans to Turkey and Bulgaria)	8,000,000,000
Austria	5,500,000,000
Italy	4,500,000,000
Total	39,500,000,000

Referring to your third question asked in your letter, it is absolutely impossible to give even an estimate of the property destroyed. No data exist upon which to base an estimate, and reports differ widely.

The inclosed papers are furnished for your information.

Very truly, yours,

H. L. SCOTT,
Secretary of War ad interim.

APPENDIX B.

OFFICE OF NAVAL INTELLIGENCE,
December 27, 1915.

Table of naval losses of the various belligerents since the outbreak of war.

[The following table is compiled from various articles appearing in the press of the several belligerent nations. These reports are so contradictory that it is impossible to furnish an absolutely correct list of vessels lost to date. In many cases the belligerent powers have failed to acknowledge the losses of all the vessels. No attempt has been made to include herein a list of the various trawlers, mine sweepers, and such odd small craft which may have been destroyed while mine sweeping or on submarine patrol duty.]

Name.	Type.	Tonnage.	Remarks.
JAPAN.[1]			
Shirotaye	Destroyer	380	Ran ashore, Tsing Tao, Sept. 4, 1914.
Takachiho	Schoolship	3,700	Torpedoed by German destroyer S-90 off Tsing Tao, Oct. 17, 1914.
33	Torpedo boat	82	Sunk by mines while mine sweeping off Tsing Tao, Nov. 11, 1914.
FRANCE.			
Zelee	Gunboat	636	Sunk by German cruisers at Tahiti, Sept. 22, 1914.
347	Torpedo boat	97	Sunk in collision with each other Oct. 9, 1914.
338	do	97	
Mousquet	Destroyer	298	Sunk by German cruiser Emden at Penang, Oct. 28, 1914.
Curie	Submarine	392	Sunk by Austrians at Pola, Dec. 21, 1914.
	Torpedo boat		Reported to have been lost in January, 1915.
Saphir	Submarine	386/?	Sunk at the Dardanelles, Jan. 15, 1915.
Dague	Destroyer	720	Sunk by Austrian mine off Antivari, Feb. 24, 1915.
Bouvet	Battleship	12,007	Sunk at the Dardanelles, Mar. 18, 1915.
Leon Gambetta	Armored cruiser.	12,352	Torpedoed by Austrian submarine in the Straits of Otranto, Apr. 26, 1915.
Casa Bianca	Mine layer	945	Sunk in the Aegean Sea by mine, June 3, 1915.
331	Torpedo boat	97	Sunk in collision off Cherbourg, June 16, 1915.
Joule	Submarine	392/?	
Calypso	do	345/490	Rammed and sunk during maneuvers off Cape Lardier, July 8, 1915.
Mariotte	do	522/615	Sunk at the Dardanelles, July 20, 1915.
Indian	Auxiliary cruiser.	800	Sunk by submarine off Rhodes, Sept. 8, 1915.
Turquoise	Submarine	386/?	Sunk in the Sea of Marmora, Nov. 3, 1915.
Branlebas	Destroyer	330	Sunk by mine.
Fresnel	Submarine	392/?	Sunk in the Adriatic by an Austrian ship about Dec. 5, 1915.
ITALY.			
Turbine	Destroyer	325	Scuttled to avoid capture after an engagement with Austrian vessels in the Adriatic, May 24, 1915.
Medusa	Submarine	241/295	Torpedoed and sunk by an Austrian submarine, June 17, 1915.
Amelfi	Armored cruiser.	9,958	Sunk by an Austrian submarine in the Adriatic, July 7, 1915.
Garibaldi	do	7,234	Torpedoed off Ragusa by Austrian submarine, July 18, 1915.
5-PN	Torpedo boat	118	Torpedoed by Austrian submarine off Venice, June 26, 1915.
17-OS	do	118	Sunk by one of her own mines while mine laying off Salvore, July, 1915.
Nereide	Submarine	221/315	Sunk by Austrian submarine in Adriatic, Aug. 5, 1915.
Benedetto Brin	Battleship	13,215	Blown up and sunk by an internal explosion, Sept. 28, 1915.
Intrepido	Destroyer	680	Sunk by mine in the Adriatic Dec. 17, 1915.
Re Umberto	Transport		Do.

[1] In addition to the above, five special service ships were sunk during the operations off Tsing Tao.

Table of naval losses of the various belligerents, etc.—Continued.

Name.	Type.	Tonnage.	Remarks.
RUSSIA.[1]			
Pallada	Armored cruiser.	7,775	Sunk by German submarine in Baltic, Oct. 11, 1914.
Zemtchug	Cruiser	3,130	Sunk by German cruiser in Panang, Oct. 28, 1914.
Donnetz	Gunboat	1,224	Sunk by Turks in Black Sea, Oct. 31, 1914. Raised by Russians.
Prut	Auxiliary cruiser.	5,440	Scuttled to avoid capture, Oct. 29, 1914.
Kubanez	Gunboat	1,280	Reported by Turks as having been sunk by a Turkish destroyer, Oct. 29, 1914.
Yenisei	Mine layer	2,926	Sunk by German submarine in Baltic, June 4, 1915.
Sivutch	Gunboat	875	Sunk by Germans in Baltic Sea, Aug. 20, 1915.
TURKEY.[2]			
Burak Reis	Gunboat	502	Scuttled to avoid capture, Oct. 31, 1914.
Messudyeh	Battleship	10,000	Sunk by British submarine B-11 in the Dardanelles, Dec. 14, 1914.
Mejidieh	Cruiser	3,330	Sunk by Russian mine in the Gulf of Odessa, Apr. 3, 1914.
Demir Hissar	Torpedo boat.	97	Stranded and interned at Chios, Apr. 17, 1915.
Pelenk-I-Derih	Gunboat	886	Sunk in the Sea of Marmora by British submarine, May 24, 1915.
Marmaris	do	492	Sunk by the British in Tigris River, June 1, 1915.
Nagara	Transport		Sunk by British submarine in the Sea of Marmora, May, 1915.
Yadikar Milet	Destroyer	610	Sunk by a British submarine, May, 1915.
Barbarossa Kheyr-Ed-Din.	Battleship	9,900	Torpedoed by British in the Sea of Marmora, Aug. 9, 1915.
Yar Hissar	Destroyer	284	Sunk by British submarine in the Sea of Marmora, Dec. 3, 1915.
AUSTRIA.			
Zenta	Cruiser	2,264	Sunk by French fleet off Antivari Aug. 16, 1914.
19	Torpedo boat.	78	Struck a mine and sank at entrance to Pola, Aug. 18, 1914.
Temes	River monitor.	433	Struck a mine and sank off Shabatz, Oct. 23, 1914.
Kaiserin Elizabeth.	Cruiser	3,937	Sunk by her own crew at Tsing Tao, Nov. 7, 1914.
Beethoven	Training ship.		Struck a mine and foundered, Dec. 17, 1914.
	Submarine		Sunk by an Italian destroyer, May 27, 1915.
U-18	Submarine	685/860	Reported by France to have been sunk by a French aeroplane in the Adriatic, July 1, 1915.
U-12	do		Torpedoed and sunk by an Italian submarine in the upper Adriatic, Aug. 12, 1915.
U-3	do	233/295	Sunk by French destroyer Bisson, Aug. 13, 1915.
GERMANY.[3]			
Königin Luise	Mine layer	2,163	Sunk by English destroyer in North Sea, Aug. 5, 1915.
U-15	Submarine	[4] 450	Sunk by British cruiser Birmingham, Oct. 10, 1914.
Moewe	Gunboat	640	Sunk by her own crew at Dar-es-Salam when English vessels appeared, Aug. 14, 1914.
Prince Adalbert	Auxiliary cruiser.	6,030	Captured by British cruiser, August, 1914.
Sudmark	do	5,113	Captured by British cruiser, Aug. 15, 1914.
Hedwick von Wissman.	Gunboat	[4] 300	Captured by English on Lake Nyasa, Aug. 20, 1914.
Kaiser Wilhelm der Grosse.	Auxiliary cruiser.	13,952	Sunk by British cruiser Highflyer, Aug. 27, 1914.
Magdeburg	Small cruiser	4,478	Ran ashore in fog in Baltic and blown up by her own crew after an engagement with Russians, Aug. 27, 1914.
Mainz	Protected cruiser.	4,280	Sunk by British forces in the North Sea, Aug. 28, 1914.
Koeln	do	4,280	
Ariadne	do	2,618	
V-187	Destroyer	689	
Bethania	Auxiliary cruiser.	7,548	Captured by British cruiser, Sept. 7, 1914.
Spreewald	do	3,899	Captured by British cruiser, Sept. 12, 1914.
Hela	Protected cruiser.	2,003	Sunk by British submarine E-9 in North Sea, Sept. 13, 1914.

[1] Various German reports state that Russian men-of-war were destroyed in the several minor engagements in the Baltic. These losses were never officially announced by the Russian Admiralty.

[2] In addition to the above, other Turkish men-of-war may have been destroyed around the Dardanelles and in the Black Sea. Reports from England, Russia, and Turkey in regard to these operations are so conflicting that it is impossible to accurately state what Turkish vessels have been destroyed, especially transports and supply ships.

[3] In addition to the above there seems to be no doubt but that a great number of German submarines have been destroyed around the British Isles and possibly also in the Mediterranean and near the Dardanelles. The exact number of German submarines sunk during this war is not known, although the press states this number to be at least 50, and possibly as many as 70.

[4] About.

Table of naval losses of the various belligerents, etc.—Continued.

Name.	Type.	Tonnage.	Remarks.
GERMANY—con.			
Cap Trafalgar	Auxiliary cruiser.	18,710	Sunk by British auxiliary cruiser Carmania, Sept. 14, 1914.
Max Brock	do	4,579	Captured by British cruiser, September, 1914.
Itolo	do	299	Sunk by French gunboat at Cameroon, Sept. 24, 1914.
Rhios	do	150	
Soden	do	150	Captured by English cruiser off Cameroon River, Oct. 1, 1914.
S-116	Torpedo boat.	477	Sunk by English submarine E-9 in the North Sea, Oct. 6, 1914.
Planet	Gunboat	640	Sunk by her own crew at Yap Island on approach of Japanese fleet, Oct. 7, 1914.
Gneisenau	Auxiliary cruiser.	8,185	Sunk by Belgians prior to evacuation of Antwerp, Oct. 8, 1914.
Graecia	do	2,753	Captured by an English cruiser, Oct. 10, 1914.
Markomannia	do	4,505	Sunk by British cruiser in Indian Ocean, Oct. 16, 1914.
Ophelia		1,153	Captured by English cruiser in the North Sea. English claim this vessel to be an auxiliary cruiser, while Germany claims her to be a hospital ship. Oct. 17, 1915.
S-115	Destroyer	413	Sunk by English destroyers in North Sea, Oct. 17, 1914.
S-117	do	413	
S-118	do	413	
S-119	do	413	
Comet	Auxiliary sailing cruiser.	977	Captured by Australian forces, Oct. 18, 1914.
S-90	Destroyer	396	Driven ashore and wrecked by her own crew off Tsing Tao after having torpedoed the Japanese ship Takachiho, Oct. 20, 1914.
Yorck	Armored cruiser.	9,350	Ran on a German mine and sunk near Wilhelmshaven, Nov. 3, 1914.
Cormoran	Gunboat	1,604	Sunk by Germans in Kiao-Chau Bay before surrendering (Nov. 7, 1915), Tsing Tao to allies.
Iltis	do	886	Do.
Tiger	do	886	Do.
Luchs	do	886	Do.
Jaguar	do	886	Do.
Taku	Destroyer	276	Do.
Rufin	Minelayer		Do.
Emden	Protected cruiser.	3,592	Sunk by Australian cruiser Sydney in Indian Ocean, Nov. 9, 1914.
Navarra	Auxiliary cruiser.	5,794	Sunk by English auxiliary cruiser in Atlantic Nov. 11, 1914.
Karlsruhe	Small cruiser	4,822	No official report by any of the belligerents as to this vessel's destruction. Press reports state that she was, however, blown up by an internal explosion while cruising in the Atlantic Ocean in November, 1914.
S-124	Destroyer	463	Accidentally rammed and sunk by a merchant vessel in Baltic Nov. 22, 1914.
U-18	Submarine		Destroyed by the English destroyer Garry off Scotch coast Nov. 23, 1914.
Scharnhorst	Armored cruiser.	11,420	Sunk by English forces off the Falkland Islands Dec. 8, 1914.
Gneisenau	do	11,420	Do.
Leipzig	Protected cruiser.	3,200	Do.
Nurnberg	do	3,396	Do.
Friederich Karl	Armored cruiser.	8,858	No official report as to the loss of this vessel. Press reports state, however, that she was lost in the Baltic in December, 1914.
	Mine layer		Reported by the French to have been captured outside of Havre disguised as a French collier.
Eleonore Woermann.	Auxiliary cruiser.	4,624	Sunk by Australian cruiser Australia Jan. 6, 1915.
Bluecher	Armored cruiser.	15,550	Sunk by British forces off the Doggerbank Jan. 24, 1915.
U-8	Submarine	246/295	Sunk by British destroyers Mar. 4, 1915.
U-12	Submarine	246/295	Rammed and sunk by the British destroyer Ariel, Mar. 10, 1915.
Dresden	Protected cruiser.	3,592	Sunk by British cruisers in Pacific Mar. 14, 1915.
U-29	Submarine		Announced as sunk by British forces Mar. 26, 1915; loss admitted by German Admiralty.
Macedonia	Auxiliary cruiser.	4,347	Captured Apr. 30, 1915.
A-2	Torpedo boat.	[1] 150	Sunk by British destroyers in North Sea May 1, 1915.
A-6	do	[1] 150	
U-14	Submarine	[1] 300	Sunk by British forces about June 8, 1915.
	Torpedo boat		Officially announced by Russia as having been blown up by mine June 30, 1915.
Albatross	Mine layer	2,165	Sunk by Russians in Baltic July 2, 1915; reported as having been raised and interned in Sweden.
U-	Submarine		Officially announced by French as having been sunk in the English Channel by French squadron July 4, 1915.
Koenigsberg	Protected cruiser.	3,340	Sunk by English forces in Rufiji River July 11, 1915.

[1] About.

Table of naval losses of the various belligerents, etc.—Continued.

Name.	Type.	Tonnage.	Remarks.
GERMANY—con.			
G-196	Destroyer	689	Sunk by British submarine in North Sea July 26, 1915.
Meteor	Mine layer	3,613	Sunk by her own crew after attempting to escape from British forces in the North Sea Aug. 8, 1915.
U-27	Submarine	840/890	Announced by German Admiralty as missing Aug. 10, 1915.
	Torpedo boat		Announced by German Admiralty as sunk by mines in the Baltic Aug. 19, 1915.
	do		
	Destroyer		Announced by France as having been sunk by 2 French torpedo boats off the Belgian coast Aug. 22, 1915.
	Submarine		Announced by English Admiralty as having been sunk by a British aeroplane off Belgian coast Aug. 20, 1915. Denied by Germany.
	do		Reported as having run ashore near Riga in the Baltic and probably lost Aug. 19, 1915. Not confirmed by Germany.
	Destroyer		Reported sunk by the Russians in the Baltic Aug. 19, 1915.
	Auxiliary cruiser.		Reported as sunk in the Baltic in August.
	Destroyer		Reported as sunk by British submarine E-19 between Denmark and Sweden Oct. 14, 1915. Not confirmed.
Prinz Adalbert	Armored cruiser.	8,858	Sunk by British submarine in Baltic Oct. 23, 1915.
U	Submarine		Interned in Holland. Reported as being the U-8, but this vessel had been officially reported as having been sunk by the British.
Undine	Protected cruiser.	2,672	Sunk by British submarine in the Baltic Nov. 7, 1915.
U	Submarine		Reported by British Admiralty as having been sunk by a British seaplane off Belgian coast Nov. 27, 1915.
Bremen	Protected cruiser.	3,300	Sunk by submarine in the Baltic Dec. 17, 1915.
	Torpedo boat		Do.
ENGLAND.			
Amphion	Light cruiser	3,360	Sunk by mine in the North Sea, Aug. 6, 1914.
Bullfinch	Destroyer	370	Sunk in collision with a Dutch merchant ship, Aug. 18, 1914.
Speedy	Torpedo gunboat.	810	Sunk by mine in the North Sea, Sept. 3, 1914.
Pathfinder	Scout	2,940	Sunk by German submarine in North Sea, Sept. 5, 1914.
Oceanic	Auxiliary cruiser.	17,274	Ran aground off north coast of Scotland in storm, Sept. 8, 1914.
AE-1	Submarine	725/810	Accidentally sank off Australian coast, Sept. 14, 1914.
Fisguard II	Training ship		Foundered in a gale in the North Sea, Sept. 17, 1914.
Pegasus	Light cruiser	2,135	Sunk by German cruiser Koenigsberg at Zanzibar, Sept. 20, 1914.
Hogue	Cruiser	12,000	Sunk by German submarine U-29 in the North Sea, Sept. 22, 1914.
Cressy	do	12,000	
Aboukir	do	12,000	
Hawke	do	7,350	Sunk by German submarine U-9, North Sea, Oct. 16, 1914.
E-3	Submarine	725/810	Rammed and sunk by German vessel, Oct. 18, 1914.
Audacious	Battleship	24,000	Reported sunk off Irish coast, Oct. 29, 1914. Cause not known. Loss neither affirmed nor denied by British Admiralty.
Rohilla	Auxiliary cruiser.	7,409	Ran aground off Whitby and completely wrecked, Oct. 30, 1914.
Hermes	Light cruiser	5,600	Sunk by German submarine U-27, North Sea, Oct. 31, 1914.
Good Hope	Cruiser	14,100	Sunk by German forces in Pacific, Nov. 1, 1914.
Monmouth	do	9,800	
D-5	Submarine	550/600	Sunk by German mine, North Sea, Nov. 3, 1914.
Niger	Torpedo gunboat.	810	Sunk by German submarine while at anchor, Nov. 11, 1914.
Bulwark	Battleship	15,000	Blown up by internal explosion while at anchor in the Thames, Nov. 25, 1914.
D-2	Submarine	550/600	Reported by press as lost, Dec. 1, 1914. Details not known.
	Destroyer		Ran ashore, Scotch coast, Dec. 27, 1914.
Formidable	Battleship	15,000	Sunk by German submarine, North Sea, Jan. 1, 1915.
Viknor	Auxiliary cruiser.	5,386	Lost off Irish coast, January, 1915.
Clan Macnaughton	do	4,985	Lost in a gale, Feb. 3, 1915.
E-10	Submarine	725/810	Did not return from a trip into the North Sea.
Erne	Destroyer	550	Wrecked in a storm probably in February, 1915.
Bayano	Auxiliary cruiser.	5,948	Probably torpedoed by German submarine in Irish Sea, Mar. 12, 1915.
Irresistible	Battleship	15,000	Sunk in the Dardanelles, Mar. 18, 1915.
Ocean	do	12,950	Do.

Table of naval losses of the various belligerents, etc.—Continued.

Name.	Type.	Tonnage.	Remarks.
ENGLAND—con.			
E-15	Submarine	725/810	Ran aground Dardanelles and destroyed by own picket boats, Apr. 17, 1915.
E-17	do	725/810	Reported as missing.
AE-2	do	725/810	Sunk in the Sea of Marmora, Apr. 30, 1915.
Recruit	Destroyer	385	Sunk by German submarine in North Sea, May 1, 1915.
Maori	Destroyer	1,035	Blown up by a mine off Belgian Coast, May 7, 1915.
Goliath	Battleship	12,950	Torpedoed in Dardanelles, May 12, 1915.
Triumph	do	11,800	Sunk by submarine in the Dardanelles, May 25, 1915.
Majestic	Battleship	14,900	Sunk by submarine in the Dardanelles, May 27, 1915.
Princess Irene	Mine layer		Blown up by internal explosion off Sheerness, May 27, 1915.
10	Torpedo boat	244	Sunk by German submarine in North Sea, June 10, 1915.
12	do	253	
Ramsey	Auxiliary cruiser.		Sunk by German auxiliary cruiser Meteor in North Sea, August 8, 1915.
India	do	7,900	Sunk by German submarine, North Sea, Aug. 10, 1915.
Lynx	Destroyer	935	Sunk by mine, Aug. 10, 1915.
Royal Edward	Transport	11,117	Sunk by submarine in Aegean Sea, Aug. 14, 1915.
E-13	Submarine	725/810	Sunk by German torpedo craft off Danish coast, Aug. 19, 1915.
E-7	do	725/810	Sunk at Dardanelles, Sept. 4, 1915.
Marquette	Transport	7,057	Sunk by German submarine in Aegean Sea, Oct. 26, 1915.
Argyll	Cruiser	10,850	Ran aground east coast Scotland, Oct. 28, 1915.
96	Torpedo boat	130	Sank after a collision with merchantman in Straits of Gibraltar, Nov. 1, 1915.
E-20	Submarine		Announced as sunk by Turks in Dardanelles, Nov. 5, 1915.
Tara	Armored boarding vessel.	6,322	Sunk by German submarine, Nov. 5, 1915, in Mediterannean Sea.
Abbas	Egyptian coast guard.	298	Sunk by German submarine off Sollum Harbor, Nov. 6, 1915.
Abdel Monaym	do	598	
Anglia	Hospital ship	1,862	Sunk by mine, English Channel, Nov. 17, 1915.
Ramazan	Transport	3,477	Sunk by German submarine in Aegean Sea, Sept. 17, 1915.
Louis	Destroyer	965	Wrecked in the Eastern Mediterranean, Nov. 10, 1915.
Woodfield	Transport		Sunk off coast of Morocco, Nov. 30, 1915.

NOTE.—In addition to the above, the press reports that several other English submarines have been destroyed. The list above includes only those which were apparently officially announced by the British Admiralty.

ADDENDUM.

NOTE.—In order to bring the preceding table to date (Jan. 26, 1916) the following losses must be added:

To France: *Monge*, submarine, 392 (?), sunk by Austrians in Adriatic December 28, 1915.

To Turkey: *Doruk Reis*, gunboat, 502, officially reported by Petrograd as sunk in Black Sea December 10, 1915. *Malatia*, gunboat, 210, officially reported by Petrograd as sunk in Black Sea December 10, 1915.

To Austria: *Triglav*, destroyer, 787, sunk by gunfire December 29, 1915, in Adriatic. *Lika*, destroyer, 787, sunk by mine December 29, 1915, in Adriatic.

To Germany: *Bunz*, patrol boat, lost in Baltic December 17, 1915. *Kingani*, armed merchant vessel, captured by British on Lake Tanganyka.

To England: *Natal*, cruiser, 13,660, blew up (internal explosion) and sank at anchor December 30, 1915. *E–17*, submarine, sank off Holland January 6, 1916. *King Edward VII*, battleship, 16,350, sunk by mine January 9, 1916.

THE NAVY.

BELLIGERENTS' NAVAL LOSSES.

This issue completes the half-yearly volume of Gleanings and Memoranda, and for the convenience of readers our table of the officially recorded naval losses of the belligerents since the outbreak of war has been made up to November 30, 1915:

British.

BATTLESHIPS.	Tons.
Bulwark	15,000
Formidable	15,000
Irresistible	15,000
Majestic	14,900
Ocean	12,950
Goliath	12,950
Triumph	11,000
CRUISERS.	
Good Hope	14,100
Aboukir	12,000
Cressy	12,000
Hogue	12,000
Argyll	10,850
Monmouth	9,800
Hawke	7,350

	Tons.
Hermes	5,600
Amphion	3,440
Pathfinder	2,940
Pegasus	2,136
GUNBOATS.	
Niger	810
Speedy	810
SUBMARINES.	
A E–1	800
A E–2	800
E–3	800
E–7	800
E–13	800
E–15	800
E–20	800
D–5	550
DESTROYERS.	
Maori	1,035
Louis	965
Lynx	935
Recruit	335
1 unidentified wrecked off Scottish coast.	
TORPEDO BOATS.	
No. 10	215
No. 12	225
No. 96	130
ARMED LINERS.	
Oceanic	17,274
India	7,940
Princess Irene	6,000
Bayano	5,948
Viknor	5,386
Clan McNaughton	4,985
French.	
BATTLESHIP.	
Bouvet	11,843
CRUISER.	
Léon Cambetta	12,416
GUNBOAT.	
Zelee	650
SUBMARINES.	
Mariotte	615
Curie. (This vessel has since been reported as raised by the Austrians.)	390
Saphir	390
Turquoise	386
DESTROYERS.	
Dague	720
Mousquet	303
TORPEDO BOATS.	
No. 347	98
No. 338	97
MINE LAYER.	
Casabianca	-------
Russian.	
CRUISERS.	
Pallada	7,775
Zhemchug	3,130
GUNBOATS.	
Donetz	1,200
Sivutch	960
ARMED LINER.	
Prut	5,500
Japanese.	
CRUISER.	
Takachiko	3,700
DESTROYER.	
Thirataye	380
TORPEDO BOAT.	
No. 33	137
Italian.	
BATTLESHIP.	
Benedetto Brin	13,215
CRUISERS.	
Amalfi	9,958
Guiseppe Garibaldi	7,400
SUBMARINE.	
Medusa	241
DESTROYER.	
Turbine	330
Total tonnage	330,002
German.	
Pommern	13,200
CRUISERS.	
Moltke	22,640
Blucher	15,550
Scharnhorst	11,600
Gneisenau	11,600
Yorck	9,350
Friedrich Karl	9,050
Prinz Adalbert	9,050
Karlsruhe	4,820
Madgeburg	4,500
Kolberg	4,350
Koln	4,350
Mainz	4,350
Emden	3,650
Dresden	3,592
Königsberg	3,400
Nürnberg	3,396
Leipzig	3,250
Undine	2,715
Ariadne	2,650
Albatross	2,200
Hela	2,040
Cormoran	1,650
Geier	1,600
Three others unidentified.	
GUNBOATS.	
Jaguar	950
Luchs	900
Ittis	881
Tigir	862
Mowe	650
Hedwig	199
Tsingtau	168
Vaterland	168
Soden	150
SUBMARINES.	
U-29	800
U-18	650
U-15	400
U-8	250
U-12	250
U-14	-------
U-27	-------
And six others unidentified.	
DESTROYERS.	
V-187	650
S-126	480
S-124	420
S-119	420
S-118	420
S-117	420
S-115	420
S-90	400
Taku	280
One of the G–196 Class	650
TORPEDO BOATS.	
A–2	-------
A–6	-------
10 unidentified	-------
MINE LAYERS.	
Konigin Luise	10,785
Ruchin	-------
ARMED LINERS.	
Cap Trafalgar	18,710
Berlin	17,324
Kronprinz Wilhelm	14,908
Kaiser Wilhelm	13,952
Prinz Eitel Friedrich	8,800
Preussen	7,986
Bethunia	7,500
Karnak	4,437
Spreewald	3,899
Meteor	3,613
Markomannia	2,840
Græcia	1,697
Locksun	1,020
Austrian.	
CRUISERS.	
Kaiserin Elizabeth	3,936
Zenta	2,300
GUNBOAT.	
Temes	440
SUBMARINES.	
U–3	295
U–12	300
TORPEDO BOAT.	
No. 19	78
Turkish.	
BATTLESHIPS.	
Hairredin Barbarossa	10,060
Messudiyeh	10,000
CRUISER.	
Medjidieh	3,300
GUNBOATS.	
Berk-a-Satvet	763
Burak Reis	500
Peleuk-i Deria	-------
Marmariso	-------
Timan Hissar	-------
Two others unidentified.	
TORPEDO BOAT.	
Demir Kapu	97
Total tonnage	315,931

SUMMARY.

British, French, Russian, Japanese, and Italian.

	Number.	Tonnage
Battleships	9	121,858
Cruisers	17	136,604
Gunboats	5	4,430
Submarines	13	8,172
Destroyers	8	4,283
Torpedo boats	7	1,622
Mine layers	1	.....
Armed liners	7	53,033
Total	67	330,002

German, Austrian, and Turkish.

	Number.	Tonnage.
Battleships	3	33,260
Cruisers	29	150,889
Gunboats	17	6,631
Submarines	15	2,945
Destroyers	10	4,560
Torpedo boats	14	175
Mine layers	2	10,785
Armed liners	13	106,686
Total	103	315,931

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. MYERS. For that purpose I ask unanimous consent that the unfinished business of the Senate be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

Mr. MYERS. A parliamentary question, Mr. President. What effect would that have, if carried, upon the unfinished business of the Senate?

The PRESIDING OFFICER. It would displace it.

Mr. MYERS. If the appropriation bill is finished before the Senate adjourns, and then the unfinished business is taken up again, what would the effect be?

The PRESIDING OFFICER. If taken up before adjournment to-day, it would again become the unfinished business.

Mr. MYERS. Would it require a motion to take it up and make it the unfinished business again?

The PRESIDING OFFICER. The Chair holds that it would.

Mr. MYERS. I should like to ask the Senator from Colorado why he objects to laying aside the unfinished business to take up the appropriation bill, if he will be kind enough to inform me?

Mr. THOMAS. Let me inquire of the Senator from Virginia what is the nature of the bill which he desires to call up? Is it the Indian appropriation bill?

Mr. MARTIN of Virginia. It is the urgent deficiency bill.

Mr. THOMAS. And not the Indian appropriation bill?

Mr. MARTIN of Virginia. Not the Indian appropriation bill.

Mr. THOMAS. I withdraw my objection.

Mr. MYERS. Then I ask unanimous consent that the unfinished business be temporarily laid aside until the deficiency bill is disposed of.

Mr. SMOOT. Of course I have no objection to laying the unfinished business aside temporarily, and that is all the request that is necessary, because as soon as the appropriation bill is finished the unfinished business again comes up.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily? The Chair hears none.

Mr. ASHURST. Just a moment, Mr. President. I do not want to object. I rise simply to give notice that immediately upon the conclusion of the urgent deficiency appropriation bill, which I apprehend will not take more than 15 or 20 minutes, I shall ask the Senate to consider the Indian appropriation bill. I shall make that request immediately after this bill is finished.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be considered as they are reached in the reading of the bill.

The PRESIDING OFFICER. Without objection, that course will be pursued. The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "District of Columbia," on page 2, after line 15, to insert:

For such miscellaneous expenses as may be authorized by the Attorney General, including the same objects specified under this head in the District of Columbia appropriation acts for the fiscal years that follow:
Nineteen hundred and fifteen, $3,010.64;
Nineteen hundred and fourteen, $192.25;
Nineteen hundred and eleven, $6.60.

The amendment was agreed to.

The next amendment was, under the head of "Naval Establishment," at the top of page 3, to insert:

BUREAU OF YARDS AND DOCKS.

Maintenance: For general maintenance of yards and docks, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $52,000.

Contingent: For contingent expenses and minor extensions and improvements of public works at navy yards and stations, $85,000.

Repairs and preservation at navy yards and stations: For repairs and preservation at navy yards, coaling depots, coaling plants, and stations, $45,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses," on page 3, after line 21, to insert:

For miscellaneous expenditures, including the same objects specified under this head in the legislative, executive, and judicial appropriation act for the fiscal year 1912, 55 cents.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects," on page 4, after line 7, to insert:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1913, $6.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert:

Commissioner of Glacier National Park: Commissioner in Glacier National Park, $1,500. The provisions of section 21 of the legislative, executive, and judicial appropriation act, approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

The amendment was agreed to.

Mr. GORE. Mr. President, I should like to inquire if this $1,500 appropriation is a new provision, creating a salary which does not now exist?

Mr. MARTIN of Virginia. That is a salary which is provided for by law but has not been paid.

Mr. GORE. I did not know that we ever overlooked anything of that sort.

Mr. MARTIN of Virginia. That is frequently done.

Mr. MYERS. Mr. President, I understand that the amendment has been adopted.

The PRESIDING OFFICER. It has been agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "United States courts," on page 5, after line 5, to insert:

For salaries, fees, and expenses of United States marshals and their deputies, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $27,633.91.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," on page 5, after line 5, to strike out:

The payment of the salary of Ewing C. Bland, from the appropriation entitled "Salaries, fees, and expenses of marshals, United States courts, 1915," for the period from December 12, 1914, to and including March 4, 1915, during which period services were rendered by him in good faith as United States marshal for the western district of Missouri, is authorized, notwithstanding the fact that his appointment was not confirmed by the United States Senate.

And in lieu thereof to insert:

That payment of the salary of Ewing C. Bland from the appropriation entitled "Salaries, fees, and expenses of marshals, United States courts, 1915," for the period from December 12, 1914, to and including January 6, 1915, during which period services were rendered by him in good faith as United States marshal for the western district of Missouri, is authorized, notwithstanding the fact that his appointment was not confirmed by the United States Senate.

Mr. ROBINSON. Mr. President, I understand that the amendment now under consideration is offered in lieu of the amendment originally reported by the Senate committee, striking out all of

the language from line 6 down to and including line 15, on page 5. I do not think this amendment should be agreed to, but I think the House provision should be retained in the bill. I will state briefly my reasons for this position.

The United States marshal for the district for which Mr. Bland was subsequently appointed died about February 1, 1914. The judge of the district appointed an acting marshal, who served until the President, during the recess of the Senate and about the 1st or 2d day of December, 1914, appointed Mr. Ewing C. Bland. That officer qualified about the 12th day of December, 1914, and served as United States marshal of the district for which he was appointed until the 4th of March, 1915. The Senate on the 6th day of January, 1915, rejected Mr. Bland's nomination. The purpose of the amendment now offered is to authorize compensation for the time transpiring between the 12th day of December, when Mr. Bland qualified, up to the day that his nomination was rejected.

The undisputed facts are that a nomination was sent to the Senate on the 7th day of January of another nominee to become United States marshal for that district, but no commission was issued to him and no action was taken upon that second nomination either during that session of the Senate or subsequently. So Mr. Bland continued to serve in good faith until the 4th of March.

The Constitution, in Article II, section 2, clause 3, authorizes the President in the following language to make appointments to fill vacancies happening during the recess of the Senate:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

My position is that since this appointment happened, within the meaning of the Constitution, during the recess of the Senate and the President made the appointment of Mr. Bland to fill that vacancy, under the Constitution his commission did not expire until the end of the next session of the Senate, which was on the 4th of March. Compensation is carried in the House bill for the entire period served by Mr. Bland.

It is not disputed that Mr. Bland performed services up to the 4th of March, 1915; it is not contended that there was anyone else who could have performed the duties of United States marshal for that period. Under the Constitution the President had the power to make the appointment; and unless Mr. Bland's commission was revoked—and this was not done—his authority continued until the 4th of March, notwithstanding the fact that he was rejected by the Senate prior to that time, and on the 6th day of January, 1915.

I do not deem it entirely material to discuss the power of the President to make recess appointments where vacancies originally occurred during the session of the Senate. That, however, is the case in this instance. The vacancy originated in February, 1914. I believe that the authorities are uniform, in so far as any authorities exist upon the subject, that a proper construction of the language in the Constitution giving the President power to fill vacancies which happen during the recess of the Senate, means, in the language of Mr. Attorney General Wirt, vacancies which exist during the recess of the Senate, and is not confined to vacancies which originate while the Senate is not in session.

Even if that were not the case, Mr. President, it would be the duty, in my judgment, of Congress to pay Mr. Bland his salary for the time that he served in this office in good faith, since it was the duty of the President, under his general power to enforce the laws of the United States, to appoint some one to fill this vacancy. If the President had issued a commission to the appointee who was nominated subsequent to the time the Senate rejected Mr. Bland, that would in all probability have operated as a revocation of the commission of Mr. Bland; or, if the Senate had confirmed the subsequent nominee, and a commission had been issued upon that nomination, it might have operated as a revocation of Mr. Bland's commission; but that was not done. So Mr. Bland actually continued to serve until the 4th of March, when, under the Constitution, his commission expired.

It seems to me to be unfair to him to limit his salary to the very brief period between the 12th of December, when he actually qualified, and the 6th of January, when he was rejected by the Senate. That the President had the power during the recess to fill this vacancy, although it originated while the Senate was in session, is established by an opinion which goes back as early as 1823, rendered by Mr. Attorney General Wirt in a case almost exactly analogous to this. I shall not take the time of the Senate to now read that opinion in all of its details, but I want to call attention to some of its features. Mr. Wirt said:

> Had this vacancy first occurred during the recess of the Senate, no doubt would have arisen as to the President's power to fill it. The doubt arises from the circumstance of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen"; "all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance—to fall out, to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place"—that is, "to originate"—under which sense the President would not have the power to fill the vacancy. It may mean, also, without violence to the sense, "happen to exist"; under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me most accordant with the letter of the Constitution; the second most accordant with its reason and spirit.

In conclusion, Attorney General Wirt said:

> The construction which I prefer is perfectly innocent.

That is, the construction sustaining the power of the President to make the appointment.

> It can not possibly produce mischief, without imputing to the President a degree of turpitude entirely inconsistent with the character which his office implies, as well as with the high responsibility and short tenure annexed to that office, while at the same time it insures to the public the accomplishment of the object to which the Constitution so sedulously looked, that the offices connected with their peace and safety be regularly filled.

I ask permission to have printed in the RECORD at this point in my remarks the entire opinion of Attorney General Wirt.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The opinion referred to is as follows:

OFFICE OF THE ATTORNEY GENERAL,
October 22, 1823.

SIR: Under the act of the 15th of May, 1820, "to limit the term of office of certain officers therein named," etc., I find that Gen. Swartwout's commission as Navy agent at New York expired during the last session of the Senate. Your nomination of another person to fill that vacancy was not confirmed by the Senate, and the vacancy still exists.

It is the case, then, of a vacancy which arose during the session of the Senate, but which, from the circumstance that has been mentioned, continues to exist in the recess. The question on which you ask my opinion is, "whether, under the Constitution, you can fill the vacancy by a commission to expire at the end of the next session?"

The provisions of the Constitution on this subject are: (1) That the President shall nominate and, by and with the advice and consent of the Senate, shall appoint all officers, etc.; (2) that the President shall have power to fill up all vacancies that "may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session."

Had this vacancy first occurred during the recess of the Senate, no doubt would have arisen as to the President's power to fill it. The doubt arises from the circumstance of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen"—"all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance—to fall out—to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place"—that is, "to originate"—under which sense the President would not have the power to fill the vacancy. It may mean also, without violence to the sense, "happen to exist," under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me most accordant with the letter of the Constitution; the second, most accordant with its reason and spirit.

The meaning of the Constitution seems to me to result in this: That the President alone can not make a permanent appointment to those offices; that to render the appointment permanent it must receive the consent of the Senate; but that whensoever a vacancy shall exist which the public interests require to be immediately filled, and in filling which the advice and consent of the Senate can not be immediately asked because of their recess, the President shall have the power of filling it by an appointment to continue only until the Senate shall have passed upon it, or, in the language of the Constitution, till the end of the next session.

The substantial purpose of the Constitution was to keep these offices filled, and powers adequate to this purpose were intended to be conveyed. But if the President shall not have the power to fill a vacancy thus circumstanced, the powers are inadequate to the purpose, and the substance of the Constitution will be sacrificed to a dubious construction of its letter.

Put the case of a vacancy occurring in an office held in a distant part of the country on the last day of the Senate's session. Before the vacancy is made known to the President the Senate rises. The office may be an important one; the vacancy may paralyze a whole line of action in some essential branch of our internal police; the public interests may imperiously demand that it shall be immediately filled. But the vacancy happened to occur during the session of the Senate, and if the President's power is to be limited to such vacancies only as happen to occur during the recess of the Senate the vacancy in the case put must continue, however ruinous the consequences may be to the public. Cases of this character might be easily multiplied, and it would seem to me highly desirable to avoid a construction which would produce effects so extensively pernicious, if it can be done with a just respect to the language of the Constitution.

Now, if we interpret the word "happen" as being merely equivalent to "happen to exist"—as I think we may legitimately do—then all vacancies which from any casualty happen to exist at a time when the Senate can not be consulted as to filling them may be temporarily filled by the President, and the whole purpose of the Constitution is completely accomplished.

The casualty which has prevented the cooperation of the Senate may be such as in the case hypothetically stated above. It may arise from various other causes—the sudden dissolution of that body by some convulsion of nature; the falling of the building in which they hold their sessions; a sudden and destructive pestilence, disabling or destroying a quorum of that body; such an invasion of the enemy as renders their reassemblage elsewhere impracticable or inexpedient; and a thousand other causes which can not be foreseen. It may arise, too, from their rejecting a nomination by the President in the last

hour of their session, and inadvertently rising before a renomination can be made. In all these cases there is no guilt either on the part of the Senate or of the President; but by some casualty the vacancy happens to continue and to exist in the recess, and the public good, may, even the safety of the Nation, may require it to be forthwith filled. Looking to the reason of the case, why should not the President have the power to fill it? In reason, it seems to me perfectly immaterial when the vacancy first arose, for whether it arose during the session of the Senate or during their recess it equally requires to be filled. The Constitution does not look to the moment of the origin of the vacancy, but to the state of things at the point of time at which the President is called on to act. Is the Senate in session? Then he must make a nomination to that body. Is it in recess? Then the President must fill the vacancy by a temporary commission.

This seems to me the only construction of the Constitution which is compatible with its spirit, reason, and purpose; while, at the same time, it offers no violence to its language. And these, I think, are the governing points to which all sound construction looks.

The opposite construction is, perhaps, more strictly consonant with the mere letter. But it overlooks the spirit, reason, and purpose; and, like all constructions merely literal, its tendency is to defeat the substantial meaning of the instrument, and to produce the most embarrassing inconveniences.

The construction which I prefer is perfectly innocent. It can not possibly produce mischief without imputing to the President a degree of turpitude entirely inconsistent with the character which his office implies, as well as with the high responsibility and short tenure annexed to that office; while, at the same time, it insures to the public the accomplishment of the object to which the Constitution so sedulously looks, that the offices connected with their peace and safety be regularly filled.

I have the honor to remain, sir, very respectfully, your obedient servant,

WM. WIRT.

To the PRESIDENT OF THE UNITED STATES.

(1 Opin., p. 631.)

Mr. ROBINSON. The next case in which the question seems to have arisen was in 1832, when Mr. Attorney General Taney, who, as we all know, was afterwards Chief Justice of the Supreme Court of the United States, in another case very similar to this expressed the same opinion as that asserted by Mr. Wirt. He held that—

The President has power, during the recesses of the Senate, to fill vacancies that may happen to exist in the subordinate offices of the Government, and is not limited in its exercise to those which occur during recesses.

It was the intention of the Constitution that the offices created by law, and which are necessary to the current operations of the Government, should always be full; and that, when vacancies happen, they shall not be protracted beyond the time necessary for the President to fill them.

I ask unanimous consent at this point to include in the RECORD the opinion of Attorney General Taney.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The opinion referred to is as follows:

ATTORNEY GENERAL'S OFFICE,
July 19, 1832.

SIR: In obedience to your direction, I proceed to state my opinion in relation to the appointment of a register of the land office for the Mount Salus district, in the State of Mississippi.

The facts in the case I understand to be these: After the adjournment of Congress, on the 3d of March, 1831, and before their meeting in December of the same year, a vacancy occurred in the above-mentioned office of register, and Samuel Gwinn was appointed to fill it. During the late session of Congress he was regularly nominated to the Senate, and rejected by them. The President having afterwards received strong testimonials in his favor from the State of Mississippi, and being requested by one of the Senators from that State to renominate him, his name was again sent to the Senate, with the additional recommendations which had been forwarded to the President. The second nomination was made on the 11th of June last. It was considered on the 10th of July, and laid on the table. And on the 16th of July, the last day of the session, the following resolution was moved and considered:

"*Resolved*, That the President of the United States be informed that it is not the intention of the Senate to take any proceeding on the renomination of Samuel Gwinn to be register of the land office at Mount Salus, in Mississippi, during the present session."

This resolution was ordered to lie on the table; and the Senate adjourned without taking any further order in the matter.

In this state of things, can the President, during the recess, appoint Mr. Gwinn, or anyone else, to the office before mentioned?

The office was created by the act of Congress of May 6, 1822. As the President is required by the Constitution to take care that the laws be faithfully executed, it becomes his duty to fill the offices which are necessary, and have been legally established for that purpose, provided the Constitution confers on him the power.

The Constitution gives him the right "to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

The appointment of Mr. Gwinn during the last recess "filled up" the vacancy which had then happened, and the office remained full; and there was no vacancy, from the time of his appointment and acceptance until the close of the late session. The nomination made not being confirmed by the Senate, the commission granted by the President expired at the end of the session; and the moment after it closed the office again became vacant. This was a new vacancy.

Has this second vacancy happened during the recess of the Senate, so as to authorize the President to fill it, under the grant of power contained in the article of the Constitution above referred to?

It has, I know, been contended that, in order to enable the President to make the appointment, the vacancy must take place during the recess; in other words, that the office must be full at the time of the adjournment of the Senate and become vacant afterwards.

I can not think that this is the true interpretation of the article in question. The Constitution was formed for practical purposes, and a construction that defeats the very object of the grant of power can not be the true one. It was the intention of the Constitution that the offices created by law and necessary to carry on the operations of the Government should always be full, or, at all events, that the vacancy should not be a protracted one. A government can not go on, nor accomplish the purposes for which it is established without having the services of proper officers to execute the various duties required by law. To guard against any abuse of the appointing power by the President the approbation of the Senate is required. But as it was foreseen that, from the various contingencies and uncertainties to which human affairs are liable, vacancies might be found to exist during the recess of the Senate in offices which the public interest required to be filled, the power above mentioned was given to the President in order to provide against the evil of requiring a vacancy to continue in every case until the Senate could be convened, and the further evil of calling them together upon every one of the vacancies which might unexpectedly be found to exist during the recess. But the control of the Senate over appointments to such vacancies is effectually preserved by the limited term for which the President is authorized to make them.

Suppose an officer to die in a distant part of the United States and his death not to be known at Washington until after the adjournment; must the office remain vacant until the Senate can be convened? It is admitted by everyone that the President may appoint in such cases, and the practice of the Government has continually conformed to that construction. But if the Constitution required that the office should be full at the time of the adjournment and that the vacancy should take place afterwards, then the President could not appoint; for in the cases above mentioned the vacancy happens during the session and the office is not full at the time of the adjournment. It becomes vacant the moment the incumbent dies, and the notice does nothing more than inform the President that a vacancy has happened; and it informs him, at the same time, that it took place while the Senate was in session and not during the recess.

I am aware that it has been said that in these cases the vacancy must be regarded as happening when the notice of the death is received, and that therefore such a vacancy is to be considered as happening after the adjournment and during the recess. But how can it be so considered, in opposition to the admitted fact? There are no words in the Constitution that justify such an interpretation. It does not speak of the notice of a vacancy, but of the existence of a vacancy. It does not say if a vacancy shall become known, but if a vacancy shall "happen"; and if the words of the Constitution give the power to fill those vacancies only which take place after the adjournment, then the vacancies which I have just mentioned could not be filled.

It is manifest, however, that the Constitution could not have intended to place such cases on a different footing from vacancies which occur after the adjournment. There is no reason for a distinction between them. And the words used in the Constitution do not, I think, by any fair construction, require a distinction to be taken. It was intended to provide for those vacancies which might arise from accident and the contingencies to which human affairs must always be liable; and if it falls out that, from death, inadvertence, or mistake, an office required by law to be filled is, in the recess, found to be vacant, then a vacancy has happened during the recess, and the President may fill it. This appears to be the common sense and natural import of the words used. They mean the same thing as if the Constitution had said "if there happen to be any vacancies during the recess." The framers of the Constitution had provided for filling the offices with the concurrence of the Senate, but foreseeing that, from the various casualties to which human concerns are exposed, vacancies would be found during the recess, they gave power to fill them until an opportunity can be afforded of bringing the appointments before the Senate; and they use words which denote the character of the vacancies which they foresee may occur, and for which they are providing. He may fill up vacancies which "happen" during the recess, but vacancies are not designedly to be kept open by the President until the recess for the purpose of avoiding the control of the Senate; and the word "happen" is used to describe the class and kind of vacancies and not the particular time at which they took place.

I might suggest another case, showing that the restricted construction contended for can not be the one contemplated by the framers of the Constitution. Suppose a nomination made to a vacant office and confirmed by the Senate; the office is not full until the person appointed accept. Suppose he refuses to accept and his refusal is not known until after the adjournment; in such a case, the original vacany would remain unfilled, and, as it took place during the session and not after the adjournment, the President could not fill it. It can not be imagined that such cases were intended to be excepted out of the power granted to him.

It has been said that this power, if possessed by the President, may be so used as to defeat the intention of the Constitution and exclude the Senate from all share in appointments. The answer to such an objection appears to be a plain one. If the President willfully abuses a power given to him, the Constitution has provided a remedy. In this case the Senate have had a full opportunity of acting, but have not acted, and have held the nomination under advisement and left it to fall vacant as soon as they adjourned. They must be supposed to have had sufficient reasons for keeping the nomination in their power and suspending their action upon it. The President could not nominate another person for the same office until this was disposed of and was either withdrawn by him or finally acted on by the Senate. And as the Senate have had an opportunity of acting, but have determined to suspend their decision, I can not see how an appointment now made by the President can be supposed to interfere with the rights of the Senate. There is nothing in the case that can be construed into a desire to avoid their constitutional control.

If, however, the restricted interpretation contended for were admitted, still, in the case before me, the President would have the right to appoint. The vacancy did take place in the recess. The former appointment continued during the session, and there was no vacancy until after they adjourned. The vacancy followed the adjournment; and whether it took place immediately afterwards, or at distant interval, can make no difference. If it took place after the adjournment, it happened during the recess, according to the narrowest interpretation proposed to be given to the article; and, consequently, even in that view of the subject the President has a right to fill it.

I do not desire to place my opinion on this ground, but upon what I believe to be the true construction of the Constitution, as before stated.

In the case of Amos Binney Mr. Adams must have proceeded on the same construction of the Constitution with the one I have given.

The commission of Amos Binney, as navy agent of the port of Boston, expired by operation of law February 15, 1825, during the session of Congress. He was nominated for the same office February 28, 1825.

The session closed on the 3d of March, and the Senate adjourned without acting on the nomination. They were convened on the 4th of March, 1825, by the summons of the President; and on the 7th Mr. Binney was again nominated. On the 9th this nomination was postponed by the Senate to the first Monday in December following; and they adjourned on the same day, leaving this vacancy unfilled. On the 22d of March, 1825, during the recess, Mr. Binney was appointed by the President to the office above mentioned.

Here, then, was a vacancy which occurred during the session; was known to have taken place; was left unfilled at the close of the session; and was afterwards during the recess filled up by the President. I know of no precedent in favor of the opposite construction.

And as a vacancy in the office of register of the land office for the Mount Salus district until the next meeting of Congress would produce serious inconvenience to the public, and the vacancy is, in my judgment, one of that character which the Constitution contemplated in the grant of power before mentioned, I respectfully advise that the appointment be made.

R. B. TANEY.

To the PRESIDENT OF THE UNITED STATES.

(2 Opin., 525.)

Mr. ROBINSON. Mr. President, as I have already stated, this officer's commission, under the Constitution, did not expire until the 4th of March, and he continued actually to perform the duties of the office up to that date. Under the law the Department of Justice can not pay his salary, his nomination having been rejected by the Senate, the provision of the Revised Statutes, section 1761, being as follows:

No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

Since in this case the vacancy originated when the Senate was in session and since the appointment was made in vacation and the appointee was not confirmed, the power does not exist, under the statute, to pay his salary without express authorization by Congress; but it does seem to me that under the circumstances of this case, since the services were admittedly rendered in good faith and there was no one else who could perform them, and since it was necessary in the interest of the enforcement of law that there be some one available to discharge the duties of United States marshal, the salary of Mr. Bland should be paid until the time his commission expired.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON. With pleasure.

Mr. SUTHERLAND. As I understand, the vacancy in this office occurred during the session of the Senate?

Mr. ROBINSON. Yes, sir; in February, 1914.

Mr. SUTHERLAND. But the President neglected to send in a name, which he might have done?

Mr. ROBINSON. No nomination was made until December, 1914.

Mr. SUTHERLAND. How long was the Senate in session after this vacancy originally occurred?

Mr. ROBINSON. I do not recall the exact time; but I think it was several months.

Mr. SUTHERLAND. Then there was ample time for the President to act?

Mr. ROBINSON. Undoubtedly.

Mr. SUTHERLAND. And does the Senator know why the President withheld action in the matter?

Mr. ROBINSON. I think it is within the knowledge of every Senator in the Chamber why no action was taken; but I would not undertake to state it. It is a matter of common knowledge, I think, to Senators. I will, however, say this: These nominations, as the Senator well knows, are usually made by the President upon certain recommendations, and no recommendation that the President approved of was made within that time. For that reason no nomination was earlier sent to the Senate.

Mr. SUTHERLAND. It was withheld probably on that account.

Mr. ROBINSON. I do not undertake to express any reason for the President's failure to act earlier; but I think that may have been the reason.

Mr. SUTHERLAND. The appointment, then, was sent in during the recess. I think the Senator is right when he says that within the meaning of the Constitution that vacancy happened during the recess. I think it means if a vacancy existed during the recess, as the Senator has said, and I think he is right in saying that, notwithstanding the rejection of the nomination of the President subsequently sent to the Senate, the marshal who received the temporary appointment continued to hold until Congress adjourned on the 4th of March following. I think that has been held repeatedly. I know it was held by two or three opinions of Attorneys General, and it has been held by at least one of the courts. But the question which troubles me about the matter is that there is a statute to which the Senator has called attention which provides that payment shall be withheld in a case of this very kind. The Senator read the statute a moment ago. Perhaps he will read it again.

Mr. ROBINSON. I have read it once. I can state it to the Senator.

Mr. SUTHERLAND. Very well.

Mr. ROBINSON. It is simply this, that the executive departments shall not pay money out of the Treasury on account of salary of a person whose nomination has been rejected by the Senate; in other words, it requires additional legislation to compensate him.

Mr. SUTHERLAND. Hardly that, as I remember it. The statute applies to a case where the——

Mr. ROBINSON. I did not state it accurately. I should have said that in cases where vacancies originate while the Senate is in session and recess appointments are made which are not confirmed, but are rejected—in such cases there is no legal authority to pay the salary, and authorization is required.

Mr. SUTHERLAND. Therefore, we have this situation; that if the vacancy actually happens during a recess of the Senate and an appointment is made to fill that vacancy, then the accounting officers of the Treasury may make payment.

Mr. ROBINSON. That is, if it originates during the recess; yes.

Mr. SUTHERLAND. If it originates during the recess; but if it originates while Congress is in session, then the general statute forbids his being paid.

Mr. ROBINSON. That is, forbids the accounting officers paying it; yes.

Mr. SUTHERLAND. Forbids their paying it. Now, it occurs to me that there is a very wholesome purpose behind that statute, and that is that the President shall not be permitted, when a vacancy happens—"when a vacancy originates," to use the Senator's language—during the time Congress is in session, to withhold making an appointment so that he may send it in during the recess; in other words, the President might be sure that some appointee——

Mr. ROBINSON. No; the Senator is wrong about that, because he concedes that the right to make the appointment exists.

Mr. SUTHERLAND. I had not quite finished my statement. The case is conceivable where the President might have in mind an appointee whom he was quite sure would be rejected by the Senate if he sent the nomination in, but, by withholding it until the Senate adjourned, he could make a recess appointment and enable that man to hold until the adjournment of the succeeding Congress, which might conceivably be the better part of a year; and it seems to have been the purpose of the statute to prevent cases of that character.

Mr. ROBINSON. Whatever may have been its purpose, its effect is simply this, that when an appointment is made by the President to fill a vacancy that originated while the Senate was in session, the appointment being made during the recess of the Senate, the appointee receives no compensation until Congress makes an appropriation for his compensation. That is the effect of the statute.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. ROBINSON. Yes.

Mr. BRANDEGEE. I thought the Senator had finished. I do not desire to interrupt him. I was going to take the floor myself.

Mr. ROBINSON. I think I have completed all I desire to say. I insist, Mr. President, that under the circumstances of this case the salary should be paid.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. I notice the language of the bill is that this appointee rendered the service "in good faith." I do not know what the object of putting those words in may be. I have no doubt that he rendered the services.

Mr. ROBINSON. Will the Senator yield to me for a moment?

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. That was the language incorporated in the House provision and was merely the language submitted by the Attorney General in his estimate sent to Congress. That is undoubtedly the reason the House used that particular language.

Mr. BRANDEGEE. That may be the reason the House used it, but I still am in doubt what intention is sought to be conveyed by the language, even if it were taken from the letter of the Attorney General. All I can make out of it is that the ap-

pointee continued to serve after he knew perfectly well that the Senate had rejected his nomination.

Mr. ROBINSON. Yes; but let me call the Senator's attention to the fact that there was no one else authorized to serve, and that the public interest required that he continue to serve until some one else was authorized to do so, his commission running until the end of that session of Congress.

Mr. BRANDEGEE. I am perfectly aware of that; but it seems to me that the appointee must have known that there was a United States statute in existence which practically said to him, "If after the Senate has rejected your nomination you continue to serve under your commission you do so at your peril."

Mr. ROBINSON. The Senator understands that Mr. Bland collected no salary for the period between the time he qualified and the time he was rejected?

Mr. BRANDEGEE. Yes; I am not quarreling with him about that; and the fact that the gentleman's commission did not expire until the 4th of March does not meet the point that I raise. The marshal was not compelled to perform these duties; he could have resigned at any time he had a mind to; he could have thrown up his commission, and he could not have been compelled to perform these services; but he voluntarily held on in the face of the statute.

Mr. ROBINSON. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. ROBINSON. The Senator does not mean to say that the marshal could have just walked out of the office without having his resignation accepted, and, by quitting the office merely because the Senate had refused to confirm him, absolve himself and his bondsmen from liability for failure to discharge his duty?

Mr. BRANDEGEE. I mean——

Mr. SUTHERLAND. The court could have immediately made an appointment.

Mr. BRANDEGEE. I mean to say that the marshal could have immediately notified the President that he did not care to perform the duties any longer, which the United States statute prevented him from getting pay for, and the President could have immediately appointed another man, or the court could have appointed another man, to attend to the duties of marshal.

Mr. ROBINSON. Will the Senator yield to me for a further statement?

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. The President did immediately nominate another candidate—I think the nomination was made on the very day following the action of the Senate—but the name of that candidate is still before the Senate. It has been before the Senate now for more than a year, and the Senate has failed to act on that nomination. Supposing the Senate rejects that nominee's name, he would have to come back to Congress and ask for an appropriation to pay his salary, and so on ad infinitum.

Mr. BRANDEGEE. Who is performing the duties of the office now?

Mr. ROBINSON. I do not remember his name.

Mr. SMOOT. William A. Shelton.

Mr. ROBINSON. Mr. Shelton; that is the name.

Mr. BRANDEGEE. That shows that there was no danger of the duties of the office being neglected or any bond being forfeited or any penalty incurred.

Mr. ROBINSON. But, if the Senator will excuse me, William A. Shelton did not receive a commission until after the 4th of March, and he could not perform any duties until he had received his commission and qualified.

Mr. BRANDEGEE. Mr. President, I know nothing about the motives of this gentleman; but it seems to me to be a clear case of attempting to compensate a man by special act of Congress when the general statutes prevent his getting the salary as he would have gotten it if he had been confirmed by the Senate. What is the amount involved? Does the Senator know?

Mr. SHAFROTH. The total amount is about four hundred and some odd dollars, which includes part of what is allowed in this bill.

Mr. BRANDEGEE. The bill does not mention the sum, as I look at it.

Mr. ROBINSON. I will tell the Senator exactly in a moment. Nine hundred and twenty-two dollars and twenty cents is the total amount of the salary.

Mr. BRANDEGEE. What is the difference in money involved between the language stricken out of the bill by the Senate committee and the amendment proposed by the Senate committee?

Mr. ROBINSON. I have not computed the difference.

Mr. BRANDEGEE. What is the difference in time?

Mr. ROBINSON. The difference in time is this: The amendment offered by the Senator from Virginia will compensate Mr. Bland for services from the 12th of December until the 6th of January. The provision inserted in the bill in the House of Representatives will compensate him for the entire time he served.

Mr. BRANDEGEE. It is a matter of two months, is it not?

Mr. ROBINSON. The difference?

Mr. BRANDEGEE. Yes; the difference.

Mr. ROBINSON. Yes; a little less than two months.

Mr. SMOOT. Mr. President, when the Committee on Appropriations met for the consideration of the bill on March 15, the item for the payment of the salary of Ewing C. Bland was stricken from the House bill. I think there was no objection on the part of any member of the committee present to that action. This morning the committee met for the reconsideration of this amendment and for the consideration of a number of other amendments that were submitted to the committee after the bill was reported, and the question of the payment of Mr. Bland was discussed by the subcommittee and then by the whole committee.

The appointment of Ewing C. Bland was a recess appointment made by the President after the adjournment of Congress March 4, 1915.

Mr. SUTHERLAND. How soon after the adjournment? Has the Senator the date?

Mr. SMOOT. I have not the date of his appointment for the present. He served during that recess appointment, and when the Senate convened in December, 1915—that is, last December——

Mr. SHAFROTH. The Senator's figures are one year too late. This provision is for the period from December 12, 1914, to and including March 4, 1915.

Mr. ROBINSON. If the Senator will pardon me, I can give the dates accurately.

Mr. SMOOT. Then the memorandum that was handed to me is wrong.

Mr. SHAFROTH. Yes; that is it.

Mr. SMOOT. I will simply state, then—and I think that is true—that the appointment was one year earlier than I stated. But be that as it may, when the appointment was made in December, 1914, it was considered by the Judiciary Committee; it was reported to the Senate, and, on January 6, 1915, the Senate rejected the nomination of Mr. Bland.

We have innumerable cases where the President has appointed persons to positions during a recess, and reappointed them upon the convening of the next Congress, and during that Congress the Senate has not acted upon them, and then we have in such cases paid them the salary that was due them for services rendered up until March 4 of that year. But there is no case that I can find, nor was any case pointed out to the committee, where an appointee of the President of the United States has been paid a salary after the Senate has rejected that appointment, but that will be the case, Mr. President, if the House provision prevails. After a reconsideration of this item of the bill this morning by the committee, the committee decided, with the exception of the vote of the Senator from Arkansas——

Mr. ROBINSON. The Senator is mistaken about that. There were a number of other votes cast for it.

Mr. SHAFROTH. I will state that I voted for the position taken by the Senator from Arkansas.

Mr. ROBINSON. And a number of other Senators.

Mr. MARTIN of Virginia. It is out of order to allude to the vote in committee, anyhow.

Mr. SMOOT. I suppose I should not allude to it.

Mr. ROBINSON. No; I do not think the Senator ought to have made that statement.

Mr. SMOOT. I will then state it was an overwhelming vote. The committee agreed that it would pay Mr. Bland from the time he received his commission, December 12, 1914, to January 6, 1915, the day the Senate rejected him; or, in other words, they have changed the provision of the House by eliminating any appropriation for his salary after the Senate of the United States had rejected his nomination.

Mr. President, if we adopt the House provision, there will be a precedent established that will always be pointed to, that, no matter whether the Senate rejects the nomination of a man or not, he can serve the balance of that session, and the Congress will appropriate money to pay him for it.

I do not believe this ought to be done. If it can be done, then the President of the United States could appoint a man, as was done, in early December of 1914; the Judiciary Committee could consider the appointment and report it back to this body; the Senate could reject it; the very next day the President could appoint another person to the place; his appointment could be

considered by the Judiciary Committee and rejected by the Senate; and both of those appointees could draw a salary under the precedent which would be established in the payment of this claim. I do not think the Senate wants to establish any such precedent as this.

Mr. ROBINSON. Mr. President, will the Senator permit me to interrupt him there?

Mr. SMOOT. Certainly.

Mr. ROBINSON. If Congress refuses to pay this salary, it will also put itself on record as favoring the practice of permitting a nomination to remain in the Senate for more than a year without taking action upon it, permitting an officer nominated to continue to render services, and then, after the lapse of a year or two, reject him and deprive him of any compensation whatever. That would occur if Mr. Shelton should be rejected and the principle contended for by the Senator applied to him.

Mr. SMOOT. I do not look at it that way, Mr. President. This is the situation exactly: If Congress provides payment for Mr. Bland after he was rejected, it is setting aside a general statute of the United States.

Mr. ROBINSON. Mr. President, will the Senator yield to me for an inquiry?

Mr. SMOOT. Just as soon as I finish this statement I will yield to the Senator.

The Senator has referred to the fact that there was no other person to perform the services during that time. The fact of the matter is that the court had power to appoint an officer if Mr. Bland did not serve after he was rejected; and where a man is appointed to an office by the President, and has a fair hearing before the Judiciary Committee, and his nomination is reported to the Senate, and the Senate rejects the appointment, I do not believe we ought to encourage him to continue in the office; and we ought to give notice now to the courts that wherever such a case happens the courts should appoint a person to fill the place.

Now I yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator has departed entirely from the discussion of the point concerning which I wanted to interrupt him. The statute to which he refers, forbidding compensation of officers who are rejected by the Senate, forbids compensating Mr. Bland in any part; so that it is necessary to come to Congress to get authority to pay him anything.

Mr. SMOOT. Yes; I admit that.

Mr. ROBINSON. We have now an actual case where, on January 7, 1915, after the Senate of the United States had rejected Mr. Bland, another nomination was made. The Senate was in session. No action has been taken upon that case. If Mr. Shelton is rejected now, after more than a year has gone by, the same statute which the Senator regards as so sacred will deprive Mr. Shelton of any compensation whatever.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator to this fact: Up until January 7 Mr. Bland did not know whether the Senate was going to reject him or not; but after he was rejected there was no excuse for his continuing in the office.

Mr. ROBINSON. Why, Mr. President, the Senate does not serve any notice upon Mr. Bland.

Mr. SMOOT. It did by his rejection.

Mr. ROBINSON. Just a moment. Mr. Bland gets his authority from the commission issued by the President. That commission authorized him to serve until the 4th of March. Pursuant to that commission he performed the services; and in law and in fairness he is just as much entitled to compensation for the whole time served as he is for the period prior to the action of the Senate in rejecting him.

Mr. SMOOT. Mr. President, the Committee on Appropriations decided that, as Mr. Bland served as marshal from December 12, 1914, up until January 6, 1915, with no action on the part of the Senate until that time, he should be paid up until that time; but, after the Senate had acted, the committee thought it was unwise and it was not a proper thing to pay him beyond that time.

I will admit what the Senator says, that the payment to Mr. Bland from December 12, 1914, to January 6, 1915, is contrary to the statute; but we do say that he did serve during that time, and, as the House put it, in good faith. He had no knowledge but that he would be confirmed by the Senate up until that time, and therefore the committee thought he ought to be paid for that length of service.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. VARDAMAN. Is Mr. Bland asking for pay for any time that he did not serve?

Mr. SMOOT. No, Mr. President. He served from January 6 until March 4; but the Senate, on January 6, refused to confirm his nomination.

Mr. VARDAMAN. The fact I want to elicit from the Senator is whether or not the man rendered this service to the United States.

Mr. ROBINSON. Everybody admits that he did.

Mr. SMOOT. I do not think anybody denies that he served from December 12 until March 4.

Mr. VARDAMAN. Does the Senator want him to serve without compensation? Has he not rendered the service? Is it not within the power of Congress to compensate a man for performing honest and efficient service?

Mr. SMOOT. Why, certainly it is. If the Senate wants to reject the nomination of a man, thus serving notice that they will not confirm his nomination, and for reasons of his own continues in the office, and then appropriate money to pay for such services, of course, it can do so; but I do not think it is the proper course to follow, and no such precedent should be established.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. SMOOT. Yes.

Mr. BRANDEGEE. As I understand, there is no denial that he served. He not only served, but he insisted on obtruding his services upon an unwilling country.

Mr. ROBINSON. Oh, Mr. President, if the Senator from Utah will permit me to make a brief reply, I do not think that is a fair statement. Mr. Bland's commission authorized him to serve until the 4th of March. There was no one authorized to take his place. He was entitled, under the Constitution, to continue in the service until the 4th of March.

Mr. SMOOT. Mr. President, these are the facts of the case: A. J. Martin resigned in March, 1914, and the court appointed Henry C. Miller to fill the place until another marshal was appointed. That is where the court acted. The court could have acted in the case when the Senate rejected Mr. Bland.

Mr. ROBINSON. But it did not do it.

Mr. SMOOT. No; but the Senator, I think, knows why the court did not do it, and I do not want to go into that question.

Mr. ROBINSON. I do not know why it did not do it; but I will say to the Senator that I am not sure that the court could in that instance have appointed a marshal, because if the President had authority to issue Mr. Bland's commission in the first instance his commission continued him in the duties of that office until the 4th of March, without regard to the action of the Senate.

Mr. SHAFROTH. There was no vacancy until the 4th of March.

Mr. ROBINSON. There was no vacancy until the 4th of March. The vacancy did not arise until the 4th of March; that is, until the expiration of the session.

Mr. SMOOT. Now, Mr. President, I will continue my statement.

Mr. VARDAMAN. Mr. President, if the Senator will yield, I should like very much to know the reason. Let us have the facts about it.

Mr. SMOOT. No, Mr. President; I am not going to state them on the floor of the Senate, and there is no necessity for doing so. They are political, however.

Mr. ROBINSON. If the Senator from Utah will permit me, the facts are that the court could not have appointed a marshal to take the place of Mr. Bland after he was rejected by the Senate prior to the 4th of March, because there was no vacancy. A vacancy did not arise until the expiration of the commission which had been delivered to Mr. Bland, which was the 4th of March. The mere rejection of his name by the Senate did not revoke his commission. There is not a lawyer living who will claim that.

The implied position of the Senator from Utah—and, if I understood the Senator from Connecticut correctly, it is his express position—is that when Mr. Bland learned that he had been rejected by the Senate he should have resigned. He did not do that, however. He continued to serve. He performed the duties of the office; and he is just as much, in law and in good faith, entitled to compensation for the time he served after action was taken in the Senate as he was before it was taken.

Mr. SMOOT. I take the position that if Mr. Bland, after the Senate rejected him, wanted to serve without pay he could have done so; and his rejection was notice that if he served he would have to come to Congress for the salary that he might ultimately receive, and he knew it.

Now, Mr. President, I am going to make a short statement of the case, and I hope no one will interrupt me while I am presenting it.

A. J. Martin resigned in March, 1914, and the court appointed Henry C. Miller to fill the place until another marshal was appointed. The Senate was in session at the time of this resignation, and continued in session for about eight months—up until the latter part of October, 1914. During this time the President sent no name to the Senate for confirmation for this place. On December 4, 1914, after the Senate had adjourned, and three days before the Senate again convened, the President appointed Ewing C. Bland to fill the vacancy.

I am not going to repeat what happened after that time. I have already stated it, and so have other Senators. If the Senate now, after hearing the case and understanding the situation as it really exists, wants to make an appropriation to pay Mr. Bland after the Senate had rejected him, in the face of the statute which says that he shall not be paid, then, of course, that is for the Senate to decide. That is the case exactly as it is.

Mr. SHAFROTH. Mr. President, it seems to me that the evils which the Senator tells us might happen, in the way of keeping men in office after the Senate had rejected their nominations, might occur in some instances; but when those instances occur, then is the time to invoke the harsh rule that the Senator proposes.

Here is a man who was appointed on the 4th day of December, and he qualified on the 12th day of December. He resigned a judgship in order to take the appointment of the United States marshalship at Kansas City, Mo. He served continuously until the 4th day of March. Notwithstanding the fact that the Senate failed to confirm him or refused to confirm him on the 6th day of January, he still held under his commission until a new appointment was made, or until a judge appointed some other person to fill the place. The judge did not appoint; in fact, as the Senator from Arkansas has said, the judge could not appoint, because no vacancy occurred.

By reason of that, here is a man who has served for this length of time. No one else is claiming this pay. No one else occupied the marshalship. No one else is here pretending that he performed any service whatever. If the United States Government does not pay this, it is practiacly depriving somebody of the rights that are due under that appointment, or, rather, it is getting ahead by reason of the fact of not paying any salary for persons who perform services.

It may be that there is a great question here involving the right of the Senate as against the right of the President; but that principle ought to be invoked, it seems to me, in a case where there is an evil to be remedied. Here is a man who has performed these services. The judge could not have appointed some one else. The man could have resigned, that is true, but where is there a man who will step out when he is rejected by the Senate without any notice from the person who appointed him insisting upon his stepping out?

It seems to me that having performed this service, having done it well, it being necessary that the office of marshal should be administered by some one, it is only fair to pay Mr. Bland this small salary. It is as much a violation of the law which the Senator from Utah [Mr. SMOOT] has cited for him to get paid to the 6th of January as it is for him to get paid to the 4th of March. Consequently, if you are going to break it in one instance, and there has been actual service performed, and no one else is claiming the salary, it seems to me he ought to be paid the full compensation for the services which he rendered to the Government.

Mr. SUTHERLAND. Mr. President, my objection to this amendment is because, by a special act, without any reasonable excuse for doing so, it undertakes to set aside a general statute, which I think was passed for a wise and proper purpose.

The vacancy in this office happened in March, 1914. Congress remained in session for several months after that happened. The court, acting upon statutory authority, appointed a man to fill the place until somebody should be regularly appointed by the President and confirmed by the Senate.

This general statute provides—I have not the statute before me, and therefore I may not quote it accurately, but I am quoting the substance of it—that where the vacancy occurs during the time Congress is in session, and an appointment is made during the recess following, compensation shall not be paid to the officer. That denies to the accounting officers of the Treasury the power to pay compensation to an official appointed under those circumstances.

The purpose of the statute is perfectly evident. It is to prevent the President withholding an appointment from the Senate when the Senate is in session, to enable himself to make an appointment during a recess, and thereby allow his appointee to serve until the adjournment of the succeeding Congress, whether the Senate approves of the appointment or not.

It may happen that an appointment may be made under those circumstances where Congress would be justified in departing from the provisions of this general statute. For example, a vacancy might occur within a day of the adjournment of Congress and the President might be quite unable to send an appointment to the Senate within that short time. That would come under the provisions of the general statute, it is true; but it would present a case where there was reasonable excuse for the failure of the President to send in the appointment while Congress was in session. In that case Congress would be justified in passing a special statute such as this is, and thereby, in that individual case, setting aside the provisions of the general statute.

In this case, however, there is no excuse whatever. The President withheld this appointment from the Senate for six or seven months. He could have sent it in during that time; and not only that, but Congress adjourned in October, and did not reassemble again for two months. The President waited during that two months, until within two or three days of the meeting of the Senate, and then sent in this appointment, apparently because he realized that if he sent it at that time it would be a recess appointment, and his appointee would hold over until the 4th of March, no matter what the Senate determined to do about it.

If the President could wait until two or three days before the meeting of the Senate, he could have waited until the Senate met and then have sent in the appointment. The whole case is surrounded by circumstances of such a character that I do not think the Senate is warranted in departing from the provisions of this general statute. I think under these circumstances the committee have gone even farther than they should have gone in allowing any compensation at all; but certainly they have gone far enough in allowing compensation up to the time when the appointee was rejected by the Senate.

Mr. SHAFROTH. Mr. President, I wish to call the attention of the Senator from Utah to the fact that there is no effort in this instance to have the person whom the President appointed draw any long salary in the absence of a session of the Senate, because this man was appointed on the 3d or 4th day of December and the Senate immediately met on the 7th day of December. It is not like an appointment after the 4th of March in such a recess as we had last year. If the President had appointed him on the 5th day of March last year, it would have been a recess appointment, and he would hold until December and then the question of his confirmation would come up. It is not that kind of a case where he would get nine months' salary. Here was an appointment made just three or four days before the Senate met.

Mr. SUTHERLAND. The President waited two months after Congress adjourned before he sent in the appointment at all. Let me ask the Senator from Colorado why the President did not wait three days longer and then send it to the Senate in the regular way, without making a recess appointment at all?

Mr. ROBINSON. The Senator knows how these nominations are made. No doubt many times there is great difficulty in the selection of a nominee. The Senator understands fully the difficulties that surround it in many cases.

I do not know whether it is germane to the point immediately under discussion, but I wish to call the Senator's attention to the fact that no word here or elsewhere has ever been alleged against either the integrity or the ability of Mr. Bland or the manner in which he has discharged his duty.

Mr. SUTHERLAND. Conceding that the President was justified in not sending the appointment in during the time Congress was in session, which I only concede for the sake of argument, and conceding likewise that he was justified in withholding the appointment for nearly two months while Congress was in recess, then I ask the Senator from Arkansas or the Senator from Colorado to tell me why he did not wait three days longer and send it to the Senate in the regular way instead of making a recess appointment, which enabled the appointee, under the provisions of the Constitution, to hold until the 4th of March no matter what the Senate did. If he had waited three days longer and sent it to the Senate in the regular way, the Senate would have acted upon it, and he would have been rejected on the 6th of January, and he never would have gone into office at all.

Mr. ROBINSON. I do not know how the Senator makes that assumption, since the name of Mr. Shelton had been pending in the Senate for more than a year; but, in reply to the Senator's question——

The PRESIDING OFFICER. Does the Senator from Colorado further yield?

Mr. SHAFROTH. I thought the Senator from Utah had the floor. I yield.

Mr. ROBINSON. I wish to make a brief statement, in reply to the Senator's question as to why the President did not act differently and wait until the Senate met to send in the name. I merely want to say that I have attempted to present the aspect of the case as showing that the making of these nominations and the manner of making them are within the constitutional prerogative of the President, and, I think, the Senator agreed with me expressly in that statement. If that is the case, I do not think it would lie in my mouth or in the mouth of the Senator from Utah to criticize the action of the President in not making the nomination sooner than he did make it. The subject was surrounded with difficulties, the nature of which in no wise affected either the character or the capacity of Mr. Bland to discharge the duties of the office. The Senator is familiar with these matters, and I am not going to enter into a discussion of them. I rest this case upon the principle that the President, under the Constitution, had the power to make this appointment as a recess appointment; that the commission of Mr. Bland authorized him to continue in service until the 4th of March; and, since the service has never been questioned, but was rendered in good faith, the mere fact that the Senate did not confirm him, but rejected him, did not revoke his commission. If Congress pays him anything, it ought to pay him for the entire time of his service.

Mr. SUTHERLAND. The President has the constitutional power to do a great many things, yet he may do them in a way which will justify criticism, and I think he has made this appointment, although it is an appointment that I concede he had the constitutional power to make, in a manner that justifies criticism.

The statute to which the Senator himself invited attention provides in express terms that when an appointment is made under these circumstances, made in the precise way this appointment was made, the appointee shall not be permitted to have pay, and it requires a specific and special act of Congress to set aside that general statute. I think the statute is wise, and I do not think circumstances have been shown here which justify us in setting it aside.

Mr. SHAFROTH. Mr. President, it does not seem fair——

Mr. ROBINSON. I want to reply in a few words to the Senator from Utah.

Mr. SHAFROTH. I yield to the Senator.

Mr. ROBINSON. I think the Senator from Utah is familiar with the condition under which the statute forbidding payments of salaries in cases of this kind was enacted. It was the result of a conflict between the Congress of the United States and President Johnson, a very bitter conflict involving many questions of alleged encroachments by the Executive on the powers of the Senate, and I do not think it should bar payment of salaries in cases like that now under consideration.

Mr. SHAFROTH. Mr. President, I do not think it is fair to impugn the motives of the President, no matter what time he sent in the appointment to the Senate or what time he makes the appointment. It is possible that where there have been repeated efforts on the part of the President to fill an appointment there might be something in it that would be the subject of criticism, but in this case it seems to me clearly, if there was reason for criticism, you do not want to visit on the head of an innocent man that which the President did. Mr. Bland had nothing whatever to do with this appointment save as the recipient. There may be many reasons why the President does not send in a name at a particular time.

Mr. SUTHERLAND. May I ask the Senator a question?

Mr. SHAFROTH. In just a minute I will yield. He may be in correspondence with the very man himself to know whether he will accept or not. It may be that there are a great number of appointments that are to be made, or there may be a number of cases where some might be here urging it and asking it as a special favor. To impugn to the President a motive that he sends in this appointment for some advantage on his part it seems to me is not well taken, because the Senate meets thereafter in a few days, and if there is to be a rejection the man can not have the office, except for a very short time.

I can very well see that the criticism might have some weight if the appointment had been made on the 5th of March in a year where we have a nine months' vacation, but with the knowledge that the Senate is going to meet on the 7th of December and could take up the case and reject it, it seems to me you can not impugn the motives of the President and say that he intends to gain any advantage in salary for the man who was appointed. And now to visit that on the man when he probably had no knowledge of the motive, even if a motive did exist, it seems to me is absurd. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator thinks it is unfair to visit this punishment upon the man who was appointed because he was innocent. Of course, that would be the case with every appointment that was made under like circumstances; the man who was appointed would be innocent. Then, does the Senator from Colorado think this general statute ought never to be applied?

Mr. SHAFROTH. I doubt very much whether it ever ought to be applied. I am one of those who believe that due credit ought to be given to the appointing power, that it intends in good faith to perform the duties of the office, and not to send in names unless there is good reason for it.

So far as the statute is concerned, as the Senator from Arkansas has just said, it was passed by the Congress of the United States when there was a most violent conflict over the rights of the President of the United States that ever did exist.

Mr. SUTHERLAND. The statute was passed, among other things, to prevent an abuse of power just like this, where the President, instead of sending in the appointment, waits while the Senate is in session for six months and then makes the appointment during the recess.

Mr. SHAFROTH. Mr. President, we know that there is great difficulty sometimes in getting Senators to agree upon whom they will recommend. All these appointments are made upon recommendation, and consequently there may be great time wasted in trying to get a recommendation of that kind. The President does not want to act hurriedly if there is no recommendation for the appointment, and yet at the same time when he comes to a conclusion with relation to it I believe that we ought to give full faith and credit to the President, I care not to what political party he belongs, that the appointment is wise and just, at least so far as he is concerned.

But it seems to me it would be ridiculous that this should be visited on the man when he had nothing whatever to do with it, and to say that he should suffer, nothwithstanding he performed the service; notwithstanding the fact that he had rendered it; notwithstanding the fact that he in this particular instance had resigned a judgeship to take this United States marshalship. To say that it is a conspiracy on his part to get two months' salary out of this thing seems to me to be absurd. If we have a right to refuse to follow that statute up to the 6th day of January, we have a right to refuse to follow it until the 4th day of March. When we know he performed the service and nobody else did, and nobody is claiming a double salary or anything else, it seems to me this salary should be allowed.

Mr. MARTIN of Virginia. Mr. President, I am not going to argue this question. The amount involved is exceedingly small. A great deal of time has been consumed, and so I will not argue it from any point of view, but will simply state the parliamentary situation so that Senators may understand it.

The bill as it came to the Senate from the House provided payment for Mr. Bland during the entire period of his service from the time he was appointed until the 4th day of March following. That included pay for the time before he was rejected and the time after he was rejected. The Senate committee thought he ought to be paid for that portion of his service up to the time the Senate rejected him. The Senate committee was not willing to report to the Senate the provision paying Mr. Bland after his nomination had been rejected by the Senate.

So the Senate committee to carry out that view amended the bill as passed by the House. If the amendment of the Senate committee is adopted, Mr. Bland will get pay for the time commencing with the date of his appointment and ending when his nomination was rejected by the Senate. If the Senate committee amendment is rejected, the House provision remains and Mr. Bland will be paid for the entire service, including the time after he was rejected by the Senate. The Senate committee did not think he ought to be paid after his nomination had been rejected by the Senate. So if the Senate committee amendment is sustained Mr. Bland will not be paid after his nomination was rejected, but he will be paid for all his service up to the date of his rejection by the Senate.

Mr. FALL. Mr. President, I have been very much interested in this debate, and it has been very informing to me and convincing of the necessity of debate upon all questions coming before this body. Had it not been for the clear statement made by the Senator from Virginia, I probably would have supported the committee amendment.

Mr. President, this debate illustrates the necessity of explaining, discussing, and considering all matters. It is further confirmatory of my ideas of the duty of a Senator to appear here at all times while the Senate is in session.

I am sorry to say, Mr. President, that I was derelict in my duty this morning during the morning hour at the time Senate concurrent resolution 17 was introduced in this body, declaring, in so far as this body could declare, the opinion of Congress upon great foreign affairs of immense and enormous magnitude to the people of the United States and tying the hands of our soldiers now on foreign soil in pursuance of their duty. It

passed without objection, it passed without consideration, it passed without debate.

I want to apologize to the people of the United States, Mr. President, for having been in my office and not in my seat, as I should certainly have objected to the consideration of that resolution and to its adoption. I understand it not to have been in accordance with the policy of the President of the United States as announced by him in a letter to the chairman of the Committee on Foreign Relations and of the House Rules Committee upon a recent occasion, the President intimating that, having himself assumed the power and the duty to do certain things with reference to foreign matters, he did not think it necessary to come before the Congress of the United States and ask its permission or its cooperation.

However, I do not propose to discuss this matter. I have carefully refrained, although not agreeing with the President in all matters, from any attempt at discussion or interference with him in the handling of recent Mexican affairs. I am in thorough accord with the action which he has taken, if I do not render him my full approval or cooperation in the methods which he has followed or in the words which he has uttered.

I am entirely out of accord with the action taken by the Senate this morning upon this matter, and I simply wanted to register my disapproval and my regret that I was not performing my duty as a Senator in being in my office and not in the room when the resolution was passed.

Mr. President, as I said, the debate on this matter of itself is certainly illustrative of the principle I have more than once invoked here, that we should have open and frank discussions. I am convinced, I may say to the Senator from Arkansas, by the lucid explanation of the Senator from Virginia.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee. [Putting the question.] The ayes seem to have it.

Mr. VARDAMAN. I ask for a division.

Mr. SMOOT. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. THOMAS. Mr. President, a parliamentary inquiry. To vote "yea" sustains the committee amendment?

The PRESIDING OFFICER. It sustains the committee amendment.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. In his absence I will withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer the pair to the Senator from Wisconsin [Mr. HUSTING] and vote "nay."

The PRESIDING OFFICER (when Mr. OVERMAN'S name was called). The Chair announces his pair with the Senator from Wyoming [Mr. WARREN] and withholds his vote.

Mr. JONES (when Mr. PAGE'S name was called). I desire to announce that the Senator from Vermont [Mr. PAGE] is necessarily absent on business of the Senate.

Mr. JONES (when Mr. POINDEXTER'S name was called). I desire to announce that my colleague [Mr. POINDEXTER] is necessarily absent on business of the Senate.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE] and refrain from voting unless advised how he would vote if present.

Mr. SUTHERLAND (when his name was called). I announce my general pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. UNDERWOOD (when his name was called). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SAULSBURY. I desire to announce the necessary absence of the senior Senator from Maine [Mr. JOHNSON] on official business of the Senate.

Mr. JONES (after having voted in the affirmative). I have a pair with the junior Senator from Virginia [Mr. SWANSON] for the remainder of the day; but I understand that if present he would vote as I have voted, and therefore I will let my vote stand.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. SHERMAN. I am paired with the Senator from Kansas [Mr. THOMPSON] and withhold my vote.

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. As he is not present and has not voted, I withhold my vote.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. WALSH. I wish to announce that the Senator from Ohio [Mr. POMERENE] is paired with the Senator from Maine [Mr. BURLEIGH].

Mr. CHILTON. I wish to announce the absence of the following Senators on official business:

The Senator from Indiana [Mr. KERN], the Senator from Arizona [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], the Senator from New Hampshire [Mr. HOLLIS], the Senator from Maine [Mr. JOHNSON], the Senator from South Dakota [Mr. STERLING], the Senator from Kansas [Mr. THOMPSON], the Senator from Washington [Mr. POINDEXTER], and the Senator from Vermont [Mr. PAGE.]

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Washington [Mr. POINDEXTER] with the Senator from Arizona [Mr. SMITH];

The Senator from Minnesota [Mr. NELSON] with the Senator from Indiana [Mr. KERN]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from Tennessee [Mr. SHIELDS].

The yeas and nays resulted—yeas 22, nays 18, as follows:

YEAS—22.

Bankhead	Jones	Martin, Va.	Thomas
Brandegee	Kenyon	Norris	Tillman
Chilton	Lane	Saulsbury	Underwood
Clapp	Lea, Tenn.	Smith, Ga.	Works
Curtis	Lippitt	Smoot	
Gore	McCumber	Sutherland	

NAYS—18.

Ashurst	James	Pittman	Smith, S. C.
Broussard	Johnson, S. Dak.	Robinson	Vardaman
Chamberlain	Lee, Md.	Shafroth	Walsh
Fall	Martine, N. J.	Sheppard	
Hughes	Myers	Simmons	

NOT VOTING—55.

Beckham	Gallinger	Nelson	Shields
Borah	Goff	Newlands	Smith, Ariz.
Brady	Gronna	O'Gorman	Smith, Md.
Bryan	Harding	Oliver	Smith, Mich.
Burleigh	Hardwick	Overman	Sterling
Catron	Hitchcock	Owen	Stone
Clark, Wyo.	Hollis	Page	Swanson
Clarke, Ark.	Husting	Penrose	Thompson
Colt	Johnson, Me.	Phelan	Townsend
Culberson	Kern	Poindexter	Wadsworth
Cummins	La Follette	Pomerene	Warren
Dillingham	Lewis	Ransdell	Weeks
du Pont	Lodge	Reed	Williams
Fletcher	McLean	Sherman	

The PRESIDING OFFICER. Twenty-two Senators have voted in the affirmative and 18 in the negative, and there are 4 present not voting, making less than a quorum.

Mr. CHILTON. I move that the Senate adjourn.

Mr. LA FOLLETTE. I ask the Senator to withhold that motion for a moment as I wish to submit an amendment to a pending resolution, which I desire to have printed and lie on the table.

Mr. CHILTON. I withhold the motion for that purpose.

The PRESIDING OFFICER. In the absence of a quorum, under the rule, no business can be transacted until a quorum develops.

Mr. CHILTON. Then I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 18, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 17, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father of all Souls, we would approach Thee in the beauty of holiness, that we may worship Thee in spirit and in truth, that our souls may be vitalized and unified into one purpose by the loving touch of a heavenly Father.

Our little systems have their day;
They have their day and cease to be;
They are but broken lights of Thee
And Thou, O Lord, are more than they.

Thou hast opened the door to opportunities, which invite us to enter in. Efficiency is our task. Give us the courage of our convictions, that we may fulfill our destiny in a faithful service to our fellow men, guided by the light of truth. In Christ Jesus our Lord. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The word "occupied" in the Journal, in the reference to the gentleman from Illinois [Mr. RODENBERG], ought to be "control." With that amendment, without objection the Journal as read will stand approved.

There was no objection.

LEAVE TO PRINT.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all Members of the House have leave to print remarks on the bill H. R. 12766, the Army reorganization bill, confining their remarks to the bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that all Members shall have the right to print their remarks——

Mr. MANN. For five legislative days after the conclusion——

Mr. HAY. Yes; for five legislative days after the passage of the bill.

The SPEAKER. For five legislative days after the passage of the bill, and the remarks to be confined to the bill itself. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. HICKS. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD on the subject of the shellfish industry.

The SPEAKER. The gentleman from New York [Mr. HICKS] asks unanimous consent to extend his remarks in the RECORD on the shellfish industry. Is there objection?

There was no objection.

POSTAL SAVINGS SYSTEM.

Mr. MOON. Mr. Speaker, the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, has been returned from the Senate to the House with amendments. I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the House disagree to the Senate amendments to the bill and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. MOON, Mr. FINLEY, and Mr. STEENERSON.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to address the House for five minutes and explain one of these new propositions.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent for five minutes in which to explain one of these amendments. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Speaker, I want to call the attention of the House to the new section, numbered 18, on page 12 of the bill H. R. 562, as amended in the Senate, which reads as follows:

SEC. 18. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

This provision, it is true, went into the appropriation bill last year, but the bill failed to become a law. The proposition was recommended by the department and submitted to the Committee on the Post Office and Post Roads, and was voted down, for the reason that it is a revolutionary proposition.

It looks very innocent on its face, but it amounts to this, that the Postmaster General can abolish some fifty-odd thousand post offices and annex them as substations to the principal offices that he may select. It is proposed by some to make the county a postal division under this bill, and the First Assistant Postmaster General stated in the hearings that he would have authority under the law to establish one post office in each county of the United States and have all the other offices as substations.

Now, there are 533 first-class offices, 2,139 second-class offices, 6,248 third-class offices, and 47,460 fourth-class offices in the United States. If that plan as proposed should go through, it would be possible—and it is evidently the intention of the department—to make one post office in each county. There are 3,000 counties in the United States. You would therefore abolish something like 55,000 or 56,000 post offices and make them substations and make the postmasters superintendents of substations. Of course they would be under the civil service, but it would create that many vacancies to be filled, whether they appointed the old postmasters as superintendents of substations or selected new men. There is no question about the effect of this proposition. At the hearings, on page 128, before the Committee on the Post Office and Post Roads the matter was gone into very thoroughly, and the chairman asked several questions. I read:

STATEMENT OF HON. DANIEL C. ROPER, FIRST ASSISTANT POSTMASTER GENERAL.

BRANCH OFFICES.

The CHAIRMAN. I believe you testified to everything except this matter on page 47?

Mr. ROPER. Yes, sir.

The CHAIRMAN. Let me ask you about this matter:

"Hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting, for the transaction of any post-office business which may be required for the convenience of the public."

What is meant by that statement in there?

Mr. ROPER. We find in the operation of the Postal Service that we could give more satisfactory service if the Postmaster General had greater leeway in the matter of establishing stations than under the present law, which requires that the villages, towns, or cities shall have not less than 1,500 population and be located within 5 miles of the post office to which the proposed station is to be attached.

With the expanding postal service we are able to give to these outlying communities better facilities, as by establishing such stations we are able to extend the delivery service to such communities in many instances, and in many cases, by tacking on such outlying communities to the larger postal district, to give more satisfactory supervision. That is, the station would fall under the general supervision of a man more experienced in handling postal affairs. This measure also would add materially to the convenience and economy of distributing supplies and keeping in general touch with the smaller locality. It is a matter which would naturally be very gradually administered. We are now, as you know, under the law, gradually bringing such districts under this superior supervision when the conditions justify it. We are simply seeking here a little more leeway in the administering of the station feature.

* * * * * * *

The CHAIRMAN. It is your purpose in establishing a nonaccounting office to extend the jurisdiction of the main or central office beyond 5 miles, you say, the limit in taking in these nonaccounting offices?

Mr. ROPER. We are removing the limitations and leaving that to administration.

The CHAIRMAN. So that if at the county seat one county has a large town and you saw fit to do it you would take in the post offices of the adjoining county?

Mr. ROPER. We could make the unit what good administration proves to be the best.

The CHAIRMAN. Whether it was 5 miles or 100 miles, you make it what you saw fit?

Mr. ROPER. Yes, sir.

The CHAIRMAN. Is that intended to apply to anything except fourth-class offices?

Mr. ROPER. The legislation sought would make it broad enough to apply to other offices.

The CHAIRMAN. To make it apply to other offices—first, second, and third class offices?

Mr. ROPER. To make it apply to any offices where the administration of the service showed it necessary, practicable, and best for the service and the people affected.

The CHAIRMAN. Then, for instance, at Indianapolis, where you have a post office, you could make all your second, third, and fourth class offices subordinate to the Indianapolis office that you saw fit in the State of Indiana?

Mr. ROPER. Of course, the object of this is to create practical units. It would have to be determined from experience in handling this service what the most workable and satisfactory units would be.

Mr. STEENERSON. Did I understand the answer to be in the affirmative?

The CHAIRMAN. Yes. That would have the effect of putting under civil service all the offices you saw fit to put under the control of the chief office, would it not?

Mr. ROPER. Under the present civil-service law it would have the effect of making the postmaster of the office consolidated eligible for classification as station superintendent.

The CHAIRMAN. Do you think that would be satisfactory to the people to have their first, second, and third class offices all subordinate to another first-class office; to have no postmasters, excepting superintendents, appointed under the civil service for them?

Mr. ROPER. I could hardly see how the people would recognize any difference at all, because the station would carry the same name as the offices heretofore carried, and it would carry all the facilities, too.

Mr. BEAKES. They would get city delivery, would they not?

Mr. ROPER. In many instances they would get city delivery, and in all instances they would have better supervision. The offices would be more readily checked up than now, and the cost of auditing accounts would be materially reduced. The losses by burglary would be reduced, for the reason that the stock of stamps would be replenished from day to day by the central post office.

The CHAIRMAN. The postmaster, however, would be just as apt to come from some other town as that one, would he not?

Mr. ROPER. It would make it possible to establish an interchangeable personnel in the service.

The CHAIRMAN. And civil service throughout?

Mr. ROPER. Civil service throughout.

Mr. MADDEN. This would put the Postmaster General in position to appoint one postmaster in the county, would it not; and would put all the other post offices in the county as nonaccounting offices, subject to his jurisdiction?

Mr. ROPER. If the county should be the unit.

Mr. MADDEN. It would make it possible?

Mr. ROPER. Yes, sir.

Mr. MADDEN. That would reduce the number of accounts to be kept in the general office from, say, 60,000 to 3,000, that being the number of counties in the United States, would it not?

Mr. ROPER. Yes, sir; it would very materially reduce the work here.

Mr. MADDEN. It would make the tenure of office of the men who are now postmasters, in every case except those that would not be changed, permanent?

Mr. ROPER. The Postmaster General has already recommended the classification of postmasters of the third and second classes.

Mr. MADDEN. It would introduce a system similar to the system we have, say, in the big cities, like New York and Chicago. For example, we have 2,500,000 people in Chicago, and we have 1 postmaster and 52 post offices, in effect, because we have 51 stations outside of the post office, over each of which there is a superintendent presiding.

Mr. ROPER. From an administrative standpoint, we look upon the entire county as an enlarged city.

Mr. MADDEN. Surely. And you believe that this suggestion is a suggestion in line of good administration for the department, do you not?

Mr. ROPER. I do.

Mr. MADDEN. I am inclined to agree that it is myself.

Mr. COX. What is your judgment as to economies it would bring about, cost of administration, and so forth? Would it lessen or increase them?

Mr. ROPER. I think anything which adds to the efficiency of operation necessarily results in economy, and in this we would certainly have very material efficiency added to the service.

Mr. COX. Have you any data or compilations along that line showing the approximate amount that would be saved to the Government if a plan of that kind should be worked out?

Mr. ROPER. I have no data except the information relating to localities which have become stations during this administration, compared with the operation of those stations prior to the time when they were stations.

* * * * * * *

Mr. MADDEN. I could illustrate one or two cases myself, Mr. Cox. For example, Chicago to-day has about 200 square miles of territory. Before the annexed outside territory came in we had 37 square miles of territory. With each new annexation we brought in one or more post offices, over which postmasters presided. After annexation the post office with the postmaster was discontinued. The post office itself was continued as a station with a superintendent. The salary of the superintendent was probably not in any case more than one-half the salary of the postmaster before it came in.

Mr. ROPER. Not less than two-thirds and in some cases more. The minimum salary paid to a superintendent of a station is $1,200. As the majority of offices consolidated with larger offices are of the third and fourth classes, consolidation usually results in an increase in the salary of the postmaster of the discontinued office. Although when larger offices are consolidated the postmasters of the discontinued offices suffer a reduction in salary, they are compensated for this by being made secure in their positions.

Mr. MADDEN. I would not think it was that much. Perhaps it may be. I would not undertake to say certainly. But I think it is agreed by everybody that the service rendered by the superintendent of the station is infinitely more satisfactory than the service rendered by the post office as such before the annexation.

Mr. COX. Right in that connection you have found from experience out there that there has been a great economy in the way of saving of salaries?

Mr. MADDEN. Oh, yes.

Mr. COX. Now in the way of supplies and reports backward and forward, have you any estimate of that?

Mr. MADDEN. They all make their reports to the postmaster of the city of Chicago and he makes his report to the Postmaster General, which only makes one account from Chicago between the general office and Chicago, whereas if we had the 52 post offices we would have 52 reports and 52 sources of supplies.

Mr. COX. And the department here would be running 52 accounts with 52 postmasters in the city of Chicago?

Mr. MADDEN. Yes, sir.

Mr. COX. Whereas now it is only running one account?

Mr. MADDEN. That is right. That is what will happen all over the country if this provision recommended by the Postmaster General be adopted.

The CHAIRMAN. If you had just one office in each State you would have 48 accounts?

Mr. MADDEN. Yes, that is true.

The CHAIRMAN. And if you had only one in the United States you would only have one account. That is the logic of that.

Mr. STEENERSON. About how many officers would there be if this new provision were enacted into law? Could you give an estimate?

Mr. ROPER. I would state, Mr. STEENERSON, that these units would have to result from experience in operating the service. I mean the size of the units would have to be determined from experience. It would be impossible to advise in advance just how large or how small those units should be.

Mr. STEENERSON. It has been suggested here that there are 3,000 counties in the United States, approximately, and there are approximately 60,000 post offices now.

Mr. ROPER. Yes; 56,000 post offices.

Mr. STEENERSON. So it might reduce it to 6,000?

Mr. ROPER. There are sometimes several important municipalities within one county. That might make it necessary to have in some counties several units, but there would be a great many counties, no doubt, in which one unit would answer.

Mr. STEENERSON. Probably in the majority?

Mr. ROPER. Probably in the majority of the counties of the country.

Mr. STEENERSON. Right here I should like to have you give the substance of the law now as it is on the subject, so we can compare it with the proposed provision.

Mr. ROPER. I will insert it in exact terms and ask the stenographer to insert the law.

Mr. STEENERSON. We should like to have your version so we can understand how it is interpreted.

Mr. ROPER. It simply gives to the Postmaster General the right to extend the service of these large communities so as to take in communities where the population is as much as 1,500, and where such communities are within a radius of 5 miles of the post office to which it is to be attached.

Mr. STEENERSON. You might insert the exact language.

Mr. ROPER. It is as follows, Postal Laws and Regulations, which is the law:

"SEC. 249. The Postmaster General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices (stations or substations) for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

"2. No station, substation, or branch post office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of 1,500 or more inhabitants not distant more than 5 miles, as near as may be, from the outer boundary or limits of such city or town in which the principal office is located."

Section 252 of the Postal Laws and Regulations:

"2. No post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General under existing law * * *: *Provided, however,* That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md., or to Clayton, St. Louis County, Mo."

Mr. COX. I wish to ask you a question in that connection. Practically the plan that you are seeking to have incorporated here is now in force in the large cities, is it not? Only one post office, and all the rest of the stations accounting to the post office?

Mr. ROPER. Yes. We have now, of course, the service in that respect organized by municipalities, as you say. Then we have around these municipalities certain communities which have been tacked on for the purpose of giving them city delivery service.

Mr. COX. In what cities do you have this kind of service in force?

Mr. ROPER. In nearly all of the large cities.

Mr. COX. Your idea now, if I gather it, is to simply enlarge and to extend that service out over the State, or out over the United States?

Mr. ROPER. We are asking authority to do that when it seems to be in the interest of the service. There are no fixed units in our minds at this time, and I doubt whether you could fix uniform units for the entire country. You would have to deal with the conditions as they exist.

Mr. COX. Under your present system of only having one accounting officer in the cities, practically, like Chicago, there is no question but what we have better service under the present system than we would have if we had 52 different offices, is there?

Mr. ROPER. I think that we have absolutely uniform testimony that the service is superior.

Mr. COX. Is superior?

Mr. ROPER. Yes.

* * * * * * *

Mr. COX. * * * I suppose the same system in force in Chicago is in force in New York, Philadelphia, Boston, and St. Louis, is it not?

Mr. ROPER. Certainly. In Boston we have about 80 stations.

Mr. MADDEN. You go outside of the city of Boston?

Mr. ROPER. Yes, sir; we take in municipalities like Cambridge, the university city of Boston, Brookline, Chelsea, etc.

Mr. MADDEN. For example, we have some stations in Chicago with as many as 200 men, I think one at least, and I think the superintendent of that station, which is the Canal Station, gets about $2,200 a year, if I am not mistaken.

Mr. COX. As postmaster he would get $4,000?

Mr. MADDEN. From 160 to 200 men would be a big post office, would it not?

Mr. COX. It would; surely.

Mr. MADDEN. You can imagine what he would get if he was postmaster.

Mr. COX. Take the State of Indiana, with Indianapolis as the center, and it is nearly the center of the State. Would it be your idea to gradually work the plan out over the State so as to make Indianapolis the accounting office for the whole State of Indiana?

Mr. ROPER. That would not be my idea. That would be too large a postal district.

Mr. COX. Too large a territory?

Mr. ROPER. If you will permit me to give an offhand opinion, I should say that, as a rule, the counties of Indiana would constitute about as large districts as would be found practicable for this purpose.

Mr. COX. That would mean 92 postmasters in the State of Indiana, and the remainder of them stations?

Mr. ROPER. Probably we would have to make exceptions to that and deal with these large municipalities as separate districts.

Mr. COX. But in rural communities, where you have 1,000 to, say, 3,000 inhabitants, you would make one town in each county the accounting office and the rest of them to be served from there?

Mr. ROPER. The county, or part of county agreed upon, would constitute the unit, and in that unit there would be one accounting office and the others would be stations of that office.

Mr. COX. The head of the accounting office would be the postmaster for that territory?

Mr. ROPER. He would be the postmaster for that territory.

Mr. COX. And he would be an appointed officer?

Mr. ROPER. Yes, sir.

Mr. COX. And the stations would be under civil service?

Mr. ROPER. Stations would be under civil service.

Mr. RANDALL. Gen. Roper, in the matter of auditing the accounts of the 52 stations of the Chicago post office it was to be shown in the record the amount that is saved to the department at Washington on that account. Is it not the fact that the accounts of those 52 stations will have to be audited in the Chicago post office instead of being audited here, and would it not cost as much to audit them there as in the Post Office Department in Washington?

Mr. ROPER. We find not. That is a question for the auditor to answer, but it seems to me that the auditing can be done much more expeditiously and much more economically by these accounting offices. The former is very important, namely the expedition. We have been, as you know, for a number of years endeavoring to lessen the period between the transaction and the audit in order that we might get in closer touch with the transactions of the post offices of the country with regard to the handling of our funds.

Mr. MADDEN. So you keep these accounts——

Mr. ROPER. I can see no other way in which it can be made and kept current the postal accounts.

Mr. RANDALL. I refer only to expenses. It strikes me that you are better equipped in the auditor's office here to audit accounts than you would be in Indianapolis or Topeka or any such place as that.

Mr. ROPER. I am unable to see why these districts could not be made just as effective, through their knowledge of local conditions, as we are in the auditor's office in Washington; but a more important feature than you have mentioned is getting this auditing on a current basis and checking and protecting the revenues of the Government.

Mr. ROUSE. This only could be applied to presidential offices, could it not? For instance, if you had a county without a presidential office in it, you could not establish this provision, could you?

Mr. ROPER. Oh, yes.

Mr. MADDEN. Yes; because it would make it presidential. If you take the receipts of the whole county, it would make it presidential, do you not see?

Mr. ROUSE. But could you do that? There are a number of counties, take, for instance, in the mountains, where you have nothing but fourth-class offices; some in other sections that are not mountainous; for instance, Mr. COX'S district.

Mr. MADDEN. But if you took the aggregate receipts of all fourth-class offices in that county, that would make one presidential office.

Mr. ROUSE. But that is not contemplated, is it, General?

Mr. ROPER. We have endeavored to ask you here for legislation that will permit us to work this out in the most feasible and practicable manner. I can not undertake to say to you now just what experience will show to be the most practicable unit.

Mr. ROUSE. Let me get back to that original proposition again. I referred to Mr. COX'S district, which is not fair. But I will take my own district, for instance. I live in a county that has not a presidential office. I know of one town in the county, the county seat, with less than 200 people. It has a fourth-class office. There is not one presidential office in the county. The nearest presidential office to my home is 15 miles away, at Covington, Ky., in an adjoining county. Could Covington be made the accounting office and all the offices in my home county get their mail by star routes? Could they be made to account to the Covington office under this plan?

Mr. ROPER. As I have stated in answer to Mr. COX'S question, I feel now that the county is as large a unit as we would want to deal with, and, even in a county where there are several municipalities, that county might be subdivided into further units.

Mr. AYRES. Under this plan the second and third class post offices come under the same plan, and the fourth class being under civil service.

Mr. ROPER. The Postmaster General has already recommended the classification of the postmasters of the second and third classes, and this would naturally result in classifying the offices that would be consolidated with the accounting office.

The CHAIRMAN. If there was only one first-class office——

Mr. ROPER (interposing). There might be some counties where the office might not be rated as a first-class office—might be rated second class.

The CHAIRMAN. Say the program for change put the second and third class offices under civil service; presidential offices would only be first class?

Mr. ROPER. Yes; really the approval of the recommendations that the Postmaster General has made accomplishes that.

Mr. RANDALL. Would it not be possible and would it not be the policy of the department to establish a number of small stations and rural routes where fourth-class postmasters have been discontinued on account of the establishment of rural routes? Would it not be possible to restore service, to get the same accommodations that the fourth-class post office formerly afforded, by establishing small stations?

Mr. ROPER. As I say, we no doubt would find through experience that such conditions as you mention would arise, but in advance of any experience along this line I could not say whether the suggestion that you have made would be considered or not. It might be.

Mr. MADDEN. If this suggestion should be adopted and the county was made the unit, or whatever was made the unit would be made large enough, the unit would be made large enough so that the postmaster appointed for the unit would be the first-class postmaster. It necessarily would be a first-class post office, because the receipts within the unit would be large enough to justify his appointment as such.

Mr. ROPER. In answer to the chairman, I have just said that I presume that would be the case in most instances, although there are some small counties, no doubt, where the postmaster would not be ranked perhaps above the second class.

Mr. MADDEN. But there would not be anything below the first and second class?

Mr. ROPER. First and second class offices.

Mr. MADDEN. And all fourth-class postmasters would be done away with and superintendents of stations would take their places?

Mr. ROPER. No; they would not be done away with. The fourth-class postmaster would simply become the superintendent of the station or clerk in charge.

Mr. MADDEN. That is what I say. He would not be a postmaster any longer, but the superintendent of a station?

Mr. ROPER. For all intents and purposes he is a postmaster.

Mr. MADDEN. Suppose he is a postmaster; what would be the basis of pay for the fourth-class postmasters?

Mr. ROPER. You are here providing a scale in this bill for the payment of station superintendents.

Mr. MADDEN. But that scale generally does not go as low as the salaries of those fourth-class postmasters?

Mr. ROPER. The lowest salary we could have would be an $800 clerk, the entrance grade.

Mr. MADDEN. That is too much to pay these men, is it not? Suppose the man's salary as fourth-class postmaster amounts to but $200 or $300; are you going to put him under civil service and pay him $800?

Mr. ROPER. You understand we have different kinds of stations where that might result in establishing not a classified but a contract station, with a clerk in charge receiving a salary as low as $50, based upon the business of the station, the same as is now done in large cities.

Mr. STEENERSON. I think there are probably 25 post offices in my district where the postmaster's salary is less than $50 a year. Would their salary be raised under this plan, or would it be reduced?

Mr. ROPER. In all probability the salary of such postmaster would remain the same as at present. We probably might not disturb your district at all, if it were not in the interest of better service for your district. The object of this is to improve the service, and if we could not get better service through the plan here suggested we would maintain the present service.

Mr. STEENERSON. But the suggestion made by Mr. Madden, that in counties where there are no second-class and no third-class offices, no presidential offices, that all the offices might be consolidated so as to form a presidential office; that is not contemplated by this, is it?

Mr. ROPER. No; he used the word "might."

Mr. STEENERSON. But it might not. As I read this proposed law, you would not have any such authority. You would have to change your language in this provision if you were going to do that, because this proposed language only authorizes you to consolidate with some existing third or second class office or first-class office. I do not think you can create or consolidate offices in a whole county and make that kind of office a presidential office.

Mr. ROPER. I will read the language:

"That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices or stations, of any post office for the transaction of such postal business as may be required for the convenience of the public."

Mr. MADDEN. That would give him the right, then, Mr. Roper, to appoint a superintendent of a station where it was justified instead of a postmaster, or it would give him a right to establish a contract station where he would not be justified in appointing a superintendent of a station.

Mr. ROPER. Yes; or maintain the present system.

Mr. MADDEN. Yes; either one.

Mr. ROPER. Yes, sir.

Mr. BEAKES. Would there not be economy in the shipment of supplies from Washington to the central post office instead of to the several post offices?

Mr. ROPER. I will answer for the Fourth Assistant on that. In my opinion it will effect very great economy in that respect, but a greater economy than even the one you have mentioned would be the better care of supplies.

Mr. BEAKES. I was going to speak of that.

Mr. ROPER. Better supervision.

Mr. BEAKES. Has not the department found that these offices have no use for a great many of the supplies, and would they be likely to get those supplies if they asked for them from the central post office?

Mr. ROPER. Not only that, but this central postmaster could deal more equitably with the demand and conditions of these other offices accounting to him than probably could be done from Washington.

Mr. BEAKES. Would it not be possible to work out a scheme which would preserve the local communities by allowing them to keep the name of the post office while putting them on the station basis?

Mr. ROPER. That is what I intended to say in the outset. It is our idea not to disturb the name, not to infringe on the pride of the community which it may have in regard to its name; to give the community everything it now has, and a superior service to what it now has.

* * * * * * * *

Mr. STEENERSON. You spoke of a sentiment of the patrons. Now, in these recent considerations, for instance in Boston, have you consulted the sentiment of the people?

Mr. ROPER. The consolidations in the Boston district were made in the administration immediately preceding this.

Mr. STEENERSON. Have you heard of any dissatisfaction?

Mr. ROPER. There was some dissatisfaction growing out of what would appear to have been a too rapid consolidation. We have in Boston about 80 stations, and the previous administration absorbed a great many large communities. Among them was Lynn, the large shoe-manufacturing community adjacent to Boston. In the case of Lynn some protests were filed, which we carefully investigated, and after due investigation reached the conclusion that Lynn should be kept as a postal district to itself, and we therefore have removed Lynn from the station classification made under Mr. Hitchcock's administration, and it is now a separate postal district. We discovered, Mr. STEENERSON, that Lynn was a better district to itself. We have other offices consolidated with Lynn.

Mr. STEENERSON. How was it about Cambridge?

Mr. ROPER. In the case of Cambridge I know of no special opposition.

Mr. STEENERSON. And you have never heard of any?

Mr. ROPER. I would not go so far as that, Mr. STEENERSON, because I should have to refer to department files for positive data.

Mr. STEENERSON. When was that included as a substation?

Mr. ROPER. We have made no consolidation in and around Boston during this administration.

Mr. STEENERSON. They were all made before?

Mr. ROPER. Before my connection with the Postal Service.

Mr. STEENERSON. But under the same law now in operation?

Mr. ROPER. Under the law now in operation. We have not disturbed that district except as to Lynn——

Mr. STEENERSON (interposing). You then retained Lynn as an independent post office?

Mr. ROPER. Yes, sir.

Mr. STEENERSON. If a similar discontent among the patrons of the office existed in Cambridge you would reestablish that?

Mr. ROPER. We would consider it.

Mr. STEENERSON. You would give them the same show you gave Lynn, would you not?

Mr. ROPER. We endeavor to treat all alike.

Mr. MADDEN. We have some outlying territory outside the city limits of Chicago—Argo and Mount Greenway. You probably recall some correspondence on Mount Greenway?

Mr. ROPER. I do.

Mr. MADDEN. The people at Mount Greenway would be very anxious to have a station established there and have the delivery made from

the Chicago post office rather than to have a separate post office established. So far the department has not been able to give them the Chicago delivery, so they get their mail by rural delivery. The sense of the people is to the effect that they would prefer to have Chicago delivery than to have a separate post office.

Mr. ROPER. We have a very interesting illustration at North Kansas City. North Kansas City is a community that has developed very rapidly within the last few months, because of the establishment of large mail-order business in that community, but it just happened that the population is not 1,500, and consequently we can not extend the desired facilities to that community under the present law.

The CHAIRMAN. Is there anything further on this matter? The other matter you felt you wanted to discuss in executive session?

Mr. ROPER. The Second Assistant is here, Mr. Chairman, with a statement in answer to certain requests made by Mr. Madden the other day, and I shall be glad to give way to him and not keep him here, if he wishes to make his statement at this time—

And so on. There is no question but that this authority is broad enough to abolish all the post offices in the United States except one in each new division, which might be one in each county, and in some cases, where the counties are small, they might abolish all the offices in two or three counties and make one central office covering them all, and make the other offices substations of the principal office.

It is the most revolutionary proposition. The committee voted it down, but now it has gone on in another legislative body as an amendment to this postal savings bill without one word of comment or debate. [Applause.]

LEAVE TO EXTEND REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, with regard to the Puget Sound customs district.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks on the Puget Sound customs district. Is there objection?

There was no objection.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States. Under the rule, I do not know that it is necessary to make that motion——

The SPEAKER. The Chair thinks it is.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The SPEAKER. The Chair selected the gentleman from Tennessee [Mr. GARRETT] to preside over this Committee of the Whole, and in his temporary absence he will appoint the gentleman from Missouri [Mr. LLOYD] to take the chair until the gentleman from Tennessee arrives.

Mr. HAY. I yield 15 minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, the subject of national defense is one that has received the attention of the Congress and the President of the United States perhaps more than any other one question in our history.

I desire to confine my remarks upon this bill largely to a consideration of our own means of national defense, as contrasted with Switzerland and some other nations. For information upon the technical subject of our legal establishment, as affected by the provisions of this bill, I would prefer not to be interrogated, but would request Members to direct their interrogatories to the distinguished chairman of the House Military Affairs Committee [Mr. HAY], who, I believe, knows more about the Military Establishment of the United States than any other living man.

The framers of the Federal Constitution were great men, learned in the history of free governments, and they undertook to establish upon this continent a free Republic that would endure for all time against dangers from without and dangers from within.

One of the most distinguished writers of English literature, Sir Edward Creasy, in his great work, Fifteen Decisive Battles of the World, in describing the battle of Marathon, in which about 20,000 free citizens of the Greek Republic successfully defended against an invasion of more than 100,000 Persians, composed almost entirely of regular soldiers, speaks of the conduct of the free Greeks in that great and historic battle in these words:

According to old national customs, the warriors of each tribe were arrayed together; neighbors thus fighting by the side of neighbors, friend by friend, and the spirit of emulation and the consciousness of responsibility excited to the very utmost.

This is the fundamental idea underlying the formation of our State militia. Every citizen of the United States between 18 and 45 is described in the statutes enacted by Congress as subject to military service, and they are enrolled by the constitutions of most of the States as members of the National Guard, thus qualifying them for the performance of the most sacred duty of the citizen of a free State and of our great Republic.

The Constitution of the United States, in providing for the national defense, confers upon Congress the power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Pursuant to that authority, the Committee on Military Affairs have sought to frame this bill to increase the efficiency of the Military Establishment of the United States.

Like most subjects of general public interest, the question of national defense is now being discussed throughout this Union by many who know very little about the subject, and my observation has been that those of our citizens who know the least are the ones who talk the most. [Laughter.]

We are told in speeches and newspapers that what we need in the United States is the Swiss system; but, following the remarks of many of the gentlemen advocating the Swiss system, we are constrained to believe that they know very little about that system, because the Swiss constitution, like that of every other nation upon the continent of Europe, contains a provision authorizing compulsory military service; and because there are some well-meaning gentlemen in this country, largely Army officers, who want Congress to enact a compulsory military-service law, we hear these heated advocates of the Swiss system exhibiting their lack of knowledge of what that system provides.

The first provision of the Swiss constitution, providing for national defense, is Article XIII, which reads as follows:

The Confederation shall have no right to maintain a standing army.

That is a provision which is not contained in the Constitution of the United States, because the framers of that great instrument felt and believed that in this great Republic that prohibition was unnecessary. It is only fair to say, however, that many eminent men in that convention did advocate such a prohibition as is contained in the Swiss constitution.

Thomas Jefferson, who was then in Paris as our minister to France, advocated such a prohibition in his correspondence with James Madison, who is known in history as the father of the Constitution; and Mr. Madison himself, in that convention, said upon that subject:

As the greatest danger is that of disunion of the States, it is necessary to guard against it by sufficient powers to the common government; and, as the greatest danger to liberty is from large standing armies, it is best to prevent them by an effectual provision for a good militia.

Your committee believe, and submit for the consideration of the House, that the powers of Congress to legislate upon that subject have never been exhausted.

The constitution of Switzerland on national defense reads as follows:

CONSTITUTION OF SWITZERLAND.

ARTICLE 13.

The Confederation shall have no right to maintain a standing army.

No Canton or Half Canton shall, without the permission of the Federal Government, have a standing force of more than 300 men; the armed police are not included in this number.

ARTICLE 18.

Every Swiss is bound to perform military service.

Soldiers who lose their lives or suffer permanent injury to their health in consequence of Federal service are entitled to aid from the Confederation for themselves or their families in case of need.

Each soldier shall receive without expense his first equipment, clothing, and arms. The arms shall remain in the hands of the soldier, under conditions which shall be prescribed by Federal legislation.

The Confederation shall enact uniform provisions as to a tax for exemption from military service.

ARTICLE 19.

The Federal Army shall be composed:

(a) Of all the cantonal military corps.

(b) Of all Swiss who do not belong to such military corps but who are nevertheless liable to military service.

The Confederation exercises control over the army and the material of war provided by law.

In cases of danger the Confederation shall also have the exclusive and direct control of men not included in the Federal Army and of all other military resources of the Cantons.

The Cantons shall have authority over the military forces of their territory, so far as this right is not limited by the Federal constitution or laws.

ARTICLE 20.

The laws on the organization of the army shall be enacted by the Confederation. The enforcement of military laws in the Cantons shall be entrusted to the cantonal officials, within the limits which shall be fixed by Federal legislation and under the supervision of the Confederation.

Military instruction of every kind shall be under the control of the Confederation. The same applies to the equipment of the troops.

The furnishing and maintenance of clothing and equipment shall be within the power of the Cantons, but the Cantons shall be credited with the expenses therefor according to a regulation to be established by Federal legislation.

ARTICLE 21.

So far as military reasons do not prevent, corps of troops shall be formed from soldiers of the same Canton.

The composition of these bodies of troops, the maintenance of their effective strength, and the appointment and promotion of their officers shall belong to the Cantons, subject to the general regulations which shall be issued to them by the Confederation.

It will be observed by reference to article 21 that the people of Switzerland have embodied in their organic law the fundamental idea of our State militia or National Guard, except that they have more closely safeguarded the control of the Cantons—which correspond with our States—over the appointment and promotion of officers than our own Constitution restricts the powers of the States over their own militia, because immediately upon calling forth the militia, under the Constitution of the United States, for either of the purposes therein specified, the President becomes Commander in Chief, and as such is authorized to control the appointment of officers in accordance with his conception of the best interests of the efficiency of the military service, subject to such legislation as Congress may have enacted on the subject.

The constitution of my own State of Ohio declares that—

Standing armies are dangerous to liberty, and shall not be kept up, and the military shall be in strict subordination to the civil power.

Jefferson and Madison were not alone in their views upon the subject of the danger to free governments of a large standing army. I might quote from nearly every President of this Republic upon that subject, and will in the RECORD insert many observations made in official communications to the Congress by Presidents of the United States upon the question. In his sixth annual address to Congress on November 19, 1794, George Washington said:

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing in the language of the Constitution for calling them forth to execute the laws of the Union, suppress insurrection, and repel invasions.

And in his Farewell Address, September, 1796, the Father of his Country said:

We will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty.

The second President of the United States, John Adams, in a letter to Thomas McKean, June 21, 1812, said:

The danger of our Government is that the general will be a man of more popularity than the President and the Army possess more powers than Congress.

The people should be apprised of this and guard themselves against it. Nothing is more essential than to hold the civil authority decidedly superior to the military power.

In his first annual message, December 8, 1801, Jefferson said:

A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient and of the number of men requisite for each garrison. The whole amount is considerable short of the present Military Establishment. For the surplus no particular use can be pointed out. For defense against invasion their number is as nothing, nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us the only force which can be ready at every point and competent to oppose them is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient in numbers proportioned to the invading force, it is best to rely not only to meet the first attack but, if it threatens to be permanent, to maintain the defense until Regulars may be engaged to relieve them. These considerations render it important that we should at every season continue to amend the defects which from time to time show themselves in the laws for regulating the militia until they are sufficiently perfect. Nor should we now or at any time separate until we can say we have done everything for the militia which we could do were an enemy at our door. The provisions of military stores on hand will be laid before you that you may judge of the additions requisite (p. 317).

On December 15, 1802, in his second annual message, Jefferson said:

No change being deemed necessary in our Military Establishment, an estimate of its expenses for the ensuing year on its present footing, as also of the sums to be employed in fortifications and other objects within that department, has been prepared by the Secretary of War, and will make a part of the general estimate, which will be presented to you.

Considering that our Regular troops are employed for local purposes and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review and give it those improvements of which you find it susceptible (p. 333).

In his fifth annual message, December 3, 1805, Jefferson said, after advising preparation for coast defense:

In the meantime you will consider whether it would not be expedient for a state of peace as well as of war so to organize or class the militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old, and those having families. Upwards of 300,000 (population, 5,308,483—1800) between the ages of 18 and 26 years, which the last census shows we may now count within our limits, will furnish a competent number for offense or defense in any point where they may be wanted and will give time for raising Regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service can not but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it when necessary an efficient corps, fit for real and active service, and to be called to it in regular rotation.

On February 25, 1808, Thomas Jefferson said in a special message to Congress:

The dangers to our country arising from the contests of other nations, and the urgency of making preparation for whatever events might affect our relations with them have been intimated in preceding messages to Congress. To secure ourselves by due precautions an augmentation of our military force, as well regular as volunteer, seems to be expedient. The precise extent of that augmentation can not yet be satisfactorily suggested, but that no time may be lost, and especially at a season deemed favorable to the object, I submit to the wisdom of the legislature whether they will authorize a commencement of this precautionary work by a present provision for raising and organizing some additional force, reserving to themselves to decide its ultimate extent on such views of our situation as I may be enabled at a future day of the session to give you. If an increase of force be now approved, I submit to their consideration the outlines of a plan proposed in the inclosed letter from the Secretary of War. I recommend also to the attention of Congress the term at which the act of Congress of April 18, 1806, concerning the militia, will expire and the effect of that expiration (p. 429).

On November 29, 1809, Madison said, in his first annual message:

I should be failing in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared (p. 46).

On January 3, 1810, Madison said in a special message:

The act authorizing a detachment of 100,000 men from the militia will expire on the 30th of March, next. Its early revival is recommended in order that timely steps may be taken for arrangements such as the act contemplates.

I submit to the consideration of Congress, moreover, the expediency of such a classification and organization of the militia as will best insure prompt and successive aid from that source, adequate to emergencies which may call for them (p. 463).

In his second annual message, December 5, 1810, Madison said:

The improvements in quality and quantity made in the manufacture of cannon and small arms, both at the public armories and private factories, warrant additional confidence in the competency of these resources for supplying the public exigencies. These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed.

Toward the accomplishment of this important work, I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field at the public expense and for a given time certain portions of the commissioned and noncommissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform (pp. 470 and 741).

In his third annual message, November 5, 1811, Madison recited that England was making war on our lawful commerce, and recommended that the United States be put into an armor and attitude demanded by the crisis; advised—

filling the ranks and prolonging the enlistment of regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments as they may be wanted of other portions of the militia, and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities.

Nor can the occasion fail to remind you of the importance of those military seminaries which in every event will form a valuable and frugal part of our Military Establishment. The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

On September 20, 1814, President Madison, in his sixth annual message, described the progress of the war with England, and said:

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public

defense, and great expenses incurred. That the defense everywhere may be both more convenient and more economical Congress will see the necessity of immediate measures for filling the ranks of the Regular Army, and of enlarging the provisions for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I can earnestly renew, at the same time, a recommendation of such changes in the system of the militia as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and safety (pp. 534, 535).

In his seventh annual message, December 5, 1815, Madison said:

Notwithstanding the security for future repose which the United States ought to find in their love of peace and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel dangers, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defense, both fixed and floating, on our maritime frontier; and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed, and I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free State. If experience has shown in the recent splendid achievements of militia the value of this resource for the public defense, it has shown also the importance of that skill in the use of arms and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws in every respect to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution (p. 551).

In his eighth annual message, December 3, 1816, Madison said:

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the consideration of Congress a reorganization of the militia on a plan which will form it into classes according to the periods of life more or less adapted to military services. An efficient militia is authorized and contemplated by the Constitution, and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with most convenience and equity, it will now be aided by the experience of a recent war in which the militia bore so interesting a part (p. 561).

In his sixth annual message, December 3, 1822, Monroe said:

The Military Academy forms the basis in regard to science on which the military establishment rests. It furnishes annually, after due examination and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the Army, while others who retire to private life carry with them such attainments as, under the right reserved to the several States to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia. Thus by the mutual and harmonious cooperation of the two governments in the execution of a power divided between them, an object always to be cherished, the attainment of a great result on which our liberties may depend can not fail to be secured. I have to add that in proportion as our regular force is small should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit (p. 758).

In his seventh annual message, December 2, 1823, Monroe said:

The Military Academy has attained a degree of perfection in its discipline and instruction equal, as is believed, to any institution of its kind in any country. (Described effectiveness of national armories.) The manufacture of arms at the national armories and by contract with the department has been gradually improving in quality and cheapness. It is now believed that their quality is now such as to admit of but little improvement. The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

I transmit a return of the militia of the several States according to the last reports which have been made by the proper officers in each to the Department of War. By reference to this return it will be seen that it is not complete, although great exertions have been made to make it so. As the defense and even the liberties of the country must depend in time of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Nation. The report of the Secretary of War shows the progress during the three first quarters of the present year by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it from the failure of the proper departments in many of the States to make regular returns. The act of March 12, 1820, provides that the system of tactics and regulations of the various corps of the Regular Army shall be extended to the militia. This act has been very imperfectly executed from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to that main arm of the public defense. It is thought that this important subject in all its branches merits the attention of Congress.

In his second annual message, December 5, 1826, John Quincy Adams said:

Under the resolution of Congress authorizing the Secretary of War to have prepared a complete system of cavalry tactics, and a system of exercise and instruction of field artillery, for the use of the militia of the United States, to be reported to Congress at the present session, a board of distinguished officers of the Army and of the militia has been convened, whose report will be submitted to you with that of the Secretary of War. The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

In his third annual message, December 4, 1827, John Quincy Adams said:

Among the subjects of deep interest to the whole Union which have heretofore been recommended to the consideration of Congress, as well by my predecessors as, under the impression of the duties devolving upon me, by myself are the formation of a more effective and uniform system for the government of the militia. (Page 458.)

On February 26, 1829, John Quincy Adams transmitted a report from the Secretary of War, with the inspection report of Bvt. Maj. Gen. Gaines for the years 1826 and 1827, relating to the organization of the Army and militia of the United States. (Pages 995 and 996.)

In his first inaugural Jackson said:

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subject to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country I shall cheerfully lend all the aid in my power.

In his fourth annual message, December 4, 1832, Andrew Jackson, after describing the defeat of the incursions of the Sac and Fox Indians, said of the militia:

Our fellow citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all Governments. Neither our situation nor our institution require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists, and thus to engage it in unnecessary wars, and its ultimate danger to public liberty will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the Republic. If in asserting rights or in repelling wrongs wars should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for the purpose of defense under ordinary circumstances we must rely upon the electors of the country. Those by whom and for whom the Government was instituted and is supported will constitute its protection in the hour of danger as they do its check in the hour of safety. But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction might not be adopted is submitted to the consideration of Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration in the conviction that the state of this important arm of the public defense requires your attention (pp. 1116–1117).

In his seventh annual message, December 7, 1835, Jackson said:

Occurrences to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community, whose will has instituted and whose power must support the Government.

A large standing military force is not consonant to the spirit of our institutions nor to the feelings of our countrymen, and the lessons of former days and those also of our own times show the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on the one hand and the danger and expense of a large force on the other is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force and by such an organization of the physical strength of the country as may bring this power into operation whenever its services are required.

A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all by transferring each at a proper period of life from one class to another and by calling, first, for the services of that class, whether for instruction or action, which from age is qualified for the duty and may be called to perform it with least injury to themselves

or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to digest and establish a practical system. The object is certainly worth the experience and worth the expense. No one appreciating the blessings of a republican government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement and in giving the necessary elementary instruction. We are happily at peace with the world. A sincere desire to continue so and a fixed determination to give no just cause of offense to other nations, unfortunately, affords no certain grounds of expectation that this relation will be interrupted. With this determination to give no offense is associated a resolution equally decided, tamely to submit to none. The armor and attitude of defense afford the best security against those collisions which the ambitions or interests or some other passion of nations not more justifiable is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people and to instruct them in the elements of military knowledge; that fear can have no place here when it is recollected that the people are the sovereign power. Our Government was instituted and is supported by the ballot box, not by the musket. Whatever changes await us, still greater changes must be made in our social institutions before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject I am impressed with the importance of a prompt and efficient organization of the militia. (Pp. 1389 and 1380.)

In his eighth annual message, December 5, 1836, Jackson said:

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session that more presented themselves at the place of rendezvous in Tennessee than were sufficient to meet the requisition which had been made by the Secretary of War upon the governor of that State. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia so as to obtain the proper numbers of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous under the circumstances, authorizing them to believe that their services were needed and would be accepted, that the expenses incurred by them while absent from their homes should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them compensation which will cover their expenses on the march to and from the place of rendezvous and while there; in connection with which it will also be proper to make provisions for such other equitable claims growing out of the service of the militia as may not be embraced in the existing laws. (P. 1474.)

In his third annual message, December 2, 1839, Van Buren said:

I can not recommend too strongly the plan submitted by the Secretary of War for the organization of the militia of the United States. Page 1754.

On January 8, 1838, Van Buren sent a special message to Congress with evidence showing the invasions of the United States by armed men from Canada, the seizure of the steamboat *Caroline*, killing of her crew and passengers, and sending her over Niagara Falls. The governors of New York and Vermont were requested to call out sufficient militia to repel the invaders.

In a special message, June 1, 1841, John Tyler said:

For the defense of our extended maritime coast our chief reliance should be placed on our Navy, aided by those inventions which are destined to recommend themselves to public adoption, but no time should be lost in placing our principal cities on the seaboard and the lakes in a state of entire security from foreign assault. Separated as we are from the countries of the Old World, and in much unaffected by their policy, we are happily relieved from the necessity of maintaining large standing armies in times of peace. The policy which was adopted by Mr. Munroe, shortly after the conclusion of the late war with Great Britain of preserving a regularly organized staff sufficient for the command of a large military force, should a necessity for one arise, is founded as well in economy as in true wisdom. Provision is thus made, upon filling up the rank and file, for the introduction of a system of discipline, both promptly and efficiently. All that is required in time of peace is to maintain a sufficient number of men to guard our fortifications, to meet any sudden contingency, and to encounter the first shock of war. Our chief reliance must be placed on the militia; they constitute the great body of National Guards, and inspired by an ardent love of country, will be found ready at all times and at all seasons to repair with alacrity to its defense. It will be regarded by Congress, I doubt not, at a suitable time as one of its highest duties to attend to their complete organization and discipline. (Pp. 1901 and 1902.)

In his fourth annual message, December 5, 1848, Polk said:

One of the most important results of the war into which we were recently forced with a neighboring nation is the demonstration it has afforded of the military strength of our country. Before the War with Mexico, European and other foreign powers entertained imperfect and erroneous views of our physical strength as a nation and of our ability to prosecute war, and especially a war waged out of our own country. They saw our standing army on the peace establishment did not exceed 10,000 men. Accustomed themselves to maintain in peace large standing armies for the protection of thrones against their own subjects, as well as against foreign enemies they had not conceived that it was possible for a nation without such an army, well disciplined and of long service to wage war successfully. They held in low repute our militia and were far from regarding them as an effective force, unless it might be for temporary defensive operations when invaded on our own soil. The events of the late War with Mexico have not only undeceived them, but have removed erroneous impressions which prevailed to some extent even among a portion of our own countrymen. That war had demonstrated that upon the breaking out of hostilities not anticipated, and for which no previous preparation had been made, a volunteer army of citizen soldiers equal to veteran troops, and in numbers equal to any emergency, can in a short period be brought into the field. Unlike what would have occurred in any other country, we were under no necessity of resorting to drafts or conscriptions. On the contrary such was the number of volunteers who patriotically tendered their services that the chief difficulty was in making selections and determining who must be disappointed and compelled to remain at home. Our citizen soldiers are unlike those drawn from the population of any other country. They are composed indiscriminately of all professions and pursuits—of farmers, lawyers, physicians, merchants, manufacturers, mechanics, and laborers, and this not only among the officers but private soldiers in the ranks.

Our citizen soldiers are unlike those of any other country in other respects. They are armed, and have been accustomed from their youth up to handle firearms, and a large proportion of them, especially in the western and more newly settled States, are expert marksmen. They are men who have a reputation to maintain at home by their good conduct in the field. They are intelligent, and there is an individuality of character which is found in the ranks of no other army. In battle each private man, as well as every officer, fights not only for his country, but for the glory and distinction among his fellow citizens when he shall return to civil life. The War with Mexico has demonstrated not only the ability of the Government to organize a numerous Army upon a sudden call, but also to provide it with all the munitions and necessary supplies with dispatch, convenience, and ease, and to direct its operations with efficiency. The strength of our institution has not only been displayed in the valor and skill of our troops engaged in active service in the field, but in the organization of those executive branches which were charged with the general direction and conduct of the war. Our noble Army in Mexico, Regulars and Volunteers, were victorious upon every battle field, however fearful the odds against them, etc. (Pp. 2481–2.)

On December 6, 1880, in his fourth annual message, R. B. Hayes said:

Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the active militia of the country and liberal appropriations are recommended in this behalf. (P. 4570.)

On December 1, 1890, Benjamin Harrison said:

The encouragement that has been extended to the militia of the States, generally and most appropriately designated the National Guard, should be continued and enlarged. The military organizations constitute in a large sense the Army of the United States, while about five-sixths of the annual cost of their maintenance is defrayed by the States.

In his first annual message, December 4, 1893, Grover Cleveland said:

The total enrollment of the militia of the several States was, on the 31st of October of the current year, 112,597 officers and enlisted men. The officers of the Army detailed for the inspection and instruction of this reserve of our military force report that increased interest and marked progress are apparent in the discipline and efficiency of the organization. (P. 5877.)

In his second annual message, December 3, 1894, Grover Cleveland said:

The total enrollment of the militia of the several States is 117,333 officers and enlisted men, an increase of 5,343 over the number reported at the close of the previous year. The report of the militia inspectors by Regular Army officers show a marked increase in the interest and efficiency among the State organizations, and I strongly recommend a continuance of the policy of affording every practical encouragement possible to this important auxiliary of our military establishment. (P. 5968.)

In his fourth annual message, December 7, 1896, Cleveland said:

The Organized Militia numbers 112,897 men. The appropriations for its support by the several States approximate $2,800,000 annually, and $400,000 is contributed by the General Government. Investigation shows these troops to be unusually well drilled and inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition and that encouragement be given to this deserving body of unpaid and volunteer citizen soldiers upon whose assistance we must largely rely in time of trouble.

During the past year rapid progress has been made toward the completion of the scheme adopted for the erection and armament of fortifications along our seacoast, while equal progress has been made in providing the material for submarine defense in connection with these works, etc. (Pp. 6159 and 6160.)

For the first time in the history of the country it is proposed in this bill to provide for the payment to the officers and men of the Organized Militia, or National Guard, a compensation sufficient to reimburse the officers for the money expended for uniforms and incidental expenses, and to the men sufficient to reimburse them for their car fare and other expenses incident to attendance upon the drill, discipline, and training prescribed. If it be contended that military service is a duty, devolving alike upon all citizens of a free country, it may well be replied that the history of the United States has shown that such a small proportion of our citizens volunteer for the performance of this public duty that it is no more than simple justice that the whole people should reimburse them for the expenses incurred in preparing themselves to adequately defend the country.

This bill was recommended to the House by the unanimous vote of the committee. It represents a consensus of the opinion of the entire membership of the committee, regardless of political affiliation, and we believe it fairly reflects the sober sentiment of the American people. We invoke the candid judg-

ment and intelligent criticism of the House upon this the most important question that demands our consideration.

Mr. HAY. Mr. Chairman and gentlemen, it is a source of very great gratification to the Committee on Military Affairs that it was able to report to this House a bill which has the unanimous support of the members of that committee. [Applause.] It illustrates the feeling of the country to-day—that on a question of this character all American citizens should stand together. [Applause.] And that in endeavoring to present to this House a military policy for the country, that all men should be actuated by a desire to do what is best for all of us, and that no party lines should enter into the discussion of a question which is so close to the interests of our people. [Applause.]

Mr. Chairman, the bill which this committee has presented to the House for its approval is one which is made up of several component parts. It is a general preparedness bill. It deals with the Regular Army; it deals with the militia; it deals with the mobilization and utilization of the industrial forces of the country in time of war. It deals with a plan of providing the necessary officers which this country may need in time of war, and it undertakes, in a comprehensive way, to meet all of the different views which have been promulgated by those who are in favor of national defense. It also undertakes to deal with it from a reasonable standpoint, and we believe that we are presenting a bill which does not go to either extreme.

It perhaps will meet with opposition from those who are opposed to any addition to the present defense of the country, and it will perhaps meet with the opposition of those who think that we have not gone far enough in providing for a larger standing army. If that is the case, it would indicate that those who presented the bill have done so in a sane and safe way, not going to the extreme on either side. The House must remember that we have in this country a volunteer system, and in preparing this bill we had to deal with the conditions of this country and not with the conditions in other countries where the compulsory military system prevails.

It has been stated by a great many people that we ought to have a standing army of 250,000 men in time of peace. Gentlemen who advocate that plan do not stop to consider how we are going to get that many men to enlist in the Army in time of peace. The Adjutant General of the Army, in his statement before our committee, stated that it would be impossible under the volunteer system to keep an army at more than 140,000, and 140,000 is the number which the committee has presented in this bill for the line of the Army. Therefore we have gone as far as we can go toward having a standing army which will be efficient in time of peace and around which we can build up a larger army, if necessary, in time of war.

To have an army of 250,000 men would mean compulsory military service, which I do not believe the people of this country desire. I do not believe they would uphold any Member in this House in voting for a compulsory military system as obtains in countries in continental Europe. [Applause.] Therefore the other alternative is, and it was very frankly stated by officers of the War College, that in order to obtain an army of 250,000 men it would be necessary to double the pay of the present Army and pay the private soldiers $30 a month. They admitted that they would have to go into the market and compete with the employers of labor, and in order to get men in the Army they must pay more than they are paying now. In other words, an army of 250,000 men in this country under the volunteer system will cost the country not less than $500,000,000 a year if the pay is doubled; not for one year but for every year, and I do not believe that the people of this country or the Members of this House are ready to settle in time of peace upon the people of this country an expenditure annually of $500,000,000 to maintain a force of men, a very large number of whom could not be used in time of peace, and who would be idle and drawing money from the Treasury without returning any service for it.

Of course, if we had a war with any country, this Congress and the people would be ready to vote any amount of money in order that the American people should preserve their liberties. [Applause.] But, gentlemen, we are speaking now of a peace proposition and not of a war proposition. This is a military policy which we are laying down for a time of peace and not for war. It is a preparedness proposition, which is to be the military policy of the country, and which, if war comes, will meet the situation.

The first part of this bill deals with the Regular Army. It adds 10 regiments of Infantry to the present number of regiments of Infantry that we now have. We now have 30, and 10 more will make 40 regiments of Infantry. It adds 6 regiments of Artillery. We now have 6, and this addition will make 12 regiments of Field Artillery. We add 52 companies of Coast Artillery, an addition of about 6,000 enlisted men to that arm of the service. We add 15 companies of Engineers and 4 aero squadrons. That is in effect what we do to the Regular Army, and we provide that the strength of the line of the Army shall be 140,000 men. That means fighting men. It does not include the Quartermaster's Corps nor the Hospital Corps nor the Philippine Scouts. So that we are really providing for 168,000 enlisted men. But the Philippine Scouts, of course, are not a part of the defense of this country. The Quartermaster's Corps are not men who go into war; nor are the Hospital Corps men. They are what is known as noncombatants.

That is, in brief, what we do for the Regular Army. We increase the number of officers by 786 for the purpose of having them detailed to military colleges and schools of the country and for duty with the National Guard. We increase the officers in the Quartermaster's Corps and in the Ordnance Corps, two corps which have much to do with making efficient the fighting force of the country. We increase the Medical Corps of the Army by 251 officers, and the committee on yesterday evening voted to increase it still further by providing 7 medical men for every 1,000 enlisted men.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. GREEN of Iowa. I notice there is no increase in the officers of the Signal Corps. Was there any special reason for that?

Mr. HAY. There is no increase in the officers of the Signal Corps proper, but there is an increase of 76 officers in the aviation section of the Signal Corps.

Mr. GREEN of Iowa. In the Signal Corps proper, was there some special reason for not increasing the officers?

Mr. HAY. The committee did not think it had sufficient reasons given to it for increasing the officers of the Signal Corps.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. ANDERSON. As I understand the bill, it repeals the section which authorizes the present Medical Reserve Corps, and I would like to ask the gentleman what takes the place of that corps?

Mr. HAY. It repeals that particular section of the law providing for the Medical Reserve Corps, but it provides for an officers' reserve corps, into which medical men will volunteer, just as they do now in the Medical Reserve Corps, and it gives them a better opportunity because, under the present law they could only have the rank of first lieutenant, while under the provisions of this bill they can get as high as the rank of major, so that the Surgeon General of the Army preferred the provisions in this bill to the provisions in the law that now provides for a Medical Reserve Corps.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. The gentleman spoke of a total enlisted strength of 140,000 men in time of peace.

Mr. HAY. In the line of the Army.

Mr. KAHN. In the line of the Army. Under this bill, in case of the imminence of war, that force can be materially strengthened by action of the President, without any action of Congress.

Mr. HAY. When war is imminent, or in time of war, it can be increased to 207,000 men.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman state how, in that connection?

Mr. HAY. By filling up the organizations. I may say that the organizations of the Army are skeletonized; that is, instead of having full strength they are reduced to about one-half. Take an Infantry regiment, for example. A skeleton Infantry regiment is about 900 men under this bill and a full Infantry regiment would be 1,930 men, so that by increasing the organizations in the Infantry and Field Artillery and in the Cavalry and so on throughout the service there would be 207,000 men that could be added to the 140,000 in the event of war.

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. DILL. The gentleman stated there was an increase of 52 companies in the Coast Artillery?

Mr. HAY. Yes.

Mr. DILL. Will that be sufficient?

Mr. HAY. That is what was asked for by the War Department.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. STAFFORD. The gentleman stated this bill would increase the number of officers by 786, in order to provide instruction to the National Guard and the schools throughout the country, and that they are to be detailed from those in the active list?

Mr. HAY. Yes.

Mr. STAFFORD. Why did not the committee compel the detail of those upon the retired list, many of whom are young and able and competent for that character of service?

Mr. HAY. Mr. Chairman, the committee had that question before it. Under the law as it is now officers on the retired list can not be ordered to duty except with their own consent, and the committee did not feel that it could frame a provision which would eliminate the possibility of having men on the retired list detailed for duty who possibly might not be fit for it; and we thought, moreover, that the active officer is much more efficient and much better fitted to perform these duties than the retired officer, and therefore we did not put in the bill any provision compelling retired officers to perform this duty.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. FESS. Does this contemplate an increase simply on the continent or will part of them be detailed to the insular possessions?

Mr. HAY. A part of this force will, of course, be in the insular possessions. There are now 29,300 men in the Philippines, in Panama, and in Hawaii, and if this bill passes it is proposed to put a still larger number of men in those insular possessions. If this bill passes and becomes a law at the strength of 140,000, there will be at all times in the United States about 60,000 men. The balance of them will be in the insular possessions. Of course, the gentleman will understand that at no time since the act of 1901 was passed, providing for an enlisted strength of 100,000 men, have we had 100,000 enlisted men in the Army. The President fixes by Executive order every year the number of enlisted men that he thinks the country requires, and up to the present time he never has gone to the extent which the law allows him to go, because he did not think more men than he fixed were necessary to perform the duties of the Army in time of peace. On February 25 there were 86,628 men in the fighting strength of the Army, plus 5,900 and odd Philippine Scouts, which are not counted really as a part of the strength of the Army, and if this is fixed at 140,000 it is not likely that at any time there will be that many men in the service, because there will be no use for them in time of peace.

Mr. SMITH of Texas. Mr. Chairman, I hear the statement frequently made that the reason that the strength of the Army has never been increased to 100,000 is because enough volunteers could not be secured. I would like to ask the gentleman if that is true? Whether because of that a greater number has not been fixed by the President?

Mr. HAY. Well, that may have had something to do with it; but the ability to get volunteers for the Army depends very much upon conditions in the country. When conditions are prosperous in the country it is very difficult to get men for the Army. When conditions are not prosperous they do not have the same trouble.

Now, I understand that last month recruiting slumped very much, and recruiting officers have found it difficult for the last month to obtain recruits for the Army, and The Adjutant General, as I stated a moment ago, stated that the best he could possibly obtain under the working of the volunteer system was 140,000 men, as large an army as could be kept full. Some gentlemen believe we ought to have a short enlistment——

Mr. HUDDLESTON. Will the gentleman yield?

Mr. HAY. I will.

Mr. HUDDLESTON. I want to ask the gentleman what is the average cost of recruiting a man in the Regular Army?

Mr. HAY. I think the average cost of recruiting a man is about $180. That is the cost of recruiting, not pay.

Mr. SLOAN. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Nebraska.

Mr. SLOAN. What, if any, inducement does the bill carry for the stimulation of enlistment—increased compensation or anything of that kind?

Mr. HAY. It does not carry any increased compensation. The pay of the Army now is larger than that of any other country in the world, twice as much; and, of course, the pay of the Army is the main item in the Army appropriation bill. The appropriation bill last year carried $101,000,000 and $49,800,000 of that was for pay alone, so you can see that the pay is really a very important part of the appropriation bill and that if we raise the pay of the Army we are running into a very great expense.

Mr. SLOAN. What does he get now per month?

Mr. HAY. A private is paid $15 per month; a corporal and sergeant and first sergeant and quartermaster sergeant get more, of course.

Mr. HELM. Within comparatively recent years the compensation of the private soldier was increased from $13 and something to $15 with a view of stimulating enlistment.

Mr. HAY. Yes, sir.

Mr. HELM. What effect has that had?

Mr. HAY. Well, I presume it has had some effect, of course. That is in the act of 1908, which increased the pay of the Army.

Mr. BENNET. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from New York.

Mr. BENNET. In time of peace what is the pay of a private soldier in an army like the Italian, the Russian, the French, the German, or British Army?

Mr. HAY. I have not those figures exactly, but they can be obtained; but I understand that in the German Army they pay enlisted men 2 cents a day, and that is about the price that is paid throughout continental Europe, where they have in all those countries compulsory military service.

Mr. BENNET. That is the information I had six or seven years ago and I wanted to know if there had been any change.

Mr. HAY. There has been no change.

Mr. BENNET. So people who criticize the apparently great cost of our Army in time of peace apparently fail to take into account the fact that we pay $15 a month, whereas the German Government, for instance, pays 60 cents a month?

Mr. HAY. Yes.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman state how these 86,500 soldiers are distributed, approximately?

Mr. HAY. I will try to do it, sir.

Mr. HILL. Will the gentleman yield?

Mr. HAY. I will answer the gentleman from Michigan first. There are now stationed at the Panama Canal Zone 7,300 men; in the Philippine Islands there are now 13,000; in Hawaii there are 9,000, about 800 in Porto Rico, about 800 in China, and 800 in Alaska, and the balance are in the United States. I now yield to the gentleman from Connecticut.

Mr. HILL. Some weeks ago I had occasion to look up the figures on precisely the basis given by Mr. BENNET, of New York, and if the gentleman from Virginia desires I will give him those figures relating to the pay in the various nations.

Mr. HAY. I will be glad for the gentleman to do so.

Mr. HILL. This is computed on the basis of 300 days in the year, not 365 days. The United States pays 60 cents a day, Germany 12⅝ cents, Great Britain 30 cents, France 6⅝ cents—remember, this is prior to existing war, in the year 1913—Italy pays 23½ cents, Russia 1½ cents, Austria 2⅝ and Japan 2⅝ cents. This was the condition prior to the existing war.

Mr. SHALLENBERGER. I know the chairman quoted from memory the cost of the enlisted man. I have here the testimony of Gen. McCain before the committee and he testified that the entire cost per man was $87 last year. This includes all overhead charges, and he goes on further to say that the charge for the actual enlistment of the man would cost about $19.

Mr. DILLON. Will the gentleman yield?

Mr. HAY. I will yield.

Mr. DILLON. What are these soldiers in China doing? For what purpose are they there?

Mr. HAY. The soldiers in China are a part of the force kept there by England, Germany, France, and, perhaps, Italy for the purpose of protecting the embassies of those nations.

Mr. DILLON. How many of them are there?

Mr. HAY. About 800.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. HAY. I will.

Mr. HUDDLESTON. May I ask the gentleman to state a little more fully what this cost of recruiting includes? Does it include equipment or anything of that kind?

Mr. HAY. Oh, no; it does not include that. It only includes cost——

Mr. HUDDLESTON. Of maintaining the recruiting stations and getting the men to sign up?

Mr. HAY. Yes.

Mr. BYRNES of South Carolina. May I ask the gentleman: When the two companies in the Coast Artillery Service provided for in this bill are furnished, what percentage of the guns of our fortifications will then be manned?

Mr. HAY. I can only state to the gentleman this—that the Committee on Military Affairs does not deal with guns in the coast defense. That is a question which is in the jurisdiction of the Committee on Appropriations and all we have is the private personnel. Now, in 1907, when the Coast Artillery Corps was formed, there were provided for that corps 19,000 men, which it was then stated would be sufficient to man our coast defenses.

Since that time they have sent out from this country, and away from our coast defenses, to Panama and Hawaii and the Philippines, about 52 companies of Coast Artillery, and they are asking us now to add these 52 companies of Coast Artillery to take the place of those which were sent out of the country to man the fortifications in the insular possessions.

Mr. BYRNES of South Carolina. Does the gentleman recall whether or not, if the 52 companies were provided, we would still be 800 men short of the force originally intended to man the defenses of this country, as was testified before the committee?

Mr. HAY. I do not recall that distinctly, but if we are only 800 men short we are pretty well up to what we ought to have.

Mr. BYRNES of South Carolina. Will the gentleman tell me this? He stated that 52 companies were the number of men asked for by the War Department. Have you any information as to the recommendation of the War College?

Mr. HAY. I have information as to the recommendation of the War College.

Mr. BYRNES of South Carolina. What was the recommendation?

Mr. HAY. They recommended a standing army of 281,000 men, and for the Coast Artillery they recommended something like 60,000 men. I am not sure of the exact number, but it was something like that.

Mr. SANFORD. Will the gentleman yield?

Mr. HAY. I will.

Mr. SANFORD. I want to understand the chairman's position. The gentleman who preceded you stated that we have had a law in this country ever since it was organized, which placed universal obligation of service on all men between 18 and 45 years of age in case of war. Is that correct?

Mr. HAY. I think that is correct.

Mr. SANFORD. Of course, there is a universal obligation of citizens to serve in time of war. So that the difference between this country and all other countries in the world to-day is with reference to the obligations to train and not serve, is it not?

Mr. HAY. That may be. But I can not yield to the gentleman for a speech.

Mr. SANFORD. I just wanted to ask you what the difference was. You have compared here the difference in the pay. Now, foreign countries do not pay their soldiers, do they?

Mr. HAY. They do not.

Mr. SANFORD. They compel them to learn to be soldiers?

Mr. HAY. But you can not train the entire population of this country of military age except by passing some law which will put them into training. You have to have some legislation for that purpose.

Mr. SANFORD. I am not antagonistic. But when you spoke everyone applauded when you said that we would never stand for universal compulsory service. We have always stood for it, and we have it.

Mr. HAY. We have it if we choose to put it into effect.

Mr. SANFORD. We always have had it in every war.

Mr. HAY. We did not have it in the Mexican War and we did not have it in the War of 1812 and we did not have it in the Spanish War, but we did have it in the Civil War.

Mr. FIELDS. Will the gentleman yield?

Mr. HAY. Yes.

Mr. FIELDS. The country has never exercised universal compulsory service?

Mr. HAY. Of course not. Congress has the power to compel every man of military age in the country to render military service, but Congress has never seen fit to exercise that power; and I do not believe that Congress will see fit to exercise it now.

Mr. SANFORD. Did we not exercise it in the Civil War?

Mr. HAY. Yes; but I am talking about in time of peace and not in time of war. I will state to the gentleman that I have an amendment, which is not a committee amendment, to propose, that the President be given power in time of war to draft every man between the age of 18 and 45 in this country, and I hope that the House will vote for that amendment.

Mr. SANFORD. That is compulsory service; that is all.

Mr. HOWARD. Will the gentleman yield?

Mr. HAY. I will.

Mr. HOWARD. I wanted to ask the chairman of the committee if he could give the House, after his long service on the Military Affairs Committee, in view of the fact that we have just increased the organization of the Regular Army, what, in his opinion, is the cause for the reluctance, in view of the pay that the privates get in this country as compared with other countries, on the part of the young men in the United States to enlist in the Regular Establishment?

Mr. HAY. I can only say to the gentleman that in prosperous times men can get great deal better jobs on the outside than they can by going into the Army, and for the last 10 or 15 years the War Department has been very rigid in its requirements from a recruit. It is the popular idea that the Army is a refuge for criminals and all kinds of bad characters. That is not true. The fact of the business is that a man who offers himself as a recruit for the Army has to show good moral character, physical fitness, and altogether prove himself to be worthy of being a soldier of the United States. And the Army to-day is composed of as fine material as to young men as you will find anywhere. [Applause.]

Mr. HOWARD. I would like to ask the gentleman one other question: Do you not think that a great deal of this reluctance on the part of young men to enlist in the Army is the indefiniteness of where they are to be located? That is to say, the monotony of being sent miles and miles away from home to do garrison duty at some post where they have no ties of any sort? And is not that responsible, in your judgment, for a good many of the desertions that occur in the Regular Army?

Mr. HAY. That may be. But a man, in joining an army, has to submit himself to orders. He can not join the Army and say, I want to go to this place or that place or the other place. It would be impossible to build up an army upon that idea, because you never know when you will need a man or where you will need him. When he joins the Army he joins it with the idea that he must be subject to the orders of his superiors and go wherever they choose to send him; and that may deter some young men from joining the Army.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. HENSLEY. I notice that you are adding 786 officers for the purpose of providing training for militia and students in colleges. Has the gentleman any information as to how many institutions of learning are now supplied with military men for instruction purposes?

Mr. HAY. Yes. About 100 schools and colleges are now supplied.

Mr. HENSLEY. This is in addition to that?

Mr. HAY. Yes; but we have a large number of organizations in the National Guard. We have, for instance, in the National Guard 64 regiments of Infantry alone—I think it is—and we want to provide, out of these 786 officers, officers for the instruction of the National Guard as well as for the schools and colleges.

Mr. HENSLEY. Then, I understand that there are 100 institutions that are now provided with officers detailed for instruction?

Mr. HAY. Yes; either active or retired officers.

Mr. KAHN. Mr. Chairman, will the gentleman yield there?

Mr. HAY. Certainly.

Mr. KAHN. I wish to call my colleague's attention to the fact that there are institutions having 2,500 members in the cadet corps that have only one officer, and this bill will allow one officer to every 400 men?

Mr. HAY. Yes.

Mr. BUTLER. Mr. Chairman, will the gentleman permit a question?

Mr. HAY. Yes.

Mr. BUTLER. Where do you contemplate finding these officers? What are the means you intend to employ to get all these extra officers? It has been a matter of great concern to us in the Committee on Naval Affairs to provide officers sufficient for the service.

Mr. HAY. Of course all the vacancies will be in the rank of second lieutenant, which is the lowest rank. They will be filled up from the bottom.

Mr. BUTLER. Will they be appointed from civil life?

Mr. HAY. From West Point and from officers of the National Guard, graduates from the military schools and colleges, from enlisted men of the Army, and from civil life. We think we can get the extra officers without much trouble.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. FESS. The chairman spoke about military schools. Would that include a State university that has a military department?

Mr. HAY. Yes.

Mr. FESS. Let me ask the gentleman this question: Is the idea of a soldier doing constructive work entirely irreconcilable with a standing army?

Mr. HAY. The gentleman means in time of peace, building roads?

Mr. FESS. Yes.

Mr. HAY. I do not think it would be possible to get men in the Army to build roads.

Mr. FESS. Even if you paid higher wages?

Mr. HAY. I do not think even then you could do so.

Mr. FESS. Those two ideas are irreconcilable?

Mr. HAY. Yes, sir.

Mr. GUERNSEY. Mr. Chairman, will the gentleman permit a question?

Mr. HAY. Yes.

Mr. GUERNSEY. If I understand the provisions of this bill correctly, when war is imminent the President can increase the Army by 207,000 men. Is that in addition to the present strength?

Mr. HAY. No.

Mr. GUERNSEY. What provision is there in this bill that would encourage enlistment up to 207,000 men?

Mr. HAY. The gentleman means in time of war?

Mr. GUERNSEY. Yes.

Mr. HAY. In time of war it is always easier to get men to enlist in the Army than in time of peace. There is a very large number of young men in the country who in time of war volunteer, and are anxious to volunteer, but who do not want to go in the Army in time of peace. I do not think there would be any trouble in getting the men.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. BRITTEN. Would there be any difference in the status of officers in the line between those taken from citizens and those who were graduated from West Point?

Mr. HAY. None at all. When a man is second lieutenant it does not make any difference where he comes from, whether from West Point or from civil life, after he gets in.

Mr. BRITTEN. He could go right up the line?

Mr. HAY. Yes, sir.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HAY. With pleasure.

Mr. SMITH of Idaho. Do you contemplate giving any preference, in providing for these additional officers, to officers who served in the Volunteer Army during the Philippine insurrection?

Mr. HAY. It is not so contemplated. The age limit for a second lieutenant is from 21 to 27 years, and those men who served in the Philippine insurrection are beyond that age, and we did not think it would be wise to raise the age limit in order to get a few people in who could not have time to render the service as long as it ought to be, and who besides would be second lieutenants at the age of 40 or 45 or 50, and be commanded by young men of 25 or 30 or 35 years of age.

Mr. OLIVER. Mr. Chairman, may I ask a question?

Mr. HAY. Yes.

Mr. OLIVER. The gentleman spoke of recruiting officers from graduates of West Point and from the State militia and from graduates from military schools. Is not the preference given to those sources in the bill?

Mr. HAY. Yes, sir.

Mr. OLIVER. Will the gentleman state briefly just what that is?

Mr. HAY. If the gentleman will look in the bill he will find it there. I have so little time that I can not go into it in detail now, but if the gentleman will look at page 29 of the bill, beginning with line 3, he will find it there.

Mr. DILL. Mr. Chairman, will the gentleman yield to a question?

Mr. HAY. Yes.

Mr. DILL. This bill provides for 786 officers to be used in colleges and other places for training cadets. Is there provision whereby the War Department will keep in touch as to the names and addresses of young men who are trained in those institutions?

Mr. HAY. Yes. There is a provision for that.

Mr. DILL. That is being done at the present time?

Mr. HAY. Yes; it is. The War Department has now a list, and keeps a list of all graduates of military schools and colleges.

Mr. DILL. And ordinary State institutions and State colleges?

Mr. HAY. Yes; every military school.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. LINTHICUM. I notice, on page 81, a captain is allowed $500 a year, and when it comes to the medical officer he is limited to not to exceed one-half of that.

Mr. HAY. I will explain that later. Some medical officers get $500 if in command of field hospitals.

Mr. LINTHICUM. But other medical officers have a great deal of office work——

Mr. HAY. They are officers of the National Guard. They do not do very much in that way.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia [Mr. HAY] be permitted to complete his statement without interruption.

Mr. HAY. I am very glad to be interrupted, because I believe in that way I can serve the House better than by making a set speech.

Mr. BUTLER. That is what you are doing now. [Applause.]

Mr. BARKLEY. I thought I would be helping the gentleman by making the request.

Mr. HAY. I am very much obliged to the gentleman from Kentucky, but I am glad to be interrupted. I am anxious to give all the information I have.

Mr. KINKAID. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Nebraska.

Mr. KINKAID. Does this bill increase or decrease the proportion of officers to the number of privates?

Mr. HAY. It increases them very largely.

Mr. KINKAID. Is it contemplated that that is for the purpose of using more officers than the present law provides for, or is it in order to have a reserve, on account of the possible greater mortality of officers than of privates under the new mode of trench warfare?

Mr. HAY. I will say to the gentleman that that was done for both purposes. It was done for the purpose of having officers enough to train the young men in these military schools and colleges and to be detailed for duty with the National Guard and to have as many officers as we could possibly carry for the purpose of using them in time of war. And I will say to the gentleman on this subject of officers, about which we have heard so much, that this bill provides for 7,450 officers. There are in the National Guard to-day about 9,000 officers. There are in the country to-day not less than 10,000 graduates of military schools who are fit to become officers. So that if we should ever have any trouble we should certainly have quite a good nucleus to whom we could look for our officers, and I do not think there is as much danger of our not getting officers as some people seem to think. What we are providing for in this bill in connection with the National Guard and the schools will give us officers every year upon whom we can call if the necessity arises, which I hope never will.

Mr. KINKAID. I heartily agree with the idea of having a good reserve, but I want to ask a further question. Are not a good many military men of the opinion that fewer officers are required in proportion to the number of privates than the law now provides?

Mr. HAY. I do not exactly understand the gentleman's question.

Mr. KINKAID. Is it not the opinion of a good many experienced military men that fewer officers are really needed than the law now provides, in proportion to the number of privates to be controlled by them?

Mr. HAY. I will say to the gentleman from Nebraska that I have never yet seen a military man who thought there were fewer officers needed than had been provided in this or any other bill. The trouble the committee has had has been that the officers have all the time wanted more officers. They always want more. I do not say that by way of criticizing these gentlemen, because the more officers there are the more promotions there will be and the more money they get, and they are human like the rest of us.

Mr. KINCHELOE. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. KINCHELOE. How many members are there now in the regular enlisted State guards of this country?

Mr. HAY. There are now of enlisted men about 120,000.

Mr. KINCHELOE. In the State guards?

Mr. HAY. Yes.

Mr. BRITTEN. Does this bill provide an age limit at which lieutenants of the second grade are taken into the service?

Mr. HAY. This bill does not provide it, but the law provides that they shall be from 21 to 27 years of age.

Mr. BRITTEN. Not under 21?

Mr. HAY. Not under 21.

Mr. CANDLER of Mississippi. The gentleman a moment ago started to discuss the question of the term of enlistment, but was carried away from that subject by other questions.

Mr. HAY. I propose to discuss that as soon as I can get the opportunity.

Mr. CANDLER of Mississippi. What is the present term of enlistment?

Mr. HAY. The present term of enlistment is four years with the colors and three years in the reserves. This bill provides three years with the colors and four years in the reserves.

Mr. BRITTEN. The committee, then, were of opinion that the shorter term of enlistment would probably secure more soldiers?

Mr. HAY. That is the opinion of the committee, generally speaking. That is not my opinion, however.

Mr. PLATT. Will the gentleman explain section 79, which refers to West Point?

Mr. HAY. Section 79 provides that the number of cadets at West Point shall be doubled, and that each Member of the House and each Member of the Senate shall have one more appointment than at present. That is to be provided for in such a way as the President may determine. If they were all appointed at once, there is no room at West Point to receive them all, and we have to put up some buildings there before we can do it.

Mr. BRUMBAUGH. Can the gentleman tell us about what per cent of the graduates of West Point and other military schools stay with the Army after graduation during their lives and what per cent go into business?

Mr. HAY. So far as West Point is concerned, possibly 95 per cent remain in the Army. The graduates of other military schools and colleges do not go into the Army at all unless they are appointed from civil life, and therefore I have no means of knowing about that?

Mr. BRUMBAUGH. Another question. What claim has the Government upon the graduates of West Point and other military schools?

Mr. HAY. The Government has no claim on the graduates of any other school than West Point.

Mr. BRUMBAUGH. What power has the Government to call back into the service West Point graduates, in whose education the Government has spent considerable money? If they resign and go into business, can the Government call them back?

Mr. HAY. If they resign and leave the Army, the Government has no more control over them than it has over anybody else.

Mr. FOCHT. Mr. Chairman, in Pennsylvania State College, where the attendance is 2,800, they now have one full regiment, officered by an assigned officer of the United States Army. They desire to recruit two full regiments. How many officers will be assigned in that case?

Mr. HAY. How many will there be in the two full regiments?

Mr. FOCHT. I should judge a thousand in each regiment.

Mr. HAY. Then you would have four United States Army officers under this bill.

Mr. SLEMP. The gentleman says that the Regular Army has 83,000 men.

Mr. HAY. They had on February 26, 86,000.

Mr. SLEMP. That does not include the 20,000 that has been provided for.

Mr. HAY. No; not as yet.

Mr. SLEMP. So that, with the 20,000 and the number provided for here in this bill, makes 160,000.

Mr. HAY. No; the resolution that we passed only permits the organization to be recruited up to their full strength.

Mr. REAVIS. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. REAVIS. The gentleman spoke of a provision of the bill making the terms of enlistment three years in the colors and four years in the reserve; are members of the Regular Army in the reserve under salary?

Mr. HAY. No; they are not paid.

Mr. REAVIS. They go back into civil life?

Mr. HAY. Yes.

Mr. REAVIS. Has the Government authority under law to call the men back to the colors while they remain in the reserve?

Mr. HAY. If they need them in time of war.

Mr. REAVIS. They occupy a different relation to the Government, then, than ordinary citizens during the four years?

Mr. HAY. Yes.

Mr. RAGSDALE. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. RAGSDALE. On page 68, section 61 provides that officers, now employees of the Government in the District of Columbia who are members of the National Guard, shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency in rating on all days engaged in field training under the provisions of this act. As I understand it, they not only get a salary in Washington, they not only get the time they are entitled to by sick leave and leave of absence, but they get this time and pay for any training while in camp.

Mr. HAY. That is true.

Mr. RAGSDALE. Without regard to the period of time they remain in camp. In other words, if under a certain condition of affairs the President of the United States saw fit to order them into camp for six months, during all that time they would draw their salary in the District and their pay in camp.

Mr. HAY. I hardly think that is a fair statement, because the bill provides for 15 days of training.

Mr. RAGSDALE. It requires that, but it permits as much time as the President might see fit to order.

Mr. HAY. He could do it, but I do not think the President would. However, this is a very small detail, and I have quite a number of other matters to consider.

Mr. RAGSDALE. But this might amount to a great deal.

Mr. HAY. Very few people in the Government departments are in the National Guard.

Mr. RAGSDALE. They could all enter the National Guard, could they not?

Mr. HAY. They could, but they are not apt to. But it was thought that if these men in the Government employ were patriotic enough to go into this organization, that they ought not to be penalized if they were called out for training. [Applause.]

Mr. Chairman, I started to speak of the term of enlistment. I said some gentlemen believe in a short enlistment, in a two-year enlistment. I do not believe that you can maintain the efficiency of the Army with a two-year enlistment, because the average service of men in the Army would only be about one year, and if the Army was called upon in an emergency you would have an Army composed of half-baked recruits, men who had only been in the Army one year, and we all know that during the present war in Europe it has taken England one year to train a soldier sufficiently to justify her in sending him to the field. That is one reason why I do not believe that the enlistment period should be reduced below that of three years.

Another reason is that if you have a man trained for a soldier in two years he is just beginning to render service for the money which you have paid him. Another reason is that if you have two years' enlistment it will be that much more difficult to keep the Army full, because instead of getting them one-third, you would have one-half every year. If you had an army of 140,000 men you would have to have 70,000 recruited every year. Another reason which perhaps does not weigh with us much now is that it costs a great deal more to have a short enlistment than to have a long one.

Mr. BRITTEN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. BRITTEN. How does the gentleman conclude that with a two years' enlistment you would only get one year's service?

Mr. HAY. Because in the course of two years one-half would go out, and that would leave in the Army men who had only been in one year, and you would be taking in men who had no service at all.

Mr. BRITTEN. But the man who enlists would stay in two years?

Mr. HAY. Yes; he gets two years' service; but in the Army generally you would have men who had had but one year's service. Now, more than that, if you have a short-term enlistment you are going to find it extremely difficult to get men to enlist. Those who advocate the short-term enlistment insist there shall be no reenlistments. If there is no reenlistment you can not get men in the Army, because there will be no future for them. The backbone of the Army to-day is the noncommissioned officer, who is an enlistment man, and if a man only goes in for two years and is not allowed to reenlist, there will be no inducement whatever for a man to go into the Army.

I think I have said enough and answered questions enough with regard to the Regular Army, and I want to say a word about the National Guard.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. FESS. Before the gentleman goes on, is the Aviation Service in this bill the only Aviation Service we have, or does the Navy Department have an Aviation Service?

Mr. HAY. The Navy Department has an Aviation Service.

Mr. FESS. How much do we have in the Army?

Mr. HAY. We provide in this bill for 133 officers and 720 enlisted men.

Mr. KAHN. Mr. Chairman, before the gentleman leaves the Regular Army, I hope he will explain to the House that the increase is in four increments.

Mr. HAY. Yes; in four annual increments. By that we get one-fourth each year for four years, and that applies to the officers, except these 786 officers whom we want to get at once, because we want to use them in training at once. It has been stated by some people that it is impossible for Congress to federalize the National Guard or to federalize what is known as the Organized Militia. It is true that not for many years, since the beginning of the Government almost, has any attempt been made to really federalize the National Guard. Congress has never undertaken to exercise the powers which are conferred upon it in the Constitution, and therefore gentlemen have assumed that Congress could not do what it has not chosen to do. It is not denied that the Constitution provides for the organization for the militia and for the disciplining and training for the National Guard or the Organized Militia in accordance with the discipline prescribed by Congress. If Congress has those powers, Congress can exercise them.

The Constitution never contemplated conferring upon Congress a power which Congress could not exercise, and, therefore, in this bill this committee has undertaken to exercise the powers which the Constitution has conferred upon Congress, and we believe we have federalized the militia in such a way as to bring it under the control of the President and of the War Department so that it will be trained in time of peace in such a way as to be fit for service in time of war. We provide that it shall go into the service of the United States immediately upon a declaration of war or when war is imminent, and that it can be mobilized at once without the delays and without the confusion which took place at the time of the Spanish War. I have not time to go into the details, but I would be very glad to answer any question upon any section of this bill dealing with the National Guard, because I believe I can convince any fair-minded man that there is not a section in this bill which is not constitutional, and which will not stand the test of the court. For myself, I do not believe that there will ever be any question raised as to the constitutionality of it, but if it were raised, these provisions in this bill will stand the test in my judgment; will be declared constitutional by the Supreme Court of the country. We have a provision in the bill for a mobilization of industries in time of war.

Mr. STEENERSON. Mr. Chairman, before the gentleman leaves the militia, is it the opinion of the committee that when the militia is called forth under this proposed law into the service of the United States, the United States will then have the same authority over it as it has over the Regular Army, so far as any expedition beyond the boundaries of the country is concerned?

Mr. HAY. This bill provides that in time of war or when war is imminent the President shall draft into the service of the United States the National Guard and when they come into the service of the United States they cease to be militia and become United States troops. In other words, they become a part of the Army of the United States, and the President can send them from Dan to Bersheba, if he wants to.

Mr. STEENERSON. He can send them anywhere that he can send the Regular Army?

Mr. HAY. Yes.

Mr. FESS. The right to appoint the officers is still reserved in the State?

Mr. HAY. Yes; but we provide that they shall qualify themselves by an examination which shall be determined by the Secretary of War.

Mr. FESS. Then they are not volunteers—the governors of the States are not called upon?

Mr. HAY. No; Congress has the right to confer upon the President the power to draft anybody, and this bill confers upon him the right to draft the members of the National Guard, and provides that when they are so drafted they shall cease to be militia.

Mr. FESS. Then he does not call for them through the governor at all?

Mr. HAY. Not at all. He calls them through his own orders.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. SIMS. That is the very subject that I desire to ask about. If the State of Tennessee or the State of Virginia sends a regiment of National Guard upon the call of the President, the officers have already been appointed, and they do not cease to be officers of the organization because of being drafted by the President?

Mr. HAY. This law provides that the President shall appoint all of these officers when they are drafted. It provides that for two reasons. First, that the President is the Commander in Chief of the Armies of the United States, and when soldiers come into the service of the United States the officers who are to command those troops ought to be appointed by the President. As a matter of practice, however, if he drafted the National Guard, he would necessarily have to appoint the officers that were then in command of the different troops, companies, and batteries and regiments in the National Guard, because he has nowhere else to go to get officers, and because those officers under this bill would have taken the examinations and would have qualified themselves to be officers in accordance with an examination prescribed by the Secretary of War.

Mr. SIMS. Would the President have the right to take the officers of a Tennessee regiment and appoint them in a Maine regiment, and from a Maine regiment appoint them in a Tennessee regiment?

Mr. HAY. He would; and he ought to have the power, the complete power, over these men in time of war, when the responsibility rests upon him who shall command the soldiers of the country.

Mr. SIMS. But at no other time than in time of war or when war is actually imminent?

Mr. HAY. Oh, no. The draft is only a war provision.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. SLOAN. With the power of the President to draft the militia, does he draft the organization or the individual members of the organization?

Mr. HAY. He drafts the individual members, and undoubtedly when he drafts them he would keep the same organization that they had when he drafted them, but in order to meet the constitutional condition it is necessary to put it in that way.

Mr. HILL. May I ask the gentleman a practical question?

Mr. HAY. Yes, sir.

Mr. HILL. Last week I received a volunteer offer from a complete organization of an artillery regiment of men to go to Texas from the State of Connecticut. Is there anything in the present law by which that organization could be accepted and put in this service?

Mr. HAY. Yes, sir. In the volunteer law passed in 1914 if the President chooses to do so he could call upon that regiment.

Mr. HILL. And take it as an organization?

Mr. HAY. And take it as an organization. That law provides that when three-fourths of a National Guard organization volunteers it shall be taken in as an organization.

Mr. HILL. That was not true during the Spanish-American War.

Mr. HAY. It was not.

Mr. HILL. But it is true now.

Mr. HAY. It is true now.

Mr. FESS. Could the President call upon an individual member of a regiment without calling upon the whole regiment?

Mr. HAY. He could.

Mr. FESS. Suppose he would not go?

Mr. MANN. Was the gentleman about to yield the floor?

Mr. HAY. Yes.

Mr. MANN. May I ask the gentleman a question?

Mr. HAY. Certainly.

Mr. MANN. I understood the gentleman a while ago to say that if the Army were increased to 250,000 and the pay of the enlisted men was increased from $15 to $30 a month the cost would be $750,000,000 a year?

Mr. HAY. Yes; just about.

Mr. MANN. I confess I can not see how the gentleman can figure that out. The present cost of the Army is about $1,000 a man, maybe a little more than that.

Mr. HAY. Of course, I was figuring in that not only the pay and the equipment, but I was figuring ammunition and everything that is necessary to go with the Army. Now, at present in the Army bill of last year the ordnance part of that bill carried about $9,000,000. Now, this year we are asked to appropriate three times that much for the ordnance alone.

Mr. MANN. That is for reserve, I take it.

Mr. HAY. Of course, and some of that we are appropriating now is for reserve.

Mr. MANN. That is not chargeable to the maintenance of the Army?

Mr. HAY. Yes. I say we are charging everything. You do not figure that in, though, when you say that the soldier costs $1,000 a year.

Mr. MANN. Of course, when we say a soldier costs $1,000 a year we do not mean that. The soldier does not cost $1,000 a year—the enlisted man does not cost $1,000 a year; and how can you figure out, if you add $180 a year to the pay, increasing from $15 to $30 a month to the pay of the enlisted man, that you

can add a half a million dollars more than the estimated cost to have an army of 250,000?

Mr. HAY. Well, while it is true you pay $180 a year for the private, the corporal gets $18 a month, and therefore he would get $36.

Mr. MANN. Well, not necessarily.

Mr. HAY. Well, that was thought to be the fair thing—to give the man that has a little more rank more than a private soldier.

Mr. MANN. Oh, it is perfectly evident if you increase the pay of the private enlisted man from $15 to $30 you would have to make some increase——

Mr. HAY. Undoubtedly.

Mr. MANN. In some of the lower officers. Of course that would not apply, though, I take it, to the commissioned officers.

Mr. HAY. It would not increase the pay of the commissioned officers, but you would increase the number.

Mr. MANN. You increase the number by the increase of the Army, but that would have no relation whatever to the increase of the pay of the enlisted man. I understood the gentleman to say that the basis of the large increase in the cost was upon the increase in the pay of the enlisted man. I could not figure it out. We pay now for the enlisted men in the present Army less than $25,000,000 a year, I think; certainly less than that for the line of the Army, including retired pay and increase or fogy pay.

Mr. HAY. I think last year the appropriation was something like $21,000,000 for the enlisted men, but I want to say to the gentleman——

Mr. MANN. The increase for the enlisted men of the line of the Army for this year is $18,200,000; $2,300,000 for length of service and $2,850,000 for the retired pay.

Mr. HAY. Yes.

Mr. MANN. Now, that is the line of the Army, and that is a very small proportion of the total cost of the maintenance of the Army.

Mr. HAY. If the gentleman will let me say, in stating 250,000 I ought to have said 500,000. That is what I ought to have said.

Mr. MANN. That puts a different face upon the subject.

Mr. HAY. The 250,000 would cost somewhere in the neighborhood of a half a million dollars—mighty near it.

Mr. MANN. I can not see how the gentleman can figure it out.

Mr. HAY. I can show the gentleman. Take, for example, the Quartermaster's Corps. It is now 7,000 men. Now, if you had an army of 250,000 you would have to double that at least. Now, take the Hospital Corps, and you would have to double that. That is 7,000 under this bill. You would have to double that, and that would be 14,000. And you have got to double all along the pay not only of the private soldier but that of the corporal, the sergeant, the first sergeant, and the quartermaster sergeant; and you will find that, taken together with the men, the subsistence, the transportation, and the one hundred and one things that go toward the expense of the Army, it would be at least more than treble what we have now if we have an Army of 500,000 men and keep them on foot.

Mr. MANN. Including the pay of the officers, the pay of the Army is now less than one-half the total appropriation for the maintenance or support of the Army?

Mr. HAY. It is a little less than one-half, but of course the other part of the appropriation is a part of what we have to pay to sustain the Army.

Mr. MANN. True enough; but there would be no greater cost for the maintenance of the Army, no greater cost for the transportation of the Army, whatever pay you allowed the Army? That will be practically the same?

Mr. HAY. The cost would be much greater to have to furnish transportation facilities for an army of 250,000 men.

Mr. MANN. I say, whatever the pay, the cost of the equipment, the cost of the uniforms, the cost of all the quartermaster stores, the cost of all subsistence and transportation, would be the same, whatever the pay?

Mr. HAY. But, of course, that subsistence and that transportation would go up relatively with the size of the Army.

Mr. MANN. With the size of the Army?

Mr. HAY. Yes.

Mr. MANN. Of course. Now, the present cost is in the neighborhood of $1,000 each for the number of soldiers in the Army, per year?

Mr. HAY. Yes.

Mr. MANN. Why would it go up in proportion if we increased the Army?

Mr. HAY. I do not mean to say it would cost any more to keep a soldier on foot, but I do mean to say that the larger you make the Army the relatively larger is the expense of maintaining the Army.

Mr. MANN. Undoubtedly, and if the present Army is supposed to cost $100,000,000 a year on the basis of about 100,000 men, why would not an army of 250,000 men cost about $250,000,000 a year if you keep the present pay?

Mr. HAY. I will tell you what I will do. I will get the War Department to make a table to show the cost of keeping an army of 250,000 men a year, and have it before this bill passes, taking into consideration everything. Of course, I can not keep those figures in my head, and if we could have it tabulated it would show just what it would cost; and that is information which probably the House ought to have.

Mr. MANN. Well, I have so much confidence in the fact that the gentleman from Virginia does carry figures in his head so exceedingly well, that I called his attention to the fact. I thought he said an army of 250,000 men, and therefore I called his attention to it.

Mr. HAY. And I did. And what I wanted to say at the time was that if we wanted to keep the country on a war footing it would take 500,000 men to do it; but what this committee wanted to do was to supply what would be necessary in time of peace.

Mr. Chairman, I have consumed much more time than I had any intention of doing, and I will yield the floor with this statement, that I trust very much that the Members of this House will study this bill and look into the real merits of it. I think they will find it presents a reasonable plan of preparedness to be put into operation in time of peace and which everybody can support and which, when it gets into operation, will have accomplished the purpose of all those who are in favor of bringing about a proper national defense. [Applause.]

Mr. HARDY. Will the gentleman yield just for a question? I wish to ask the gentleman, Mr. Chairman, if he did not omit largely what he desired to say on industrial preparedness?

Mr. HAY. I did; but I did not get the time.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. McKENZIE]. [Applause.]

Mr. McKENZIE. Mr. Chairman, the Constitution of the United States prescribes that Congress shall provide for the common defense and is given power under the Constitution—

To raise and support armies.

To provide and maintain a Navy.

To provide for calling forth the militia and to execute the laws of the Union, suppress insurrection and repel invasions, and to provide for the organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Congress in the performance of this duty heretofore has provided for a small Regular Army and the Organized Militia of the several States as the Military Establishment in times of peace, relying principally upon volunteer forces in time of war.

The Regular Army has been increased from time to time, as provided by Congress, with the present maximum fixed at 100,000; but at no time has the full maximum strength been appropriated for by Congress.

The Organized Militia received practically no consideration from the Federal Government in a financial way until within recent years; in fact it has never been considered by some of our military men as a force to be dependent upon in time of war.

I am prompted to say at this point that whatever critics may be constrained to say reflecting upon the policy pursued by Congress in the past relating to national defense, it has evidently been approved by the people.

In addition to what Congress has done by way of appropriating money for the Regular Army and the Organized Militia, it has been making appropriations for the gradual building up of a reserve in all things necessary to equip an army. But notwithstanding these facts, many of our people, from one cause or another, have awakened to the fact that, in their judgment, our Nation is in a helpless position and wholly unprepared for defense in case of an attack by a first-class power.

The fact that our Nation has grown from a population of over 3,000,000 to 100,000,000; from a condition of poverty to that of wealth; from a condition of weakness in all the potential elements of national defense to that of matchless strength, enjoying the distinction of being the richest, the strongest, and in every sense the most independent and powerful nation on earth, except in the matter of military and naval preparedness, gives no comforting assurance to those of our citizens who see danger and ultimate disaster to all our hopes and aspirations as a nation unless we immediately provide for very large military and naval establishments.

The historic fact that for more than 100 years covering the period of our growth and development we escaped invasion by the warring nations of the earth, that oceans still separate us from them, and that we have never been engaged in war in all that time, except of our own making, furnishes no evidence of security to the advocates of a large Army and Navy.

Much has been written and published in the past few months demanding that Congress provide for adequate national defense.

Numerous orators have grown eloquent in portraying our helplessness as a nation and dramatically demanding action by Congress. Even Members of Congress and politicians have earnestly declaimed along the same line. Leagues and organizations, some old, some of mushroom growth, have put forth high-sounding resolutions demanding adequate national defense.

The effect of this propaganda has been to inflame the fears of the timid and arouse the indignation of those aware of the misleading statements contained in many of the articles, speeches, and resolutions. However, all this has been of little value to the members of the Committee on Military Affairs charged with the grave responsibility of preparing and presenting to this House a plan for the reorganization and strengthening of our Military Establishment along reasonable lines.

The members of the committee approached the consideration of this important subject with open minds, and I am satisfied that it was the patriotic desire of every member of the committee to recommend what he believed would be best for his country. The committee is composed of men from every section of our land. The chairman, Hon. JAMES HAY, hails from the Old Dominion; Hon. JULIUS KAHN, the ranking member of the minority, is a resident of California. The Atlantic States are represented by FARLEY and CALDWELL, of New York; OLNEY, of Massachusetts; NICHOLLS, of South Carolina; TILSON, of Connecticut, and GREENE, of Vermont. The Southern and Middle States by DENT, of Alabama; WISE, of Georgia; QUIN, of Mississippi; FIELDS, of Kentucky; MCKELLAR, of Tennessee; LITTLEPAGE, of West Virginia; GORDON, of Ohio, and CRAGO and MORIN, of Pennsylvania. The Western Plains by ANTHONY, of Kansas, and SHALLENBERGER, of Nebraska. The upper Mississippi Valley by HULL, of Iowa, and MCKENZIE, of Illinois.

Surely it can not be said the committee is provincial in its membership and therefore not representative of the whole country. The people of both coasts, the sections of our country which will be called upon to meet the first onset of the invader in case of war, are ably represented on the committee. And the great central portion of our country is represented by men whose patriotism I am satisfied extends beyond the confines of their respective States and, I trust, to whom Bunker Hill and the Golden Gate are as dear as they are to the citizens of Massachusetts and California. I feel, however, it is but fair to state to the House and to the country that the present Committee on Military Affairs is composed of men who give but little heed to impassioned harangues and glittering generalities, whether coming from the lips or pen of the extreme pacifist who opposes all military preparedness, or the wild-eyed jingo who would bankrupt our Nation in preparation for war with an enemy who may never appear.

After a careful investigation of a number of plans submitted to us, and after exhaustive hearings in which persons representing every phase of the subject appeared before the committee and presented their views, the committee agreed to report the pending bill.

At this point I might properly say that the committee in approving and reporting the bill did it with the full understanding that it was a measure intended to provide for national defense and not for any war of conquest. In other words, to provide a military establishment sufficient to defend our country in case of an attempted invasion by a first-class power. Such an establishment, we believed, could be provided under the operation of the bill now before the House.

In the preparation of this bill we were not unmindful of the oft-reiterated statement that in the matter of providing a sufficient military establishment for the proper defense of our country that Congress should be guided exclusively by the advice of military experts. We were fully persuaded that in all matters pertaining to the tactical organization of the Army and the different units of the same the advice of experts should be followed. But when it comes to the matter of determining whether or not we shall maintain a large Regular Army in time of peace, having in mind the enormous expense of the same, that the people, through their representatives and not military experts, should be consulted.

A number of concrete plans were submitted for our consideration. The plan submitted by Secretary of War Garrison provided for increasing the Regular Army approximately to 141,000 officers and men, and also provided for the organizing of a volunteer force of 400,000 men to be known as the continental army, or by any other name which Congress deemed appropriate. His plan also provided for a reserve in both the regular and volunteer forces.

The War College plan, as it is known, provided for a Regular Army of approximately 281,000, and a volunteer force such as was recommended by the Secretary of War. The estimated cost of the War College plan would be, as stated by one officer, about $1,000,000 a day.

Gen. Wood also submitted a plan recommending a regular force of 220,000 and a like volunteer organization. All of these plans provided for a volunteer force in time of peace had in view the enlistment of the men for a period of three years with the colors, after which they were to pass into the volunteer reserve for a term of three years. The officers in this proposed volunteer force were to be appointed by the President from the Regular Army, and the men were to be drilled from one to two months annually for three years, and paid for their services while on duty.

In none of the aforementioned plans for the reorganization of the Military Establishment was the Organized Militia, known as the National Guard, taken into consideration as an effective or dependable military force.

The committee, after a full investigation, was convinced that the plan for the proposed volunteer force commonly referred to as the continental army was impractical and could never be successfully carried out without compulsory service, a policy which, in the judgment of the committee, would be abhorrent to the people of our country in time of peace. For this and other reasons we decided not to incorporate any such scheme in the Military Establishment of our country at this time. I might add that it was the judgment of the committee that any attempt to organize and maintain such a force would be destructive to the National Guard, an organization which is now composed of approximately 130,000 officers and men, and which force we believe is a far more dependable and effective military organization than any such volunteer force could be made, notwithstanding the fact that the officers of the Organized Militia are not appointed by the President nor under the direct and exclusive control of the Secretary of War.

We propose to increase the Regular Army by the addition of 10 regiments of Infantry, 6 regiments of Field Artillery, 52 companies of Coast Artillery, 15 companies of Engineers, and 4 aero squadrons, and also by the addition of the necessary officers to the Quartermaster Corps, Medical Corps, Ordnance Department, and the Veterinary Corps, in order to enable the several corps and departments to perform the duties imposed upon them. We have also provided for the addition of 786 extra officers to aid in training the militia and for service in the schools and colleges where military training is taught, and have increased the aviation section of the Signal Corps by adding 73 officers and 720 enlisted men.

We have changed the enlistment period in the Regular Army from four to three years with the colors, after which service the enlisted men may be furloughed into the reserve. And we provide that the peace strength of this army shall be fixed at 140,000 men of the line and give the President the power to expand the same in time of war to full strength, amounting to at least 170,000 of the line.

In addition to the foregoing increase in the Regular Army, we have provided for what we believe to be the complete federalization of the Organized Militia under the name of the National Guard.

In doing this we were not unmindful of the factious criticism that will be directed against this section of the bill by those who pin their faith for security solely upon a large Regular Army. It has been said and will be repeatedly reiterated that a man can not serve two masters. That it is impossible to conceive how any man a resident of one of the States, a member of the Organized Militia, subject to the authority of his State, and who has sworn allegiance to the same, and also at the same time has sworn to support the Constitution of the United States, and that he will obey all lawful orders of the President of the United States, can be an effective soldier subject to such dual authority.

After hearing all of the gentlemen, after discussing the matter for a long time in the committee, we came to the conclusion that we would accept practically the proposition recommended by the Secretary of War to increase the Regular Army to 140,000 men of the line in time of peace. We believed that his judgment was sound on that matter, and the only feature where we differed with him was on the question of attempting at this time to organize a great volunteer force of 400,000 or 500,000 men to take the place of the Organized Militia of the several States. We believed that to attempt such an organization would be destructive to the National Guard.

Mr. QUIN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. McKENZIE. Yes.

Mr. QUIN. In addition to the Secretary of War, did not the Chief of Staff think that 125,000 or 140,000 men were all that we could use in time of peace?

Mr. McKENZIE. Yes. I was going to state that. We believed it would be destructive to the National Guard, and the committee did not feel that we were warranted in ignoring this organization that is as old as the country, that has got now about 130,000 officers and men, at the behest of technical critics and military experts. We were thoroughly convinced that whatever may be said of the Organized Militia of this country, it would be a far more dependable force in time of danger than a volunteer force that is drilled only one or two months in each year. Therefore we discarded the idea of the continental army, and have, as the chairman said, absolutely federalized the National Guard and made it a part of our military organization.

Now, gentlemen, I know that there has been much criticism of the National Guard.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Certainly.

Mr. FESS. Does the gentleman think that there is any force in the argument that our State militia, even under the new bill, with the officers selected by the State, would be 48 separate units, out of which you could not get any unity? Would there be any force in that?

Mr. McKENZIE. Absolutely none; because the officers of the National Guard who appeared before our committee—and I believe it is also the universal sentiment of the country—stated that they are now soldiers of the United States and not of the respective States in which they live, and that they would be ready and willing to go in response to the call of the President of the United States.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. CALLAWAY. Is it not a fact that all the men associated with the Regular Army discounted the value of the militia, and the backing of the militia rested on the testimony of the militia alone?

Mr. McKENZIE. Well, there is probably some truth in that, but I do not want to enter into that discussion because we are going to put them all together and make of the two elements an army for the United States.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. DENT. I do not want to take up the gentleman's time, but along the line of the question that the gentleman from Texas [Mr. CALLAWAY] asked, did not those officers of the Army who had been detailed with the National Guard, and had been with them, testify in the hearings had before the committee in favor of the National Guard, and those who had not had that experience did not?

Mr. McKENZIE. That is true.

I wish to state in this connection that the members of the committee were not disposed to ignore a military organization as old as our country and capable of being molded into a powerful and effective organization at the behest of technical critics and hair-splitting military experts. Fortunately for us, and I think for our country, the Constitution is very plain on this matter, and it was thoroughly understood by those living at the time of the adoption of the Constitution, that Congress had supreme power over the Organized Militia as will appear by statements of such great Americans as Patrick Henry, George Washington, James Madison, and James Monroe, quotations from whom will be found in the report on this bill. The committee stood squarely on the Constitution and has provided for the organization of the National Guard in every detail.

We have provided for its armament and for the disciplining of the guard in accordance with the rules and regulations governing the Regular Army.

We have provided for the training of the National Guard by officers detailed from the Regular Army in accordance with the prescribed discipline, reserving to the States their right under the Constitution to appoint the officers, but we have prescribed the qualifications of such officers.

We have provided a small scale of pay for the officers and men of the National Guard, believing that it is unjust to ask men to give their time and energy to this service of the country without compensation.

We provide further in this bill that the term of enlistment shall be three years with the colors and three years in the reserve; that all applicants for enlistment are required to take a physical examination prescribed by the Secretary of War. We further provide, in order to forever put at rest the criticism that the Organized Militia, or National Guard, is not subject to the call of the President, except in the cases cited in the Constitution, that he, in time of war or imminent danger, may not only order out the Organized Militia but shall have power to immediately draft all or any portion of the same into the service of the United States.

Under the provisions of this bill the National Guard may be expanded in time of peace to approximately 425,000.

I am aware that there are many critics of the National Guard, men who place no dependence in the same as an element of national defense to be relied upon in time of danger. And such men take particular delight in reciting the story of the inglorious conduct of some of the poorly organized and badly drilled militia organizations of Revolutionary times, and also of the War of 1812. Such critics relate the story of the capture of the Capital of our country by a British force inferior in number to the militia assembled on that occasion, and it seems to give some of them great pleasure. Every student of American history has read that story, and also the story of the disgraceful conduct of a few other Americans in the War of 1812. However, in my judgment, to compare those motley organizations to the well-organized, well-drilled regiments in the National Guard of to-day is far-fetched, and is just as unreasonable as it would be for a friend of the National Guard to claim that a band of riflemen behind cotton bales, such as Gen. Jackson had at New Orleans when he defeated the British, could successfully compete with a highly trained modern army, armed with the most improved implements of warfare.

It has been said, as I remarked before, by those arguing for a large Regular Army that the National Guard can not be depended upon to volunteer, and that such statements are warranted in the light of history. To controvert this statement I shall include as a part of my remarks a report of The Adjutant General showing the quota assigned to each State in the call for volunteers in the Spanish-American War and the response by States.

Table showing quotas originally assigned to and troops furnished by the several States and Territories during the War with Spain.

States and Territories.	Quotas originally assigned.		Total.	Total number accounted for on muster-out rolls.
	Call of April 23, 1898.	Call of May 25, 1898.		
Alabama	2,500	1,500	4,000	4,022
Arkansas	2,025	1,215	3,240	2,836
California	3,237	1,942	5,179	5,819
Colorado	1,324	795	2,119	1,437
Connecticut	1,607	965	2,572	3,251
Delaware	341	204	545	1,028
District of Columbia	449	270	719	990
Florida	750	450	1,200	1,350
Georgia	3,174	1,905	5,079	4,383
Idaho	239	139	378	728
Illinois	8,048	4,829	12,877	13,647
Indiana	4,302	2,581	6,883	7,423
Iowa	3,772	2,264	6,036	5,694
Kansas	2,787	1,672	4,459	5,024
Kentucky	3,408	2,045	5,453	5,614
Louisiana	1,940	1,164	3,104	2,916
Maine	1,256	753	2,009	1,893
Maryland	1,942	1,165	3,107	2,711
Massachusetts	4,721	2,834	7,555	7,113
Michigan	4,369	2,622	6,991	6,841
Minnesota	2,873	1,723	4,596	5,380
Mississippi	2,157	1,295	3,452	3,161
Missouri	5,411	3,246	8,657	8,410
Montana	537	313	850	1,132
Nebraska	2,411	1,448	3,859	4,046
Nevada	141	82	223	522
New Hampshire	752	452	1,204	1,369
New Jersey	2,962	1,778	4,740	5,501
New York	12,514	7,508	20,022	20,864
North Carolina	2,584	1,551	4,135	3,961
North Dakota	473	276	749	719
Ohio	7,248	4,348	11,596	14,255
Oregon	829	498	1,327	1,570
Pennsylvania	10,769	6,462	17,231	17,448
Rhode Island	710	426	1,136	1,654
South Carolina	1,850	1,110	2,960	2,618
South Dakota	766	449	1,215	1,134
Tennessee	3,060	1,836	4,896	6,266
Texas	4,229	2,538	6,767	6,765
Utah	434	255	689	578
Vermont	634	379	1,013	1,044
Virginia	2,787	1,672	4,459	5,223
Washington	1,178	708	1,886	1,854
West Virginia	1,389	834	2,223	2,694
Wisconsin	3,274	1,965	5,239	5,453
Wyoming	235	138	373	476
Arizona, New Mexico, Oklahoma, Indian Territory	858	396	1,254	1,515
Total	125,256	75,000	200,256	[1] 210,157

[1] This does not include general officers and staff and United States Volunteers.

And in connection with the above report I desire to call attention to the fact that the quota allotted to Illinois, 12,877, was filled by 13,647, and in addition to that Adjt. Gen. Frank Dickson, of the State of Illinois, stated before the committee that Illinois not only furnished its quota but that the National Guard volunteered as organizations. And in addition to the number taken into service, in three months after war was declared there were organized and officered in full 27 regiments of Illinois volunteers, which were never called. I merely cite these instances to show that the National Guard is composed of men ready for service, and that the spirit of patriotism is still alive in our country. The officers of the National Guard who appeared before the committee asserted that they considered themselves soldiers of the United States and ready to go at a moment's notice when called in the defense of their country. So far as I am personally concerned, I deem it an insult to the patriotic men who meet week after week in their armories to drill and learn to be soldiers, for some critic, who, perhaps, spends his evenings at the card table, the bowling alley, or at some social function, who never spent a moment in his life, or spent a dollar of his money in preparing himself to defend the rights of others, to speak slightingly of the National Guard by saying that they would not enlist in time of war, and, if so, would not be a dependable military asset.

I am fully convinced that the National Guard under this bill will become a powerful and potent factor in our Military Establishment. The companies being composed of men who are neighbors and friends and when brought together as an army will need but little training in order to become a force in whose hands the flag of our country will never be sullied by craven conduct, and the enemy who undertakes to invade our land will find in these sons of America a foe worthy of his steel.

It is also provided in this bill for an officers' reserve corps, for the training of cadet companies, volunteer summer training camps, and also that the Government shall furnish equipment and detail officers as instructors in schools and colleges having, at least, 100 physically fit boys over the age of 14 years.

I am fully convinced that the bill is a wise and conservative measure. I do not claim that it is perfect. There are a few things in the bill I do not approve of in full, but necessarily any such bill must, to a certain extent, be a matter of compromise. It will be subject to the criticism of extremists, but I am inclined to feel that it will have the approval of the great mass of the American people.

The Regular Army at peace strength of 140,000 men of the line will furnish a reasonable garrison for the Philippine Islands, Hawaii, the Panama Canal, Alaska, and China, man our harbor defenses, and give us a mobile force in the United States of approximately 50,000. For one I was influenced to some extent in fixing this number of regular troops in time of peace by the statement of Gen. Scott, Chief of Staff, that an Army of 135,000 was sufficient to perform all the functions of the Regular Army in time of peace; and also by statements of other military men, that a Regular Army of 250,000, or even 500,000, would be wholly insufficient in case of war; and also by the statement of Gen. McCain, that 50,000 men was the maximum number that could be enlisted annually. I also agree with the statement made a short time ago in the editorial columns of the Chicago Tribune, that "Any nation that takes refuge behind a large paid regular army is doomed to rot." I may not have this quotation verbatim, as I quote from memory, but at any rate, the foregoing is the substance of the statement.

It goes without saying that if an army of 135,000 is sufficient to perform all the functions required of the Regular Army in time of peace that all the force added above that number would be in the nature of a luxury and could correctly be termed the "standing" army.

Under this bill we could mobilize in a short time an army of not less than 500,000 as an effective fighting force to hold the line until reserves and volunteers could be supplied.

Is this force enough?

The advocates of a Regular Army of 250,000 or 500,000, of course, will ridicule such a force and undoubtedly will heap ridicule and abuse upon every man who differs from them and especially any man who stands for the enactment of the present bill into law.

But, Mr. Chairman, do the advocates of a Regular Army of 500,000 comprehend what it would mean to this country; and if so, do they take their countrymen into their confidence? Why should they not be frank and honest in their contentions and say to the people what they know, if they know anything about the subject, that such an army in time of peace could only be raised by conscription or compulsory military service? Why not tell the people frankly that such an army would cost annually $500,000,000? Why do not these advocates of a large Army come out boldly and go the full length of what their plan would mean, namely, conscription of Americans to serve in time of peace without pay? If they will do this I will have some respect for their courage and consistency. So far as I am personally concerned I am opposed to a reversal of all the traditions of our country by establishing military conscription in time of peace. I am also opposed to men serving in the Regular Army without reasonable compensation in time of peace. And I am opposed to any military program that will place a burden upon the people of this country in time of peace of $500,000,000 annually or any like sum.

Mr. Chairman, I wonder if these advocates of an enormous military establishment ever stop to think of the effect of such a program on our people. We as a Nation are looking to an extension of our trade in foreign lands; in other words, an export trade. If we are to pile the burden of taxation higher and higher upon the people it will mean increased cost of living; increased cost of living necessarily means higher wages; higher wages means added cost to the products of our great industrial establishments, thereby making it more difficult for the American producer to compete with his foreign competitor in the markets of the world; loss of market means business stagnation; business stagnation means idleness; idleness means want. With such a condition in our country, do you imagine that the people would not murmur at a great standing Army, quartered in every section of our country, waiting for an invasion of some foe? This Army, well paid, well clothed, and well fed, while, perchance, many of our citizens and their families suffered from hunger! But their murmurs, according to the theory of the large-army advocate, ought to be easily stilled when told that they are safe from danger of invasion; that they would be protected by this large standing army, and even though it cost them annually a considerable portion of their hard earnings the insurance would be worth the money. Ah, Mr. Chairman, has this great Nation of freemen come to the point that it is willing to endure this burdensome expense in order to be protected from the assaults of some foreign enemy? Is the spirit of patriotism and self-reliance of the citizen dead? Surely not.

And if I am not mistaken, Mr. Chairman, if we ever fasten such a burden as this upon the American people, the time will come when the clouds of war will hang ominously around our flag, but it will not be the war clouds from afar, but it will be those more dangerous clouds of angry revolution. For, Mr. Chairman, if I have any conception of the spirit of the American citizen, he will never submit to a despotic system of taxation for the maintenance of an unnecessary and useless military establishment in time of peace.

Mr. Chairman, I ask again, Is the force provided for in this bill sufficient?

I can hear the man who wants an army of 250,000 to 500,000 in time of peace and the man who says that Germany could in a few days after we lose control of the sea land a force of 387,000 men on our shore say no. However, this estimate of an expeditionary force put out by the War College has no terrors for me. I respect the wonderful efficiency and power of the German military machine, but I know of no reason why one should designate Germany as a possible enemy. Surely the history of the past will not justify any such assumption. But be that as it may, let us assume for the sake of argument that such an attempt is to be made by some foreign country.

The first thing to be accomplished by an enemy before attempting to bring an expeditionary force to our shores would be to drive our Navy from the seas. Is there a man in this Chamber who believes that the navy of any nation on earth, except England—and I doubt her ability—could sweep our Navy from the seas and make it a thoroughfare over which transports carrying men could safely pass in less time than several months?

I do not. I am convinced that the $500,000,000 we have expended in the construction of naval vessels in recent years, such vessels being manned with men whom I believe have the courage of a Lawrence or a Perry, would safely guard our shores for a number of months, if not for all time.

Again, Gen. Wood stated before the committee that a man could be trained to be a good fighter in six months. It would require less time to bring our Regular Army up to its maximum and put the National Guard into shape as a potent defensive force. With our Regular Army at its maximum, 170,000, as provided in this bill, supplemented by the National Guard at peace strength, 425,000, we would have a force larger than the estimated maximum number of supposed invaders. I am willing to concede that any nation attempting to invade our shores would employ in the service the very flower of its Army, and I am willing further to concede with such a highly skilled force of men we perhaps would not be prepared to combat such

a force man for man on equal terms. However, we would have the advantage of fighting on the defensive, which is no small advantage in case of an attempted invasion, and I am not ready to subscribe to the views of some people in discussing this matter that it would require a force of Americans perhaps two or three times as large as that of the invaders to successfully cope with them.

Taking into consideration the strength of our Nation, our harbor defenses, our Field Artillery, our reserve of ammunition, I have no hesitancy in saying that unless our Navy, fearful of defeat, sought refuge in the shelter of our harbor defenses, we would have ample time to mobilize a sufficient force with which to repel such an invasion.

I can understand the necessity of European nations maintaining large standing armies ever ready for a conflict, especially on the Continent, where mere boundary lines with such fortifications as may be erected thereon are all that separate them from each other, and with their railroad systems so constructed that it is possible to mobilize their armies on an enemy frontier within a few hours and to immediately begin the invasion.

Whatever may be said of our military preparedness, our country is so situated geographically that it can not be immediately attacked by the army of any foreign power save that of Mexico and Great Britain and these two countries are never taken into consideration by the average advocate of a large military establishment, dismissing Mexico on the ground of weakness and Great Britain on the theory that we will never have war with this Anglo-Saxon people. The point I am endeavoring to make, Mr. Chairman, is that in the event of war with any of the other foreign powers, we will have, at least, a reasonable time in which to prepare to meet the invaders. All this talk that our country is liable to be invaded in a few hours after declaration of war is to my mind the veriest nonsense.

I wish to submit at this point a few facts to controvert statements I have seen in print to the effect that Congress in the past has been guilty of gross negligence in failing to make appropriations for the building up of a reserve of the articles necessary to equip an army in time of war. The truth is, Mr. Chairman, that Congress for a number of years has been making annual appropriations to carry out the recommendations of the Department of War in the matter of reserve in good faith.

The fact that certain Army officers have changed their minds and now recommend a different plan on a very much larger scale is no reflection on Congress, as will appear from the statement made by the Chief of Ordnance that we now have on hand nearly enough equipment for an army of between 400,000 and 500,000 men—I am now speaking of reserves. He also stated that we have over 1,000,000 rifles on hand and 200,000,000 rounds of small-arms ammunition. That there are also built and under construction 1,077 machine guns and 900 field artillery guns; also 750,000 rounds of field artillery ammunition. The Quartermaster General stated that there is on hand such equipment as his department must supply to an army sufficient for the Regular Army, the National Guard, and 250,000 additional men, and that in 90 days there could easily be provided equipment for 600,000 to 700,000 men.

The Chief of Engineers informed the committee that we have on hand heavy intrenching tools for nine Infantry divisions, and that these tools can be supplied in 15 days; and also we have pontoon equipage for 500,000 men. Gen. Gorgas, the Surgeon General of the Army, stated that there is in store supplies for about 250,000 to 300,000 men in addition to the supply of the Regular Army.

I do not contend that such a reserve is sufficient to carry on a great war. We all know better. I do contend, however, that it demonstrates that Congress has not been derelict in its duty in this matter, and that it is a sufficient reserve to equip a force necessary to meet the first expeditionary force that any nation can possibly bring to our shores at any one time, and that it is sufficient to enable our Government to defend itself for such a period of time as will make it possible to coordinate and mobilize the great resources of our country in such a manner as to supply the men for any sized army necessary to be called into service.

This, Mr. Chairman, practically covers the main provisions of the plan proposed by the committee for national defense and prescribes the size of the Army to be maintained in time of peace.

I am persuaded that the plan proposed in this bill will give the Nation adequate defense and that to add to the burdens of the people by recommending the maintenance of an unnecessary military force in time of peace would not only be unwise but un-American, for it is conceded by all that in any great war in which our country may become engaged it must rely upon volunteer forces; and it is conceded by military men that with our scale of pay a large Regular Army is prohibitive. And further to attempt conscription of men to serve in the Army without pay in time of peace, such as is the custom in European countries, is not possible at this time, nor do I feel that it is desirable.

I ask again, Will such a military establishment as is proposed in this bill be large enough? My own answer is, that all depends on the future policy of our country. If our Nation is to pursue the same wise, conservative, and just policy in the future which has made the name of the great American Republic an honored and distinguished one among the nations of the earth, I say yes.

If we are to follow the wise counsel of the Father of Our Country and avoid entangling alliances with other nations and continue to pursue a course tempered with justice, fairness, and impartiality toward all the nations of the earth, being ever zealous of our honor, demanding that the rights of Americans shall be respected, but dealing justly with all nations and demanding only a square deal for ourselves, we need no great military establishment, and I would say that the force provided for in this bill will be sufficient.

However, Mr. Chairman, if we are to change our policy and, instead of continuing as a peace-loving people imbued with the ideal of dealing justly with all nations, and attending strictly to our own affairs, our Nation is to become an arrogant boaster, assuming a "holier than thou" attitude toward the other nations of the earth; if we are going to enter into alliances with other nations; if we are to assume the rôle of pretender, in saying what shall or shall not be done by the people of our sister Republics; if we are going to assume that the Monroe doctrine includes more than the maintenance inviolate of the sovereignty of the nations of the Western Continent from aggression by any European or oriental nation—that it shall include every possible contingency that may arise affecting the intercourse between the nations of this continent with other nations of the world, and that we shall insist that none of them can enter into a treaty or contract giving any advantage to any particular nation without having first obtained our consent—if we are going to assume that we have a right to dictate to Japan just what she shall or shall not do in China or elsewhere; if we are going to permit American bankers and speculators to go into other countries, as the French went into Morocco and the English into Egypt, and then we are to follow these gentlemen up with diplomacy and cannon to protect what they are pleased to assert are their rights as American citizens in foreign lands, it will be necessary for us to have an Army of at least 1,000,000 men ready with gun in hand.

But, Mr. Chairman, let us hope that we will continue to be true to our traditions and that we will not change a policy which has been the pride and glory of American citizenship.

In conclusion, Mr. Chairman, I wish to say that I am not a peace-at-any-price advocate. I believe in maintaining our national honor inviolate, but I want that national honor to continue to be grounded in the principle of justice and equity. I am aware, as every thinking man is, that it is idle to argue that we have reached a period in our history where we are immune from war.

Just so long, Mr. Chairman, as nations are governed and controlled by crowned heads there is ever present the menace that some king, in order to maintain his place on the throne, or obsessed with the ambition of writing his name on the pages of history as a great warrior, utterly disregarding the rights of humanity, may seek to provoke war with our Nation. And, again, our own statesmen are not all perfect and by error, or, perchance, to gratify selfish ambitions, might involve us in war.

Knowing these things, I am in favor of reasonable preparedness. In case our country should unfortunately become involved in war, I desire a small regular force as a nucleus, supplemented by a large and well-drilled National Guard, and by the reserve of both the Regular Army and the National Guard, and also the trained citizenry from our summer camps and military schools. I am also in favor of a large reserve of all kinds of equipment necessary to fit an army for service, in order that we may have the same with which to equip the volunteer forces immediately upon being called to defend the country.

Mr. Chairman, in addition to this, and pertaining to national defense, I would have the children of our country taught in the homes and in the schools of the land something about the sacrifices made in order to establish this Government. I would teach them the significance of the American flag and the noble principles it represents. I would have them taught the meaning of American citizenship, and that it is a sacred privilege, much greater than the boast of the ancient Roman, to be able to

say, "I am an American citizen." And, Mr. Chairman, I would have our Government enact wise and just laws for the protection of our citizens at home, in order that they might feel that they owed a debt of gratitude to their Government and would be ever ready to respond to a call in its defense. And, Mr. Chairman, I would do another thing. I would protect our country by a careful regulation of immigration into our land. It may be astounding to know that there are several millions of aliens in our country over 21 years of age who have never signified their intentions of becoming American citizens.

I feel, Mr. Chairman, that we would be within our rights when an immigrant comes to our shores to require him to swear allegiance to the Constitution of our country. If he refused, I would deport him. For, Mr. Chairman, I think the time has arrived when we should see to it that, enjoying the privileges and opportunities here afforded him, he should not be subject to the call of any foreign sovereign, and at whose order be required to return to his native land to aid such sovereign in maintaining his crown.

Let it be understood we welcome all men capable of making good American citizens, but that we are going to insist that all living under our flag and enjoying the blessings of American liberty must under all circumstances stand for America first. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4505. An act appropriating money to equip Puget Sound Navy Yard for battleship construction;

S. 5016. An act to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana; and

Senate concurrent resolution 16.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Henry Mower Rice presented by the State of Minnesota, 16,500 copies, with suitable illustration, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Minnesota.

The message also announced that the President had, on March 16, 1916, approved and signed bill of the following title:

S. 3518. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

THE MILITARY ESTABLISHMENT.

The committee resumed its session.

Mr. KAHN. I yield 10 minutes to the gentleman from Minnesota [Mr. ANDERSON].

The CHAIRMAN (Mr. MONTAGUE). The gentleman from Minnesota [Mr. ANDERSON] is recognized for 10 minutes.

Mr. ANDERSON. Mr. Chairman, we are the richest Nation on earth. If this statement gratifies the pride, if it satisfies the vanity, it makes no appeal to the enthusiasm. It paints no picture on the canvas of the mind. It conveys no impression of the greater United States.

I wonder if you have in your mind's eye a picture of our part of the Western Hemisphere. In the center of the picture, the heart of the empire of the United States, with its 4,000 miles of coast line; to the north, Canada; to the south, Mexico.

To the northwest is Alaska, with its nearest open port 1,300 miles from San Francisco, and with no direct railroad communication with continental United States. Across the Bering Sea it almost touches hands with Russian Siberia, while the farthermost Aleutian Island extends some 2,500 miles toward Japan. It is a vast storehouse of mineral wealth; its agricultural possibilities have scarcely been touched. In less than 50 years it has produced $525,000,000 of wealth.

Some 2,500 miles south of Alaska, and 2,000 miles from San Francisco, are the Hawaiian Islands, with an area of 6,500 square miles and a population of 208,000, of which 100,000 are Japanese and Chinese.

West of Hawaii is our part of Samoa, the islands of Guam and Tutuila, and beyond them, and 7,000 miles from San Francisco, are the more than 3,000 islands that compose the Philippine Archipelago. These have an area of 40,000 square miles, and a population of 9,000,000, of which only 20,000 are Americans.

To the south, we own the Panama Canal, upon which we have expended some $400,000,000, and which we are obligated to operate in time of war as in time of peace.

In the Atlantic, we have Porto Rico, with an area of 3,600 square miles, and a population of upward of a million.

Next to Porto Rico is the island of Cuba, whose independence and integrity we are bound by treaties to preserve.

Still farther to the south of us are the Republics of Central and South America. Our own safety and security forbids our permitting foreign aggression there.

Suppose we go a step further. Alaska has a foreign commerce of $47,000,000 annually, the Hawaiian Islands of $80,000,000, the Philippines of $110,000,000, Porto Rico of $86,000,000, and Cuba of $308,000,000. All together the commerce of Alaska, Cuba, and our insular possessions amounts to more than $600,000,000 annually. Our noncontiguous territory and insular possessions are second in importance and extent only to those of Great Britain and possibly of France.

Since 1870 our foreign commerce has increased from less than one billion to over four billions. Our goods are sold in every country, Christian and barbarian, the world over, and are carried upon every sea.

In that 50 years we have lived easily, luxuriously. We have developed commercially and industrially. We are self-centered and content. We want peace. We wish only to be let alone. The world will not let us alone, because we can not let the world alone—our foreign interests are too numerous, our commerce too vast, and our possesions too valuable.

Civilization has moved westward. With laggard but compelling hand it has awakened Japan and aroused the sleeping giant. The commercial progress of Japan has been, if anything, more marvelous than our own, and the drama of her regeneration is about to be reenacted in China. We prohibit Chinese immigration, while we insist that Chinese ports shall be open to Americans and American goods. The coast States restrict the rights of Japanese in land ownership and otherwise, while we insist upon the full measure of our own in Japan. We are able to do this because we control the Pacific. How long will we be able to do it when the control of the Pacific is wrested from us?

As the tide of civilization has moved westward the commercial importance of the islands of the Pacific and of the countries bordering upon it have correspondingly increased. Already Japan is seriously challenging our commercial trade in the Pacific. The end of the European war will see the greatest struggle for commercial supremacy in the world's history, for the great debt of that conflict must be paid in large part from the undeveloped resources of comparatively new countries. It is inevitable that much of that battle for commercial supremacy should take place in the countries bordering upon the Pacific Ocean.

We are all of us pretty much in the same boat. It makes but little difference whether Servia, Germany, England, or Japan rocks the boat, the effect is dangerous for all of us. We can not avoid the logic of events abroad nor separate ourselves from their consequences.

In 1492 a Spanish queen financed a sailor by the name of Columbus, and Europe laid its hands on America.

In 1802 Spain ceded Louisiana to France. Of this event, President Jefferson wrote to Mr. Livingston, the then American minister to France:

> The cession of Louisiana and the Floridas works most sorely on the United States * * * it completely reverses all the political relations of the United States and will form a new epoch in our political course.

Again—

> In Europe nothing but Europe is seen or supposed to have any right in the affairs of nations; but this little event of France's possessing herself of Louisiana, which is thrown in as a nothing, as a mere make-weight in the general settlement of accounts—this speck which now appears as an almost invisible spot on the horizon—is the embryo of a tornado which will burst on the countries on both sides of the Atlantic and involve in its effects their highest destinies.

In 1898 a Spanish general by the name of Weyler attempted to impose upon the people of Cuba the savage and deathly policy of "reconcentration" of noncombatants. A flame of indignation spread across the country as a result of this barbarism, and when the war was over we came into possession of the Philippines and Hawaii, and the mastery of the Pacific.

In 1914 some Servians killed the heir of Austria. We had no part in the killing, but the whirlwind of calamity which followed it shook our "ship of state" from stem to stern.

On March 9 a man by the name of Villa, with a band of bandits, attacked the American town of Columbus, N. Mex., and to-day our troops are fighting in the neighboring Republic.

If anyone believes that peace or war is entirely of our own making, let him carefully consider these events.

Do you suppose that France would have consented to the purchase of Louisiana by the United States if we had not held the maritime supremacy of the Western Hemisphere, and with

Great Britain, of the World? Do you think we could enforce the open door in China and our own exclusion acts at the same time if we did not control the Pacific? Ought we to have arbitrated the oppression of Cuba? Would we permit Great Britain to cede British Columbia to Japan in consideration of her aid in the present war? Let the pacifist answer these questions.

When the Appomattox of the world war has been fought the minds of all men will turn again to arbitration and the peaceful settlement of international disputes. International disputes which do not involve the surrender of the principles of humanity or the integrity and honor of our country may properly be sumbitted to judicial settlement, but let us not forget that civilization has advanced, the weak have been lifted up, and the oppressed succored, because some men have thought enough of the humanities of peace to fight for them; that democracy has been sustained because some men have thought enough of liberty to die for it.

It is the destiny of America to be the custodian of the humanities of peace and the guardian of the freedom of democracy. We shall fall short of that destiny unless we are sufficiently prepared to make our voice heard and respected in the councils of the world. The voice of America is, and will be, for peace, but it is the peace of Switzerland, not the peace of China.

I am not learned in the art of war nor skilled in the technique of national defense. I do not know the number or kind of guns that should be used, the location and nature of the fortifications, the kind and size of the Navy. Expert knowledge and technical skill are not requisite to an adequate conception of our unpreparedness in consideration of our geographical location, our foreign commerce, our insular possessions, and our international importance.

The Statesman's Yearbook contains the following statement with reference to our Army:

> The reserve, or unorganized, militia comprises, with certain exemptions, the whole of the manhood of the Nation between the age of 18 and 45 all being legally liable to serve in a national emergency for a period of two years. Their estimated number is 15,000,000, but they are untrained and of no present value, though encouragement is being given to rifle shooting.
>
> In event of war the United States could put into the field about 60,000 Regular troops and about 80,000 or 90,000 partially trained National Guard. The American Nation relies on being able to raise, in case of emergency, a great volunteer army. If sufficient numbers were not forthcoming, the reserve militia could be obliged to serve for two years; but this army, whether its ranks were filled by voluntary or compulsory recruitment, would practicably be a new creation.

It would be difficult to put into language a more severe indictment of our military unpreparedness than this unbiased and unpartisan statement.

National preparedness ought not to mean a mere race with the nations of the world in the effort to build the fastest ships, the largest guns, and create the biggest army; but a brief comparison of our military and naval equipment with those of other countries may be enlightening.

In battleships of the dreadnaught and superdreadnaught class we rank third; in battle cruisers, fifth; in cruisers, sixth; in light cruisers, fourth; in destroyers, fifth; in torpedo boats, eighth; and in submarines, third. When the ships now building are completed, in tonnage we will be fourth, Great Britain being first. Germany second, and France third. But the superiority of the British Navy does not rest on either number or tonnage of ships alone. Our largest dreadnaught has a tonnage of 27,500 tons and carries 14-inch guns. Its engines develop 35,000 horsepower, and it has a trial speed of 21 knots. Great Britain has at least six vessels of equal tonnage, carrying 15-inch guns, with 58,000 horsepower, and a speed of at least 25 knots per hour. Germany has at least three dreadnaughts with larger guns and greater speed. The 15-inch guns carried by the British dreadnaughts have a greater range than any of the guns in our coast defenses, with the exception of those at the Panama Canal. As far as I am able to determine, our Navy is excelled in every branch except marksmanship and courage.

France has 60 times as many aeroplanes as the United States, Germany 45 times as many, Russia 35, Great Britain and Austria each 18 times, and Belgium 4½ times as many. On the 1st of July last we had 23 aeroplanes, none of which were armored, and no dirigibles.

At that time France had 20 army corps of 33,000 men each, each corps had 30 batteries of 4 field guns each, or 2,400. In addition, each corps had 6 reenforcing batteries—a total of 2,880 guns. France had also 42 batteries of heavy artillery of 2 guns each.

We had 212 batteries of four guns each in the Regular Army and Organized Militia. We had no heavy artillery. There was a marked deficiency of enlisted men in every branch of the service.

No amount of elaboration of argument could make our deficiency in military preparedness more apparent than this statement.

It is said that we spend more on our Military and Naval Establishments than any other nation except Great Britain, and have less to show for it. I have no doubt the statement is true, but it is no more true than a like statement would be concerning any other of the departments of the Government. The remedy is better administration, not the abandonment of the policy of national preparedness.

If the cost of equipment alone is considered, if the cost of administration and of pay and allowances is eliminated, the comparison would be much less to our disadvantage.

But why should we not appropriate for national defense? We have no other more pressing national need. The children of America are educated as are the children of no other nation on earth. Our highways are fast being brought to a high state of efficiency and usefulness. Our commercial, industrial, agricultural, and political interests are amply provided for. We spend great sums in the improvement of our rivers and harbors. We are the most prosperous Nation in the world. Our people pay less taxes than any other. Why should we not appropriate for that upon which our commerce, our agriculture, our happiness, and our very national existence depends?

I should not be fair to my own convictions if I did not say at this point that my desire for preparedness for national defense would be much more keen if it were not for the feeling that there has been great extravagance and inefficiency in the expenditures heretofore made for that purpose. I shall vote for proper measures for the reorganization of the Army and Navy in the hope that the conditions which have made possible the extravagances and inefficiency in the expenditure of previous appropriations will be eliminated.

If there is one thing more than another which the discussion of this question has established it is that our people will not stand for a large standing army.

The expense of such an army is prohibitive, but it is not principally on this account that our people are opposed to it. They believe that a large standing army is opposed to the spirit of democracy and of our institutions. They regard it as an institution apart from their daily lives and their daily business.

In times of peace such an army would have nothing to do, and ought to have nothing to do. It is a mere burden upon peaceful industry. The ambitions of the professional soldier are not their ambitions; the thoughts of the soldier are not their thoughts; the spirit of the soldier is not their spirit.

They remember that standing armies have often been the instruments of tyranny and oppression, but every thinking man must realize that there must be, somewhere in the country, a force of men sufficiently trained and equipped and sufficiently large to meet any emergency which might arise and to support our position in the councils of the world. They want this force organized in such a way that it will be representative of the thought and the purpose of the whole people. The question is, How can such a force be created which will not be subject to the same objections as a large standing army?

My answer to that question is: Through the public schools of the country.

The history of war demonstrates that the battles have been fought by young men—boys. In a memorandum issued by the Pension Bureau in 1890 it was estimated that the average age of the survivors of the Civil War in 1865 was 28 years. It is probable that the average age at enlistment was around 22. More than one-half must have been under that age.

There are in the high schools of the country 500,000 young men averaging from 14 to 19 years of age. Two hundred thousand enter the high schools of the country every year. These young men could be taught the rudiments of military training, could be improved in physique, could be instructed in the care of themselves, could be taught how to use the instruments of warfare. Think what it would mean to the country to have in the ranks of its citizens millions of men trained to stand erect, trained in discipline, in system, in self-control, in self-reliance, obedience, and loyalty. Think what it would mean when applied to the business life of the Nation.

The training would not be confined to the mere learning of routine drills and the manual of arms. This means simply the going through of stated motions, and becomes irksome with repetition. The ordinary drills would be supplemented by practice marches, range and field work. Training camps could be held during the vacation seasons. The boys would gain knowledge of the roads in their own localities and whence they led, the topography of the country, and its advantages for defense and offense.

It is the purpose of education to develop the young in certain essentials, such as the preservation of health, the building of character, efficiency in fitting the individual for self-support and effective living, the acquiring of knowledge, and acquaintance with environment, and the liberalizing of the mind. I do not wish to be understood as criticizing our educational system, but it seems to me in some essentials insufficient and imperfect—one-sided. Take the average young men of to-day and strip them of the refinements of modern tailoring and it is surprising how many of them are round-shouldered, flat chested, and underdeveloped. It is not their fault, for it is very largely the result of the lack of suitable physical training in the schools. Such consideration as is given to physical training in the schools to-day results in making athletes of a few and hunchbacks of the rest. Military training in the high schools would supply the opportunities for physical development which are now lacking.

The physical, mental, and moral training received by the young men during the high-school period and the cost of this training would not be a dead loss to the country or to the student. It would contribute to his success in civil life.

There is nothing new in the idea of military training in the schools. Washington approved of it; Jefferson advocated it; educators everywhere testify to its effectiveness in character building and in promoting the efficiency and thoroughness of the individual, and their testimony is borne out by the experience of those who have had occasion to employ the graduates of colleges and universities.

Educators, clergymen, social workers, all testify to the need of something in our educational institutions which will lead to a fuller appreciation of civic duty and a greater regard for law and authority, and that the requisite is discipline such as military training affords.

The principal argument urged against military training in the schools is that it would create a spirit of militarism in the country. Military training teaches, among other things, a respect for your own weapons and those of the enemy. It is quite absurd to suppose that a young man who has constantly the opportunity to observe the effect of bullets and exploding shells is going to be consumed with a desire to feel their effect upon his own body.

Militarism is defined as "a system or policy which causes nations to keep up great armies." An army of 500,000 men is not excessive for a nation of a hundred million people, especially if it is only a reserve and built upon democratic lines. The principal menace of militarism lies in the education of men to make war their chief business; in the subordination of the civil life of the people to the military. The pacifist fears that the education of young men in the technique of the soldier will result in a desire to make war his chief business. If I believed that this would be its result, my fear would be as great as that of the most radical pacifist. Its purpose is utterly different, and its history utterly opposed to this fear. Its purpose is not to train men to be soldiers, but to train them so that if they must be soldiers they will be good soldiers, physically able and technically prepared. I shall not "raise my boy to be a soldier," but if my country needs my boy, he will want to go, and I will want him to go [applause], but I want him to be so prepared that his chance will be at least equal to that of his opponent.

Switzerland has had military training in her schools for more than 50 years. Switzerland to-day is the only oasis in the European war desert. The Swiss boy begins his military training when he is 8 years of age. Military knowledge and skill is a result, but physical development is the prime purpose of his instruction. The Swiss Army is approximately twice as large as our available force to-day. A Swiss army corps can be mobilized in three days, with all necessary equipment, transports, and munitions, ready to march against the enemy. I have never seen an estimate of the time required to mobilize our Army and militia, but it is more likely that it would take three weeks than three days. The Swiss soldier costs his Government $35 a year, the American soldier costs his Government twenty-eight times as much as his Swiss comrade.

The cadet corps which I have in mind could be equipped and trained at an expense not very much larger than those in Switzerland.

As a man grows older, as he analyzes his own life and the lives of those about him, as he increasingly sees things in the retrospect from the vantage ground of experience, he realizes that student days are the most impressionable and the most plastic in life. Its friendships are the most lasting and its associations remain the greenest. "I knew him in school" is the strongest claim to intimacy that human language can express. "Just to be a boy again" are the magic words that conjure in the mind days of boundless enthusiasm, limitless imagination, and illimitable hope—days when place and creed, birth and nationality, were all reduced to a common level. There is but one level like unto it in all the world, and that is the level of the soldier. To wear the same uniform, to eat the same food, to endure the common hardships of the march, to lie down at night grateful for the contact with the earth after utter exhaustion, to stand at attention with your comrades as the Star-Spangled Banner is played, when the sunset gun is fired, and the flag comes down, is an experience worth the while of every American. [Applause.] "I didn't raise my boy to be a soldier," but I would not give the hole in a plugged nickel for a boy whose heart did not beat a little faster at the strains of the Star-Spangled Banner and who could not feel the impulse to stand at attention when Old Glory is raised to its "place in the sun." [Applause.] Treasured within its bosom are the memories that men hold dearest. Cherished within its folds are America's glories of the past and her hopes for the future. Beneath its Stars and Stripes democracy must work out her destiny. [Applause.]

We need a national revival—to be baptized with a new national spirit. We need something in our institutions that will annihilate caste and creed, birth and nationality, and amalgamate us into a people with one language and one loyalty. [Applause.] We need to waken to the consciousness that we belong to a Greater America. The world has accorded us a greater place in its councils than we have accorded ourselves. We can not evade the consequences of the world's opinion or escape from the duties which they impose upon us. The conscience of America must have a part in the molding of the designs of civilization, must have a voice in determining the rules of the game. The world looks to America for the perpetuation of the ideals and the institutions of democracy. To this end we must be prepared. [Applause.]

Mr. KAHN. I yield 12 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, the bill before us presents a reorganization of the Army. A world-wide war with difficulties along the Mexican border brings the subject of adequate defense close home. The country will not hesitate to pay the bill providing value received is rendered, but on the other hand it is not ready to accept every visionary scheme that masquerades under the cloak of "preparedness."

Possibly it may be gratuitious to suggest a self-evident truth, but every sincere friend of real defense, of honest dealings in public affairs, and of proper governmental business methods, will look with suspicion on questionable provisions contained in any bill, whatever may be its announced purpose.

I do not intend to discuss the bill as a whole, nor in anything I may say is criticism of the committee intended, but it is proper to suggest that out of 85 sections in the bill, containing over 2,160 printed lines, an insignificant item of only five lines, known as "Section 82," deserves the closest scrutiny.

It reads as follows:

That to provide for the fixation of atmospheric nitrogen by the development of water power, or any other means, necessary to establish an adequate supply of nitrogen, the appropriation of such sum or sums of money to construct the necessary plant for such purpose is hereby authorized.

That is the entire section—all that is contained on the subject in the 91-page bill. No limitation in amount, location, or general character is provided in section 82, although the Secretary of War is to make a selection of location, determine the expense and general character of the "plant." No armor plate factories, no gun factories, no munition factories, no new arsenals, or other "plants" are mentioned in the bill, but Congress is asked to delegate to the Secretary of War, and through him, subordinate Army Engineers are to exercise a predetermined expenditures of $24,000,000 on the Alabama Power Co.'s holdings at Muscle Shoals in the Tennessee River.

NAVIGATION, FIXATION, AND FERTILIZATION.

Why was section 82 slipped into the Army bill after it had been proposed in the naval bill? Why has the Alabama Power Co. urged that its project be inserted in the agricultural bill after it was refused consideration by the river and harbor bill?

The amount demanded by the Alabama Power Co. from the Government is substantially the same in every case, but in the river and harbor bill it is to aid invisible "navigation"; in the agricultural bill it is a "fertilizing" project that needs Government aid, and when it fails to command acceptance on either ground we find the "plant" anchored in the Army bill on the ground of "preparedness."

Incidentally the Alabama Power Co. is now "preparing" to sell $100,000,000 in bonds, according to its own statement, and

apparently the Government is being used to finance the company's projects and to give a certificate of good character to its new bond issue. I do not desire to do anyone injustice, but will present some facts which, I believe, are worthy of consideration.

Attached as exhibits to my remarks will be found abundant evidence to support the assertions made as to the primary purpose, location chosen, amount to be expended, and methods employed to secure $24,000,000 from the Federal Treasury under the innocent-appearing 5-line section that will cost the Government over $4,000,000 per line. At this time I will briefly refer to some insignificant facts which invite the close attention of the House.

The Military Committee's report contains 14 pages, apart from statistical tables. One-third of the report in fine print is devoted to evidence given by Mr. Frank S. Washburn before the committee, and, strange to relate, out of a 14-page report devoted to a 2,160-line military bill, one-third of the report contains Mr. Washburn's rosy essay on fixation of atmospheric nitrogen and relates to the 5 lines contained in section 82.

Nothing appears to indicate what confidence may be placed in Washburn's statements. Nothing appears to show who Mr. Washburn claims to be, although 4 pages of a treatise by Mr. Washburn alone is offered in justification of this remarkable section 82.

In view of the fact that no information is vouchsafed by the committee on the subject and because Mr. Washburn and his associate, Mr. Worthington, have been in attendance before committees for many months in a patriotic effort to promote navigation, fertilization, and fixation of Government preparedness appropriations at Muscle Shoals, I will supply some significant facts as to their deep interest, taken from Moody's Manual for 1915; but first I desire to discuss briefly a subject on which Mr. Washburn claims to be an expert and of which I have no technical knowledge—one vitally connected with section 82 and the proposed $24,000,000 Government expenditure.

WHY GIVE $24,000,000 TO MR. WASHBURN'S FERTILIZING EXPERIMENT?

Mr. Washburn is the authority quoted by the committee in its justification for section 82. On his unsupported word Congress is asked to authorize an expenditure of $24,000,000 with which to go in partnership with Mr. Washburn's company. In the committee report he learnedly discusses his fixation process, and, based upon his argument and his judgment as set forth in the committee report, the Government is now prepared to make great investments as proposed by section 82.

Mr. Washburn's hypnotic influence has apparently convinced the committee of the great value of his proposition, but before discussing its merits I refer briefly to his proposal, found on page 13 of the report. Therein he speaks as president of the American Cyanamid Co. and discusses the fixation process with apparent candor. He also has some equally positive ideas on the cooperative plan, and, quoting from his proposal:

> The total initial investment under the cooperative plan is, therefore, $48,000,000, of which the Government expends in power development $21,000,000, receiving 3 per cent per annum thereon, the ownership of which development it retains and an "idle investment of $3,000,000."

Apparently the Government is expected to invest $24,000,000 in cash, possibly all of which is an "idle investment." Mr. Washburn's proposed investment will be discussed hereafter.

What do we know of Mr. Washburn's proposition, business experience, judgment, or purposes? He has injected himself into the proposition, so that its merits must necessarily stand or fall on the value of his own statements. I well remember when Army engineers were first criticized for waterway waste last session, I was warmly abused for my temerity in questioning their judgment, but cumulative testimony has been piled up, based on their admissions, proving beyond question the truth of those criticisms. It requires equal temerity to question the utterances of a great promoter who represents a new process for fertilizing, as well as a number of companies that are willing to undertake the business when financed by the Government, but I desire to offer some significant expert opinions on the same subject which Mr. Washburn failed to present to the Military Committee.

On March 12, 1915, or about a year ago, Mr. Washburn read a paper on the cyanamid process before the American Institute of Electrical Engineers and the New York Section of the American Electro Chemical Society. If time permitted I should be glad to quote some significant statements appearing in his paper, but I will only give a few words of criticism which come from men of the highest standing in the country—men whose opinions are well worth considering—before we blindly join partnership with Mr. Washburn and Mr. Worthington in a $48,000,000 project, of which the Government will furnish $24,000,000 in cash to offset an indefinite investment by the Government's partner, as will later appear.

EXPERT OPINIONS OPPOSING MR. WASHBURN'S CYANAMID SCHEME.

At the meeting of the Electro Chemical Society, Mr. Leland L. Sommers, an expert of high authority on fixation of atmospheric nitrogen, discussed the same subject at the same meeting, and said pointedly in criticizing Mr. Washburn's cyanamid paper:

> Personally I do not accept the unqualified statement in regard to the success of the cyanamid process that Mr. Washburn puts forth, because, while it has been successful, I do not think that engineers by any means accept it as the final word in nitrogen fixation.

Criticisms of Mr. Washburn's paper were pointed, and Mr. Sommers's knowledge on the subject of atmospheric nitrogen may be inferred from a technical paper of 40 pages on that identical subject offered at the same time. His paper did not occasion any criticism, although the Washburn paper was not so fortunate.

Dr. C. W. Bennett, who is one of the membership committee of the organization, a man of standing in his profession, said of the Washburn paper:

> No one denies that the preparation of cyanamid is the cheapest working process for the fixation of nitrogen. Nitrogen from cyanamid, however, is not as cheap as nitrogen from other sources. We must all admit that by-product ammonia can be placed on the market as ammonium sulphate at a profit for very much less, approximately one-fourth the selling price of cyanamid. This industry as is pointed out in another communication, is increasing steadily in this country and in others, and it will take the development of only a few other by-products to enormously increase the output of by-product ammonia. * * * No process in operation to-day for the fixation of nitrogen, as has been pointed out a number of times, can hope to compete with by-product ammonia. In drawing conclusions we can not compare alone the processes for the fixation of nitrogen, but we must also compare the price of the product in question, prepared from other sources, because the final user does not care whether his ammonia comes from the distillation of coal or from atmospheric nitrogen.

Mr. Bennett asserts that by-product of ammonia can be sold at a profit for approximately one-quarter the selling price of cyanamid. If he is right, it will be a congressional scandal to give $24,000,000 for that purpose.

Mr. Sommers says, in his comprehensive paper on Fixation of Atmospheric Nitrogen:

> It would be hopeless to attempt to put this acid (derived from fixation of atmospheric nitrogen) into a product to compete with fertilizer prices, for they are some 50 per cent lower. * * * It is useless to look only to cheap power as a solution of this problem, as the real solution is in the improvement of processes (p. 373).

Commenting upon Mr. Sommers's paper, which appeared simultaneously with Mr. Washburn's effort, Dr. L. H. Baekeland said:

USELESS EXPENSE IN MARKETING, NOT MANUFACTURING.

> We have heard the statement that in many cases it is more expensive to buy fertilizer than to have a low yield per acre. This is very true; and if the price of fertilizer gets too high, a low yield per acre becomes practically unavoidable. Unfortunately, in this country we are almost everywhere confronted with the detrimental economic condition of too many middlemen. * * * The time will come * * * when you will no longer speak about an excess of ammonia production in gas or coke ovens. There will not be such a thing as excess of ammonia. All ammonia will be saved.

Mr. Baekeland does not suggest the cyanamid process as having any bearing on the fertilizer or nitric-acid supply in this country, but he does suggest a situation which Mr. Washburn does not offer to meet—a reduction in the cost of fertilizer to the consumer through the elimination of too many middlemen. The Washburn Co., if it can profitably produce commercial fertilizer, will get all that the public will pay without any limit to unconscionable exactions, although financed by the Government.

I quote his words, because in the World's Work for March we are informed Dr. Baekeland was given the highest honors that could be conferred by the societies of which he is a distinguished member, an award of the Perken medal for eminence of industrial chemical research.

It is a matter of surprise that the Military Committee did not call some of the experts of world-wide fame whom I am mentioning, but, on the contrary, has placed entire reliance on the testimony of Mr. Washburn, who has $24,000,000 at stake, to be given his company by the Government.

THE BEST TESTIMONY OBTAINABLE ON MR. WASHBURN'S SCHEME.

During this same discussion of Mr. Washburn's paper by experts, the secretary of the society, Joseph W. Richards, significantly said:

> Mr. Landis, chief technologist of the American Cyanamid Co. (Mr. Washburn's), has said that his company confidently expects radical changes in nitrogen fixation processes in the next 5 or 10 years, and that it is prepared, if necessary, to scrap its whole plant inside of 20 years, thinking there might very possibly be no cyanamid process in use at that time (p. 405).

Mr. Richards is a man of high standing, and his statement based upon the chief technologist of Mr. Washburn's own company appears to have gone unanswered.

These are not expert opinions from Army engineers regarding commercial possibilities at Muscle Shoals, but expert opinions

from the highest class of electrochemical engineers in the country who confidently predict that within 20 years Mr. Washburn's own company may scrap its cyanamid factory.

Other significant statements were made at the same meeting, but I will only read one further opinion which, however, is significant. Dr. Sumners, from whom I have quoted, and who appears to be a high authority on the subject, says of Dr. S. Peacock, on page 412 of the discussion:

> Dr. Peacock's paper is very much to the point. Undoubtedly you all know that Dr. Peacock is one of the best authorities in America on fertilizer * * * is thoroughly familiar with everything that has been connected with the use of nitrogen in fertilizers.

This high praise from a high authority is prefixed to Dr. Peacock's statement, which appears in his own paper on page 410, as follows:

> As a commercial undertaking, nitrogen fixation must remain substantially dormant so long as the ammonia produced as a by-product of coal distillation remains of such relative amount that it is capable of controlling the rewards of capital invested in nitrogen fixation. It may be accepted as a fact that no nitrogen fixation method has as yet been publicly proposed which can produce nitrogen as cheaply as coal by-product of ammonia.

Reduced to a bald business statement, Dr. Peacock says that no man with good business judgment would invest in any nitrogen fixation proposition unless he expects to lose his investment. That appears to be the reason why Mr. Washburn is unable to finance his project with private capital. Dr. Peacock's paper was read immediately following Mr. Washburn's paper. Peacock is a recognized expert whose statement was not challenged, whereas Mr. Washburn's rainbow-colored statements were repeatedly criticized and appear to conflict with inexorable facts. The Government is interested in providing its own explosives, but it should bear in mind that in a matter in which Mr. Washburn is vitally concerned, and which is of doubtful value, it may be well first to ascertain the business interests and experience which entitle him to our confidence.

MR. WASHBURN TOO BUSY TO BECOME AN EXPERT.

I have discussed briefly Mr. Washburn's project. Let us now inquire as to his business connections. Mr. Frank S. Washburn is chairman of the board of directors of the Alabama Power Co., of which company Mr. J. W. Worthington is a director. From Moody's Manual it appears the Alabama Power Co., by a process of benevolent assimilation, has taken over the Alabama Electric Co., the Wetumpka Power Co., the Alabama Power & Electric Co., the Alabama Power Development Co., the Huntsville Railway, Light & Power Co., the Decatur Light, Power & Fuel Co., the Etowah Light & Power Co., the Bell City Light & Power Co., and possibly some other smaller companies.

Mr. Frank S. Washburn is also president, vice president, or director in the Birmingham, Montgomery & Gulf Power Co.; the Anniston Electric & Gas Co.; the Little River Power Co.; the Muscle Shoals Hydro Electric Power Co.; the Alabama Traction, Light & Power Co.; the Alabama Interstate Power Co., and possibly other companies, most of which are located in Alabama or Canada.

Mr. J. W. Worthington also appears as an officer or director in many of the companies named, which have a combined authorized capitalization aggregating about $70,000,000. Mr. Washburn is also president of the American Cyanamid Co., organized nine years ago, that has an authorized capital of $8,000,000 and is operating a fertilizer factory at Niagara Falls, Ontario, Canada. This factory produced 37,586 tons of fertilizer in 1914. It is further stated dividends on preferred stock of $3,258,600 are regularly paid semiannually, but whether from profits or stock sales does not appear.

An interesting balance sheet appears on page 2044 of Moody's Manual for 1914. Assets are scheduled as follows:

Land, buildings, and equipment	$2,218,347
Bills and accounts receivable	19,263
Cash	75,218
Inventories	450,515
License patents and patent rights	3,569,578
Founding and propaganda	230,589
Total	6,563,510

FIFTY-EIGHT PER CENT OF ASSETS IN PROPAGANDA AND PATENT RIGHTS.

By a strange oversight no balance sheet appears for the many other companies with which Mr. Washburn is connected. Because of this silence, unusual among corporations quoted in Moody's Manual, we must analyze the one balance sheet submitted in seeking information as to financial methods and management of a concern with which the United States is asked to form a partnership. The American Cyanamid Co. places its total assets for 1914 at $6,563,510, of which amount $3,569,578, or more than half of the total, is listed for license patents and patent rights. Another item is $230,589 of assets noted as "founding and propaganda."

Possibly we may look with doubt upon any company that seeks to join partnership with the United States, whose assets rated as propaganda and patent rights reach over 58 per cent of its entire assets. We may also properly inquire what method of valuation is employed in making up the rest of this remarkable balance sheet.

Just what reliance should be placed upon such a showing is a matter of individual opinion, but what of the Muscle Shoals Co. and the Alabama Power Co. and all the other affiliated Washburn concerns which fail to file any public statement with the great financial authority from which I have quoted. Reputable concerns inspire respect by taking the public into their confidence, but this record is offered by a concern or concerns with which Army engineers have recommended we join partnership and which we are expected to finance with $24,000,000 of Government funds.

A WATER-POWER MONOPOLY WANTS $24,000,000 OF GOVERNMENT HELP.

Apart from the fact that the Alabama Power Co., of which Mr. Washburn is chairman, is credited with owning or controlling 96 per cent of all water powers in Alabama, we find the following statement of water-power sites owned by this one company, according to one of its prospectuses, a copy of which has been given me:

	Horsepower.
Coosa River, Lock 7	45,000
Coosa River, Lock 12	105,000
Coosa River, Lock 14	100,000
Coosa River, Lock 15	80,000
Coosa River, Lock 18	100,000
Tallapoosa River	115,000
Muscle Shoals on Tennessee	400,000
Saulty Creek	6,000
Town Creek	7,000
Little Creek	52,000
Choccolocco Creek	2,000
Total	1,012,000

From the highest authority, we have the connections of both Mr. Washburn and Mr. Worthington, and from the prospectus of one company we learn that they control over 1,000,000 horsepower in Alabama and Georgia. From official records we learn that, ably supported by Army engineers, the Muscle Shoals proposition has been forced upon the attention of three or four different committees of the House, and for those who care to follow its methods, attention is invited to page 3685 of the CONGRESSIONAL RECORD of March 7, from which it appears that the same project is well intrenched in the hearts of the people composing part of another legislative body. In other words, Congress is informed that we must take over Muscle Shoals; that it has us going and coming. Presumably, $230,589, spent by one company for propaganda in urging its claims on public notice, has not been spent in vain. How much more has been spent for propaganda it would be interesting to know.

It may also be surmised that $230,589 spent for propaganda has to its credit Alabama laws containing certain exemptions from taxation for the company which are not enjoyed by war-tax ridden citizens, taxpayers who are asked to contribute $24,000,000 to the Alabama Power Co. on the advice of Army engineers. That company has the right of eminent domain under the law, a right to condemn and destroy the properties of smaller competitors whenever it sees fit to do so. It is supreme in Alabama and has strong connections on surrounding States. It has champions in Congress, who have advocated an $18,700,000 appropriation for this company in the past and now present an old friend in a brand new $24,000,000 suit of fixation pattern to replace the discarded $18,700,000 navigation garb of last year.

I have briefly presented some facts regarding a company whose president lists 58 per cent of the company assets under the items "propaganda" and "patents." These matters presumably are to be passed upon by Army engineers representing the Secretary of War. In order to determine the value of their judgment I will revert briefly to recent history connected with this same Muscle Shoals project when garbed in a peek-a-boo "navigation" waste.

Before doing so an interesting coincidence may be mentioned. I have not questioned the motives or good intentions of the committee in authorizing the Government to finance the concerns represented by Mr. Washburn and Mr. Worthington, which will give some standing to the $100,000,000 stock-selling operations they are promoting. I believe the committee has been misled by the "preparedness" argument that already covers a multitude of questionable proposals.

A PROMISING FERTILIZER MONOPOLY.

To those of an investigating turn of mind, however, I call attention to the fact that the great Duke interests are reported to control the best phosphate fields in this country. The Ammo-Phos. Corporation is a great fertilizer company capitalized at

$6,000,000 organized less than six months ago, with J. B. Duke chairman of the board of directors. Mr. Duke was formerly president and one of the organizers of the American Tobacco Trust. Mr. Washburn has stated that the most important single contribution toward a high-grade fertilizer "would be a high-grade chemical salt containing nitrogen and phosphorus." "The process for the fixation of atmospheric nitrogen will contribute the nitrogen content to such a fertilizer compound."

With this state of facts, what a complete fertilizer monopoly might be brought about, providing the Duke phosphate and Washburn water-power interests joined forces and were financed by the Government.

If the technologist for Mr. Washburn's company is right in saying the cyanamid business may be scrapped and out of business soon, the project will not be a serious menace to agricultural interests of the country; but to show that every contingency may have been provided for I call attention to the fact that Mr. K. F. Cooper, who is vice president of the $6,000,000 Duke fertilizer company, recently organized, is by a singular circumstance general manager of the American Cyanamid Co., of which Mr. Washburn is president, according to the Engineering News, volume 73, No. 1, page 21. More interesting information might be afforded on the same subject if time permitted.

MUSCLE SHOALS IN A NEW GARB.

Section 82 does not state the amount or location of the proposed "fixation" factory, but every member of the Military Committee familiar with the statements of Mr. Washburn and Maj. Burgess before that committee understands that Muscle Shoals on the Tennessee River is the location desired. Burgess said substantially he did not know anything about water powers on the Columbia River or elsewhere that would be as suitable as Muscle Shoals. He further stated that it would cost the Government $14,500,000 for a plant and dam 100 feet high. This is not the whole project planned by Washburn, but is part of it, and Maj. Burgess admits, page 44 of his testimony, his proposition would prevent navigation between the upper and lower river, but as he naively says of this waterway, it is only navigable at this point "for about six months in the year."

A fairly clear statement of Muscle Shoals appears on pages 1137 and 1142, inclusive, of the CONGRESSIONAL RECORD for January 13 of this year. The facts there presented will be reverted to because they disclose the methods of the Alabama Power Co. and the harmony of action among our Army engineers.

Muscle Shoals is a short stretch of the Tennessee River that was originally unnavigable. The United States Government gave a land grant of 400,000 acres of land to Alabama for a fund with which to build a canal and improve two rapids on the Tennessee River of which Muscle Shoals was one.

Alabama soon gave up the proposition but not the land grant, and then the Government undertook the contract of improving navigation at that point by building a canal upon which we have thus far spent $4,550,000 for "navigation." In 1913 the total commerce reached less than 6,000 tons, or about two train loads. Every ton of freight floated through the canal cost the Government $40, according to calculations based on interest and maintenance.

A number of years ago the Alabama Power Co. bought up parcels of land along the river and secured all the available water-power sites. After the laws of Alabama were adjusted to relieve the company of taxes the company with its peculiar methods of propaganda started to have the Government build a 150-foot dam or two dams totaling 150 feet for "navigation" in order to develop the water power for the use of the company. A brief history of the effort is contained in Committee Document 20, Sixty-third Congress, last session.

As Army engineers are to determine the location of the fixation factory after the manner proposed by Maj. Burgess, I desire to further give a brief insight into the methods of the engineers as disclosed by Document No. 20, which was prepared by the Chief of Engineers for the guidance of Congress.

THE BUSINESS JUDGMENT OF ARMY ENGINEERS.

Briefly, the proposition was for the Government to appropriate $8,575,000 for two dams 150 feet high for navigation. Then it was to pay $1,750,000 additional for flowage rights, and then $8,325,000 more was to be loaned to the Alabama Power Co. at 3 per cent for 100 years to be repaid in installments. Eighteen million seven hundred thousand dollars in all was to be paid by the Government.

That is what Army engineers recommended. Scandalous? Yes; and unbusinesslike; but that is the proposal at Muscle Shoals for "navigation" in 1915.

Col. Riché would not stand for the flowage gift and he says in Document No. 20—

I recommend all lands and easements be donated to the United States and do not fear delay will result in loss to the United States or prevent the improvement of Muscle Shoals.

In this he was overruled by the board of which Col. Black, the present Chief of Engineers, was chairman. Col. Black signed a report for the board in which he said that to await donations of flowage rights—

would doubtless lead to considerable delay and would be apt to defeat the present opportunity to make this improvement in favorable terms.

Col. Black wrote the report proposing a donation of $1,750,000 to the power company for flowage rights after Riché had protested against its payment. Col. Black is the engineer who reversed Deakyne and Townsend on the Missouri River $20,000,000 wasteful project.

CONGRESS TO DELEGATE POWER TO COL. BLACK.

Col. (now Gen.) Black is the present Chief of Engineers called upon to determine the merits of this fixation proposition. Last year he recommended $18,700,000 for Muscle Shoals, $10,325,000 of which was for 150-foot dams for navigation to accommodate 6,000 tons of commerce. This year he is to decide the fixation preparedness Alabama Power Co.'s proposal. Is Congress ready to delegate this power to Col. Black. Last year I proposed an investigation of the Muscle Shoals project, which is indefensible; but it is no worse than this new nitrogen-fixation craze, which appears to be the result of a carefully prepared propaganda sprung at the psychological moment, having for its ultimate aim the development of Muscle Shoals by the Government for the benefit of the Alabama Power Co.

Last session a preliminary Muscle Shoals item was placed in the rivers and harbors 1915 bill just before its introduction on the floor of the House. The item was stricken from the bill after a hard fight on the floor. It was then reinserted when the bill was reported to the Senate, but the bill was defeated in the Senate. Then the Army engineers, under a supposed reexamination of the river for which no specific appropriation was made, spent, according to press reports, $90,000 more at this same point.

At the beginning of this session the Muscle Shoals item bobbed up before the Rivers and Harbors Committee, but was refused a place for "navigation." Word was then circulated that it would be placed in one of the preparedness bills—and it is here.

Discredited as a navigation proposal it yet had the indorsement of Army engineers. Recommended for a nitrogen-fixation project it surely has their approval, because they recommended a partnership with the Alabama company in Document No. 20. If it should fail to meet with the approval of Congress, notwithstanding the engineers' O. K., it may yet be inserted in the Agricultural bill as a fertilization proposition that will give untold (?) benefit to the agricultural interests of the country.

I have many communications relative to the lobby methods pursued, and connecting this lobby with the recent water-power bill passed in another body. I have also communications relating to the stock-selling end of this $100,000,000 company, but will not discuss that phase of the question.

SECTION 82 SHOULD BE STRICKEN FROM THE BILL.

These may be attached as exhibits but have no part in this statement of facts. I have briefly shown that Mr. Washburn, who represents many companies, has endeavored to float his project at Government expense. That it is not a safe proposal to undertake, according to the ablest electrochemical men in the country. These men, who have no interest in the action of Congress, state unanimously that the Washburn cyanamid process can not compete with the by-product of coal process. They quote the expert of Mr. Washburn's company as admitting that the cyanamid process may be "scrapped" and out of business in a few years. Not one of the engineers indorsed Mr. Washburn's glowing statements, according to the Electro Chemical Society's official record, and, strange to say, Mr. Washburn has never replied to them, so far as that record discloses. His own interest in the result has been manifest for years. He controls over 1,000,000 horsepower. It is a proper case for private enterprise, but to ask the Government to go into a foolhardy proposition condemned by experts familiar with the subject is to perpetrate waste and inefficient business methods as discreditable as those which have been followed in our river and harbor legislation. And by a singular coincidence Army engineers are depended upon in both instances to put over the proposal.

GOVERNMENT MANUFACTURE OF NITRATE.

Let the Government manufacture its own explosives if desired. Whether by the coal-extraction process or by air-fixation process should be determined only after careful investigation. To give

the Secretary of War power to decide, and to place that discretionary power in the hands of the Army engineers, is foolhardy and unbusinesslike in the extreme.

If need be, let us condemn and take over private water powers wherever located as a military necessity, leaving the owners to their recovery in the Court of Claims. That would avoid the hold-up proceeding which will certainly result under the provisions of section 82.

I do not believe the country is in a mood to accept any pork-barrel proposal in the preparedness bill. Scandal is sure to attach to any political party espousing such an indefensible proposal.

Those who advocate Government manufacture of war supplies have ground on which to stand, and those who advocate permitting private parties of known business experience and standing to furnish part of our war supplies may also find justification for such course, but no excuse can be offered for a proposal which requires the Government to finance a proposition for a private company with practically certain disaster to the venture—a vicious proposition which the Government can finance only through war taxes levied upon the people.

No more astounding delegation of authority was ever proposed in Congress under any administration than this unlimited authorization for a proposed expenditure of $24,000,000 by the Government at Muscle Shoals, in partnership with companies that list over one-half of their assets as patent rights and propaganda in the proposed partnership, and many list water-power privileges and patent rights in this new arrangement at any amount acceptable to the Army engineers, who at the last session agreed that over $10,000,000 should be credited under the head of "Navigation"; with companies that are trying at the present time at both ends of the Capitol to get $20,000,000 or more from the Government through the Agricultural, river and harbor, and preparedness bills; with companies that, when squarely defeated on this floor, are endeavoring to insert their proposals in the Agricultural bill now before another body, with the hope that throught conference their vicious proposal may become law at this session; with companies that are primarily speculative promotion enterprises, according to the judgment of experts whose opinions I have quoted. Section 82 is an effort to put through Congress a proposal that will not stand the light of publicity and should be stricken from the bill.

EXHIBIT 1.

[From Manufacturers' Record, Mar. 9, 1916.]

ONE HUNDRED MILLION DOLLAR BOND ISSUE ARRANGED BY ALABAMA POWER CO.—HYDROELECTRIC PLANT ON COOSA RIVER TO BE DOUBLED IN CAPACITY AT ONCE AND LARGE STEAM PLANT BUILT—FUTURE PLANS OUTLINED.

The Alabama Power Co. has arranged to spend $100,000,000 in carrying out its plans for great hydroelectric developments in the middle South. A loan has been secured through the placing of bonds for the large amount named.

Expenditures will be made throughout a term of years.

About $4,000,000 will be used at once in more than doubling the company's present units of hydroelectric development on the Coosa River, near Birmingham; also in the construction of an auxiliary steam plant in the Birmingham district, possibly on the Warrior River.

Writing to the Manufacturers' Record of the company's plans, Mr. James Mitchell, president of the Alabama company, New York, under date of March 4, makes announcements as follows:

"This company is now providing for a bond issue to be limited to $100,000,000, of which $4,000,000 has been placed for immediate needs, and further amounts can be issued when and as required.

"Contracts have been placed for a new hydroelectric unit at the Lock 12 plant on the Coosa River. This unit will be about 20,000 horsepower, or slightly larger than the original units.

"Plans are now being worked out for the installation of a 20,000-kilowatt steam plant, which is necessary to safeguard the company's power supply in times of extreme drought. Contracts have not yet been placed for this plant, but will be placed during the coming week. The site has not been definitely selected, but there are many opportunities to place such a plant along the Black Warrior River basin, where coal can be cheaply obtained from numerous mines, so the choice of location is not a matter of immediate moment.

"The company plans extension of its transmission lines in a number of directions and intends to be ready at all times to meet the demands of the community it serves."

In connection with the occasion for employing the $96,000,000, not covered by immediate plans, it is stated that "the Alabama Co.'s ultimate development in Alabama is predicated upon legislation regarding power sites now sought in Washington and bears special reference to the use of Muscle Shoals. The large water-power site owners of the country are pressing certain legislation which is being as stoutly resisted by others who claim that too much encroachment upon the rights of the public is contemplated in the form in which the power-site owners desire this legislation. The use of the remainder of the $100,000,000 available bears relation to the ultimate future and the possibilities of favorable legislation."

—

EXHIBIT 2.

[From the New York Times, Dec. 29, 1915, front page article, fourth column.]

NITROGEN FROM AIR READY FOR MARKET—JAMES B. DUKE ANNOUNCES COMPANY WILL TURN OUT 4 TONS OF NITRIC ACID DAILY—PRICES TO BE MUCH LOWER—SOUTHERN ELECTRO-CHEMICAL AND OTHER CONCERNS HAVE BEEN EXPERIMENTING FOR MONTHS.

Nitric acid obtained by extracting nitrogen from the air will be put on the market next Saturday by the Southern Electro-Chemical Co., according to James B. Duke, one of its officers.

This announcement follows close upon the recommendation of Brig. Gen. William M. Crozier, Chief of Ordnance of the United States Army, who in his annual report published yesterday urged that the Nation take steps to be independent of the Chilean beds for the nitrates used in making gunpowder.

The Southern Electro-Chemical Co. and several other corporations have been experimenting for months upon foreign processes for the derivation of nitrogen in an inexpensive way from the realm of cloudland.

Mr. Duke's company expects to turn out 4 tons of nitric acid a day from its works at Great Falls, S. C., about 50 miles from Charlotte, and to deliver it at a lower price than that charged for acid made by the present commercial processes.

The chemical will be produced on a much larger scale if the great problem of getting water power cheap enough can be solved. As set forth by Gen. Crozier, the production of nitrates by these new methods depends upon abundant streams and numerous falls.

The work will very likely be carried on in Canada by the Quebec Development Co. (Ltd.), of which Mr. Duke is the president. This company has been acquiring extensive water-power rights in the neighborhood of Lake St. John, and will have works on the Saguenay River. Mr. Duke has operated in this region before, and in June of 1914 a dispute rose between him and officials of the Interstate Chemical Corporation over a process for the making of phosphates and certain power rights. At that time a suit for $8,000,000 was brought against him by persons who feared that they might be ousted. * * * Several chemists in this city consider the recommendation of Gen. Crozier a practical one, and they see no reason why the Government, by arranging for cheap power, could not foster the "industry of turning the very air to gold in times of peace and ammunition in days of war."

If some kind friend will only state Mr. Duke's predicament as to the "great problem of getting water power cheap enough" to Mr. K. F. Cooper, the vice president of Mr. Duke's $6,000,000 company, so that he can take the matter up in a friendly spirit with Mr. K. F. Cooper, general manager of Mr. Washburn's $8,000,000 cyanamid company, possibly a solution of the difficulty may be reached.

—

EXHIBIT 3.

[From Manufacturers' Record, Mar. 9, 1916.]

GOVERNMENT ALIVE TO NECESSITY FOR NITRATE PLANT SOUTH—PLANS POINT TO DEVELOPMENT OF GREAT HYDROELECTRIC DEVELOPMENT AT MUSCLE SHOALS IN THE TENNESSEE RIVER.

WASHINGTON, D. C., *March 7, 1916.*

In the Army appropriation bill recently reported to the House recommendation was made that there be established a large nitrate factory, to be operated jointly by the United States Government and private interests, for the manufacture of fertilizer in time of peace and nitrates for explosives in case of war. While no site is specified in the bill, the statement has been made by members of the Military Affairs Committee that the board would naturally consider the vast water-power projects on the Tennessee River. The greatest of these is at Muscle Shoals.

The power for the nitrate factory would, of course, be furnished by water power, and a considerable expenditure will be necessary for the improvement of Muscle Shoals. * * *

At the last session of Congress the United States Army engineers recommended to the Rivers and Harbors Committee the adoption of a project which provides for three dams at Muscle Shoals, two to be power dams: Dam No. A, with a height of 102 feet and a length of 4,450 feet, requiring 1,304,700 cubic yards of cement, and Dam No. 3, with a height of 48 feet and a length of 6,285 feet, requiring 488,500 cubic yards of concrete. When these dams are constructed, they will furnish open-river slack-water navigation for nearly 100 miles on the Tennessee River itself, and improve navigation of two tributaries of the Tennessee River, namely, Elk River for 30 miles and Shoal Creek for 20 miles, making a total improvement on the Tennessee River and its tributaries of nearly 150 miles. * * *

And now, fortunately for the taxpayers of the country, and luckily for the development of the natural resources and commerce in the vast drainage area of the Tennessee River, the costly navigation improvement of the Muscle Shoals stretch of the Tennessee River can be accomplished under a plan by which, "through the development of water power, the United States Government is repaid all of its expenditures for navigation and water-power development, and becomes the sole possessor of all the things for which that expenditure was made." * * *

The accomplishment of the Muscle Shoals project will mean the manufacture of ammonium phosphate, using the phosphate rock from the phosphate fields of Tennessee near by Muscle Shoals, in combination with cyanamid. Ammonium phosphate contains about five times as much plant food as the ordinary fertilizer, making it correspondingly cheaper to handle, bag, ship, and transfer from the point of manufacture to the farmer.

—

EXHIBIT 4.

[From the Decatur Daily, Decatur, Ala., Mar. 9, 1916.]

FLORENCE RAISES $10,000 FOR SHOALS—CITIZENS CONTRIBUTE LIBERALLY FOR BIG DEVELOPMENT PROJECT.

FLORENCE, ALA., *March 9.*

That Florentines have unlimited faith in Muscle Shoals development was conclusively proven at a mass meeting held in the courthouse at Florence last night when the circuit court room was taxed to its capacity.

The Muscle Shoals finance committee asked for $2,500, which was subscribed as fast as the secretaries, H. A. Bradshaw and W. H. Mitchell, could take take the names of the contributors. This brought the Florence donation for the furtherance of the Muscle Shoals development up to $10,000 during the last few months. This money is being used to defray the expenses of those actively engaged in the oversight of the public's interest in this all-important project.

R. T. Simpson, president of the commercial club, introduced Col. C. W. Ashcraft, who said people from one end of this country to the other are talking Muscle Shoals. Instead of impoverishing other sections, as is often the case in big enterprises, our progress in the Muscle Shoals development is the progress of every section of the United States. It stands head and shoulders above everything else in Washington. Many of the important congressional committees are considering it simultaneously.

The speaker complimented the Shields bill and said it removes obstacles that have heretofore existed. He declared our "preparedness" is our salvation. The surveys and plans for Muscle Shoals develop-

ment are made, and it stands 999 chances out of 1,000 to be selected as the site of a Government nitrate plant.

Mr. N. C. Elting, chairman of the finance committee, said: "I presume every man, woman, and child in Lauderdale country is for preparedness. If all had been prepared, the fearful war now raging would never have been." He said the conditions relative to Muscle Shoals are indeed optimistic. He read the following telegrams from Washington:

WASHINGTON, D. C., *March 7.*

N. C. ELTING, *Florence, Ala.:*

Will you please extend my thanks and hearty feeling of congratulations and encouragement to the courageous, upstanding, constructive people of Florence, and tell them that the bill introduced in the House by the Military Committee authorizing the development of water power and construction of atmospheric nitrogen nitric-acid plants, and Chairman HAY, in his report on the bill, in part says:

"The committee consider this question of the first importance in the consideration of preparedness for national security." Our efforts supported by the lead of Florence secured the authorization for the proposed development, and if Florence will stand pat, put up and see us through, we will get these plants. The total development with fertilizer plants established to cost $50,000,000.

J. W. WORTHINGTON.

WASHINGTON, *March 7, 1916.*

N. C. ELTING, *Florence, Ala.*

Vote on Shields bill will not be taken until to-morrow and probably not until Thursday. Its passage is conceded.

J. W. WORTHINGTON.

And thereby hangs a tale. Is it not an astounding situation that committees at both ends of the Capitol are called upon to appropriate from $20,000,000 to $24,000,000 of Government funds to help out the Alabama Water Power Co., in the rivers and harbors bill, for "navigation"; or to provide in the Agricultural bill for a "fertilizing factory"; or in the military bill for "explosives"? Will the item get through Congress by some parliamentary juggle? I have given facts that deserve the examination of everyone interested in keeping the military bill and all other bills free from suspicion and scandal.

Mr. DENT. Mr. Chairman, in the temporary absence of the gentleman from Virginia [Mr. HAY], who has left the control of the time in my hands, I yield 15 minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, the Committee on Military Affairs presents to the first session of the Sixty-fourth Congress a unanimous report on House bill 12766, known as the Hay bill, increasing the military efficiency of the United States.

Since the time allotted to the committee has been necessarily limited, I intend to devote my limited portion to certain features of the bill which appeal particularly to me in their adoption.

The American National Red Cross, through its president, Miss Mabel T. Boardman, appeared before the Military Affairs Committee and made a profound impression. It is granted permission by this bill to erect buildings on any military reservations of the United States suitable for the storage of supplies which shall be available for the aid of the civilian population in cases of serious national disaster. Within the last decade, the American Red Cross, in directing 80 large relief works, has distributed supplies and relief funds aggregating over $15,000,000, and any further relief and assistance which this Government may tender to this worthy cause must be commended.

It also appeared in evidence that Japan to-day has 1,800,000 members of its Red Cross, Germany has 1,000,000, Russia has 1,000,000, England has 500,000, and the United States a paltry membership of 27,000 members. This statement shamed me so much that I immediately enlisted as a soldier of the American Red Cross, as this button in the lapel of my coat will show you. [Applause.] And if I only had the green ribbon indicative of this memorable day I might be the man of the hour or the man of the day. [Applause.]

I am thankful to say that since Miss Boardman gave her testimony, energetic efforts and solicitations have brought the membership of the American Red Cross to well over 30,000 members. [Applause.]

I consider the American Red Cross one of the most important arms of the Government in time of war, and its usefulness can not be exaggerated.

The Military Affairs Committee builded better than we knew when section 83 makes provision for summer military training camps after the idea of the Plattsburg camp. The committee was unanimous in its opinion that the continental-army plan to enroll 133,000 men each year for three years until a force of volunteers of 400,000 was enrolled was doomed to disappointment and failure. The idea of one or two months' intensive training a year was a capital one, but when we consider that the continental army would have cost the Government $15,000,000 the first year, $30,000,000 the second year, and $45,000,000 the third year, and that volunteers would be recruited largely from the ranks of salaried men, it was deemed an expensive and impracticable experiment. Furthermore, the military camps are not vacation schools, and the young men who join such camps are entitled to their vacations; and how many public-spirited citizens exist to-day who will pay their clerks, the main artery of supply for summer camps, full pay for two months' absence from business.

The continental-army plan having fallen to pieces, why not encourage the increase and development of summer military training camps all over the country, where periodical military drill of four weeks' duration is taught? A healthy renewal of interest in the Plattsburg and similar camps founded last summer has been evident, since nearly 20,000 men have been drilling inside during the winter months, and 1,500 patriotic citizens alone of Boston and vicinity are included. The original incorporators of the Plattsburg Camp Association inform me that present indications are that at least 30,000 men will attend military training camps in the season of 1916 at many points between the two oceans, and that Plattsburg alone is making provision for five periodical encampments from June 5 to October 1. The men of Plattsburg who appeared before our committee sought Federal recognition and control.

In the United States about a million men are coming of age each year, and at least three-quarters are fit for military training, and there are nearly 5,000,000 men between the ages of 19 and 25 fit for service.

In addition, there are at least 700,000 young business and professional men who would be eligible to join military training camps. The work of such camps is considered supplemental to the work of the State militia and in nowise conflicts with the interests of the National Guard. On the contrary, evidence has shown that service at Plattsburg and other camps has stimulated military drill to such an extent that the ranks of the National Guard have been swelled materially by summer-camp volunteers. While the Plattsburg Camp Association did not seek an appropriation, I feel confident that a substantial appropriation from Congress, say $3,000,000, would be acceptable. This sum would train and provide for 75,000 volunteers and would remove from these military camps the idea or stigma generally prevailing that the summer camps are established by and for a privileged class. The Plattsburg Camp Association and similar organizations desire to make the camps as democratic as possible, and to make it possible for the young men of moderate means to take advantage of one month's intensive drill during the summer, and they would welcome an appropriation for this reason. The cost per man is about $40 for his four weeks' instruction, and food subsistence is reckoned on the same basis as a regular soldier. When the proper time comes I shall urge this House to grant such an appropriation, and we can thus secure a strong volunteer reserve force, a real substantial continental army, if you will, on an economical basis, which will have the benefit of one month's intensive training eight hours per day and which would not be subject to duty in time of strikes or riots.

Personally I am keenly interested and enthusiastic in the future development of the summer camps, not only as a school of instruction in military tactics but also as a move for the betterment of the health and morale of the American youth. But I want to bring the camps within the reach of all citizens.

I want the people of my district furnished the means and opportunity to enlist their services at Plattsburg. Besides stockbrokers, lawyers, business men, and clerks who have patriotically drilled at the camps, I want the shoe operatives and the granite cutters in the fourteenth district of Massachusetts, as well as the 6,000 skilled mechanics of the Fore River Shipbuilding Corporation, furnished the same chance of enlistment. A substantial appropriation will provide the means of bringing together a splendid body of citizens at the summer military training camps, where a broad democratic spirit will be disseminated and inoculated, and this air and spirit of good-fellowship and comradeship once fostered and created will bear fruitful results and will prevail ad infinitum.

At my request, Mr. Samuel Gompers, president of the American Federation of Labor, wrote me the following letter, in answer to a question concerning the feasibility and future development of the Plattsburg Camp Association:

WASHINGTON, D. C., *March 13, 1916.*

Hon. RICHARD OLNEY, 2nd,
House of Representatives, Washington, D. C.

SIR: There are many features of the Plattsburg camp idea which I heartily approve, but there are some features that I can not wholly indorse. In reply to an invitation to visit the Plattsburg camp last summer, I wrote Gen. Leonard Wood, calling his attention to some of these. The features and the tendencies that I could not approve were the limitations put upon the democracy of the movement.

Under the provisions for the Plattsburg and similar training camps, it was impossible for men working for wages to avail themselves of the opportunity for military training, physical development, and outdoor life.

To be sure, I fully appreciate the fact that the Plattsburg camp was democratic in spirit, and with this spirit must have had a lasting effect upon those of different walks of life who for a few weeks at least lived together without artificial distinctions, under conditions which brought out the inherent value and good qualities of the men.

But, as I have said before, because of inability to pay their expenses in such a training camp, the wage earners were practically debarred from this opportunity.

In order to provide for all citizens equal opportunity for participation in training camps, there must be some compensation for loss of wages, otherwise those with small incomes will be unable to benefit by them.

There are many indications that there has been a decrease in the virility of our Nation during the past decade. Whatever the cause of this decrease in physical power and resistance, it is a matter of grave concern to all.

Agencies that will build up our citizens physically must be a part of our social organization. Nor is this of concern from the military standpoint only, or purely as a problem of national defense. The effects of increased vigor and of better health among our citizens will be plainly shown in increased efficiency in all activities of life. If these agencies are in accord with democratic ideals, they will leave an indelible impression upon the mental outlook and the habits of all those who come under their influence.

In addition to what I have written, you may perhaps be interested in my address at the annual meeting of the National Civic Federation, on the subject of "National Preparedness." That address, together with a letter I wrote to the National Security League, was made a public document. I am sending you a copy, and call your attention specially to the first four paragraphs on page 10.

Very truly, yours,

SAML. GOMPERS,
President American Federation of Labor.

The most expert testimony to the Military Affairs Committee showed that the United States Army, such as it is, about 100,000 strong, is the most competent and efficient in the world man for man. The rules and regulations for enlistment in the Regular Army are so strict that only the best fitted recruits, mentally, morally, and physically, are accepted. The Adjutant General's report for the last fiscal year informs us that there were 168,842 applicants, of which 123,731 were rejected.

Gen. McCain testified that 50,000 was the maximum number that could be expected to be recruited in a year in time of peace—using extraordinary measures. It was also indicated that a minimum peace strength of 140,000 men would satisfy and comply with present conditions, providing that the reserves and reservoirs for the second line of defense were sufficiently adequate and powerful.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OLNEY. May I have a little more time, I will ask the gentleman from Virginia?

SEVERAL MEMBERS. Give him more time.

Mr. HAY. Mr. Chairman, I yield the gentleman one minute more.

Mr. OLNEY. Mr. Chairman, I am proud to be reckoned a Member of the Sixty-fourth Congress of the United States, the most important since the Civil War. I am proud to have been one Member of that great majority which lately upheld in no uncertain voice the foreign policy of the President, which action obliterates the impression in European countries that this House was a house divided against American law, liberties, and institutions.

As Abraham Lincoln was the man of destiny and hope in the nineteenth century, so in these crucial and critical times of war and rumors of war do we as a Nation place our trust and confidence in Woodrow Wilson as the man of destiny and hope in the twentieth century, believing that his wisdom will prevent entangling alliances, and that he, the pilot and captain, in avoiding dangerous rocks and treacherous reefs, with steady hand and cool judgment will steer our ship of state at the proper time into a harbor of refuge and safety.

Although the Hay bill was reported unanimously, through the courtesy of the chairman each member was allowed to reserve his right to support any changes or amendments which would more particularly conform to his opinion of how the efficiency of the United States Army would be more thoroughly established.

Conditions of affairs change almost in a night, as evidenced in the recent complications in Mexican affairs. How splendid was the wisdom and patriotism of this Congress as displayed in the late afternoon of March 14, when, almost to a man, in this Chamber it arose and authorized the War Department, through the Hay resolution, to recruit the Regular Army immediately to its statutory strength, supplying at once a reservoir for 19,000 additional troops. Memorable was the day and commendable the action thereof.

Should the United States intervene in Mexico within the next six months, intervention will only come because our patience will be exhausted and our national honor will be at stake, and the course of the President will have the moral and physical support of every red-blooded American. [Applause.]

Mr. KAHN. I yield 10 minutes to the gentleman from Delaware [Mr. MILLER].

The CHAIRMAN. The gentleman from Delaware is recognized for 10 minutes.

Mr. MILLER of Delaware. Mr. Chairman, I am very glad to be given time following the gentleman from Massachusetts [Mr. OLNEY], because in part of his remarks he dealt with the military training camps to which section 83 of this bill relates, otherwise known as the "Plattsburg idea." Section 83 of this bill is the particular section to which I will address myself at this time in the few minutes at my disposal. This section gives the Secretary of War authority to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for instruction and training, upon their own application and under such terms of enlistments and regulations as may be prescribed by the Secretary of War. In addition, the Secretary of War is authorized by this section to use, for the purpose of maintaining these camps and imparting military instruction and training, such arms, ammunition, accouterments, equipments, tentage, and field equipage as is necessary.

The section also authorizes the Secretary of War to furnish the citizens undergoing instruction, at the expense of the United States, subsistence and medical supplies during the period of attendance. The Secretary of War is also authorized to prescribe courses of theoretical and practical instruction to be pursued by the persons attending the camps after they have dispersed to their homes. If this bill becomes a law and the section to which I have referred is included therein, there will be established throughout this country a system of military training camps such as were held last year at Plattsburg Barracks in New York State and at Fort Sheridan in the State of Illinois, which camps were under the direction and supervision of the Regular Army officers. It is my understanding that this particular section was prepared by certain gentlemen of the Military Affairs Committee after consulting with the War Department, with a view to establishing the so-called military training camps throughout the country by national legislation. Last year it was my privilege to undergo the regular course of instruction at the first Plattsburg camp held for business and professional men. At this camp there were over twelve hundred men, from practically every State east of the Mississippi River, and at the second camp about 600 additional. I therefore feel that I can bring to the attention of the House some useful information concerning this particular question.

The President of the United States in a recent message to Congress said:

It will be right enough, right American policy, based upon our accustomed principles and practices, to provide a system by which every citizen who will volunteer for the training may be made familiar with the use of modern arms, the rudiments of drill and maneuver, and the maintenance and sanitation of camps. We should encourage such training and make it a means of discipline which our young men will learn to value.

It was demonstrated last year that through the disinterested effort of the young men of the country and without any governmental action except the interest of a few Regular Army officers under Maj. Gen. Wood, the "Plattsburg idea" has come to stay, regardless of whether the Government will officially recognize it by legislation and appropriation of money. If, however, this plan is established by law the system referred to by the President in the remarks I have just quoted will, in fact, become a reality.

THE NATIONAL GUARD'S ATTITUDE.

It has been said by some people that the so-called training-camp idea would hurt the National Guard. We have evidence to the contrary, however, in a letter which I shall not read at this time in full, but which I will ask unanimous consent to insert in my remarks, from Maj. Gen. John F. O'Ryan, of the New York National Guard, in which he states that, on the contrary, the so-called "Plattsburg idea" of military camps has aided the National Guard in the State of New York, because a great number of men who served at Plattsburg have entered the various organizations in the State of New York. It might be well at this point to call attention to an allusion in his letter in which he says in some localities there are men who desire military training, but who are so circumscribed that they can not make available for the purpose the amount of time demanded by service in the National Guard. He means by that, I dare say, those of our citizens whose business or occupation prevents them from attending regularly the weekly drills. In addition, there are a great many people who live in the country, not near enough to the cities where the armories or National

Guard units are located to take advantage of membership in those organizations, and therefore they can not see service, much as they would like to, in the National Guard.

Under the training-camp plan a man can serve his apprenticeship rather than throughout the year in a system of weekly drills in a 30 days' continuous course of military training in one of the training camps. I have only brought forward the question of the National Guard as it relates to training camps because I desire to be fair to both systems and to show that both can operate alongside of each other and in many instances in conjunction with each other. Under the bill the various National Guard units are supposed to have 48 weekly drills throughout the year of one and a half hours' duration, together with two weeks in the field. Allowing 10 hours per day for field service, it will be seen that the total hours per annum under this system amount to 212 hours. Allowing the same number of hours for field service, a 30 days' course of instruction and training at a military training camp will show 300 hours per annum. I merely mention this point to show that those of our citizens who can not take advantage of the National Guard will not fare badly under the military training-camp system when it comes to a sum total of military training and drill. At this point I desire to insert Maj. Gen. O'Ryan's letter, to which I have referred:

HEADQUARTERS NATIONAL GUARD OF NEW YORK,
New York, January 17, 1916.

The question is sometimes asked whether there is any conflict of interest or effort between the organizations of the National Guard and the training camps for college and business men. This question may not only be answered emphatically in the negative, but it may be affirmatively stated with equal emphasis that the training regiments have been of benefit to the National Guard of this State at least. A very considerable number of men of the Plattsburg training regiment have joined organizations of the New York Division, some as commissioned officers and some as enlisted men.

Wholly aside from the foregoing there is another aspect of the training camps which should not be lost sight of. There are in some localities men who desire military training, but who are so circumstanced that they can not make available for the purpose the amount of time demanded by service in the National Guard. Some of the men in this class find it possible to devote 30 days for training during the summer months. The training camps furnish the needed opportunity for men in this class. These camps are, therefore, performing a service to the Nation in respect to such men which it is not possible for the National Guard to perform.

I have no hesitation in urging upon officers of the National Guard throughout the States their fullest cooperation in support of the excellent movement represented by the training camps. In New York State facilities have been provided in some of the armories for detachments of men of the training camps who desire to continue the work begun at Plattsburg.

JOHN F. O'RYAN,
Major General, N. G. N. Y.

THE PRESENT TRAINING-CAMP SYSTEM UNDEMOCRATIC.

The present training-camp system as now constituted, but not recognized by law in the appropriation of money, is undemocratic, because a man who can not afford to pay his transportation or the cost of his subsistence or his clothing is unable to go to these training camps. I believe that the idea put forward in the President's message of a citizens' reserve army can be started and have a strong nucleus in these military training camps if they are established throughout the country and we recognize them in legislation such as is contained in section 83 of this bill and then provide for an appropriation in the Army appropriation bill when it comes out. I think it is the intention of the War Department—and I do not speak without having looked into the matter—that the Government should pay for the subsistence as well as the uniforms of these men while they are in the training camps. It was my experience that, at the outside, it did not cost me more than $60 to serve at Plattsburg during the 30-day period, and this included subsistence, transportation, and clothing. Of course, that is a good deal of money to some people, and I believe we are doing a wise thing when we make provision to place within the reach of all citizens who are fitted to attend these training camps. The present state of affairs as regards the financial side of these training camps is not the fault of those who originated the idea of these camps, but of the Government, which to date has not provided the necessary legislation or money to place the advantages within the reach of all. In spite of this, however, at last year's camp we saw national statesmen and legislators, famous lawyers, great bankers and merchants, and many high State and city officials standing elbow to elbow in the ranks with men who labor for a daily wage, and both were proud of it.

INDORSED BY THE SECRETARY OF WAR.

Only yesterday the present Secretary of War, Mr. Baker, gave out a letter addressed to the governing committee of the Military Training Camps Association of the United States, in which he unqualifiedly indorsed this plan. I am not going to read it to the committee now, but I will ask to insert it in my remarks:

WAR DEPARTMENT,
Washington, March 16, 1916.

To the GOVERNING COMMITTEE OF THE MILITARY TRAINING CAMPS ASSOCIATION OF THE UNITED STATES.

GENTLEMEN: I heartily approve and indorse the valuable and patriotic service that is being rendered to the country by the army training camps for civilians.

I believe in the work of these camps, not only from the military point of view but as of value to the Nation educationally in promoting discipline, order, and good citizenship. The camps are exactly in line with the sound policy of reliance upon a citizenry trained to arms as our main safeguard for defense.

I appreciate highly the service rendered by the university presidents and civilian committees who are forwarding this movement.

These camps were originated by the War Department in 1913 for the training of students, and have been since extended for the benefit of other citizens, with gratifying results.

You may rest assured that in continuing your work of developing and promoting these camps on a national scale you will have the continued cooperation and support of the War Department.

Yours, most sincerely,

NEWTON D. BAKER,
Secretary of War.

CAMPS DURING 1916.

Beginning in April and extending through September there are to be 11 camps throughout the country, that is, 11 localities where camps are to be held. Four of these are to be held at Plattsburg Barracks; 4 at Fort Oglethorpe, Ga.; 1 at Fort Sheridan, Ill.; 1 at Fort Benjamin Harrison, in Indiana; 1 at Ludington, Mich.; 1 at Fort Douglas, Salt Lake City, Utah; 2 in California; 1 in the Puget Sound district, and 1 at Fort Wright, near Spokane, Wash. In addition there are to be 2 in the southern department—1 at Fort Sam Houston and 1 at Fort Bliss, in Texas. You will see therefore, gentlemen, that it is the idea of the War Department, having these camps in charge, to see that every section of the country is covered so that not only the youth of the land but those of our citizens who are in the prime of life can attend these camps and undergo a course of military training.

Mr. POWERS. Will the gentleman yield?

Mr. MILLER of Delaware. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes.

Mr. MILLER of Delaware. I will yield to the gentleman from Kentucky for a short question.

Mr. POWERS. I just want to ask the gentleman about the number of people who usually attend these camps.

Mr. MILLER of Delaware. I am very glad the gentleman asked the question. Last year, which was the first year in which camps were held for adults, there were in attendance at the two Plattsburg camps 1,800 men and at Fort Sheridan, in Illinois, approximately 600 men. I am reliably informed that at the present time there are no less than 24,000 applications on file for service at these camps throughout the United States. Bear in mind, gentlemen, that this is under the present conditions, where a man has to go and pay his own subsistence and buy his own clothing, and so forth.

Mr. PLATT. If the gentleman will allow, I think there were three camps at Plattsburg.

Mr. MILLER of Delaware. I am very glad the gentleman called attention to that. The first camp was a students' camp, composed of those young men who were in the high schools and colleges of the country.

Mr. PLATT. Colleges of the country.

Mr. MILLER of Delaware. I want to say here that the inception of the military training-camp idea was started in 1913 more as an educational project rather than one of a militaristic nature, and there was developed from the student camps of 1913 the so-called business and professional mens' camp of 1915.

Mr. Chairman, in conclusion I want to state to the committee—and I think that you will agree with me—that the so-called "Plattsburg idea" will be the means of supplying a nucleus of officers for and perhaps a real foundation of a citizens' reserve. I for one do not want to see a big standing army in this country, because I do not think we can have one sufficiently large enough to place our entire reliance thereon; but I do want to see a sufficiently well-drilled, disciplined, and equipped citizens' reserve that will serve this country when it is needed. [Applause.] I overheard the gentleman from New York [Mr. PLATT] ask whether the men who underwent the course of training at Plattsburg did not leave with the exaggerated idea of their own capabilities as officers. I have no hesitancy in saying that the result was just the contrary. The men who went through Plattsburg were taught one of the most beneficial lessons in that they were shown how very little one could learn of the elements that go to make up an officer. The greatest lesson that was impressed upon all those who went to

Plattsburg was the utter impossibility of raising, drilling, and disciplining, to say nothing of equipping, an army in 30 days or many times 30 days.

Another fact brought out was the utter fallacy of the theory that these military training camps will breed and spread a spirit of militarism throughout the land. The men who have been no nearer to war than 30 days in a training camp can well testify that even this short experience tends rather to discourage than encourage a spirit of militarism. Mr. Chairman, I am not going to take any more time of the committee right now, because this question can only be touched upon lightly in the few minutes I have, but I merely wanted to bring the subject before the House, and I firmly believe that if this section is enacted into law with the rest of the bill it will provide a means of supplying this country with trained and disciplined men when they are needed, as well as providing a means in times of peace for those of our citizens who are so inclined to make of themselves more useful citizens. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this particular question. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware? [After a pause.] The Chair hears none.

Mr. MILLER of Delaware. Section 83 of the bill is herewith appended in the extension of remarks:

SEC. 83. That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, subsistence and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

REPORT OF THE ADVISORY COMMITTEE OF UNIVERSITY PRESIDENTS ON THE SUMMER MILITARY INSTRUCTION CAMPS FOR STUDENTS.

NOVEMBER 17, 1915.

These camps have now been in operation for three successive summers. In their growth and admirable management during the past two summers of 1914 and 1915 they have more than fulfilled the expectations of those indorsing them, based on the first year's experience in the summer of 1913. The camps of 1913 and 1914 were held before the breaking out of the great war abroad, which has brought into greater prominence than before their value to the Nation.

We repeat the hearty indorsement given in our reports on the camps held in 1913 and 1914. This year they were visited by a number of the members of our committee, and the committee as a whole has given attention and thought to their educational usefulness in the summer season.

The students attending are under careful oversight. The excellence of food, sanitation, and medical care has been well maintained. The students have an ideal five weeks' outing, pleasurable and beneficial to them; and the instruction, drill, cavalry exercises, field maneuvers, field surveying, and field work generally give them in the continuous five weeks' training an insight into military matters. They are, in addition to this regular work, given ample time for recreation and rest.

We commend the camps to the authorities and students of universities and colleges of the country. We believe that the training and instruction which the students attending receive not only emphasize the dangers and losses of wars lightly and unpreparedly entered into, but we also believe that the training given is excellent, and a great benefit, mental and physical, to the students attending.

President John G. Hibben, chairman, Princeton University; President A. Lawrence Lowell, Harvard University; President Arthur Twining Hadley, Yale University; President John H. Finley, University of the State of New York and Commissioner of Education; President H. B. Hutchins, University of Michigan; Superintendent E. W. Nichols, Virginia Military Institute; President Benjamin Ide Wheeler, University of California; President J. G. Schurman, Cornell University; President Edmund J. James, University of Illinois; Chancellor J. H. Kirkland, Vanderbilt University; President A. C. Humphreys, Stevens Institute of Technology; President H. A. Garfield, Williams College; President George H. Denny, University of Alabama; President Henry Sturgis Drinker, Lehigh University, secretary.

Data contained in circular sent out by the Military Training Camps Association of the United States appended in the extension of remarks.

MILITARY TRAINING CAMPS OF THE REGULAR ARMY—THEIR HISTORY AND VALUE UNDER ANY PLAN OF NATIONAL DEFENSE—THE NECESSITY FOR A CAMPAIGN OF EDUCATION, ITS COST, AND APPEAL FOR ITS SUPPORT.

1. THE STUDENT CAMPS.

In July, 1913, the first training camp of the Regular Army for college and high-school students was held on the field of Gettysburg. The plan originated with Maj. Gen. Wood, United States Army, and was part of the effort to arouse the young men of the Nation to a sense of their military responsibilities or, in Gen. Wood's words, to justify manhood suffrage by the ability and readiness to render manhood service in the cause of national defense. In 1913 a students' camp was also held at Monterey, Cal., and in 1914 and 1915 similar camps were held in various parts of the country.

While these camps have been very successful, they have been attended by only 1,720 students in all. This has been due almost entirely to lack of funds and organization to put the camp idea before the general body of students throughout the country.

2. THE PLATTSBURG CAMPS OF 1915.

In June, 1915, a corresponding movement was started among the younger professional and business men. This movement spread through many of the large cities of the country and resulted in the Plattsburg training camps for business and professional men of 1915.

On account of lack of time, preventing any well-organized effort, the camps were necessarily recruited in a haphazard manner, but nevertheless resulted in an attendance of 1,800 men at Plattsburg.

Like the student camps, these camps were held with the approval of the War Department and under officers of the Regular Army. A high standard of morale and substantial military results were attained.

Indirectly the Plattsburg idea brought about a similar camp at Fort Sheridan, Ill., attended by over 500 men, and similar movements in various parts of the country. A camp has been recently announced to be held at Fort Oglethorpe, Ga., for southern men, and plans are being made for sectional camps on a large scale in the summer of 1916. Unquestionably the Plattsburg idea has had great influence throughout the Nation in developing a sense of military obligation among the young men of the country. It is capable, however, of accomplishing infinitely greater results if organized and developed.

3. THE MILITARY TRAINING CAMPS ASSOCIATION.

The students attending these Regular Army student camps formed in 1913 at Gettysburg "The Society of the National Reserve Corps," for the purpose of promoting the training-camp idea and supporting a sound military policy. The men of the business and professional men's camps formed an organization for similar purposes at Plattsburg in 1915.

With the object of coordinating and developing the common aims of these organizations there has recently been organized the "Military Training Camps Association of the United States," for the purpose of "encouraging reasonable military training for citizens of the United States by promoting a national system of training camps and by such other means as may be advisable."

The membership of this new national association will be restricted to men who have actually attended Regular Army military camps. It starts with a membership of 3,500 men, and it is expected that members of future camps will join the association, so that the movement for citizen military training will be promoted by a single strong national organization. It will steer clear of political activities and, as distinguished from other societies for national defense, will avoid legislative propaganda and devote itself exclusively to the single purpose of encouraging and providing military training for young men.

4. FUNCTION OF THE ASSOCIATION.

The immediate object of the Military Training Camps Association will be to recruit a large number of men for the 1916 military camps. While it is as yet uncertain exactly what form legislation will take in Congress, it is certain that instruction camps for civilians will be held on a large scale in 1916 and form a part of our permanent military policy.

Whether or not the Congress of 1916 makes provision for the military training of citizens on a large scale, the Military Training Camps Association has an important and useful function to perform. It is certain that the larger the number of men at summer camps in 1916 the better off will be any plan that Congress may finally adopt. If Congress enacts the legislation now pending for the training of citizen soldiers, it will be the task of our association to obtain recruits for the instruction camps. If Congress fails to provide adequately for the military training of citizens, the vital need of training camps, as the best available means of obtaining a citizen soldiery, compels the support of every citizen to whom the Nation's security and unity have any meaning.

Experience has shown that the recruiting for citizens' camps must be conducted through a strong civilian organization, and that to accomplish results a thorough and well-organized campaign must be conducted.

5. SCOPE OF THE WORK.

There are in the United States nearly 1,000,000 young men coming of age each year, and of this number about 750,000 are conservatively estimated to be fit for military training. Between the ages of 19 and 25 there are over 4,500,000 men fit for service. Of these men it is estimated that there are in the colleges alone not less than 200,000 of proper age and physique. (Actual male attendance in colleges in 1914 was 237,562, in high schools 541,486.) In addition there are at least 700,000 young business and professional men who are fit for and would be benefited by a reasonable amount of military work. While it is not practicable at present to reach directly through private agency all the young men of the country, it is entirely feasible to bring the "Plattsburg idea" directly to the attention of over 1,000,000 college, high-school, and young business and professional men. A considerable proportion of these men are ready and eager to equip themselves to serve their country if only a practicable plan is presented to them. Such a plan is the summer training camp of the Regular Army.

The aim of the military training camp is to give men of average physique four or five weeks a year of intensive military instruction under officers of the Regular Army, so that at the end of that time men of no previous military experience will at least have learned the rudiments of military organization and discipline, close and open order drill, use of the military rifle, become familiar with the clothing, equipment, feeding, sanitation, and transportation of an army in the field, and the handling and control of men in maneuvers under conditions

approximating those which they should be prepared to meet in active service in time of war.

The work of the training camps is supplementary to the work of the militia of the States. The military camps afford opportunities to those men whose business or professions or home ties do not permit them to attend at regular intervals over an extended period of service in the National Guard, but who are able to devote a few weeks a year under field conditions to preparing themselves for the privilege of sharing in their country's defense in time of need.

The Military Training Camps Association proposes to put the training-camp idea, its opportunities, and advantages, before the great constituency of young men above described.

This will be done by distributing circulars through the medium of the college and graduate lists. Young Men's Christian Associations, commercial and professional organizations, etc., by sending speakers to the colleges and larger cities, by organizing local recruiting committees, and by other similar means.

Bulletin issued by the officer in charge of training camps, Governors Island, N. Y., appended in the extension of remarks in order to illustrate just how the matter is being handled at present.

1916 MILITARY TRAINING CAMP—EASTERN DEPARTMENT, UNITED STATES ARMY, FORT OGLETHORPE, GA.

[Bulletin.]

1. QUALIFICATIONS.

An applicant for enrollment for the "business and professional" men's camp must be, first, a citizen of the United States, or have taken out his first papers; second, between 21 and 45 years of age; third, of sound physical condition, capable of hard drill and maneuver marching with a full Infantry equipment, eyesight normal or corrected by glasses to admit of target practice; fourth, have a college education or the equivalent. By "equivalent" is meant a good elementary education which has been supplemented by business or professional training. This to be stated on application blank.

2. PERIOD OF CAMP.

The first camp will open Monday, April 3, and continue to April 30, 1916. Men are required to report in camp on April 3.

If conditions warrant, other camps will follow this one. A student camp will open July 5 for students at least 5 feet 4 inches in height and between the ages of 18 and 30 in universities, colleges, and the graduating class of high schools—and other schools rated as such—or graduates of the same.

3. LOCATION.

The camp will be located at Fort Oglethorpe, Ga., a military post now garrisoned by the Eleventh United States Cavalry.

It is near Chattanooga, Tenn., with both electric and steam railway service between the city and the camp.

4. CAMP EQUIPMENT AND EXPENSES.

Arms, ordnance, and equipment, including mess outfit, will be furnished by the United States Army.

Expenses, for four weeks (exclusive of transportation to and from camp, and the uniform, which costs from $8 to 10), about $30. This to be deposited in advance and includes $5 to cover loss or damage to United States property, which is refunded in case no loss or damage is incurred. This sum covers board, camp expenses, and ammunition expended.

Government loans tentage, ordnance (full field equipment), blankets, ponchos, cots, pillows, sweaters, and mattresses.

City furnishes camp site, drill grounds, running water, and electric lights (latter in mess shacks, Y. M. C. A. tents, officers' and orderly tents, rears, and showers). It also pays for damage to crops on maneuvers.

Y. M. C. A. furnishes a large tent for each battalion, tables, chairs, and writing materials.

All instructors are officers of the Regular Army.

NOTE.—Each company has attached to it one sergeant and one private of the Regular Army as sergeant instructor and signaler, respectively.

Extra pay for cooks and waiters—who are detailed enlisted men—is paid out of the $30 deposit.

5. UNIFORMS.

Each man must take one pair tan marching shoes; medium weight socks; one pair light shoes, or sneakers; underwear; two pairs of olive-drab breeches, cotton; one pair leggins, regular pattern; two olive-drab shirts, wool; one Army blouse, cotton; one campaign hat and cord (special for military training camp); toilet articles and other necessaries.

Articles of uniform may be purchased from Post Exchange, Fort Oglethorpe, Ga.; Army and Navy Cooperative Stores, 16 East Forty-second Street, New York; Sigmund Eisner, 103 Fifth Avenue, New York; or from camp store. These outfitters will furnish measurement blanks on request.

The Munson last shoe is recommended, but any good tramping or hunting shoe of fair leather will be satisfactory. Must be broken in.

All necessary articles of uniform or clothing may be purchased at the camp store conducted by the camp authorities.

Civilian clothing, etc., in trunks and suit cases will be properly stored.

6. TRANSPORTATION.

Chattanooga, Tenn., is reached by the following railway systems: Southern; N., C. & St. L.; C., N. O. & T. P.; Central of Georgia; A. G. S.; W. & A. Camp is reached by steam or electric railway.

Arrangements have been made for special rate for attendants of 1½ cents per mile each way for the round trip.

Facilities for moving passengers and baggage direct to the camp have been made.

Agents of any of the above railway systems will furnish information as to rates, routes, schedules, and arrangements for special cars and trains where the numbers warrant.

7. BOOKS ON MILITARY MATTERS.

It is recommended that the following books be read before attending camp: Infantry Drill Regulations, or Cavalry Service Regulations, or Field Artillery Drill Regulations, United States Army Field Service Regulations, Manual of Military Training by Capt. James A. Moss. For those wishing more information, additional books are suggested: Tactical Principles and Problems (Hanna), Basic Course for Cavalry (L. C. Andrews), Elements of Military Hygiene (Ashburn), Military Sketching and Map Reading for Noncommissioned Officers by Lieut. Grieves.

The above may be obtained from the Army and Navy Cooperative Stores, No. 16 East Forty-second Street, New York; the United States Infantry Association, Washington, D. C.; the George Banta Publishing Co., Menasha, Wis., or from any book publishing company.

8. INOCULATION.

It is strongly recommended the typhoid prophylaxis inoculation be taken at the camp, or before if preferred. (No charge for this treatment at the camp or for approved applicants at any Army post.) Not obligatory.

9. INSTRUCTION.

The purpose of the camp will be to give each attendant as much of the fundamental education of an officer as can be imparted in the duration of the camp. A certain definite routine will be prescribed for all, including rifle practice.

Special opportunities under selected officers will be offered for training in various branches of the service, Cavalry, Artillery, Engineers, Signal Corps, and First Aid.

There will be present at the camp, Cavalry, Artillery, Signal Corps, and Infantry officers of the Regular Army.

Those who have had a fundamental Infantry training or have attended a military training camp, may enter directly a troop of Cavalry or a battery of Artillery and devote their time to this special training, provided there are enough applicants.

10. ORGANIZATION.

Attendants at the camp will be divided into war-strength companies of Infantry, troops of Cavalry, or batteries of Artillery, commanded by officers of the Regular Army, whose duties cover not only those of instruction but also the health and general welfare of their commands. Attendants are on a cadet basis.

11. SPECIAL PERIODS OF ATTENDANCE—NATIONAL GUARDSMEN.

Those who are members of the National Guard or have had other recent military training, since August, 1911, may apply, and on approval may attend for less than the prescribed period. As the military training is progressive, the latter part of the camp is recommended for such men. Men of sufficient experience will be used as officers and noncommissioned officers for the various organizations. The original enrollments stating experience are on file with the commanding officer of the camp.

12. EXAMINATIONS.

No examination is required, but a board of regular officers on duty at the camp will make such recommendations as to individual qualifications as they may deem proper, to be filed with the War Department.

For further information apply to

OFFICER IN CHARGE,
Southern Military Training Camp,
Governors Island, N. Y.

DECEMBER 20, 1915.

Mr. KAHN. Mr. Chairman, I yield 20 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont? [After a pause.] The Chair hears none.

Mr. GREENE of Vermont. Mr. Chairman, it is manifest to all of us that in this short allotment of time one who has undertaken to give any attention to the details of this proposed legislation can not do justice to any opinion he may have formed about it, much less can anyone who has tried to study the general subject of preparedness or national defense undertake, in justice to his own opinion or to the good nature of anybody else, to make his position as to details plain and unmistakable. I must content myself, therefore, under the circumstances by only briefly suggesting a few things which I am hoping hereafter to dwell upon in extenso in the RECORD.

In the first place, this matter of national preparedness has been not only the most eagerly discussed of all popular topics in the later years of our generation but it has been one of the most likely to be misunderstood, misinterpreted, and misapplied. It is probably true that there has been a more general dissemination of misinformation about our military situation, about the strength and character of our organized Army, and the probable and possible strategical situations which might involve our Army, and about various other factors connected with this subject than would fill libraries.

The word "preparedness" has come to be a synonym for "national defense," and it is a convenient synonym, because it enables any man, no matter what his opinion in the concrete may be, to say offhand that he is, of course, in favor of adequate preparedness. The trouble comes, however, in trying to analyze what we may mean by military preparedness. I think we have perhaps derived something of a wrong impression, some of us, from the reports that have been in print in the magazines, in the newspapers, and current on the platforms, and on the sidewalks, and in places here and there where men get together and exchange views, because the tendency has been to carry the popular idea that somehow or other Congress was finally going to come out with a proposition to organize and maintain in the Regular Army of the United States half a million men in time of peace.

Now, I think when the public sees the bill that is presented here to-day, and when the facts are carefully examined, some-

thing of that erroneous impression will be dispelled. And then I am inclined to think that many of our friends who have been somewhat cautions about undertaking to support any definite scheme of preparedness at all, will feel that they are perfectly safe in supporting a bill that only provides for a Regular Army of something less than one-third of what the public has been taught to expect.

I think that the tendency of the average American in contemplating the idea and possibility of this country ever going to war is to rely upon our potential military strength. The average person has been inclined to say, "Oh, well; it is not necessary for us to maintain a large Military Establishment, because when the time comes we are the richest country on earth; we have hundreds and hundreds of thousands of fine young men who will volunteer to the defense of the flag, and we have every kind of resource imaginable for the maintenance and support of this Army in the field, and brains to spare by which its activities may be directed and administered." The trouble is, somehow, that we are relying upon some Aladdin's lamp by which all these resources will be conjured into existence in the twinkling of an eye by genii or by the mere fiat of Congress.

We forget that in order to prepare for national defense, even under the moderate terms of the measure that is proposed to you to-day, it will require years of labor. There is no such thing as this instant conjuring of efficient national preparations for national defense into existence. It takes time, even under the most favorable and favoring conditions of peace.

Let me give you an illustration, for instance, that may appeal directly to your own business, practical, everyday experience about this notion that the potential resources of our country will be sufficient to take care of us in any time of urgency and stress. I will confess it is something of a whimsical illustration, but it has a directly sensible and serious application, as you may see. Suppose any business man in this country now, with all the wheels turning in industrial life, with every favoring circumstance in the way of transportation, and with everything else that helps to facilitate the avenues and possibilities of trade in time of peace, wanted to place an order in this country for 5,000,000 buttons of a particular type and design and wanted those buttons delivered to him at an agreed spot in 30 days. That looks like a trifling thing. It looks like a small thing, and the average man would say, "Why, of course, in this enormous country of ours, with all its markets and resources of one kind and another, there ought not to be any difficulty at all about a man being able to assemble in 30 days, or even less, in a given spot 5,000,000 buttons after a pattern and design that he might require." And yet practical business men know, day in and day out, week in and week out, through all the years, more or less such propositions about small matters are put up to them, and they begin to rake and scrape this country with a fine-tooth comb to get together just such a quantity of articles of small account like that, and often fail to do it.

Take that question of 5,000,000 buttons. Suppose that war was suddenly to confront this country, most unexpectedly. Those 5,000,000 buttons would hardly be enough to gird up the trousers of the first 500,000 men that we want to put on the firing line. And you can go from buttons to batteries; you can go from the smallest, the simplest detail of the everyday necessity of the soldier's outfit right straight up to the enormous, the gigantic, the almost, to the layman, incomprehensible complication and bulk and magnitude of detail that must be organized to maintain and support an army in the field after it has got there; and you will find just exactly that same problem staring us in the face. It looks easy. It looks easy to conjure out of all the infinite resources of this land the articles and the necessities for the maintenance of troops in the field, but when the time comes, when the stress is upon us, when, instead of favoring business conditions, we are met with all the complexities and operations of war, when every resource is being strained both in industrial arts and transportation to do everything else except what we may want done at that particular place and time, then we find what a tremendous problem it is to get ready to put an army into the field; much more to maintain it after it is there.

The popular mind somehow is possessed of the fancy that armies simply consist of a wonderfully gallant line of brave boys in blue, with rifles in their hands. People do not stop to realize that this glorious little firing line is, after all, but a small part of the proportions and organization that must be reckoned with in any scheme of war. There are plenty of men; there is no trouble about the enlistment of plenty of men to go to the firing line. The problem consists in so organizing and so coordinating our resources behind those men that they can be kept there, and that they will not be more of a danger to themselves than the enemy is to them.

Mr. GOOD. Mr. Chairman, will the gentleman yield there?

Mr. GREENE of Vermont. Certainly.

Mr. GOOD. As I read the bill, there is only one section that contains an authorization for the acquiring of ammunition or any of the parts of ammunition. That is section 82, covering the nitrate plant.

Mr. GREENE of Vermont. I think the gentleman will bear in mind that already, under our present system, we are manufacturing a large part of what we need.

Mr. GOOD. I understand that; but I understand from men who have traveled abroad in the last 10 months that when the war broke out in Europe Germany had a less supply of ammunition than France, but Germany knew every private plant and knew the power of their engines and their capacity, and immediately turned those plants into munition factories. That is what she did; and so her ammunition was fresh ammunition and had not deteriorated. Why is it that this bill does not contain some provision whereby the manufacturing institutions of America can be commandeered, just as American boys can be brought in to fight a battle?

Mr. LONGWORTH. Mr. Chairman, will the gentleman from Connecticut yield?

Mr. TILSON. Certainly.

Mr. LONGWORTH. I may say to the gentleman from Iowa that that exact condition is provided for by a bill brought in by the gentleman from Connecticut [Mr. HILL] to create a dye industry. We produce now only about 8 per cent of our dyes. The experience of Germany was that they were able not only to supply their own wants but the wants of the rest of the world, and they were able immediately to turn those factories into high-explosive factories. So far as nitrogen is concerned, I called attention, in an interruption of a speech by the gentleman from Wisconsin, to the fact that Germany was to-day able to manufacture all her nitrogen, not out of water power by the fixation of atmospheric nitrogen but as a by-product out of the coking of coal. We need only follow Germany's example in that respect and we would have an ample supply.

Mr. GOOD. We are likely to provide for the dye industry; but why not look after it when we are looking after the killing industry? [Laughter.]

Mr. GREENE of Vermont. I may say that if the gentleman will examine the bill in detail he will find a provision in there covering that point.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Nebraska?

Mr. TILSON. Yes.

Mr. SHALLENBERGER. I happen to have a copy of the bill right here, and you will notice that section 84 of the bill provides for covering the exact proposition referred to. We there empower the President to commandeer all such factories.

Mr. GOOD. Yes. It provides for that; but it does not give authorization for the acquisition of the equipment—the dies and lathes.

Mr. TILSON. That would be in the appropriation.

Mr. GOOD. We have not the authorization to-day to acquire all these things.

Mr. TILSON. May I interrupt the gentleman?

Mr. GREENE of Vermont. Yes, if I have any time left.

Mr. TILSON. If the gentleman will wait until we reach section 21 of the bill, he will have an opportunity to vote upon an amendment which I propose to offer in the shape of a bill which provides for the furnishing of these preliminary dies, gauges, jigs, and so forth.

Mr. LONGWORTH. That is not the sort of dyes we were speaking of. [Laughter.]

Mr. GREENE of Vermont. Now, Mr. Chairman, I will go on with what is left of my own speech. I followed the subject referred to by the gentleman from Iowa with diligence during the committee hearings on this bill, and if the gentleman will read the hearings carefully he will find a discussion along the line of the inquiry he has brought up. We have endeavored to cover some of those propositions in this bill.

I do not hesitate to declare myself as convinced beyond all manner of doubt that our present preparations for national defense are sorely inadequate. I believe they are sorely inadequate not only in contemplation of the possibilities of the present day but even for the ordinary routine peace establishment.

I believe this bill is a practical working measure, founded in the main on a correct principle that permits of development and expansion to suit changed and changing conditions,

and that it is probably the best proposition for the substantial increase of the Military Establishment that can be expected of the House under all the circumstances that attend its organization and policy at the present time. Realizing that under any and all conditions the best that can be hoped for from this body in the way of advanced legislation must be begun and more or less slowly accomplished through considerate and intelligent compromise by many men of many minds, I am convinced that this bill makes a very decided step in the right direction. I am hopeful that if its essential features can be enacted into law time and experience will develope the best that is in it, eliminate such weaknesses as may be discovered, and, on the whole, result in the placing of our Military Establishment within a comparatively short time on a basis of reasonable preparation for national defense consistent with our recognized national policy in this regard.

The bill does not go as far as I would like in the matter of numerical strength of the Army as a whole, and in the matter of providing for the best efficiency of some branches of the military service. But, recognizing the difficulties in the way of securing the instant realization of one's own ideals and standards in such matters in this practical legislative world of give and take, I have joined in the unanimous report of the committee recommending the passage of the bill, with the understanding that some amendments might be offered or supported, because I believe half a loaf is better than no bread. And I truly think there is far and away more than half a loaf in this well-considered measure.

PROBLEM OF REORGANIZING THE ARMY.

Every practical man knows that it is easier in most instances to construct any large public enterprise or institution from the very beginning, building it out of hand in the light of knowledge gained from experience, observation, and investigation, and working out a symmetrical idea all the way through, because there is nothing already in existence to uproot or to get around or to go over or that must be for some reason brought into the scheme and roughly coordinated with it, than it is to make over and modernize an enterprise or institution that has been in existence for more than a century and a quarter without disturbing its general character and effectiveness while the work is in progress and without destroying any of its essential parts.

The work of remodeling the United States Army and our military system generally presents all the difficulties that must naturally be expected when one undertakes the disturbance of organizations that have been in existence in some form or another for generations and are interwoven with usages, customs, habits of thought, history, and tradition that the popular mind, and the men in the service also, to a great extent, have accepted as matters of fact, and perhaps even matters of necessity. It is not to be expected that such a task can be performed in one legislative measure, not only because the wisdom of lawmakers can not be expected to determine the right thing to do when military experts themselves are not agreed upon it, but because the great body of the people that are to be called upon to support the institution out of their pockets must themselves be convinced that these changes are not only expedient but necessary.

Not only that, but not all change is necessarily betterment just because it is change, as we all know, and there are many, if not most, features and principles and policies intermixed in our present Military Establishment that have found their place there because experience justified them, and the wise layman will let them alone until he finds something better to put in their place. This is particularly worthy of thought at this time, when the air is full of plans and schemes, propositions, and propaganda of all manner of Army reform, for the most part coming from men that are actuated by the highest considerations of lofty patriotism, to be sure, but that all too often are not born of any very practical military experience, and in most instances do not reckon upon the state of public opinion and the nature of public policy in this country at all; and Congress never yet made a success of legislating very far ahead of public sentiment and the habits and practices of the people that it is designed to represent.

SHOULD HAVE FIXED WORKING PLAN.

I believe that in some way found most expedient and practicable the Congress should have laid before it a well-considered general comprehensive plan for the evolution of a military establishment and the maintenance of a military policy adapted to the present needs and anticipated growth of the United States. That plan and policy, in so far as is practicable, considering all things, should be accepted and adopted as a permanent standard, should "stay put," so to say, until perhaps coming generations may have good occasion to change it. But in the meantime it should be let alone and should be the constant guide of the lawmakers in their annual or occasional provisions for the Army—and the Navy—by way of legislation and appropriations. With such an outline before it and with the firm resolve never to let politics or demagoguery or any caprice of the moment tamper with it, the various committees of the House charged with legislation in that field could regularly go about their work with some reasonable expectation of making each step count toward the expected total, making each contribution symmetrical and consistent with the standard established, just as a city or a State, or a private citizen or business concern for that matter, often begins and carries on to completion some scheme for public works or private industrial enterprise too elaborate to be made all at one undertaking.

TRAIN THE YOUTH TO ARMS.

I sincerely believe that we shall never wholly solve this great problem of adequate preparation for national defense in this country until, in some practical and sensible way, it shall become a recognized policy on the part of the people themselves to arm and train in military science the youth of the land as a matter-of-fact detail in their education for the duties and responsibilities of citizenship. I put it this way because I think we are all presently agreed that the time is not ripe for such a thing as compulsory military service by command of law and under penalty of law. The people are not in sympathy with it because somehow it suggests the ancient tyranny of militarism and hated domination of military overlords. They have not yet taken time to analyze the proposition, tip it over, and look on the other side.

But the hour has struck for the beginning of popular education on the subject, and the popular mind has already begun to take up the lesson and study it. One of these days it would not be surprising if public opinion in America came to favor the idea of military training for youth as an incidental part of their education, because it will be plain that this training is not something forced down upon them from a despotic Government above and simply for the Government's own maintenance, but that, rather, it is something that the people should do for themselves, in and among themselves, for their own preservation and the maintenance of their own homes and their own standard of civilization, and because it forms habits of mind and strength of character that are as useful in peace as in war. When public sentiment does reach that stage, then the law that carries out the idea will not only come about in a natural way but will be observed without fear or friction, because it will be doing literally what all laws in this land should do—carrying out the will of the people themselves.

Just as we argue to-day that every citizen should go to the polls and exercise his right to vote, that the elective franchise is a responsibility and not a privilege, so we shall some day argue that every man protected by the Nation owes to the Nation his contribution toward the national defense, whether it be time, service, property, or life, or all of them.

REPUBLICS UNPREPARED FOR WAR.

It is a significant fact in history that a strong centralized government is usually prepared for the emergency of war, while a republic or democracy generally never is. Of course, philosophers have reasoned throughout all this experience that what the looser form of government lost by reason of terrible sacrifices in the beginning of war because of unpreparedness for it was more than made up in the long run by the higher character of citizenship that it developed under its system of permitting and guaranteeing greater liberty to the individual. And it has been said that, after all, the ultimate benefit to humanity and civilization wrought by the freer government was worth all that its fearful sacrifices to defend and maintain itself usually cost. This is a comforting reflection when calmly read in an easy chair by a fireside, but it is quite another thing when the real test comes and when living human beings must give up their philosopher's books and easy chairs and make the awful sacrifice they have been reading about.

It seems to me that the world has grown old enough by this time, and our democratic-republican experiment in government has become strong enough by this time, so that we might prudently venture a little readjustment of the practical application of this lesson of history. Why should we pay the terrible price of unpreparedness for war when a little foresight, a little common sense, may help us to minimize the cost and the sacrifice, if not often avoid it altogether because our preparation actually prevented war? Why should we be content to dwell in a fool's paradise of fancied security from all attack just to make the philosophy of history good by blundering through to ultimate victory with a frightful sacrifice of lives and treasure when we are attacked? Why not do with the Nation as we do with ourselves individually—take out a little life insurance?

DREAD OF LARGE STANDING ARMIES.

The English-speaking people are born to an inherited dread of great standing armies, it is true, and there was a time when

English-speaking men, and men of all tongues for that matter, had a good right to dread them. But those were the days of strong centralized monarchies, practically absolute monarchies, when the soldiers belonged to the King, were paid by the King, and served the King alone. Nothing like that exists to-day nor has it ever existed in the United States. Why should men continue to terrify the multitude with the idea that any attempt to raise the United States Army must mean a militaristic domination and tyranny such as old King George once undertook here rather unsuccessfully, if memory serves aright? No such thing is possible to-day because the soldiers not only come from the people themselves, but they are paid by the people and serve the people directly and nobody else. And always and forever the people can have just as many of them or just as few of them as they please by simply keeping their hands on the purse strings.

PLANS OF MILITARY STUDENTS.

It is only natural to expect that professional military men, when called upon to suggest plans for national defense, will submit the most comprehensive and complete scheme of preparedness that their experience, study, and talents can devise. They would not be true to their professional ideals, they would not be faithful to the service in which they are employed if they did not. They are men set apart for the special study of these special problems by reason of their own special fitness and training. They are employed to make their life business cover a field of possible horror that all the millions of men and women that pay them for it hope with all their hearts will never be covered by anything but theoretical tactics, imaginary strategy, and peaceful drill. They are commissioned and compensated for the express purpose of learning so much about the art of war and of organizing our military resources to such a practical state of immediate effectiveness that no other people will ever try to make war upon us, or will be unsuccessful if they do. When they are called upon, therefore, to propose plans for the safeguarding of this land against an armed foe they can in all conscience do nothing less than propose the very safest and securest plans that the latest developments of military science suggest. They are specialists for that very purpose.

DUTY OF THE LEGISLATORS.

Now comes the work of the legislator, the task of reconciling these practical theories of practical theorists with the probable demands of the times and the nature of the times, the ability of the National Treasury to support, and the willingness of the people to be taxed to maintain. And it is his function and his responsibility to sift out of these professional plans of the experts that which is apparently necessary and indispensable for the purpose both have in mind and that will at the same time respond to the test of these enumerated conditions of demand and support. The task is a delicate one and the layman should approach it with caution and a deep sense of responsibility. But it is an imperative one and must be undertaken without fear or favor. The schemes of military scientists, however patriotically inspired, if left unchecked by the cool, calculating, practical economist, would inevitably drift the land toward a riot of reckless militaristic extravagance out of which in the end no good could come that even military men themselves could see. On the other hand, if the subject were left to the cool, calculating, practical economist alone the tendency would be right the other way, and we should soon find the land content with the flimsiest of pretenses for national defense—in some respects, indeed, just where it is now.

SIZE OF THE REGULAR ARMY.

I am not satisfied with the total strength of the line of the Army as fixed by this bill. Conceding, as one must, of course, that it exceeds the figures asked for by the War Department, it is still plain that it is not by any means nearly equal to the figures proposed to the War Department by the specialists of the Army employed for that very purpose, and I submit that a lay opinion may also be ventured in such case without undue assumption or immodesty inasmuch as we laymen must take the responsibility for the figures that are adopted in the end. Without intending to criticize motives in an offensive way, I do suggest that perhaps considerations of economy had no small part in determining the size of the Regular Military Establishment as it was officially proposed to Congress and to the Committee on Military Affairs.

At the outset it should be remembered that any attempt on the part of Congress to fix the strength of the Regular Establishment to be maintained in time of peace at a figure sufficient for the actual emergency of war would mean the appropriation for the maintenance of a simply enormous standing Army and saddle the country with an annual expenditure that the people would never consent to, and never should. When we estimate the size of a Regular Army sufficient to defend this country against attack, an Army so large and so complete within and of itself that attack would probably be useless, we must carry our minds into a realm of figures for soldiers and figures for money that makes the proposition utterly out of the question. And out of the question, too, not simply because of unwarranted money extravagance, but for the more vital factor of menace to national character. For when a people in any land under any civilization reach the point where they simply hire mercenaries to do their fighting for them and defend their hearthstones for them, they have no sense of liberty, no ideals of civilization worth preserving. The policy of the United States always has been, and I hope always will be, unreservedly against such suicidal folly as that.

REGULAR ARMY IN TIME OF PEACE.

This leads us to the conclusion that the Regular Army in time of peace should be so constituted in the matter of size and distribution of special arms and resources as to be sufficient for the preservation of law and order within our own boundaries, the maintenance of the constitutional guaranty of a republican form of government to each State, for its own efficient training and the education of its officers in the military science and art of war, and for the instruction and training of the youth of the land generally in the profession of arms and the duties of the soldier so that there may be constantly available in some form or another sufficient material from which to draw the great volunteer forces that inevitably must combine with and be a part of the Army in the dread emergency of war. Add to this the somewhat generalizing assertion that the Army should be large enough at all times to keep before the world a sufficient indication that this country is armed and prepared to defend itself, that its military resources are not simply altogether potential but that they are organized and coordinated and capable of instant and enormous expansion and employment in the field, and we have something of the moral effect of military preparedness that every self-respecting people must expect to maintain if they hope to have any share whatever in the making and the preservation of that comity of nations that is hoped for through the operation of international law.

Keeping in mind these two elements, therefore, the one an Army sufficient for national defense at any and all times, and the other an Army sufficient for peace purposes with expansive capacity in the emergency of war, it is plain that any amount of armed forces we add to the peace establishment that do not bring it up to the force necessary for war is almost literally wasted and means money thrown away for needless expense. Nothing can be accomplished by an addition to the Regular Army of men and officers that are a little more than are needed in time of peace and miserably short of what are needed in time of war; that is, nothing but absurdly extravagant waste of the people's money.

This was the idea kept in mind by the committee when the size of the Regular Army was fixed in this bill. To my mind, however, the limit decided upon was not sufficient, even for peace purposes, and for reasons that I shall attempt briefly to sketch, although it must be said that these reasons in part were more or less considered by the committee when it arrived at its conclusion.

NEEDS OF THE REGULAR ARMY.

I believe that it is a wise policy to maintain the Army in time of peace with certain arms of the service requiring special and intensive training for efficiency at figures of strength disproportionately higher than the normal ratio those arms of the service would hold to the total strength of the Army in time of peace, if the peace strength were all that we intended to calculate upon. I believe this because, when the emergency of war confronts us and we are put to increasing the Army on a huge scale at short notice, it is impossible to get these specially trained men at short notice, and the Army would have to go into action with a weakness in those branches of the service that would work more disaster and expense in lives and treasure than it would cost to maintain them at disproportionately larger strength in time of peace.

There should be a disproportionately larger number of officers in the peace establishment also, and for the same reason. This fact has been kept in mind pretty generously in the formation of this bill, I admit, but I am inclined to believe that the emphasis for their use was laid almost altogether on the necessity for their service as instructors of the National Guard and citizen soldiery, and that the capacity of the Army for sudden expansion in time of war did not enter into the calculations as much as might be. If we are to encourage and develop the idea of bringing about a citizenry trained in arms in this country, we must expect to have to employ a great and greater number of officers as time goes on in order to furnish the requisite competent instructors for our boys. Then, when the emer-

gency of war comes, those same officers that have been schoolmasters will all find places in the organization in the battle field, and there will be none too many of them at that.

But there is still another phase of this subject that may be worth considerable thought. The United States has enormous potential military resources, it is true, but they are almost wholly potential, inchoate, unorganized, unrealized. I hinted at this and the possibilities that grow out of it at the beginning of my remarks. Whenever we have been confronted with the possibility of war or the actuality of war, we have invariably found that it took time, time, time to begin to put those great resources of ours into use. And even then, with the best of brains and energy, with toil unabating and zeal unflagging, with a whole country stirred to its center by a noble patriotic impulse, and all men everywhere in the land willing to lend a hand, the inevitable confusion of everybody trying to do everything needful all at the same time tended in instances innumerable to delay the very cause that all were striving to advance.

The enlisting and organizing of volunteer troops, the mobilization of Regular and National Guard troops already organized, and the organization and coordination of sources of supply for these troops, the gathering and transportation of troops, supplies, matériel, and munitions—all thrust upon the country at once—with every forge, factory, workshop, and market straining to its utmost to manufacture or to distribute, and with every available means of transportation congested with raw materials going one way and troops and supplies going the other—all this tremendous business suddenly thrust upon a country as unmilitary in its everyday habit as ours, means that the demand for trained Army officers to take charge of this emergency and bring order and effectiveness out of it will far exceed the capacity of any corps of officers we not only provide in this bill but are likely to provide in its successors, even with the utmost liberality of intention. Because we know we shall be short, even under the most favoring circumstances, it seems to me good reason why we should at least go a little farther than we do in anticipating such a shortage now.

In something of the same proportions the same argument will apply to the necessity for still larger provision for enlisted men. If the Regular Army is to serve as the nucleus for a war Army and is not simply to do the fighting alone, as we so often say, then, it seems to me, one of the greatest of the functions a large part of the Regular Army will be called upon to perform at the outbreak of war is this very work of organizing the military resources of the land. And we know from experience that, even with the freest of calculation beforehand, we shall never have enough help when the time comes.

ENORMOUS TERRITORY TO BE COVERED.

But entering into this whole proposition as to the size of the Regular Army, whether we are calculating solely upon its uses in time of peace or whether we are thinking also of its capacity for expansion in time of war, is the serious factor presented by the enormous expanse of territory that our Regular Army must cover under any and all circumstances. If we were called upon to estimate the size of a requisite Regular Army for the defense of the same number of people as we have now dwelling in the United States, and those people were living in some compact territory sufficient to the needs of their numbers without overcrowding, we could base our estimate on a somewhat different scale of proportion than we must employ now. But with conditions as they are, with continental United States alone encompassing a great domain that includes in many of its single States areas greater than most of the European nations, with a coast line of over 5,000 miles to defend right here at home, say nothing of our possessions overseas, it must be manifest to any thoughtful man that a Regular Army large enough to be of any use at all to such a country, even in time of peace, must be sufficiently large to enable it to garrison and police this enormous piece of geography. We are having an excellent object lesson of about how effective our regular establishment is for such peace purposes right at this very hour when we are compelled to raise an extra 20,000 men just because we are going across the Rio Grande to hunt a few hundred bandits.

"SECOND LINE OF DEFENSE."

Of course, we all agree that the Navy is our first line of defense. There is no question about that. But some of us appear to think that pretty much the whole stress of preparations for national defense should be laid upon the Naval Establishment just because it is the first line of defense. To men of that opinion I would take the time only to suggest the query, What would we be able to do, if in the fortunes of war, we should chance to lose control of the seas? Every prudent man that has a complicated machine in constant or expectant use, a machine that is intended to withstand a strain that is particularly and peculiarly wearing or destructive of it, does not hesitate to provide himself with spare parts. And he does not calculate that the spare part that he gets may well be inferior to the part it is to replace simply because the part already in the machine is going to bear the first test of wear and destruction. He knows, like a sensible man, that if the first part gives out under the wear the part he puts in must be just as good, or even better, for that matter, or it will give way just as the first one did. If we should ever lose control of the seas in time of war, our problem of national defense, instead of being simply reliance upon a land force of calculated strength sufficient to repel possible invasion while the Navy was still afloat but busy elsewhere, would be infinitely more complicated than ever, because the enemy would have greater and freer access to our shores and to more parts of them at once.

DEFENSE OF THE COAST.

In this connection it might be well to remind some lay strategists of a point in the subject of preparation against invasion of this country in time of war that many of them appear to overlook or misunderstand. There is a tendency to confuse harbor defenses with actual coast-defense preparations. We use the term "coast defense" loosely when we apply it to the defenses we have prepared on our shores. What we have in existence to-day are simply forts and guns and mortars and mines designed for the protection of the harbors at our most important seacoast cities. These defenses are in their very nature immovable; they are fixed; and must permanently guard the spots they are intended to protect. In between these harbor defenses stretch several thousand miles of unprotected coast line where an enemy unmolested might easily effect landings with great numbers of men and quantities of armament and stores. And the melancholy fact is that we have not to-day either sufficient mobile troops or mobile artillery of sufficient size to protect ourselves against a landing at any one of scores of strategic positions along this tremendous coast line.

We loosely talk about our standing army being our "first line of defense." Under conditions as they exist to-day this mistaken idea means only the pushing out to the front in time of war of a little handful of well-trained men who can not hope to combat such a force as would be brought against them by any enemy that would dare plan to attack us at all, and who would be slaughtered hopelessly and helplessly while this great land of such incalculable potential resources in men and stores and money was desperately groping about to bring into existence the invincible military power that Fourth of July orators have been boasting about for so many generations.

MUST RELY UPON CITIZEN SOLDIERY.

It follows, therefore, that apart from wise provision for a sufficient Regular Army our main reliance under our national policy must be upon having at instant command a great body of citizens trained to the use of arms, experienced in the duties of a soldier, acquainted to some practical extent with the life of a soldier in the field and the conditions and limitations under which life must be maintained there in such splendid fettle that it can survive the camp to meet the enemy and conquer him with as little loss as possible. Hitherto in our experience the loss of life in the camp when the enemy was not being engaged at all has been more to be dreaded than the actual shock of combat. Fortunately advanced medical science has begun to change this state of affairs to a remarkable extent. But the fact still remains that the average volunteer army in the field is at first more of a menace to itself than it is to the foe, for the very natural reason that men accustomed to the easy and comfortable indoor conditions of life at home must go through a severe and hazardous readjustment to new and strained and sorely trying physical conditions in the great outdoors in time of war.

However, the problem must be met and solved, and the first proposition in it is to determine what form of organization of our citizens for military training purposes and what authority for this training and service in time of peace or time of war shall be adopted and enforced.

THE "CONTINENTAL ARMY" PLAN.

It was proposed by the War Department that there should be organized for this purpose what might tentatively be called a 'continental army," a force of citizen volunteers to be enlisted directly into the United States service and to be maintained solely at the expense of the National Government and under the authority, control, and discipline of the Congress and the President. Tentative details as to this organization and its administration were also proposed, which it is not necessary to discuss here, inasmuch as the plan is not before us for consideration now. It is sufficient to say that these volunteer citizens were to be permitted to go about their usual

private avocations, but were to be enlisted and sworn into the United States military service, were to be armed and equipped, and were to be summoned to compulsory drill and training for a certain period each year for a term of three years, after which each soldier was to be placed in a reserve force for another period of years, during which time he was subject to a call to the colors. In this way it was proposed to build up a great military reserve among the citizenry of the land in the course of a few years, so that in time of war we should no longer be put to dependence upon levies of raw and untrained men from the walks of business and industry and the professions, but would have a population largely imbued with the military spirit and a great force of men more or less accustomed to the use of arms and the duties of the soldier, with some form of always existing organization to which they might be summoned for war.

It should be said in all fairness that it was given out with much and repeated emphasis that this plan did not contemplate the undoing of the existing Organized Militia of the several States, or the National Guard, as it is now more commonly called, but that the National Guard or any part of it could come over to the continental army or act in conjunction with it on occasion.

Now, I want to say right here that, in my opinion, this idea that the Organized Militia of the country should be, as contemplated in this continental army plan, an out and out Federal force, that it should be under the pay and control and maintenance of the National Government and serve the purposes of the National Government under the authority and direction of Congress and the President within its sphere of usefulness, as the Regular Army does, is the only safe and sound one upon which our citizen volunteer army can be properly organized or successfully maintained. And I may add, by way of evidencing good faith in this assertion, that I took occasion myself to dwell with considerable emphasis upon that very idea as the only possible solution of this militia and volunteer citizen soldiery proposition in a speech I made to this House in the Sixty-third Congress on January 21, 1915, when I advocated the federalization of the so-called National Guard some time before this continental army scheme was set afoot.

So that I have no hesitation whatever at this time in indorsing with all my best judgment the idea that is the basic principle upon which this continental army was to be organized and maintained.

WEAKNESSES OF "CONTINENTAL ARMY" PLAN.

But I could not bring myself to accept the continental army plan as presently workable, or, for that matter, advisable, because, not matter what was said about it by its friends—that it was not designed to undo the National Guard but was to be a comrade in arms with the National Guard—the stubborn fact remained, as I view it, that it was simply an attempt to make two similar bodies occupy the same space at the same time. And every law of physics tells us that that can not be done. If this plan were put into operation there could be but one result: One of the institutions would have to give way to the other. But, to be sure, if this were to mean merely the same old operation of the law of the survival of the fittest, there could be no objection to the plan being tried out, because the country simply wants, and certainly ought to have, the best that it can get in the way of an organized citizenry trained to arms, and sentiment and home and personal interests ought not to be permitted to stand in the way of it.

At the same time, however, we were told repeatedly that the two organizations would in all probability continue to exist side by side; that the continental army plan was designed to reach a class of men not now and not likely ever to be attracted to the ranks of the National Guard, and that as a consequence the field would be better covered by the two bodies than it had been by the existing one organization. My objection to that was, first, that it was a needless expense and a mischievous dissipation of military energies and military resources and a frivolous complication of military organization to have two bodies of soldiery in existence in the same field when one body of sufficient size would do; second, that if the nature of the continental army plan was, as indicated, to be such as would attract to it men that would not go into the National Guard and that they were men who could afford each year to take a month or two months out of their business or other occupation, then we would be simply creating an aristocratic corps of the leisure class and deliberately setting it in opposition to the National Guard, no matter how sincere our good intentions in disavowing such purpose.

We might disavow and disavow the idea that we were constituting any class distinctions in this form of military organization, but on the very face of it the fact stuck out so plain that any man might read that the continental army could only be made up of men that had time and money enough to take out of their lives and away from their families two months or so of each year and practically give it to the Government. And that did not strike me as being quite in tune with the democratic idea of American social order, to say nothing of American patriotic volunteer war service.

Now, it was admitted that the continental army plan was an experiment, that it had not a soldier in existence and ready for it, that it must at the very outset be tested out by attempts at recruitment following popular education as to what it was and what it was designed to do, and that, when the beginning was made, it must be organized, equipped, drilled, trained, and generally whipped into shape at places and times, under conditions and circumstances in conformity to hopes and expectations all uncertain, and against difficulties and obstacles well known or apprehended, and that it would take three years at least to determine just what it would amount to at that.

WHY NOT DEVELOP THE NATIONAL GUARD?

It seemed to me, therefore, as it did to the entire committee, apparently, without even a first consulting of our minds upon it, that, as a matter of practical, everyday expediency in adapting our plans for a greater organized military establishment to existing conditions, it was wiser not to risk this wholly untried and altogether experimental scheme of a continental army that was not represented by so much as a solitary "high private in the rear rank" with local habitation and a name, but to take the already existent National Guard, invoke all the powers of the Constitution of the United States in the organization of it as a Federal force, and make a "continental army" out of that.

The National Guard is already in existence, with over a hundred years of history and traditions. It is armed, equipped, housed, organized, in part disciplined and trained, musters already 129,000 men, in round numbers, with degrees of military training and effectiveness running from poor to superb, but with the major part certainly in the scale of good to excellent. It already answers to what pretty much all military men hold to be one of the greatest considerations for such a force, in that it is territorialized, has State headquarters, recruits from a given locality, sends its reserves back to that locality where they may be quickly found again, assembles in its ranks men more or less of a common acquaintance and community of localized interests and even kinships, has a continuous existence and passes the grandsons of grandsires through the same ranks as generations come and go, and beyond all that has an imperishable and altogether glorious State pride behind it that quickens the sense of responsibility of the men that serve and deters the possible coward from deserting when it is certain that he will be disgraced at home where his shame will be known, where it hurts the most.

Still more, it has been shown that most of the men in the National Guard to-day are earnestly anxious that the National Guard shall be truly federalized, that it shall actually become a recognized part of the United States military forces, that it shall be given a place among Uncle Sam's authorized and dependable soldiers, and that it may be given an opportunity to live down at last the old-time sneer that forever greeted the term "militia" when real soldiers were being talked about.

It is true that the National Guard as it exists to-day, or as it has existed for generations and as the popular mind has fallen into the way of regarding it, is something that has been bequeathed to the country through the sequence of history, and is not something made to order by the logic of latter-day events to meet modern necessities. It is true that, had there been no militia organizations of any kind when the Federal Constitution was formed, there never would have been the occasion for their existence along the lines they have followed since, because the States never would have deliberately invented little State armies for themselves in all probability.

But the fact remains that the Organized Militia is with us and is a far more excellent and efficient body of trained soldiery to-day than it ever was before, and far more competent in all respects than most people probably imagine as they think of some of the amusing features of the old-fashioned militia times that the elders saw and their children have read about; and it is something tangible, something right to hand with which to begin and to continue the creation of the Federal militia force that the continental army was meant to supply.

"FEDERALIZING" THE NATIONAL GUARD.

It is argued with great earnestness by many men whose opinion is well worth serious consideration that the National Guard can not be made an out-and-out Federal force under the provisions of the Constitution of the United States as they read to-day. On

the other hand, this committee in its report cites the opinions of men who either assisted at the making of the Constitution or were living at the time and following the process of the argument that accompanied it, and they are all emphatically protesting that the Constitution has done to the militia the very identical thing that these men of to-day say can not be done with it—that is, divorced it from the States and nationalized or federalized it. This may, perhaps, very properly be regarded as something of an open question to-day, nevertheless.

For my part, I am inclined to believe still, as I did when I discussed the question more than a year ago, that there will still be necessary some reconstruction of the militia clauses in the Constitution of the United States before the federalization of the National Guard will be found to be wholly satisfactory or beyond dispute in emergency. It is not denied by anyone, however, that Congress never has yet exercised all the powers over the militia that are conferred upon it by the Constitution or to the extent that those powers are conferred. I believe it is worth while to consider whether it is not a fact that the rights of the several States not surrendered by them to the Federal Government in the Constitution, but reserved to them or to the people, were wholly civil rights and not military rights. The very purpose of the formation of the Constitution as stated in its preamble was, among other things, "to provide for the common defense."

At all events, whatever time may bring forth as this experiment at federalizing the National Guard is tried out, I firmly believe it is a start in the right direction and that it will work out more effectively to our purpose in the end than the continental army plan could possibly have done. There will doubtless be occasion to make some changes in this law as experience develops the need for them. I would not be surprised if it were found that, little by little, the States would themselves come to the conclusion that it was a mere waste of money for them to keep up their troops themselves and that if the Federal Government were determined to federalize the militia in law for the purposes of control and administration it would also be welcome to go still further and wholly federalize them in appropriations for their support. True to the drift of affairs in English-speaking lands, most of these things are brought about by evolution rather than by direct fiat of law.

Now that the tendency toward federalization of the National Guard is being helped by both law and public opinion, I am inclined to think that a few years will produce a change in the situation that will make the practical effects of the plan about as appreciable in the matter of federalization as if there had been an out-and-out amendment to the Constitution prescribing and enforcing it. I think it can be shown that the idea that the States and not the Federal Government had the first and sole control, generally speaking, of their 48 little armies has grown up not so much from strict test of law as by that very same process of evolution of thought and habit of thought on the part of both people and Government. I believe the fact that Congress has not exercised its full authority over the militia is the greatest reason why people have argued that it did not have much to begin with.

At all events, why not take the National Guard as it is to-day, federalize it as far as possible, as this bill proposes to do under the most liberal interpretation of the Constitution, and then let the same three years of experience with it that the continental army plan would have required when it started from nothing at all, determine what more must be done, if anything, to complete the work of making the militia a Federal force beyond all question and dispute? We shall be educating soldiers all this time and preparing for the national defense. We shall be utilizing what we have already in existence and making it more and better. We shall be recognizing loyal Americans who for years have made great sacrifices of time and leisure and money and put in incalculable periods of hard work for the development of a military spirit among the citizenry of the country, all out of national pride and true patriotic purpose. And we shall be preparing the way for public opinion then to determine whether it is well to have a federalized volunteer force of this kind or not, and, if the decision is, as it undoubtedly will be, that it is the thing to be done, then that same public opinion will regard the amendment of the Constitution to complete it, if such a thing be necessary, as a mere matter-of-fact thing that ought to have been done long ago. It is only in such orderly, evolutionary ways of popular education and practical demonstration of merit and need that anything substantial of any kind is ever successfully done with national institutions or constitutions—in this country anyway.

AMERICANS NOT YET A "RACE."

We Americans are prone to characterize certain races of mankind as volatile, effervescent in temperament; to say that they go off half-cocked in times of national stress or excitement; that they act by uncontrollable impulse in times of national crises, and are not guided by deep reasoning and cool, deliberate, logical thinking. And yet we ourselves forget that, with all the various agencies of immediate publicity that in one form and another disseminate ideas and conflict of ideas throughout this broad land of ours, we can and do ourselves at times arouse more tempests in teapots at the breakfast tables in our country morning after morning as the years go by than perhaps any other highly enlightened people on earth.

One reason for it is the very fact that our marvelous facilities for instant communication with one another or comparatively immediate transportation of persons and literature may be used as thoughtlessly at times as they may be employed to good purpose at others. We have here in America wonderful resources for invoking the often to be dreaded awful power of making 100,000,000 people all think of the same thing at the same time. Another reason for it is that, proud as we are of our national unity, of our fast growing and developing national self-consciousness, we are in fact anything but one people racially.

We are, considered in the matter of racial origin and characteristics, the most diverse people of a higher order of civilization assembled under one flag anywhere on the globe. We represent among ourselves the greatest variety of inherited racial characteristics, tendencies, traditions, sentiments, and ambitions that can be found anywhere on earth in any one compact territory that is governed by the most enlightened standards of the most enlightened people now making history. It is our magnificent hope that time will mold us all into a homogeneous mass, with such a blend of all that is best in every family among us that there shall some day inhabit this part of the earth the noblest and best of all races that ever came out of the womb of time, and that that race will be called American.

But there is no such thing as an American race to-day, unless we find it in the Indian. We are not a race; we are simply a political entity.

WHAT AMERICAN CITIZENSHIP MEANS.

If this were the time and occasion to go further into the philosophy of our present situation and discuss some very pressing social and political problems that are vitally involved in it, we might ask ourselves some very serious questions and lay down some mighty important postulates.

Say what we will about troops and armament, tactics and strategy, military strength potential and military strength immediately available, the first step in national preparedness for the liberties of peace or for a war of defense is to find out who among our own citizens are at heart truly American nationals, and who, on the other hand, sharing our plenty and abusing our hospitality, are masking under the guise of nationals while their hearts beat to the rhythm of war drums that may some day sound the call to arms against our very selves.

We have been all too indulgent and easy-going in this land for many generations past, have paid little heed to some of these problems that must one day come to vex us if we do not arouse to them before it is too late. It is high time we began to find out for ourselves at least two things about our boasted American citizenship: First, what duties and obligations, what aspirations and consecration to national ideals, it entails upon those who bear its privileges here at home among us; and what guaranty of protection to life and property it carries with it when those who bear it venture on peaceful errands abroad.

However, we are not to deal with that aspect of the situation now in the consideration of this pending legislation.

But we ought not to lose sight of the lesson of all this as we give our best thought to the consideration of this very question of preparedness for national defense. After we have made due reckoning of all the factors of proper national self-respect, all the truly patriotic impulses that should animate us in our relations to each other and to the world; after we have consulted the best practical idealism that estimates our due share in the attainment of a higher civilization and the means of wisely safe-guarding every element in it after it has been made our own, we should still think of the stubborn fact that just at this time, with all the Eastern Hemisphere ablaze with war, we are likely to entertain ideas and advance propositions for future national security and the sacrifices that ought and must be made for it that by and by, in cooler, calmer times, we shall not be quite so willing to undertake.

We are daily persuading ourselves that we are very serene and coolly calculating about this, but we know in our heart of hearts that we would not be human beings like our unfortunate brethren in the battle fields across the seas if we were not subconsciously, at least, influenced in some degree by the smoke

of gunpowder that is wafted into our own peaceful atmosphere from the horrible scenes abroad. It would not be extravagant to say that no country is in its normal thinking mind to-day, nor could it be expected to be with pretty much all the world turned upside down.

THE WORLD TURNED UPSIDE DOWN.

Now, I believe that just because pretty much all the world appears to be turned upside down is the first and greatest reason why we should make most unusual preparations for national defense. I believe with all my soul that our present-day Military Establishment is most inadequate even for its purposes in normal times, and glaringly so as related to the conditions of to-day. I abate not one jot or tittle of my implicit faith in the proposition that this country now needs and will continue to need a scheme of national defense and the military force to realize its effectiveness that is far and away greater than anything we have ever maintained before. I even go so far as to argue that our danger from possible war is not so likely to be realized in the midst of the present European conflict as it will be when that war is over—perhaps years after it is over.

So that I am not yielding any of my convictions upon the immediate necessity for preparedness for war when I still further urge that we must, at the very time we are planning the reorganization and reconstitution of our military forces on a greater scale, keep also in mind that fact, that we are making these estimates and doing this work in the heat of an atmosphere surcharged with abnormal forces and relations of forces. For that reason we must by the best that is in us so lay our plans at this time that we shall not find that we have been carried beyond the reasonable bounds of far-sighted prudence and committed ourselves to some details and features of our enterprise that never will stand the test of calmer thought when the air is clear once more. In other words, we are hoping to build for the Army this time something that will remain with us as a permanent establishment, something that will be so carefully *deliberated*, so wisely constructed, that the greater part, at least, of its essential features will stand the test of time in our generation, war or no war.

The air is just now full of all manner of suggestions for the practical realization of the great patriotic impulse that is behind this whole idea. Men are promising the greatest of personal sacrifices of time and leisure, the most laudable devotion of self-denial for years to come, that they may, as they say, learn how to be soldiers and be enrolled as part of the citizen soldiery sworn to the national defense in time of need. Propositions for this and for that organization or undertaking on the part of all classes of people among us are seriously put forward on all sides, some of them with palpable germs of practicality in them, some of them as empty as dreams. The whole country is stirred to a pitch that one might almost call military ecstasy about these matters, and good resolutions are fast making easy a good many national regrets hereafter.

What I want to suggest is that in the midst of all this we keep our heads, that we never forget how prone we are to these great and noble impulses, how easily we make these splendid resolutions of self-denial and tax-bearing in time of stress, and how easily, like the poor, weak mortals that we are, we forget all about them when the excitement is past and gone.

BUILDING FOR THE FUTURE.

I want to see our military establishment reconstructed on greater and stronger lines than ever before. But I want the plans so well laid, so carefully deliberated, so sensibly estimated, that they will stand the test of both peace and war. We are planning a great military institution while the tide of popular excitement is running high. I want its foundations so well laid and its superstructure so secure that we shall have all of it left to us in that inevitable day when the tide goes out again.

So much for the general character of the propositions put forth in this bill. I will not attempt to discuss the measure in detail because all that will be done by the committee when the bill is considered in debate under the five-minute rule. I want to say something now about the urgent necessity for making plans for national defense at this time, regardless of the particular merits of this or any other similar measure that may come before us in this Congress.

THE PROBLEM OF NATIONAL DEFENSE.

The truth is that the minds of the American people that once not a great while ago would have been shocked beyond expression at the mere suggestion of the *Lusitania* affair have been for so long fed daily upon the bloody details of the horrors of the world's greatest war of all time that they are becoming well-nigh benumbed, losing their sense of proportion and the true perspective of human sympathies and emotions. Indeed, we stand so far self-accused in this regard that we must plead guilty of what would in normal times amount to a constantly diminishing self-respect, else we would never have peaceably submitted to the repeated outrages upon our citizens and the national honor that we have borne during the past 20 months. As we grow more and more calloused to these terrible tales of slaughter of human beings by wholesale, so we are, perhaps, more and more indifferent to the suggestion that war can ever come to us. We are well-nigh hypnotized by horror, and are no longer the coldly, sensibly calculating Americans that the world reckoned us in former days.

OUR DUTY TO THE WORLD.

Some of our friends have argued that any unusual increase in our military forces at this time may be construed as in spirit, at least, a threatened breach of neutrality, or, if not that, at best a policy that will prejudice our attitude before the world as a Nation religiously devoted to peace and anxious to play the rôle of peacemaker among the nations of the world. I am not so sure that this country has any mission in this direction. I am more inclined to the opinion that we will do better to demonstrate to the world that our own idea of a self-governing nation is a practical one and that it is working out its own ideals of peace in a peaceable manner right here at home than to set out upon any Quixotic notion that we are so spiritual ourselves, so highly illumined in an exalted sense of world responsibility, that it is our sacred duty to mind other people's business because they are incapable of doing it on such a high plane as we follow ourselves.

OUR DUTY TO OURSELVES.

But let me suggest this to those who fear the consequences of preparations of the character contemplated in this proposed legislation: If the present war in Europe presents a world situation so critical that the United States should make every honest effort to keep out of it, and if we are almost constantly trembling now with fear lest we be unable to do that, then it must surely be critical enough to warn us to stop and think and plan what we would have to do if we could not keep out, or if we should be involved in a war that might some time follow it.

If there is any one thing that the present situation of this country in this regard teaches us at all, it is that we have too long unheeded the repeated warnings of those among us who in years past have urged us to be ready for just such an emergency as confronts us to-day. Advocates of national preparedness of yesterday were laughed to scorn as they foretold that some day this country might find itself threatened by war with a superior armed power. Not a day goes by now that does not see us trembling lest we wake up on the morrow to find it so.

SOME MISTAKES OF PACIFISTS.

Still we are asked, "What is behind all this agitation for national preparedness for war?" The answer is simply, "History." Nations are no better in morals, no loftier in purpose, than the individuals that compose them. That sounds rather platitudinous, to be sure, but like many other platitudes it has fallen on dull ears too many times already. We keep going on about our business here in this country, generation after generation, serenely trusting to the fond hope that inasmuch as we have no national purpose to despoil other peoples, no other peoples will ever be tempted to despoil us. It is true we read in school days of wars that were largely inspired by the same old human greed of gain and lust of power and dominion, but we closed the book and our education at the same time, lulled our fancy with the comforting thought that all history was made and imprisoned between book covers before we came on the earth.

We soothed ourselves with the comforting reflection that nations have become "civilized" in our own time and never will make war any more. It is true that now and then this solacing philosophy has been jarred a bit by some warlike demonstrations in other parts of the earth. It is true that we have seen war follow war in some regions remote, maybe, but the warning did not come home to us, and we were well-nigh on the way toward scrapping every battleship that was not already decaying of its own accord, dismounting every fieldpiece and burning up the very formula for making gunpowder, when the greatest war of all history broke out, to include within its belligerents well-nigh all the civilized world but us and a few small neighbors.

I repeat, nations are no better in morals, no loftier in purpose, than the individuals that compose them. Indeed, one might very well undertake to contend in an academic discussion of the proposition that, if anything, they are worse. It is a fact well known of our own experience that many a man will blink at his Government's doing a thing that for moral reasons he would not think of doing himself. Government is an impersonal, intangible thing, you know, while human beings must face direct, immediate, and personal responsibility for their own acts.

"THIS IS THE LAST OF WAR."

After every war of modern times there have not been lacking men to prophesy that that was the last of war. After every war of unusual duration, that left nations apparently exhausted by the terrible struggle, left them to mourn enormous losses among the finest and the best of the manhood in their lands, left them to care for multitudes of widows and orphans, left them to help support a mournful roll of hideously crippled veterans, left them to rebuild waste places, regain commerce, struggle beneath a burden of debt, and wrestle with desolation, hunger, disease, and poverty—after every such great historic catastrophe many men have said that such a nation can not for many a generation, at least, become a belligerent power again and participate in another such struggle as that which recently well-nigh wrecked it forever.

And yet every lesson of history from the earliest times proves exactly the contrary. One has only to study for a little while the history of Europe from the days of the Napoleonic wars, a little over a century ago, down to the present time to find that nation after nation went through just such an experience only to emerge in the end with a reinvigorated vitality, a new national consciousness and pride, a reawakened national purpose, and the inspiration to a redoubled and better organized energy that raised it to a plane of economic wealth and social greatness it had never reached before. One may debate the contrariness of logic, the seemingly inexplicable ordering of things that brings this all about, but it is the truth, and every page of history that deals with war testifies to it.

I will admit that simply because these benefits do come out of war despite its frightful horrors and unspeakable miseries is no reason why nations should invite war or even run the risk needlessly to become involved in war. War is a calamity to any people that must bear it, no matter how beneficial to posterity its results may ultimately prove to be. But I do suggest that when we know that any civilization that is destined to live at all and is founded upon race ideals that are determined to persist is not ruined by war, when we know that war does not have the effect of putting these great nations out of the forces on this globe to be reckoned with even to the death, it is folly for us in America to sit idly by with contentment in our fool's paradise and say, "When this war in Europe is over all the powers will be so exhausted that they can make no more war, and we shall be safe."

THE MENACE TO THE UNITED STATES.

What is likely to happen after the great European war is over? Of course, the wise man will not prophesy much in detail about such a thing as that, but the man of ordinary vision, if he interprets a few simple lessons of history the way they have interpreted themselves from generation to generation for many centuries, may easily lay down a rough outline that it will be safe enough to keep in mind and prepare for, on general principles, at all events.

Remember, first, that for several decades past the United States has been steadily climbing toward the first place in the world's industrial wealth and commerce. It has been notoriously the most prosperous country on earth, and, as such, the most envied. While in the natural course of events it would have taken, perhaps, many decades more before its growth in business and money profits would have placed it in the lead, the war has had the effect of arresting the competition of its most dangerous rivals, of diverting their opportunities for gain to itself, or even causing them to pour hitherto unheard-of sums of money from their own lands into our coffers.

So, not because we have all at once developed a superiority in industrial pursuits and commerce of our own accord, but simply because we have through the caprice of fate become the residuary legatee of a great part of the world at war, it is not improbable that we are destined to take this long-sought first rank among the powers of the earth soon after the war is over, if we do not even hold it now.

In the stress of rivalry among nations for wealth and power, competition is for the most part invariably directed toward the leader for the time. Community of interest, not by any means inherent friendship, makes all secondary powers in the race more or less regardless of one another while the struggle continues among them to gain the trade and its opportunities for wealth and aggrandizement that the leading power is withholding from them all in common. Hitherto, while viewed with ill-concealed jealousy as some day to be the leading power in this race for world wealth and commercial supremacy, the United States has been comparatively free from most of the frictions and international disputes that inevitably accompany this race for dominion in the trade of the globe's markets. We have been permitted to grow practically unmolested because the powers of continental Europe had other aims for their enterprise and energy, and our hour had not yet struck.

COMMERCE BREEDS WARS.

When this war is over, when the nations of the Old World set about recouping their fallen fortunes, rebuilding their forges and factories, making their devastated lands once more inhabitable and productive, once more seeking for the old and for new avenues of trade by which to repay the staggering financial losses that have befallen them, when the taxpayers of these countries begin to groan under the awful burden of debt that is piled up on their shoulders and that promises to be bequeathed as a melancholy legacy to generations yet unborn—then will be the time when all the eyes in the Eastern Hemisphere will turn with envious glances to the young giant of the western world who has fattened during the period of their misfortunes. Then will be the time when the United States will begin to feel the pressure of trade rivalry as it has never felt it before.

And if we learn anything from the history of commerce, we know that, directly or indirectly, it is the cause of more wars in these modern times than probably any other interest of mankind.

Of course nations in these days of so-called enlightened civilization are altogether too cunning to make the greed of trade and commerce an ostensible and avowed cause for war. But commerce, the pursuit of world trade, more than any other one thing is the occasion for constant and complicated personal relations of the peoples of the various nations of the earth with each other. It brings into the closest of association or the keenest of rivalry the wits and interests of men from the uttermost parts of the earth. It is the occasion of a never-ceasing coming and going up and down upon the waters of the earth. It assembles in all harbors ships of peace and ships of war of all manner of men. It employs every means of transportation from burden-bearing coolies to the fastest of modern express trains in every corner of the earth, and jostles together in the most freakish way and often under the most delicate and strained circumstances strange men from strange lands that know little in common except the desire for money.

And the trade of the world is capricious. Every textbook on political economy may work out what theory it will about the balance of trade and the ideal system of world marketing and exchange of products and commodities with equal benefit to both sides to the transaction, so that all the ledgers of all the world may show trial balances that figure out all sides making a profit, a just and altogether righteous distribution of gain, and all the world prosperous and happy. And then comes along some circumstance altogether unforeseen and unforeseeable, and a large part of the earth may be lacking food at home and have no sufficiently available credit in any bank or foreign exchange with which to relieve the distress of its own people.

Through all such diverse ways as these commerce constantly sows the seed of friction among the people of the world. An agency of untold, incalculable benefit to humanity and civilization in its primal intent, it is at the same time the potential parent of hatreds and wars innumerable, and always has been.

DANGER TO US WHEN THE WAR IS OVER.

So I say if we are not to have reason to dread war in the midst of the terrible conflict now raging in Europe—and I doubt very much if we are—we must not lose sight of the pregnant fact that after this war is over, after the nations now in arms have begun to recuperate and seek again their lost places in the world of trade and industrial progress, the United States of America, the only great power on earth unscathed by this terrible affliction, the only great power sustaining no losses of account by it and actually waxing rich and richer indirectly because of it, must take heed lest it find itself for the first time in its history the solitary object of the jealous rivalry of any or all the powers of the Old World.

INTRIGUES OF FOREIGN DIPLOMACY.

If we are attacked at all, if we are drawn into a war at all, it doubtless will not be by a manifest declaration of hostilities based upon an openly avowed jealousy and covetousness. It will be the result of probably several years of oft-repeated disputes and friction, all growing out of the complexities of intercourse in the struggle for world trade, and each put away in memory to tally one on the score of bitterness and hatred until the opportune day dawns when shifty diplomacy and unscrupulous intrigue can so cunningly play the cards that the United States will be at war with a jealous rival who maintains, maybe with some superficial show of reason, that the responsibility for any war at all is all on us.

In days that do not go back of our own generation just exactly this same shrewd play has been invoked by nations in Europe, and with success.

"BALANCE OF POWER" DOCTRINE.

Undoubtedly one of the results of the European war will be something of a readjustment of social and political conditions

and policies in the nations now at arms against each other. There is much reason to anticipate that such will be the case, and there might be some satisfaction at other times and in other places in dwelling upon some of the aspects that these changes are likely to take. But there is one possibility among them that I think we can not afford to neglect just at this time. In the first proposal of it perhaps it may be thought by some to be rather fanciful or a strain of the imagination, but stranger things have happened, for all that, and this may be one yet to happen, for all that we know now.

For many generations before the present conflict the statecraft of Europe has occupied itself, among other large continental problems of concern, with attempts to maintain what was known as the balance of power among the nations with their ever-increasing multitudes of people that were forced to dwell together in its cramped and confining area. The constant fear that some great militaristic nation would sooner or later gain dominion over the territory by subduing to its rule the various nations and races beside it and compelling them to support it by their own industry, taxation, and military service as the only means of preserving their physical existence at all, has been responsible for this European doctrine, and the resorts it has followed to keep patched up and presentable from generation to generation what has amounted to nothing less than an armed truce that finally burst out into the present horrible conflagration.

During the progress of this policy of maintaining the so-called balance of power, we have seen congresses of rulers and statesmen unblushingly rend smaller nations apart, upset their governments, distribute their peoples among their own dominions regardless of their natural inclinations or love of home and country, and even divide the men of one race, who by every instinct of nature would fare best in a governmental community of their own kind and making, and partition them off to each other with a nonchalance that was brutal even if enforced by a specious pretense of world safety and benefit to civilization. This game has been played before our very eyes for *decades* and even centuries, and yet we have tried to deceive ourselves into the notion that the world was growing better, that civilization was becoming more and more ideal, and that the lion and the lamb were fast getting ready to lie down together.

Once the races of men fought each other for temporal dominion largely, not merely because of the glory and pride of conquest, but because organized industry and trade were comparatively unknown and nations could prosper for a time by despoiling one another with the sword. Now comes the era of industrial competition and the struggle for dominion of the money markets of the world.

STRUGGLE TO REGAIN WORLD'S TRADE.

Let me suggest for your consideration the possibility that, after this war is over and the crippled combatants set about reestablishing themselves in industrial pursuits and wealth against the next great day of world conflict that is bound to come, maybe the doctrine in Europe will be, not the resumption of the old policy of balance of power, so far as military strength and territorial aggrandizement go, but the balance of power in the world's trade. What if there should prove to be some day a combination in Europe to control the trade of the world? What if these powers now at war with each other, realizing for a time to come the futility of hostilities for any purpose of territorial expansion, should all see a common rival and a common interest in a common rival, especially if the bread and butter and clothing and comfort of their people, now made unspeakably miserable by the calamities of war, should be seriously restricted by the quasimonopoly of commerce and trade held by any more favorably situated peoples—and those peoples should happen to be over here in America?

"WHO IS TO ATTACK US?"

But we are asked, "Who is to attack us?" The answer is and must be, "We do not know." And not to know who our possible antagonist may be is even more threatening to our security than if we did. A foreseen foe may be anticipated, his warlike preparations discounted, his probable strategy forecast and studied, and his armed strength and matériel estimated and may be overmatched. At all events, in long eras preceding the actual clash of arms, it is possible to safeguard in many ways against the menace and encroachments of a nation that maybe has some historic reason for revenge upon us or easily understandable and plain temptation to aggrandizement at our expense. It is the element of surprise, the menace of the unexpected, that is most to be dreaded in war.

When we enter at all upon speculations about war, we must prepare our minds to set aside pretty much all the rules and maxims by which men and nations may calculate their expectations in intercourse with each other in times of peace. According to the spirit of Christian civilization, war is an anachronism, and like all such is not reducible to the common laws of common times and experiences. We may study history and philosophize over its lessons as we will, in the end we may be reasonably sure of only one fundamental conclusion: That war always has been, is now, and shows no sign of cessation, and that the wisest man on earth can not tell when, where, and why the next war may break out.

FUTILITY OF FORECASTING NATIONAL POLICIES.

If it is more or less idle to attempt to forecast reasons why one nation may or may not go to war with another, it is no less so to speculate why such and such nations are likely to form offensive and defensive alliances. There often appears to be a suggestion of logic in the lay of events and conditions that prompts such a forecast, but history repeatedly shows how vain it is. I am moved to dwell upon this for a moment because some of our brethren have been more or less busy in later months figuring out various combinations of world powers that would do thus and so to our possible enemy, if by any unlucky chance we should become involved in war ourselves. And the general trend of their prophecies has been that other interests than ours would help to protect us against any likely foe when we did not even half try to protect ourselves.

In this connection we might do well to remember that the Triple Alliance appeared to be a fixture in European policies. Germany, Austria, and Italy might be depended upon to stand by each other in war, and every calculation of theorists appears to have been based upon that as a foregone conclusion. But when the strain came, Italy left her partners and joined the allies. Japan and Russia, that only a few years ago were locked in combat, are now sworn allies, and there is talk of the warmest reciprocal understanding between them when the war is over. The Crimea in 1854 saw Russia fighting Great Britain, France, and Sardinia, or the beginning of the present Kingdom of Italy. Sixty years later all four of these powers are aligned to fight two empires that in the form we know were not in existence at that time. And similar instances may be multiplied as long as one is content to keep at the books and pick them off.

GREATEST CRISIS IN HISTORY CONFRONTS WORLD.

This is a sobering and a solemn problem that confronts us. It is not one to be discussed with easy elegance of rhetoric by literary assemblies in most approved academic atmosphere, coming to no resolution thereon; not one to be declaimed with mock-heroic outbursts of pseudopatriotic spirit on popular platforms, pledging all America to one sublime self-sacrifice, coming to no resolution thereon; not one to be flippantly ridiculed out of all consideration as the mere phantom of disordered imaginations or the subtle device of greedy capitalists to fool the multitude for more inordinate gains, showing no possible resolution whatever.

Whether we like to acknowledge the bitter truth or not, we are face to face with a world crisis such as was never before written in all the story of mankind.

No matter how deeply intrenched were many of our hitherto cherished ideals of man's duty to himself and his neighbors, no matter how eagerly some of us had begun to welcome what were believed to be the first most promising signs of the dawn of universal peace and the realization at last of the brotherhood of man, we find ourselves—all of us, of whatever opinion—face to face with a staggering reality.

One might almost say without conscious exaggeration that the greater part of the world has gone mad.

There is no more safe reckoning upon what sensate beings and responsible governments of their own making or choice may be inclined to do or may do in the midst of the terrible strain that is now put upon the minds and impulses of millions of our fellow creatures with deadly weapons in their hands and all the malice of war, death, and destruction in their hearts. Mere philosophizing, academic speculation upon probabilities, or any other similar resorts of reason and judgment approved in normal times are not safe guides alone in this extremity.

WE HAVE NO "FRIENDS" EXCEPT OURSELVES.

Saddening as the thought must be to all of us, the people of the United States must make up their minds that, tried in the last test, measured by the last rule, weighed by the last scruple, they have no certain friends upon this broad earth except themselves.

And they must quietly, reasonably, and with cool, calm deliberation prepare themselves to face any eventuality that may be the immediate or the distant product of this awful world cataclysm.

We have great reason to hope and to believe, it is true, that in some way or another the old order of things will some day right itself and be even a better order of things than we have ever known before. It has always proven so before in other times of national peril, and it will doubtless prove so yet again, or else all our conceptions of Providence have gone a-glimmering and the world is given over to chaos and self-destruction. We must not believe that that can be true; but we can not doubt—we must not, in peril of our very national existence, dare to forget—that while civilization is shaken to the very center as it is, we owe it to ourselves and our posterity as sensible men to take every reasonable precaution against a world that is running amuck.

AMERICA'S EXPERIMENT OF SELF-GOVERNMENT.

Three hundred years ago the fathers founded on this virgin continent the beginnings of a social order and political idealism that we have fondly called our American concept of civilization. It was an experiment in a new kind of government for mankind, an experiment that was designed to evolve new ideas and realizations of civic liberty, freedom of mind, and social righteousness. It is still an experiment. The fathers fled from the oppression and tyranny of centuries-old institutions of government and social order in Europe to plant this new idea of man's destiny in a new land. Succeeding generations of men have watched and tended it as it grew and flourished, and each in its turn has poured out its lifeblood in war that it might survive.

All through the ages at various times and in various lands other men have sought to work out other experiments in government and social order that might bear some fruit of hopefulness for the ultimate freedom of mankind. All of them in their turn have failed and been forgotten, save here and there one or another that has been set up to be tried since the American idea has given such promise of some day being realized in very truth.

NO PLACE LEFT TO BEGIN AGAIN.

The world has been becoming crowded since the days when the fathers of American liberty found this new land open to their mission, so that to-day there is not a spot on the face of the earth where any people of race stock sufficient to achieve great things of world moment may go and undertake their mission for humanity in a region unoccupied and suited to their life and its necessities.

The world's greatest experiment in the struggle for the emancipation of mankind from the thraldom of the errors of the past is taking place right here in America to-day, the last bit of earth providentially left open and unpeopled for countless ages after the world was old, indeed. If our experiment fails, either through our own folly or that of our children, or if it fails because we do not prize our institutions and our civilization enough to defend and to die for them there is no other land on the face of the globe where the same or a better experiment under similar conditions may be begun again.

Let us have something beside dollars and cents in our calculations upon the great problem that is before us now. Let us partake of something of the noble sentiment that through all these generations since Plymouth Rock and Jamestown has made such ungrudging sacrifices for us. We are not a warlike people by instinct or cultivated nature. We do not design to make war upon other peoples. In the midst of all the frightful carnage, the cataclysm of horrors that shocks the civilized world to-day, we may well fear the worst even as at the same time we fervently hope for the best. This matter has passed beyond the stage of mere political economy or cash balances and businesslike reckoning on probabilities.

We are driven to the necessity for arming ourselves, not to enlarge or stimulate our civilization by conquest, but actually to preserve it from possible destruction.

The world calls us commercial and greedy. Shall we not show it, if need be, that we are ready to fight to the death to protect something we regard as infinitely higher than factory chimneys?

This extract from President Monroe's message of December 3, 1822, referring to conditions in Europe, reads as if it might have been written to-day, and is as true to-day as it was when Congress heard it 94 years ago:

* * * distant as we are from the troubled scene and faithful to first principles in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might with some be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenseless position and distinguished love of peace are the surest invitations to war, and that there is no way to avoid it other than by being always prepared and willing for just cause to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed and to surpass all others in sustaining the necessary burthens and in submitting to sacrifice to make such preparation, it is undoubtedly the people of these States.

Mr. KAHN. I yield to the gentleman from Kentucky [Mr. POWERS].

[Mr. POWERS addressed the committee. See Appendix.]

Mr. KAHN. Will the gentleman from Alabama [Mr. DENT] kindly use some of his time?

Mr. DENT. I yield 15 minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for 15 minutes.

Mr. QUIN. Mr. Chairman and gentlemen, I desire to say that this bill, as you see from the report, comes from the committee with a unanimous backing. Democrats and Republicans alike all agree to this bill. While there are some features in it that every man could not subscribe to, yet as a whole the committee have reported to this House what they considered the best bill that could be brought forth under all of the circumstances. According to the judgment of a large majority of that committee, a standing army of 140,000 men is all that this country needs now, and the committee had to back them in their judgment the Secretary of War, Hon. Lindley M. Garrison, and the Chief of Staff, Gen. Scott, both of whom your committee recognized as able to give advice on that vital question.

The National Guard provision is a substitute for the continental army scheme that was proposed by Secretary of War Garrison and connived at by some few others. The committee believe that the National Guard is the proper source from which a citizen soldiery can be drawn in this Republic. The National Guard in each State will naturally get the best, the most active, and among the most patriotic young men of each community, and the evidence before our committee demonstrated that the present National Guard of 129,000 men is composed of strong, virile, and patriotic young men.

Then the question of the federalization of the National Guard came up. There are many good lawyers on the committee, and we are advised that the President of this Nation had some of the best lawyers at his command to pass upon the question of the constitutionality of this provision; and it is the unanimous belief of your committee, and the opinion of the legal advisers of the President, that the scheme of federalization comes within the Constitution, and that in the imminence of war or in actual war every member of the National Guard at once, which means each company, battalion, and regiment, with their officers, as units, drafted by the President, becomes a member of the Standing Army of this Republic, and the companies, battalions, and so forth, as units, will become units in the Regular Army, to be sent without the borders of this Nation or anywhere else where duty may call.

So that question is, in the minds of the committee, absolutely settled. Your citizen soldiery then will be built up to a number equal to or greater than the continental army scheme proposed.

Then the cost amounts to little. This bill provides that the private soldier in the National Guard gets only $48 a year provided he attends all the drills required. The captains and all officers above him get $500 a year, first lieutenants $240, and second lieutenants $200 a year, and nobody else to be paid any officers' salaries. From an economic standpoint the National Guard was the only proposition that your committee could say would build up a strong citizen soldiery in this country at a very small cost. We owe it to the taxpayers of this country to consider them first in the formation of the citizen soldiery. No one, unless he goes back on the Chief of Staff, who is an expert, and on the Secretary of War, the highest authority of this Nation in the War Department, can believe that we are justified in calling up and making a greater standing army than 140,000. As the chairman [Mr. HAY] explained to you in his remarks, this bill has an elasticity about it that allows more than that number of men when the President calls. We know from the evidence before the committee that under present conditions you can not get a standing army in this country of more than 140,000 men. We know that men are not going to volunteer any faster in the future than they have in the past. With all of this talk about war, and the European war having been in progress for more than 19 months, the number of enlistments in the Regular Army has not increased, and it will not do so in the future. We are now almost at war with Mexico.

I have been one of those who believed that we ought to stay out of Mexico; but since Villa has come up into the United States, attacked a town, set fire to houses, and murdered women and children in the nighttime at Columbus, N. Mex., I am proud

that the United States has seen fit to go after him. [Applause.] And I hope that they will send enough soldiers with big enough and long-range enough guns to shell the mountains and canyons of Mexico so that neither a jay bird nor a rabbit can live there for 16 months. [Applause.] I hope it will jar the whole population of Mexico to such an extent that they will remember it for 400 years and have respect for the American flag for all time. [Applause.] It is time that the United States Government is showing an iron hand in some matters, and in my judgment the President of this Nation has done the wisest thing possible when he has ordered the soldiery to go into Mexico and get Mr. Villa and that other gang of cutthroats, thieves, assassins, and midnight marauders. [Applause.]

But, gentlemen, it takes money and it takes soldiers to do that. Of course we know that Mexico is not much to contend with. We realize the fact that we must prepare in this country to protect the Monroe doctrine in Mexico, South America, and elsewhere, and in my judgment that is one of the main reasons why this Congress should pass this military program just exactly as this committee has brought it out, a wise, economic, and judicious measure, that patriotism and duty to our constituents, to every man and interest in this Nation, demand of this Congress.

This bill mobilizes the commercial interests and industrial enterprises of this country in time of war. It takes all of the present munition factories and puts them at the command of the President of the United States in war or imminence of war. This bill carries with it the idea that the railroads of this country shall be commandeered by the United States in time of war. In other words, it is a practical, sensible measure. It has in it the authority to establish a plant to fix nitrogen from the atmosphere. And let me tell you right now, gentlemen, if this Congress fails to put in the proposition to manufacture nitrates from the air it will be a most vital mistake, and you will be condemned from one end of this Nation to the other. The saltpeter mines down in the deserts of Chile, in South America, is the only source from which we can get nitrates to manufacture powder. The evidence shows that in times of peace you can get enough, perhaps, from coke and coal products; but for actual war necessities, estimated at 180,000 tons of nitric acid, we must have the power to manufacture nitrates, and the nitrogen must come from the atmosphere that surrounds mother earth. Nitric acid is an absolute requisite in the manufacture of powder and all military explosives. Then if we need national defense at all, this is the most necessary thing in this bill, and we must make it a part of the law in order to be safe from any and all enemies who might cut us off from the supply in Chile. The greatest benefit to the Nation will be in the establishment of the nitrogen industry as a sure source of powder supply in the event of war and as a great economical advantage in giving cheap fertilizers for the farmers in time of peace.

There are two reasons why this is the most necessary and vital thing for preparedness—both preparedness for war and preparedness for peace. You need this as an absolutely necessary potential of the essential element to manufacture explosives in time of war.

You need it in time of peace for fertilizer in this country. Do you know my friends that the great farming class of this country, according to the evidence before the committee, is paying about $75,000,000 a year for nitrogen that goes into fertilizers, and the bulk of it comes from Chile? Your Government, as an incident to this preparedness program should establish a plant, should cooperate with private capital; if the Government will not do it, to manufacture the phosphate or nitrate that goes to make up the fertilizing qualities of plants in this country. You can not possibly pass a real national-defense bill unless you have a nitrate plant established, and the evidence before our committee shows that it could be done by water power, and that is the only reasonable and feasible way by which it could be done.

It is proposed that this Government should construct a dam or dams and power house and install electrical machinery, in fact, develop the power and lease it, at interest cost to the Government, to a company for the sole purpose of fixing nitrogen in times of war, and in times of peace to make fertilizer for the farmers and all the powder the Government needs in peace time. Let every friend of the farmer in this Congress vote to force the Government to reach up into the atmosphere and pull down fertilizer at a cheap price for our farmers.

The American Government ought to go into the business itself; but I am convinced that a majority of the Members of Congress would never agree to that. However, a Member who can fail to agree that the Government should go so far as to cooperate with private capital with Government supervision to control the plant and manufacture all the powder we need, and as an incident the fertilizers that the farmers of this country must have and save the American farmers thereby $40,000,000 a year, in my judgment has a false conception of the obligation of this Government to the citizens. How can any of you vote against this provision?

My friends, if we have all the preparation on earth and fail to put in the construction of a plant for making nitrogen from the atmosphere, your bill is a failure if you have war with a nation which could control the nitrate from Chile. Your bill would be an absolutely nonsensical one, for what use is it to have a hundred thousand machine guns and cannons and hundreds of thousands of men in the field with rifles in their hands unable to do anything for the want of powder? If you cut off the supply that we now get nitrate from, where are you going to get it? It is as plain as it can be that in a very short time our country would be destitue of all powder and explosives. We can not get a plant ready for operation under 12 months. Our country would be panic stricken; and the American people will not be fooled on that.

Some gentleman said before our committee that we could not do it because of a lobby. Some few of our committee said this feature would cause us to be criticized by the press. I saw one young man representing the Farmers' Union of the country, and he said they were very anxious to get this nitrogen plant established so the farmers could get cheap fertilizer. I know he is right. I am for him and the farmers. I believe that the lobbyist here is the great Powder Trust that controls the saltpeter in Chile. I believe that is the lobby which is going to interfere and endeavor to keep this nitrate proposition from being made a law in this bill. That is the lobby I am afraid of. Now, I have not seen a lobbyist of the great Powder Trust, but I am like a farmer who passes by a little patch of vines and bushes in his field near the creek. He scents a very peculiar, strong, rank-smelling odor, and while he has not seen the polecat, yet he knows he is there, or has been there, because he can smell him. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, this bill makes a noise like preparedness; but it is not a noisy noise.

SUITS ALL THE NEAR PACIFISTS.

It is almost as still and almost as small as the still, small voice of the human conscience. This bill has not even awakened Henry Ford, and it has not brought a dissenting voice from a single one of the near-pacifist members of the Committee on Military Affairs. It seems to suit the pacifists all right. There are 91 pages and 20,000 words to this bill, and it gives us just two new regular soldiers for each word. Forty thousand additional Regular soldiers is what it gives us.

Plenty of words, but a scarcity of Regular Army men; and yet Regular Army men are exactly what we want and need.

THE REGULAR ARMY MAN.

There is nothing on earth that comes within gunshot of being "practically as good" as the Regular Army man. No amateur soldier can any more compare with a professional soldier than an amateur plumber can compare with a professional plumber. The lawyer who spends six days a week lawyering and one day a week soldiering is pretty certain to be six times as good a lawyer as he is a soldier. That is the fundamental trouble with our militia. Furthermore, I have not yet been carried away with this idea of an army of has beens, or reserves, as they are called; that is to say, an army largely made up of men who once upon a time have done a turn at soldiering. It may be all right to have a supplementary army of ex-soldiers, but I have a notion that the cheapest thing in the long run will be to maintain a good-sized regular force of about 300,000 men, and then train our boys so that they will all know something about how to fight if need be.

I believe in compulsory military training for every young man, be he the son of a beggar or the son of a multimillionaire. I mean real, hard military training under real, hard military discipline, day in and day out, for a substantial period of time. I do not mean high-school drill and I do not refer to armory evolutions once a week in the long winter evenings. That kind of thing is military drill, not military training, where every youth is compelled to learn to subordinate his will to that of his officers.

Do not misunderstand me. I am not advocating compulsory military service in time of war. I hope that we can maintain the Army by volunteers in time of war, but I want those volunteers to be trained men when they enlist.

NEAR FEDERALIZATION.

I think nothing at all of the alleged federalization of the militia provided in the Hay and the Chamberlain bills. You

can not really federalize your militia so long as the States appoint the officers, and I confess that I do not see the logic of Uncle Sam paying soldiers that some one else commands. Think of it; this Hay bill, and the Chamberlain bill also, for that matter, actually proposes that the State governors shall continue to command these 48 little armies while the Nation pays a big share of the bill. Suppose that some governor, of Massachusetts, for instance, were to order out his army to suppress a strike, do you not think that Uncle Sam ought to have the right to say "Halt," if he did not approve of the governor's order of "Forward, march"? Well, if you pass either one of these bills, Uncle Sam will not have a word to say about it. He can pay the piper, but he can not name the tune.

WHY NOT LISTEN TO THE WAR COLLEGE?

What in the world is the use of having an elaborate War College here in Washington if we refuse to pay the slightest attention to anything which it says? Last summer the President asked for a report as to our needs in the way of an army. The War College replied that we needed an army of 280,000 regulars and 380,000 reserve regulars, not reserve militiamen, to make us safe against invasion, in case our Navy were unable to retain control of the seas. Instead of this force, the Hay bill gives us in all 140,000 regulars and 60,000 reserve regulars. Instead of 660,000, the Hay bill gives us 200,000 regulars and regular has beens.

WHAT THE NEW SECRETARY OF WAR SAYS.

For the balance we are told that we must depend on 48 little armies of State militiamen hastily consolidated under national control. Oh, it is true that Chairman HAY, in his report on this bill, gives us a table showing 1,324,790 men, which he says are "men who will be at once available upon the passage of this bill." Let us see how that is. On March 9, 1916, I wrote a letter to the new Secretary of War, Mr. Baker. Here is what I wrote:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 9, 1916.

To the honorable the SECRETARY OF WAR,
Washington, D. C.

SIR: On page 14 of Mr. HAY's report on the new army bill, I find a statement that 1,324,790 men will be at once available as a national force upon the passage of the Hay army bill.

Calculating in the same way as Mr. HAY's table is calculated, how many men are now available as a national force without the passage of any bill at all?

Very respectfully,

A. P. GARDNER.

Here is Secretary Baker's answer:

WAR DEPARTMENT,
Washington, March 16, 1916.

Hon. A. P. GARDNER,
House of Representatives, Washington, D. C.

SIR: 1. In reply to your letter of March 9, 1916, I would answer the question therein contained as follows:

Using the same method of calculating as Mr. Hay adopted on page 14 of his report on the new Army bill, we should now have available, without any legislation whatever, approximately the following number of men who have had some military training:

Regular Army, including Philippine Scouts	100,000
Reserve of Regular Army	60,000
National Guard	129,000
Men trained and in the country	995,790
Total	1,284,790

In other words, the only immediate effect of the passage of the House Army bill would be the increase of the Regular Army by 40,000 men, and even that increase, being added in four annual increments, would require about four years' time to be recruited and a still longer time to become effective.

2. The fallacy of this method of calculation is shown by the following statement of actual conditions:

As a matter of fact, the reserve of the Regular Army at present amounts to only about 2,875 men. This number will increase gradually until, under existing period of enlistment, it reaches a maximum equal to about 40 per cent of the total strength of the Regular Army, or about 40,000 men for the present Army of 100,000 or 56,000 men for the Army of 140,000 provided by the House bill. The net increase in the reserve would ultimately reach about 16,000, but it would not begin to become effective until about three years after the passage of the bill.

Mr. Hay estimates that there are 995,790 men who have had military training and are now in the country. This estimated number includes 270,200 men who have passed through the Regular Army in the past 10 years, 395,590 men who have passed through the National Guard, and 330,000 men who have passed through military schools and colleges in the same period. No deduction is made for those who have died or become unfit for service.

From the annual reports of The Adjutant General we find that during the past 10 years there have been discharged from the Army 89,644 men who did not reenlist. If we estimate the number of these who have probably died or become physically unfit for service at 2 per cent per year, or 6,848, we would have remaining 82,796 instead of 270,200 as estimated by Mr. Hay. These 82,796 men may be considered as having been adequately trained at date of discharge, but subsequent changes in methods, armament, etc., and the long separation of many of them from all connection with matters military make it unsafe to consider them as adequately trained except with respect to discipline. Three months' intensive training probably would render them effective.

It is believed that Mr. HAY'S estimate of the number of men who have passed through the National Guard is substantially correct, but none of these men were really trained when discharged and about two-thirds of them were discharged before expiration of term of enlistment when they had received training ranging from that imparted in one day to that possible in a nearly completed enlistment period.

Although last year some 33,000 students at our military schools and colleges were receiving military instruction, only 5,200 of this number were graduated. Using the latter figure for computing the number who have passed through military schools and colleges during the past 10 years, we obtain a total of 52,000 instead of 330,000 estimated by Mr. HAY. The records of the War College Division show that, as a matter of fact, only about 40,000 have graduated during the past 10 years from civil educational institutions of all classes at which officers of the Army were detailed. Until three years ago military training in these institutions consisted almost entirely of close-order drill and ceremonies. Consequently none of these 40,000 graduates are adequately trained. The class which will graduate in 1917 will have received a much more adequate course of training.

The only adequately trained men in the country are in the Regular Army and Army Reserve. The National Guard, those who have served therein, and the graduates of educational institutions having military training should be considered as only partially trained.

The numbers of each are as follows:

Adequately trained:	
Regular Army, including Philippine Scouts	100,000
Regular Army Reserve	2,900
Partially trained:	
National Guard	129,000
Others who have had some training	241,800
Total	473,700

Included under the heading "Others who have had some training," are 82,796 who have passed through the Regular Army, about 132,000 less 2 per cent per annum allowance for deaths or physical disability, or about 121,200, who have completed an enlistment in the National Guard, and 40,000 less 2 per cent per annum allowance for deaths or physical disability, or about 37,800, who have graduated in the past 10 years from military schools and colleges. Except for about 1,100 graduates of military schools who have been listed by The Adjutant General, the Government has no knowledge of the present addresses of any of these 241,800 men nor of the number of them that would be willing to volunteer for service in time of war.

The passage of the House Army bill would increase the Regular Army by 40,000 men in a period of three to four years, would make a net increase of the Regular Army Reserve by about 16,000 men in a period of about seven years, and would also increase the National Guard and therefore the number of partially trained men available in the country, but to just what extent I am unable to predict.

You will, of course, understand that accurate information on this subject is not available, and that therefore the figures I am giving you are at best only approximate.

Very sincerely,

NEWTON D. BAKER,
Secretary of War.

Here is an analysis of Secretary Baker's comment on the figures in Chairman Hay's report:

CHAIRMAN HAY'S REPORT SAYS.	SECRETARY BAKER SAYS.
1. On page 14 of his report Mr. HAY says that 1,324,790 men will be at once available on the passage of the Hay bill.	Secretary Baker says that calculating in the same way as Mr. HAY calculates there are now available 1,284,790 men without passing the Hay bill or any other Army bill at all. The Secretary makes this comment: "In other words, the only immediate effect of the passage of the House Army bill would be the increase of the Regular Army by 40,000 men, and even that increase, being added in four annual increments, would require about four years' time to be recruited and a still longer time to become effective."
2. Mr. HAY says that the reserve Regular Army will be 60,000 men.	Secretary Baker says that our present reserve of the Regular Army is now only 2,875 men, but that it will ultimately be 40,000 men, whether the Hay bill passes or not. The Secretary further says that the Hay bill will ultimately increase the reserve by 16,000 men, but this increase will not begin to become effective until about three years after the passage of the bill.
3. Mr. HAY says that it is estimated that 270,200 former Regulars can be counted upon as part of our available material.	The Secretary says that only "82,796 instead of 270,200, as estimated by Mr. HAY," would be available. About these 82,796, the Secretary makes the comment that it is "unsafe to consider them as adequately trained except with respect to discipline. Three months' intensive training probably would render them effective."
4. Mr. HAY says that in the last 10 years 395,590 men have passed through the National Guard.	The Secretary says that Mr. HAY is correct and adds: "But none of these men were really trained when discharged and about two-thirds of them were discharged before expiration of term of enlistment, when they had received training ranging from that imparted in one day to that possible in a nearly completed enlistment period."
5. Mr. Hay says that 33,000 young men passed through our military schools last year. He, therefore, reckons that 330,000 of these young men have received military training in the last 10 years and accordingly should be reckoned.	The Secretary says that out of the 33,000 military students last year only 5,200 were graduated. On this basis, he says, "we obtain a total of 52,000 instead of 330,000 estimated by Mr. Hay."

A significant paragraph in the Secretary's letter is as follows:

The only adequately trained men in the country are in the Regular Army and Army reserve. The National Guard, those who have served therein and the graduates of educational institutions, having military training, should be considered as only partially trained.

The numbers of each are as follows:

Adequately trained—	
Regular Army, including Philippine Scouts	100,000
Regular Army, reserve	2,900
Partially trained—	
National Guard	129,000
Others who have had some training	241,800
Total	473,700

The Secretary concludes his letter with the following observation:

The passage of the House Army bill would increase the Regular Army by 40,000 men in a period of three to four years, would make a net increase of the Regular Army reserve by about 16,000 men in a period of about seven years, and would also increase the National Guard and therefore the number of partially trained men available in the country, but to just what extent I am unable to predict.

So you see that there is a good deal of difference between the estimate in the report and the estimate of the Secretary of War. The report estimates nearly three times as many trained and partially trained men in the country as the Secretary estimates.

EX-REGULARS DID NOT FLOCK TO THE COLORS.

Let us not fool ourselves into thinking that former Regulars will flock back to the colors in time of war. Has-been Regulars will not tumble over themselves in their anxiety to get killed any quicker than the rest of us. I hold in my hand a letter from Secretary of War Garrison, dated February 17, 1915. In it he informs me that in the Spanish War only 974 former Regulars returned to the Regular Army from civil life. It is true that many Regulars in all probability returned to the colors in the ranks of the Volunteers. Statistics are incomplete. Unfortunately, they were compiled only for the First Army Corps and for the second division of the Third Army Corps. A liberal estimate based on these incomplete figures would show that about 2,300 former Regulars, coming from civil life, enlisted in the volunteer service at the time of the Spanish War. This makes in all about 3,300 former Regulars who enlisted either in the Regulars or in the Volunteers.

And yet somewhere about 25,000 ex-Regulars who had been in the Army within the preceding 10 years were available for military service.

Here is an extract from Secretary Garrison's letter:

WAR DEPARTMENT,
Washington, February 17, 1915.

Hon. A. P. GARDNER,
House of Representatives.

My Dear Mr. GARDNER: I have the honor to furnish you with the following information bearing upon the queries set forth in your letter of the 10th instant:

* * * * * * *

2. How many former Regular Army soldiers reenlisted for the Spanish War either in the Regulars or Volunteers?

The records of this department show that during the 10 years ending June 30, 1898, 53,399 men had been honorably discharged from the Army for causes that would not render them ineligible for further military service. Of this number 26,271 reenlisted so as to make their service in the Regular Army continuous, thus leaving at large in civil life 27,128 men for the entire 10-year period. Of course, this number must have been reduced somewhat by casualties prior to the beginning of the War with Spain.

The records show that from April 1 to August 31, 1898, both dates inclusive, 3,162 men, who had had previous service in the Army, Navy, or Marine Corps, enlisted in the Regular Army, but 2,188 of these enlistments were continuous-service reenlistments of recently discharged men, leaving 974 as the number of former enlisted men of the Army, Navy, and Marine Corps who entered the Army from civil life during the period from April 1 to August 31, 1898.

The foregoing data, it will be observed, relate solely to reenlistments in the Regular Army and were ascertained only after a protracted examination of the official records. No compilation of data showing the exact number of former Regular Army soldiers who enlisted for the War with Spain in volunteer organizations has ever been made, but assuming that the data set forth in the inclosed table are representative of conditions among all the volunteer forces of the War with Spain, it will be seen that the percentage of men in volunteer organizations who previously served in the Regular Army was approximately a little over 1 per cent.

* * * * * * *

Very truly, yours,

LINDLEY M. GARRISON,
Secretary of War.

THE MILITIA.

As to the 129,000 men in the militia or National Guard it is hard to guess how many effectives we could depend on in the event of war. The outlook is disheartening for anyone who has watched the militia records for target practice and camp attendance. Even in this last year, with the European war in progress, over 43,000 militiamen failed to go to camp, according to the figures of the Chief of Staff, United States Army. Furthermore, in his annual report, the Chief of Staff tells us that out of 91,000 militiamen armed with a rifle, no less than 41,000 were so indifferent to their duty that they failed to show up for a single day's target practice throughout the entire year. According to this same official, our target practice "is in a fairly satisfactory condition in eight of the States and is unsatisfactory in all the others, with varying degrees of deficiency."

WHAT THE BILL PROVIDES.

Now, let us see what this bill actually does.

The Hay bill is a conscientious effort to build up an army without men. Counting the 20,000 men we voted the other day, the Hay bill adds 40,000 soldiers to the Regular Establishment, provides for picayune payments to militiamen in 48 different little armies, devotes a few paragraphs to regularizing instruction camps of the Plattsburg kind and to the formation of cadet companies, and doubles the number of cadets at West Point. The West Point provision is worth all the rest of the bill put together and a lot more besides. So far as the increase in the Regular Army is concerned, and so far as the summer camps are concerned, the bill is a Lilliputian step in the right direction. To regard this step in the right direction as an adequate satisfacton of the Nation's demand for preparedness is about as sensible as to regard the peanut tendered by some child's hand at the circus as an adequate satisfaction of an elephant's demand for food. What do 40,000 additional men amount to? If they were all well and strong, they might man a trench half the length of Manhattan Island, on which a part of New York City is built. If you were to put these 40,000 men in a trench here in Washington, with the left of the line resting on the Congressional Cemetery at Nineteenth Street SE., the extreme right would not reach beyond the American University on Nebraska Avenue.

Out of approximately 100,000 men in the Regular Army today we have some 35,000 available for a field or mobile army, as it is called. The rest of the men are in overseas garrisons or in the coast defenses or in the noncombatant corps. If we add 40,000 new men to our field force we shall ultimately have 75,000 Regulars for the field army of the United States, and that is all. Remember, however, that the Hay bill allows us four years' time for the recruitment of these 40,000 new soldiers. If we pass the Hay bill we shall ultimately have a force of Regulars in our field army sufficient to man the trenches along a 15 to 20 mile front, or about one-fortieth of the Texas frontier along the Rio Grande.

THE RECRUITING PROBLEM.

I believe that we are going to have the very greatest difficulty in the future in recruiting a Regular Army, and no wonder. We do not pay our soldiers enough. Fifteen dollars a month and all found, including quinine and coffins, does not offer men much inducement to hunt Mexican murderers where the ambushing is good. If we want good men for a good Regular Army we must go right into the labor market and compete for them. By the way, we voted the other day to increase the Regular Army 20,000 men, so that we could meet the Mexican crisis. If we need 20,000 more Regulars to fight Villa, how many more Regulars would we need to fight a real enemy?

DOES THIS BILL FEDERALIZE THE MILITIA.

Not being a lawyer, I do not propose to discuss the constitutional questions in this bill. As far as I can judge from the report made by the chairman, the committee feels that in its near-federalization plan a successful scheme has been hit on for circumventing that clause in the Federal Constitution which reserves to the States the appointment of officers and the training of the militia under Federal regulations.

The Missouri Military Council, whatever that may be, agrees with the committee, and so the committee quotes the council in Chairman HAY'S report. On the other hand, Secretary Stimson and Secretary Garrison insist that the Constitution can not be buncoed; and, by the way, Secretary Garrison underlined his opinion by resigning his seat in the Cabinet of the President of the United States.

Each side marshals the decisions and the views of the bigwigs. No one knows what the Supreme Court of the United States will think when it is called upon to decide the question. One man's guess is as good as another's, and my guess is that any plan for federalizing the militia under which every private carries a lawsuit in his knapsack is a pretty good plan to avoid, the executive council of the National Guard Association to the contrary notwithstanding.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. DOOLITTLE). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LONGWORTH. I was very much interested in what the gentleman said as to the overlapping authority of the President

and the governors of the States. Suppose, to follow out the illustration the gentleman gave, that the National Guard had been ordered out by the governor to suppress a riot, and at the same time an invading force was landed in this country, who would have the authority, the President or the governor?

Mr. GARDNER. I can not answer the gentleman.

Mr. LONGWORTH. If the gentleman can not answer, I do not know who can.

Mr. HAY. Mr. Chairman, I understand that the gentleman from Massachusetts [Mr. GARDNER] has yielded the floor.

Mr. GARDNER. Certainly.

Mr. HAY. I yield to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, I rise at this time merely to ask unanimous consent to extend my remarks in the RECORD for the purpose of inserting in the RECORD at this point the text of a substitute which I will offer for section 18 of the pending bill.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The following is the substitute for section 18 of the bill referred to:

SEC. 18. That for the purpose of securing a sufficient reserve of officers for the military forces of the United States the President is hereby authorized to establish and maintain in civil educational institutions a reserve officers' training corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

That the President may, upon the application of any State institution described in the first paragraph of this section, establish and maintain at such institution one or more units of the reserve officers' training corps: *Provided*, That no such unit shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

That the President may, upon the application of any established educational institution in the United States, other than a State institution described in the first paragraph of this section the authorities of which agree to establish and maintain a two-years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the reserve officers' training corps: *Provided*, That no such units shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics, or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

That the Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the reserve officers' training corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training, and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division or to devote at least an average of three hours per week per academic year to such military training.

That eligibility to membership in the reserve officers' training corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States or have legally declared their intention to become such, who are not less than 14 years of age, and whose bodily condition indicates that they are physically fit to perform military duty or will be so upon arrival at military age.

That the President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the reserve officers' training corps are maintained, but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. Retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail under the provisions of this section shall extend for more than four years.

That the President is hereby authorized to detail for duty at institutions where one or more units of the reserve officers' training corps are maintained such number of enlisted men, either active or retired, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men shall not be detailed under the provisions of this paragraph without their consent. While so detailed they shall receive active pay and allowances.

That the Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the reserve officers' training corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof and for its return when required.

That the Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the reserve officers' training corps, no such camps to be maintained for a period longer than six weeks in any one year except in time of war or when war is imminent; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps, and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

That when any member of the senior division of the reserve officers' training corps has completed two academic years of service in that division and has been selected for further training by the president of the institution and by its professor of military science and tactics and has agreed in writing to continue in the reserve officers' training corps for the remaining two years of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished at the expense of the United States with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War during the remainder of his service in the reserve officers' training corps.

That the President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer any graduate of the senior division of the reserve officers' training corps who shall have satisfactorily completed the further training provided for in the preceding paragraph hereof, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in the preceding paragraph hereof, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of 21 years, and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority, but the total number of reserve officers so appointed shall not exceed 50,000: *And provided*, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

That any physically fit male citizen of the United States between the ages of 21 and 27 years, who shall have graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who while a student at such institution completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this section for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment as a reserve officer and as a temporary additional second lieutenant in accordance with the terms of this section.

That the President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army for a period of at least six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to this section and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

That no reserve officer or temporary second lieutenant appointed pursuant to this section shall be entitled to retirement or to retired pay, and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this section.

That in time of war the President may order reserve officers appointed under the provisions of this section to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on active duty they shall be subject to the Rules and Articles of War.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. CRAGO]. [Applause.]

Mr. CRAGO. Mr. Chairman and gentlemen, in approaching the subject of a military policy for our country we must accept certain fundamental principles of government before we can intelligently discuss a definite policy. First, I take it we must admit that it is the first duty of government to protect life and property, and in the final analysis a government must depend on its physical force to perform this function. Second, the physical force of a government to be effective must be organized, and whether this organization or mobilization shall be purposed to maintain peace or to successfully wage war if war comes makes but little difference. If we admit these propositions to be true, we must consider, first, the legal machinery by which it is possible to gather together or create this force, capable of meeting the demands made upon it, and, second, the adoption of a system in harmony with our principles of government by which we can have the services of our citizens in sufficient numbers to meet any emergency.

I believe that all sane people who have given this subject any real thought will agree that we as a Nation should take every

necessary precaution to prevent war, and that most of them will agree that in preparing to defend ourselves we will to a great extent make ourselves less liable to attack. How far we shall go, what shall be the degree of our preparation, what, in fact, shall be the purpose of our preparation, is a question for the people to determine and is not a question for military experts to define or demand. The fact that military experts, so called, have attempted to dictate the military policy for us has made it difficult to get our people to agree to legislation which is really necessary. We value to the full extent the advice and the counsel of these officers as to the organization, the discipline, and the equipment of the different units of our Army, but the extent of it, the purpose of it, the means of calling it into being, is for the legislative branch of this Government, representing, as they should endeavor to represent, the people, who must provide the means for maintaining it, rather than for the men who live by reason of our Army and whose life work is given to the Army.

Do not misunderstand me. I yield to no one in my admiration and respect for the men of our Army—those officers who in time of war as well as in peace we must look to for the suggestions as to the best means of bringing efficiency out of the forces at their command. But for these men to dictate our military policy is much like our handing over to any other branch of our Government the making of the laws which will dictate the course of this great Nation of ours.

Any measures of preparedness should be based on our present needs, and should reflect an intelligent and permanent policy, dictated by experience and the recommendations of our best military authorities. But legislation by which we bring this about should reflect the sober, deliberate judgment of the representatives of the people.

It has been well said that inefficiency is a part of the price that democracy pays for the blessings of individual freedom and personal liberty, and we are not yet willing to admit that they are not worth the price. It is our duty, however, to make the price as small as possible, and to that end we must work for the greatest efficiency possible under a system harmonizing with our principles of government.

Much has been said concerning the bill now pending. I simply want to add here some words, referring particularly to the adoption of the National Guard as a part of the first line of defense. In order to continue a rational program of preparedness the National Government, in addition to perfecting our small Regular Army, should give immediate and continuous attention to the following: First, follow to the fullest extent the opportunity offered by the federalization of the National Guard; second, systematically mobilize our physical resources, to the end that we may know at all times that we have control of all materials necessary to maintain ourselves if entirely shut off from the rest of the world; third, encourage the States in their work of imparting military instruction and discipline.

Cooperating with the National Government, the States first should vie with each other in furnishing the General Government with the most efficient organizations of troops for Federal service; and second, the States should establish courses of military instruction in all schools, and in all medical schools receiving State aid, insist on a thorough course in military hygiene and sanitation; and third, the States should relieve the National Guard of any possibility of police duty [applause] by establishing a State police force, trained for this particular kind of service.

Now something has been said as to the constitutionality of this federalization, and I want to say here that, after studying this question to the best of my ability, I agree heartily with our honored chairman in the conclusion which he has come to, and I have no sympathy with those people who are depending on something that has never been decided by a court of law, but who are merely using in their arguments an obiter dictum uttered by some official whose opinion is not the decision of a court of last resort.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FESS. I would like to ask the gentleman whether he knows of any experiment where a State has adopted a State constabulary to do away with police duty on the part of the National Guard?

Mr. CRAGO. I know of one splendid example, that of the State of Pennsylvania, where, about 12 or 14 years ago, against the protest of a great many people, such a course was adopted, and it has grown so in popular favor that to-day the 300 men of the constabulary in a State of 9,000,000 population have made it absolutely unnecessary to use the National Guard in such labor troubles as have occurred; and to-day you will not hear among people who condemned it in the beginning a word of condemnation against the splendid body of men that has been organized for that particular purpose.

Sections 23 to 78 of the present bill apply to the National Guard and are intended to provide such an organization and discipline for this part of the militia as will make of it a real Federal force. I recognize the fact that our people are not ready for universal military service and that we can not hope to maintain a Regular Army at such strength as to give us an effective first line of defense; and believing that from our organized citizen soldiery must come the officers and men who will be first called to the colors in time of danger, we have turned to the National Guard in the belief that this body of men who, with but little encouragement, have kept alive the military spirit in our country during the years that our people have been engrossed in industrial progress, will be able to provide our nation with a real Federal force, one in harmony with our high ideals and capable of being made a dependable force.

In proposing this legislation we are fully aware of the arguments which have been urged against such a course. Some of these arguments are advanced through ignorance of the real value and the present worth of the National Guard, while others come from men who have a personal motive in their attempt to belittle the possibilities of this body of citizen soldiery. No one who has served long in the National Guard will claim for it perfection, nor should we expect more than we have achieved under the conditions as they have existed. The men who are responsible for the proposed legislation realize that it means either the achievement of proper results from this plan or it means the complete disbandment of the National Guard as a Federal force.

We believe that to continue the present halfway system of support is money wasted, and that it is unfair and unwise to maintain an organization for military purposes which deceives its members into thinking themselves soldiers when they really are not, and giving our people a false sense of security by relying on a force which in the test might not make good. It is better that we have no National Guard, so far as Federal purposes are concerned, than to have one not up to such a standard of efficiency as will accomplish its real purpose.

I want to take up briefly the arguments against using the National Guard as a Federal force, and dispose of them in the light of the facts and the conditions which we hope will prevail when the federalized National Guard shall have a chance to demonstrate what can be accomplished. In dealing with the subject we must formulate a system not only to meet the present strong demand for preparedness, when men are giving their best thought to the subject, but a plan which will in the years to come give us the men so necessary to any effective fighting force. In doing so I shall compare our proposed system with that of the German Empire, which most people admit is able to furnish quite an effective military force. The difference in effectiveness as a result of their universal military service must be made up with us through the patriotic zeal of our citizens and a recognition, if possible, of the fact that the failure on the part of a citizen to do his share is just as culpable as his failure to perform those duties devolving upon him in behalf of those who are dependent upon him by reason of family ties—which common humanity dictates.

The first criticism is usually the fact that the National Guard is composed of 48 little armies, and I think I heard those words ringing in this Chamber just a few moments ago—48 little armies, each under a different commander and lacking uniformity, efficiency, coordination, and unity. I will answer this criticism by saying that under the proposed plan a unity of organization would obtain, and our National Guard would be as much under the control of one commander in chief, namely, the President, as the German Army is under the Emperor of Germany.

Let me quote from pages 321, 322, 323, 324, and 360 of "The German Empire," by Howard. We find here:

> Strictly speaking, the German Army is not a unit. Indeed, it may be quite properly said that there is as yet no imperial army, but simply contingents of the several States.
>
> The principle of unity in the military organization of the Empire is carried out in three ways: (1) By placing the supreme command, both in war and peace, in the hands of the Kaiser; (2) by introducing a uniform organization, equipment, and set of tactics in all the contingents; and (3) by meeting the expenses of the army out of the common treasury. From a military standpoint, as Laband concedes, the different contingents may be regarded as parts of a wholly unified army, but from the standpoint of constitutional law, which is the only point from which the jurist can view the matter, it is a fundamental fact that there is no imperial army; these words are simply a collective symbol under which the contingents of the several States may be comprehended.

I will take this occasion to answer briefly the question that was asked in regard to the use of State troops in case this country was invaded, and at the same time the State should

have internal troubles. In the first place, such a contingency is unlikely to happen. These things do not occur in time of war, but only in time of peace. But the Federal control would, of course, be absolute on an occasion of that kind. I read further:

If it be true that the imperial army is but a name for the combination of the various contingents, what is the relation of the Empire to these contingents and what rights have the several States over their own armies? The answer grows out of the nature of the Empire as a Federal State. German jurists are generally agreed upon two points with respect to the nature of the Empire: First, the Empire is not a mere international arrangement based on contract, but a true State based on a constitution; second, the individual States, on entering into the Federal relation, ceased to be sovereign, but did not cease to be States. Each State has its own army, to be sure, but that army is recruited, organized, equipped, and drilled, not in conformity to rules and regulations laid down by the military authorities of the State, but the laws and ordinances of the Empire.

The matter of liability to military service, the recruiting of the various contingents, the qualifications and duties of officers, the establishment of a criminal code for the Army and the code of procedure in military trials, the maintenance of discipline, the whole arrangement of the military organization, the fitting out of the troops, etc., all fall within the competence of the imperial legislation. The States, indeed, possess military supremacy formally, but the material content and extent of this supremacy are determined by the Empire. The rulers of the several States are the heads of the various contingents; that is, the officers and men of the various contingents stand in a relation of immediate service to the ruler of the State to which their contingent belongs. They take the oath of allegiance to him and owe him their personal loyalty. Nevertheless they are all under the supreme command of the Emperor as head of the united armed forces of the Empire, and in taking the oath of allegiance to their own ruler they swear obedience to the Emperor at the same time. The Emperor has the right of inspection at any and all times, and he may order the remedying of any defects which such inspection may discover. Further, in the administration of their own contingents, the States, while actually conducting the work of administration, must keep within the bounds set by imperial law, the command of the Emperor, and the amount assigned to them out of the general budget. Any balance which may remain after the expenses of the military administration of any State are paid does not fall to the State, but flows into the imperial treasury.

Another provision here is:

It will be seen that two principles are at work in the military organization and administration of the Empire, the two principles which are always asserting themselves and seeking adjustment under the federal form of government, viz, the principle of unitarianism or centralization, which is constantly aiming to gather the whole power of the State into the hands of the Empire, and the federalistic principle, or principle of State supremacy, which seeks to preserve to the individual members of the Empire the largest measure of independence and control compatible with the efficiency of the whole. The very necessities of effective military organization demand that the supreme power and control be located at a single center, and that all the members shall be subordinate to this central authority. To reconcile this demand, which is vital to any successful military organization, with the justifiable desire on the part of the States and their rulers to retain and assert their own supremacy, is a delicate task and presents the problem which the imperial constitution attempts to solve.

The theory, therefore, on which the military powers are distributed is this: Every State has its own troops and is in possession of military supremacy. This supremacy is to be limited only so far as may be required in order to secure the unity of the federal Army, which is composed of these State troops.

In other words, in all these States making up the German Empire they appoint their own officers, and it is only the higher officers commanding the divisions who are subject to appointment by the Emperor of Germany. To sum up the organization of the German army, Laband puts it as follows: "To the Empire belongs the military organization and arrangement of the army, the supreme command in war and peace, the fixing of the requirements as to recruits and as to the budget of expenditures; to the States is left the formal supremacy over the contingents and self-administration."

Second, the appointment of the officers is in the hands of the different governors. This is a source of strength rather than weakness under the restrictions as contained in this bill. The States are never of one political complexion, and while partisan politics has never obtained in the National Guard of the larger States, even granting that it may in some of the States, is not the governor of a State as competent to select proper officers as the President, and is the power any more likely to be abused by a governor than it is by one man as President. Under the German system the officers are selected by the States.

Third, the right men will not join the National Guard by reason of fear of strike duty, and the unfriendly attitude of organized labor. This opens up an economic side of the question, one which goes to the very heart of our industrial system if it were entirely true, and would always so continue; but I believe this phase of the subject will eventually solve itself. To begin with, the National Guard was never originally intended for strike duty. Strikes are the product of our too rapid industrial development, and unfortunately we have been called on to pass through this period of our development. The necessity for such service is being lessened, first by organizing State police, trained for this particular service; second, by the better understandings existing between capital and labor. At times the use of the Guard in strike duty has been abused, and they were thought by the great corporations to be their servants and subject to their instructions when on duty. Their real duty was to see that the laws were not violated, and when in some cases they were used as an adjunct to the corporations, naturally this created a feeling on the part of organized labor which it has been difficult to correct. This phase of the subject affects but few States and will in time disappear once it is known that the Guard is a Federal force.

But, says some one, will not the legislatures of the States refuse to support the guard if they are not to be used in this strike duty? This has not been the result in Pennsylvania, where we have that splendid organization known as the State police, which is maintained by the State. The true theory is that the guard from each State will be that State's contribution to the Federal service, just as the theory of our representation in Congress should be that each State sends its representatives to Congress, not to get what they can for that State, but as the State's contribution to the councils of the Nation. I regret to say that many of the criticisms of our volunteer system in former wars are only too true, but these criticisms do not apply to the present Organized Militia any more than the deserved denunciation of the inefficiency of our little Regular Army of former years applies to our present splendid reorganized Army of to-day, the equal, man for man, if not superior, to any fighting force in the world. [Applause.] The critics give little attention to the fact that in the War with Spain and the Philippine insurrection the organizations of the National Guard were quickly utilized in forming an Army of the size desired, and that these men, after doing duty in the Philippines, when their time of service had expired by reason of the ratification of the treaty with Spain, when they knew that they were needed to hold our island possessions while months were being consumed in building up an Army to relieve them, did what no other American soldiers ever did, either regular or volunteer, agreed to stay on the firing line until such time as they could be relieved. [Applause.] And Congress has never yet given proper recognition of this sacrifice to duty.

And now, since I have touched on this service, you will pardon my personal testimony concerning the deplorable conditions which existed in the National Guard of the different States in 1898, not in any manner the fault of the States or the National Guard, but the direct result of the neglect of the National Government to properly arm and equip these soldiers.

When the call to arms was sounded we answered, and on the 28th day of April, 1898, these young men of Pennsylvania, taken hurriedly from their homes the day before, found themselves at daylight at Mount Gretna, Pa., where they were unloaded on one side of that bleak mountain without shelter of any kind. It was bitter cold, and in a blinding mixture of snow and rain we were compelled to pass the day waiting for canvas and rations. We were camped there several weeks being mustered into the service of the United States. We had in each company 55 uniforms and 55 guns for 75 men. We were sent across the continent in that condition, the men being compelled to occupy during the long journey the poorest type of day coaches. When we reached San Francisco we were issued 20 more guns of the same type as our others. In order to provide shoes for the men there was dumped in front of my tent a miscellaneous assortment of shoes—pointed toes, enamel leather, congress gaiters—of a type which had not been seen in a first-class shoe store for a generation. In fact, I am satisfied the entire lot was the output of some store which had failed years before. The men were given brown canvas overalls, and thus equipped we were loaded on to an antiquated vessel built for the coasting trade in 1874. The men were quartered below the water line, under conditions which would have brought condemnation from an immigrant inspector if imposed on the poorest type of immigrant.

We made the journey across the Pacific and finally landed on the island of Luzon and in a few days were in action with the Spaniards, where we found our guns were not equal to theirs. We were using old-fashioned black powder, with Springfield rifles of a type condemned years ago. We lived in the trenches until August 13, when we moved our men into the surrendered city of Manila, with more than 300 men in our brigade without even a semblance of a shoe on their feet, in a country where the soil is filled with malarial germs, where the natives never think of going barefooted. Before long we were battling with the Filipinos, who were armed with guns far superior to ours, furnished, as we were told, by German merchants. We were compelled always to advance under more than 200 yards of their fire before we could fire a shot in return, and practically every man we lost in action was lost in reaching the point where he could return the fire. When I recall these evidences of the criminal negligence of those whose duty it was to see that the young men

who answered the call were properly armed and equipped, and when I think of what this cost, do you wonder that I am intensely interested in righting, so far as I can, this national disgrace?

We may here adopt the legal machinery for the formation of an army. If we have kept it in harmony with the human side of our problem it will accomplish its purpose. If not it will fail, but I have faith that its purpose and plan will find a response in the heart of every loyal American who loves his country and recognizes the fact that love and loyalty demand service. [Applause.] Very few of us will ever be called upon to bear the physical burden of whatever system we may here adopt. To younger men must fall the real service our country may demand, and so it does seem to me that as the representatives of the people, working for the perpetuation of a nation we love, we should all shoulder to shoulder present a solid line of determined action in the great task before us and so legislate that those who come after us may realize that we have contributed something of value to our country. [Applause.]

Mr. HAY. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

The CHAIRMAN. The gentleman from Nebraska is recognized for 20 minutes. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, in the short period of time allotted to me I wish to confine my remarks chiefly to the question which I believe is the one really in dispute as to this bill, and that is, What shall be the size of our standing Army? We have the past experiences of other nations as a light to direct our own actions at this hour.

I am not to be stampeded into enormous and useless expenditures for national defense because of the panic that has swept over this Nation by reason of the great war in Europe; but a study of the condition of the military arm of this Nation will, I think, convince any patriotic citizen that he is warranted in supporting the reasonable increases and program provided for in this bill.

Much as we may abhor war and cry out against it, there is nothing in the experience of mankind nor the history of nations to warrant the hope or belief that the world is yet growing weary of war. On the contrary, to-day, in the very center of civilization, mankind is blood-mad, and at any moment we may be drawn into the maelstrom of war that now roars around the earth. Neither religion nor civilization restrains the rage of nations. The most cultured and scientific peoples are the fiercest fighters. The experiences that now confront us on the Mexican border is evidence that at any day or hour the question of peace or war may be no longer a matter of our own choice. The gauge of battle may be thrown at us and we must be prepared to defend ourselves or be stricken down. We do not want war, but if it comes in spite of our wishes we want to win.

Let us hope that when peace comes to war-stricken Europe it will mean the beginning of the end of war; but if either side shall win a signal triumph I am fearful that the world will declare that the victory teaches a different lesson. If Germany and the Central Powers win, it will be heralded around the earth as proof stronger than Holy Writ that the greatest thing in the world is a 42-centimeter gun. If England and her allies triumph, it will be accepted as proof positive that the biggest thing in determining the destiny of nations is a battleship. If this should be the verdict of the world as the lesson of the present war, how shall we hope to escape the same curse while all the rest of mankind is taken. We are exactly the same flesh and blood, the same kind of people as those who are fighting like demons in countless millions over on the other side of the Atlantic. They are the same kind of men and women, the same civilization. America is what she is because she is the son and the daughter of Europe. We are no better or wiser than they. All of you are proud to trace your lineage there.

Left to ourselves, the power of public opinion and our splendid isolation may ward off the possibility of war. In Europe kings and emperors yet rule. They get together in secret conclave with their counselors and can bring war upon the nations, and the people are powerless to prevent it.

The only part the common people are allowed to play is to fight the battles in times of war and pay the debts in time of peace, and that is about all the common people are permitted to do in any land when war comes to it.

Two years ago all Europe was at peace, not one person in a million in all that Continent believed that the future held the possibility of war for them, but at about the same time we sent thousands of trained soldiers to Vera Cruz, Regular soldiers, trained to kill, armed to the teeth, and backed up by a great war fleet upon the sea; but we did not go to war with our southern neighbor, because the President knew that the great mass and body of the American people are in favor of peace and against war with Mexico or any other nation if it can possibly be avoided with honor. The glory of the American Government and its people is that public opinion is supreme, and the strength of the President with the Nation is that it believes his great heart always beats for peace. [Applause.]

The bill before the House provides, in my opinion, for a reasonable and efficient increase in the Regular Military Establishment. The additions provided for are demanded by the increasing population of the country and are necessary that the Army may perform its proper functions for the Republic in time of peace. It also takes the first step toward providing a force of citizen soldiery to fight the battles of the Nation in time of war. Civilization need not fear the fighting man when he is fighting on the side of humanity and justice. It has taken a thousand years of fighting upon the part of the masses of mankind to win the rights the individual now enjoys in time of peace. There will never be an enduring peace throughout the world until the red-blooded fighting men of earth begin to fight against war and the abuses of power that makes it possible for war to curse mankind.

The bill is properly designated "An act to increase the efficiency of the Military Establishment of the Nation." It provides for a maximum strength of 140,000 fighting men as the line of the Army. Those who ask for a larger enlisted strength for the Regular Army are confronted with the admitted fact that it will require the utmost effort of the recruiting arm of the service to enlist 140,000 men in time of peace. Personally, I believe the number of enlisted men asked for by the Secretary of War in his report to this Congress, which was 134,000 men, would give us an Army of sufficient size to perform all the duties required of the Regular Army in time of peace; but I realize that all legislation is the result of compromise, and I am willing to accept the added organizations and enlisted personnel as provided in this bill. The minimum strength of the enlisted force as provided in this act, when the four yearly increments have been enlisted, is 127,000 men. When we take into consideration that we have to furnish garrisons for our military establishments in the Philippine Islands, in Hawaii, and the Canal Zone, in addition to those for our fixed fortifications at home, it will be seen that the mobile force of the Regular Army, as provided for in this act, will not be excessive in time of peace.

The record shows that Congress has been generous in the matter of appropriations for the Army in past years, and if we are lacking in those things that are essential to the effectiveness of the Military Establishment it can not be justly laid at the door of the legislative branch of the Government. In round numbers, since 1901 this Nation has appropriated for the support of the Military Establishment $1,700,000,000. During the same period the expenditures of the German Empire for the same purposes have amounted to $1,650,000,000, or practically the same expenditure as ourselves. With this money they armed the nation and builded a military establishment that is the wonder of the world.

This bill recognizes as one of its fundamental features the futility of relying upon a standing army to defend the Nation in time of war. A standing army is now recognized as essential as a training school for the Nation in time of peace, to develop trained officers of high efficiency and furnish the first line of defense if war shall come. The item of expense alone precludes the possibility of maintaining a standing army in sufficient numbers to defend a nation the size of ours in warfare with a first-class military power.

That distinguished advocate of a large army, the gentleman from Massachusetts [Mr. GARDNER], proposes that we should increase our standing army to something like 250,000 or 350,000 men. This would increase our military expenditures by hundreds of millions, but a difference of a few hundred millions of dollars does not seem to startle us any more, when military affairs are concerned.

Mr. QUIN. Will the gentleman yield there?

Mr. SHALLENBERGER. Yes.

Mr. QUIN. The gentleman from Massachusetts did not explain how they were ever going to get these men, did he?

Mr. SHALLENBERGER. No; and no one has explained that yet. That is one thing that has never been explained. Such an army would require an annual appropriation of something like $300,000,000 or $400,000,000 annually, and even if we were able to enlist an army of that size in time of peace, which is believed impossible by those the best informed upon the subject, an army of that number is only cannon fodder for a week or two of conflict in modern warfare. The greatest mistake that we could make, in my opinion, would be to adopt the idea that with an army of 250,000 Regulars we would be

safe from invasion. It has been the practice of many countries in the past, when the people have grown rich and prosperous, to become indifferent and not willing to play the part of men in defending the life of the nation and to rely upon a professional army as a bulwark behind which the balance of the nation could rest at ease. Such a policy has always resulted in disaster when the system has been put to the real test of war. England was the last nation of Europe to rely upon a standing army of professional soldiers in numbers something like that advocated by many preachers of preparedness in the United States. Behind the bulwark of her battle fleet she felt herself secure with this obsolete military system. When the crisis came and that professional army was thrown against a nation of citizen soldiers in arms—and no men ever fought more bravely than this British army—they only served as a block for a week or so to stay the war chariot of Germany, until the citizen soldiery of France stopped the Teutons at the Marne. [Applause.]

Mr. KAHN. Will the gentleman yield for a question?

Mr. SHALLENBERGER. If it does not take too much time.

Mr. KAHN. Does the gentleman contend that these citizen soldiers whom he speaks of were untrained men? They had had three years' and two years' training, respectively.

Mr. SHALLENBERGER. I understand that; but after all they were just the same kind of soldiers that this Nation is going to obtain under this bill. They were not professional soldiers. They were not men reenlisted over and over again and maintained in a standing army, but they were men who took the duty of citizenship upon their shoulders, received their military training, and then went back to the avenues of peace, ready to come to the defense of the nation when it called them. That is the kind of an army program I am in favor of, and that is the only kind of an army program that will properly defend this country in time of war. [Applause.]

A century ago the kings and emperors of Europe relied upon a standing army of picked professional soldiers as a means of defense both for themselves and for the nation. The art of war became largely a thing of discipline and display. Suddenly the new Republic of France sprang into being and armed a nation of citizen soldiers, who, under the leadership of Napoleon Bonaparte, the greatest military genius the world ever knew, ran roughshod over the professional armies of Europe. But Bonaparte taught the Germans the secret of his power, and Prussia began to arm the nation. The story is told over and over again how Scharnhorst and Gneisnau trained the 42,000 men each year that Napoleon allowed them in their standing army until they had a nation of citizen soldiers, each trained for a year. With this army they overthrew Bonaparte at Leipsic, and later on with Wellington wrought his everlasting defeat at Waterloo.

In the Middle Ages the professional soldiers of Europe were men mounted upon horseback, clad in armor. The man upon horseback is yet a synonym for the soldier. They were robbers in time of peace and pirates in time of war. The standing armies of Europe in that age consisted largely of paid mercenaries, who fought solely for loot and pay. Charles the Bold, of Burgnundy, was the most powerful military prince in all Europe. He was the richest potentate of his time. He owned Burgundy and Lorraine, the fairest part of France, and the Provinces on the Rhine. He possessed Flanders and much of what is now known as the Netherlands. He claimed a part of Switzerland, and finally, in order to win for himself a crown in place of a ducal coronet, he claimed sovereignty over the men of the mountains. When he went forth to battle 20,000 knights, mounted on great horses and clad in shining steel, rode in his train. The men of Switzerland had neither horses nor armor. They were trained to fight on foot. They were armed only with an axe, a sword, and a spear. They were a nation of fighting freemen, just as they are to-day. They came down out of the mountains, and three times they met the knights of Charles the Bold in open field in pitched battles, and three times they overthrew him; and the last great fight cost him his kingdom and his life. And when the battle was ended his 20,000 knights laid dead upon the plain beside him or were scattered to the four winds of heaven; and for the first time in a thousand years these mountaineers of Switzerland showed the world that brave men fighting on foot are invincible against the man on horseback.

We have heard a great deal about the necessity for officers to make an effective army. Much is made of the wonderful military inventions that are revolutionizing the art of war; but we hear very little of the common soldier, and yet he is the very heart, the lifeblood, of every army. The ability to secure him is the one problem of preparedness.

We read much of the great guns the Krupps have builded—the "Brummers," the 42-centimeters—those great cannon that can hurl a projectile weighing 2,500 pounds loaded with high explosives 20 miles across the face of the world. The highest point in the trajectory of the shell as it flies is 7 miles above the earth. That is 2 miles above the highest mountain upon God's footstool. When it falls upon a fort or an intrenchment and explodes it digs a hole like the crater of a volcano, and the earth shakes with the detonation of the shell. But the gun does not win the victory; it never takes the fortress; it does not deliver the last shock of war.

We are told of the famous horsemen of the armies of Europe—the Cossacks, the Uhlans, the Cuirassiers—mounted upon great horses, with rattling sabers and flashing spears, a hundred thousand of them dash by, and the earth trembles from their charge. An inspiring spectacle, the most thrilling in war. But they do not achieve the victory. They do not win the fortress. They do not take the city. No! The horsemen and the cannon only prepare the way. After the horsemen have gone by and the guns are silenced, then come the men; the men on foot, the common men of Europe; millions upon millions of them. The real fighting force of every army is the men who fight on foot. Every great battle of history in the last 300 years has been won by the common soldier, with his gun in his hands. The one lesson that war always teaches is that man himself, in the strength that God gives to us all, is yet triumphant over everything else upon this earth.

To-day the German people are fighting a wonderful battle to maintain their place in the center of Europe. The Slav pushes down from the north and the Latin hammers at them from the south, and the Anglo-Saxon thunders upon the deep from the west, and yet the Teuton holds his own. The whole nation is in arms and fighting for its life. The armies of Germany are not made up of professional soldiers. They are citizen soldiers, fighting for little or no pay. They are fighting now as that people has always fought when they have been united. When divided into separate governments and dependent upon professional armies they have always been easily overthrown. Their struggle for "a place in the sun" in central Europe has been going on for 2,000 years. They have never carried their battle flags to other continents for conquest. They are the only great European nation of which this can be said. But the German fights fiercely when fighting for his home and the fatherland.

The first glimpse we get of the German in history illustrates how invincible an entire nation is when aroused to arms. The armies of Rome in the days of her military glory were composed of legions of men who fought for the preservation of the Republic. When her emperors gained the throne they came to rely upon a standing army, and the first time that the Roman legions of the emperors met a people in arms, the armies of the Empire went down to defeat. Two thousand years ago, at the dawn of the Christian era, Octavius Cæsar sat upon the throne of Rome and ruled the known world. He heard that away off in the North and in the West there had arisen certain tribes of barbarians who dared to deny his edicts and dispute the authority of imperial Rome. So he called to him one Quintilius Varus, his general. He said to him, "Go out against these men; bring them once more under our yoke; put the foot of the conqueror upon their necks; bind their chief men to your chariot wheels; and bring them here to make a Roman holiday." So they gathered together a mighty army of black-browed Roman veterans, and your history will tell you that for 500 years in conflict with the barbarians a Roman army had never known defeat—

> Oh, gay, yet fearful to behold,
> Flashing with steel and rough with gold
> Was that bright battle front.

And in the vanguard, the imperial eagle of almighty Rome flapped his wings—and so they marched away.

Now, these German tribes had heretofore been easy prey to the Roman arms, for they were divided among themselves and fighting with one another, and in the open the Roman short sword and Roman discipline were invincible. But there had arisen a man in their midst. We know not what his name was. The Romans called him "Arminius," but we know that was only a corruption of the German "Herr-man"—the lord, or chief man. But no matter what his name was, he was a hero, and he bound those different warring factions together into one harmonious whole.

He said, "My people, united we stand but divided we fall, and we will no longer fight these Romans as the Romans fight, but we will fight them as Germans fight, with our homes and our families and our country at our backs." And so they took station in a great wood, the Teuterberger wood, and they placed the women and the children and their property in the center and the warriors formed a mighty ring about them, for that

was the way that people fought in ancient times, so that every man would have behind him all that life and home held dear. After days of waiting the Roman army drew out in the open and for days they tried to entice the barbarians out, but at the command of Herman they stood fast in the forest. At last the word for the Roman onslaught was given, and though their soldiery performed prodigies of valor, though their cavalry charged like a whirlwind, unbroken was the German ring. Every time that a man went down there was a hero ready to step into his place, and if any coward dared to give back the women and the children drove him once more to the fight, and the end was that after three days of most fearful fighting that grand army that had followed the mighty Julius Cæsar from Spain upon the west to India upon the east, through one long series of unbroken victory, was absolutely annihilated and left its bones to rot in the Teuterberger wood. And when the news of that dreadful disaster, the most fearful that ever came to the Roman arms in conflict with the barbarians, was brought to Octavius Cæsar, where he sat upon his throne of gold in the imperial palace of the Cæsars at Rome, and he thought of his once proud army that had followed him to victory upon a hundred hard-fought fields now lying dead in that far-off German forest, he cried out in the agony of his soul, "Quintillus Varus, restore me my legions! Restore to me my legions!" And throughout the ages that has been the cry of every ruler and of every people that has relied upon a standing army as its bulwark of defense in the hour of the nation's peril.

It is because I do not want that cry ever to be heard in America that I am for this bill. The standing army of this Nation is officered by as brave and competent men as can be found in any army in all the world. The fighting quality of the enlisted men is not surpassed by the soldiers of any other nation. The effort of the Republic must be to train and arm the citizen who in time of peace produces the wealth and prosperity of the Nation and will be the bulwark of its honor and its glory in time of war. To add another regular soldier to our standing army above that provided for in this bill would, in my opinion, be a waste of public money. It is a demonstrated problem that we can maintain an army of a million trained citizen soldiers, the equal of the best armies in Europe, for about the same expense as the cost of a regular army of 100,000 men.

We should provide in plenty the best rifles and field artillery and ammunition and all other military equipment necessary to arm the manhood of the Nation. The first step should be to put a rifle, such as our regular soldiers are armed with, behind the door of every householder in this Nation and provide the means whereby the citizens of the Nation can learn to shoot that gun. If we will arm and train the manhood of the Nation, we can produce an army at little cost that, bulwarked behind the two great seas that beat upon our eastern and western shores, will stand like a stone wall against every foe that can be brought against it. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 20 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, it is a long span of time from the days of the Roman legions, so eloquently described by the distinguished gentleman from Nebraska [Mr. SHALLENBERGER] who has just taken his seat, to the present year of grace; but during all the centuries that have intervened wars have occurred and recurred at shockingly frequent intervals. Nor is there any hopeful sign now visible that the day is near at hand when war will be no more. In spite of this fact, the subject of national defense, which always should be one of overwhelming importance, only recently has come into its own in the public attention of this country. It is well that it should enter into the thoughts of the people. It is a hopeful indication that "preparedness" has become a sort of national slogan, and I sincerely hope that out of it all there will come a reasonable, sensible, sane preparation for the primary duty of national self-defense.

It is not usual for me to take my political philosophy from Kansas, but a signed communication which I saw printed in the Topeka Capital a short time ago contains a bit of philosophy which to a certain extent represents the attitude of the extreme pacifist. It is entitled—

"THE FABLE OF THE OSTRICH."

"An ostrich with plumes of great value roamed peacefully about his accustomed haunts when he heard the sound of guns in the distance. He realized that this meant danger and that some avaricious hunter might take a notion to shoot him. But he philosophized with the following arguments:

"I do not know who this possible enemy is, therefore I am safe.

"I do not know, but think that some one will defend me in case danger should come.

"I am not sure, but I think those defenders are well enough armed. Jingoes say they are not, but jingoes take the word of those who make a business of fighting, who, of course, know nothing about it.

"The enemy is so exhausted from shooting that he will be unable to shoot me.

"If some one should attack me, I could instantly turn myself into a lion and repel the attack with ease. Anyhow, it is wrong to fight under any circumstances.

"I will not take refuge behind a fence or building, because the chances are that somebody got a 'graft' out of building them.

"There are two or three places on the boundaries of my domain where it is impossible to break through. Therefore I am safe.

"Although I have my faults, I feel that I should pose as a model of virtue, an example to the whole world. Therefore I will not resort to resistance.

"I believe in taking things as they ought to be instead of as they are.

"I do not believe in being prepared. I will stick my head in the sand and forget that there is such a thing as trouble.

"Moral: Ostrich plumes for sale." [Laughter and applause.]

It would be a sorry spectacle to see the tail feathers of the American Eagle on the bargain counters of any of the countries across the seas.

Before beginning my remarks on the bill I would like to say a word in regard to our chairman of the Committee on Military Affairs, the gentleman from Virginia [Mr. HAY]. His able leadership and the broad-minded patriotic spirit exemplified by him during the consideration of this bill in committee are worthy of commendation. The members of the committee differed sharply as to many things, and yet, out of all of these disagreements, he has brought in a bill upon which the entire committee has agreed. No member of the committee would have written this bill just as it stands. A part of the committee, just as patriotic as the rest, believed that there should be no increase in the Regular Military Establishment. They yielded much to their colleagues and deserve great credit for it. Others thought the Regular Army should be somewhat increased, some more than others, but no member of the committee and no one who appeared before the committee, including many distinguished military officers, favored a large standing army.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. MONDELL. Do I understand that the committee will stand by the bill as reported?

Mr. TILSON. What does the gentleman mean by "standing by"?

Mr. MONDELL. Resist amendments to increase.

Mr. TILSON. No such condition was sought to be imposed. Not only that, but it was thoroughly understood that at every opportunity during the passage through the House or in the later stages those who believe there should be an increase are expected to utilize every opportunity to endeavor to get it.

Mr. MONDELL. Then I understand that, while the committee reported the bill unanimously, the members do not consider themselves bound to resist important changes in the way of increase?

Mr. TILSON. That is correct. I do not believe that anyone on the committee considers himself bound to refrain from increasing the bill if he so desires and is able.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BENNET. I suppose that the committee would resist any attempt to change the title or to strike out the enacting clause?

Mr. TILSON. All of us think that this bill is very much better than the existing law, and therefore we are in favor of the bill and will support it.

Mr. BENNET. That is, if you can not get anything that is thought to be better.

Mr. TILSON. Those who wish to increase the Army or change other features of the bill have the liberty to try to do so.

It seems to be conceded, Mr. Chairman, that in a war of any magnitude citizen soldiery must be used. The Regular Army is considered as a model, a sort of school of instruction, as well as a national police force and a nucleus around which the real Army of defense must be built. There was no contest in the committee between a big Army and a little Army. The only question was just how large our little Army should be. The maximum fixed by the committee was somewhat less than a respectable minority of us thought it should be. It is fair to state that this minority was not made up on party lines. After

all, so far as this point is concerned, it is only a question of numbers, and those who thought there should be more had no difficulty in agreeing to the bill as reported.

As to the distribution of the small increase among the several arms of the service, there was complete unanimity that the Field Artillery should be increased. The lessons of the European war undoubtedly demonstrated that need. There was quite general agreement that the Infantry and Coast Artillery should be increased. Other increases of importance were made in other branches of the service, especially in the Medical Corps, the final addition being made by a committee amendment which the chairman will offer.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. BORLAND. I notice that there are no increases provided for in the regular cavalry service of the Army. Is it contemplated that there will be increases encouraged in the militia, or the reserve force, of the Cavalry?

Mr. TILSON. It is hoped that there will be a considerable increase in the Cavalry and in the Field Artillery in the Organized Militia of the several States.

Mr. BORLAND. The gentleman is aware now that there has been a great deal of difficulty in doing anything of that kind formerly?

Mr. TILSON. Yes; and of the many difficulties in the way. One of them is the greater expense of Cavalry and Artillery.

Mr. BORLAND. But plenty of material for Cavalry is available if proper arrangements could be made for it by law?

Mr. TILSON. Plenty of it; and if the Government will encourage it I think there will be an increase in the Cavalry and in the Field Artillery.

It was brought home to the committee quite forcibly that more officers are needed. Good officers can not be produced easily. Their training is a matter of considerable time. Therefore it clearly appeared to be one of the duties of the committee to materially increase the number of officers. Besides the addition of officers provided for in the new organizations, almost a thousand extra officers are provided for, to be used largely for the training and instruction of the National Guard and in schools and colleges where military instruction is given.

Then there is a provision for an officers' reserve corps, which it is contemplated will produce eventually a large number of officers ready for service in time of war.

Another important step in the right direction is the provision for a reserve. The object of this step is the building up of a trained reserve to fill up the ranks of organizations to war strength in case of war. In my opinion it might have been more effectively done by a somewhat shorter service with the colors, but the step is in the right direction. Four years ago I introduced into the Sixty-second Congress a bill providing for the beginnings of such a reserve. I submitted to the House at that time facts and figures to show how such a reserve could be established and maintained. I pointed out the importance of having trained men rather than raw recruits to fill up our skeleton organizations. I called attention to the fact that we were missing an opportunity to conserve for possible use one of our most valuable national resources—the men whom we had trained at considerable expense for military service. Unfortunately, I was somewhat ahead of the time, and my voice was like one crying in the wilderness. It attracted little attention then, but it is gratifying now to see the same idea embodied in this bill.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GREEN of Iowa. I would like to inquire of the gentleman, if he is not about to state it as he proceeds, how much of a reserve that would now have created if his plan at that time had been carried out? I would like to know, if we progress further with the bill, how many we could obtain in the future in this way?

Mr. TILSON. If my bill had been adopted four years ago, it would have been in full operation now only one year, so that we should not have had a very large reserve, but we should have had something.

Mr. GREENE of Massachusetts. What would it be now, if it had been put into effect then, is what the gentleman from Iowa inquired.

Mr. TILSON. If it had been put into effect at that time, it would have taken three years before anybody could have gone into the reserve at all, and therefore it would have been in full operation only one year at this time.

Mr. GREEN of Iowa. And after that how many?

Mr. TILSON. After that it was contemplated that it would furnish something like forty or fifty thousand a year—I do not now remember accurately, but something like that; perhaps not quite so many.

Mr. GARDNER. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Massachusetts.

Mr. GARDNER. How many years' service in the reserve, according to the gentleman's plan?

Mr. TILSON. My plan at that time was three years' service in the reserve, three years with the colors, and three years in the reserve. I would now make it two years with the colors and four with the reserve. By a committee amendment we have gone one step further and provided that in time of war a reserve battalion shall be raised and maintained for each regiment at the front. One of those who seemed to appreciate the reserve idea in the Sixty-second Congress was my friend, the distinguished gentleman from Arizona [Mr. HAYDEN]. When it was decided for me that I should take a two years' vacation from Congress he came to me and asked the privilege of taking over my mantle in this particular matter, and he has done some very excellent work along this line. The committee amendment, which will be presented to the House, for a reserve battalion for each regiment in the field is almost entirely his work. One of the most deplorable defects of our lack of system in recruiting that bore the most bitter fruit in the Civil War was the lack of such a reserve to supply wastage and keep the ranks of well-trained regiments full. In that war scores of new regiments were raised and rushed to the front to be slaughtered because untrained, while regiments of seasoned troops at the very zenith of their efficiency were permitted to waste away to the size of small battalions.

After all, important as the Regular Establishment is, it would be comparatively insignificant if we ever became involved in a great war. It should be so, for no country should attempt to maintain a professional army large enough for such a task. It is a question whether any nation with such an army could long remain free. Great wars have been and must be fought, not by a professional army, but by the citizen soldier. Napoleon is credited with saying that there are three essentials for war; first, money; second, money; third, money. Surely there is one other requisite, and that is men. In the United States we have the men and we have the money. The problem is to properly utilize both for our national defense. Untrained men and gold coin are alike unavailing for the purpose. Both must be brought into condition for use in order to be effective. Unless this is done the former become only cannon fodder and the latter good only for tribute.

In some observations submitted to this House a few days ago, February 29, I called attention to some very necessary special tools and appliances that can be procured at comparatively small cost and will do more than any other one thing to make us ready to realize our material resources quickly in the way of providing arms and ammunition. It is my intention to offer at the proper place an amendment to this bill that will authorize the preparation in advance of these special appliances. I now bespeak your interest and votes in the adoption of such an amendment. I believe there will be no difficulty in convincing this House and the people of this country generally that the principle of the amendment which I shall offer and have been advocating for some time must be adopted and thoroughly worked out, and, when that is done, the problem of producing matériel for war is far on the way toward being wisely solved. I think it is going to put the "prepare" in "preparedness." [Applause.]

The problem of utilizing to the best advantages our resources in men is, however, a still more difficult one. There are just 21 different solutions of the problem in our committee. There are probably 435 different solutions in the House and nearly 100,000,000 in the country, because each individual has the only perfect plan in his own mind. They range all the way from dependence on a million men springing to arms between sunrise and sunset to universal compulsory military service. The committee has tried to avoid both Scylla and Charybdis, or, to bring it up to date, it might be said that we tried to steer a course somewhere between "the peerless statesman of Nebraska" and "the gentleman from Massachusetts [Mr. GARDNER]." [Applause.]

The problem of the committee was not to chase fanciful theories, but the practical one of arriving on common ground where at least 11 of the 21 members of the committee could stand. It was only necessary that the majority of the committee should arrive at a conclusion which, in their judgment, was better than the law now in existence. It should be kept in mind that the issue is not between the ideal bill in the mind of each individual and the present bill, but the issue is between the law as it exists to-day and the present bill or such as the present bill may become after it has been amended.

Mr. POWERS. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Kentucky.

Mr. POWERS. Does the gentleman propose to state that the only purpose of the committee was to make an improvement on the present law?

Mr. TILSON. It was our earnest purpose to make the greatest improvement we could. The gentleman is well aware that in any committee of this House, in the House itself, or in any other deliberative body, legislation or action of any kind as a rule is a result of intelligent compromise. The chairman of the committee was unusually successful in guiding to such a conclusion as to cause the entire membership of the committee to agree that it was better than the present law, hence a unanimous report. A few plans and numerous suggestions were submitted to the committee. The plan that received the greatest amount of notoriety was the one commonly known as the continental army plan. This plan was well and forcibly presented by the very able Secretary of War, Mr. Garrison. The trouble with it was that practically no one seemed to believe that it would work in normal times. It was said of it that its strongest advocates and most bitter opponents vied with each other in the strength of a common belief that it would prove a failure. The basic idea of this plan——

The CHAIRMAN (Mr. GARRETT). The time of the gentleman has expired.

Mr. KAHN. I will yield to the gentleman 5 minutes more, if he desires.

Mr. TILSON. The basic idea of this plan, the necessity of having a volunteer force under the control of the Federal Government was recognized; but that the continental army plan would produce any such force, or any force at all, was extremely doubtful in the minds of most of those who attempted to support it. It was believed besides that it would practically destroy the National Guard, which, after all, with all its faults and shortcomings, represents not only such military training as exists outside of our small Regular Army, but also the military spirit that has been kept alive during all the years.

The continental army plan having failed to attract support the attention of the committee was directed to the possibility of securing such a force by utilizing instead of ignoring or destroying the Organized Militia. Here was a force already in existence, had been in existence for more than 100 years, and was well understood, with all its history and traditions, as well as its shortcomings. It was conceded that in spite of all the difficulties under which the Organized Militia has labored a wonderful advance has been made in its discipline and efficiency, especially within the last 10 years. The object of the committee was to conserve this force. It was believed by the committee that it would be unwise to throw away, to sacrifice this force which had already proved itself able to exist, even under adverse circumstances, and to substitute for it something entirely untried, and which no one, either its friends or its enemies, believed would work.

Although I have been in the National Guard for a number of years, I speak now not as a National Guardsman but as an American citizen and as a Representative in the American Congress. My service in the National Guard has been a labor of love, because I have believed that such service was not only beneficial to the State in which I live but also to the Nation of which my State is an important part. I would not willingly or wittingly impose a single burden or hardship upon the National Guard, except such as I believe to be necessary for the higher duty of national defense. I believe that the National Guard should become a national volunteer force. [Applause.] I believe that it should come under the control of the National Government. I believe that under the Constitution the National Guard can be made such a national force, and if some of the Regular Army officers had spent more time in trying to show us how to accomplish it and less in trying to discover reasons why it can not be done they would have been more helpful. My own idea has been that it can be brought about by a dual enlistment—one with the State and another with the United States. There is nothing incompatible or unusual in such a status. It is not a case of serving two masters. We are all citizens of our respective States and at the same time citizens of the United Sates. Yet no one thinks of such a dual allegiance being incompatible. There was a question on this point in the minds of some prior to 1865. All doubt on this point was set at rest by the result of the war between the Sates. We are a Nation, and in questions involving national defense the power of the Federal Government is indisputably paramount. Therefore, when a man signs an enlistment paper obligating himself to serve the United States when called, or is commissioned as an officer by the Federal Government, I believe he is under the control of the Federal Government, and no authority which any State could or would exercise over him would in any wise interfere with his availability or usefulness for national service.

It is my intention to offer at the proper place in the bill an amendment which representatives of the National Guard believe, and which I believe, will completely and sufficiently federalize the Organized Militia. In a word, this amendment will embody my idea of the dual enlistment and dual oath of office. I am not going to dispute with the chairman of our committee as to whether the bill as it stands sufficiently federalizes the militia. My amendment will surely do so if adopted.

Fortunately the National Guard through numerous representative officers made it clear to the committee that they desired to become a national force and entirely under national control. Since the passage of the Dick bill they had regarded themselves as already a national force. Willingness to render service when needed by the Federal Government was the prevailing reason given for joining the National Guard in the first place, and thousands of officers and men have continued in the service year after year solely for this reason. Their representatives told us that both rank and file were ready and eager to go the limit of federalization. They appealed to us to place them under national control and permit them to become the national volunteer force which all agreed to be an essential in any adequate scheme of national defense, and for which no one else seemed able to provide. The fine spirit of loyalty and patriotism manifested by the National Guard made a deep impression upon the members of the committee. There was no division of opinion as to the utilization of this material thus presented to us.

If the War Department and the officers of the Regular Army, in whose hands such matters must be placed, will enter upon the task with a desire to make the plan a success and will deal with the National Guard understandingly and sympathetically there is every reason to believe that within five years the National Guard will more than double in numbers and efficiency, and become a great and dependable military force, national in control and character. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. DENT].

First, however, Mr. Chairman, after the gentleman from Alabama gets through, I will move that the committee rise, and then I will ask unanimous consent to continue the general debate until 6 o'clock and do away with the evening session. I just want to give that notice. [Applause.]

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] is recognized for 15 minutes.

Mr. DENT. Mr. Chairman, there is no doubt that the public mind has been engaged in the discussion of preparedness for many months. This question has occupied the principal place in the newspapers of the country since the outbreak, I may say, of the European war. I have always believed that there could be no doubt that at least 95 per cent of the people of this country are in favor of military preparedness. But at the same time I am equally as convinced that at least 90 per cent of the 95 have no fixed opinion as to what preparedness exactly means. It was with this difficulty, then, that the Committee on Military Affairs of the House began its hearings upon this subject about the 1st day of last January. That committee spent seven solid weeks, holding morning and afternoon sessions, for the purpose of trying to determine exactly how far the country should prepare itself for war.

I said on the floor of this House a little more than a year ago, when the Army appropriation bill was up, that while we were all in favor of preparedness, nobody was able to tell us against whom we should prepare. I asked the question in my remarks then, Shall we prepare against Germany or shall we prepare against Japan? Shall we prepare against England or shall we prepare against the combination of the allies that are engaged in the European war? I asked the question if it was necessary to prepare only for war against Mexico. That question, Mr. Chairman, is still the predominant question when it comes to the proposition as to what preparation we shall make.

The committee heard those who were in favor of a large standing army, the committee heard the advocates of peace, the committee heard all sides of this proposition, and came out with a report that increases the Army by 40,000 men. It provides for a National Guard that in the end can be trained according to the discipline prescribed by Congress, and that will amount in its final consummation to something like 400,000 men as a second line of defense.

The committee became convinced that this country was not ready and willing to vote for a large standing army such as exists in the warlike nations of Europe. For that reason we

increased the Regular Establishment so that we would have a nucleus from which we could build in the event of war, and we provided for a National Guard organization that will give them training under a discipline prescribed by Congress and regulations fixed by the War Department.

It is a remarkable fact—it is, indeed, a most remarkable fact—that 21 members of this committee of the House, representing every section of this American Union, after seven weeks of discussion and hearings on this subject upon all sides of the proposition, have been able to present to this House a bill which meets their unanimous approval. [Applause.] And I want to say here, Mr. Chairman, that I think, as a member of this committee, I would be derelict in my duty upon this occasion if I did not state to the House the fact that this committee has brought forward a bill with a unanimous report is due to the diplomacy, the fairness, the intelligence, and the ability of the chairman of that committee, the gentleman from Virginia [Mr. HAY]. [Applause.] And I will go further and say that this result has been accomplished because the minority membership of that committee was led by the genial, fair-minded, honorable, and distinguished gentleman from California [Mr. KAHN]. [Applause.]

Mr. Chairman, I do not agree, and I do not believe that the country agrees, that we should have a large standing army in this country. I believe that the sentiment of this country is in favor of building up a second line of defense from the citizen soldiery of the country who mix and mingle daily in the business and social life of the people among whom they live. And it is for this reason that the committee has brought in a National Guard pay bill.

I have not the time, even if I had the inclination and the House were willing to listen, to discuss the constitutional aspects of that question. The report discusses it very fully. The committee has reached this conclusion, in which I absolutely and thoroughly concur, that under the Constitution of the United States Congress has the power—the absolute power—to federalize, or to nationalize, if you please, the militia—the State troops known as the National Guard—in every respect except as to the appointment of its officers. The only power, therefore, that the Constitution reserves to the States is the power to appoint the officers and to train the militia according to the discipline prescribed by Congress, and the best authorities agree that even that power is subject to the qualifications fixed by Congress. We propose in this bill to prescribe the qualifications of the officers of the National Guard.

That is what we have undertaken in this bill. That, Mr. Chairman, is what the National Guard has asked for. That, Mr. Chairman, is the popular idea in this country by which to build up a second line of defense.

I do not think that it is necessary for me to undertake to defend the increase that the bill proposes in the regular military establishment of this country. The war in Europe has made it necessary that we should do something. The Mexican situation, which has recently arisen, has made it more imperative.

And in this connection I wish I had the time to call the attention of the House to a report made to the Forty-fourth Congress on the Texas frontier troubles. Every Member of this House would be interested in this report which was made to the Forty-fourth Congress in 1876.

I have said from the beginning, and I repeat, that the bill that we bring in here is not a partisan measure; it is not a Democratic measure and it is not a Republican measure; and I want to go further and state—and the facts will bear me out—that the policy pursued by President Wilson in regard to Mexico is not a Wilson policy or a Democratic policy, but it has been the policy of the Government of the United States ever since these troubles began on the Mexican border. If you will read this report, you will realize how similar is its language to the criticisms now heard of President Wilson for not pursuing a more vigorous policy toward Mexico. This report is No. 343, Forty-fourth Congress, first session, made by a committee of Congress composed, of course, of Democrats and Republicans. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes.

Mr. DENT. I will not undertake to read much of the report, but I want to call attention to some interesting features of it. I read from the report:

> The history of the present raids can be said to have commenced with the Cortina war in 1859 and 1860.
>
> * * * * * * *
>
> But after the close of the war * * * commenced the pillaging on the Texas border. * * * It will be seen that the constant and immense robbery of cattle, which is the basis of this entire system of outrages, has, in the later statements, hardly been mentioned, as the murders and other crimes which have grown out of it overshadow it. The question with the people has become one of existence, not of pecuniary loss.
>
> * * * * * * *
>
> From their entire immunity and the great attraction of the spoils, their numbers are continually increasing. From the oldest times, and among all people, punishment of crime has always been considered necessary to prevent its increase; but here we have the strange spectacle of a community openly subsisting on crime, while there is no punishment for them. Their own nominal Government is not strong enough to inflict it, while the Government of their victims—our own Government—from a highly refined sense of international politeness, has refrained from inflicting it.
>
> * * * * * * *
>
> This state of things is wholly due to the inactivity of our Government.

How strangely similar is that language to the language we hear to-day in criticism of President Wilson. This was written in January, 1876. I read further:

> A few years ago some energetic chastisement, convincing the plunderers that there was some danger connected with their trade, would certainly have checked it, but the impression that our troops dare not cross the river has made them feel at ease.

Does not that sound like present day history? I read further:

> When, after a hot pursuit, the robbers and their spoil reach and cross the river, and our brave troops stand helpless and overwhelmed with shame on the American side of a small river, and bear the taunts and insulting gestures of the escaped robbers and their friends, our Nation and its Government becomes in their eyes, as they do not study the subtle arts of diplomacy, an object of scorn and contempt.
>
> * * * * * * *
>
> All statements agree that the authority of the National Government of Mexico on the border is only nominal.
>
> * * * * * * *
>
> Such is the insecurity of life that Capt. McNally, who appeared before your committee, a man of known daring and a bold leader in those border fights, declares upon oath that no compensation, however great, could induce him to incur the danger which every inhabitant of the country between the Rio Grande and Nueces incurs every day, and that he considers his life, as a man whose business is war, safer than that of any inhabitant of that district. Deliberately and with full conviction, as this opinion is stated by one who is familiar with that country and all the facts, as a perusal of his evidence will show, it is fearful in its weight, and should come home to the heart and mind of every American.
>
> * * * * * * *
>
> In coming to the manner in which protection can be given, we must state it as the unanimous opinion of all military men familiar with that border that protection can only be complete if the commanding officer of our troops can, whenever he finds robbers in the act of carrying off their booty, follow them up, even across the river, punish or kill them, and retake the property of our citizens. They are unanimous in stating that a merely defensive policy would give imperfect protection, even if a large force were maintained there at great expense.

I might read more of this report, Mr. Chairman, because it bears upon this situation directly, but I mention it and call attention to it in connection with the fact that Mr. Wilson's policy in being internationally polite to Mexico, if I may so express it, was the policy of President Johnson, it was the policy of President Grant, and it was the policy of President Taft, whom President Wilson succeeded. So that it may be said to be a truly American policy.

But to-day we stand in a different situation. To-day we are confronted with the fact that a band of robbers and plunderers has not only entered the borders of our country from Mexican soil, but has actually attacked a town under the guard of United States soldiers, and has actually had a battle with them. I hope, and I believe that every American is with me in this proposition, that this incident will mean that these border troubles will and must be settled for all time to come. [Applause.]

Mr. BELL. Mr. Chairman, I ask unanimous consent that the address delivered by Speaker CLARK at the Washington Press Club last night be inserted in the RECORD. The subject is, "The making of a Representative."

The CHAIRMAN. The gentleman from Georgia [Mr. BELL] asks unanimous consent that the remarks of the Speaker of the House at the Press Club last evening on the subject "The making of a Representative," be inserted in the RECORD. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12766, the Army reorganization bill, and had come to no resolution thereon.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the general debate on this bill shall continue until 6 o'clock this afternoon, and that the provision in the rule providing for the session this evening be dispensed with.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the general debate shall extend to 6 o'clock this evening on this bill, and that the night session provided by the rule for to-night be dispensed with. Is there objection?

There was no objection.

On motion of Mr. HAY, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, with Mr. GARRETT in the chair.

Mr. KAHN. I yield 10 minutes to the gentleman from Pennsylvania [Mr WATSON].

Mr. WATSON of Pennsylvania. Mr. Chairman, I do not propose to speak upon any of the particular sections of the bill, but more especially on preparedness. I hope, however, that this measure will promptly pass.

One hundred and forty years ago a new Republic was formed on the North American Continent, a feeble union of States, with a system of government which all nations claimed could not continue.

But the world did not truly appraise the worth of those loyal patriots who pledged their lives, their fortunes, and their sacred honor for the freedom and independence of that Union.

This little Republic grew in strength, power, and wealth. In her development she has been zealously guarded by able and faithful men, who, constant to their trust as the northern star, have made that Republic, our country, to be the greatest Nation of all history. [Applause.]

It behooves us, whether in public or private life, to uphold the honor of our country as those in the past have done and bequeath its glory to the generation to follow. When the present conflict of nations has ended, which has paralyzed the doctrines of the Christian world, new social and commercial conditions will follow, which will extend to all civilized peoples of the universe. I do not know why the United States should be exempted from the sword. Wars may be the plan of creation, for history teaches us that nations have been blessed with but few years of continual peace from the memory of man down to the present hour.

The responsibilities of the United States Government increase as her wealth and power spread over her dominion, and Congress can not avoid them nor fail to prepare to defend the growing importance of our Nation.

No Member can prophesy, in these times, when Congress will be asked to declare war. Therefore I advocate increasing the Navy and organizing an Army not for aggression but to publish to the world that we will protect our rights and guard our citizens wherever they may be in the performance of their lawful and rightful duties. [Applause.]

I do not know the best course to pursue in order to increase the permanent efficiency of our Military Establishment, but I am confident that after this bill has been debated that we will have as perfect a system as it is possible to inaugurate at this time.

Our Nation is not prepared for the trials of war, and if an enemy invaded our country, compelling the President to issue a call for volunteers, an untrained Army would march to the front, only to meet death.

In all periods of our history, when grave international questions were to be solved, men who seemingly have been invested with divine power have safely defended our Nation's honor.

Again the country calls for men who are clear thinkers upon public questions, keen observers of human nature, to deal with the issues which now confront us, and the inevitable ones which will be daily manifested as the foreign war continues.

Every American citizen should stand by the President and assist him to preserve peace, and if peace can not be honorably maintained, then fight with him to perpetuate the dignity of our country. [Applause.]

In the early days men formed themselves into tribes for protection, and later nations were organized to protect tribes; thus the various Governments were established. A government, therefore, is a corporation for mutual protection, and it becomes the bounden duty of every able-bodied citizen to render military service to his country. In order to increase and permanently maintain a national defense it will become necessary to train our young men in military affairs, not only to prepare them for war, but to prevent the danger of the future generation becoming effeminate by the growing luxuries of the age. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. HAY. I yield 10 minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I purpose to vote for the pending measure that comes from the Committee on Military Affairs with a unanimous report, much as I regret the necessity for increasing the Army and the resultant increased expenditures for military purposes. I have taken especial interest in some of the provisions of this bill, particularly that part of it relating to the federalizing of the militia forces or National Guards of the several States of the Union and making them available when necessary for war purposes instead of the continental-army plan, as first proposed. I was especially pleased with the action of the committee, through its distinguished chairman, in printing in and as a part of its report a most admirable and convincing brief on the "Power of the Federal Government over the militia under the Constitution," which brief is credited by the report of the committee and its real author to the military council of the State of Missouri, but which brief, in fact, was prepared by Gen. Harvey C. Clark, commanding general of the Missouri State Militia, and at the head of the military council of the State of Missouri and for many years a close personal friend of mine, and now a resident of Nevada, Mo., and a constituent of my distinguished and gifted colleague, the Hon. PERL D. DECKER, who represents here with marked ability the fifteenth district of Missouri.

The modesty of the author of the brief caused him to credit it to the general council of which he is a member. His modesty is only surpassed by his ability as a lawyer and his qualification and fitness as commanding general of the National Guard of Missouri. I thought it not inappropriate to disclose to this House the real author of this brief, which makes plain "the absolute power of Congress to provide for the organization, discipline, and control of the National Guard, and for its Federal service within or without the United States under the Constitution and the decisions of the Supreme Court of the United States." I note in the public press that the National Guard of Missouri is ready for service. I read:

NATIONAL GUARD READY.

NEVADA, MO., *March 11.*

Brig. Gen. Clark to-day wired the War Department at Washington tendering the services of the National Guard of Missouri to President

34308—15333

Wilson in case it was deemed necessary to use them. Gen. Clark informed the War Department the National Guard of Missouri were in a high state of efficiency and ready to move within 24 hours' notice.

This is done without waiting for the passage of this bill, the occasion being the trouble on the Mexican border, and the sending of United States troops across the border into Mexico in pursuit of and for the capture of Francisco Villa and his bandits who had invaded the United States and attacked and killed citizens and soldiers of this country at Columbus, N. Mex. It was fitting that Brig. Gen. Clark, an officer in the Spanish-American War and the commander of the National Guard of Missouri, should tender to the War Department the services of this National Guard, now in a high state of efficiency and ready to move within 24 hours' notice. The report of the committee and the brief contained therein will satisfy, in my judgment, everyone with an open mind that Congress has the power by appropriate legislation to prescribe the organization, armament, and discipline of the militia and to govern and use the National Guard as an efficient force for all war purposes. The fact that Congress has not in the past deemed it necessary to exercise this power is not sufficient reason for failing to legislate now, when the militia, under the Constitution, by proper legislation can be made an efficient force for all needed war purposes. Why substitute a new and novel continental-army plan, a mere experiment and of doubtful success? When the Constitution contemplates the use of the militia of the several States, why seek to break down and destroy these great military State organizations by attempting to substitute new methods for Army purposes?

I quote from the brief and the Constitution. Section 8 of Article I of the Constitution of the United States reads as follows:

Congress shall have power to raise and support armies; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress; to make all laws necessary and proper for carrying into execution the foregoing powers.

Section 2 of Article II:

The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

I have always been opposed to a large standing Regular Army in time of peace, and such has been the historic position of the country and of the party of which I am a member. If an in-

crease is necessary at this time, because of changed and dangerous conditions, when possibly the Nation might be called to arms to protect its integrity and its sovereignty, it does appear that the increase provided for in this bill is not unreasonable. Many are urging a much larger increase. To my mind it is more important to have an efficient and well-equipped force than a very large Army in time of peace, to be largely increased, if necessary, for war. The present authorized Regular Army of 100,000, though in fact short by about 15,000, is scattered, doing service in the Philippine Islands, in Hawaii, in Porto Rico, in the Panama Canal Zone, and on the Mexican border and quartered in various parts of the United States, and only to a limited extent available now for pursuit of Villa and his bandit gang. If the full authorized quota of 100,000 were in fact in the Army and available for service, it would mean only one soldier for each 1,000 people of our 100,000,000 population. With an increase under this House bill of 40,000, making, in the aggregate, an authorized Army of 140,000 soldiers on a peace basis, it would mean about one soldier for every 700 population. That does not look very much like militarism—scattered, as it will be, to meet the necessities on the borders of our country, in our colonies and elsewhere, and as an efficient nucleus for a large Army when war comes. The bill, however, for war purposes, provides for a much larger force of Regulars, also to be added to by the various National Guards of the several States.

The increases in the Army and Navy will require legislation for increased revenues; and if these increases are made necessary by reason of extraordinary conditions growing out of the European war, that affects so seriously all the world, then additional taxation must be levied to meet these increases. The same influences that have made it necessary that these additional burdens be provided for have furnished extraordinary opportunities for large war profits. Those interests that reap these benefits out of the misfortune of this world war should bear their full share of these increased burdens and these war profits should, by appropriate legislation, be made to respond, so that these additional burdens should not rest heavily upon the masses, who reap no benefit from war conditions. The loudest cry for preparedness and for large increases in armament come from those most benefited by war, and it is entirely logical that those most benefited should freely contribute from their profits for this preparation for defense or war, if necessary.

But for permanent law, and particularly to meet the ever-increasing burdens of the Government, I would substantially enlarge the income-tax law. I would reduce the present minimum of exemptions and substantially increase the surtax, and thus have an income-tax law broad and comprehensive enough to meet the mandate of the American people that saw fit to compel an amendment of the Constitution of the United States so that great wealth and those enjoying large incomes and best able to pay should contribute a fairer share to the expenses and burdens of government. It is the fairest of all taxation, most easily paid, and the least burdensome, and paid by those who reap the greatest benefits of Government.

I stand with the administration and the country for all reasonable preparedness and for all reasonable increases of the Army and Navy and for such increases in taxation properly levied to meet these necessities growing out of changed conditions, having at all times a proper regard for the efficient use of all money appropriated, so that the money appropriated may be economically and efficiently used and so that efficiency may result and appropriations for worthy purposes be not squandered.

Every good citizen hopes that the time may come, and as speedily as possible, when war conditions will end, when disarmaments may come, when the necessity for large armies and large navies may no longer exist, when the internal affairs of our country may be our first care, and when the health and betterment of mankind everywhere may be the first care and desire of government, rather than war and the destruction of life and property; so that civilization may live and a Christian world be preserved rather than woe and sorrow and destruction be the heritage of every people on earth; when the cry for preparedness for war may not longer be heard in the land, but a preparedness for life's best interests and results.

I do not want to see this country grow war mad, nor do I want this country to be negligent in its duty to thoroughly prepare for its future safety and to be ready to meet every emergency that may come.

The patriotic citizens of the country will stand for all reasonable preparedness, but are not interested in war profits nor in the selfish interests that wax fat over the disturbed conditions of the earth which are encouraged in a degree by those who would reap large profits while the masses suffer. Efficiency in every business and walk of life is to-day the watchword and desire of all who love success and desire safety and prosperity and an advancement of our citizenship everywhere.

The country does not desire war, but, in my judgment, wants an efficient Army, large enough for all reasonable purposes, and a well-equipped Navy, large and strong enough to protect our country from attack from abroad and to protect our citizens and commerce whenever and wherever necessary. We want our coast fortifications, already strong, to be strengthened wherever needed.

We do not want war, but if any hostile nation should seek to invade our country, then a Nation of courageous and patriotic citizens will rise as one man, not only to repel invasion but to give the world such an object lesson of American valor that all nations will take heed and never again with hostile purpose attempt to set foot upon the sacred soil of this Republic.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. KINKAID].

[Mr. KINKAID addressed the committee. See Appendix.]

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, it is utterly impossible to treat the subject under discussion with any degree of adequacy in 10 minutes. In a previous address I dwelt at length on the fallacy and iniquity of the preparedness propaganda. The bill now before us provides for an unusually large increase of the Military Establishment. It carries with it an additional burden of taxes. And no matter upon whom the taxes are to be imposed in the first instance they will ultimately fall upon the shoulders of the workers, using the word "workers" in the broadest sense and including in the term all who earn their livelihood by useful service.

I suppose we all agree that the most charitable thing that can be said about the Army and Navy is that they are necessary evils. We do not want to increase the evil unless we must. In proposing an extraordinary addition to the Army we must first determine whether the increase is essential for the defense of a national policy. It is not claimed that it is necessary to suppress internal disorder. The advocates of the need of a large Army must convince us that the necessities and exigencies arising or about to arise from our international relations compel this disagreeable step.

The primary question, then, which we have to decide is, What is our national policy? Have we a national policy?

The fact that the Committee on Military Affairs brought in a unanimous report providing for an addition to the Army merely shows that both the Republicans and Democrats have surrendered to the clamor of the press. It means that the elected representatives of the people have suspended their judgment. Have abandoned the right to think for themselves, and have permitted two or three dozen individuals in the editorial rooms of the newspapers to fix the policy of the country. Who are these editors who cover white paper with all sorts of marks? What is behind them? Who dictates their pens? What determines their thoughts? To whom are they responsible? Who are their owners, and what are their interests?

Instead of a national policy, we have a national panic, and the national panic is particularly strong among Members of Congress. They seem to be scared out of their wits. With bulging eyes they scan the columns of the newspapers to find what the newspapers have to say about them. The papers take full advantage of this scare. Some of these newspapers were impudent enough to denounce as traitors the 147 men who refused to stultify themselves by again tabling the previously tabled McLemore resolution.

The apparent unanimity of the committee has also another meaning. The Democrats are happy in their belief that they have stolen the thunder of the Republicans. The latter rejoice that they have started the Democrats on the road to military expansion. Each side believes that it has fooled the other, and both are trying to fool the people.

With a definite national policy we can prepare adequate means to sustain it. No one will contend that the increased Army is intended for purposes of attack upon other nations. It is, then, to be used for defense. If for defense, then against whom? Is it not in order to ascertain from where and from whom danger threatens the United States?

There is one Member of Congress, besides myself, who is consistent. He is the gentleman from Massachusetts [Mr. GARDNER]. He wants a big Army, a very big Army, one big enough to satisfy him. He fears "a rush of invasion," and he wants to be prepared to meet the invasion. For all that he knows some German scientist may invent a chemical substance by which the Atlantic will be dried up and the Teutonic Army will march upon Massachusetts. Its Representative prays for

an Army big enough to defend his beloved State. He is logical. He would have every man prepare to meet the attack at once. He would have us train all the time for that trying moment. He favors universal compulsory training. He would change the song of the cradle into a martial song.

Some say that the lesson of the need for preparedness is being taught by the European war. I draw an entirely different lesson from this war. The war was prepared just as surely as an explosion is prepared when enormous quantities of dynamite are accumulated. It is the very maintenance of big armies that has made the war possible—nay, inevitable. Will anyone dare gainsay that we would all have been better off to-day if there were no armies in Europe in August, 1914? A distinguished Member of the House referred to the German Army as the citizen army of Germany. The Social Democracy of Germany, which represents the most advanced democratic ideals of that unfortunate people, did not think so. As a means of fighting militarism they vainly demanded the establishment of a citizen army. They never ceased to warn against the menace of large standing armies, notwithstanding thousands of years of imprisonment which were meted out to them by the militaristic elements which controlled German life.

Armies in Germany, armies in France, armies in Russia, armies in Italy, everywhere men trained to fight, seeking to realize their life's dreams on the battle field, and then we wonder there is war.

As long as the conflagration continues in Europe we will be talking preparedness here. It will require all the strength of strong men to resist the invasion, not of a foreign enemy, not of a great military force, but of militaristic ideas. As long as the war continues there will be men among us for whom no army will be big enough, who will always want more preparedness, more of an army, more of a navy—and the more they will get the more will they demand.

This bill provides for 40,000 additional men. You know you can not get men to enlist. We are now practically at war with Mexico. Men are not going to enlist for $15 a month, to act the part of professional butchers. You can get volunteers by the tens of thousands if you will arouse a patriotic fervor, if you will appeal to the deep sense of national honor, if you will call for self-sacrifice and martyrdom. In order to get these 40,000 men you will have to create a state of frenzy. You will have to prepare a state of mind which will impel men to join the colors. You will have to stimulate enlistments by holding over the heads of the people the threat of an impending war. You will have to lash yourselves into a state of madness which is the sure forerunner of war.

One of the gentlemen on the Republican side of the House, and who preceded me, went for his wisdom to a silly poem which appeared in a provincial newspaper, and one of the things he quoted from the supposedly satirical poem was the sentiment, "I don't want to prepare, because I do not know whom I am going to fight." The gentleman thought it was a silly statement. There is nothing silly about it. The question whom are we likely to fight will have to be answered before the people will shoulder additional burdens. The question will have be answered before the people will submit to the enlargement of the military forces of the country.

We are told that war is inevitable; that it can not be foreseen; that it comes with suddenness, and that it is a part of human nature. There was surely nothing sudden about the present war. Was not Europe preparing for a quarter of a century for this very war?

War is no more inevitable than the plague is inevitable. War is no more a part of human nature than the burning of witches is a typically human act. Men succumbed to the plague because they were ignorant. Men burned witches because they were ignorant. When men came to understand the cause of the plague, the plague became impossible. When men will understand the cause of war, war will be made impossible.

We need not go into ancient history. It will be more profitable to examine modern history. While the forces that shape the destinies of nations do not lend themselves to exact classification, we may still group the principal wars of modern times into four classes—religious wars, wars which were the result of dynastic ambitions, wars for the unification of national groups into large nations, and, finally, the modern war, which is purely and simply a war for commercial supremacy, for markets, for spheres of influence and spheres of interest. Wars are nowadays shopkeepers' quarrels.

We need not anticipate that nations will rush at each others' throats because of religious differences. The possibility that kings and monarchs will, in pursuance of dynastic schemes, plunge their nations into war becomes more and more remote because of the growth of democratic ideas.

For the first time in the history of the world rulers of nations were compelled to appeal to their peoples, not in the name of national honor, but in the name of self-defense. Kaisers, kings, and czars were compelled to recognize the existence of a public opinion which rebelled against the asininity and criminality of war.

The third group of wars within recent times were the wars between small States occupying contiguous territory and consisting of populations of the same racial stock and language. The friction between the various Italian sovereignties thus resulted in one united Italy. The contest between the numerous German groups ended in a united Germany. The conflict between the North and South ended in one big United States.

The Saxon, the Bavarian, and the Prussian fought one another with the same zeal with which they now fight the allies. The Saxon sacrificed his life for Saxony; the Bavarian for the success of Bavaria; the Prussian for the triumph of Prussia. The patriotism of each was limited to the small group of which he was a member and to the small territory which that group occupied.

The same is true about the Italian nationalities. It was but natural that national groups occupying adjoining territory and being close neighbors, possessing a language of the same origin, differing only in dialect, should find it necessary to coordinate their efforts in the direction of forming one strong and united political organization and that both their selfish and higher interests should demand the creation of strong States along national lines. To this group should be added the struggles of small nations for emancipation from the yoke imposed upon them by larger States and nations.

We come now to the modern shopkeepers' wars.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Will the gentleman allow me another five minutes?

Mr. EMERSON. Oh, give him five minutes more.

Mr. LONDON. Yes; you better do it.

Mr. KAHN. I do not know. I understood the gentleman was going to get some time from the other side. I will yield him five minutes more.

Mr. LONDON. Then I will take five minutes from the other side, as there is no one there. [Laughter.]

Mr. KAHN. I think it only fair to say to the gentleman that the chairman of the committee, Mr. HAY, has gone to the telephone temporarily on important business.

Mr. LONDON. Oh, I understand that; and then he may be exhausted by the great effort put forth in preparing the bill. There have been no great wars between 1871 and 1914. We have had a number of small ones. The big nations amused themselves by——

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. KAHN. Does the gentleman consider the Japanese-Russian War a small one?

Mr. LONDON. I was just going to refer to that. I was about to say that the larger wars were conflicts of economic interests, the direct clashing of material interests. Outside of the Russo-Japanese War, in 1905, since 1871 you have had the big nations attacking the little ones. Take England, for example. The English people are a brave and noble people. But the English people have never within recent times taken any chances with any big nation. England looked for easy jobs. It is true the war with the Boers was not an easy one. England did not calculate that it would have to send four times as many soldiers as there were Boers in order to defeat them, but that is what it had to do, and then it had to give a greater measure of autonomy to the Boer Republic than to any other British colony. Egypt, Morocco, the Congo, and the other numerous colonies seized by the big nations of Europe in Asia, Africa, and Australasia tell the same story of the aggrandizement of the big nations at the expense of the little ones.

Mr. KAHN. Does not the gentleman think the war between Russia and Turkey in 1878 was a pretty large war?

Mr. LONDON. Yes; but I explained in the last address I made here that it was primarily the desire of Russia to get access to the sea and to obtain a warm-water port, which was and is essential to her economic development.

What I want to disabuse your minds of is that idea advocated by Bryan, and which appeals to old women only [laughter and applause], that the present war is a causeless one. His appeal in the name of Christian ideals and his argument that this war is causeless, necessarily fall upon their ears. Commercialism has never permitted religion to stand in its way. The war is not a causeless one but a senseless one. I proceed upon the theory that there can be in modern times

no great war unless there is a deep, fundamental, and vital cause for it, a cause which involves the very existence of a nation, and I say that there is no real, deep, fundamental interest of the people of the United States which can clash with any other people of the world.

Perhaps I should revert for a moment to the Russo-Japanese War and point out to the gentleman from California that it was primarily due to the attempt of Russia to extend her influence in Manchuria and to her acquisition of valuable lumber interests in Korea, which directly collided with the interests of Japan. There was nothing spiritual about the causes of the contest. It had its origin in sordid commercial rivalry.

In a previous address I made clear the economic basis of the present war in Europe. The outstanding fact in the titanic struggle of the European nations is that at the bottom of it lies the contest for commercial supremacy, and then do not forget that the war is in the main conducted by nations occupying contiguous territory. There is not a single instance in the history of modern wars of a great industrial nation having been attacked by another nation separated by a great distance. The very idea that any outside power could attack the territory of the United States is too preposterous to be entertained by a sane mind.

The United States has no one to fear. It is invulnerable against attack. It is not in the increase of the Military Establishment that we shall place our hope for a greater and nobler America. Unless we are determined to become a world power in the sense of competing with other nations, by force of arms, for the possession of markets and for the extension of our colonial empire we need no increase of the Army and Navy. We are now a world power, a world power for good. The average American fails to understand to what extent this Republic has been a source of inspiration to all lovers of liberty all over the world. Let this Republic remain free from the contamination of militarist ideals.

Although I believe that the Committee on Military Affairs could have done a great deal worse, I feel constrained to announce that I will vote against any increase of the Military Establishment, as such an increase would mean that Congress has yielded to the false "preparedness" campaign.

Gentlemen, I thank you. [Applause.]

The CHAIRMAN. The gentleman yields back one minute.

Mr. KAHN. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. HULL].

Mr. HAY. Mr. Chairman, I will say that I will charge myself with half the time yielded to the gentleman from New York [Mr. LONDON].

Mr. HULL of Iowa. Mr. Chairman, this bill to my mind is an answer to the question that is asked very often, What is reasonable preparation?

I desire to speak of two distinctive features of this bill, the utilization of the National Guard as the Federal fighting force of this Nation and the inclusion of a clause which will be the initial step toward the Government manufacture of arms and ammunition.

The principal opposition that was voiced during the last year against the so-called militarism program was not so much against preparedness as it was against the methods it was proposed that we use, to prepare.

The idea of a continental army was distasteful to the public mind, because it savored of the military tactics of Europe, and because it was, in the opinion of a large majority of the people, the first step in a system that would eventually lead to a predominance of the military over the civilian. The people were opposed to a policy that would centralize the military power of this Government in the hands of one or even a few men. They were opposed to a system that would create an immense standing army, the financial burden of which would increase year by year and necessarily impose upon them a perpetual tax.

Europe, now the greatest slaughterhouse the world has ever known, has unconsciously sent her message of warning across the sea. Europe has taught us that any program whereby civil life is subverted by the military must eventually lead to war. Europe's policy was originally a policy of defense; but gradually, as her army was increased—gradually, as the military gained the ascendency—so was her defensive policy merged into one of offensive. The greatest burden of recent years that Europe has had to bear is her army and her navy. Her greatest burden in the years to come will be the direct result of that army and navy. The continental-army scheme would have led us in the footpaths of Europe. With eyes across the sea, the people of this United States rose up, almost as a body, and protested against any form of preparedness that would result in such a catastrophe to the civil life of the Nation.

This was the inception of the peace propaganda; this was the cause of that wave of protest that swept across the country against the military program as it was originally outlined.

It is a significant fact that since the death of the continental army scheme, and since the public has come to know that the National Guard is to be utilized in our preparedness for defense, all these protests have died out.

The National Guard has long been the popular military body of the Nation. The reason for this is that it is a military system that can be coordinated with civil life; that, by its very nature, it is, and must always remain, subservient to civil life, and therefore is, and always will be, a military organization for defensive and not offensive purposes.

Until the present time the growth of the National Guard has been retarded because it has had no substantial support. No other motive but that of pure patriotism has been extended as an inducement to enlist; its soldiery has been asked to give its time and energy without thought of compensation, and its officers have been asked for their knowledge and ability without adequate return for the same. The different bodies of the National Guard have also lacked that cooperation which is necessary to build up a strong and effective military organization that could be utilized as a unit in case of national defense. All honor should be given to that small body of officers, and to that relatively small body of men who, under adverse circumstances, have made the National Guard what it is to-day, and should we in the near future be compelled to defend our honor or our country, I believe the National Guard would give excellent account of itself, and would be the nucleus around which we could build a forcible fighting army. In my opinion the National Guard must always be looked to as the military body to protect the Nation. It is the organization which this Nation must depend upon to preserve our national honor or to protect our borders if at any time we should be in danger of attack.

This bill, if it becomes a law, will do away with the principal defects that now exist in the National Guard. In the first place, it provides compensation for the soldier who enlists, small it is true, and inadequate compared to the time he will have to spend and the danger involved in placing himself at the disposal of his country. Yet the average citizen is willing to devote his time to his country if he is given a return, be it ever so small. It is not the money, the small sum that he will be given if he enlists as a soldier, but it is the fact that his country recognizes the spirit in which he enlists that will attract the young man to the National Guard. It must also be remembered that the National Guard is now, and always will be, recruited from that great body of men we call the laboring element. It is they who must furnish the brawn and the sinew to make up the fighting force. These men are, and will be, in a position where they can ill afford to give their time to the defense of the Nation without some little compensation for the same. This is true of the officers. We pay others who are employed by the Government, why should we not compensate these men who are giving their time and efforts to the Nation's work, that they might become efficient to defend their country? It is this clause, therefore, providing for pay, which, in my opinion, will prove the big incentive to enlistment in the National Guard and to building up this organization to the size and strength that is contemplated in the bill.

The provisions of the bill will, in my opinion, create a much greater degree of efficiency both among the enlisted men and the officers. With the provisions for pay comes added requirements. The great defect in the present organization is that there has been no incentive to drill, no incentive to become proficient. In many instances it has been a social rather than a military organization. Now all this has been done away with. The soldier boy must be a real soldier if he enlists. Attendance at drills is required, better discipline is provided, better officers are assured, and better military training will naturally follow. I see no reason why the National Guard, under the provisions of the present bill, should not become as effective a fighting force as the Regular Army of the United States. In fact, I think it would become more so, for the spirit that surrounds and goes with a Volunteer Army, sufficiently trained, is lacking in the Regular Army.

And I want to say right here that I am very much in favor of the idea of relieving the National Guard of police duty, but I think you all understand that will have to come from the State and not from this body.

This bill carried to its logical conclusion will, in five years' time, provide a minimum of 425,000 soldiers, members of the National Guard, all trained, efficient, ready, and willing to fight for the Government. It can provide more, and its maximum

strength would be over 1,000,000 men. I think this body of trained volunteer soldiers will be adequate defense against any initial attack that might be made upon our honor or our border.

Another excellent feature of the bill is that which allows the State to retain control of its organization while the Government aids in preparing it in efficiency. This, of course, subject to the general provision that the Government can call the officers and the soldiers to Federal duties if war is imminent or is declared. In other words, all the efficiency of a Federal Army is secured without the flavor of miltarism that surrounds a large national troop, supported, maintained, and regulated by the Government. The National Guard will remain, as a body, in each State, practically as it is, the one material change being that the Federal Government will provide remuneration, and for this consideration will require of the States a much greater efficiency and the right to use these State organizations in time of war.

One cause for lack of efficiency in the present National Guard is the insufficient equipment that it has heretofore been provided with. Soldiers can not learn to shoot without having something to shoot with. Artillerymen can not become efficient unless they have had time and equipment with which to practice. All this has been provided for in the bill.

Since the general provisions of this bill have become known to the public I have been flooded with letters from my State and my district. All these have been commendatory on the steps that have been taken to utilize the National Guard with which to build up a Federal fighting unit for the protection of this United States. If I have judged the opinion of my district and of Iowa rightly, they will commend this feature of the bill, and I predict that in a year's time the National Guard of Iowa will be enlisted to its maximum strength.

In my mind there is no more important clause in this bill than section 21, which provides that the Secretary of War shall appoint a board of five officers of the Army to investigate and report the feasibility and practicability of the Government manufacture of arms and ammunition and equipment. I am for the Government manufacture of arms. I believe we should begin at once and manufacture a larger portion of the military necessities. I believe we should gradually and as rapidly as possible build plants and secure equipment, so that in the course of a few years we should be able to manufacture 90 per cent, if not all, of the things that are necessary in provisioning, equipping, and maintaining an army, both in time of peace and in time of war. I believe this Government could annually save millions of dollars by so doing. There is no doubt about the fact that private manufacturers annually reap a harvest of fortunes off the profits made to supply our Army and our Navy. They are growing rich—in fact, they have been made rich—from the money paid to them by the taxes levied upon the people. I believe that the profits made by these manufacturers in two years' time is sufficient to build all the plants and secure all the equipment necessary to manufacture sufficient supplies for an army of 1,000,000 men in peace or war. I believe these immense profits that would be made in years to come from the additional arms, ammunition, and equipment that must necessarily follow as a result of this tremendous increase in our Army and Navy should revert back to the people, and I am in favor of any law or any act that will bring this about. I have been giving the matter considerable study during the year in which I have been a Member of this body, and my observation has been that the Government can manufacture what is necessary for the Army and Navy just as cheaply as can the private manufacturer. Why, then, should we not save the profits that he takes as his legitimate share for furnishing the Government with these supplies?

There are many who differ with my views on the subject. I am willing to be convinced, and I give them credit for looking at the question with the same open mind as myself. It seems to me, then, that the only fair way of arriving at a conclusion as to the relative cost of manufacture is to appoint a board of investigation that this section provides for. This clause provides for five Army officers, men who are supposed to have knowledge of the things needed, and cost thereof, in the respective departments which they would represent. They should be able to arrive at a much more fair conclusion than men who are ignorant of these subjects. It seems to me that this investigation should be thorough in every particular and every detail, so that when the report is made we can tell exactly the cost to the Government, both in purchase and in its own manufacture. I believe that the Government should manufacture all its own Army and Navy supplies if it could do it at the same cost as the private manufacturers. Government manufacture of Army supplies would forever still that clamor of an ulterior motive that always arises when a report of war is heard. During the last years when the Mexican embroglio has been in progress, the constant cry has been that private parties have been urging the United States to intervene in Mexico that they might reap the profits from the added war supplies. Ever since the spector of our being involved in the European war has arisen, over the country has gone the rumor that private parties are urging on national discord in order that they might profit from the arms and ammunitions needed if we should be involved in war. Whether these rumors, these clamors are founded on fact, I will not undertake to state. This much is certain: That if the Government of the United States manufactured these things which are necessary for its Army and its Navy, either on a peace or a war footing, then this ulterior motive could be ascribed to no one. Then the peace, dignity, or safety of this Nation could not be jeopardized on account of a misunderstanding of the masses as to the motives behind such a movement.

There is another far-reaching argument in favor of Government manufacture. It is obvious right now. Suppose we should go to war with Mexico. We are short of machine guns. The Government has no plant equipped to manufacture them. Every private plant has contracted for months ahead to furnish machine guns to Europe. We could not buy them under private manufacture; we have no facilities to manufacture them ourselves. If the Government of the United States right now, or in the next few months was compelled to have a large quantity of machine guns in order to protect its borders or for use in its Army, its borders would have to go unprotected and its Army unsupplied, for we could not get them. This, to my mind, is an argument for Government manufacture much stronger than that of mere private gain.

I believe that we should be at all times equipped so that in case of necessity this Government should be able to manufacture such things as are absolutely needed by our Army in time of war.

Mr. KAHN. Will the gentleman yield for a question?

Mr. HULL of Iowa. I will.

Mr. KAHN. The gentleman, I know, has taken a deep interest in the manufacture of munitions in the Government arsenals. Is the gentleman sufficiently familiar with the difference in cost of production as between private manufacturers and Government arsenals, so that he could give those figures?

Mr. HULL of Iowa. That is one of the reasons why I want this clause inserted. I have my opinion. I believe that the cost is very much less when the Government manufactures Army supplies than when private parties sell them to the Government. In fact, we know that they are.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. MOORE of Pennsylvania. That has been proven in the case of the Frankfort Arsenal at Philadelphia in particular, and it is proven always, with the exception that no account is taken of the overhead charges, in which the Government seems to have an advantage, but there is not any question of doubt so far as the Franfort Arsenal is concerned that there has been a great saving in the manufacture of munitions, particularly in small-arms ammunition, over the cost of such munitions manufactured by private plants.

Mr. HULL of Iowa. I think the gentleman is correct, and I believe it is true that in the statement as to the cost they always say that they do figure the overhead expenses. Now, the overhead expenses is an unknown proposition, and everybody has a right to their own opinion as to what constitutes it. The gentleman understands that.

Mr. MOORE of Pennsylvania. The facts, however, have been stated here of the importance of this matter.

Mr. TILSON. Does the gentleman have in mind the manufacture of arms and ammunition for peace only, or for war times?

Mr. HULL of Iowa. I have in mind the times of peace, and, as far as possible, in the time of war.

Mr. TILSON. Has the gentleman attempted to figure out how much it would cost to erect a plant sufficient to produce the necessary arms and ammunition for a large war?

Mr. HULL of Iowa. I have tried to figure it out, and I have tried to have others figure it out, and generally, I think, the figures are very, very misleading. That is just one of the reasons I want this clause in this bill. I want somebody who has authority to find out and report to the Secretary of War, and he to this Congress, the truth about this.

Mr. HICKS. Will the gentleman permit an interruption?

Mr. HULL of Iowa. Certainly.

Mr. HICKS. Is it not a fact that when the Government figures the overhead charges in arsenals they omit the tax on those plants? I think that is a distinction; that they do not take into consideration all the taxes paid that a private plant will have to pay and the Government does not have to pay.

Mr. HULL of Iowa. I presume that is true. They do not pay the tax, and I presume they do not figure on it.

Mr. SLOAN. Will the gentleman yield there?

Mr. HULL of Iowa. Yes, sir.

Mr. SLOAN. You said something about the amount manufactured in case of war, and its expense, in response to the gentleman from Connecticut [Mr. TILSON]. That amount would depend a good deal upon what particular adversary the Government would pick out to fight with, would it not?

Mr. HULL of Iowa. It certainly would. I might call your attention to one thing right here, and it will answer all these questions to some extent, even to the overhead expense. The question of aeroplanes is a pressing one with this Government to-day, and you have at Rock Island, although I was not going to mention it, because I wanted to be modest, a factory, and you have the power that is going to waste, and you might just as well be manufacturing aeroplanes at one-tenth the cost that you are paying for them to-day.

Mr. GORDON. Will the gentleman yield upon that point?

Mr. HULL of Iowa. Certainly.

Mr. GORDON. The gentleman knows, perhaps, or recalls, that it appeared in evidence before our committee that these aeroplanes were largely covered by patents, and that it was a serious obstruction to the Government undertaking to engage in their manufacture?

Mr. HULL of Iowa. Well, I have always heard that all these gentlemen were very willing to place at the disposal of this Government anything to protect its honor. I would like to see that put to the test.

Mr. KAHN. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. KAHN. Mr. Chairman, the gentleman has given this matter a great deal of attention, and can he inform the committee how large a percentage of Army supplies the Government is buying at the present time? I would say, with reference to munitions?

Mr. HULL of Iowa. I can not. I have found no Member of this House who can accurately inform me, and I doubt very much whether there is any Army officer who can inform me. We have so many different committees appropriating for this and that, and different people buying, that there is a general impression—and it is very often stated—that only 10 per cent is ever bought. But that, I am sure, is not the truth. They are buying a good deal more than 10 per cent, but it is done outside of our committee.

Mr. BENNET. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. BENNET. Does the gentleman propose to offer any amendment to the bill?

Mr. HULL of Iowa. Well, I have not decided; but I do not think I will. I am fairly well satisfied with the bill. It may be improved in some respects. It is a mighty good bill, I will say, in my opinion.

Mr. SLOAN. Will the gentleman yield there?

Mr. HULL of Iowa. Yes.

Mr. SLOAN. He says no Member of the House has been able to give this information. Would not the War and Navy Departments know precisely the relative amount produced by the Government factories and the amount produced in private concerns?

Mr. HULL of Iowa. I do not think you can find out without starting an investigation. If you can, I would be very glad if you would do so, and would come around to-morrow morning and tell me.

Mr. SLOAN. Have you inquired?

Mr. HULL of Iowa. I have, and I have found a great many people who say that it is only 10 per cent, but that does not take into consideration that there are other committees that make appropriations besides our committee.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. GREENE of Vermont. Somewhere there would be an accounting of every dollar of Uncle Sam's money that is expended from the Treasury and what it goes for. Have you inquired from such a source what money has been paid out for munitions of war?

Mr. HULL of Iowa. No; I have not of them.

Mr. GREENE of Vermont. Would not that be the place to look for it before we began an investigation?

Mr. HULL of Iowa. That would be the place to go. And that is not all the investigation wants to do. These men want to do something else. They have got a lot of things to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized for five minutes.

Mr. BENNET. Mr. Chairman, I had no intention of speaking on this bill, but it did seem to me that it might be proper to indicate to the House that my colleague from the twelfth district [Mr. LONDON] did not in his remarks represent the entire 43 Members from the State of New York.

I agree with him in one respect. I think that he and the gentleman from Massachusetts [Mr. GARDNER], taking the gentleman from Massachusetts as a type, together sum up the question. Either you ought not to have any Army at all—just what my colleague [Mr. LONDON] desires—or you ought to have an efficient Army, which is what the gentleman from Massachusetts desires, and I am quite sure what the majority of the Members of the House desire.

Being largely Irish in my composition, I am pleased with the fact that the consideration of this bill was taken up on the 17th of March. As I listened to the Members of the committee, all of them saying how they "love their teacher," including the minority leader from California [Mr. KAHN], and what a grand bill it is, and how each of them would not have written this bill exactly this way if he had a chance, I was reminded a good deal of some of my Irish ancestors, who were quite wont to speak pleasantly to one they met, and keep the shillalah in their hands behind their backs. [Laughter.]

There are several parts of this bill. I have read the enacting clause, and I find it in excellent order. Therefore I am going to vote for what comes after, in order to get that clause through the House. I have read the title. It is not a title; it is not a description of the bill. It is a prayer, a hope, "to increase the efficiency of the Military Establishment of the United States." That is what we all want, and so far we all agree with the committee.

But after I have listened to different members of the committee I realize, when they really get down to serious business and get to talking about what they want, the gentleman from Connecticut [Mr. TILSON] and the gentleman from Iowa [Mr. HULL] and the gentleman from California [Mr. KAHN] and other gentlemen who really do not agree with this bill, either in whole or largely in part, that this bill is simply intended to rope off the arena in which the "scrap" is going to occur.

The debate this afternoon has convinced me of one thing, particularly the remarks of the recent governor of Nebraska [Mr. SHALLENBERGER]. I never heard a better speech in my life for universal military training. You can not follow his argument and escape that conclusion.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. BENNET. Certainly.

Mr. GORDON. Can you point out the difference between universal military training and universal military service?

Mr. BENNET. I do not know whether I could in five minutes.

Mr. GORDON. Gen. Scott, the Chief of Staff, who testified before our committee, said there was no difference between compulsory military service and compulsory military training.

Mr. BENNET. Then, if they are the same thing, that is what the argument of the gentleman from Nebraska [Mr. SHALLENBERGER] applied to. When you say you are for putting a rifle of the latest and best pattern behind the door of every citizen, you can not escape the conclusion that when you have given every man a rifle it is your duty to teach him how to use it, and that is universal military training.

Now, I do not think this country is quite up to universal military training yet, but this bill is simply the start of an experiment, and a change from the system that we have now to the system that we are going to have sometime; and that reconciles almost anybody to vote for it.

It is not really necessary to read the bill. We are not going to make the bill here. We are simply going to pass it. In another place they are going to take the "innards" out of the bill and put in an entirely different set of works, and then we will appoint a conference committee, and they will change all that. We are simply the mechanics that are starting the operation. [Laughter.]

I just wanted to say in my five minutes that the great State which the gentleman from the twelfth district and myself and

41 others on the floor have the honor to represent here is for adequate national defense to the limit. [Applause.] The foreign born are for adequate national defense as well as the native born. Yesterday I received the following from a respected citizen of Italian birth in my district:

BRONX, N. Y., *March 15, 1916.*

Hon. WILLIAM S. BENNET, *Washington, D. C.,*
Congressman of Twenty-third Congressional District, New York.

DEAR MR. BENNET: I wish for you to support the national defense resolution adopted at St. Louis March 4, 1916, or something along that line, which would secure the liberty and peace of this great Nation of ours.

Wishing you health and prosperity.

Respectfully, yours, S. AMANNA.

Mr. Amanna is but typical of our foreign-born citizens.

Returning to the question of universal military training, I find the following arguments in its favor:

First. It is fair and democratic. The son of the millionaire and the son of the toiler by manual labor are placed on an equality.

Second. It is effective. It would give us a constant army of about 450,000 and an educated reserve of about 5,000,000. This would probably mean that we would be secure from attack.

Third. It is economical in a financial way. If we trained every available boy at, say, 19 for one year, we probably would not pay him wages. It would be his contribution to the country.

Fourth. It is economical of men. Fighting wars with untrained men is wasteful. We raised 527,000 men in this country to fight the War of 1812. Great Britain never had more than 16,000 men on this continent at any one time during that conflict.

Fifth. It would save tremendously on pensions. Our huge pension rolls result very largely from the fact that, fighting with untrained men, we have to have so many.

Sixth. A year of training would be good for most boys. Many wealthy men give their boys military training because they realize its worth. The sons of poor men would be benefited by the same opportunity.

Many other reasons could be given, but I am indicating rather than arguing.

On the other hand is the very real danger of developing a military class. No one wants that. We have now 5,300 officers in the Regular Army. I doubt if they have influenced us much toward a war-like spirit. To a war-like spirit a central permanent power devoted to its propagation is necessary, and that central permanent power can not exist in a President holding office for but four years.

My hope is for universal and lasting peace. In 1910 I introduced and had passed the following resolution:

Joint resolution authorizing the appointment of a commission in relation to universal peace.

Resolved, etc., That a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

President Taft never appointed the commission. I have always regretted that he did not. I have reintroduced the resolution in this Congress and intend pressing for its passage. It expresses my hopes and aspirations. But we are not yet at universal peace. Until we are we will need a national police force, and I am going to vote to make it an effective and efficient one.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MILLER].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MILLER of Pennsylvania. Mr. Chairman, prior to November 11 last I had received a great many letters from constituents on the question of preparedness. A great majority of them protested against a large expenditure in that direction.

We have in our county a company of the Sixteenth Regiment of the National Guard of Pennsylvania, and let me say that they have a most excellent and well-equipped armory in Grove City. I am well acquainted with Capt. Kennedy, the captain of Company M, and I wrote to him and asked him in my letter why it was not possible to have the National Guard constitute part of the Army of the United States, and suggesting that in case of war they could be utilized, instead of having this large continental army that was talked about in the newspapers. About that time I wrote a letter to the honorable Secretary of War, Mr. Garrison, on the subject, in answer to a circular that I had received from him, which I think was sent to me as it was to all other Congressmen, and I ask leave, without taking the time to read that letter, to insert it in the RECORD.

The CHAIRMAN. Without objection that privilege will be granted.

There was no objection.

Following is the letter referred to:

MERCER, PA., *November 16, 1915.*

To the honorable SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: I acknowledge the receipt of your "Outline of the Proposed Military Policy," dated November 1, 1915. There is much in the "outline" that I approve. It is possible that it is not in good taste for me, a civilian, to criticize what you propose, but the only way you can obtain the opinion of the general public, the majority of whom are civilians, is through one of their number.

I am in favor of reasonable "preparedness," although I do not think there is any danger within the next 25 years, at least, of the United States being engaged in war with any foreign nation, unless she is the aggressor. In every war that has occurred in which the United States was a party during the past 100 years, with a single exception, the United States brought on the war.

There are three classes of representative citizens who are in favor of "preparedness," and you could scarcely make the "preparedness" too large for them:

1. The professional politician.
2. The manufacturers of munitions, and allied manufacturers.
3. A large portion of the newspapers.

As a rule the common people are not in favor of "preparedness." They feel that they are already taxed in many ways that they never were before except in time of war. That already there is a large deficiency which can only be wiped out by increased taxation. That if preparedness is to be adopted on a large scale it means a bonded indebtedness in a time of peace for a purpose that they do not believe is necessary.

I believe that the officers and enlisted men in the Regular Army should be increased to at least 150,000, and I believe with this force and that of the National Guard the United States would have sufficient available force. The National Guard already consisting of 129,000 officers and enlisted men could, I think, easily be increased to 150,000 and possibly 200,000 men. To encourage this, in my opinion, the pay of the enlisted men and officers in the National Guard should be at least 20 per cent of the annual pay of the Regular Army, on condition that each officer and man drills each week an average of at least — hours, and that every officer and man be required to attend every drill, unless excused on account of sickness, and pass an examination each year. In my opinion the National Government should provide arms for this force, provide a full equipment of clothing, ammunition, etc., for the force, which should be stored and only used by the force when called out by the National Government, the National Government also to decide upon the nature and character of the organization and prescribe its discipline. I have no fear that in case of war between the United States and any foreign nation but what the National Guard would promptly respond to the call of the Government.

You will pardon my writing this letter. The probability is you will not have time to read it, but if one of your clerks reads it, it will not take him nearly as long to read it as I have taken to write it.

Yours, very truly,

S. H. MILLER.

Mr. MILLER of Pennsylvania. On November 17 I received a letter from Capt. Kennedy, of Grove City, in answer to the one I had written him on November 11, in which he stated that he heartily agreed with what I had written to him, and that he believed the National Guard would be a most efficient force if it were constituted as a part of the Regular forces of the United States. Without taking the time to read that letter, I ask unanimous consent to include it as a part of my remarks.

The CHAIRMAN. Without objection, it will be so ordered.

The letter is as follows:

GROVE CITY, PA., *November 17, 1915.*

The Hon. S. H. MILLER, Member of Congress,
Mercer, Pa.

MY DEAR SIR: Your letter of November 11 received, and it gave me more satisfaction to read same to the members of Company M than anything I have received for a long time. I am inclosing a pamphlet with a speech or lecture by Col. William Wallace that he gave us at officers' school last June at Mount Gretna that will be of use to you when some of the Army officers try to tell you that a continental army is the solution of our unpreparedness in the United States. Col. Wallace is one of the experts in the Regular Army, and he shows in this lecture that you can not make a first-class fighting man in two months' intensive training, as per continental guard idea. The bill for pay for drill in National Guard asks for pay for enlisted men and officers of 20 per cent of the annual pay of the Regular Army, which makes it possible for an enlisted man to earn $52 per year, and noncommissioned officers and commissioned officers in their several grades get from $80 to as high as $380 per year, provided they attend every drill and pass the examinations each year. This requires a man to drill each night 2½ hours and school 30 minutes one night per week, and I believe that if the bill gets through we will make the Regular Army go some to keep out of our road in efficiency. I am going to make it a point to have you attend our annual encampment next year and see for yourself the work that the Pennsylvania National Guard puts on. I believe that every live legislator like you should have a chance to investigate this question by seeing the work done. With kindest personal regards, I am,

Yours, very truly, J. A. KENNEDY.

Mr. MILLER of Pennsylvania. Capt. Kennedy inclosed with his letter a most excellent address on the question of military training, delivered by Maj. William Wallace, of the United States Army, at the camp of instruction at Mount Gretna, Pa., June 8, 1915, to the National Guard of the State of Pennsylvania. I ask leave to print that address as a part of my remarks.

The CHAIRMAN. Without objection, it will be so ordered.

The address is as follows:

MILITARY TRAINING.

[By Maj. William Wallace, United States Army.]

(Delivered at Camp of Instruction, Mount Gretna, Pa., June 8, 1915.)

"Military training is a term much in vogue to-day. Comparatively few of our people know in what such training consists or how absolutely necessary it is to the conduct of modern war. The antiquated idea that any man in a uniform with a gun is a soldier is distressingly prevalent. The fact is, that such a man without at least one year's solid and strict apprenticeship to the skilled trade of arms is very likely to be more of a drawback to his friends than a menace to any creditable foe.

"It is asked if a year is necessary for this training. It is all too short in which to learn and have confirmed the multitudinous details in which a trained soldier must be skilled. However, young Americans who have undergone the mental training of the average public school and who enter upon the duty earnestly and willingly will master the rudiments of soldiering in that time, provided they are properly put to it.

"To show the nature of the training necessary, we will suppose that 100,000 young men of the above description had volunteered and assembled for military instruction on one of our great Indian or forest reservations in Arizona or New Mexico, where outdoor work is possible the year round, and ask—

"'What course would they pursue?'

"Roughly this:

"The first month would be consumed in the recruit finding himself—a process having many of the aspects of losing himself. He must be divested of every ounce of superfluous baggage and be fitted and provided with uniform and equipment. An uncomfortable pack or pair of shoes are soul-destroying afflictions, where, if properly adjusted, they soon become matters of small concern. The care of himself, of kit, and equipment, when, where, and how these are obtained, their cost, his responsibility for them, and their arrangement for various instructions are all matters requiring time to learn. Then there are the Articles of War, the application of military justice, his relation to the Army, the Government, and to civildom to be learned. There are also the various fatigues—work required other than that which is strictly military—to be explained and performed. From the start 'setting-up' exercises and drills without arms must take place, and regularity and precision insisted upon.

"The second month the recruit should be given his rifle, and the handling and care of it taught. Squad, platoon, and company close-order drills, calisthenics, swimming, riding, etc., would fill each day with the physical instruction necessary. The study of the vital parts of Army Regulations, the duties of sentinels on various guards, the carrying and correct delivery of orders, and lectures on hygiene and sanitation would consume the rest of the time.

"The third month would advance into the battalion and regimental close-order drills and ceremonies, the physical exercises continued, and first aid, signaling, and how to cook for himself taken up. Lectures on simple tactics and the relation of the various branches of the service to each other should be given here, and, also, preparatory to the coming month, talks on camp expedients, marching, and the use of field ration.

"Altogether for the uninitiated no small three months' work. For the individual, if not the hardest, they are the most trying. Homesickness usually sets in, rendering mind and body sensitive and irritable, and, though the ills he is undergoing are mostly imaginary, they are to him none the less real for being so. For this reason these months should be spent in simple barracks and simple comforts provided. Also such barracks would prevent much of the disease usually attendant upon an abrupt change from home to camp life. A study of our concentration camps during the Spanish War shows that no effort should be spared to make the transition from civil to military employment as gradual as possible. Three months in airy barracks with an occasional camp won't prevent all sickness but will prevent much of it and lessen its severity.

"The fourth month would be spent in camp and all that goes to make such a life not only endurable but enjoyable put into effect. Extended order drills should be the rule, with the study and practice of patroling, scouting, road sketching, and general reconnoissance. Short marches without pack should be frequent, and lectures and examples given of simple entrenchments, the construction of obstacles, demolitions, the effects of rifle and cannon fire, the knowledge and use of cover, and the elements that enter into successful assaults.

"The fifth month should have longer marches, light packs and frequent changes of camp site. Simple tactical problems should be solved, with lectures and practice in advance and rear-guard actions, outpost, and convoy operations. The soldier must know and be familiar with the nature of the duty he is performing in order to act intelligently. For instance, what would be proper action, as the point of an advance guard might be suicidal with a convoy, and vice versa.

"The sixth month's operation should be by brigade and the marches and problems extended into a terrain of hills, defiles, and rivers. Map making, bridging, and construction of temporary and permanent entrenchment taught and put into effect through simple problems of offense and defense between brigades.

"The seventh and eighth months should be devoted to the division, that all-important tactical unit upon which battles today depend. Hard and zealous preliminary training by all of its components is necessary in order that the division may start unhandicapped. Here, in war, there is little or no time for individual training. Men, squads, companies, battalions, regiments, and brigades must know their business or confusion reigns, and order—that primary requisite of human as well as mechanical machines—fail and ruin results. Moreover, it is in division exercises that officers receive the experience to fit them for actual war. Here their commands become themselves, and they must shoulder the blame for all deficiencies in them, and in the life and death game of war censure for inefficiency is not likely to be long delayed or particularly pleasant when it comes. After a few division problems intelligent officers and men plainly see that they must keep themselves up to the top notch of efficiency if they are not only to win the cause but save themselves severe and needless suffering. It aids discipline by compelling it throughout all ranks, and discipline is to human masses what cohesion is to the atoms of materials, and as these are soft or hard, weak or strong, in accordance with the intensity of this principle, so are armies in proportion to the strictness of discipline that pervades them. Discipline is not instinctive, but rather a matter of habit, easily acquired and falling lightly on those who are amenable, but nettlesome, often beyond endurance, to the egotistical and the vanity stricken. From the very first, in the exactions of promptitude, precision, and close attention, it has been instilled with gradually increasing rigor, until in the heaving and straining of the great human mass—the division—it finally becomes confirmed. Discipline is absolutely indispensable to order, and no matter how intelligent or individually well trained a man may be, as a soldier he is worse than useless, a danger, until he has learned to obey unhesitatingly and without question the orders of his superiors. The superior is responsible, the subordinate isn't, and in divisions superiors are very likely to have the fact driven home.

"It is here also that officers have the opportunity to put into constant practice their absorptions of the classroom, and, weighing well their knowledge, to separate the essential from the mass of nonessential. In the military art practice is the only true knowledge producer. The division problems would call into play all the previous training of all the troops. Time off should be devoted to noncommissioned officers' schools for the purpose of familiarizing large classes with army administration, paper work, etc. Not a moment should be lost.

"The ninth month should see the command divided into opposing armies of some 50,000 each, operating against each other with all the particularity of actual war in an area large enough to make a small theater of war with bases, lines of communication, screens, using heavy and horse artillery, air craft, pontoons, the wonderful signaling apparatus, and the many other devices essential to modern warfare, and which can only be brought into play with great bodies of troops, and whose skilled handling can only be perfected in time of peace. This would be the hard month of forced marches, sleepless nights, of hunger and thirst and dirt, but altogether the most important and interesting, and, with the time which peace practice allows for corrections, before it is over the armies should move with clocklike precision. The lives and money this precision would save us in war would compensate the cost, trouble, and perhaps temporary hardships to attain it in peace, a thousand times over.

"The study and practice of shooting would occupy the tenth and eleventh months. The idea still prevails that shooting consists in hitting a big black spot on a big white piece of paper a known distance away. Of course this practice is essential in order to teach men the use of sights, positions of firing, and general familiarity with his weapon. Farther than that it is of small avail in battle firing. Here the target is rarely visible and the range problematical and to be figured by range finders and communicated to the firers by signals. Results are obtained here as everywhere else in militarism only by strict obedience—by discipline—and this is one of the main reasons for placing this part of the training last. Untrained men will not obey instinctively in the excitement of a field firing problem—not willfully disobey, but they will not have acquired the habit of

attention so essential to intelligent and concerted action. Moreover, at first they would not have been familiar with the signals for movements and firing, and the voice can not be heard.

"As all can not shoot at once, much time during this month can be devoted to reviews of the subjects they have learned and imparting many things to the men which the curriculum of a soldier should include, the rules of warfare, for instance.

"In the twelfth and last month examinations should be held which, with due consideration of records made during the year should determine the standing of every member of the Army.

"After this the bars should be let down and civilians welcomed and entertained with games, festivities of all kinds, including military exercises and ceremonies."

Mr. KAHN. I yield 10 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman and gentlemen of the committee, the high esteem in which the chairman and members of this committee are held by this House insures the most earnest consideration for this bill. I believe that it will be enacted into law substantially as it has been prepared by this splendid committee.

With the increase provided for the Army, as set out in this bill, with the assistance that is given to the National Guard of the various States, as the bill provides, and with the men in our country who are now trained, who have had experience, and who are willing and ready to render assistance in time of need, I believe the country will be fully prepared for all possible conditions or emergencies that may arise which may call for the defense of our country.

One of the most agreeable things to me in this bill—and I know to a great portion of the American people—is the fact that the National Guard of the various States are to receive at last from the hands of Congress just recognition and consideration; and I am pleased to note, in the report of the committee, that they are fully satisfied that the Congress has the power and authority to make regulations and provisions for the efficiency of the National Guard. They set out in their report the opinion of the military counsel of the State of Missouri, which is a clear expression of the power of the Federal Government over the militia under the Constitution. I hope that the Members of this House will read that report with care, not only because it comes from Missouri and because some of you ought to be shown, but because it is a most splendid and clear expression of the law and the powers of the Congress under the Constitution respecting the militia.

Mr. Chairman, one of the things that the Congress ought to consider carefully in the enacting of legislation affecting the Army is with respect to the men themselves who go into the Army and who render the service that the Army is created to render to the country. There has been in the past not a too friendly spirit shown by the Congress for the men who have served well and faithfully. There has also been some lack and some neglect on the part of Congress with reference to providing for the men in the service, proper, just, and equitable rights with reference to retirement.

I have introduced a bill (H. R. 12956) upon that subject, "Creating an Army reserve," and I want to call it to your special attention. It is as follows:

Be it enacted, etc., That an Army reserve be formed from the men who have served in the United States Army. Men who have served 15 years to retire on one-half pay of the rank and grade held by them at the time of retirement and the allowances as now provided by the law, and to serve with the reserves for a period of 15 years; men who have served 20 years to retire on two-thirds pay of the rank and grade held by them at the time of retirement and the allowances as now provided by law, and to serve with the reserves for a period of 10 years; men who have served 25 years to retire on three-fourths pay of the rank and grade held by them at the time of retirement and the allowances as now provided by law, and to serve with the reserves for a period of five years: *Provided*, That in computing length of service for retirement credit for double time shall be given to those who honorably served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge.

We have in this country a great many men who have seen service and who are able and willing to come to the rescue of the Government at any time when there is need. There are at least 50,000 members of the United Spanish War Veterans physically able and ready to serve their country again.

I beg to call attention to a letter from the Canal Zone upon this subject, as follows:

THE PANAMA CANAL,
DEPARTMENT OF OPERATION AND MAINTENANCE,
Cristobal, Canal Zone, March 1, 1916.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

MY DEAR COMRADE AND COMMANDER IN CHIEF: You probably have been talked deaf, dumb, and blind on the subject of preparedness; but in looking over the different articles that have been submitted by various persons and associations it seems that the most practical solution to get a fair amount of men together who would be available at a moment's notice and who have all the requirements of the trained soldier and sailor could be found in the organization of the United Spanish War Veterans. This organization is composed of men who have had actual experience under fire, and as a body, on the whole, would probably represent a better force than the majority of our regular standing Army of to-day.

It would seem that the right road toward preparedness, to begin with, would be legislation whereby Congress would furnish the members of the United Spanish War Veterans with suitable meeting places, with sufficient arms from the surplus carried in the different arsenals, regulation uniforms, and a small monthly payment that would cover a small amount of traveling expenses, which would help a great many to join who are not members now who would require a small amount of travel. This amount would be payable at the expiration of each month on the proof of attendance of at least one evening a week at meetings. A part of the meetings would be given to certain instructions along military lines to refresh and put members in an up-to-date condition. It might also be a good idea to make it arbitrary that, if practicable, one day a month be used for outside practice drills, hikes, and formations.

Along these lines the Government would supply a sufficient amount of ammunition so that at least once a month a small amount of target practice could be carried on, and once a year each State would have at least two weeks of a general encampment to carry out military maneuvers, the expenses to be borne by the United States Government and to cover all expenses involved.

It is believed in most cases the ordinary lodge has a sufficient number of members to form a company. In case it is impossible to acquire enough for a company additional men of good standing in the community could be voted on to make up the deficiency and become a member of the different posts along the lines of an honorary member or such. Officers of the different posts would assume the relative position of officers of the company. It is believed that the different posts have the men for these different positions, and they should receive compensation from the Government to make it worth their while to keep interest up and to carry out such orders as are necessary to keep the company in a first-class condition at all times. Their reward would also be, in case they were called upon to serve, that they would be embodied in the Volunteer service with provisional appointments covering their different positions.

I have no statistics showing the membership of the organization of the United Spanish War Veterans, but I believe it is safe to assume that there must be at least 50,000 able-bodied men at the present time who would pass any medical examination required for such service. That would mean 50,000 men as good as they are to be found in the United States standing army of to-day, with the additional actual experience under fire that they have all had as a whole, whereas the standing army is continually being filled up with recruits.

If this thing can be put through, it is believed in 30 days thereafter 25,000 more men who are eligible to join would join, as now there are a great many who can not, as their means would not allow them to reach the various posts.

Yours, very truly,
C. C. SNEDEKER.

This matter of retirement is intelligently discussed in a letter to me from a soldier now serving in Hawaii. He writes me as follows:

The viewpoint of a Spanish War veteran, who is also a Regular Army man, on the bill H. R. 10412.

SCHOFIELD BARRACKS,
Hawaii, March 8, 1916.

To Comrade L. C. DYER,
Commander in Chief U. S. W. V., Washington, D. C.:

1. I have just seen a copy of H. R. 10412, a bill introduced by a Mr. DYER. I do not know if you are the author of the bill or not. I do know, however, that the provisions of this bill as regards credit for double time are not what the service members of the United Spanish War Veterans want. So I hope you will pardon me if I take the liberty of addressing you at some length on the matter (not as a soldier addressing a Member of Congress, but as a comrade, in good standing, of the United Spanish War Veterans addressing his commander in chief), and I shall be happy if you will attentively read what I have to say.

2. I am unable to say authoritatively just when or under what conditions retirement was first offered as an inducement to desirable enlisted men to remain in the service. It is a matter of historical record that as far back as the latter part of the eighteenth century officers and enlisted men who had rendered honorable service to the country during the Revolutionary and other wars were, upon their discharge from the service, presented by the Government with homesteads consisting of a stated number of acres of land as a special reward for their service in war. During the years following the practice of specially honoring and rewarding those who served the country in war was kept up under one form or another.

The first provision for the retirement of enlisted men of which I have found authentic record was made by an act of Congress approved February 14, 1885, which was published to the Army February 27, 1885, in General Order No. 18, Headquarters of the Army. The act is as follows:

"*Be it enacted, etc.*, That when an enlisted man has served as such 30 years in the United States Army or Marine Corps, either as a private or as a noncommissioned officer, or both, he shall, by making application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive 75 per cent of the pay and allowances of the rank upon which he was retired."

This law continued to govern the retirement of enlisted men until 1890, when it was amended by act of Congress approved September 30, 1890, which act was published to the Army October 11, 1890, in General Order No. 121, Headquarters of the Army. The act is as follows:

"*Be it enacted, etc.*, That chapter 67 of volume 23 of the Statutes at Large of the United States, being 'An act to authorize a retired list for privates and noncommissioned officers of the United States Army who have served as such for 30 years or upward,' approved February 14, 1885, be amended to read as follows: 'That when an enlisted man has served as such 30 years in the United States Army or Marine Corps, either as a private or as a noncommissioned officer, or both, he shall, by application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement, and he shall receive

thereafter 75 per cent of the pay and allowances of the rank upon which he was retired: *Provided*, That if said enlisted man had war service with the Army in the field, or in the Navy or Marine Corps in active service, either as a Volunteer or Regular, during the War of the Rebellion, such war service shall be computed as double time in computing the 30 years necessary to entitle him to be retired.'"

This, I believe, was the first enactment by Congress of a law allowing double time for war service. After this law had been in operation for some time the question was raised as to what constituted "war service" under this act. A decision was accordingly handed down by the Secretary of War on January 5, 1891, and published to the Army March 10, 1891, in Circular No. 2, Headquarters of the Army, to the effect that the War of the Rebellion began April 15, 1861, and ended August 20, 1866, and that all service rendered with the Army in the field between those dates was considered war service and would be doubled in computing the 30 years necessary for retirement—a total of 5 years 4 months and 5 days.

This retirement law was further amended by act of Congress approved May 26, 1900, and published to the Army in General Orders, No. 76, War Department, June 1, 1900, as follows:

"*Provided*, That hereafter, in computing the length of service for retirement, credit shall be given the soldier for double the time of his actual service in Porto Rico, Cuba, or the Philippine Islands."

The act of February 14, 1885, modified to embrace its several amendments, was published to the Army in General Orders, No. 140, A. G. O., War Department, 1901, as an amendment to paragraph 146, Army Regulations, as follows:

"When an enlisted man shall have served as such for 30 years, either in the Army or the Marine Corps and the Army, he may apply to The Adjutant General of the Army for retirement. Upon the approval of the application an order will be issued from The Adjutant General's Office transferring him to the retired list and directing that transportation in kind to his home and commutation of subsistence during the necessary travel be given him. Length of war service with the Army in the field, or with the Navy or Marine Corps in active service—either as Volunteer or Regular—during the War of the Rebellion, and actual service in Cuba, Porto Rico, and the Philippine Islands, will be doubled in computing the 30 years necessary to entitle him to be retired. In the computation of war service and service in Cuba, Porto Rico, and the Philippine Islands service as an enlisted man only will be counted."

The act of August 24, 1912, provides in part:

"That in computing length of service for retirement credit for double time for foreign service shall not be given to those who hereafter enlist: *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued."

The act of February 14, 1885, with its various amendments, and other acts affecting credit for double time, are summed up in paragraph 134 of the Army Regulations, which is here quoted, in part:

"Service as a commissioned officer of the United States Volunteers, organized in 1898 and 1899, or of the Porto Rico Provisional Regiment of Infantry, or of the Philippine Scouts, will count for the purpose of retirement as an enlisted man as though rendered as such, and length of war service with the Army in the field, or with the Navy or Marine Corps in active service—either as Volunteer or Regular—during the War of the Rebellion, and actual service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, or Panama, or, prior to April 23, 1904, in Porto Rico, will, for men enlisting prior to August 24, 1912, be doubled in computing the 30 years' service necessary to entitle an enlisted man to be retired.

32. From the foregoing it will be seen that ever since the Army was organized Congress has given special recognition in some form or another to those soldiers who remained with the colors in time of war and fought their country's battles; the system of giving double time for service in war being first inaugurated by the act of September 30, 1890, under which law a period of five years four months and five days was doubled for the benefit of those who served in the War of the Rebellion.

4. From the wording of this bill (H. R. 10412) it is the evident intention to take away credit for all double time already accrued except for those who enlisted during the War with Spain. Under this construction a soldier who was already in the service at the outbreak of the war would get no double time. Taking my own case as an example, I was serving at the outbreak of the war on an enlistment entered upon in January, 1898; during this enlistment I served through the campaign at Santiago de Cuba and went back to Cuba the second time with the army of occupation, serving nearly two and one-half years in Cuba on this enlistment. Under the proposed bill I would not get a single day's double time; yet a man who enlisted after the outbreak of the war in an organization which never left its own permanent station would have his whole enlistment doubled for the purpose of retirement. Surely the injustice of such a provision must be apparent to all who give it serious thought.

Further, I believe it would undoubtedly work an injustice to take away any of the double time, credit for which has already been given; a consideration which the Nation's lawmakers enacted and ordained that we should hereafter enjoy; a consideration which, unquestioningly accepted by us in good faith, has caused a number of us to remain in the service and give to it the best part of our lives.

There is no doubt in my mind that as many veterans of the War with Spain have already been retired from the service as there are yet in the service who will attain the retired list. Those already retired did so with the help of the double time they had accumulated. They are no better men than their comrades still on the active list. The proposed bill, however, contains no provision to forfeit their double time and bring them back to the active service.

A large percentage of the men now in active service who served during the War with Spain have accumulated to their credit (counting their subsequent tours of insular service) from five to seven years' service which counts double for retirement. The proposed bill would require them to serve from six months to two years longer to earn their retirement than would be the case were no such bill enacted.

Probably of those who have earned credit for double time under the law not more than 1,500 to 2,000 will ever reach the retired list. It is not much in comparison with the hardships most of them have undergone to expect that faith be kept with them in the matter of double time already placed to their credit.

5. If the proposed bill were amended to something like this, it would be something like what the service members of the United Spanish War Veterans believe they have a right to expect:

Strike out beginning with fourth word, first line, second page, to end of bill, and substitute therefor:

"*Provided*, That nothing in this bill shall be so construed as to forfeit credit for double time already accrued."

6. In conclusion, I beg to assure you that I am not speaking for myself alone, but for a large number of service members of the United Spanish War Veterans whose views I have obtained on this subject.

Yours, in F. P. and H.,

E. J. McELLANEY,
Past Department Commander United Spanish War Veterans.

I have introduced a bill along this line that ought to be passed. It is as follows:

A bill (H. R. 8808) authorizing the issuance of arms to rifle clubs, and for other purposes.

Be it enacted, etc., That the Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, such arms as may be available for the purpose to rifle clubs organized by posts of the Grand Army of the Republic or camps of the United Spanish War Veterans and Sons of Veterans, United States of America. Such clubs shall be designated by the name of the posts, camps, or garrisons organizing them.

SEC. 2. That such clubs shall consist of 10 or more native or naturalized citizens of the United States of America of ages between 18 and 45, inclusive, and who are physically fitted for service in the field. They shall be enrolled for a period of six months and take an oath of allegiance to the United States as against all enemies and opposers whatsoever, foreign or domestic.

SEC. 3. That on the first day of each calendar month the commander of such club shall transmit to the War Department a report of these enrollments, with a description of each individual; also all changes in the membership and the attendance at all meetings and exercises of the club. Such reports shall become part of the records of the War Department.

SEC. 4. That such clubs shall be encouraged to unite with other similar clubs in contiguous territory to form companies and regiments. Upon request the Secretary of War may assign officers of the Regular Army on the retired list to commands in such organization.

SEC. 5. That six months after enrollment and after having made a record of attendance upon 75 per cent of the meetings and exercises a member may withdraw and receive a certificate of service. The Secretary of War may prescribe a score of efficiency. Members not attaining this may be dropped upon notice being given.

SEC. 6. That the Secretary of War is authorized to establish a bureau of rifle clubs, to be administered by an officer of field rank, whose duty it shall be to keep the records, direct the organization, furnish the supplies, hold accountability for the same, and have periodical inspection of all clubs organized under this act.

I believe, Mr. Chairman, that the boys of our country should be taught military tactics and things that will go to make them good and efficient soldiers when the country needs their services. We ought to have a better and a larger trained body of men in our citizenship than we have had in the past.

Some of you gentlemen of the House recall the condition in which we entered the War with Spain. You will recall that it was necessary for the President to call for volunteers to be hastily organized and brought together without training, without experience, and without equipment. That was due to the fact that our Army was so small and it was necessary to have the volunteers at once. You gentlemen will recall the fact that the men who had charge of organizing regiments were largely unable and unfitted to do the work, and the result was that men went to the camps without equipment, and without medical or other officers in charge competent and qualified to look after the men.

The result of that course was that many of the men lost their lives because of the fever-stricken camps, real pest holes, such as Chickamauga and other camps in this country. Hence it is no wonder that many men sickened and died from exposure in many of these camps. That, gentlemen, ought never to have been permitted in a great country like this. Men who come forward to serve their country—full of patriotism—ought to have every consideration that will make it possible for them to retain their health.

I believe, Mr. Chairman, that the men who enlist in the Army should receive more consideration than they have received in the past. I am glad therefore to see in the bill some provisions intended to improve the service, all of which will encourage young men to enlist and serve their country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, an appeal from the Christian ministers of Philadelphia has been forwarded to me, and it has so direct a bearing upon the problem now under discussion that I ask unanimous consent to extend it in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R.

12766) to increase the efficiency of the Military Establishment of the United States, and had directed him to report that they had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution 16 was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 16.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Henry Mower Rice presented by the State of Minnesota, 16,500 copies, with suitable illustration, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Minnesota—

to the Committee on Printing.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD, chairman of the Committee on Foreign Affairs, by direction of that committee, reported a bill (H. R. 13383, H. Rept. 372) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, which, with accompanying papers, was referred to the Committee of the Whole House on the state of the Union.

Mr. MANN reserved all points of order on the bill.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT, from the Joint Select Committee on Disposition of Useless Papers in the Executive Departments, reported that that committee had examined the useless files and papers in the following departments and found that they are not needed in the transaction of current business of such departments and bureaus and have no permanent value or historical interest, and submitted reports thereon, which were ordered to be printed:

Treasury Department (H. Doc. 363, H. Rept. 373);
Post Office Department (H. Doc. 523, H. Rept. 374);
Department of Commerce (H. Doc. 613, H. Rept. 375);
Navy Department (H. Doc. 675, H. Rept. 376);
Department of Labor (H. Doc. 662, H. Rept. 377); and
Department of the Interior (H. Doc. 649, H. Rept. 378).

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House under the rule adjourned until tomorrow, Saturday, March 18, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 377) providing for the establishment of a term of the district court for the middle district of Tennessee, at Winchester, Tenn., reported the same without amendment, accompanied by a report (No. 370), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 11798) providing for the temporary employment of typewriters in the Patent Office, reported the same without amendment, accompanied by a report (No. 371), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7469) granting a pension to J. L. Smith; to the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10930) granting a pension to Moses A. Coleman; to the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 13339) to establish a fish hatchery on the lower Delaware River; to the Committee on the Merchant Marine and Fisheries.

By Mr. JAMES: A bill (H. R. 13340) requiring all public-building bills to be submitted to the Secretary of the Treasury for investigation and report as to whether proposed buildings and sites are needed and the expenditure justified, and as to the lowest cost at which buildings found necessary may be erected with economy and efficiency; to the Committee on Public Buildings and Grounds.

By Mr. FARR: A bill (H. R. 13341) to further promote the efficiency of the Naval Reserve of the United States, and for other purposes; to the Committee on Naval Affairs.

By Mr. BEALES: A bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 13343) directing the Secretary of the Treasury to investigate and report as to the advisability of erecting public buildings in certain towns and cities in Texas; to the Committee on Public Buildings and Grounds.

By Mr. BLACKMON: A bill (H. R. 13344) to require all common carriers engaged in interstate and foreign commerce to collect, accept, receive, transmit, and deliver all express packages not exceeding in weight 50 pounds; to the Committee on Interstate and Foreign Commerce.

By Mr. SAUNDERS: A bill (H. R. 13345) to amend section 553 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. SINNOTT: A bill (H. R. 13346) to authorize an investigation of the power possibilities near The Dalles, Oreg., for the purpose of establishing a Government-built power plant in connection with the fixation of atmospheric nitrogen; to the Committee on Military Affairs.

By Mr. CAREW: A bill (H. R. 13347) to extend to certain publications the privileges of third-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: A bill (H. R. 13348) to amend the provision regarding newspapers in clause (b) of section 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, as amended by an act approved August 24, 1912, and also to amend section 40 of said act; to the Committee on Patents.

By Mr. FLOOD: A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917; to the Committee of the Whole House on the state of the Union.

By Mr. RANDALL: Resolution (H. Res. 175) requesting certain information in regard to the petroleum resources of the United States; to the Committee on Mines and Mining.

By Mr. HUDDLESTON: Resolution (H. Res. 176) to provide for the reprint of the Jefferson County (Ala.) soil survey; to the Committee on Printing.

Also, resolution (H. Res. 177) to provide for the reprint of the Perry County (Ala.) soil survey; to the Committee on Printing.

By Mr. KINKAID: Joint resolution (H. J. Res. 183) providing for one year extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.; to the Committee on the Public Lands.

By Mr. KENT: Concurrent resolution (H. Con. Res. 21) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California; to the Committee on Industrial Arts and Expositions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13349) granting an increase of pension to James K. Jennings; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 13350) granting a pension to Lemiel A. Ragan; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 13351) granting a pension to Mary J. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13352) granting a pension to Charles C. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13353) granting an increase of pension to Martin Frey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13354) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States and making an appropriation therefor; to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 13355) for the relief of the heirs of George W. Bush; to the Committee on War Claims.

By Mr. CAREW: A bill (H. R. 13356) to correct the military record of Chester H. Southworth; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 13357) granting an increase of pension to Isaac Lambert; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 13358) granting a pension to Henry P. McElroy, alias Patrick McElroy; to the Committee on Pensions.

By Mr. DILLON: A bill (H. R. 13359) granting a pension to B. F. Longenecker; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13360) granting a pension to David S. Williams; to the Committee on Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 13361) granting a pension to Orla Cure; to the Committee on Pensions.

Also, a bill (H. R. 13362) to correct the military record of Thomas Weaver; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 13363) for the relief of Jennette Hooker Powell; to the Committee on the Public Lands.

By Mr. KIESS of Pennsylvania: A bill (H. R. 13364) granting a pension to Thomas J. Connor; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 13365) for the relief of John W. Seaver; to the Committee on War Claims.

Also, a bill (H. R. 13366) granting an increase of pension to John Fagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13367) granting an increase of pension to Curtis C. Griffin; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 13368) granting a pension to Joseph Lingenbrink; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 13369) granting an increase of pension to Sarah E. Nearing; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 13370) granting a pension to Walter V. Haskell; to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 13371) for the relief of Matthew J. McDermott; to the Committee on Claims.

Also, a bill (H. R. 13372) for the relief of Henry C. Romaine; to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 13373) for the relief of the legal representative of D. C. Dunn, deceased; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 13374) granting an increase of pension to Hattie A. Grant; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 13375) granting an increase of pension to David R. Edmonds; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13376) to reinstate Cecil Floyd Charlton as a passed assistant surgeon in the United States Navy; to the Committee on Naval Affairs.

By Mr. TAGGART: A bill (H. R. 13377) granting an increase of pension to James A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13378) granting an increase of pension to George W. Denison; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 13379) granting a pension to Adelaide McGreevey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13380) to carry out the findings of the Court of Claims in the case of the Sanford & Brooks Co.; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 13381) for the relief of the heirs of Hyder Lindsey; to the Committee on Claims.

By Mr. WATSON of Pennsylvania: A bill (H. R. 13382) granting an increase of pension to Charles L. Loney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Pike and Audrain Counties, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), two memorials in regard to cotton-futures bill; to the Committee on Agriculture.

Also (by request), petition of Wood Memorial Free Baptist Church, of Lawrence, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 13236, for relief of Mary Green; to the Committee on Pensions.

By Mr. BEALES: Petitions of Warrington quarterly meeting of Society of Friends, of Floradale; Lower Marsh Creek Presbyterian Church, of Adams County; Society of Friends of Floradale; Loyal Sons Class of First Lutheran Church of New Oxford; First Lutheran Church, of 198 people, of New Oxford; Young People's Society of Christian Endeavor, of 55 people, of the First Lutheran Church of New Oxford, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany bill for relief of Thomas G. Allen; to the Committee on Claims.

By Mr. BYRNS of Tennessee: Petition of Rust Memorial Baptist Church, of Nashville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAREW (by request): Petition of New York Board of Trade and Transportation on the matter of interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of United Baptist Church, of 50 people, of Rejon; Woman's Christian Temperance Union, of 30 people, of Lathrop, both in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of John A. Harley, of Yonkers, N. Y., indorsing House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

Also, petition of Francis Blossom, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, memorial of Presidents' Association of the Farmers' Educational and Cooperative Union of America, in re the Smith-Lever cotton-futures bill; to the Committee on Agriculture.

By Mr. DOOLITTLE: Two petitions of citizens of Wabaunsee, Kans., containing 118 names, in favor of a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ELLSWORTH: Petition of First Methodist Episcopal Church of Redwood Falls; J. D. Vinding, of Storden; 17 citizens of Beaver Creek, all in the State of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. EMERSON: Memorial of city council of the city of Cleveland, Ohio, on parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of Trades and Labor Council of La Crosse, Wis., indorsing the Raker bill (H. R. 10398) and other similar bills; to the Committee on Reform in the Civil Service.

Also, memorial of Trades and Labor Council of La Crosse, Wis., protesting against the passage of any resolution proposing an amendment to the Constitution providing for national prohibition; to the Committee on the Judiciary.

Also, memorial of Trades and Labor Council of La Crosse, Wis., indorsing House resolution 137; to the Committee on Rules.

By Mr. FLYNN: Petition of Francis Blossom, of New York, in reference to Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of John A. Hurley, of Yonkers, N. Y., indorsing House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Charles Kliber and 85 others, of De Kalb, Ill., protesting against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GARRETT: Petition of the Woman's Christian Temperance Union of Halls, Tenn., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Farmers' Union College of Halls, and of sundry citizens of Union City, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Tennessee, indorsing the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Petition of Victor Engstrom and sundry citizens, of Ridgway, Pa., protesting against the enactment of any law looking toward the abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

Also, memorial of H. M. Hoover and sundry citizens, of Lancaster, Pa., urging congressional action authorizing the printing for free distribution of copies of the final report and testimony of the United States Commission on Industrial Relations; to the Committee on Printing.

By Mr. HADLEY: Petitions of the Woman's Christian Temperance Union of 100 people of Lynden; Presbyterian Church of Everson; Woman's Christian Temperance Union of Everson;

First Presbyterian Church of Snohomish; Woman's Christian Temperance Union of Dungeness; Congregational Church of Edmonds; Woman's Christian Temperance Union of Anacortes; Woman's Christian Temperance Union of Hamilton; Swedish Church of Pleasant Ridge, Mount Vernon; 45 people of Everett; Sunday school people of Big Lake, all in the State of Washington, indorsing national prohibition; to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Edmonds; Free Methodist Church of Edmonds; Woman's Christian Temperance Union of Everett; and 22 voters of Hamilton, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 13304, for relief of Hiram Ells; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1303, for relief of Samuel Massey; to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany House bill 13305, for relief of Phyllis Channels; to the Committee on Invalid Pensions.

By Mr. HELVERING: Petition of various citizens of Abilene, Kans., asking for an embargo on munitions; to the Committee on Foreign Affairs.

By Mr. HILL (by request): Petitions of Horeb Lodge, No. 25, New Haven, and the Associated Hungarian Societies of Bridgepart, Conn., protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HOLLINGSWORTH: Petition of business men and citizens of Steubenville, Mingo Junction, Brilliant, Toronto, Holloway, Neffs, Bridgeport, Irondale, Lisbon, Salineville, Washingtonville, Salem, East Palestine, East Liverpool, Columbiana, New Waterford, Letonia, and Garrettsville, in the eighteenth Ohio congressional district, in support of bill to provide a tax on interstate mail-order business; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of Spokane, Wash., protesting against Senate bill 645; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Washington, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petition signed by Dave E. J. Noonan, Peter Young, G. H. Tubbesing, C. A. Bailey, A. J. Horn, Charles H. Mesenbrink, William G. Happel John Stein, D. S. Phelan, P. F. McBearty, James Noonan, Leo E. Noonan, Dan Foley, Edward Heffernan, Paul F. Buttiger, Tim Dolan, Charles J. Becker, Joseph Delabar, and Thomas A. King, all retail business men of St. Louis, Mo., urging the passage of House bill No. 9671, known as the Stephens-Ayers bill, and protesting against the use of trading stamps and urging the adoption of legislation that would prevent their use; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorial of Woonsocket, R. I., Central Labor Union, favoring passage of Nolan bill, Senate bill 632, and House bill 10398; to the Committee on Reform in the Civil Service.

Also, petition of H. J. Pettengill, jr., of Woonsocket, R. I., favoring passage of House bill 10845, providing for the extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, memorial of Woonsocket, R. I., Central Labor Union favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KIESS of Pennsylvania: Petition of Methodist Episcopal Church and sundry citizens, both of Rutland, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petitions of Mrs. C. Jacobson, Hewitt, Minn., and others protesting against the passage of House bills 491 and 652; to the Committee on the Post Offices and Post Roads.

By Mr. McGILLICUDDY: Petition of manufacturers of Lewiston, Me., and Auburn, Me., favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. MAPES: Petition by members of Peach Plains Grange No. 1476, of Ottawa County, and other citizens of Michigan, protesting against the adoption by Congress of any plan of military or naval expansion providing for a larger expenditure annually, except in case of actual war, than has been appropriated and used for that purpose in recent years; to the Committee on Military Affairs.

By Mr. MEEKER: Petition of St. Louis Grocers' Association, of St. Louis, Mo., praying for the passage of the Stevens-Ayres standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of 26 citizens of St. Louis, Mo., protesting against the passage of House bill No. 652, which provides for the closing of barber shops, etc., on Sundays in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of citizens of Kirkwood and of Webster Groves, Mo., praying for the passage of House bill No. 270; to the Committee on Ways and Means.

Also, resolutions adopted by the National Defense Conference of Mayors and Municipal Representatives of the Country at St. Louis, Mo., March 3 and 4, 1916, urging the passage of preparedness measures; to the Committee on Military Affairs.

By Mr. NORTH: Petitions of 175 people of Apollo, 216 people of Apollo, and Grace Lutheran Church of Leechburg, all of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. T. A. Himes, G. J. Cline, M. M. McCormick, Margerite Frederick, George L. Nolf, George A. Harmar, S. H. Young, H. E. McCormick, Ellen McCormick, John A. Small, James R. Hill, Fred E. Hill, James Smith, H. L. George, S. F. Stull, W. P. M. Kunkle, William G. Hall, Ward Stitt, Paul E. Cline, Saura Stitt, Mrs. James Smith, Laura H. Stull, Mrs. Lizza L. Hill, and Mrs. H. L. George, all of Leechburg, Pa., favoring the nation-wide prohibition amendment; to the Committee on the Judiciary.

Also, petition of G. K. Say, Karns City, R. D. 2.; J. Homer Binford, Karns City, R. D. 2; Harry Plimkark, Parkers Landing; Samuel J. Binherd, Karns City, R. D. 2; G. T. Keitr, Parkers Landing, R. D. 69; George H. Wagner, Karns City, R. D. 2; Oliver Hiles, Karns City, R. D. 2; Glen Ward, Petrolia; Pierce Sheakley, Petrolia; W. E. Henderson, Petrolia; E. J. Shakley, Karns City, R. D. 2; C. W. Byers, Karns City, R. D. 2; John Fisher, Petrolia; J. W. Grove, Karns City, R. D. 2; R. J. Lewis, Queenstown; John W. Fure, Karns City, R. D. 2; R. H. Crawford, Karns City, R. D. 2; Andy Crozier, Karns City, R. D. 2; J. B. Jordan, E. N. Tracy, R. J. Mildren, D. C. Miller, W. G. Miller, John Jennings, Earl Baiger, W. S. Cox, N. H. Peters, W. J. Mildren, R. W. Hermon, T. L. Hooks, H. W. Shelling, A. W. Reedy, and O. Y. Childs, all of Queenstown; G. P. Yockey, Parkers Landing, R. D. 69; W. E. Thomas, Parkers Landing, R. D. 69; and John Crawford, Karns City, R. D. 2, all in Perry Township, Pa., favoring the nation-wide prohibition amendment; to the Committee on the Judiciary.

Also, petition of the following voters of Indiana, Pa., for the nation-wide prohibition amendment: W. O. Moorhead, E. G. Livingston, L. G. Clark, F. J. Swan, Samuel Highland, H. S. Daugharty, J. W. Wiggins, T. M. McKee, J. T. Stewart, Rev. C. G. Morrow, J. Wilson Thompson, J. A. Miller, A. W. Mabon, H. S. Simpson, E. E. Dickie, Anderson Fowler, J. Sloan Agey, A. L. Stuchell, J. T. Stewart, T. E. Wachob, John L. Getty, A. L. Mabon, Charles A. Nichol, J. M. Glassfor, W. F. Simpson, P. B. Anderson, A. A. Calhoun, D. M. C. Freedline, N. R. Calhoun, John M. Maqunkey, S. T. Kanarr, Harry Carson, D. J. Fiscus, J. Irwin Long, Mortimer Kanarr, Charles W. Duncan, J. A. Simpson, William N. Liggett, Frank M. Smith, R. H. Cunningham, J. C. Forsythe, James Bowman, J. W. Wiggins, G. P. McCartney, John S. Fiscus, A. R. Moorhead, Clark Winemar, J. M. Waerwle, J. S. Jamison, P. L. Hamill, E. McLaughlin, J. Day Brownlee, W. B. Pattison, Eli Johnston, B. F. Wolford, J. A. Mart, Ernest Work, J. C. Anderson, H. L. Lowry, B. W. Stewart, Daniel S. Rankin, John Russell, James Heedy, R. Agey, Harry A. Bowland, A. B. Gracy, J. M. Bryan, A. S. Laney, M. A. Williams, S. T. McHany, C. McAdoo, M. R. Robinson, John Oyeal, Milton Laney, and F. M. Smith; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Petition of citizens of Connecticut, protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Southington, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of Farmington Young People's Society of Christian Endeavor, of Farmington, and Enighet Lodge, International Order of Good Templars, of South Manchester, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of Azusa Avenue Baptist Church of Azusa, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of United Brethren Church, of Coalport; Christian Endeavor Society of United Brethren Church, of Beaver Valley; and United Brethren Churches of

Cambria and Clearfield, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCHALL: Resolutions from Minneapolis, Excelsior, Buffalo, Braham, Rock Creek, Rush City, and Pine City, all of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Westport, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Two protests of sundry citizens against House bills 6458 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of George S. Schwab and 27 others of Sutton, Nebr., in re interstate shipment of prison-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: Petition of citizens of Taylor County, Tex., against military preparedness; to the Committee on Military Affairs.

Also, petition of public meeting of 250 people of Aspermont, and public meeting of 200 people of Hamlin, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of Amalgamated Association of Street and Electric Railway Employees of Utica, N. Y., favoring the enactment of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Fort Stanwix Chapter Daughters of the American Revolution, of Rome, N. Y., favoring the establishment of a national park on the site of the Battle of Oriskany; to the Committee on Military Affairs.

Also, petition of A. P. Seaton, chairman of the Oneida County (N. Y.) Board of Supervisors, favoring the establishment of a national park at the Oriskany battle ground; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of 23 citizens of Minnesota and Iowa, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads

Also, petition of 18 citizens of Oregon, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petition of members of Hudson Grange, No. 11, of Hillsborough County; 33 Woman's Christian Temperance Union people of Rochester; 60 people of Laconia; Freewill Baptist Church, of Gonic; 600 members of Merrimack County Pomona Grange, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TALBOTT: Petitions of Church of the Brethren, 275 people, of New Windsor; 55 people of Baltimore; 126 people of Baltimore; 85 people of Baltimore; 100 people of Cartersville; 50 people of Cartersville; 200 people of Towson; 180 people of Westminster; 78 people of Baltimore; 600 people of Baltimore; and 300 people of Westminster, all in the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Papers in support of House bill 13156, granting increase of pension to John G. W. Book; to the Committee on Invalid Pensions.

Also, letter from Mr. Jacob Goldfair and 37 other citizens of Washington, Pa., protesting against the passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition signed by Rev. J. M. Foster and 18 other citizens of New Wilmington, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition signed by Prof. W. S. Hertzog and 25 others, of California, Pa., favoring the Susan B. Anthony amendment for woman suffrage; to the Committee on the Judiciary.

Also, resolution adopted by the Shakespeare Club, of Canonsburg, Pa., numbering 50 ladies, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the Methodist Episcopal Church of New Wilmington, Pa., numbering 100 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the Francis Willard Union, of New Castle, Pa., numbering 200 people, favoring national prohibition; to the Committee on the Judiciary.

Also, petition signed by Rev. M. B. Riley, in behalf of the Methodist Episcopal Church of New Wilmington, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of Christian Endeavor Society of Terrell, Tex., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

SATURDAY, *March 18, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our fathers trusted in Thee and were not confounded. The ministry of Thy grace has come to us through the influence of the faithful and the achievements of those who have trusted in Thy holy name. The light of Thy glory has not grown dim with the ages. When we have doubted it has been by the influence of the things which we doubt; when we have mistrusted God it has been by the ministry of the things which we ourselves have mistrusted.

Grant us to-day a clear and personal vision of Thy face, that we may know Thy glory, and may know that over all there is a hand that guides and governs and rules, the hand of our God. Let Thy blessing abide with us to this end. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE, PRESIDENT PRO TEMPORE,
Washington, D. C., March 18, 1916.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE S. OVERMAN, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. OVERMAN thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of the preceding day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MARTIN of Virginia, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NATIONAL DEFENSE.

Mr. WORKS. Mr. President, I give notice that on next Thursday I shall submit some remarks on the subject of preparedness for peace.

STRATEGICAL IMPORTANCE OF NAVAL STATIONS (S. DOC. NO. 344.)

Mr. TILLMAN. Mr. President, I ask unanimous consent to have the article I send to the desk printed as a public document. It was prepared by Admiral John R. Edwards, and sent to the United States Naval Institute in competition for a gold medal given by that body. I heard of it and asked to see it, and Admiral Edwards kindly sent it to me. Its viewpoint is so different from that of the average naval officer at the department and so much in consonance with my own ideas and belief that I want to give it the widest possible publicity; or, at least, put it in the archives of the Government so that it can not be lost. Whether the policy he advocates be followed or not, those who read it now or in future years must realize the breadth of view and the patriotic statesmanship he has shown in writing it.

For the purpose of letting people know who Admiral Edwards is, as he is very modest and not self-assertive at all, I will state that he is a retired admiral of the United States and is an accomplished engineer, and that he graduated at the Naval Academy in the engineer force in 1874. He has been at sea on all sorts of naval vessel 16 years, all told. His shore duty has also been varied, and while serving for three years as professor of mechanical engineering at the South Carolina University, where I first knew him, he graduated in law. He was assistant for six years to Admiral Melville, who everybody in Congress knows was a very able engineer. His extensive travel and habit of reading give him very wide acquaintance with all activities connected with our own and foreign navies. He served for two years as president of the Board of Inspection for Shore Stations, to which he was appointed by Mr. Meyer. This specially fits him for discussing the matters in the article mentioned. He takes a broader view and one more philosophical than many naval officers far more prominent in naval circles. Although born in the North he has not allowed sectionalism in any way to interfere with his study of the Navy's needs, from a southern as well as a nothern standpoint.

The most striking thing about this article is his antithetical statement that the advocacy of preparing a great fleet involved as a necessary corollary the provision of yards, piers, and so forth, to repair that fleet and take care of it in war and peace. To prepare and not provide for repair is in his judgment short-sighted and dangerous. His only fault as a writer is his anxiety to "tell it all," which makes him use too many words;

but the wheat is there—lots of it—so I advise anyone, in the Navy or out of it, who wishes to study this last proposition to read this article. It will amply repay perusal two or three times.

The PRESIDING OFFICER. Is there objection to printing the article indicated by the Senator from South Carolina as a public document? The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON, Mr. FINLEY, and Mr. STEENERSON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. NORRIS presented memorials of sundry citizens of Crawford and Burkett, in the State of Nebraska, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GRONNA. I present a resolution adopted by the Minnesota Conference of the Augustana Synod, favoring the placing of an embargo on munitions of war. I ask that the resolution be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE LUTHERAN MINNESOTA CONFERENCE
OF THE AUGUSTANA SYNOD,
Minneapolis, Minn., March 13, 1916.

Senator ASLE J. GRONNA,
Washington, D. C.

DEAR SIR:

Since it is the sense of the 100,000 citizens represented by the Minnesota Conference of the Augustana Synod that the sale of munitions of war to belligerent nations is not in harmony with our Nation's prayer for peace nor compatible with true humanity; and

Since the United States having de facto discontinued to exercise its rights to carry on its commerce with the central powers, and thus by partisan dealings with the belligerent nations threatens to drag our country into the European war: Therefore,

Resolved by the Minnesota conference in session assembled, That the Representatives and Senators of the United States be most earnestly requested and urged to empower the President to place an embargo on munitions of war and to warn our citizens against traveling on belligerent ships: Be it further

Resolved, That the secretary of the conference send a copy of these resolutions to all the United States Representatives and Senators of the States of Minnesota, North and South Dakota, and Wisconsin within which States said conference carries on its manifold branches of work.

Yours, very truly,

JOHAN B. A. IDSTRÖM,
Secretary of Conference.

Mr. GRONNA presented a petition of the Commercial Club, of Larimore, N. Dak., praying for an appropriation to put in commission the superdreadnaught *North Dakota*, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Louisiana Division of the Farmers' Educational and Cooperative Union of America, remonstrating against certain provisions of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Education Association, the American Federation of Labor, and the American Home Economics Association, praying for Federal aid for vocational education, which was ordered to lie on the table.

Mr. BRANDEGEE presented petitions of the Woman's Christian Temperance Unions of East Haven and Plainfield, in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. ROBINSON presented a petition of sundry citizens of Alexander, Ark., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 228, Musicians' Protective Association, of Kalamazoo, Mich., remonstrating against the adoption of certain amendments to the copyright law, which was referred to the Committee on Patents.

He also presented a petition of Local Union No. 130, Cigar Makers' International Union, of Saginaw, Mich., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Dover, Leipsic, and Wyoming, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Merrimack Lodge, No. 5, International Order of Good Templars, of Manchester, and the petition of A. M. White and 6 other citizens, of East Rochester, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. KENYON presented a memorial of sundry citizens of Iowa Falls, Iowa, remonstrating against the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Moulton, Iowa, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented petitions of Local Union No. 108, International Brotherhood of Stationary Firemen, and of Local Union No. 228, Cigarmakers' International Union, of San Francisco; and of the Amalgamated Sheet Metal Workers International Alliance, and the Bridge and Structural Iron Workers and Pile Drivers, of Los Angeles, all in the State of California, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of General Guy V. Henry Camp No. 3, United Spanish War Veterans, of Oakland, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of Camp No. 1673, United Confederate Veterans, of Visalia, Cal., praying for the enactment of legislation to grant pensions to veterans of the Confederate Army and to widows of such veterans, which was referred to the Committee on Pensions.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Torrington, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Lander and Rawlins, in the State of Wyoming, praying for an increase in armaments, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

S. 4884. A bill for the relief of the estate of A. B. Denton (S. Rept. 267);

H. R. 8592. An act for the relief of the heirs of C. S. Barbee (S. Rept. 268);

H. R. 9291. An act for the relief of the estate of Thomas J. Mellon (S. Rept. 269);

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased (S. Rept. 270);

H. R. 9458. An act for the relief of the heirs of Santos Benavides (S. Rept. 271);

H. R. 9459. An act for the relief of the heirs of S. P. H. Williams (S. Rept. 272);

H. R. 9555. An act for the relief of the estate of Thomas N. Aaron (S. Rept. 273);

H. R. 9556. An act for the relief of the heirs of John Faulkner (S. Rept. 274);

H. R. 9635. An act for the relief of the estate of Williamson Page (S. Rept. 275);

H. R. 5986. An act for the relief of the heirs of the late Peter Deel (S. Rept. 276);

H. R. 10933. An act for the relief of the estate of Paul A. Swink (S. Rept. 277); and

H. R. 3447. An act for the relief of the legal representatives of the estate of Robert B. Pearce (S. Rept. 278).

TOMBIGBEE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called "Tombigbee," River at Princes Lower Landing, near Jackson, Ala., and I submit a report (No. 266) thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in line 8, page 1, before the words "Princes Lower Landing," to insert "or near," so as to read "at or near Princes Lower Landing."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 5120) to provide punishment for assaults and threats against the President of the United States and his potential successors in office; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A bill (S. 5121) for the relief of Emma M. Gordon (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 5122) granting an increase of pension to Samuel B. Swift (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5123) granting a pension to Caroline M. Clancy;

A bill (S. 5124) granting an increase of pension to George A. White; and

A bill (S. 5125) granting an increase of pension to Sadie M. W. Likens; to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment proposing to increase the salary of the clerk to the Senate Committee on Post Offices and Post Roads from $2,500 to $3,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

SWISS MILITARY LAW (S. DOC. NO. 360).

Mr. LEE of Maryland. I desire to submit a resolution providing for the printing of the Swiss military law, with an index. I think it will be very valuable to the Senate at this time.

Mr. SMOOT. I should like to ask the Senator about how many pages the document will contain.

Mr. LEE of Maryland. Between 50 and 75 pages, I should say.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution (S. Res. 138) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript entitled "The Military Law and the Efficient Citizen Army of the Swiss Republic" be printed as a Senate document, together with the index.

OSAGE OIL LANDS.

Mr. LA FOLLETTE. I submit a resolution and ask that it lie on the table and be printed.

The resolution (S. Res. 137) was ordered to lie on the table and to be printed, as follows:

Resolved, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate all matters connected with the leasing of the oil lands of the Osage Indians in Oklahoma, the methods of producing, controlling, and marketing the oil production of said lands and all affairs in relation thereto, and that said committee be empowered to send for persons, papers, and books, and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendations thereon to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate.

That pending investigation by the Committee on Indian Affairs of the Senate and further action by Congress, the Secretary of the Interior be, and he is hereby, requested to make no sale of oil leases and to make no oil leases on the lands of the Osage Indians in Oklahoma for a period exceeding 10 years.

HOUSE BILL REFERRED.

H. R. 11471. An act to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, was read twice by its title and referred to the Committee on Finance.

POSTAL SAVINGS SYSTEM.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BANKHEAD. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. BANKHEAD, Mr. SMITH of South Carolina, and Mr. TOWNSEND conferees on the part of the Senate.

The PRESIDING OFFICER. The morning business is closed.

NATIONAL DEFENSE.

Mr. HARDWICK. Mr. President, I do not propose to-day to enter into anything like a general discussion of the question commonly and generally known as "preparedness," although I will take this occasion to say in a general way that I am heartily in favor of a reasonable program on that subject, fully adequate to meet the necessities of the present situation and fully calculated to put this country in a position to successfully defend itself against any possible foe, to assert and enforce its rights, and to protect and defend its people.

To that end, I am fully prepared to vote any reasonable increase for our Navy, for the correct American view has always been that a strong, well-balanced Navy is our strongest weapon both for offense and defense. I believe, however, that a great deal of misapprehension exists among the people as to the real strength and relative rank of the American Navy. Without undertaking now to specify the authority upon which it is based, although it is most respectable and reliable, I venture to express the opinion that the American Navy already, in gun power and tonnage displacement, ranks third among the navies of the world and is destined to take the second place in the event the German Navy suffers materially from the present war; and also that our Navy is, man for man, gun for gun, and ship for ship, the best in the world. That it is somewhat top-heavy with battleships I believe; but that Congress may provide a proper and well-balanced plan to increase its efficiency by providing the necessary submarines, tenders, coalers, aircraft, and other auxiliary service, as well as provide some way of securing the necessary men to man the ships, is both my hope and belief. A reasonable plan to increase the strength and efficiency of our Navy in a well-balanced, rounded way is or ought to be the task of the immediate present, with a view of putting that Navy indisputably in the second place among the navies of the world as to size and strength and first among them as to efficiency and morale.

In addition to this program, I believe that our coast defenses should be materially improved and strengthened and that a reasonable increase in the size of our standing army is desirable.

It seems to me, also, that the one important consideration in connection with both our military and naval establishments that has been most sadly neglected has been the development of an adequate and efficient corps of aeroplanes, and since as a Member of the other House of Congress I have long urged increases in this branch of the service, which I regard as all important in these days of modern warfare, I earnestly hope this particular phase of the question of preparedness will be given the most careful consideration by the Congress and that such action may be taken in respect to it as to bring us up to the standard of the most efficient armies and navies of the world.

Of course, Mr. President, even such action with respect to our Navy, our coast defenses, our standing army will still leave to us the settlement of one of the most troublesome as well as the most important questions connected with preparedness, namely, How and exactly in what manner shall we make provision for a reserve military force for our country?

The opposition of the people to a large standing army and to compulsory military service, with the tremendous expense and burden to business and industry incident thereto, is not only deep-seated and general but also, in my opinion, well founded and insuperable.

The happy geographical isolation of our country and the democratic and peaceful instincts of its people seem to render it unnecessary for us to embark in the European policy of maintaining an enormous military establishment, and that we are exempt from any such necessity has always been justly esteemed as one of our greatest blessings.

I do not believe that the present situation in any way necessitates or justifies any abandonment of this traditional American policy.

"Peace at any price," can never be the motto of a great nation, or the doctrine of a brave and self-respecting people, but peace, so long as it can be preserved with honor, is the greatest blessing that can come to and remain with a people, and I am confident that no American President or Congress will ever lightly or carelessly involve this country in war with a foreign power.

Prior to the summer of 1914 it seemed incomprehensible and unbelievable that the great Christian powers of the world should become involved in a great war with each other, so great had been the apparent progress, and so wide had been the general spread of both Christianity and education, but on August 2, 1914, the world awoke to the realization that, after all, a reversion to the primitive was not impossible, even with the most highly civilized peoples of the earth, and realizing that war, on a great scale, may come at almost any time, to any nation, our own people have, I think, pretty generally come to the conclusion that it is not only wise, but also absolutely necessary for us to put this country in a position where its people can successfully defend it against any foreign foe.

What plan, then, can we adopt that will least offend against our democratic principles and institutions, will least burden the business and industry of the country, and will, at the same time, give to large masses of our citizens the necessary training that will enable them to render efficient military service for the protection of their country if the unfortunate necessity therefor should arise?

Compulsory and general military service? The very genius of our institutions and the very instincts of our people forbid, unless the stern necessities of a great war should absolutely require it.

Can we, then, make the militia of the various States, sometimes improperly call the "National Guard" the basis of our reserves?

To some extent, yes. I favor increased appropriations to promote their efficiency and to make service in these organizations as attractive and popular as possible, for no one with even a superficial acquaintance with American history can deny that our "citizen soldiery" has made a brilliant record in every war in which this country has been engaged, but there are at least two strong objections to the policy of relying entirely upon these forces for our reserves.

First. The State troops owe allegiance first of all, and properly so, to the various States under whose laws, and by whose authority, they are organized. In times of peace the Government of the United States can exercise little or no real control over these State troops, and whatever influence it can exert must be done in an indirect and awkward way, through holding out the reward of promised appropriations, or the threat of withdrawing appropriations already made.

Second. Under the Constitution of the United States, Congress alone has power to call the State troops into the service of the General Government, and then only "to execute the laws of the Union, suppress insurrections, and repel invasions."

While Congress may, if it chooses, provide for "organizing, arming, and disciplining the militia," it may "govern" only "such part of them as may be employed in the service of the United States," and even as to the militia employed in such service, "the appointment of the officers" is "reserved to the States."

These quotations, from Article I, section 8, paragraphs 15 and 16 of the Constitution, simply state and mark the difficulties that Congress and the President would have in relying solely on the State militia as the second line of our National Army.

We can, and I believe Congress will, make further and more generous provision than we have in the past "for organizing, arming, and disciplining the militia," but after all it must be always remembered that they are primarily the troops of the State and owe their primary allegiance and obedience to the State, and, so far as war with a foreign power is concerned, could be used only to "repel invasion," even though a situation might arise in which a sharp and vigorous offense would be the most effective defense of our country.

In this situation I have prepared a bill which I have recently introduced in this body and which has been referred to our Committee on Military Affairs.

Let me now invite the attention of the Senate, and particularly of Senators who belong to that committee, to its provisions and to some of the reasons that prompt me to believe it deserves the most serious consideration both of Congress and of the country and ought to be enacted into law:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is hereby authorized and directed to detail, for service as instructor in military tactics, one or more commissioned officers of the United States Army to every college and school in the United States in which there are as many as 50 male students 15 years of age and over in all cases where the college or school authorities make application for said detail, under the provisions of this act, and accompany such application with a statement signed by 50 or more of such students that they desire to become a part of the reserve forces of the United States Army, under the provisions of this act.

"SEC. 2. That upon the filing of an application, as provided for in the preceding section of this act, the Secretary of War shall detail a representative of the War Department to personally examine into the merits of such application to ascertain whether the facts therein stated are true, and also whether the parents or guardians of any minor students of such school or college have assented to such minor students entering into the agreement hereinbefore provided, and all other facts in connection with the advisability of granting or rejecting the application, which he shall report to the Secretary of War, who shall thereupon determine whether or not said application shall be granted.

"SEC. 3. That in case the said Secretary of War determines to grant the application of such school or college, he shall require such male students, 15 years of age and over, who are to receive the benefits of the training herein provided, to sign such papers as he may prescribe and determine, agreeing and obligating to enlist as a part of the reserve forces of the United States Army for and during the term of their connection with such school or college, including vacations, and in no event for less than 12 months. Such students shall not be subject to active military service, except in connection with their training and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men in the Regular Army of corresponding grades and ranks are paid: *Provided*, That in the event the United States becomes engaged in war or it should become necessary to use troops to repel invasion, suppress insurrection, or maintain peace and order under the Constitution and laws of the United States, then the President of the United States is authorized to call into active military service the whole or any part of the reserve forces herein provided for a period not to exceed 12 months.

"SEC. 4. That the Secretary of War is hereby authorized to prescribe all necessary rules and regulations for the honorable discharge of members of the reserve force from the service upon the completion of their terms of service as hereinbefore provided, and in such other cases as may seem to him reasonable and just, and to provide for the enlistment from time to time of additional students at every school or college where such application is granted.

"SEC. 5. That the Secretary of War is hereby authorized and directed to furnish to all of the reserve forces organized under this act similar arms and equipment to those furnished to the Regular Army of the United States.

"SEC. 6. That if it should become necessary, in order to carry out the provisions of this act, the President of the United States is authorized to provide by appointment a sufficient number of suitable and capable officers of the United States Army to be detailed for duty under the terms of this act.

"SEC. 7. That the sum of $20,000,000, or as much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to carry out the provisions of this act."

According to the census of 1910 there were attending the schools and colleges of the United States 1,948,398 males of all classes, 15 years of age and over. Of this number 1,782,300 were whites, 153,769 were negroes, and 12,329 were Indians, Chinese, Japanese, and others.

Military training in connection with the schools and colleges is so desirable and so beneficial that a large percentage of well-to-do parents send their boys to schools that afford such training.

The bill I offer does not make it compulsory on any school or college to accept its benefits, and no school or college can do so unless it has at least 50 boys 15 years of age and over who are desirous of accepting it, and agree with the full consent of their parents or guardians to do so.

If the bill should be enacted into law, I believe, and no man can do more than predict until we try it out, that a considerable per centum of all the schools and colleges will accept instruction, arms, and equipment under the terms of the bill.

If we get even 25 per cent of the boys attending the schools and colleges to join it, then we would have a magnificent reserve force of 500,000 men for our second battle line.

The military training and discipline that these young men would receive would be incalculably valuable to them physically, mentally, and morally, and as each class graduated from school

or college its members would go out into the walks of civil life with enough military training and knowledge to render them able to give efficient service to their country if need should arise. At the same time there would be no burden upon the business and industry of the country.

As each class graduated the ranks would be filled by the younger boys coming on, so that we would have in this country a constantly increasing number of young men with some military training who were capable of defending the country, without a correspondingly increasing public expense.

These young men could be drilled and disciplined during school days and on Saturdays, and could be mobilized into regiments, brigades, and even larger units during their vacations. For this latter service I think they should receive small compensation, corresponding to the pay of Regular troops. They could be called into active service only at the instance of the President of the United States himself and only in the event that the United States became involved in war, or needed them to "repel invasion, suppress insurrection, or maintain peace and order under the Constitution and laws of the United States."

Mr. President, the system I suggest is, it seems to me, the real solution of the troublesome question that confronts us.

It does not offend against our democratic institutions and instincts, because it has in it not the slightest trace of enforced or compulsory military service. It will afford to our country an insurance policy of constantly increasing value, as year by year it increases the number of our young men who are made capable of efficient military service and who could really and effectively aid in the defense of the country.

The expense that it entails would be strictly measured and exactly limited by the results it produces. For if, as I believe, a large number of young men in our schools and colleges are willing, indeed anxious, to receive the benefits of this training, then, while the expense of officering, arming, and equipping them will be admittedly large, it will only be large in exact proportion to the number of reserves it will furnish.

Comparatively, it will cost far less than any other efficient system that can be devised.

If, on the other hand, we get small returns in the number of reserves, the cost will be small and in exactly corresponding degree.

These young men would be already mobilized in large numbers at every great American city. For instance, it is estimated that New York City would have at least 50,000 reserves, constituted of her own boys, Chicago would have more than half as many, Atlanta probably 2,000 or more. Every American city of whatever size would have already mobilized and concentrated within its own limits a reserve force composed of its own boys proportioned to its population.

Mr. President, these young men would constitute our first battle line, in any event, if this country had a war with a power of the first magnitude. That being true, how much better it is for both the country and themselves to give to them, certainly to all of them who wish to take it, all possible preparation and equipment for the efficient discharge of the first and foremost duty that every patriotic citizen owes to his country if war should come to it.

At this time I shall not trouble myself or fatigue the Senate with a discussion of the details of the proposition. They are unimportant and can be modified to meet any good objections that can be urged to them or to any of them.

But the suggestion itself, the plan it proposes, the system it would establish, is, I believe, of far-reaching importance to the country, and I earnestly hope that it may receive now or in the near future the serious consideration of our committee and of the Senate itself.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. JONES. Mr. President, I had given notice that to-day I would follow the Senator from Georgia [Mr. HARDWICK], but I understand the Senator from Oregon [Mr. CHAMBERLAIN] would like to have taken up the bill for an increase in the number of cadets at West Point that was under consideration yesterday, and which will probably only take a few moments. I understand also that the Appropriations Committee would like to have the urgent deficiency appropriation bill passed. I will yield for that purpose, unless the measures to which I have referred consume too much time, in which case I shall ask for recognition.

INCREASE IN NUMBER OF CADETS AT WEST POINT.

Mr. CHAMBERLAIN. Mr. President, I should like to have the Senate take up and act upon the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from Oregon? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. CHAMBERLAIN. I believe the Senator from Kentucky has an amendment which he desires to present.

Mr. JAMES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. In line 4, on page 1, after the word "two," it is proposed to strike out the word "from" and to insert the word "for"; in line 10, on page 1, after the words "of the," it is proposed to strike out the words "congressional or."

Mr. JAMES. That amendment, Mr. President, provides that a Representative who has not an eligible in his district for appointment as a cadet at West Point may, if he so desires, appoint a young man from another congressional district in his State.

Mr. REED. I am unable to hear the Senator from Kentucky.

Mr. JAMES. Under the law as it now exists a Representative can only appoint a young man from his own congressional district as a cadet to West Point, but in some of the districts there are no applicants. This amendment proposes to make it permissible, if the Representative desires to do so, for him to appoint a cadet to West Point from some congressional district in the State other than his own. I think it is a wise amendment, and that it should be adopted.

Mr. GALLINGER. Let the text be read as it will read if the amendment be adopted.

The PRESIDING OFFICER. The language will be read as proposed to be amended.

The SECRETARY. As proposed to be amended it will read:

That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 for each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 60 from the United States at large. They shall be appointed by the President and shall, with the exception of the 60 appointed from the United States at large, be actual residents of the Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Kentucky.

Mr. CHAMBERLAIN. Mr. President, I desire to say that, since the Senate adjourned, I have taken up this matter with the Judge Advocate General and asked his opinion as to the propriety of accepting the amendment and whether it would meet the objections which were made by a number of Senators yesterday, notably by the Senator from Rhode Island [Mr. LIPPITT] and the Senator from Kentucky [Mr. JAMES]. The Judge Advocate General thought the amendment would meet those objections and relieve some trouble that the department has had in dealing with the subject.

Mr. SUTHERLAND. Mr. President, let me ask the Senator from Kentucky whether he thinks he has made it perfectly clear that the appointees for the congressional district must come from the State in which the congressional district is situated?

Mr. JAMES. Undoubtedly that is clear, Mr. President, because it provides that they shall be from the Territorial district or the District of Columbia or the island of Porto Rico or from the States, respectively. There are two appointed for each congressional district.

Mr. SUTHERLAND. I caught the reading rather imperfectly and perhaps my impression is an erroneous one.

Mr. JAMES. Provision is made for the appointment of two from each congressional district, and of course they are appointed by the President on the recommendation of the Representative from the district.

Mr. SUTHERLAND. The language is that they shall be "actual residents of the States"——

Mr. JAMES. Respectively.

Mr. SUTHERLAND. "Respectively, from which they purport to be appointed."

Mr. JAMES. That is the provision.

Mr. SUTHERLAND. I doubt very much whether the language is such as to make the intention perfectly clear.

Mr. JAMES. I will state to the Senator that I submitted the amendment to the Judge Advocate General of the Army, who said that it met the objection and was the proper way to remedy the situation.

Mr. SUTHERLAND. I suggested a form of amendment yesterday which, it seems to me, made it clear. The amendment

was to strike out the clause which reads "two from each congressional district," so that it would read:

Two from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large and in addition 2 for each congressional district within the State, 60 men from the United States at large—

And so on. That form of amendment, it seems to me, would make it clear that the cadets appointed for each congressional district must come from the State in which the respective district may be located.

Mr. JAMES. I do not think there can be any doubt about that under the amendment I have proposed. It provides for the appointment of two cadets for each congressional district, and that they shall be actual residents of the States from which they are appointed. Of course, when a Representative makes an appointment—say, he is a Member of Congress from Utah, his appointee may be from one or the other of the congressional districts of Utah, but he must be a resident of the State of Utah. That is what the amendment means.

Mr. SUTHERLAND. If the Senator is satisfied with the language employed and the Judge Advocate General thinks it is sufficient, I will offer no objection.

Mr. JAMES. I think it is perfectly satisfactory. In this connection I ask leave to have printed in the RECORD a letter from the Judge Advocate General in regard to the amendment.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, March 17, 1916.

Hon. OLLIE M. JAMES,
United States Senate.

MY DEAR SENATOR JAMES: In response to your telephone inquiry of this afternoon I quote below the law governing the appointment of cadets to the United States Military Academy:

"The Corps of Cadets shall consist of 1 from each congressional district, 1 from each Territory, 1 from the District of Columbia, 2 from each State at large, and 30 from the United States at large. They shall be appointed by the President, and shall, with the exception of the 30 cadets appointed from the United States at large, be actual residents of the congressional or Territorial districts or of the District of Columbia or of the States, respectively, from which they purport to be appointed. (Sec. 1315, R. S., as amended by sec. 4, act of June 6, 1900; 31 Stat., p. 656.)

Very truly, yours,

E. H. CROWDER,
Judge Advocate General.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, there is one other amendment which I desire to propose. It has been suggested to me since the discussion yesterday that there are two or three, and possibly more, young men in the academy whose status is sometimes questioned because of the fact that they may have been appointed from some other State than the State in which they then lived or possibly from some other congressional district. It seems to me there ought not to be any question about that, and I thought it might be well to amend the first section by adding a proviso as follows:

Provided further, That the appointment of each member of the present Corps of Cadets is validated and confirmed.

Mr. President, from my viewpoint I hardly think such an amendment is necessary, because I do not construe the preset statute as the War Department does nor as my friend from Kentucky construes it; but however that may be, the amendment which has already been adopted cures what some Senators regarded as a defect, and in order to remove any doubt concerning the matter to which I have referred I move that section 1 be amended by adding the proviso which I have just read and which I send to the Secretary's desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of section 1, the following proviso:

Provided further, That the appointment of each member of the present Corps of Cadets is validated and confirmed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I call attention to section 2, which reads as follows:

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men of the Regular Army, between the ages of 19 and 22 years, who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe, at the rate of one for each regiment of the mobile army.

I move in that section, at line 12, to strike out the word "one" and insert the word "five," so that instead of one man being eligible from each regiment for West Point, five shall be eligible. I hope the chairman of the committee in charge of the bill will accept the amendment.

Mr. CHAMBERLAIN. I did not hear the amendment.

Mr. REED. If the amendment should be adopted, the President would be authorized to appoint to West Point not to exceed five men from each regiment instead of one man, as the bill now reads.

I desire to offer a few observations in support of the amendment.

I think the one matter that holds back the recruiting of the Regular Army and that has a tendency to keep the more ambitious young men out of the Army are the difficulties in the way of any real advancement. I think that no class of men will do the best work of which they are capable unless there is some incentive to effort. A great many young men who have an ambition along military lines would join the Army if they could see a way to an education and promotion. The amendment I offer will give only about one man to each two companies. If I could have my way, I would arrange so that the United States Military Academy would be open to every soldier of the United States Army who could qualify himself for admission and who came within certain age and physical limitations. I would hold the door for promotion wide open to him, and by doing that I think encouragement would be given to the young men in the Army to study and to work in order to fit themselves for advancement. Besides, great encouragement would be given to them to enter.

I can see no reason why we should not introduce that much of the merit system into our military plans for the future. I have made the number five because I do not want to be immoderate or to ask anything that is radical; and yet I am certain that it would be wise to open the doors of the Military Academy to every soldier who could qualify and who would come within prescribed limitations as to physical and mental attributes.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. TOWNSEND. I do not know what the amendment of the Senator is.

Mr. REED. In line 12 of page 2——

Mr. NORRIS. The Senators must mean line 14.

Mr. REED. In the copy that I have it is line 12.

Mr. NORRIS. In the copy that I have line 12 says that the President can appoint enlisted men who have served not less than one year. The Senator's amendment would make that read "who have served not less than five years."

Mr. REED. Oh, no. The copy that I have reads as follows. I will read it to the Senate:

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men of the Regular Army between the ages of 19 and 22 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe, at the rate of one—

Which I change to "five"—

for each regiment of the mobile army.

Mr. NORRIS. There must be more than one print of the bill, then.

Mr. REED. My attention is called to the fact that there are two prints, and that the calendar print has the word "one" on line 14, as the Senator suggests, whereas the committee print has it on line 12. I therefore desire to have my amendment apply to the word "one" in line 14.

I should like to get some expression from the Senate on this subject. I really think if we opened the United States Military Academy to every boy in the Army who came within certain physical and mental qualifications it would be a great step in advance.

Mr. SMITH of Georgia. Mr. President, does the Senator, then, increase the number that go to West Point?

Mr. REED. Yes.

Mr. SMITH of Georgia. Or does he take these additional four from the congressional recommendations?

Mr. REED. No; they are to come from the Army. This is the clause of the bill that applies to promotions from the Army. The bill, as drawn, limits the President to the appointment of one from each regiment. Under the bill, about one out of a thousand will have a chance to go to West Point. I suggest five.

Mr. SMITH of Georgia. Now the Senator increases it to five?

Mr. REED. To five. At the same time I frankly state that I would like to have it so that every boy in the Army who can qualify mentally and physically and morally may be permitted

to enter West Point. Upon that question I very much desire to secure the views of Senators.

Mr. SMITH of Georgia. I should like to ask the Senator what he would think of taking those additional four, if there is not room for more than the bill provides, from those recommended by Senators and Congressmen? I am thoroughly in favor of taking every man we can from the ranks and sending them to West Point, and giving him the preference over congressional recommendations or any other kind of recommendations.

Mr. REED. I do not know whether it is necessary to cut down those who are recommended by Congressmen and Senators; but, so far as I am concerned——

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED. Permit me to finish my sentence, I then will yield. So far as I am concerned, I do not believe we can ever build up the Army until we democratize it——

Mr. SMITH of Georgia. I sympathize with the Senator's views.

Mr. REED. And until we hold the prize of promotion and advancement before the young men who enter the Army.

Mr. JAMES. There is nothing in the law, however, that would prevent a Member of the House or of the Senate from appointing one of these men from the Army.

Mr. REED. Oh, that is true; there is nothing to prevent it; neither is there anything to prevent that being done under the present law; but will somebody tell me what Member of Congress has done so? I do not know of any such appointment having been made.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SMOOT. I will say that I am in sympathy with the position taken by the Senator from Missouri; but I wish to ask the Senator if he has figured what increase in the number his amendment would make?

Mr. REED. No; I have not. The bill has just been called up, and there has been little opportunity for me to examine its terms.

Mr. SMOOT. I will say to the Senator that off-handed, as I figure it, it would be about 240; and I was wondering, with the increase we already make in the bill, whether the additional increase of about 240 could be taken care of at West Point under the present conditions.

Mr. DU PONT. Mr. President, I should like to say to the Senator from Utah, if the Senator from Missouri will permit me, that as the Army is now constituted it would mean something like 275 or 280, and if the Army should be increased, we would have 500 or 600 under the new bill.

Mr. SMOOT. I was speaking, Mr. President, of the Army as it is now constituted; and, just figuring roughly, I thought it would be about 240. The Senator from Delaware may be right. It may be 275.

Mr. REED. Mr. President, I am not sure that I understand the logic of the objection, if it was meant as an objection.

Mr. SMOOT. No, Mr. President; I do not want the Senator to take it as an objection. I wanted the Senator to consider, if he had not already done so, if the increase is made, where or how the increase could be taken care of.

Mr. REED. Mr. President, if the Senator refers to the housing of the men at West Point, then my answer to that is that the difficulty must be met just as we must meet all the other questions touching the increase in our Military Establishment. If we need larger quarters, we must build them. They need not be so expensive as to be either burdensome or prohibitive.

Mr. SMOOT. I will say to the Senator that with the increase in the bill as reported, as I understand, will require three cadets to live in one room. With the additional increase, I was wondering whether the Senator had asked the officials of the War Department whether temporary arrangements could be made to house them.

Mr. REED. So far as that is concerned, it would take about 90 days, if we proceeded in governmental matters as we do in private affairs, to build all the quarters necessary; and the appointments by the President could be held up until such time as, in the President's judgment, the quarters were adequate.

May I ask the attention of the Senate just a moment on this matter? I give it as my very humble opinion that you will never build up the military spirit and military knowledge among the masses of the people until you have made it so that an entrance into the Army affords a reasonable opportunity for advancement, education, and general improvement. Will somebody tell me what reason there is to-day for a young man to enter the Regular Army, at $15 a month, on a long term of service that takes the very best years of his life from him; that affords practically no room for intellectual improvement; that teaches him no trade or occupation; that turns him out at the end of that period without money in his purse, without business acquaintance, without any of those attributes which are being acquired and cultivated by the ordinary young men of the country who are not in the Army?

Create a system under those conditions and it inevitably results in what? In the unfortunate going into the Army because he can do nothing better; in the man of slight attainment or slight ambition going into the Army because he can not do better outside. Under such conditions you can not secure the best material for the Army. I say that without desiring to reflect on the rank and file of the Regular Army. I speak of the system and do not refer to the personality of the men.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield to the Senator.

Mr. SMITH of Georgia. I wish to call the Senator's attention to the fact that this bill carries an increase, if all the places are filled, of 566 men at West Point. It is questionable whether West Point can handle more, or whether it is desirable to more than double the number at West Point to meet the increased demand.

Now, I want to make this suggestion to the Senator, and ask his consideration of it: Why not let all of these 566, the entire increase, be promoted from the young men who volunteer in the service, instead of having congressional and senatorial nominations? Why not use that entire number for promotion?

Mr. GALLINGER. Mr. President, will the Senator permit me a moment?

Mr. REED. Certainly.

Mr. GALLINGER. The very suggestion the Senator from Georgia has made I was intending to make myself. The appointment of these young men upon recommendation of Members of this body and the other House is a burden rather than otherwise, very much like getting offices for clerks and others, if we could get them. Our troubles begin just when we get the appointments. For myself, I should be very glad to surrender the two appointments that I will have, if this bill goes through, and the two that I have in the Naval Academy, and turn them over to these young men who have enlisted, and give them a better opportunity to achieve success and to get proper promotion. I think it is a wise suggestion.

Mr. SMITH of Georgia. I should be gratified to have the increase go by way of promotion from the young men who volunteer into the service; and I would also gladly give up the present privilege of nomination and let all of the nominations to West Point go in the shape of promotions from young men who volunteer in the service.

I agree with the Senator from Missouri that the men in the ranks—he did not say that, but I do—have not had proper treatment in many ways, and that is why volunteering has been so slow. If we will give proper recognition to the private soldier, to the man with the colors; if we will undertake, in addition to the military training, to make part of the training at least an average of several hours a day training for civil life, and then give these promotions from the private soldiers to West Point, as suggested by the Senator—I am going to vote for his provision of five if it takes a reduction of the others under the assignment—if we will give them that opportunity enlistment officers will not be going over the country and striving to get volunteers; we will be called on to classify them and limit them from the States to their proper proportion.

Mr. REED. The Senator from Georgia has anticipated me. He has said in a very much better way than I could some things I intended to say.

I am firmly convinced, Senators, that we never will have a great body of trained men in the United States, even in a Regular Army, unless we do something to bring the traditions and customs of military service up to at least within 300 years of the twentieth century.

I will relate this incident, which I read the other day in a magazine. In the English Army they have adhered to the old class distinctions between the enlisted man and the officer. The article referred to stated that there were two sons of a nobleman in the English Army, one an officer, the other a private. It happened recently that both were wounded and were at the same time furloughed home. The regulations required them, as this article stated, to wear their uniforms when at home. The result was that these two brothers, who were affectionately at-

tached to each other, could not in their own mother's house sit together at the same table.

Now, I am not a military expert, and there may be a great many things necessary to be done in the way of disciplining an army that I do not know about, but under a system like that no red-blooded man is willing to be an enlisted man, unless it be when his country's peril is such as to call for great sacrifices. We teach our youth pride of character; we teach the doctrine of equality; we teach every man to believe that he is as good as any other man and "a little better." That is the best spirit ever instilled in a people. Pride of character is the mainspring of ambition, sacrifice, fortitude, courage, and all other attributes which constitute together nobility of mind.

When, therefore, you ask men to enlist and say to them, "You will get $15 a month while you are here, but you must understand that there is an impassable line drawn between you and a commissioned officer that divides you from him socially and morally," the result inevitably is that you do not get that class of men who could under different circumstances be obtained.

On the other hand, if we say to every boy who enters the Army, "There is not alone here a chance to make a living, but there is, in addition, the opportunity to acquire an education and to graduate from a great military college where you may acquire not only a military education but a splendid general education that will fit you to be an engineer or to enter a counting house or to fill other honorable and remunerative avocations," then you will draw into the Army hundreds and thousands of young men who will enlist because the Army is the open door of opportunity.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. One sentence, and then I shall gladly yield. Now, it will not only be the five men who gain appointments who will be bending to their tasks and improving their minds, but it will also be a large number of aspirants who will vastly improve their usefulness, even though they may not succeed in passing the prescribed examination. So there will be a large number of men who may never enter West Point who will be better fitted for citizenship. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I sympathize with the purpose of the Senator's amendment, and if a deduction could be made from the appointees by Senators and Representatives I should favor it, but I wish to ask the Senator what he proposes to do with these additional officers when they graduate at West Point?

Mr. SMITH of Georgia. Is it true that if the number——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. HITCHCOCK. Let the Senator answer my question.

Mr. REED. I am going to answer it.

Mr. SMITH of Georgia. I was going to suggest——

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. REED. I have the floor.

The PRESIDING OFFICER. The Senator from Missouri yielded to the Senator from Nebraska.

Mr. REED. I yielded for a question. Does the Senator from Georgia desire to ask me a question?

Mr. SMITH of Georgia. I do.

Mr. REED. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Missouri yields to the Senator from Georgia.

Mr. SMITH of Georgia. Would not the amendment, merely placing the figure 5 in place of the figure 1 from each regiment, reduce the number that each Senator and Representative could have? It does not increase the total number at all. If we place the figure at 5 in place of the figure 1, as suggested by the Senator from Missouri—I have just been studying the bill to see if it would not be true that we would still have but the 2 for each congressional district and 2 for each Senator.

Mr. HITCHCOCK. That is not my understanding of the bill. My understanding is that those whom the President appoints are in addition to those whom Senators and Representatives appoint.

Mr. SMITH of Georgia. The 60 would be; but if we had the provision of 5 from each regiment, without providing in the earlier part of the bill for an increase, the additional men from each regiment must come out of those provided for generally in the bill, and thereby reduce the number of congressional and senatorial appointments.

Mr. HITCHCOCK. No; I think the Senator is entirely wrong. As I figured it up hastily, the amendment of the Senator from Missouri would add about 800 students to West Point. It may be that we can accommodate under the new bill that we are about to pass——

Mr. REED. Mr. President——

Mr. HITCHCOCK. If the Senator will permit me to continue, it may be possible that we can add 500 or 600 or 800 students to West Point, but when those students graduate they will be officers, and I ask the Senator what he then is going to do with those additional officers?

We certainly have already, as I consider it, a top-heavy condition of the Army, and I believe that the bill as now proposed by the Committee on Military Affairs will render that top-heavy condition still more top-heavy. The amendment of the Senator, unless it is modified, will, in my opinion, add a good many hundred officers to the permanent list of officers of the Army. I ask what are you going to do with them?

Mr. REED. Mr. President, I shall try to answer with entire frankness. I remark, in the first place, that the President is only "authorized," not commanded, to appoint cadets from the Army. The language of the bill is that the President "is hereby authorized to appoint one from each regiment." The proposed amendment would make the bill read that the President "is hereby authorized to appoint five from each regiment." So, if a top-heavy condition should be created, the President, I take it, would not have to make the appointments.

But I remark, in the second place, that the Senator is mistaken or else I am mistaken about the proposition that a graduate of West Point becomes an officer. I understand that he is qualified for an officer and a long custom has resulted in his being commissioned. I may be in error.

Mr. HITCHCOCK. The Senator is in error. After a man graduates at West Point or Annapolis he can only retire from the Army or Navy by resigning and having his resignation accepted. As I recall it, when he enters West Point or Annapolis he signs a pledge not to retire within eight years.

Mr. REED. Yes; but he is not a second lieutenant when he comes out of the academy until he has been duly commissioned. I think that is correct.

Mr. HITCHCOCK. The Senator is mistaken there. Upon graduation he becomes a second lieutenant.

Mr. REED. You will find he has to have his commission. But I do not care to discuss it; it is aside from the issue.

The real issue raised by the Senator's question is, What will we do with our graduates if we have more than we need for officers? I have answered that in one way. I suggest a further answer: If the time comes when we find that these young men—and it will be three years from now when they can be graduated—are likely to become too numerous, it is easy enough when that condition arises to pass a statute reducing the number of cadets.

I remark, in the third place, that if we are proceeding along sound lines, if there is any reason for an increase in the Army and Navy of the United States, that reason will in all human probability continue and grow greater during the next two or three years, and the place we will be weakest will not be in the number of enlisted men we can obtain, because we can obtain enlisted men in case of danger almost without limit. The main difficulty will be to get officers to train those enlisted men.

I call the attention of the Senate to the fact that military matters have been absolutely revolutionized in recent years.

Time was when the staunch yeomanry of our land could seize their rifles and give battle to the best-trained soldiers of Europe. The frontiersmen at Lexington beat back the British Regulars. The men in coon-skin caps at Concord routed their trained antagonists. The riflemen of Jackson decimated and dismayed the flower of Wellington's veterans.

But this was because the antagonists were equally armed. The rifle of the woodsman was as efficient as the musket of the soldier. The patriotism of the citizen fighting for liberty rose superior to the training of the hired Hessian. If the armies of to-day fought with rifles, then I would not hesitate to declare that the volunteers of America, standing upon their seagirt shores, could hurl back into the ocean the combined soldiery of Europe.

But there has been a revolution in all things mechanical, which has nowhere been so complete as in the machinery of war. A century of progress is behind us. The pack horse has given place to the power truck and the lightning express, the horseback courier to the winged telegraph and telephone. Time has been obliterated, distance annihilated. The hand loom, the scythe, the sickle, and the cradle are now curiosities upon which we gaze with mingled mirth and pity. The age of machinery has driven out the crude implements of our fathers. Vast factories rear their gigantic smokestacks in all parts of the land. Armies of men and women work beneath a single roof. The miracle of web and loom perform tasks which the toiling fingers of hundreds were wont to do. Flying shuttles

move with a rapidity that defies the eye. Delicate nerves of steel control machines with a combined power of 10,000 men. The forces of nature harnessed by the genius of man are driven by the invisible threads of the intellect.

In this great industrial and mechanical race America has kept pace, nay, outdistanced competition. But it has not been so in the art of war. While our genius has bent to the problem of industrial and mechanical supremacy, the brains of Europe have been employed in producing a titanic machinery of destruction. They have invented cannon that will hurl a shell weighing a thousand pounds more than 20 miles.

Before modern artillery fortifications regarded as eternal dissolve as mist before the summer sun.

The alchemy of hell has distilled vaporous poisons that like myriads of serpents creep along the surface of the earth to burn with deadly breath the lungs of men.

Assassins of the seas hide beneath the waves and lie in wait to murder unsuspecting passengers on ships.

The air is filled with flying dragons that vomit fire and death upon the peaceful homes where wives and babies sleep.

Ships of war have been transformed to mighty floating fortresses that cross the Atlantic in five days of time.

Wisdom demands that we shall recognize the cold, brutal fact that power and force rule in this grim old world.

The handling of this machinery requires long training and the highest technical skill, the same long course of study that is required by a man who is to master electrical engineering, the same long experience that is required to fit a man to handle a locomotive, the same kind of patient preparation necessary to fit a man for one of the learned professions. If we have war, our greatest weakness will be in the lack of military experts. We must strengthen ourselves in that respect if we are to meet on equal terms the armies of Europe.

Now, we are creating this army for some purpose. It is not created merely for amusement; it is created in the hope that we may have eternal peace, but it is created in the belief that we may some time have war; and if war comes, I say to the Senate of the United States what we shall most need will be experts. You will get plenty of men who can handle a rifle; there will be no lack of brave boys who will expose their bosoms to the storms of war, lay down their lives in defense of home and country. But, sir, we must have machinery and we must have men who can intelligently handle that machinery. So I insist that the objection that we may have too many men in West Point in the next two or three years is not a sound objection.

If we ever are involved in a great war—which God forbid—instead of mustering our men in by the thousands we shall muster them by the hundreds of thousands. Instead of an Army of two or three hundred thousand men we will find ourselves massing two or three million men. Such an Army will be at less than one-tenth of its possible efficiency unless there be men who can skillfully handle batteries of cannon, unless there be men who can manage the delicate and intricate enginery of destruction with a skill equal to the best genius of our antagonist. So I say to the Senate that an increase of three or four hundred cadets need not be feared. We ought rather to court such an increase. I thought my little amendment was so modest it would be accepted.

I am going to say another word while I am speaking regarding the democratization of armies. The French have adopted a different system than has heretofore been in vogue. Again, I do not profess to be an expert, but, if my reading has been correct, the line between the French volunteer and the French officer is very shadowy. Upon the field of battle or in the hour of danger military discipline fixes its iron rule and absolutely gives the officer dominance; but when that particular duty has been ended the officer and the enlisted man meet much more nearly on a level than they do in the armies of other nations. Who is it to-day can challenge the success of that system? I make no invidious distinction when I declare that the world has never furnished a higher example of devotion and of deathless courage than is being displayed every day in the month-long battle now raging before the fortress of Verdun. If we are ever going to have a great army in the United States—I refer not to an army of regulars, but to that greater and more efficient army upon which we must ultimately depend in time of danger, namely, the common people of the land—if we are to have a mighty body of trained citizens, we must make it so that a man can enter the Army as a private and yet remain and be treated as a gentleman.

What is the effect of permitting a number of promotions from the ranks? I appeal to Senators to think of the matter, and I believe they will see it as it comes to me. The officer having under him an enlisted man and knowing that the private has the opportunity under the law to enter the list of commissioned officers and to pass with him in any place whatsoever, to be received in his home, to be his associate in the council tent, will instinctively begin treating that private with a more kindly consideration. Upon the other hand, the private who understands that he will have an opportunity to some day associate with the officer will be inclined to fit himself for the higher walks of life that are usually trod by the officer. He naturally will cultivate the amenities and the kindlinesses which he hopes will be the foundation for a future association.

It seems to me beyond all question, if the Republic is to have a great military force—and I do not speak of the Army; I speak of the country at large—then we must make soldiering respectable, and to accomplish that we must encourage the enlisted men to train themselves for a higher service.

Permit me while I am on my feet to add another thought. It is this: I do not believe we ought to have long-term enlistments. I believe it ought to be so that a young man, even a young man out of work, temporarily could enter the Army for 12 months of time, and having served out his short enlistment, go back into civil life. If we had such a system I believe there would be thousands of young men who would enter the Army because, perhaps, they were temporarily out of employment; others would enter for the experience to be gained. Deny it who may—and I know the ordinary Army officer is on the other side of the question—but deny it who may, I say that an ordinary American boy, with 12 months' of training, will make a first-class soldier; one who can be relied upon to do his full duty upon the bloody field of war.

So I am in favor of encouraging men in the ranks; I am in favor of hanging prizes before them, and I think we can well afford to offer five prizes each year to 5 ambitious boys out of each 1,000, and that we shall not thereby overburden our Government.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I yield to the Senator.

Mr. HARDING. I should like to ask the Senator from Missouri if he contemplates a change in the regulations of the Military Academy so that an educational test shall not be necessary to enter it?

Mr. REED. Oh, no. This bill requires the educational test. The man, in order to enter, must qualify physically and mentally; he must pass identically the same examination that is passed by a boy who is appointed by the President at the request of a Senator.

Mr. HARDING. Then, I should like to ask the Senator if he believes it is possible to secure these entries for West Point from the ranks of the Regular Army?

Mr. REED. I certainly believe it. The bill contemplates it; the bill contemplates that we can get one, and if we can get one I think we can get five; but if the men do not qualify, then, of course, they will not be appointed.

I will say to the Senator from Ohio—who, I think, came in after the discussion began and probably did not hear quite all of it—that the bill contemplates an increase by appointment and it also contemplates the appointment of one man from each regiment, who shall qualify. I simply propose to change the figure "1" to the figure "5," so as to offer that many more men an opportunity.

Mr. HARDING. Mr. President, will the Senator from Missouri allow me to interrupt him further?

The PRESIDING OFFICER. Does the Senator from Missouri further yield?

Mr. REED. Yes.

Mr. HARDING. I do not want my attitude misconstrued; I rather like the idea proposed by the Senator from Missouri; but it seems to me that such a step as this which is now proposed will require an extended reorganization of the present plan of educating officers. I should like to support some practical measure that will carry out this idea; but I am not quite content to believe that this number is available from the Regular Army as now constituted.

Mr. REED. If they are not available they will not be appointed. The bill calls for the appointment of one, if one shall qualify.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. I should like to suggest to the Senator from Missouri that, if this bill passes with his amendment, it would be the duty of Congress—and I dare say it would be

done—to make provision for the maximum number of cadets that may be appointed under the bill.

Now, if the Senator will pardon me, I am very much in sympathy with the purpose of his amendment, but I do not think that we ought to go wild upon the question of creating officers for the Army now. I desire to say that when a young man is so much in earnest that he adopts the Army as his career and will join the Army as a private, it is pretty good evidence to my mind that he is going to try to make good. If the cadets to West Point should be taken from the Army, from that class of meritorious young men who are willing to work their way through, instead of giving their nomination to Representatives and Senators, I should very much favor the amendment offered by the Senator from Missouri.

Mr. SMITH of Georgia. Why not, then, instead of increasing the number which Senators and Representatives may nominate, leave the number just where it is and provide that this entire increase shall be promoted from the ranks?

Mr. VARDAMAN. Mr. President, personally I do not think we need any of it. The whole scheme and plan is premature. I think this question of preparation has now become largely a fad—it has really, I am told, entered the social life of Washington. But if you are going to increase the number of cadets at West Point, I would rather have a young man come from the ranks of the Regular Army—one who was there with a serious purpose—and it would be an inducement, which the Senator from Missouri [Mr. REED] has so eloquently and clearly outlined, to these young men to do right, to live the sort of lives that would develop their minds and qualify themselves for the duties of the soldier. I have had some little experience, and I know what——

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri [Mr. REED] has the floor. He yielded to the Senator from Ohio and then yielded to the Senator from Mississippi. Does the Senator from Missouri yield further to the Senator from Ohio?

Mr. HARDING. I thought the Senator from Mississippi had concluded his remarks.

Mr. VARDAMAN. Mr. President, I will not trespass further upon the time of the Senator from Missouri. What I was about to say is probably of no especial concern anyway.

Mr. REED. I am glad to yield to the Senator.

Mr. VARDAMAN. I appreciate the Senator's courtesy, but I will not interrupt him further at this time.

Mr. HARDING. Mr. President, I wish to say, by the courtesy of the Senator from Missouri, that I am cordially in sympathy with the suggestion he makes, and I think it ought to be practical to harmonize his idea along the lines suggested by the Senator from Georgia [Mr. SMITH]. I would very gladly surrender the nomination of cadets on the part of Members of Congress, and I am wondering if there could not be worked out a scheme, preserving the apportionment of the several States, but requiring that the nominations made by Members of the House and Senate be taken from the Army. If such an amendment could be perfected I should very cordially support it. In other words, Mr. President, if the Senator from Missouri will allow me, I should like to see a provision adopted whereby the new nominations on the part of Members of Congress shall be taken from the Regular Army on some sort of recommendation properly provided for.

Mr. HUGHES. Mr. President, it seems to me that the difficulty in a plan of that kind would be the character of the admission examinations to the Military and Naval Academies. You would find very few men in the ranks, I venture to say, who would be able to pass the examination with the marks requisite to entitle them to admission to either of the academies. Therefore a necessary supplement to any such proposition as that, it seems to me, would be a plan to afford educational facilities in the Army or the lowering of the standards of the entrance examination at both academies or the establishment of preparatory schools to which boys could be sent at an earlier age.

Mr. VARDAMAN. Mr. President, I should like to say to the Senator from New Jersey, with the consent of the Senator from Missouri, that there are a great many instances where men are commissioned now from the ranks and they have to stand quite as rigid an examination as they would if they undertook to enter West Point.

Mr. HUGHES. I am not speaking about that. That proposition is, to a greater or less extent, taking care of itself now. Any young man who is in the Army and who desires to study and prepare himself for a commission is afforded certain facilities. The number is limited, and necessarily limited, because in the very nature of things not very many men can take advantage of it.

Mr. VARDAMAN. If the amendment proposed by the Senator from Missouri should be adopted, there would be company schools or regimental schools established where young men could take a course of study, and provision should be made so that whenever the door of opportunity is open you can rely upon proficient and worthy young men entering it.

Mr. HUGHES. As I caught the suggestion of the Senator from Ohio [Mr. HARDING], it was to make the selections for admission to the academy from men now in the ranks?

Mr. REED. Mr. President, the Senator, I think, came in during the debate. The bill, in section 1, provides for doubling the number of men who are to be appointed by Senators and Representatives. It also increases the number, I think, who are to be appointed by the President. The bill, in section 2, authorizes the President to appoint to the Military Academy one cadet for each regiment, who shall qualify mentally and physically, and so forth. I simply propose to make that "five" instead of "one."

The Senator from Georgia [Mr. SMITH] and other Senators have suggested that we ought to take from the Army the whole number of additional cadets authorized by this bill. I do not know but that suggestion may have great virtue in it, but I submit that it might not work out. Is it not better now to proceed gradually? For instance, some Senator has suggested that we might not have the men who could qualify at all from the Army; that it would require the inauguration of an educational system. If that situation should eventuate, we might find ourselves confronted by a dearth of cadets.

Mr. SHEPPARD. Mr. President, will the Senator allow me to interrupt him for a moment?

Mr. REED. Let me finish this theme, and then I will be glad to yield to the Senator.

It may be that the class of young men now entering the Army could not furnish even five from each regiment who could qualify for admission to the academy. It might be, on the other hand, if we were to provide that young men could only enter the Military Academy after serving a year in the Army that all the ambitious young men who are now pestering the life out of Senators and Representatives for appointments would enter the Army and serve a year in order to get into the Military Academy.

I do not know, Mr. President, which way that might work out. It is one of those problems that it is very difficult to solve in advance. It seems to me, therefore, that the wise thing to do is to continue the system of appointment from civil life and at the same time to authorize an increase of cadets from the Army. I think five for each regiment is very moderate. Let us try it. If it works and works well, it probably will result in ultimately every cadet being taken from the Army; but is it just the wise thing to make so radical a change as is suggested and to do it all at once?

Mr. SMITH of Georgia. Mr. President, I wish to make a suggestion to the Senator, with his permission.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. SMITH of Georgia. With reference to the ability of young men in the ranks to stand this examination, I wish to say that if you make the number five from each regiment, then a young man who wishes to go to West Point and who is prepared to stand the examination, if there are but few who can stand it, is so much the more encouraged to volunteer, because, perhaps, there will not be more than five in each regiment who can stand the examination, and it is an invitation to join the regiment. The less the number who can stand the examination, the greater the inducement to those who can stand it to find their road to West Point by enlistment. There will be enough enlist if this provision is adopted to fill the five places.

Mr. REED. I am inclined to think that is correct; but I do not know.

Mr. SMITH of Georgia. Mr. President——

Mr. REED. I told the Senator from Texas [Mr. SHEPPARD] that I would yield to him.

Mr. SMITH of Georgia. The Senator from Alabama [Mr. BANKHEAD] has asked me where the qualified young men would come from. I have a list of 25 young men in my own State to-day who desire to have the opportunity to go to West Point. I am sure a sufficient number of those would be willing to serve a year in the ranks as private soldiers so as to have the opportunity from their regiments to take the examination to fill these places.

Mr. REED. But the trouble is this: Under the present law they have to enlist for three years.

Mr. SMITH of Georgia. Oh, but when we come to that let us just absolutely stand against any three-year enlistment. I,

for one, can not vote for a bill that requires a three-year enlistment.

Mr. WARREN. Mr. President——

Mr. SMITH of Georgia. Let us fight for a short-time enlistment. While I am on my feet, if the Senator will pardon me, I want to say that our Committee on Military Affairs have shown more progress along these lines than ever has been shown before. They are reducing the length of enlistment. They are reaching out in the direction of encouraging the private soldier, and I believe that when they find that the Senate is ready to back them they will go still farther on the same line.

I know the spirit of the chairman of the Committee on Military Affairs. I know he wishes to go just as far in that direction as he possibly can go. I believe that when he sees that the Senate is ready to back him we will find that the chairman of the committee will be glad to lead us even farther than he has so far gone, because I know that his spirit is in favor of going just as far as possible to develop the private soldier during his service with the colors for a return to civil life.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. I yielded to the Senator from Texas. He asked me to yield some time ago.

Mr. WARREN. I only wanted to ask a question now.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. REED. For a question, I yield to the Senator from Wyoming.

Mr. WARREN. I have been waiting, because I wished, in my own time, to follow the Senator's argument with a few words; but since the Senator has adopted a system of interspersing speeches of all of the other Senators, I will not interrupt him at this time; but a little later I may ask his indulgence.

Mr. REED. I was ready to sit down some time ago, but this questioning has kept me on my feet. I yield to the Senator from Texas.

Mr. SHEPPARD. I want to ask the Senator if he knows what proportion of the officers now come from the ranks?

Mr. REED. I do not know the proportion, but it is quite small.

Mr. SHEPPARD. I will ask the chairman of the Senate Committee on Military Affairs.

Mr. CHAMBERLAIN. What is the question?

Mr. SHEPPARD. What the proportion is now of officers who come from the ranks, and not from West Point?

Mr. CHAMBERLAIN. I can not say what the proportion is, but quite a number of officers are now so selected.

Mr. WARREN. More than half of the present Army officers are not graduates of West Point.

Mr. CHAMBERLAIN. They are taken both from civil life and from the Army.

Mr. SHEPPARD. I wanted to bring that out, in order to emphasize the argument of the Senator, that the men in the ranks are capable of taking the necessary examinations. I understand that at least half, or probably more than half, of the present officers of the Army have come up from the ranks or from civil life.

Mr. REED. They qualify under a special examination. They never have the advantages of West Point. This bill proposes to open the doors of West Point to the private soldier who can pass an examination. It is a different proposition, as the Senator will see, because it gives the private the opportunity to acquire the superior advantages of West Point.

Mr. President, I beg the pardon of the Senate for so long trespassing, and I think the implied rebuke of the Senator from Wyoming was well merited.

Mr. WARREN. Mr. President, I assure the Senator that I did not mean any implied rebuke. The Senator has made a very interesting speech. I agree with much he has said and with much the Senator from Georgia has said, but I do not quite agree with the proportions proposed for consideration at the present moment.

I wish to assure both the Senators, the Senator from Missouri and the Senator from Georgia, that I have always been favorable to the advancement of the private soldier. I have every reason to feel that way. I myself served through part of the period of the Civil War as a private soldier, and I know the kind of material the Army contained in the rank and file then, and I have watched it closely since. I know a great many who have been promoted from noncommissioned officers and private soldiers to commissioned officers, and I do not believe any of them suffered from social ostracism such as it has been indicated might occur. I never have heard a complaint, and ever since I left the Army I have lived near Army posts and have seen more or less of the Army and of its officers. In times of peace officers and men are doing different duties—one class commanding, the other obeying in drill work. When out in camp, in times of war or peace, there is a comradeship that denotes closest sympathy and union of purpose. Social distinctions, mentioned by the Senator from Missouri, do not spring from the thoughts or actions of commissioned officers or enlisted men. Quite the contrary. But in cities and towns society people are sometimes guilty of thoughtless snobbery.

The present law provides that, first, we commission the cadets graduated from West Point; second, we commission all the private soldiers who have applied for and received and successfully passed an examination and are fitted to become officers. That would be the law without any further amendments. Then, following them, come the honor graduates from the civilian military schools. Now, I would as soon have five from a regiment as one, if I thought we were prepared for it at the present time, and if it did not serve to cut out some of those whom we desire to encourage in other quarters, and, in fact, cut out private soldiers themselves and noncommissioned officers who are seeking to get commissions in the Army.

Mr. REED. If the Senator will pardon me, how does it cut them out?

Mr. WARREN. I will tell the Senator in a moment. The man who goes to West Point must have a college education, or very nearly that—a complete high-school or preparatory course—in order to pass the examination as per curriculum now in use.

Mr. REED. Why, Mr. President——

Mr. SMITH of Georgia. A first-class high-school education is sufficient.

Mr. WARREN. I say, or an advanced or complete high-school education.

Mr. REED. They are admitted now upon a certificate that they have passed a high-school examination.

Mr. WARREN. The Senator is mistaken about the certificate having any reference to a high-school education or a college education. It is simply that they possess the necessary knowledge, wherever they have acquired it; and as interpolated by the Senator from Georgia, high-school students do get in sometimes, but very many of them do not.

Mr. REED. Mr. President, will the Senator, on that point, permit me?

Mr. WARREN. Certainly.

Mr. REED. Either the Senator is in error or I am; but I have understood that there are at least certain high schools in this country whose diplomas—certificates of graduation—are received as the equivalent of the West Point examination——

Mr. WARREN. In what way, and where?

Mr. REED. So that they are admitted upon them. If that is not so, I have had some very bad information from Army headquarters.

Mr. CHAMBERLAIN. We have some, I will say to the Senator, from particular classes of schools, and I will give them to the Senator in the course of his argument.

Mr. WARREN. Of course I have said that the honor graduates from military schools, who have passed and received their education under the instruction of Army officers, are admitted. That is a class which I would not like to cut out. That is one of the classes which we do not want to cut out by stating that all of the West Point cadets may be selected from the ranks of the Army.

Now, we have at West Point very expensive quarters as to some of the buildings, but we have not present accommodations sufficient for so many as we would have to provide for if we should undertake to cover the ground which the Senators wish to cover; that is, five from each regiment.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. WARREN. I yield.

Mr. NORRIS. For information, I wish to inquire of the Senator, referring now to the bill, on page 1, line 4, where it provides "that the Corps of Cadets * * * shall hereafter consist of 2 from each congressional district, 2 from each Territory, 4 from the District of Columbia, * * * and 4 from each State at large," how many, under the present law, are there? Just half that number?

Mr. WARREN. Under the present law, it is easy to approximate it. One for each Representative and Senator is something over 500.

Mr. NORRIS. I meant, referring to the bill now, how much of an increase does the bill make?

Mr. WARREN. The bill makes an increase of one for each Representative and each Senator?

Mr. NORRIS. Then, under the present law, as I understand, there is one from each congressional district?

Mr. WARREN. Well, we double that.

Mr. NORRIS. I understand. I want to get what the facts are.

Mr. WARREN. Yes.

Mr. NORRIS. Under the present law, then, there is one from each congressional district and two from each State at large. Is that right?

Mr. WARREN. Yes; two at large from each State and one for each Representative or district.

Mr. NORRIS. The law does not provide that it shall be one for each Member and one for each Senator, does it?

Mr. WARREN. The law does not provide anything except that the President shall appoint one——

Mr. NORRIS. Yes; and this bill just doubles that?

Mr. WARREN. Yes.

Mr. NORRIS. Suppose that we adopt the amendment of the Senator from Missouri, which is one that appeals to me as being the proper thing to do. That would, as I understand the Senator from Wyoming, give such a large number of cadets that we would not have place for them or use for them. Why not leave the law as it is now, and, in line 4, page 1 of this bill, strike out "two" and insert "one," and, where it provides four at large from each State, strike out "four" and insert "two," and then adopt the amendment of the Senator from Missouri? How would that do?

Mr. WARREN. I was about to reach that point, if the Senator will permit me to go on a little.

Now, just a moment as to the two schools. We have the school at Annapolis, the terms of which I am not so familiar with, but some one will correct me if I am wrong. For a number of years there have been two for each congressional district and four for each State at large, which would be, with the present strength of Congress, something over 1,000, and then the additions of the President's appointees, and so forth. Now we have passed the third one, which carries it up to beyond 1,500. Of course the rank and file of the Navy probably will be less than half of what it will be in the Army; but they have had a system heretofore, a so-called "plucking system," by which every year they discharge enough, added to those who have resigned, to reduce the total to a certain number. We did away with that. Now, in this bill as it is presented we will have the same number as the Navy formerly had—that is, somewhere about 1,100—and then we would have appointed from these regiments at present, say, 66, and with the advanced forces which I hope to see authorized in the measure we would have probably over 100, allowing one cadet for each regiment. If we would add, say, 5 for each regiment it might reach about 330 cadets from the Army at large, and it would be about 550 under the Chamberlain bill as reported to the Senate. As to the figures given by the Senator from——

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Delaware?

Mr. WARREN. I do; but I will get to that in a minute.

Mr. DU PONT. I was going to ask the Senator whether he refers to the present or to the future when he says 330?

Mr. WARREN. I am referring to the present Army strength, with five. Now, it would be something over 500—approximately 560, with five members, if we should pass the Chamberlain bill on Monday, which I hope we may, and that carries it up to something over 1,500.

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

Mr. WARREN. Just let me finish the sentence. Then we must have room to recognize not only the honor graduates from schools, but to recognize others in other schools who have military ambition. We want a citizen soldiery. I should like to see the bill go through with one or possibly two for each regiment now, with the terms as they are here; and then I should like to see, when that has been put in operation, whether we will receive readily, or will not receive, applications from the ranks to go into West Point, and how successful the applicants may prove to be; and then we may increase it if circumstances warrant. But I do not believe, because we are now moving forward, that we ought to rush away from certain standards which we must keep in sight; that is to say, to have the interest of the entire citizenship of this country in West Point and in the Army.

One moment more. As I have said before, shortages now are filled from the ranks. Many officers' sons enlist in the ranks and serve there with the purpose, after their education is acquired, of passing through the examination there. When the examination is made of the private in the ranks, there is some difference between that and the curriculum that he is met with at West Point, because he has already shown his fitness, his adaptability, and his constitutional and physical conditions; and if he falls short in some particular study, in English or something of the kind, he is allowed to go through. So we really open the door wider; we have opened it wider; we are now opening it wider to the ranks to let them go in from there without going through West Point than to confine it to West Point, and the more we put in West Point the fewer we probably will take from the ranks.

Mr. SMITH of Georgia. What I want to ask the Senator before he sits down is this: What is his objection, instead of making the increases for which we provide subject to congressional and senatorial recommendation, to providing some kind of method that would require that all of these additional appointments should go from the regiments, if there are men there of proper age, as provided by this bill, who can stand the examination, of course? I am not now suggesting exactly the way; but why not let this increase go from men who have volunteered, if they can stand the examination, instead of under the old plan?

Mr. WARREN. I will say to the Senator that I do not think we can afford to commit our whole expectations of filling West Point, and immediately commencing the education of these young men, to the readiness with which we may be able to find a sufficient number that can pass through into West Point. If they can not pass through with the present standard of examination, shall we reduce that standard or not? That has been a matter of comment and discussion for a number of years, and the decision always has been to preserve the present high grade.

I do not wish to delay the passage of the bill, so I shall yield the floor, as it is nearly 2 o'clock.

Mr. SMITH of Georgia. I should like to ask the Senator one more question. How far could we afford to go, in the Senator's opinion, beyond the one? The Senator said two. Does he not think we could at least go to three from the regiments?

Mr. WARREN. I do not. I do not believe we could do so and protect other classes that are just as valuable and just as necessary to be encouraged that they also may reach the Army.

Mr. SMITH of Georgia. Would not this help us out: Will it not be probable that all of the required number will not come by recommendations from the districts, and all of the regiments will not be able at once to furnish three who can stand the examination, and, if we took at least the three now, that there would be no burden?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. REED].

Mr. HITCHCOCK. Mr. President, I ask the Senator whether he will accept this amendment to his amendment? Add, at the end of the paragraph:

Provided, however, That the number thus selected by the President shall not exceed 300 at any one time.

Mr. REED. I will accept the amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment as amended. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. SWANSON. I ask for a division.

There were, on a division—ayes 14, noes 14.

The PRESIDING OFFICER. The vote is a tie.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Lee, Md.	Smith, Ga.
Bankhead	Gallinger	Lippitt	Smoot
Beckham	Gore	McCumber	Sutherland
Brandegee	Harding	Myers	Swanson
Broussard	Hardwick	Norris	Thomas
Catron	Hitchcock	Overman	Tillman
Chamberlain	Hughes	Pittman	Townsend
Chilton	Husting	Reed	Underwood
Clapp	James	Robinson	Vardaman
Clark, Wyo.	Johnson, S. D.	Saulsbury	Wadsworth
Colt	Jones	Shafroth	Walsh
Cummins	Kenyon	Sheppard	Warren
Curtis	La Follette	Sherman	Works
du Pont	Lane	Simmons	

Mr. JONES. I desire to announce that the Senator from Vermont [Mr. PAGE] and my colleague [Mr. POINDEXTER] are necessarily absent on business of the Senate.

Mr. THOMAS. I wish to announce the necessary absence of the senior Senator from New Jersey [Mr. MARTINE]. I will let this announcement stand for the day.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent on official business of the Senate.

Mr. SAULSBURY. I desire to announce the necessary absence of the senior Senator from Maine [Mr. JOHNSON] on official business of the Senate.

Mr. PITTMAN. I desire to announce that the Senator from Ohio [Mr. POMERENE] is unavoidably absent and that he is paired with the Senator from Maine [Mr. BURLEIGH]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. I wish also announce the absence of the following Senators on official business:

The Senator from Indiana [Mr. KERN], the Senator from Arizona [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], the Senator from New Hampshire [Mr. HOLLIS], the Senator from Maine [Mr. JOHNSON], the Senator from South Dakota [Mr. STERLING], the Senator from Kansas [Mr. THOMPSON], the Senator from Washington [Mr. POINDEXTER], and the Senator from Vermont [Mr. PAGE].

The PRESIDING OFFICER. The Chair announces that 55 Senators have answered to the roll call. A quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JONES. It appears to me that the measure which has been before the Senate is likely to take all the afternoon.

Mr. CHAMBERLAIN. I hardly think it will take very much longer. It has taken two hours longer than I had any idea it would take. However, the Senator has been so kind to us in the matter, having had the right of way here, that I feel disposed to let him proceed.

Mr. JONES. I do not want to delay the measure which has been before the Senate, and I think I will not object to proceeding with it. I shall try to get recognition in my own right later.

Mr. CHAMBERLAIN. I think it will not be very long.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. REED], as modified by the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. MYERS. Mr. President, I desire to ask a question. Is there unanimous consent that the unfinished business be temporarily laid aside?

The PRESIDING OFFICER. There is.

Mr. CHAMBERLAIN. Mr. President, I did not intend to say a word about this bill, but so many Senators are now present who were not here when the subject was under discussion, I desire to express the hope that the Senate will not adopt the amendment offered by the Senator from Missouri or the amendment thereto.

This bill, Mr. President, goes further than any measure ever went to recognize the enlisted man. Not only have we done it in this bill, but we have done it in the Army reorganization plan; and, strange as it may seem, in the efforts we have made in the Army reorganization plan for recognition of the enlisted men we are getting protests from all over the country against the provision which is intended to recognize him and give him a standing in the Army as well as before the departments of the Government.

I am going to take just a minute to say to the Senate that we propose to recognize the enlisted men here to the extent of 64 men under the present organization of the Army and 136 men under the organization as it is proposed by the plan which the Senate Committee on Military Affairs has introduced.

Mr. President, if we go further than that the result will be that the efforts we are making to open the door of opportunity to the enlisted man will be closed against him, I am sure, because the bill will probably be defeated in the House of Representatives. We have attempted just as little as possible to change the present law with reference to appointments to the academy, and if we go further than we have gone I think instead of assisting the enlisted man we will really impair his opportunity.

I am in accord with the view of the Senator from Missouri. If I had my way, I would absolutely democratize not only the Military Academy at West Point but the Naval Academy as well, and not allow anyone to be admitted except young men who had served one year of enlistment. We can not do that at one fell swoop, Mr. President. We have crowded this thing as far as we could in order to admit enlisted men to the academy and as far as it was possible to do with the accommodations we have there. I hope the Senate will vote down the amendment.

Mr. SMITH of Georgia. Mr. President, as I intend to vote for the amendment offered by the Senator from Missouri, and as a number of Senators were not present when he so ably presented his views upon the subject, I wish to say just a word in explanation of the amendment.

The able chairman of the committee has stated that he would go a great deal further toward democratizing the Army if he could, but he fears that he will not succeed. I read with a great deal of interest the debate yesterday in the House upon the Army bill, and I found a great many Members of the House are earnestly in favor of making the status of the private soldier vastly better than it is to-day. I think that the chairman of the committee is unnecessarily timid about action on our part on those lines. I believe it will be received and sustained in the House. The least we can do if we believe in it is to urge it.

It is true that the bill which he has presented goes further in behalf of the private soldier than anything now in existence. The Senator says he has received protests against going so far. When the bill comes up I hope we shall hear from whom those protests come.

Mr. CHAMBERLAIN. Not on this bill.

Mr. SMITH of Georgia. No; I said against the other bill, and I said when that bill comes up I hope we will hear from whom the protests come.

Mr. CHAMBERLAIN. I do not mind telling the Senator right now. We undertook to admit enlisted men, after serving a certain number of years in the Army, to employment in the War Department and other departments here without standing a civil-service examination, and every civil-service institution in the country is opposing it.

Mr. SMITH of Georgia. I am not so much interested in that part of it. I do not think admission into the civil service is the greatest boon that can come to our average men. I am very anxious to see the Army bill, before we pass it, substantially amended. I hope we will be able to cut the enlistments down to two years and adopt the policy of admitting to the position of private soldier a man who is not to be permanently in the Army, but who enters upon the theory that he will not be there longer than two years; that he will not permanently become a part of the Military Establishment or of the official family, but that we shall endeavor to give him, while he is a private soldier, a number of hours each month of training preparatory to civil life. It is done in a number of other countries, and it is done successfully. There is no reason why we should adhere to the old plan of receiving the character of men we have been forced to receive as private soldiers.

If we will make the opportunity for a private soldier something really inviting, if we will make it a training school for two years for him, we will find that bright boys from the country, who have finished their grammar school education but have not the opportunity of a broader education, will come into the position of private soldier, serving two years, and there receiving a training in matters other than military affairs.

We ought to give the private soldiers 96 hours a month—that will be 4 hours a day—in training for civil life. We ought, if necessary, to add some civilians to the list of teachers.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. With pleasure.

Mr. TOWNSEND. Do I understand that this amendment proposes that the cadets appointed from the Army are to pass the same mental examination for entrance to West Point that is now required?

Mr. SMITH of Georgia. Yes.

Mr. TOWNSEND. Does the Senator believe that grammar-school students could pass that examination and enter the academy?

Mr. SMITH of Georgia. No.

Mr. TOWNSEND. I so understood the Senator.

Mr. SMITH of Georgia. Not at all. I did not say that. I did say if we gave that status to the private soldier, if we added a course of preparation for civil life to the work of the private soldier, there would be splendid young graduates all through the country who had had no opportunity beyond a grammar school who would volunteer as private soldiers to have the benefit of the two years' experience which they would receive as private soldiers, drilled in military affairs, and taught also the civil responsibility; taught also, I trust, in vocational work, as well as from the ordinary course in books, and those boys would be able to go back to their homes, and their badges as members of the national reserve for four years will be badges of honor, for they will be capable of taking leading positions at home, instead of occupying positions as retired pri-

vate soldiers, who are usually looked upon askance by nearly everybody.

The amendment offered by the Senator from Missouri is along this line. The bill as it comes to us doubles the number to be admitted to West Point. It provides that the President shall name one from each regiment to go to West Point. These would have to stand the examination to enter West Point. Of course I do not mean that the ordinary grammar-school graduate could stand the examination, but there will be boys who have finished the high school who are ambitious to go to West Point who would be willing to serve a year as a private soldier to have the opportunity to stand the examination and win a place at West Point.

There are many more boys willing to go to West Point than we can send there. I have within the past few days had to select for an examination for Annapolis, and I had over 25 for either Annapolis or West Point from my own State. Most of them could stand the examination. If you provide that five boys from each regiment may be named for West Point by the President, boys will enter the regiment who have finished high school and who can stand the examination, and it will help to elevate the standing of the private soldier. It will help to elevate the standing of the officer, because if we require our officer to recognize the private soldier with less caste and as being more his equal it will broaden the officer when he realizes that the service of the private soldier is not limited to military affairs, but that he is to carry a part of the responsibility for the civil life of the country. The greatest generals have usually been great civilians as well as technical soldiers.

I intend to vote for the amendment, and I only wished to give briefly the reasons that are moving those of us who will so vote. The Senator from Missouri accepted the amendment of the Senator from Nebraska providing that the total should in no case exceed 300 who are named by the President.

Mr. JAMES. Let me ask the Senator, Why confine the selection by the President to the Regular Army? Why discriminate against the National Guard? Why not give some of those bright young fellows this chance which the Senator so eloquently pleads shall be given to the rank and file in the Regular Army?

Mr. SMITH of Georgia. I will answer the Senator. The National Guard gets them through the nomination of Congressmen. The National Guard is at home and close to the Congressman, and whenever a particular man in the National Guard wants to take an examination he is usually the man who will be named. But the boys who enlist as privates are not so close to their Representatives and Senators. Again——

Mr. JAMES. Mr. President——

Mr. SMITH of Georgia. I have not finished my answer. I want to answer before I yield again. The boy in the National Guard is not giving 12 months of solid time to the Government; he is not becoming a member for four years of the reserve soldiery; he is contributing nothing like as much to the military preparation of the country as the boy who enlists as a private soldier in the Regular Army. I want to give the 300 appointments to that class of boys, because otherwise they would not have a chance, and because they are contributing more than the boys in the National Guard.

Mr. JAMES. But if the Senator will permit me, under the new scheme which is proposed we are going to require more service from the National Guard. They are going to do much more work; they are going to give more of their time. As to the National Guard being close to Congressmen, I doubt if the Senator can call to his mind a single member of the National Guard who has been appointed solely because be was efficient in the service as a soldier. Of course he is at home; he has friends at home, and so have those in the Regular Army friends at home. They are not as closely allied with home affairs perhaps as the members of the National Guard; but as to the National Guard, the States are depending upon the National Guard for service. It has a dual duty, first to the State and next to the Government. We are going to require the National Guardsman to give service to the Nation; and I do not see any reason why, if we are going to give these appointments to the Army in such a large degree, we should not give them to the soldiers of the State, they being a part of the soldiery of the Nation.

Mr. REED. Mr. President——

Mr. SMITH of Georgia. If the Senator from Missouri will yield to me a moment further, I wish to make this suggestion. If the Senator from Kentucky is so much interested in the National Guard at home, and will add an additional proviso that Representatives and Senators must make their nominations from the National Guard, if eligible, I will vote for it; and that will give the National Guard three times as many as I am asking for the private soldiers.

Mr. JAMES. Before the Senator leaves that, I will say that I am perfectly willing that the National Guard shall be recognized in that way. I think while we are recognizing the Army we ought to recognize also the National Guard. Why should you make one provision apply to the National Guard and another provision apply to the Army?

Mr. REED. Mr. President——

Mr. JAMES. As far as I am individually concerned, if there is any private soldier in the country who can stand the examination—mental and physical—required, I should be very glad to have him appointed, and I shall support any amendment to that effect.

Mr. REED. I should like to ask the Senator from Kentucky if his objection to the amendment is that it does not go far enough.

Mr. JAMES. No; my objection to the amendment is that you do not give to the soldiers of the State in the National Guard the same opportunity that you give to the soldiers in the Regular Army.

Mr. REED. Do I understand that the Senator's objection, then, is simply that the amendment does not go far enough and take in enough—that is, that it does not take in the National Guard along with the Army?

Mr. JAMES. Let me say to the Senator, I believe it would be much better if you did include the National Guard, because I seriously doubt whether under the requirements existing now as to the mental examination, you can find five enlisted men in a Regular Army regiment who could stand that awfully hard mental test, I think too hard, upon those who seek admission into the Military Academy. But if you enlarge it and provide that they may be taken also from the National Guard it would be easier for the President to find those necessary to make up the required number.

Mr. WARREN. Whenever there is a private in the ranks who has sufficient education to enter West Point, the way is open to him now after two years' service. In two years he can be commissioned an officer from the ranks, whereas it takes four years for the course at West Point.

Mr. JAMES. He has a better advantage. That is an additional argument why the National Guard should be included.

Mr. REED. If the Senator will pardon me he either argues too much or too little. Is it an advantage to go through West Point? If it is, it is proposed to extend that advantage to one man in each regiment. I have ventured to suggest that instead of giving the opportunity to one in a thousand we give it to about one in two hundred. It is true that men can now go into the Army and pass an examination and serve a certain length of time and get a commission. If all they want is the commission, of course that answers the question. That seems to be the attitude of the Senator from Wyoming, I, however, contend that it will be very much better for the country if the men are given the right to be examined and get a commission without going through West Point if they desire to take that course, and that they also be given the opportunity to be examined and get a commission by going through West Point, thus gaining the additional benefit of a West Point education, which is a very great advantage.

The question of extending the act to the National Guard and a lot of propositions are brought forward. The bill is here. I did not draw it. It simply proposes that one man from each regiment shall be given the opportunity to go through West Point. I moved to make it five and the Senator from Nebraska by an amendment to mine puts the total limit at 300. I ventured to advance the argument that if we offer the opportunity to more men in the ranks to enter West Point, we thereby hang that many more prizes before the eyes of the boys in the Army and that two results will happen. First, more men will enter the Army in the hope of getting to West Point through that means; and, second, the ambition not only of the five men who get in will be aroused but a large number who may not succeed in passing the competitive examination will improve their knowledge.

I want to do something for the private soldier, so that we shall get a better class of men, so that we can get our Army filled up quickly when it is necessary to have men to meet an emergency. The truth is the Government has been obliged to spend hundreds of thousands of dollars to induce men to enlist. It has established numerous recruiting stations and advertised extensively, and yet the Army has been short of men. If we will but afford some reasonable chance for a young man who enlists to obtain a thorough education at West Point, then I think we will get many young men of superior character who

will not now enter the Army. There are 40 or 50 applications for appointment to West Point at this moment on my desk. I would be glad to be able to say to those young gentlemen, "Go into the Army and if after a year you can pass an examination you can get in yourselves." I think this is a very important question that we are discussing.

I am surprised that the chairman of the committee takes the position that there have been protests against changing the present law touching the present question. I venture to say there is not a protest that has ever been made or will ever be made against giving an opportunity to a boy who enters the Army and who serves a year to take an examination for West Point, except the protest comes from some Regular Army officer. Regular Army officers have never liked the idea of the opportunity being given to an enlisted men to rank with them. I do not say so out of a desire to criticize our Army officers; they simply follow the traditions of their craft. It is a part of the system that I discussed at some length a while ago.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED. I do.

Mr. JAMES. Will the Senator accept this amendment, "providing that the President shall be authorized to appoint cadets to the United States Military Academy from among the enlisted men of the Regular Army and the National Guard of the States"?

Mr. REED. Does that fit into the language of the bill? The amendment calls for men who have served not less than one year.

Mr. JAMES. I understand that.

Mr. REED. A member of the National Guard has not served in the same sense that the enlisted man has served. The enlisted man has given all his time. The National Guardsman can give only a part of his time.

Mr. LEE of Maryland rose.

Mr. REED. Does the Senator wish to ask me a question?

Mr. LEE of Maryland. The enlisted man in the National Guard enlists in the same way. I had proposed to offer that very amendment. I think it an admirable amendment.

Mr. JAMES. I understand the Senator will accept the amendment?

Mr. REED. I would be glad to accept it if I did not think it would jeopardize the amendment. I will vote for it if the Senator will offer it as an independent amendment. I shall be glad to support it.

Mr. JAMES. I offer as an amendment to the amendment, after the word "Army," in line 8, page 2, the words "or the National Guard of the States."

Mr. LEE of Maryland. Permit me to suggest to insert also those words after the word "Army," in line 12.

Mr. JAMES. That is right. The words should also come in after the word "Army" in line 12.

The PRESIDING OFFICER. The Secretary will read the amendment and the amendment to the amendment.

The SECRETARY. The Senator from Missouri [Mr. REED] offers the following amendment: On page 2, line 14, before the words "for each regiment of the mobile army," to strike out the word "one" and to insert "five"; also, in line 17, after the word "hereafter," to strike out "one representative" and to insert the words "five representatives."

To that the Senator from Nebraska [Mr. HITCHCOCK] has proposed an amendment to add, at the end of section 2, the following proviso:

Provided, however, That the number of cadets at West Point thus selected by the President from enlisted men in the Army shall not at any one time exceed 300.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Nebraska to the amendment of the Senator from Missouri.

Mr. REED. The amendment of the Senator from Nebraska was accepted.

The PRESIDING OFFICER. The Senator from Missouri accepts the amendment.

Mr. JAMES. What amendment is that?

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Missouri.

Mr. REED. Mr. President, that amendment was accepted.

The PRESIDING OFFICER. There seems to be some objection.

Mr. REED. Mr. President, there was not any objection. The amendment was accepted long ago and passed over.

Mr. SMOOT. As I heard the amendment read, it contained the phrase "cadets at West Point." It seems to me, in order to conform with the bill, the language should be "the United States Military Academy." I simply suggest that to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair now understands that the Senator from Missouri [Mr. REED] accepted the amendment proposed by the Senator from Nebraska as a part of his amendment.

Mr. REED. I did so long ago.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Missouri as modified by the Senator from Nebraska.

Mr. SMITH of Georgia. I suggest that the amendment suggested by the Senator from Utah [Mr. SMOOT] ought to be agreed to. The substitution of the words "United States Military Academy" for "West Point" should be made to conform to the remainder of the bill.

The PRESIDING OFFICER. Without objection, that will be done. The question is on the adoption of the amendment offered by the Senator from Missouri as modified.

Mr. CUMMINS. I should like to hear the amendment reported as it now stands.

The PRESIDING OFFICER. The Secretary will now read the amendment as modified.

The SECRETARY. The amendment of Mr. REED as modified is as follows: On page 2, line 14, to strike out "one" and to insert "five"; in line 17, to strike out "one representative" and to insert the words "five representatives"; and at the end of the section to insert the following: "*Provided, however,* That the number of cadets at the United States Military Academy thus selected by the President from enlisted men in the Army shall not at any one time exceed 300," so that if amended it will read:

At the rate of five for each regiment of the mobile army and equivalent units of organization of other arms, and the Corps of Cadets is hereby increased to the number necessary to provide for maintaining hereafter five representatives of each organization as herein prescribed: *Provided, however,* That the number of cadets at the United States Military Academy thus selected by the President from enlisted men in the Army shall not at any one time exceed 300.

The PRESIDING OFFICER. To that amendment the Senator from Kentucky offers the following amendment.

Mr. JAMES. I do not know whether or not I have before me the proper print of the bill, but in section 2, on page 2, line 10, after the word "Army," I move to insert "or the National Guard of the States."

The PRESIDING OFFICER. Does the Senator from Kentucky offer that as an amendment to the bill or as an amendment to the amendment of the Senator from Missouri [Mr. REED]?

Mr. JAMES. I offer it as an amendment to the amendment offered by the Senator from Missouri. I wish to amend also on line 12 of the same section——

The PRESIDING OFFICER. Ought that not properly to come in as an amendment to the bill, rather than as an amendment to the amendment of the Senator from Missouri?

Mr. JAMES. I am perfectly willing to offer the amendment which I have proposed in either way.

The PRESIDING OFFICER. The Chair thinks it should be offered as a separate amendment, because it does not at all amend the amendment proposed by the Senator from Missouri.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I yield to the Senator from New York.

Mr. WADSWORTH. I suggest to the Senator from Kentucky that the amendment which he proposes to offer had better be offered as a separate amendment, because some of us, I am quite sure, would be willing to vote for his amendment who would not be willing to vote for the other amendment.

Mr. JAMES. Then, I will withhold the amendment for the present.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Missouri [Mr. REED] as modified.

Mr. CUMMINS. Mr. President, I do not feel inclined to support the amendment offered by the Senator from Missouri; and inasmuch as my interest in the enlisted man is, I think, as great as that of any other Senator, I must state very briefly why I can not support it. I do not believe that it is the way in which to promote the interest of the enlisted men. If I could change the bill to suit my view of the matter, I would decrease rather than increase the number of cadets at West Point. I would do it in order to give a better opportunity for promotion from the ranks to the class of officers in the Regular Army. There are but few enlisted men who could take advantage of the opportunity to enter West Point, but there are a

great many enlisted men who, through study and experience, are competent to command; and, I think, there ought to be by far a larger proportion of the officers of the Regular Army taken by promotion from the ranks than we now find.

When we come to consider the bill providing for the reorganization of the Army, I intend to do what I can do to make it easier for the enlisted man to receive an examination and a commission for command in the Regular Army.

Mr. REED rose.

Mr. CUMMINS. Just a moment. As the law now is, the graduates from West Point have the first right; and it so happens, through the influence of men high in office in the country, that many civilians are taken for examination and for commission as second lieutenants, and comparatively few enlisted men are so examined and so promoted.

I believe that as good an officer as can be found will often be discovered in the ranks of the enlisted men; and if we enlarge, as we propose to do—I do not intend to object to it as it was originally brought in—but if we keep on enlarging the number of men who are graduated from year to year at West Point, we will make it substantially impossible for enlisted men to be promoted from the ranks to commissioned officers.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. The Senator from Iowa wants to give the enlisted man a chance to become an officer. There is a way provided now by which he can pass an examination, and thus get a commission. This bill proposes, in addition to that right, to allow one man to have the privilege of going through West Point. It does not take away the enlisted man's opportunities, but it affords him two roads, instead of one. My amendment is to offer that opportunity to five men, instead of to one man for each thousand, or substantially for each thousand. Now, how can the Senator from Iowa say that that is taking away the opportunity from the enlisted man, when it is simply giving him an additional opportunity?

Mr. CUMMINS. Mr. President, I know very well that the Senator from Missouri has nothing but the good of the enlisted man, as well as the good of the country, at heart; but it must be obvious to him that when he is opening one door he is at the same time closing the other. As I said a moment ago, the men who are commissioned as second lieutenants when they graduate from the academy at West Point have the first right to command in the Regular Army. I believe that is right, for, other things being equal, the chances are they are more competent. But it must be apparent that if we graduate from West Point a number of officers sufficient to supply all the places for command there will be no opportunity whatever for the enlisted men to be promoted through the ranks of noncommissioned officers and finally to reach the rank of commissioned officers.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. The Senator says that the West Pointer gets the preference, and thus crowds out the enlisted man. Now, I am offering to allow the enlisted man to get that preference by allowing him to go to West Point. The Senator certainly does not think that it is a detriment to the enlisted man if we shall give him the opportunity to go through West Point, for the Senator says West Point makes a superior man of him as a military man.

Mr. CUMMINS. Mr. President, I recognize that it gives five men in a regiment the opportunity to be examined for appointment to West Point, limited by the provision offered by the Senator from Nebraska [Mr. HITCHCOCK]; but the Senator from Missouri must recognize the difference between promotion for excellence as a soldier, as well as reasonable competency in the technical knowledge of military affairs, and the requirements for entrance to West Point. A man must be right from school, with all his learning at hand, in order to be admitted to West Point. I have the gravest doubt whether half of the officers who are now enjoying the rank of captain could undergo the examination that would admit them to West Point, simply because they in their practical affairs have forgotten the things that one must know in order to be admitted to the school.

I remember very well when I was governor of Iowa, a committee appointed to examine certain applicants for the bar came into my office. It happened that the committee showed me the list of questions which they were about to propound to the young men who were ambitious to be admitted to the bar. I looked the list over, and I recall very well what I said to the members of the committee. It was: "It is very fortunate for you that you are already at the bar, because there is not one of you who could successfully pass the examination that you are now about to impose on these young men." Just so it is with all men when they pass the period of preparation and training and enter the actual affairs of life.

I think that the enlisted men ought to furnish a greater number of the officers of the Regular Army. We can not bring about any such reform or change as that immediately, but that ought to be the ultimate purpose of Congress in endeavoring to enlarge or reorganize our Regular Army. The mere fact that five men or boys from each regiment will have an opportunity to be named by the President as candidates for West Point will not furnish the motive which I think ought to be given to all the enlisted men; and because I believe there ought to be a readjustment of the rights of the enlisted men in that particular, so that they can rise from the ranks, not because they are great scholars, but because they are good soldiers, I am not willing to further close the door of opportunity by enlarging the number of graduates from West Point.

May I say again there seems to be a feeling that the school at West Point should be regarded as a general training institution for civil life. I do not think so, and I intend to offer an amendment to this bill before it shall have passed the Senate which will prevent resignations, save for two reasons. When an officer is educated at the expense of the Government, having dedicated in a sense his life to the service of his country, and when the Government undertakes to compensate him throughout his entire life for that service, he ought not to abandon the service because civil life is more alluring or more profitable. There are schools in which men can be educated for the industrial affairs of the country. He ought to be permitted to resign, if once he has received his commission, only for one of two reasons: First, that he has become mentally or physically incapacitated to discharge the duties of an officer of his rank, and, second, that there are more officers in his rank than are required for the service of the Army.

I want, by proper and fair limitation upon the number of cadets at West Point, to give the utmost opportunity for the recognition of good service in the ranks, the utmost opportunity for that reward which comes after good service, namely, promotion to a higher place in the Army.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Missouri [Mr. REED] as modified.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES. Mr. President, I am convinced that I was right awhile ago when I said that I thought this bill would not be disposed of to-day, or at least not until the greater part of the afternoon had passed, and I think that I shall now claim the floor.

Mr. BANKHEAD. Mr. President, will the Senator yield to me to ask the chairman of the Committee on Military Affairs a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield to the Senator for the purpose of asking a question.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the chairman of the Committee on Military Affairs for a moment. I confess I do not quite understand this question and I do not quite understand the provisions of this bill and what their effect is to be. I want to ask the chairman if it is not true that a man must be 21 years of age before he can enlist in the Army, unless he has the written consent of his parents?

Mr. CHAMBERLAIN. That is correct, I will say to the Senator.

Mr. BANKHEAD. Then, I want to inquire if 22 is not the age limit for admission to West Point?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BANKHEAD. Now, the question I want to ask the chairman of the committee is this: If a man must be 21 years old before he can enlist, if he can not go to West Point after he is 22 and must serve in the Army a year before he can go to West Point, how many enlisted men does the Senator think would get to West Point under the provisions of this bill?

Mr. CHAMBERLAIN. Mr. President——

Mr. JONES. Mr. President, I did not yield for a discussion of the matter; I merely yielded for a question.

Mr. REED. I suggest to the Senator from Washington that he let the Senator from Oregon clear that matter up.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES. Yes.

Mr. CHAMBERLAIN. I will answer in just a word. Most of the enlisted men in the Army now are under the age of 22. They have gone into the Army with the consent of their parents. It is the purpose of this bill to admit to the Military Academy that class of young men who have been willing to go into the Army under 21 years of age with the consent of their parents.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. JONES. Mr. President, I would not do anything to delay the pending bill, but I feel satisfied that, after this amendment is disposed of, if it ever is disposed of, there will be other amendments presented which will create discussion, and so I think I shall proceed with what I wanted to say about a matter which is of very much interest to the people of the District of Columbia, and concerning which meetings are being held almost every night. Were it not for this situation, I would not take the time of the Senate to discuss it; and I will say to Senators who are here that I shall probably occupy about an hour, possibly longer, and after that they may come back and we can pass the pending bill.

Mr. President, Congress is now confronted with the question of prohibition for the District of Columbia. In my judgment, this would not have been presented so seriously except for the influence of the liquor traffic in practically nullifying the Jones-Works excise law passed a couple of years ago for the better regulation of this traffic in the District.

The law was a model regulatory measure, and if properly administered would have been abreast of the general public sentiment in the District. It provided for an excise board to be appointed by the President in the hope that, realizing the great moral interest over which such a board would exercise control, he would select men who would enforce the plain provisions of the law and wisely and justly use the discretion vested in them to conserve the public welfare from the baneful effects of a traffic from which no good comes to anyone.

It was hoped that political influences would not control in the selection of these men, and that special consideration would be given to their selection, with the sole purpose that the law should be fairly and impartially enforced.

MALADMINISTRATION OF JONES-WORKS LAW.

Three men have been appointed, who so maladministered the law as to lead to an investigation last Congress by a special committee of the Senate, which made a unanimous report on the part of those Members who took part in the investigation. The committee found nothing to commend in the administration of the law by the excise board, but it did find that the law had been nullified in its plain provisions in the interest of the saloons, and that in the exercise of its discretion the board had always favored the saloons and had resolved every doubtful question in their favor.

It found that the plain provisions of the law prohibiting the issuance of a license to a hotel with less than 50 bedrooms had been evaded and violated by the granting of hotel licenses under the name of restaurants; that the plain provision of the law prohibiting a license for a barroom on any side of a street with less than 50 per cent of its frontage used for business purposes other than saloons had been violated, and that the board, in order to favor the granting of saloon licenses, provided in its rules that this positive restriction in the law should not apply to hotels and clubs; that the board by the adoption of a rule unauthorized by the law had permitted minors to enter stores where intoxicating liquors are sold contrary to the positive provisions of the law; that while the law requires every barroom to be closed between the hours of 1 o'clock a. m. and 7 o'clock a. m. and on Sundays, the board by rule permits the saloons to be opened from 6.45 a. m. and on Sunday between the hours of 10 a. m. and 12 noon under the excuse of cleaning up; that the board by rule authorized receivers, trustees, and other representatives of licensees to conduct the business of the licensee for a period of 60 days from his death without any authority of law for so doing; that while the law placed the maximum number of barroom licenses at 300, the board had not exercised its discretion for a smaller number, but that the testimony showed it to be the opinion of the board that it should keep the number at 300; that while the law expressly prohibits the establishment of more than one bar under a license, the board had permitted the violation of this provision in at least two instances; that while the law provides that no more than one entrance should be permitted from the street to a barroom unless the board shall specially permit an extra entrance, out of 39 applications for extra entrances 38 were granted; that while the law expressly provides that no license shall be granted west of the western line of the fire limits "as now established," meaning at the time of the passage of the act, the board licensed two saloons which were beyond the line when the law passed but which were included by a subsequent change of the line made before the law took effect, and evidently for the express purpose of defeating the law, which facts and conditions were brought to the attention of the board before it granted the licenses.

I might add here, Mr. President, that this matter finally reached the courts, and the court of appeals have affirmed the decision of the lower court holding that the granting of these licenses was illegal. The committee found further that, while the law expressly provides that no more than three saloons shall be permitted on one side of a block, the board has permitted four saloons on one side of one of the principal business blocks of the city; that while the law prohibits the location of a barroom within 300 feet of an alleyway occupied for residences except upon unanimous vote of all three members of the board, the board granted licenses in practically every instance where applied for within 300 feet of these places, and in some instances permitted three or more barrooms to be located within 300 feet of an alley; that while the law prohibits the location of a place where liquor is sold at retail or wholesale within 400 feet of a schoolhouse or a house of religious worship, measured between the nearest entrances by the shortest course of travel, the board has adopted a system of measurement by the longest usual course of travel, so that in many cases where the shortest course of travel which pedestrians would naturally and conveniently take would prevent the granting of licenses, the board has resorted to square-corner measurement so as to permit the saloons to operate, but worse than all that, the committee found that the board had permitted plain attempts to evade the law by the construction of parkings and other obstructions for the evident purpose of making the distance greater than 400 feet; that wherever a building is not used exclusively for religious purposes, the board held that it is not a place of religious worship or school within the meaning of the law, as in several instances the board granted licenses within 400 feet of a building where large schools are conducted and large congregations carry on religious worship; that while the law prohibited the granting of a license to a hotel the character of which or the character of the proprietor of which is shown to be objectionable to the board, the board granted a license to the proprietor of the Grand Hotel, notwithstanding he had been convicted of selling liquor to a minor girl and that his license had formerly been canceled, and that he had organized a corporation which he controlled, in whose name he was applying for a license, and that a strong report was made against him by the police, and that other hotels which had been conducted in a disreputable manner were granted licenses; that the board had refused licenses to properly conducted barrooms and had granted licenses to disreputable places in the same neighborhood over strong protests; that while the law provides for the transfer of licenses of deceased licensees by their personal representatives, the board permitted the widow of a licensee to operate a barroom long after her husband's death, although the corporation counsel had given it as his opinion that the bar was being operated contrary to law, and that the board did not stop such violation until pressure was brought to bear upon them through one of the District Commissioners; that the provision of the law requiring the interior of a barroom when selling is prohibited to be exposed to full view from the street is almost wholly disregarded; that plain violations of the provision of the law requiring 50 per cent of the frontage of a block to be used for business purposes before a license can be granted have been permitted by allowing saloon entrances to be changed from one side of a square to another without any change in the saloon itself, and in some cases by a mere change in the number without changing even the entrance, and that in some cases, where it is plainly apparent that buildings of a very unsubstantial character were constructed for the sole purpose of making business frontage in order to secure saloon license, the board has approved such action by granting the license; that in the case of the Hotel Thyson, which is located just across P Street from the Polk School, while it was apparent that additional rooms were constructed in an attempt to technically comply with the law, the board, notwithstanding such plain purpose to evade the law and notwithstanding the fact that it was just across the street from a public school, granted the license; and that the board in the exercise of its discretion granted licenses to at least four saloons within from 403 to 436 feet of the Polk School and the McKinley Manual Training School, attended by hundreds of boys and girls of the city. That in practically every case where the board issued a license under circumstances that constituted a violation or evasion of the true purpose and spirit of the law, all phases of the situation were brought to its attention before the issuance of the licenses, and the special Senate investigating committee closed its report with this language:

The committee believes, however, that a careful and dispassionate review of the evidence before us as to the conduct of the board in the

administration of the excise law shows that it has disregarded the underlying purpose of the law, that it has nullified its most beneficial features, and that it has encouraged and approved plain evasions and perversions of the law. It is the judgment of the committee that the board has resolved practically every doubt as to law or fact in the interest of saloons. It has shown no proper comprehension of its duties in the execution of a law framed in the interest of morality and good government. The policy of the board in fostering the liquor traffic to the fullest extent permitted by the law, and in many instances at the expense of both its spirit and its letter, is fraught with increasing danger to the health, peace, and morals of the people of the District of Columbia.

Notwithstanding this report, the President of the United States reappointed Mr. Robert G. Smith president of the board when his term expired. There is nothing in any of the hearings showing that Mr. Smith ever opposed any action taken by the board, and he himself states that he never opposed the granting of any license which was granted. His nomination has been reported adversely to the Senate, and the people of the country will watch with much interest to see whether or not the Senate of the United States will approve the reappointment of a man who has so signally failed to respect the law and safeguard the welfare of the people. The issue involved is a higher one than that of prohibition itself. The real issue is whether laws passed by Congress shall be executed or not.

If the liquor traffic had been willing to accept a fair and reasonable interpretation and enforcement of the excise law, they might not now be confronted with a serious attempt to secure prohibition for the District of Columbia. They were not. By methods known only to them they have shown friends of regulation that regulation is a failure and that prohibition is the only way to deal with a traffic which evades, nullifies, and defies the law, and for which no one has a good word.

The Senator from Texas [Mr. SHEPPARD] early in this session introduced a prohibition measure for the District. It has been reported to the Senate without recommendation. It is no secret that the committee was equally divided upon the general issue of prohibition and so the question has been submitted to the Senate for its decision.

LIQUOR FORCES NOT MEETING ISSUE SQUARELY.

What is now proposed? Is it proposed to meet the issue squarely? No. The liquor interests will never meet an issue squarely unless they think they can win. They doubt their ability to defeat prohibition in the Senate, and so they seek to divide their enemies. They hope to avail themselves of the votes of those who, if forced to vote squarely upon the issue, would be against them. They submit another proposition. What is it? A referendum to the people of the District of Columbia. Since when have the liquor interests favored the referendum? The real enemies of prohibition are not in favor of the referendum as a general principle. They are for it in the District of Columbia now simply because they think they have a better chance to win that way than in any other way. They never have been, they never are, and they never will be in favor of the referendum, except when they think they will be the gainers by it. I do not blame them. That is natural. They are selfish, like the rest of us. They are looking after their own interests; but it should cause every friend of prohibition to hesitate before joining forces with them simply because the principle of a referendum is involved. Every opponent of prohibition is now for a referendum in the District of Columbia. Possibly some friends of prohibition may now be for a referendum, and it is because they hope to avail themselves of this aid that the liquor interests are for it. A referendum in the District of Columbia is especially favorable to the liquor interest. There is a large class which is most susceptible to the influence and methods of the traffic and those who look after its interest. The great mass of people here has had but little, if any, experience in voting. There is no machinery in the District of Columbia for such an election. There are no safeguards against fraud, intimidation, and corruption, and there are forty or fifty thousand of the best citizens of the District who, if they voted at such a referendum election, will run the risk of disfranchising themselves at their legal residence in the States from which they came. It is no wonder that the interest, which is fighting with its back to the wall, should welcome any method that may bring delay and possibly salvation for it.

The friends of the referendum principle should consider thoughtfully whether they want the principle used under such unfavorable conditions, as well as for such a purpose.

The elections laws of to-day are an evolution based upon the experience of years. Many explicit and stringent provisions have been found necessary to prevent fraud upon the part of the voters and by election officials. Severe penalties have been provided against fraud and corruption, and the strongest safeguards made to secure secrecy of the ballot and to protect the voter in the exercise of his franchise privilege. Practically no discretion has been left to election officials and their course has been mapped out in great detail. This has been found to be necessary in the conduct of ordinary elections, and how much more so is this necessary in an election of this character? The issue is of such tremendous import in every respect that every possible safeguard against fraud and corruption should be specifically provided for in any law calling for an expression of opinion by the citizens of any political unit.

In behalf of the continuation of this traffic will be marshaled all that is vicious, vile, corrupt, and intimidating, together with some that is honest, moral, and respectable. Coercion will be practiced through great and powerful influences. Past masters of trickery, bribery, and corruption from every quarter of the United States will marshal themselves about the National Capital like vultures about a dead carcass. Such a corruption fund will be used here as the wildest cupidity never dreamed of, and the National Capital will be made a stench to all decent people. Everybody knows that this but fairly expresses what will actually take place upon a referendum of this issue in the District of Columbia.

Mr. KENYON. Mr. President, I should like to ask the Senator if an amendment proposing this referendum has been introduced?

Mr. JONES. Yes. I will come to that in just a moment.

Mr. KENYON. Does it cover the equal-suffrage proposition?

Mr. JONES. No; it provides for a very unequal suffrage.

In the States, with all the up-to-date safeguards thrown around these referendum elections on the liquor question, and with a standard of integrity in their citizenship which will average that in the District, corruption and bribery have been in evidence, and it has been charged that the public will has been defeated by the corrupt use of money.

CORRUPTION IN ELECTIONS.

In the Texas election, involving this question, vast sums of money were used. More than a year after the election, when the attorney general seized the books and files of one brewery, it disclosed the fact that fabulous sums of money were spent in the election. In the letter files were found letters signed by Adolphus Busch, of St. Louis, showing still further the vast sums of money used in these contests. Here are two illuminating excerpts from them:

It may cost us millions and even more, but what of it if thereby we elevate our position?

I will not mind to give one hundred thousand extra if necessary.

I mean to say by the above that everyone interested in the business should be willing to sacrifice all and everything he possesses to save our business from being ruined by a fanatical part of the people. Besides losing our business by State-wide prohibition, we would lose our honor and standing of ourselves and families, and rather than lose that we should risk the majority of our fortunes.

With all sincerity, your friend,

ADOLPHUS BUSCH.

At Terre Haute, Ind., the corrupt use of money in elections involving the liquor traffic and officers who deal with the liquor traffic is a matter of common knowledge throughout the Nation.

Sixteen guilty parties have been sent to jail or the penitentiary, and the mayor of the city has four years more of sentence before the expiration of his time.

The investigation now on at Pittsburgh, according to newspaper reports, shows a system of collecting funds for controlling elections in that one State that runs into the millions. The secretary of the United States Brewers' Association, Mr. Hugh P. Fox, when called upon to testify concerning these assessments or contributions, refused to do so, and was committed to jail therefor.

As a sample of what may be expected at the election, the liquor interests, I am reliably informed, are applying here methods of intimidation and threatened boycott.

They have for weeks been circulating petitions favoring a referendum on prohibition for the District and opposing prohibition by direct action of Congress. They have been urged upon the business men of the city, and in many instances it was sought to coerce men who favor prohibition and who see in the referendum agitation a means of delay, into signing the petition. Threats of the boycott were uttered and in some instances applied. Can it be imagined that this attempt at coercion was in the interest of suffrage for the District? No; rather it was the pursuit of a policy, long since adopted by the liquor crowd everywhere, to frighten and intimidate those who can not be reached by other means. This policy is well understood, and its application in the District of Columbia causes no surprise.

Here as elsewhere all men can not be intimidated. There are among the business men of this city many strong men who will not bend to the will of the proliquor power.

A prominent insurance agent, who is in favor of prohibition for the District, but who is opposed to submitting the question to a referendum under the circumstances, has been approached by holders of policies in his company with the threat that unless he line up with the "wets" by signing in favor of a referen-

dum, business would be taken away from his company. This business man was not frightened and refused the demands and defied the threats. But no policy has as yet been canceled.

A prominent real estate company was approached by a saloon keeper for the signature of the president to a referendum petition. The signature was refused. The company was collecting some rents for the saloon keeper, who remarked upon leaving that he would have to give his business to some friend of the liquor business.

Another instance: The president of one of the largest national banks of the city was waited upon at his bank and asked to sign the referendum petition. Being a prohibitionist and regarding the proposed referendum as an antiprohibition device, he refused. The caller, who was a depositor in the bank, immediately withdrew his account, amounting to $6,000, as a rebuke to the president. The next day, for the same reason, another depositor withdrew his account of $7,000. The board of directors, learning of the withdrawals, were, it is said, somewhat concerned. There was a meeting of the board, and while the matter was under discussion a gentleman called at the bank and asked for the president, who left the meeting to meet his visitor. The president was asked if it were true that he had refused to sign a petition for a referendum on prohibition for the District, giving as a reason that he favors prohibition for the District. The president said that he had refused to sign such petition for the reason given. The caller said he was glad to know it was true, and in order to show how glad he was he asked the privilege of opening an account at the bank, and thereupon made an initial deposit of $60,000.

PROPOSED REFERENDUM AMENDMENT A MERE MAKESHIFT.

If we are to have a referendum election, it is the duty of every Senator to see to it that the law referring this issue shall provide every safeguard that experience shows to be necessary to prevent corruption and secure an honest expression of the people's will. The liquor interests proper do not want this, but those who sincerely want the issue settled in this way and who are in favor of honest elections will surely unite in seeing that the best possible referendum law will be framed under which to hold such an election. The amendment proposed by the Senator from Alabama [Mr. UNDERWOOD] is a mere makeshift, not intended by him to be such, but that is, in my judgment, the effect of the amendment—hardly an outline of what should be in an election law, and does not manifest any desire to protect the people from the baneful influences of the traffic whose existence is at stake. If it were framed by the liquor people themselves it could not better serve their purpose. Let us take it up, section by section, and note briefly what it provides and what it does not provide:

Section 1: Only male taxpayers can sign the petition for an election.

Why have a referendum on a petition of taxpayers only? If taxpaying is to determine the qualifications of signers of petitions for a referendum, why not permit women taxpayers to sign? Their taxes are just the same as those of men. It is just as much a hardship on them to pay taxes as it is for the men and their qualifications to pay taxes must be the same. So, why restrict the signing of petitions to taxpayers or to male taxpayers? In all State referendums the petitioners are qualified voters. Why not so provide here? How are the commissioners to determine that the signers are duly qualified and that there is the required number? No way is provided for determining this. There is nothing to prevent fraudulent signatures and no way to determine whether the signatures are genuine or not. If an election is determined upon the petition, it must be held within 40 days from the date of the order for an election. Forty days is too short a time to prepare for such an election and to conduct a campaign upon such an issue. This time is not sufficient for dividing a city of 350,000 people into proper voting precincts, arranging for voting places, providing ballots, registering of voters, purging lists of those illegally registered, and all the election machinery necessary to conduct such an election. The commissioners, however, may fix the time as short as 20 days or 25 days. There should be no discretion left to the commissioners. The Congress should fix that, and for the first election the time should be much longer than 40 days.

Section 2: Only male residents over 21 years of age who have lived in the district and precinct more than a year prior to the date of holding election are to be permitted to vote.

How shall they establish their age? How establish the length of their residence? The bill provides no way whatever. No oath of any kind or at any time is required. No one is authorized to administer oaths in connection with registration or in connection with voting. No provision is made for disproving any assertion as to age or residence.

Under this provision every bum, boozer, pimp, gambler, and loafer of Baltimore, Philadelphia, and New York could be brought here and voted without fear of punishment—and they would be voted. The managers of the election are made the sole judges of the qualifications of the voters. This is unheard of in connection with elections of any character. It would make the election a farce. Disputes would soon arise over the qualifications of the voters, premeditated or otherwise. Votes could be rejected at will by the managers without fear of punishment. It should be needless to point out to the Members of this body the danger of placing such power as this in the hands of the managers. Provision is always made for challenging and swearing in votes, leaving the legality to be determined afterwards by a competent tribunal. There is no provision of this kind anywhere in the amendment proposed by the junior Senator from Alabama. If the judges knew how a man would vote, they could reject him, and their decision could not be questioned. Hired challengers could easily be secured, and with subservient managers the will of any precinct can be thwarted without fear of punishment. Such loose legislation should not be considered for a minute.

Section 3: Notice of the election shall be given by publication for 20 days in some newspaper in the District.

Does this mean in a daily paper? It does not say. Must it be every day for 20 days? Would it permit publication in an obscure weekly newspaper over a period of 20 days, possibly some paper just established to serve that purpose? What shall the notice contain? No requirement in the law except that an election is to be held and describing the boundaries of the voting districts and voting places. Nothing is said of the hour of opening the polls or closing them or as to the question to be voted upon. No provision is made anywhere in the act determining the hours of voting. Most election laws provide for the closing of business, and especially of saloons, upon election days. Nothing in this proposed amendment does so. No provision insures the opening of polls at a time when thousands in the District can vote. This leaves an open door for corruption and intimidation without any means of punishing either. If an election of this importance is to be held, provision should be made so as to insure to the people of the District an opportunity to vote at a time outside of business hours, and the saloons should certainly be closed for some hours before the opening of the polls and until after the polls have closed.

Section 4: The commissioners are to appoint three managers, two clerks, and one returning official in each precinct, who shall, as nearly as practicable, be equally divided between those for and those against the proposition submitted. None of these officials are required to be qualified to vote or to reside in their precints. They may come from Baltimore, so far as any provision of the law is concerned.

Under this section the three managers could be against prohibition and the other three officers for it. With the three managers against it, it is very easy to see what the result would be upon challenges and upon any question involving the right of anyone to vote. If the managers are against the proposition and they think that the people of their precinct are for it, they could very easily reject any vote they see fit and could delay the voting without submitting themselves to any penalty. If any of those appointed by the commissioners fail to present themselves at the voting place, no provision is made for filling such vacancies. Could they be filled? If so, how? Could a man from Baltimore act? There is nothing to prevent this in the proposal of the Senator from Alabama.

Section 7: The commissioners are to deliver ballots, poll lists, tally sheets, return sheets, instructions for holding election, ballot boxes, voting booths, and so forth, to one of the managers of each precinct before the day of election.

How long before? No time is specified. Suppose the manager loses them, or some of them, how can they be supplied? There is no provision for such a contingency. Suppose the manager thinks his precinct is against his views, and he does not come to the polling place? There is no way to make him serve. There is no way to fill his place. There is no provision to compel him to turn over these things to some one else. It is not a fraud and not a corrupt act not to do so. Suppose he does not have a sufficient number of ballots for the voters, how is this deficiency to be supplied? Are those qualified to vote to be rejected because there are no ballots? For whose benefit are instructions for holding elections to be issued? Are the voters interested? Possibly so. Should they be advised of them? Surely so. But what good are these instructions if they are not to be brought to the attention of the voters before election day? What is to be done with them on election day to bring them to the attention of the voters? Are they to be

posted? If so, where? There is no provision in the law relating to these instructions, except that they are to be handed to one of the managers. He may keep them or lose them—perhaps leave them at home—or do anything else with them he sees fit, so far as the proposed provisions go.

The commissioners are to appoint a registrar, or registrars, for each election precinct, who is to register the qualified voters. Where are they to come from? May they be political workers from New Jersey or ward heelers from the slums of Baltimore? Nothing in the law to prevent.

How is he to determine who the qualified voters are? The managers of the election are made the sole judges of the qualifications of voters. The registrars are not authorized to administer oaths. They can do no more than take a man's word as to his age and length of residence. When and where is he to register the voters? In the time, in the place, in the manner provided by the commissioners? Suppose the registration is not completed in the time given by the commissioners. There is no provision to care for such a situation as this. What notice is to be given of registration? None. If a man fails to register and has no notice of the time and place of registration, can the managers still permit him to vote? There is nothing to prevent them from doing so. As a matter of fact, they are made the sole judges of the qualifications of voters. If they decide for a man who is not registered, or who has not complied with any other possible provision of the law, that ends it and he can vote. The proposed amendment does not say that a man must be registered in order to vote. What is the purpose of the registration? None is disclosed by the proposal under consideration. The commissioners are authorized to make such rules and regulations as in their discretion they deem necessary for the management of and the fair and orderly conduct of the election. To whom are those rules and regulations to be issued? If to the voters, how are they to be made acquainted with them? If to the managers of the election, how are they to be enforced? The commissioners can not impose penalties. They have no legislative power. Suppose they issue no rules and regulations. They do not have to issue any under the proposed amendment.

Is it possible that any real friend of the referendum will have such a halting, defective, imperfect makeshift as this to ascertain the will of the people of the District of Columbia upon an issue of this character? I can not think so. Will any friend of the referendum who also believes in prohibition have any hope that the cause of either will be furthered by following such an invitation to fraud, vice, and corruption as this measure offers? Surely not.

LIQUOR INTERESTS OPPOSE REFERENDUM FAVORED BY TEMPERANCE PEOPLE.

All the liquor interests, not only of the District of Columbia, but of the United States, are opposed to prohibition in the District of Columbia, because they know that prohibition in the National Capital will accelerate the movement for prohibition all over the country. They are all for this referendum. They are for it, not because they believe in it, but for the same reason that they have opposed the referendum any time heretofore. They have always opposed a referendum on the liquor question when the temperence people were fighting for it. Never before have they anywhere asked for a referendum on the liquor question. The only time they have ever favored it has been for the next smaller unit of government when the temperance people have been asking for a referendum in the next larger unit of government.

The State of Ohio is one of the best examples, because we have seen the liquor forces in action there in opposing a referendum on saloons in every political unit. When the legislature passed the township local-option law, away back in 1888, the liquor people vigorously opposed the referendum. Later they opposed the referendum for the municipalities of Ohio. Two years after the passage of that law they opposed a referendum on this question in residential districts in the cities of Ohio, and four years later they vigorously opposed the enactment of county local option, which, of course, is a pure and simple referendum in the county unit. They have also opposed regularly the submission of the question of State-wide prohibition until, by the adoption of the initiative and referendum in Ohio's new constitution they became no longer able to successfully oppose a referendum through legislative procedure. They show their opposition to the referendum, however, wherever the people have the suffrage and the referendum is reasonable and proper. They championed and attempted to get the people to indorse what was called the stability amendment in Ohio last year, which, if adopted, would have tied the hands of the people, so that they could not again vote on any constitutional provision which had been submitted and twice failed to carry during the six years next following such vote. In other words, these devotees of the people's rule tried to get the people to deny themselves the right to amend their State constitution for six years, after two wet State victories, in order to safeguard the liquor traffic and prolong its life.

The liquor traffic is opposing a referendum now in various subdivisions of the State, ranging from municipalities up to the State itself, in every State with saloons in the Union. The only places where they are willing for a referendum is where the people have prohibited the liquor traffic and they want a chance to try to bring it back. They have opposed the referendum in Maryland and Indiana. They are opposing it to-day in New York. They opposed it in Virginia for years, and it was only two years ago that the legislature finally, after a long period of antisaloon agitation, passed the enabling act, which permitted the people to vote on the saloon question in Virginia in September, 1914, and under which the State voted dry. Among others, the States of Nebraska, South Dakota, and Montana are to vote on the question of prohibition during the present year, and the liquor traffic opposed the submission of the question to the people in each of these States. Minnesota passed a county local-option law last spring, but it was vigorously opposed by the combined saloon forces of the State until they were simply outnumbered and outgeneraled in the legislature. It is safe to say that the liquor traffic universally has opposed a referendum on this question to the people, and they are only in favor of it in Washington because it seems to be the most effective way to delay or defeat the insistent demand for prohibition in the Nation's Capital.

The National Hotel Gazette, of January 24 last, said:

If prohibition should be fastened upon the District by the Congress of the United States without even so much as an attempt to ascertain the will of the people constituting its citizenship, an unconscionable crime will be committed.

If it would be an unconscionable crime to refuse a referendum in the District of Columbia, where there is really no authority for it, why did the liquor interests oppose the referendum in these cases?

REFERENDUM IN DISTRICT OF COLUMBIA UNCONSTITUTIONAL.

They are for the referendum now because they fear the Senate and Congress on a square vote on the issue will be against them and because of the conditions in the District, and through the avenues for fraud and corruption they hope to win in a referendum election. They also hope to win in the courts if they fail in the election. There is substantial basis for that hope, too. If they lose, if the vote is against them, they will go to the courts and contend that the referendum law is unconstitutional, as a delegation of legislative power by Congress.

Article I, section 1, of the Constitution of the United States provides:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Article I, section 8, provides:

That Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States.

Exclusive legislative power could not be more clearly or definitely expressed. Congress is the sole governing body for the people of the District of Columbia. They have not the local sovereignty which is vested in the States, or enjoyed by local bodies under the jurisdiction of the States. All sovereignty and legislative power has been specifically delegated to Congress. Whether this plan was best and whether it should be continued is not a proper subject of controversy or discussion, in connection with this proposed referendum. Those who believe in local self-government for the District of Columbia can very properly ask for a change in the Constitution, but until the Constitution is changed no one who has a due regard for law and the Constitution can ask to make the District a distinctive sovereignty with legislative powers. There are no distinctive legislative units in the District of Columbia. Any legislation passed by Congress relating to the District of Columbia is and must be general, applicable to the entire District. This legislation for the District corresponds to general legislation passed by a legislature for the entire State.

A rule of law that is familiar to every lawyer is thus stated by Cooley in his "Constitutional Limitations," page 163, "Delegating Legislative Powers":

One of the settled maxims of law is, that the power conferred upon the legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the Constitution itself is changed. The power to whose judgment, wisdom, and patriotism this high prerogative has been instructed can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust.

In many of the States the legislatures have referred to the people the question as to whether or not a proposed law shall go into effect. The courts have been called upon to pass upon the constitutionality of such measures where there was no provision in the constitution permitting it. There is a conflict of authority, but Cooley says, on page 168 of his Constitutional Limitations, seventh edition:

If the decision of these questions is to depend upon the weight of judicial authority up to the present time, it must be held that there is no power to refer the adoption or rejection of a general law to the people of the State any more than there is to refer it to any other authority. The prevailing doctrine in the courts appears to be that, except in those cases where by the constitution the people have expressly reserved to themselves a power of decision, the function of legislation can not be exercised by them even to the extent of accepting or rejecting a law which has been framed for their consideration. "The exercise of this power by the people in other cases is not expressly and in terms prohibited by the constitution, but it is forbidden by necessary and unavoidable implication. The senate and assembly are the only bodies of men clothed with the power of general legislation. They possess the entire power, with the exception above stated. The people reserve no part of it to themselves (with that exception), and can therefore exercise it in no other case." It is therefore held that the legislatures have no power to submit a proposed law to the people, nor have the people the power to bind each other by acting upon it. They voluntarily surrendered that power when they adopted the constitution. The government of the State is democratic, but it is a representative democracy, and in passing general laws the people act only through their representatives in the legislature.

Nor, it seems, can such legislation be sustained as legislation of a conditional character, whose force is to depend upon the happening of some future event or upon some future change of circumstances. "The event or change of circumstances on which a law may be made to take effect must be such as, in judgment of legislature, affects the question of expediency of the law; an event on which the expediency of the law, in the opinion of the lawmakers, depends. On this question of expediency the legislature must exercise its own judgment definitely and finally. When the law is made to take effect upon the happening of such an event, the legislature, in effect, declares the law inexpedient if the event should not happen, but expedient if it should happen. They appeal to no other man or men to judge for them in relation to its present or future expediency. They exercise that power themselves and then perform the duty which the Constitution imposes upon them." But it was held that in the case of the submission of a proposed free-school law to the people no such event or change of circumstances affecting the expediency of the law was expected to happen. The wisdom or expediency of the school act, abstractly considered, did not depend on the vote of the people. If it was unwise or inexpedient before that vote was taken, it was equally so afterwards. The event on which the act was to take effect was nothing else than the vote of the people on the identical question which the Constitution makes it a duty of the legislature itself to decide. The legislature has not power to make a statute dependent on such a contingency, because it would be confiding to others that legislative discretion which they are bound to exercise themselves and which they can not delegate or commit to any other man or men to be exercised.

Mr. THOMAS. Mr. President——

Mr. JONES. I yield to the Senator.

Mr. THOMAS. It has been my purpose to support the proposed submission of this question to a vote of the people of the District because of my belief in the general right of the people by a referendum vote to determine such matters for themselves; but the Senator is making a constitutional argument which impresses me very strongly and which up to this time seems to me to be unanswerable. However, I recall—and it is that about which I wish to question the Senator, since my memory may not be perfect concerning the matter—that at one time Congress by appropriate legislation conferred on the people of the District the power of self-government in certain matters; that is to say, by legislation they delegated to the people of the District the right to choose their own mayor or other governing official or officials. Assuming that that is true, I should like to ask the Senator whether, under the provision of the Constitution which gives Congress exclusive jurisdiction to legislate for the District, if Congress could delegate the right of self-government in regard to matters of a municipal character, it could not also delegate the right to vote upon a question of such importance as this one.

Mr. JONES. That is probably true. I do not think they could do it under our Constitution, although you will find in many cases the courts make really a distinction with reference to local matters.

Mr. WORKS. Mr. President——

Mr. JONES. I will yield in a moment to the Senator. As I look at it, the District of Columbia is just like a State. There are no different units in it, like we have counties and cities, and so on, in the States.

Mr. THOMAS. Of course the legislation to which I was referring was not referendum legislation.

Mr. JONES. I understand.

Mr. THOMAS. It was a delegation of the right of self-government under certain circumstances.

Mr. JONES. If the question had been raised I do not believe it would have been held to be constitutional. I yield to the Senator from California.

Mr. WORKS. I think it has been found necessary in all the States, so far as I know, to amend the constitution in order to permit a referendum vote.

Mr. THOMAS. That is undoubtedly true. But what is puzzling me as a legal proposition is the question whether, under the constitutional provision endowing Congress with exclusive jurisdiction to legislate for the District, it has the power to exercise some system of self-government, it being legal also to refer a matter of this kind to a vote of the people.

Mr. WORKS. Does the Senator remember that that was ever held by the Supreme Court to be legal?

Mr. THOMAS. I do not know that the question was ever passed upon. I understand the legislation was repealed because it was found to be appropriate to govern the District directly.

Mr. WORKS. I have had some occasion to look into that of late, but I do not know that the question was ever submitted to the court. I know it was found to be unwise to attempt to legislate for the National Capital in that way; it turned out to be disastrous.

Mr. JONES. I have looked into the matter as carefully as possible, and I have been unable to find any decision or any case that went up on the proposition.

Mr. THOMAS. I am very confident from the Senator's discourse that he has made considerable and exhaustive examination. Hence, I applied to him for information.

Mr. JONES. I tried to find if there was any case in the District of Columbia.

Oberholtzer, on The Referendum in America, at page 217, says:

The unconstitutionality of laws of this character is a general principle so firmly established throughout the Union to-day that the legislature prefers not to run the risk of submitting its act to popular vote. In the case of prohibitory liquor laws and other legislative questions of a vexatious character it is a much more feasible plan, as I have noted on earlier pages, to embody the proposal in an amendment to the State constitution. With the liberalization of our ideas in regard to constitutional law, and the simplification of the process by which amendments may be submitted to popular vote, there is little reason now why the legislature should pursue a course that may bring down upon itself the charge of having misunderstood and violated the charter from which it derives its whole authority.

Willoughby, on The Constitution, volume 2, section 779, at page 234, says:

The weight of authority, however, seems to be that the submission to the electorate of the entire State as to whether a measure shall or shall not become a law is void.

I have here a list of States that have adopted a constiutional provision for a referendum and initiative, and I will read it:

South Dakota, Utah, Oregon, Nevada, Montana, Oklahoma, Maine, Missouri, Arkansas, Colorado, Arizona, California, Nebraska, Washington, Idaho, Ohio, Michigan, and North Dakota.

See also Ruling Law Cases, page 167:

A distinction is made between matters of general and local concern, and local and not general laws may be enacted subject to the approval of the voters of a particular section of the State.

We have, as I said before, no distinction in the District of Columbia between localities and the State. It is for all purposes a State in itself.

I give citations of some cases bearing upon this matter:

Santo *v.* State (Iowa), 1855–1863; American Decision, 502, 503; 160 Massachusetts (1894), 589–696; ex parte Wall. (Cal. 1874), 17 American Reports, 426–434; Lammart *v.* Lidwell (Mo., 1876), 21 American Reports, 412; State *v.* Hayes, 61 New Hampshire Reports (1881), 264–339.

In the last case is a full discussion of authorities, and the court came to the conclusion that while the principle of local government authorizes the granting of limited power of local legislation to municipalities, the power of State general legislation can not be delegated by the Senate and House of Representatives, where it is vested by the Constitution.

I wish to refer to one or two cases. I have quite a number here. I shall not take the time of the Senate to read them, but I wish to refer to one or two cases that take up this matter very fully.

I have here the Sixty-sixth Ohio State Reports, page 555. That is the beginning of the case. It is the case of Allison against Garver. The syllabus is as follows:

The act "to limit the compensation of county officers in Holmes County," passed April 26, 1898 (93 O. L., 660), is a law of a general nature which does not operate uniformly throughout the State, and it is therefore in violation of the constitution, article 2, section 26.

That article is the one stating that the legislative power of a State is vested in the senate and house of representatives:

State ex rel. Guilbert *v.* Yates, ante., 546, approved and followed.

2. An act of the general assembly not coming within the exceptions stated in the constitution, article 2, section 26, which is passed to take effect and be in force when a majority of the voters at an election shall declare in favor of a salary law, and if a majority of the voters

do not so declare to be void, is passed to take effect upon the approval of authority other than the general assembly, and it is therefore unconstitutional and void.

At page 564 the court says:

This act is unconstitutional, also because it is conditioned to take effect only upon the result of an election by the people (constitution, art. 2, sec. 26, second clause).

Mr. NORRIS. Has the Senator the Ohio constitution?

Mr. JONES. I have not, but I examined the constitution. It is the general provision which says that the legislative power shall be vested in the legislature of the State.

Mr. NORRIS. Like the provision in the United States Constitution.

Mr. JONES. It is not near as strong, for the Senator will remember our Constitution says that exclusive legislation is vested in the Congress.

As I said, it is the general provision that is found in all constitutions that the legislative power shall be vested in a general assembly composed of the senate and house of representatives. That is the language of that section. I myself have examined it. Section 13 of the act provides:

Section 13 of the act provides for a vote upon the proposition, "For the county salary law; against the county salary law," and then provides that if a majority of the votes cast on said proposition shall be in favor of a salary law the act "shall take effect and be in force" from and after a day named; otherwise that the act should be void. The act can not take effect under the Revised Statutes, section 77, because it contains a provision as to the time when it shall take effect and be in force, if at all. Hence the taking effect, as well as the enforcement of the statute, is made to depend on the approval of another authority than the general assembly, namely, the will of a majority of the electors. The entire legislative power of the State is vested in the general assembly (constitution, art. 2, sec. 1), and even without the limitation contained in section 26, article 2, it could not be delegated.

Here is the statement of the court with reference to this section. They say:

It was held in Railroad Company *v.* Commissioners (1 Ohio St., 77, 87), which was a case under the constitution of 1802, that the power of the general assembly to pass laws could not be delegated by them to any other body or to the people; and this proposition is abundantly sustained by numerous authorities cited in the brief of the plaintiff in error.

Then the court discusses several Ohio cases that were cited by the other side of the controversy and distinguishes them from the case at bar.

I will put in that discussion without reading it if the Senate will permit me.

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). Without objection, the matter will be inserted.

The matter referred to is as follows:

The cases of State ex rel. *v.* Commissioners (5 Ohio Stat., 497), Noble et al. *v.* Commissioners (5 Ohio Stat., 524), Peck *v.* Weddell (17 Ohio Stat., 271), and Newton et al. *v.* Commissioners (26 Ohio Stat., 618) were all cases in which it was required by the constitution (art. 2, sec. 30), before the taking effect of the laws, that they should be submitted to the electors of the counties to be affected thereby and adopted by a majority of the electors voting at such election. In each of those cases the question was whether some other thing than the voting was necessary before the law could "take effect"; and the court held that the acts became law when adopted by a majority of the electors of the county, but that the legislative intention was that the law should not be enforced until the condition precedent should be performed. In Trustees *v.* Cherry et al. (8 Ohio Stat., 564) the court held that the vote which was required was a condition precedent to make an assessment to pay for the grounds which the trustees were authorized by the act to purchase. In Gordon *v.* State (46 Ohio Stat., 607) the act in question provided that it should take effect and be in force from and after its passage; but the question was whether the local-option provision contained in the act rendered it unconstitutional. The court held that the act "was a complete law when it had passed through the several stages of legislative enactment and derived none of its validity from the vote of the people. In all its parts it is an expression of the will of the legislative department of the State." Our conclusion is that there is nothing either in principle or the decisions of this court contravening the view which we have expressed concerning the effect of section 13 of the act (93 O. L., 660). It affects the whole act, and the act is as if it never had been passed.

Mr. JONES. Then I have a Massachusetts case. It is not exactly a case. It seems that in Massachusetts they had a provision under which the legislature could call upon the members of the court for an opinion with reference to the constitutionality of proposed legislation. The legislation was submitted under that provision. It is found in 160 Massachusetts in the supplement.

Mr. CLAPP. I will remind the Senator, while it is not technically germane, that even that provision has been held void in other States conferring authority to submit the question to the court.

Mr. JONES. This is the opinion of the justices to the house of representatives, at page 589. This was the question submitted: Is it constitutional to provide, in an act granting women the right to vote in town and city elections, that it shall take effect on approval by the people? That is the question which was submitted to the justices.

The constitutions of different States resemble one another in many of their principal provisions, and it generally has been held, whenever the subject has come before the courts, that the legislative power can not be delegated by the legislature to any other body or authority, and that the people themselves have not retained this power except where they have expressly provided for it.

It is true that a general law can be passed by the legislature to take effect upon the happening of a subsequent event. Whether this subsequent event can be the adoption of the law by a vote of the people has occasioned some differences of opinion, but the weight of authority is that a general law can not be made to take effect in this manner. Whether such legislation is submitted to the people as a proposal for a law, to be voted upon by them and to become a law if they approve it, or as a law to take effect if they vote to approve it, the substance of the transaction is that the legislative department declines to take the responsibility of passing the law; but the law has force, if at all, in consequence of the votes of the people; they ultimately are the legislators. It seems to us by the constitution the senate and the house of representatives have been made the legislation department of the government, and that there has not been reserved to the people any direct part in legislation. The various amendments made by the constitution since its adoption have not changed its character in this respect. By the second and ninth articles of amendments to the constitution, an act constituting a town or towns a city government can be passed only with the consent of the inhabitants of such town or towns, and specific amendments to the constitution proposed by the general court must be sumbitted to the qualified voters of the Commonwealth. A city charter resembles a State constitution in this, that the government of the town is made by the charter a representative government, and it was originally declared that the people alone have a right to institute government and to change it. Declaration of Rights, article 7. These amendments, as well as the other amendments to the constitution, indicate no intention of having laws submitted to the people for adoption or rejection.

For these reasons, we are of opinion that the first question should be answered in the negative.

This is signed by Walbridge A. Field, Charles Allen, James M. Morton, and John Lathrop. Then there is a dissenting opinion signed by Oliver Wendell Holmes, jr., and then another opinion quoted, which I want to put in my remarks, at page 596, to the same effect as the others I have read, signed by Marcus P. Knowlton.

The PRESIDING OFFICER. It will be inserted, without objection.

The matter referred to is as follows:

In adopting the constitution the people of the Commonwealth established a representative government consisting of three departments, the executive, the legislative, and the judicial. In these all the power originally residing in the people was vested and through them all the functions of the government are to be performed. The framers of the constitution did not seek to establish a pure democracy, but they preferred a system in which all power should be vested in officers chosen by the people. The execution of the laws is intrusted to the governor and his associates in his department, the enactment of laws to the legislature, subject qualifiedly to the approval of the governor, and the interpretation of the laws to the justices appointed for that purpose. The members of each of these departments of the government are charged with the duty of doing that which belongs to their department. They can not delegate their official power to others. The governor is not a mere agent of the people who can refuse to assume the responsibility of action in matters within his department and put upon the electors as his principals the duty of deciding for him whether his actions shall be of one kind or another. He is for time the repository of all the power of the people in those matters which belong to his office. He must do his official duty, and there is no way in which he can shift the burden of the executive business from his shoulders to those of the people of the Commonwealth. If an application for the pardon of a criminal is made to him he can not relieve himself of responsibility by entering an order that the pardon shall be granted if the people of the State, at a meeting called for the purpose, vote in favor of it.

A judge who under the constitution derives all his power from the people can not refer back to the people the cases which he is called upon to decide. He can not enter a decree that this case shall be decided for the plaintiff, or this law shall be declared unconstitutional if a majority of the people so decide upon the submission of the question to them at their next election. The sole power to grant pardons is in the governor, and the sole power to decide judicial controversies is in the judges. By the bestowal of this power in the adoption of their constitution the people were divested of that which was bestowed, and it can be restored to them by nobody so long as the constitution remains unchanged.

Nor was it any more contemplated by the framers of the constitution that the department of the government which is charged with the duty of enacting laws should fail to do its whole duty, and should merely propose to the people laws which shall or shall not take effect as the people vote. The legislature is the law-making body. The people's representatives acting together after due deliberation, are to complete the work of making such laws as seem to them good. The people deliberately put away from themselves into the hands of this body all authority touching this subject, and until there is a change of the constitution neither they nor the legislature can put it or any part of it back. Their supreme power may find full exercise from time to time in choosing those who represent them, and in amending the constitution or adopting a new one. Under our frame of government, to call in the people to vote directly upon the enactment of a law is, in my opinion, as much an attempt to delegate legislative power as the submission of such a question to any other tribunal.

The reasons which induced our forefathers to adopt such a system might be considered at great length, but we are not now so much concerned with the reasons for their action as with the nature and effect of it. The important fact is that their scheme of government was intended to cover the whole field, and it leaves no place for the people in the enactment of laws, except as they speak through their representatives.

In the interpretation of similar constitutions in other States there is a great weight of judicial authority in favor of this view. Decisions in accordance with it have been made by the courts of last resort in New Hampshire, New York, Pennsylvania, Delaware, Indiana, Iowa, Missouri, California, and Texas.

Mr. JONES. Then I have a case from the State of Iowa—Santo against State, found at page 497 in Sixty-third American Decisions. This case was on a local-option proposal. I desire to read a brief paragraph at page 502:

We will first consider the question relating to the submission of an act to a vote of the people; and on this subject we entertain no doubts. The general assembly can not legally submit to the people the proposition whether an act should become a law or not, and the people have no power, in their primary or individual capacity, to make laws. They do this by representatives. There is no doubt of the authority of the legislature to pass an act to take effect upon a contingency. But what is a contingency in this sense and connection? It is some event independent of the will of the law-making power, as exercised in making the law, or some event over which the legislature has not control.

For instance, the embargo laws and their cessation were made to depend upon the action of foreign powers in relation to certain decrees. The will of the lawmaker is not a contingency in relation to himself. It may be such in relation to another and external power, but to call it so in relation to himself is an abuse of language. Now, if the people are to say whether or not an act shall become a law, they become, or are put in the place of, the lawmaker. And here is the constitutional objection. Their will is not a contingency upon which certain things are or are not to be done under the law, but it becomes the determining power whether such shall be the law or not.

It seems to me there is no way of getting around the logic there presented. The law that is proposed here will not be a law unless the people approve it. The people make it; Congress does not make it, and it is not proposed that Congress shall make it. The opinion proceeds:

This makes them the "legislative authority," which, by the Constitution, is vested in the Senate and House of Representatives and not in the people.

I ask leave to continue the quotation, pages 502 to 505, which I have marked, without reading.

The PRESIDING OFFICER. The Chair hears no objection.

The matter referred to is as follows:

It can not be considered necessary to argue concerning the submission of acts of incorporation to the acceptance of the corporators. These are private matters, and not a part of the public law of the land. It is a question of private interest only whether certain persons shall become a corporation; and, in the case of a strictly private one, probably the legislature could not make them such against their assent. And in the case of municipal corporations, they are, in the legal sense, private; and so they are in a common sense, to all practical intents.

It is a question for the local community alone to determine whether they will be incorporated or whether they will be so as a town or city. This distinction is made practically, always and everywhere, whether it be founded in strict logic or not. The constitution prescribes the manner in which bills shall become laws, and acts or laws can be enacted in no other way. A certain body or department is created for this purpose, and no other has the smallest authority in that respect. Article 3 of the constitution is, in part, as follows: "The powers of the government of Iowa shall be divided into three separate departments—the legislative, the executive, and the judicial. The legislative authority of this State shall be vested in a senate and a house of representatives, which shall be designated the General Assembly of the State of Iowa, and the style of their laws shall be: 'Be it enacted by the General Assembly of the State of Iowa.'" How is a law enacted? Section 16 of the same article directs that "bills may originate in either house, except," etc.; and "every bill, having passed both houses, shall be signed by the speaker and president of their respective houses." And section 17 provides that "every bill which shall have passed the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections," etc. Then follow directions as to how it shall become a law, notwithstanding the governor's objections. It will be observed that there are under the constitution but three departments of the government; that the legislative department consists of the senate and house of representatives, and the people do not constitute a portion of it; and that laws are enacted "by the general assembly." This is the mode provided by the constitution for making laws. A bill becomes an act or a law in the above manner or it never becomes such. A vote of the people can not make it become a law, nor can it prevent it becoming one. After a bill has thus passed the two houses and received the approval of the governor, and thus becomes a law by the constitution, how can a vote of the people affect it? As well might this court submit the decision of these causes to a vote of the people of the State, or of a judicial district, or the governor his pardoning power. If there is any efficacy in a vote of the people in passing a law, then, of course, it can be repealed only by a vote.

What effect, then, had the vote of the people? None at all, in a legal sense or manner. The constitution made it an act of the general assembly when it had passed the two houses and received the proper signatures. But it is argued that the eighteenth section, submitting the act to a vote, is part of the act, and so becomes a law with the rest. The answer to this is that if the general assembly has no authority to submit such a question, then such a provision is void, and it will follow that either the whole act or the section containing the objectionable matter is null and void. The following are authorities on both sides of the question of submitting acts to a vote of the people, the following hold it constitutional: State of Vermont *v.* Parker (26 Vt., 357); Johnson *v.* Rich (9 Barb., 680). The following hold it unconstitutional: Thorne *v.* Cramer (15 Id., 112); Bradley *v.* Baxter (Id., 122; S. C., 1 Am. Law Reg., 658); Barto *v.* Himrod (8 N. Y., 483; 59 Am. Dec., 506); Rice *v.* Foster (4 Harr. (Del.), 479); People *v.* Collins (3 Mich., 343; S. C., 2 Am. Law Reg., 591); Commonwealth *v.* McWilliams (11 Pa. St., 61); Parker *v.* Commonwealth (6 Id., 507; 47 Am. Dec., 480).

This leads us to the next step, which is, whether the whole act, or the the eighteenth section only, is invalid. It is assumed, for the present, that the matter was submitted to the people in the largest and broadest sense. This is unconstitutional and void. But an act void in part is not necessarily void for the whole. If sufficient remains to effect its object, without the aid of the invalid portion, the latter only shall be rejected, and the former shall stand. This doctrine is clearly maintained in the Massachusetts cases: Fisher *v.* McGirr, and other cases (1 Gray, 1; 61 Am. Dec., 381); Campbell *v.* Mississippi Union Bank (6 How. (Miss.), 625); State *v.* Cox (8 Ark., 436); Commonwealth *v.* Kimball (24 Pick., 361; 35 Am. Dec., 326); Norris *v.* Boston (4 Met., 288); Clark *v.* Ellis (2 Blackf., 10). Now, the prohibitory act of Iowa is a complete act in all its parts, without the eighteenth section submitting it to the people. No part depends for its efficacy or practicability on that section. It can be carried into effect as well without it as with it. That section relates to nothing but the vote, the returns, publication of the result, and like matters. Testing this act, then, by the same rules which are applied to others, we see no reason why the whole act should be declared unconstitutional and void. It was not the vote of the people which was unconstitutional, but it was the submission to the people; and that part of the act was and is invalid if it submitted the question whether it should be the law or not; and the vote was to a legal intent nugatory. It effected nothing. The act would have been law had the vote been against it. Why the courts of some States have held an act submitted to the people to be void rather than the mere act of submission, as in the case of the New York school law, does not clearly appear. Under our constitution and laws there seems to be no difficulty, as will be shown in the next step of our inquiry.

Mr. JONES. I have one more decision here I will call attention to, because it is comparatively recent. This is the case of Wright against Cunningham, in One hundred and fifteenth Tennessee, at page 445, and this was a liquor statute. At page 458 the court says:

The act may provide upon its face that this duty of compliance may depend upon the happening of a condition or contingency. It has been so held in this State (State *v.* T. C. I. & R. R. Co., 16 Lea, 136); and this rule is general.

The controversy in the authorities arises over the nature of the condition or contingency, specifically whether a favorable vote of the people may be made the condition. On the one hand, it is said that the event must be such as, in the judgment of the legislature, affect the question of the expediency of the law, and that upon this question the legislature must exercise its own judgment definitely and finally, and can appeal to no other man or men to judge for them.

It cites several cases and then quotes a dissenting opinion following the contrary view in different cases, which I will put in the RECORD with my remarks but will not take the time of the Senate to read now.

The matter referred to is as follows:

Per Ruggles, C. J., in Barto *v.* Himrod (8 N. Y., 483; 59 Am. Dec., 506; Cooley, Const. Lim. (7th ed.), 169). The point was thus put by Reed, J., in his dissenting opinion in Paul *v.* Gloucester Co. Circuit Judge (50 N. J. Law, 585; 15 Atl., 272; 1 L. R. A., 86): "The difference between the statutes based upon a valid contingency and those based upon a contingency void as a delegation of legislative power may, I think, be clearly stated. The first is a statute ordaining a fixed rule of civil conduct applying to a certain prescribed condition of fact which may arise in futuro. The last is a statute which leaves to the people the power to say whether, when such a rule has been enacted, it shall ever become operative. One leaves the rule a law ready to operate upon the subject matter whenever it arises. The other leaves it to another to say whether the rule shall ever become a law." (15 Atl., 286; 1 L. R. A., 96.) The opposite view is thus stated by Redfield, C. J., in State *v.* Parker (26 Vt., 357): "If the operation of a law may fairly be made to depend upon a future contingency, then, in my apprehension, it makes no essential difference what is the nature of the contingency, so it be an equal and fair one, a moral and legal one, not opposed to sound policy, and so far connected with the object and purpose of the statute as not to be a mere idle and arbitrary one. * * * It seems to me that the distinction attempted between the contingency of a popular vote and other future contingencies is without all just foundation in sound policy or sound reasoning, and that it has too often been made more from necessity than choice, rather to escape from an overwhelming analogy than from any obvious difference in principle in the two classes of cases; for * * * one may find any number of cases in the legislation of Congress where statutes have been made dependent upon the shifting character of the revenue laws, or the navigation laws, or commercial rules, edicts, or restrictions of other countries. In same, perhaps, those laws are made by representative bodies, or it may be by the people of these States, and in others by the lords of the treasury or the boards of trade, or by the proclamation of the sovereign; and in all these cases no question can be made of the perfect legality of our acts of Congress being made dependent upon such contingencies. It is, in fact, the only possible mode of meeting them, unless Congress is kept constantly in session. The same is true of acts of Congress by which power is vested in the President to levy troops and draw money from the Public Treasury upon the contingency of a declaration or act of war committed by some foreign State, Kingdom, Empire, prince, or potentate." In Smith *v.* Janesville (26 Wis., 291), Dixon, C. J., states the matter as follows: "But if is said that the act is void, or at least so much of it as pertains to the taxation of shares in national banks, because it was submitted to a vote of the people, or provided that it should take effect only after approval by a majority of the electors voting on the subject at the next general election. This was no more than providing that the act should take effect on the happening of a certain future contingency, that contingency being a popular vote in its favor. No one doubts the general power of the legislature to make such regulations and conditions as it pleases with regard to the taking effect or operation of laws. They may be absolute or conditional and contingent; and if the latter, they may take effect on the happening of any event which is future and uncertain. Instances of this kind of legislation are not infrequent. The law of Congress suspending the writ of habeas corpus during the late rebellion is one, and several others are referred to in the case In re Richard Oliver (17 Wis., 681). It being conceded that the legislature possesses this general power, the only question here would seem to be whether a vote of the people in favor of a law is to be excluded from the number of those future contingent events upon which it may be provided that it shall take effect. A similar question was before this court in a late case (State ex rel. Attorney General *v.* O'Neill, Mayor, etc., 24 Wis., 149) and was very elaborately discussed. We came unanimously to the conclusion in that case that a provision for a vote of the electors of the city of Milwaukee in favor of an act of the legislature before it should take effect was a lawful contingency, and that the act was valid. That was a law affecting the people of Milwaukee particularly, while this was one affecting the people of the whole State. There the law was submitted to the voters of that city, and here it was submitted to

those of the State at large. What was the difference between the two cases? It is manifest, on principle, that there can not be any."

It is perceived that the illustration given by Redfield, C. J., falls directly within the description of the admissible contingencies referred to by Ruggles, C. J., and Reed, J., which may be selected in advance by the legislature as determining the expediency of putting into operation the provisions of a given law, without recourse to the decision of the people of the State or country who are to be affected by that law, and whereby a vote may make the law operative or not, according to their own views of policy or expediency, without regard to the grounds on which the legislators acted in passing or proposing the law; in the former class of cases the act becoming a law and becoming operative by virtue of the authority of the legislature itself, and in the latter being reduced to a mere proposition to the electorate of a State, and becoming operative as a law by virtue only of the action of such electorate. It is also perceived that Dixon, C. J., offers the same class of illustrations and one other, the last being the case of a town or city voting to accept or reject a law provided by the legislature for a specified locality in a State, a municipal corporation of the State, a point to which we shall return later.

We incline to the views expressed by Ruggles, C. J., and Reed, J.

Judge Cooley, in his work on Constitutional Limitations, while expressing his personal opinion that the rule championed by Redfield, C. J., and Dixon, C. J., is the sounder one, yet concedes in his text that the opposite view has the weight of judicial opinion in its favor, so far as concerns general laws applicable to a whole State. (Id., 7th ed., pp. 168, 169.) See to the same effect the discussion contained in the Opinion of the Judges in re Municipal Suffrage to Women (160 Mass., 586; 36 N. E., 488; 23 L. R. A., 113), and State ex rel. *v.* Forkner (94 Iowa, 1; 62 N. W., 772; 28 L. R. A., 206); Ex parte Wall (48 Cal., 279; 17 Am. Rep., 425); Morford *v.* Unger (8 Iowa, 82); Santo *v.* State (2 Iowa, 165; 63 Am. Dec., 487); State *v.* Beneke (9 Iowa, 203); State *v.* Wilcox (45 Mo., 458); Gibson *v.* Mason (5 Nev., 283); State *v.* Hayes (61 N. H., 264); Thorne *v.* Cramer (15 Barb. (N. Y.), 112); Barto *v.* Himrod (supra); People *v.* Stout (23 Barb. (N. Y.), 349); Parker *v.* Com. (6 Pa., 507; 47 Am. Dec., 480); Cin., etc., Ry. Co. *v.* Clinton (1 Ohio St., 77); People *v.* Collins (3 Mich., 343).

But the great majority of the cases seem to favor the constitutionality of what are termed "local-option laws," under which the people of a county, city, or town are permitted to decide by a popular vote whether a given statute, providing police regulations in respect of the sale of intoxicating liquors, the running of live stock at large, etc., shall be operative in such county, city, or town. (Cooley, Const. Lim., 7th ed., 172–174; 19 Am. & Eng. Ency. Law, 2d ed., pp. 488–496.)

We have read and considered such of the cases cited as are accessible to us, and in the discussions contained in the majority and minority opinions appearing in these cases we have had the benefit of many other authorities not directly accessible, and we have attentively considered the grounds on which the numerical weight of authority is rested. It would be a useless consumption of time to attempt a discussion of these cases—indeed, an impossible task within the limits of a judicial opinion.

Suffice it to say that questions of State constitutional law are, in a very important sense, peculiarly local, and in every jurisdiction the court of last resort must decide for itself the meaning of the constitution under which it exists and the validity of laws enacted by the legislative branch of the government. The decisions of other courts construing constitutions containing similar provisions can be, at most, only suggestive and advisory.

Upon the subject of a popular vote to determine whether a legislative act shall be effective within a given subdivision of the State, our constitution contains the following provisions:

By article 2, section 29, it is provided that: "The general assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes, respectively, in such manner as shall be prescribed by law. * * * But the credit of no county, city, or town shall be given or loaned to or in aid of any person, company, association, or corporation, except upon an election to be first held by the qualified voters of such county, city, or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city, or town become a stockholder with others in any company, association, or corporation, except upon a like election and the assent of a like majority."

By article 10, section 2, it is provided: "No part of a county shall be taken off to form a new county, or a part thereof, without the consent of two-thirds of the qualified voters in such part taken off; and where an old county is reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the legislature, nor shall the seat of justice of any county be removed without the concurrence of two-thirds of the qualified voters of the county."

By article 2, section 1, it was provided that: "The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial."

By section 2 it was provided that: "No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed and permitted."

PEOPLE THROUGH LEGISLATURES ONLY WAY TO AMEND CONSTITUTION.

Mr. JONES. The only power reserved in our National Constitution is the power of the people to vote upon amendments. That, even, is not reserved to the people of the District of Columbia in our National Constitution. The only power that can amend the Constitution of the United States is that of the people of the different States of the Union acting through their legislatures, or it may be submitted through conventions. The court says:

The only power of legislation which was reserved to the people at large was the power to vote upon amendments to the constitution. (Art. 11, sec. 3.) For the rest they were content to reserve to themselves the power of electing their officers for limited terms, and to reserve the various fundamental rights embraced in the Bill of Rights, only one of which latter, that embraced in section 23, bears upon legislation. That section declares "that the citizens have a right, in a peaceable manner, to assemble together for the common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by address or remonstrance."

It is a well-recognized principle that the legislature of a State has all powers of legislation, except in so far as it may be restrained by the constitution of the State or of the United States, expressly or by necessary implication. (Redistricting Cases, 111 Tenn., 234, 291, 292, 80, S. W., 750.)

There is another principle which should be recalled at this stage of the discussion, viz: That legislative power can not be delegated except in those special instances in which the Constitution itself authorizes such delegation or those sanctioned by immemorial usage originating anterior to the constitution and continuing unquestioned thereunder.

And all the cases that apparently held that the legislative power can be delegated are as a matter of fact based upon that principle of the law as declared by this court:

The immemorial usage referred to has found its expression in only two forms: Firstly, in the powers conferred upon municipal corporations in their several charters, and by general statutes applying to such corporations and pertaining to the ordering and administration of their local affairs; secondly, in the powers conferred upon the quarterly county courts of the several counties of the State for the management of local matters. It is said in our cases that the counties of the State are municipal corporations of a noncomplex character; that the county courts constitute the governing body of these corporations; that these courts have judicial and police powers; that "they can exercise that portion of the sovereignty of the State communicated to them by the legislature and no more"; and that "in the exercise of the powers so conferred they become miniature legislatures, and the powers so exercised by them, whether they are called municipal or police, are in fact legislative powers." (Grant *v.* Lindsay, 11 Heisk., 666; Maury Co. *v.* Lewis Co., 1 Swan, 236, 240; Redistricting Cases, 111 Tenn., 253–257, 80 S. W., 750.) The origin of the power to delegate legislative functions to the counties is not only to be found in ancient usage, but also may be traced to the direct language of the Constitution, which provides, in Article XI, section 9, that "the legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be expedient."

But in delegating the powers mentioned to municipal corporations proper, or to counties, the legislature has always under our system dealt with the governing bodies of these organizations as the representatives of the constituent people and not directly with the people themselves. Nor is the principle impaired by the force of the well-recognized rule that the acceptance, rejection, or surrender of municipal charters may be left by legislative act to the vote of the people embraced in an existent or proposed municipality (Cooley Const. Lim., 7th ed., 165, 166; Brinkley *v.* State, 108 Tenn., 475, 67 S. W., 796), any more than by the fact that general charters may be framed for the creation of private corporations which may never become actually operative until adopted by the requisite number of persons organizing under them, and which may subsequently be surrendered by the same persons or their successors.

We see no difference in principle between making the operative efficacy of an act of the legislative dependent upon the contingency of a favorable vote of the whole constituency of the State (which we have seen can not be done) and making the efficacy of an act dependent upon the favorable vote of a single county, and there is none. Such difference can not be found in the fact, as many cases in other jurisdictions hold, that the powers conferred upon such subordinate divisions of the State are police powers. The nature of the powers conferred may have, and no doubt does have, a controlling influence in determining whether they shall be delegated at all, but can have no influence in fixing the method under which they shall be devolved. Whether a legislative act embrace police powers or other powers, rights, or duties, at last it is but a legislative act, and to be valid must square with the Constitution in all respects. All legislative acts, regardless of their contents or of their relative importance, must pass the same ordeal, not one, from a constitutional standpoint, being entitled to more consideration, or subjected to more stringent limitations, or to be treated with more leniency than any other. All must be measured with the same measure.

On these grounds we are of the opinion that, under our Constitution, no legislative act can be so framed as that it must derive its efficacy from a popular vote. To be valid it must leave the hands of the legislature complete; not in the sense that it must go into effect at once, it is true, but it must at its birth bear the impress of sovereignty and speak the sovereign will. If it contain within itself a condition or a contingency suspending to some future time, or to the happening of some future event, its obligatory force as a rule of action or conduct of the people for whom it was intended, that contingency or that event must be one selected by the sovereign power itself as one the happening of which shall render it immediately expedient that the suspension of the power inherent in the act shall cease, and that it shall at once become operative as a rule of conduct for the government of the people. Obviously, if the contingency selected be the favorable vote of the people who are to be governed by the law, it is that vote which makes the statute efficacious as a law and not the antecedent will of the legislature, the constitutional lawmaking power. It is said in some of the cases that the vote is the effect of the law, and not the law the effect of the vote; but we think this is a mere play on words, since it is clear that, if all laws were made dependent upon such a contingency, representative constitutional government would be destroyed.

It is the purpose of our institutions, so far as they concern legislative bodies, that the popular will should find expression in the laws enacted by such bodies. This is to be accomplished, however, under the Constitution, by sending representatives to those bodies whose views upon public questions are known and whose faithfulness is approved, and by petition and by instructions formulated in popular assemblies and forwarded to the lawmaking power, and by retiring from public life those who fail to truly represent their constituents, and by sending in their stead others who will supply what has been left undone and correct what has been wrongfully done.

In Seventeenth American Reports is found the decision in the case of Ex parte Wall, Forty-eighth California, page 279, from which I quote the following:

But it does not follow that a statute may be made to take effect upon the happening of any subsequent event which may be named in it. The event must be one which shall produce such a change of circum-

stances as that the lawmakers, in the exercise of their own judgment, can declare it to be wise and expedient that the law shall take effect when the event shall occur. The legislature can not transfer to others the responsibility of deciding what legislation is expedient and proper, with reference either to present conditions or future contingencies. To say that the legislators may deem a law to be expedient, provided the people shall deem it expedient, is to suggest an abandonment of the legislative function by those to whose wisdom and patriotism the Constitution has intrusted the prerogative of determining whether a law is or is not expedient. Can it be said in such case that any member of the legislature declares the prohibition or enactment to be expedient?

A statute to take effect upon a subsequent event, when it comes from the hands of the legislature, must be a law in presenti to take effect in futuro. On the question of the expediency of the law, the legislature must exercise its own judgment definitely and finally. If it can be made to take effect on the occurrence of an event, the legislature must declare the law expedient if the event shall happen, but inexpedient if it shall not happen. They can appeal to no other man or men to judge for them in relation to its present or future propriety or necessity; they must exercise that power themselves, and thus perform the duty imposed upon them by the constitution. But, in case of a law to take effect, if it shall be approved by a popular vote, no event affecting the expediency of the law is expected to happen. The expediency or wisdom of the law, abstractly considered, does not depend on a vote of the people. If it is unwise before the vote is taken, it is equally unwise afterward. The legislature has no more right to refer such a question to the whole people than to a single individual. The people are sovereigns, but their sovereignty must be exercised in the mode pointed out by the constitution. (Barto *v.* Himrod, 8 N. Y., 483; Rice *v.* Foster, 4 Harr., 479.)

It was argued that the general statute which prohibits the sale of intoxicating liquors without license and the "local option" statute should be read as one law, and so reading them, that it is not left to the popular vote to give effect to the law, but only to determine whether licenses shall be issued under the law. This distinction seems to have been recognized by the Supreme Court of New Jersey in State *v.* Morris Common Pleas, 36 N. J., 72; S. C., 13 Am. Rep., 422. There a statute was sustained which, in itself, contained a prohibition of sales without license, and then left to the people in town meeting, to say whether licenses should be granted. The supreme court of that State, after stating the test to be whether the enactment, when it passed from the hands of the lawgivers, had taken the form of a complete law, said: "It (the statute) denounces as a misdemeanor, the selling of liquor without license; so far it is positive and free from any contingency; it is left to the popular vote to determine, not whether it should be lawful to sell without license, but whether the contingency should arise under which licenses should be granted." The New Jersey statute left the option whether licenses should or should not be granted to the people in "town meeting." The difference between the action of towns, as local governments, and a submission to the voters living in any merely territorial subdivision of a county, will be hereinafter pointed out. I do not think, however, that the distinction asserted by the Supreme Court of New Jersey can be maintained. A law being in operation authorizing the business of retailing liquors, provided a license be first obtained, the legislature enacts that the people of a town shall determine whether any license shall be granted. If they determine that licenses shall not be granted, none can be issued.

It is plain in such case that the lawmakers do not intend to establish the new rule, until it shall have other sanction and allowance than that of the legislature itself. Licenses were granted by authority of the old law; they can be prohibited only by a new law. But in the case supposed, the legislature does not determine that licenses shall not be granted, but leaves it to the popular vote to determine the very contingency which the legislature must determine for themselves, in order to give effect to the law.

It is certain that the sections of the general revenue law relating to licenses to vendors of liquors, remain in force until the vote is counted and announced, as required by the statute; it is equally certain (if the statute is valid) that these sections cease to have force from the time the vote is announced, if the majority is against license. By whom, in such case, are the provisions of the revenue law repealed or suspended—by the legislature or by the people of the town?

And we are thus brought to another question: Can this law be sustained as in effect conferring on "towns" the power of regulating within their limits the sale of intoxicating liquors?

In determining this question I do not deem it necessary to decide any of the following:

1. Can the officers of a city or town be empowered to regulate the sale of intoxicating liquors; and, if so, can they prohibit the sale in certain quantities under the power to regulate it?

2. Can a city or town, by ordinance or by law, make that a criminal offense which is legalized by the general laws of that State?

3. Does an act of the legislature authorizing a by-law, the effect of which is to relieve those making sales of more than five gallons, within the town, from the payment of a license tax, which those engaged in the same business outside of the town are obliged to pay, violate the provision of the constitution: "All laws of a general nature must have a uniform operation"?

4. Would a law be unconstitutional which conferred a power upon the officers of a county or town, to be exercised at the option of the officers, provided the people of the county or town should vote in favor of the exercise of the power by the officers?

It is enough to say this statute can not be sustained as conferring on the towns the power referred to, because no "towns" have ever been created in this State.

Our constitution, in terms, makes it the imperative duty of the legislature to create certain local governments. "The legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State." Article 11, section 4. "It shall be the duty of the legislature to provide for the organization of cities and incorporated villages," etc. Article 4, section 37. The behest of the constitution as to "town" will be obeyed when a system of town governments shall be established by law. When the system shall be established, the towns may make such rules or by-laws as they shall be authorized to make by the statutes which shall give them life and entity. The bestowal on them of the power to make proper local rules or by-laws will not be a delegation of legislative power conferred on the senate and assembly, because, as was said in Houghton *v.* Austin, supra, the exercise of such power by the counties, towns, cities, and incorporated villages, is recognized by the same constitution which confers the general legislative power upon the State legislature.

LEGISLATURES CAN NOT DELEGATE AUTHORITY.

In the case of Lammert, appellant, against Lidwell, Sixty-second Missouri, page 188, found in Twenty-first American Reports, page 411, I quote from the decision of the court as follows:

By the constitution of this State the legislative power is vested in the general assembly, composed of the senate and house of representatives. They must exercise the legislative authority in the enactment of laws and they can not delegate their trust. The legislature can not propose a law and submit it to the people to pass or reject it by a general vote, for that would amount to legislation by the people. But a law may be passed, which is complete in itself, to take effect in a future contingency or upon the happening of an event.

The question has been before this court upon several occasions, and the line of distinction has been drawn in reference to the different character of such laws. There is a general law upon the statute in regard to the incorporation of towns, investing the county courts with power to declare them incorporated upon the performance of certain conditions by the inhabitants. This law was contested for the reason that it was a delegation of political power and that the proceedings of the court were legislative in their character. But the statute was decided to be valid on the ground that the corporation derived all its power from the law and that the court merely gave the law application when certain conditions were performed by the inhabitants. (Kayser *v.* Bremen, 16 Mo. 88; State *v.* Weatherby, 45 id. 17.) So, acts of the legislature authorizing towns, cities, and counties to subscribe stock in corporations and incur expenses for different purposes have been uniformly upheld. The validity of such laws has never been doubted since the decision in the City and County of St. Louis *v.* Alexander, 23 Mo., 483. The provision in the statute authorizing cities and towns to organize for school purposes, upon a vote of the people, has been declared constitutional (State *v.* Wilcox, 45 Mo., 458), and the township organization law was declared not to be liable to any objection, as it was a law which took effect from and after its passage, and where a majority of the voters in a county voted for it, their votes did not create the law, but placed the county voting for it within its provisions. (Town. Organ. Law, 55 Mo., 295.)

It may now be conceded as the established doctrine that statutes creating municipal corporations or imposing liabilities upon municipalities, or authorizing municipalities to incur debts and obligations, or to make improvements, may be referred to the popular vote of the districts immediately affected—that is to say, the people of such districts may decide whether they will accept the incorporation or will assume the burdens. This is the prevailing rule in reference to local measures. But in all these cases the legislature had enacted a complete and valid law, according to the prescribed usages governing the passage of laws, and the happening of the contingency or the future event, which furnishes the occasion for the exercise of the power, gives no additional efficacy to the law itself. It derives its whole vigor and vitality from the exercise of the legislative will and not from the vote of the people. But no body but the legislature can make or repeal a law. The provision of the road law of 1851, which declared that if the county court of any county should be of opinion that the provision of the act should not be enforced, they might, in their discretion, suspend the operation of the same for any specified length of time, and thereupon the act should become inoperative in such county for the period specified in such order; and thereupon order the roads to be opened and kept in good repair under the laws heretofore in force, or the special acts on the subject of roads and highways, were adjudged to be unconstitutional and void in this court, as attempting to confer upon the county courts legislative power. (State *v.* Fields, 17 Mo., 529.)

In one of the leading cases on the subject (Barto *v.* Himrod, 4 Seld., 483) the Legislature of New York framed a school law and submitted it to the people, one section providing that "the electors shall determine by ballot at the annual election to be held in November next whether this act shall become a law"; and a further provision was made, in another section, that in case a majority of all the votes cast should be against the law, then the act should be null and void; but if the majority was in favor of the law, then the act should become a law and take effect. It was held that the law was unconstitutional; that the legislature had no power to submit a proposed law to the people, nor had the people power to bind each other by it. The Legislature of Delaware passed an act to authorize the citizens of the several counties of the State to decide by ballot whether the license to retail intoxicating liquors should be permitted. By this act a general election was to be held, and, if a majority of votes in any county should be cast against license, it should not thereafter be lawful for any person to retail intoxicating liquors within such county, but if a majority should be cast in favor of license, then licenses might be granted in the county so voting in the manner and under the regulations in the act prescribed. The court in that State held that the act was void, as an attempted delegation of the trust to make laws. (Rice *v.* Foster, 4 Harr., 479.) So, in Pennsylvania, a license law was held unconstitutional on similar grounds. (Parker *v.* Com., 6 Penn. St., 507.) The question was recently discussed in New Jersey in a case testing the validity of the local-option law of that State, and the law was held to be constitutional on the ground that municipal corporations and townships, or the people thereof acting collectively, might be invested with authority to regulate or prohibit the retail of intoxicating liquors. (State *v.* Morris Com. Pl., 7 Vroom., 72; S. C., 13 Am. Rep., 422.) But the court placed the decision distinctly upon the fact that the legislature enacted the law, and that it derived all its force and vitality from the enactment.

The reasoning of the court was in perfect harmony with all the leading decisions. It was said that if the right to declare what the law shall be in one case may be referred to the people, the right to do so may be given in all cases, and thus the legislature may divest itself wholly of the power lodged in it by the fundamental law, until by subsequent legislation it shall be rescinded; that it is also obvious that it is not competent to delegate to the people the right to say whether an existing law shall be repealed or its operation suspended. To say that what is now the law shall not hereafter, or shall not for a specified time, be the law, is in effect to declare the law to be otherwise than it now is and is a clear exercise of the lawmaking power. The will of the legislature must be expressed in the form of a law by their own act. If it is left to the contingency of a popular vote to pronounce whether it shall take effect, it is not the will of the lawmakers but the voice of their constituents which molds the rule of action. If the vote is in the affirmative, it is law; if in the negative, it is not law. The vote makes or defeats the law, and thus the people are permitted unlawfully to resume the right of which they have divested themselves, by a written constitution, to declare by their own direct action what shall be law.

After pursuing this course of argument, the court declared, upon an examination of the act under consideration, that the test was whether

the enactment, when it passed from the hands of the lawgiver, had taken the form of a complete law, and it was decided that it was a complete law. It denounced as a misdemeanor the selling of liquor without a license, so far as it was positive and free from any contingency. It left to the popular vote to determine, not whether it should be lawful to sell without license, but whether the contingencies should arise under which license might be granted.

Our form of government is a democracy, but it is a representative democracy. It is impracticable for the people to assemble in mass to make laws, hence the power was delegated to representatives chosen for that purpose. It is not only the right of the representatives, when assembled in the legislature, to make laws, but it is their duty to do so. When the people, through the Constitution, delegated the lawmaking power to the legislature, it conferred an authority and imposed a duty which could not be exercised by any other body of men. Therefore, every law, to have any binding force or validity, must, when it emanates from the legislative body, have the form and character of a complete enactment. It must operate by virtue of the legislative authority and not depend upon popular action or the people's suffrages for its vitality. If the law is regularly enacted according to the prescribed forms of legislative procedure, it may well be allowed to depend upon contingencies for its operation upon classes or localities, but it can not be made to depend for its existence upon any other than the legislative will.

Is the law we are now considering in reference to the restraint of animals a valid law or is it a mere proposition to the people of certain counties to make it a law if they see proper to do so? It is very evident that it can have no existence or obligatory force unless the same be imparted to it by a vote of the people. The title to the act does not purport to be the title of a general law or of a legislative enactment, but it declares that it is an act to prevent domestic animals from running at large in those counties which, by a majority vote, may decide to agree thereto; not an act of the legislature, but an act of the counties which may in reality adopt it. The title is a fair index and exponent of the true intent and meaning of the law. The first section provides that the county court of any county may submit to the voters the question of restraining domestic animals, and then it is declared in the second section that, if a majority of the votes in any county is in favor of the restraint, then it shall be unlawful in that county for animals to run at large, according to the provisions of the third section. The fourth section prohibits the county court from ordering a special election for the adoption of the law oftener than once in each year. In other words, this last section gives the voters of each county the authority, once in each year, to determine whether they will enact a law for their special benefit. If they decline, under the provisions of the first and second sections to legislate on the subject, then the law has no existence. The law is entirely special in its nature, and whilst under the construction that has been given to the clause in the Constitution in regard to special legislation, it has been held that the legislature was to judge whether the special law was needed or was applicable, it was at the most of even this construction a legislative discretion, and could be exercised only by the legislature. But here the legislature does not assume that, even in its opinion, the law is necessary in a given or particular county. It remits the question wholly to the county itself. The second, or amendatory act, is made entirely applicable to St. Louis County, and by the act the people of the county determine for themselves whether they shall enact a special law. It is true the last-named act does not provide for a new election, but the law only has any force or existence at all in the county by virtue of the election in the first instance. In examining the whole act I am unable to arrive at any other conclusion than that the law depends altogether on a vote of the people and that it should be declared void as being an attempt to exercise the lawmaking power by a body other than the legislature.

I therefore think the judgment should be reversed. All the judges concur except Judge Vories, who is absent. Judgment reversed.

In Sixty-first New Hampshire Reports, page 329, I find that the court has this to say in the case of State against Hayes:

In the organization of the State government, for reasons by them deemed sufficient, the people vested the supreme legislative power not in themselves, but in certain agents, as a personal trust to be executed under the obligation of an official oath. By this oath they bound each senator and representative "accepting the trust" to the support of the constitution and the constitutional performance of his fiduciary duty. (Constitution, Art. II, 84.) They were of opinion that while there might be good reason for granting to municipalities a limited power of making local law, it was not wise to attempt to carry on the work of State legislation in town meeting. They might have made an effort to overcome one of the difficulties of that method by authorizing a State committee to propose laws and requiring the governor to ascertain and proclaim the result of the popular vote in the manner adopted by the act of 1879. They preferred, and they established, a representative repuolic; and they did not confer upon the legislature the power of abolishing it, repealing the second article of the constitution, and changing the supreme law-making body into a committee on proposals. That power the legislature would have if they could transfer from themselves to others the responsibility of passing or refusing to pass a law of a nonlocal character. If the power of general legislation could be conveyed by the act of 1879 to those who might be induced to exercise it in town meeting, all laws cculd be made and repealed in the same way, and the reprecentative character of the government could easily be extinguished. If the senate and house can transfer the powers and responsibilities of general legislation, they can select their assignee, to whom all executive and judicial functions being also conveyed by the governor, council, courts, and juries, the concentrated despotism, prohibited by the thirty-seventh article of the bill of rights (Ashuelot R. R. Co. *v.* Elliot, 58 N. H., 451, 452, 453), can be introduced.

Mr. President, it seems to me that the logic of these decisions is absolutely incontrovertible. I shall not take the time to quote from these other decisions, but will put them in the RECORD. As I said in the case reported in Sixty-first New Hampshire, the various decisions on both sides of the question are very fully considered not only in the briefs of counsel but by the court itself, and the court reaches the conclusion that such laws are unconstitutional. As I said a while ago, there is much more reason for holding such a referendum unconstitutional in the District of Columbia than in any State in the Union.

WHY TEMPERANCE PEOPLE OPPOSE REFERENDUM IN DISTRICT.

Some will ask why the temperance people are asking for a referendum to the States on the question of national prohibition and are opposing a referendum to the people in the city for District prohibition. The reason is plain to anyone who will think it over, even for a moment. The one is clearly constitutional and the other is of doubtful validity. A referendum to the States, through their legislatures, to amend the National Constitution is the method provided by that instrument. A referendum direct to the people of the District of proposed legislation is not provided for in the Constitution and is of more than doubtful validity. Furthermore, there can be no justification in singling out one subject for a referendum when such a proceeding is wholly contrary to the policy of the Government of the District and especially so where there is neither a system of determining any electorate nor any machinery to record the will of any who might be enfranchised. Many interlocking questions must be considered before any such legislation is proposed. What sort of suffrage shall we have—manhood, equal, qualified, unqualified, limited, or unlimited? These must necessarily be determined before a referendum can be had. If the Congress wants to give sovereignty to the District, let it do so in the regular and constitutional way, and then after that referendums may be justified.

It is sought to scare the business men of the District of Columbia. The National Hotel Gazette, which seems to be one of the special advocates of the liquor traffic, in its issue of January 24, 1916, said:

Prohibition in Washington spells ruin for the Capital of the great Republic. It will cease being the show city of the Nation and will become a way place on the map of the country. It will be shunned by the traveler and hated by the resident. Real estate values will suffer immeasurably, and the activities of its municipal life will be greatly hampered.

This is certainly a direful and doleful prediction, but it is so extravagant as to carry with it its own refutation. I will, however, allow one to answer this prophecy who used substantially the same arguments in the city of Seattle last fall, when the State of Washington was about to vote upon the State-wide prohibition amendment to its constitution. Maj. C. B. Blethen is the energetic and able editor of the Seattle Times. Seattle is a seaport city almost as large as Washington. The Seattle Times opposed the prohibition amendment most vigorously. Prohibition carried, and Seattle became dry January 1 of this year.

FORMER OPPONENT OF PROHIBITION IN SEATTLE RELATES BENEFITS.

This is what Maj. Blethen said in an interview in the Kansas City Times of February 9, 1916:

My paper fought its damnedest against prohibition. We fought it on economic grounds alone. We believed that in a great seaport city with a population of upward of 300,000 prohibition would be destructive; it would bring on economic disaster. We believed that under our system of licensing saloons we had the liquor traffic about as well controlled as it could be, and we wanted to let it alone, and so we fought as hard as we could fight. But, in spite of all we could do against it, prohibition carried, and it went into effect in Washington January 1. We have had a month of it now.

And how has it worked out?

BUSINESS EXPANDED QUICKLY.

We already know that it is a great benefit morally and from an economic standpoint. Its moral benefit has been tremendous. Seattle had 260 saloons, and we had an average of 2,600 arrests a month for crimes and misdemeanors growing out of liquor drinking. In January we had only 400 arrests, and 60 of those were made January 1 and were the results of hang overs from the old year. That in itself is enough to convince any man with a conscience that prohibition is necessary. There can be no true economy in anything that is immoral.

And on top of that great moral result we have these economic facts: In the first three weeks of January the savings deposits in the banks of Seattle increased 15 per cent. There was not a grocery store in Seattle that did not show an increase of business in January greater than ever known in any month before in all the history of the city, except in holiday time. In all the large grocery stores the increase was immense. In addition to this, every dry-goods store in Seattle except one, and that one I have no figures from, had a wonderful increase in business. Each store reported the largest business ever done in one month, except in holiday time.

THE WOMEN AND CHILDREN PROFIT.

I wished to know in what class of goods the sales increased so greatly, and so I sent to all the grocery and dry goods stores to find that out. And to me it is a pitiful thing, and it makes me sorry that we did not have prohibition long ago—that the increase in sales in all the dry-goods stores was in wearing apparel of women and children and in the grocery stores the increase was made up chiefly of fruits and fancy groceries. This proves that it is the women and children who suffer most from the liquor business, and it is the women and children who benefit greatest from prohibition. Money that went formerly over the bar for whisky is now being spent for clothing for the women and children and in better food for the household.

It is just like this: When you close the saloons the money that formerly was spent there remains in the family of the wage earner, and his wife and children buy shoes and clothing and better food with it. Yes, sir; we have found in Seattle that it is better to buy shoes than booze. The families of wage earners in Seattle are going to have more food and clothes and everything else than they had before.

IT ACTUALLY PROHIBITS.

And is the prohibition law enforced?

Absolutely. Prohibition does prohibit.

And how about the empty saloons and the landlords who own them?

Many of them have already been made over and are occupied by other businesses. I will venture the prophecy that in one year from to-day

you won't be able to find a place in Seattle where there was a saloon. They will all be occupied by other businesses. And prohibition has not lowered rents. I know of one big dry-goods store that has already had its rent raised since prohibition went into effect.

COAST STATES ALL WILL BE DRY.

Oregon also went dry January 1. California is the only wet State left on the Pacific coast, and it will go dry January 1, 1918. And those three States will remain dry to the end of time. None of them would ever have saloons again. Those who were honestly opposed, as I was, to prohibition in Washington and Oregon have been converted to it, as I have been, by the actual evidence that prohibition is a fine thing from a business standpoint. No city and no community, too, can afford to have saloons. They are too expensive, morally and economically. In a very few years there will not be a licensed saloon in the whole Nation, and that will be a fine thing.

Mr. THOMAS. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. I yield.

Mr. THOMAS. If the Senator will permit me, I want to add to the statement of the Seattle Times, with regard to the effect of prohibition upon that city, the information which I received concerning the effect of prohibition upon the city of Denver, where I live. My information is that its effect there—and it went into operation on the 1st day of January—is confirmatory in every particular of the account given of its effect and operation in Seattle.

Mr. JONES. I could read statements from other cities and towns in my State, all bearing out this same statement; but the case was so well stated by Maj. Blethen, who was one of those who honestly opposed the proposed law in the first place, that it seemed to me sufficient to read his statement to the Senate.

Mr. THOMAS. I interrupted the Senator from Washington also because the city of Denver is only a few thousand smaller in population than the city of Seattle, and the argument made in Denver against prohibition—and I thought there was a good deal of it—was along the same lines on which it was made by the editor of the paper from which the Senator has read. The prophecies and predictions which were made of the effect of prohibition upon large cities—it being conceded that it would not be the same in the smaller places—have all been unverified by the logic of events.

SUPPORTER OF REFERENDUM SHORT-SIGHTED.

Mr. JONES. Mr. President, the business men of this District who support this referendum are following a very short-sighted policy, in my judgment. Forty or fifty thousand residents of the District have retained their legal residences in the States from which they came. They did this under the law and the Constitution, and they certainly had a right to expect this status to continue until other provisions should be made for the preservation of their rights. They now have the right to vote for President, Senators, Representatives, and for State officers in their respective States. They are the best and most intelligent residents of the District and of the principal customers of these business men, except of the saloons.

If this referendum is submitted, these people must disfranchise themselves and lose all the rights which they prize so highly, in order to vote upon one proposition here or else they must refuse to vote upon such a proposition, although it may be of the greatest interest to them. What does any business man hope to gain by slapping these people in the face this way? If he seeks financial gain, he will surely be the loser in the end. Who will be the gainer from that condition? The saloon interest, and it knows it.

He is shortsighted in allying himself with that baneful traffic that is more and more becoming obnoxious to the best sentiment of the Nation. This is the people's Capital. It is maintained for the Nation and not alone for the residents of the District. Every section of the country is interested in making this the most beautiful Capital of the world, and they want it beautiful in morals, intelligence, and in those conditions that make for happiness and comfort in the home. I went all over my State last summer telling of the beauties of our Capital, and the statement that this is the Capital of the whole country and that all the people are interested in it and that it should be made the most beautiful Capital in the world was enthusiastically approved. Make them believe that the business men of Washington have no regard for the moral sentiment of the country in the gratification of their own selfish desires, and they will make their displeasure felt in a way that will not promote the selfishness of such business men. There is a moral sentiment in Congress that is going to become stronger as the force for decency, good living, law and order increases. They would better ally themselves with that force rather than with that interest which thrives on vice, corruption, desolated homes, ruin, and financial and moral wreckage.

Those who believe in self-government for the District will not help their cause by favoring this referendum, assuming that Congress has authority under the Constitution to grant legislative self-government to the people of the District. It simply lets the people say "yes" or "no" upon a single proposition under the most unfavorable circumstances. Instead of furthering self-government, it will undoubtedly retard it.

There is also a sentiment, growing stronger and stronger and which will eventually prevail, that the women of the country are as intelligent and as capable of voting as the men. No one will deny that the women of any locality are as capable of passing upon the question of prohibition as men, if not more so. They know what the liquor traffic is; they know how it works; they know its terrible effect upon the flour barrel, the clothes closet, the bank account, the bodily health, the morality of humanity and the happiness of homes more even than men. She it is that must endure the most intense suffering that comes from the liquor traffic. This is said to be a referendum to the people. The people's will, we are told, should control on this great moral issue; and yet every ignorant, besotted, vicious, corrupt, and unconvicted man is permitted to vote under this so-called people's referendum upon this great moral issue, while every intelligent, refined, educated, pure, home-loving, God-fearing woman is excluded from voting upon it.

Stripped of all the gloss of political liberty and professions of friendship for the people's will, this proposition is a plan that will permit crime, debauchery, corruption, ignorance, and intimidation to ally itself with something of decency and intelligence in behalf of a traffic that produces more crime, more poverty, more sorrow, more suffering, and more broken hearts and desolated homes than any influence since the world began, and to exclude the highest intelligence, the sweetest influence, and the strongest civilizing force in the world from assisting in the overthrow of this accursed traffic. Stripped of all its professions of personal rights and political privileges, this referendum might well say with the Veiled Prophet of Khorassan:

Here judge if hell, with all its power to damn,
Can add one curse to the foul thing I am.

MANUFACTURE OF ARMOR.

Mr. CURTIS. Mr. President, it was not my intention to take up the time of the Senate in a discussion of the subject of the Government manufacture of armor as provided in Senate bill 1417, because I had hoped and expected that members of the committee reporting the bill would favor the Senate with a full and complete statement in regard to the measure. Not having had the pleasure of hearing the bill discussed and explained, I concluded to carefully examine the hearings, the bill, and the report.

I am opposed to the bill for several reasons, but will take the time of the Senate only long enough to mention one or two of them.

It seems to me that before voting upon this measure, which calls for an appropriation of $11,000,000 and will likely take much more from the Treasury if the project is authorized, the Senate should consider the condition of the Treasury and the calls that are likely to be made upon it within the next year. The excess of ordinary disbursements over ordinary receipts up to March 16 for the fiscal year 1916 amount to $59,927,291.55. The estimates of the regular annual appropriations for the year ending July 1, 1917, amount to $1,285,857,808.16, which is an increase of $195,082,673.78 over the estimates for the year ending July 1, 1916. It must be remembered that the estimates for 1917 are the largest ever before sent to Congress, and the indications are that a much larger sum will be called for and appropriated before the year is ended.

In view of the fact that this administration has been compelled to resort to a war tax in the time of peace, and the majority in Congress is now looking for more items to add to the war-tax list it seems to me that the exercise of good judgment would cause Congress to make no appropriations except those which are actually needed. Measures that are not necessary should be delayed until some future time.

The bill calls for an appropriation of $11,000,000, but a careful reading of the hearings will convince anyone that a much larger sum will be required if the project is undertaken. I desire to call your attention to pages 137 and 138 of the hearings:

Senator CHILTON. How much armor plate will the Government require from this time on by the naval program?

Admiral STRAUSS. It will require about 120,000 tons of armor in the next five years.

Senator CHILTON. About 25,000 tons a year?

Admiral STRAUSS. It will require 113,000 tons actually to be placed on ships and then the test plates amounting to about 7 per cent must be added to that; in other words, they will have to produce about 120,000 tons in the five-year period.

Senator CHILTON. This bill provides for a plant to cost not exceeding $11,000,000. Have you gone into that question? I believe you said you had, and that that would build a plant that would produce about 10,000 tons a year?

Admiral STRAUSS. No, sir; that was for the 20,000-ton plant.

Senator CHILTON. This $11,000,000 is?

Admiral STRAUSS. Yes, sir.

Senator CHILTON. That would not be quite as much as we would need, would it?

Admiral STRAUSS. If the building program is carried out, it calls for 24,000 tons per annum average.

Senator CHILTON. What arrangements did you have in mind, or has the department in view, to provide the other 4,000 tons?

Admiral STRAUSS. We have made no arrangement for the other 4,000 tons.

Senator CHILTON. Have you made any estimate or investigation to enlighten the committee as to how soon with this expenditure we could begin the production of armor?

Admiral STRAUSS. We estimated we would have the plant completed in three years from the time that we were authorized to construct it. That estimate was made about a year ago, and undoubtedly now the time would have to be increased and the cost would have to be increased if the present prices and demand for all these materials remains as at present.

Senator CHILTON. In other words, you can see at least three years of an interim before we could begin the production of armor plate, before the plant would be ready. Now, what is your idea of what would become of us in the three years intervening; what would we do for armor plate in the meantime?

Admiral STRAUSS. We would have to buy our armor plate just where we are buying all of it to-day, from existing manufacturers.

Senator CHILTON. Supposing they would quit making it? Have you contracts covering that period?

Admiral STRAUSS. No, sir.

To show that there is quite a difference of opinion as to what such a plant would cost, I desire to call your attention to pages 139 and 140 of the hearings:

Senator PENROSE. Admiral, you have stated that this $11,000,000 would build a plant that would have a capacity of about 20,000 tons a year?

Admiral STRAUSS. Yes, sir.

Senator PENROSE. Mr. Dinkey has stated to-day that, in his opinion, it would build a plant with a capacity of ten or twelve thousand tons. There is considerable difference of opinion here. I would like to ask Mr. Dinkey whether he can explain it.

Mr. DINKEY. I think I have had a little more experience in the business than the admiral has had; and for a great many years I have been very careful to make my estimates a little higher than I did previously, because I have had some very bitter experiences before boards of directors when I overran my estimates. So I think to build a 20,000-ton plant for $11,000,000 you would find it overrun a very great deal.

* * * * * * *

Senator PENROSE. We have struck a very serious difference of opinion as to capacity, varying 100 per cent. Now, I would like to find out just what difference there is in cost to the Government?

Mr. GRACE. In reference to the cost of plants, if you wanted me to speak on that, as we deducted at Bethlehem at the same time this report was being made, I would say I had our engineers prepare an estimate for me of what it would cost us to build at that time a 20,000-ton plant; and I have not those figures with me, but it is somewhere between $14,000,000 and $15,000,000.

Then, again, your attention is called to pages 156 and 157 of the hearings.

Senator SMITH of Maryland. What is your idea, Mr. Secretary, of the amount of armor plate that would be required per year for the next five years? It is 25,000 tons a year, as I understand it?

Secretary DANIELS. If this program goes through we would need 120,000 tons.

Senator SMITH of Maryland. About 25,000 tons a year for the next five years.

Senator CHILTON. That is 113,000 for our actual needs, and then 7,000 tons for testing purposes.

Senator SMITH of Maryland. Is it your idea the Government should make about 20,000 tons of that per year?

Secretary DANIELS. That is a matter, Senator, for the Congress. My estimates, made in November, allowed for a factory that would make 10,000 tons a year. In the report of the committee they pointed out that you could make it much cheaper if you made 20,000 tons, which, of course, is true.

The distinguished chairman of the committee, in a statement to be found in the hearings on page 166, tells how the question of the cost of constructing a 20,000-ton plant was reached. It is very interesting.

The CHAIRMAN. Mr. Secretary, as to this proposition for a 20,000-ton plant, the estimate of cost is based upon its running all the while—three shifts. It is not customary to run Government plants 24 hours in a day. Therefore, unless there is an emergency, we could reduce the time of manufacturing armor to eight hours a day, and jog along in that way, and the cost would not be as much as we are now paying.

Mr. BARBA. It is not possible, Mr. Chairman, to run an armor plant 8 hours a day. It is not physically possible.

Mr. GRACE. The operations require continuous work.

Mr. BARBA. The operations require absolutely continuous performance 24 hours a day 7 days a week.

The CHAIRMAN. You mean the heat has to be maintained?

Mr. BARBA. Yes, sir. I instanced a week ago in my testimony one operation, which is common to every armor plant, which requires from 18 to 25 days' continuous operation at a temperature of 2,000° F. without cessation. You can not do that on an 8-hour basis.

The CHAIRMAN. That is one of the special parts of the manufacture, however.

Mr. BARBA. You can do that in the case of machines where the tools may stand idle.

The CHAIRMAN. My judgment would be it would be possible for the Government armor factory to run on those processes which are not necessarily continuous in such a way as not to make it necessary, and you could get the same results, and you could expand and run 24 hours a day in an emergency.

Mr. BARBA. But, Senator TILLMAN, where does your cost go under such an operation as that? When you are working 8 hours a day and the plant is idle 16 hours a day, everything stops more than 16 hours a day. It takes longer than 8 hours a day to pick up and get going. You need a little manufacturing experience, Senator, to show you the truth of these statements I am making to you.

There are now three plants, privately owned, which are able to furnish the Government all the armor it needs and more, and it is perfectly evident that a Government plant is not needed, and Admiral Strauss admits that there would be no especial advantage to the Government in going into the business if the private firms would furnish armor at a fair profit, and will continue to do so under all conditions. (See hearings, p. 145.)

In this connection I would like to print, as a part of my remarks, a short editorial on that feaure of the subject which covers the question fully.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The editorial referred to is as follows:

GOVERNMENT ARMOR PLANTS.

No more fallacious theory could be held by men responsible for shaping national policies than the plan of the Senate Naval Committee to establish Government armor-making plants. The Government could not successfully operate such a plant, and should not if it could. Senator TILLMAN, in presenting the committee's report urging Government ownership, declared that the armor-plate manufacturers are in the habit of "holding up" the Government as to prices, and that their "stand-and-deliver" policy is responsible for the determination to have the Government make its own plate.

It is not necessary to challenge the correctness of Senator TILLMAN'S assertion regarding the attitude of manufacturers in order to show the unwisdom of the course he advocates. It may be true, doubtless it is true, that the three large manufacturers of armor plate, who practically control the industry, have made the Government pay substantial prices—perhaps exorbitant prices. The remedy which the Senator prescribes though, is really worse than the disease. It would surely result in a much higher cost for the plate turned out, and it would reverse the true policy which the Government should pursue.

It is preposterous to say that the Government must submit to the exactions of private manufacturers in such a matter, or that its only means of escape is a heavy investment in a plant of its own and heavy maintenance of operative charges permanently. Making armor plate is not a function of Government; and submitting weakly to the exactions of armor-plate manufacturers is by no means a necessity. Armor plate is essential to the defense of the Nation, and, as such, its manufacture comes well within the Government's right of control. In this matter, as in many other phases of "preparedness," the Government's wise policy is to encourage private manufacturers in every possible way, but to control them as well. That is to say, the Government should insist on establishing a cost basis for turning out armor plate, allow a reasonable profit, and possibly allow a fixed sum per annum for the right, in emergencies, to work the plant to its fullest capacity according to the Government's needs.

Such a policy would tie up private enterprise to the Government on a profitable basis, but it would not tie up the Government to a costly manufacturing project. The Nation would control, as it has an undoubted right to control, as to quantity and price of output; but the work of developing new ideas and of bettering quality would be left where it properly belongs, and would be paid for on a basis fair to all.

Private enterprise, made keenly alive to its responsibility to the Nation and held to that responsibility by the power of the Government, would spell efficiency and economy. It would keep politics entirely out of our "preparedness" plans, whatever they may be, and give the country a dependable source of supply for all its needs.

Mr. CURTIS. Mr. President, the bill now under consideration is accompanied by a very unusual, not to say remarkable, report; unusual in the admissions which it makes and remarkable in its demonstration of the animus which seems to have actuated those who are advocating this legislation. I quote from the second paragraph of the report:

The relation of the United States Government to the armor-plate manufacturers has been a continual source of dissatisfaction to those Members of Congress who really do not believe in the doctrine of favoritism to the special interests or in the protective system at all, and a condition has existed little short of scandalous.

It would be difficult to make any connection between the protective system—a system which this country undoubtedly favors—and the making of armor plate. Under the law as it exists the Secretary of the Navy can not purchase armor plate abroad, and therefore it must be constructed either by the Government or by private manufacturers in this country. The possibility, therefore, of the protective system affecting it in any way is utterly absurd. That being the case, in what way has favoritism influenced special interests in this industry and what is the condition that is little short of scandalous? There are three firms manufacturing armor plate, having a total capacity of at least two and one-half times the average output during the last 16 years. That there have not been additional plants established is quite apparently due to two reasons—one, that already the market is oversupplied with a capacity to manufacture, and another that it requires a very large investment in order to construct a plant suitable for this purpose. If there were any possibility of steady and profitable employment, of course, there would be additional manufactories established,

but the uncertainty of Government work, the dependence on the whims of Congress from year to year about the amount of armor to be manufactured, and the other burdensome conditions which accompany manufacturing for the Government have very naturally been sufficient to deter other manufacturers from undertaking this business.

Is it favoritism to special interests for this Government to buy what it needs of its own citizens, of plants represented by large numbers of stockholders and employees, and is it scandalous for them to consult with the Navy Department about the contracts which they are asked to take? If such a condition is true, it opens up a very interesting proposition. If it is so, why does not the party now in power repeal the provisions which prevent the Secretary of the Navy buying from foreign manufacturers and open this particular product to the competition of the world? It is apparent that there are two reasons for not doing this, one being that it would not be a fortunate political move and another being that it would be contrary to every reasonable public policy to allow the citizens of other countries to manufacture those things which are vital to our preparation for national defense.

This report goes on to say that from 1887 to 1915 investigation has followed investigation without result. Why has there been no result if it has been advisable to make a change? Congress has been in the hands of the Democratic Party three times since the first date mentioned. If it has been desirable to make a change, why has not the change been made? The reason is that heretofore those who have believed that better results might be obtained if the Government manufactured armor plate have on investigation failed to find sufficient reasons for making any change and have abandoned the attempt. It has remained for the present Committee on Naval Affairs, without sufficient knowledge and with no really accurate basis for its conclusions, to propose to put the Government into the manufacture of this material.

It is true that there is only one customer in the United States for this product—the Government; but it is not true that there are no other customers, as is evidenced by the fact that sales have already been made abroad; that we recently obtained the building of a battleship for the Argentine Government, and American armor was used for that purpose; that the possibility of developing this business is very material, a possibility which, however, would at once be eliminated if we turn over to the Government the manufacturing of armor instead of continuing to purchase of private producers. No foreign Government would consider for a minute the question of purchasing armor from another Government manufacturer.

It is especially important that we continue in condition to supply the needs of South American countries. This administration is advocating closer relations, even those relating to the question of offense and defense, with the countries in South America. It is desirable to standardize the material used in national defense, and if those countries can be induced to use our material until they have for the time being supplied their needs it will, from the very nature of the requirements, lead them to continue to use material manufactured in this country. When the Secretary of the Treasury and a commission are on their way to South America, and when other agencies are actively employed to bring about closer business arrangements between the United States and that continent, for us to deliberately legislate on this subject in such a way that it precludes the possibility of obtaining this business is shortsighted and foolish in the extreme.

The report goes on to say, speaking of there being but three armor-plate manufactories in the country:

> The result is either a monopoly or a combine of the worst type.

I have carefully read the testimony taken by the committee, and I find neither of these statements corroborated. There is certainly not a monopoly, because there are three distinct manufactories which have different officers, different stockholders, and are located in different sections of the State of Pennsylvania. There is not a word of testimony that there is any collusion between them; in fact, the evidence shows that one of the companies failed one year recently to receive any business direct from the department. An attempt was evidently made to disprove the denial that there was a collusion. For instance, on page 52 of the report of the committee I find the following, which presents not only the denial of there being a combination but indicates better than could be done otherwise the temper with which the members of the committee have seemed to approach this subject. It can not be encouraging to business men of the United States to undertake work for the Government if they must be told when submitting testimony that it is not true or probably is not true.

I desire to insert in my speech an extract from the hearings.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

> The CHAIRMAN. You have got some appliances down there that are needed only for making armor?
> Mr. DINKEY. Yes, sir; and they can not be used for anything else.
> The CHAIRMAN. And, therefore, they would be a dead loss to you if the Government should go into the manufacture of its own armor. The Government is helpless, so far as the price of armor is concerned when there are only three makers of it, and they are working in combination, charging whatever price they agree upon.
> Mr. DINKEY. The three are not in collusion.
> The CHAIRMAN. You say so; but we think they are. I hope you are telling the truth.
> Mr. DINKEY. I can tell you now that they are not in collusion, and I do not know how I can make you believe that I am telling the truth.
> The CHAIRMAN. The fact that Carnegie did not get any of this last contract would indicate that somehow or other the cogs had slipped and the machine did not work well. Do you know just why you did not get it? Are you willing to tell?
> Mr. DINKEY. I tried hard enough to get it, but could not. I tried to meet the Secretary's views, and I did revise my bids after he asked us to, and I did not make them sufficiently low, I imagine.
> Mr. PADGETT. Upon that question, however, the contract was awarded to the other two with the stipulation that they could sublet part of the contract, and you are not out of the game yet.
> Mr. DINKEY. The deliveries required are faster than the plants that have the contracts will be able to make them.
> The CHAIRMAN. Therefore they will have to come to you, because you are the only other man that can help them out. Don't you know that you have got the Government in your power?
> Mr. DINKEY. I do not think I have.
> The CHAIRMAN. If the Government can only get from certain factories its armor, and nobody else can supply it, it seems to me that the Government is utterly helpless.
> Mr. DINKEY. Look at the other side. These tools are useful only for Government work. If the Government does not buy they lie idle.

Mr. CURTIS. Mr. President, I have read these hearings very carefully, and I want to say to the Senate that I did not find in those hearings a single line, not one word, from an expert that would justify the Government of the United States in undertaking to build this armor plant. Further than that, I did not find any expert testimony that would justify the statement in the report that the plant could be constructed for $11,000,000.

I ask—because I believe the Senate should do it—every Senator to read the hearings before he votes upon this question next Tuesday.

INCREASE OF NUMBER OF CADETS AT WEST POINT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Missouri [Mr. REED].

Mr. JAMES. Mr. President, I think the amendment I have to the amendment is now in order.

I move that after the word "Army," in the amendment of the Senator from Missouri, the words "and the National Guard" be inserted.

That makes necessary two other amendments in the same section. Also, on page 2, line 10, after the word "Army," insert "and the National Guard." Also, on page 2, line 14, after the word "Army," insert "and the National Guard."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the amendment proposed by the Senator from Missouri, after the word "Army," insert "and the National Guard," so that the proviso will read:

> *Provided, however*, That the number of cadets at the United States Military Academy thus selected by the President from the enlisted men in the Army and the National Guard shall not at any one time exceed 300.

Then, on page 2, line 10——

Mr. SMOOT. Mr. President, I suggest to the Senator from Kentucky that he simply amend the amendment of the Senator from Missouri. Then, of course, if the Senate accepts that amendment, he can offer the other amendments to the bill.

Mr. JAMES. The Senator, though, would not accept it. I did submit it to him.

Mr. SMOOT. I say, if the Senate accepts it—not the Senator from Missouri.

Mr. JAMES. I think, though, this amendment that I offered to the amendment of the Senator from Missouri makes necessary these other changes.

Mr. SMOOT. Oh, yes; they ought to follow, and if the Senate accepts one they will accept the other.

Mr. SMITH of Georgia. The first question is on the amendment of the Senator from Kentucky, which perfects the other amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the amendment of the Senator from Missouri as now amended by the amendment offered by the Senator from Kentucky, and agreed to.

The SECRETARY. The section as amended would read:

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men of the Regular Army and the National Guard between the ages of 19 and 22 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe, at the rate of five for each regiment of the mobile Army and the National Guard and equivalent units of organizations of other arms, and the Corps of Cadets is hereby increased to the number necessary to provide for maintaining hereafter five representatives of each organization as herein prescribed: *Provided, however,* That the number of cadets at the United States Military Academy thus selected by the President from the enlisted men in the Army and the National Guard shall not at any one time exceed 300.

The PRESIDING OFFICER. The question is upon the adoption of the amendment as amended.

Mr. NEWLANDS. Mr. President, I should like to ask the chairman of the committee how many cadets in all will be at the Military Academy under this plan?

Mr. CHAMBERLAIN. Mr. President, if this amendment is adopted, it will increase the number so that they can not possibly be accommodated at this time. That was one of the main reasons why I objected to the amendment and I hope the Senate will vote it down.

Mr. NEWLANDS. The Senator says it will increase it beyond the accommodations?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NEWLANDS. I did not hear what the total number would be. I should like to know what it will be.

Mr. CHAMBERLAIN. I will state to the Senator that without this proposed amendment, with the Army as at present organized, there would be 1,196.

Mr. SMITH of Georgia. This amendment increases it by 240. We already have one from each regiment provided for in the bill.

The PRESIDING OFFICER. Senators will please address the Chair. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I yield. Does the Senator desire me to answer that question? As at present organized, this bill would practically double the present Cadet Corps in the academy. It would make it amount to about 1,196, with the Army as at present organized.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. Just a moment. That would be the number provided for by this bill; and with the Army as at present organized, if Congress passes the bill that is pending before the Senate for the reorganization of the Army, it will increase that number still more—about 60 more—and that would be about 1,250 or 1,260 altogether. If we add to it what is proposed by this amendment—what was the maximum?

Mr. SMOOT. Not to exceed 300.

Mr. CHAMBERLAIN. That would be something like 1,500 or 1,600 men.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Georgia. Let me ask the Senator a question. Is it not true that the bill already covers one for each regiment, and there will be about 90 regiments, so that the provision of 5 for each regiment, not to exceed 300, would only add about 210?

Mr. CLARK of Wyoming. Yes; but this provides for the National Guard also.

Mr. SMITH of Georgia. The amendment limits the total appointees by the President to 300. The bill already carries 1 for each regiment—about 90, after the Army increase—so that the increase covered by the proposed amendment could not be over 210.

Mr. LEE of Maryland. Mr. President, I should like to say one word on this very important question. It is absolutely essential to the support and development of any military body to consider carefully the origin of its officers, and the selection and education that developes these officers.

The Senate has just passed an order—and I am much obliged to it—for the purpose of printing the Swiss military law. That law has created one of the greatest citizen armies in the world. With it will be printed the last reports from our military attachés at Berne. The Swiss Army is based upon great military and democratic principles. One of these great principles in that law is this: That in order to be a noncommissioned officer a man must go through a school to which he is nominated by his superior officers. In order to be a commissioned officer he must go through a school for commissioned officers to which he is nominated by his superior officers. So that there is a selection there by the men who can best judge of the capacity of the candidate for the military office to handle men.

This system of sending boys, wholly untested in any school of effort, to West Point, by the Senate and by the House and by the President, gives no selection as to the capacity to handle men of those candidates for West Point's military opportunity; but this provision for the choice of West Point candidates from these two great bodies of troops, the National Guard and the Regular Army, gives an opportunity for the selection by the men over them of the best element in each company or each regiment for the handling of men and the making of officers.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. LEE of Maryland. I do.

Mr. VARDAMAN. The bill does not in any way change the method of selecting from that which has obtained in this country for the last 50 years. Has the Senator any criticism to make of the results of the old system, which has been in vogue so long? West Point has turned out pretty good men under the old way of selecting them, and by the amendment proposed by the Senator from Missouri [Mr. REED] you have men selected from the Army who have given one year of service and have shown their fitness for the very things that the Senator has just mentioned in the Swiss plan. I can not see the wisdom of changing, since the old way, tested by time and trial, has proven so satisfactory. I confess that I was never much inclined to imitate even the best systems of Europe. I am intensely American in all my ideas, tastes, and aspirations.

Mr. LEE of Maryland. Mr. President, of course in any noncompetitive system of selection you will have a large number of persons passing through the machinery of the Military Academy who will pass intellectually but who are not real officers, not handlers of men; and I venture to say that there is a percentage of the officers of the Regular Army of the United States who could not stand alone except for the support and system of the great army plan.

Without dealing with that question any further, because it is merely a question of guesswork, so to speak, this great Swiss system—and the President of the United States has the authority here to put in operation something quite like it—this law that we are about to pass provides for the selection under such regulations as the President may prescribe; and it is almost a certainty that the President of the United States will prescribe some regulation whereby the commanding officer has an opportunity to say something about the fitness of the would-be cadet. Under this great Swiss system the first start in army command is given, according to the language of that law, to those who are described as "apt men," and that aptness is ascertained from their service in the first period as recruits, and later. So we have here in this amendment, giving five West Point appointments to the enlisted men of each regiment of the Regular Army and National Guard, a popular idea, recognizing also the great army of citizen soldiers of the United States, recognizing the rank and file of the Army of the United States, and at the same time, in my humble judgment, tending a great deal to strengthen the manly qualities that already exist in the officers of the Regular Army.

Mr. NEWLANDS. Mr. President, it seems to me there is a great deal in what the Senator from Maryland says upon this subject. I think that if we are going to establish an improved military system everything should be done that is possible to make the service under that system as honorable a service as possible.

We all know that the Regular Army, well organized as it is, and handsomely as it has conducted itself upon every occasion, is not an attractive service to the best youth of the country, and that it never has been. That probably will always attach to a merely paid service, a regular service of volunteers, where the members volunteer and are not drawn upon by the Government as a matter of patriotic duty and patriotic obligation. I imagine, however, that any system that is adopted by Congress in the near future will involve not only a Regular Army but a citizen soldiery, and service in that citizen soldiery will doubtless be a very honorable service and will be sought after; for I have no doubt that the effort of Congress will be to make it attractive and helpful to young men in reaching out for civil vocations, as well as for military training.

I believe that the opening of West Point to men of talent and merit who have shown their ability in the service, as has been proposed by the amendment of the Senator from Kentucky [Mr. JAMES], will be of great service in attracting the best young men of the country into the citizen soldiery, whatever the name may be; and I believe that we might well enlarge that inducement. I see no reason at all, under the new system of efficiency which is to be developed, why Senators and Congressmen should select the men who are intended for West Point. It seems to me that all of these appointments to West Point ought to be held out as the rewards for merit.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. NEWLANDS. Yes.

Mr. WARREN. The Senator was formerly a distinguished Member of the House, as he now is of the Senate. Does he believe that the Members of the House would consent to a bill of that kind going through the House?

Mr. NEWLANDS. I merely throw that out as a suggestion now. I am not going to make any motion to that effect. I think it is a most unfortunate aspect of the case when we are told that simply because Senators and Members of the House of Representatives have at present this form of patronage—for that is what it is—they would adhere to it at the expense of the efficiency of a great military and naval organization which they are about to create.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. I do.

Mr. VARDAMAN. I would suggest to the Senator that there is one advantage in the appointment or recommendation of cadets by the Senators and Congressmen in that it distributes throughout the Republic the favors of the General Government and it brings to the service of the Government citizens from the different States. In that fact, I think, there is great merit. It will equalize and preserve the broad nonsectional American spirit which is an essential element and worthy of consideration.

Mr. NEWLANDS. But that merit could be preserved in the system I suggest.

Mr. VARDAMAN. It ought to be preserved.

Mr. SMITH of Georgia. The bill says they shall be apportioned, as far as practicable, among the States.

Mr. VARDAMAN. Yes; and I think that idea should not be lost sight of. I think the appointments ought to go as a reward of merit in so far as possible.

Mr. NEWLANDS. It seems to me so.

Mr. VARDAMAN. But it is very well to preserve the equilibrium by having the Army made up of citizens from every State in the Republic and from the colonies, since we have become a colony-owning country.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. Certainly.

Mr. JOHNSON of South Dakota. I should like to ask the Senator a question. I was not here when the amendment was presented, nor have I heard it discussed. Does the proposed amendment eliminate all applicants except those coming from the Regular Army or the National Guard?

Mr. NEWLANDS. Oh, no. There is no amendment to that effect. I am simply making a suggestion that we might well enlarge the operation of the amendment offered by the Senator from Kentucky so that all the appointments to West Point should be made as the rewards of merit in the active service of the citizen soldiery, and partially of the Regular Army. I believe that system would attract many young men into the Army and the military service who otherwise would not be attracted.

I see nothing at all of any value in the power of appointment that Senators and Representatives have. It was the best expedient at the time, I imagine, for the selection of officers of the Regular Army impartially from all parts of the country. We are now, however, entering upon methods for the preparation of an efficient system, whereas heretofore we have had an inefficient system; and it seems to me all these matters ought to be taken out of patronage and ought to be the result of merit, and of merit which has been proved by actual service and experience in the Army.

Mr. SMOOT. Mr. President, I want to suggest to the Senator having the bill in charge that it is now 10 minutes of 5 o'clock on Saturday afternoon, and I doubt very much whether we can get a vote upon this amendment without a yea-and-nay call. I believe it would be impossible to get a quorum at this time, and I suggest to the Senator that he move that the Senate adjourn.

Mr. CHAMBERLAIN. I am very reluctant to do that, Mr. President; but this is a matter of very great importance to the proposed plan of preparedness, if we are going to have any, and it is a matter of vital importance to the Military Academy as well. There are only about 15 or 20 Senators here, if that many. In view of the importance of the matter, and the fact that nothing would be decided by a vote now, I accept the suggestion of the Senator from Utah and move that the Senate adjourn.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Oregon that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, March 20, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 18, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, Source of all good, humbly and reverently we bow in Thy presence. Help us to make dominant in all the transactions of our daily life the higher qualities of mind and soul, for we realize that to be pure is to be strong; to be sincere is to be courageous; to be generous is to be noble; to be self-sacrificing is to be Christlike; to be just and merciful is to be Godlike. Thus graciously guide us by Thy holy influence. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

STREET RAILWAY COMPANIES, HAWAII.

Mr. HOUSTON. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 65) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric-light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto, with Senate amendments thereto, and move to concur in the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 17.

Whereas it is understood that the President has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico for the pursuit and punishment of the band of outlaws who committed outrages on American soil at Columbus, N. Mex.; and

Whereas the President has obtained the consent of the de facto government of Mexico for this punitive expedition; and

Whereas the President has given assurance to the de facto government that the use of this armed force shall be for the sole purpose of apprehending and punishing said lawless band, and that the military operations now in contemplation will be scrupulously confined to the object already announced, and that in no circumstance will they be suffered to trench in any degree upon the sovereignty of Mexico or develop into intervention of any kind: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the use of the armed forces of the United States for the sole purpose of apprehending and punishing the lawless band of armed men who entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico, is hereby approved; and that the Congress also extends its assurance to the de facto government of Mexico and to the Mexican people that the pursuit of said lawless band of armed men across the international boundary line into Mexico is for the single purpose of arresting and punishing the fugitive band of outlaws; that the Congress in approving the use of the armed forces of the United States for the purposes announced joins with the President in declaring that such military expedition shall not be permitted to encroach in any degree upon the sovereignty of Mexico or to interfere in any manner with the domestic affairs of the Mexican people.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4889. An act to permanently renew patent No. 21053.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. SMITH

of South Carolina, and Mr. TOWNSEND as the conferees on the part of the Senate.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4889. An act to permanently renew patent No. 21053; to the Committee on Patents.

Senate concurrent resolution 17.

Whereas it is understood that the President has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico for the pursuit and punishment of the band of outlaws who committed outrages on American soil at Columbus, N. Mex.; and

Whereas the President has obtained the consent of the de facto government of Mexico for this punitive expedition; and

Whereas the President has given assurance to the de facto government that the use of this armed force shall be for the sole purpose of apprehending and punishing said lawless band, and that the military operations now in contemplation will be scrupulously confined to the object already announced, and that in no circumstance will they be suffered to trench in any degree upon the sovereignty of Mexico or develop into intervention of any kind: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the use of the armed forces of the United States for the sole purpose of apprehending and punishing the lawless band of armed men who entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico, is hereby approved; and that the Congress also extends its assurance to the de facto government of Mexico and to the Mexican people that the pursuit of said lawless band of armed men across the international boundary line into Mexico is for the single purpose of arresting and punishing the fugitive band of outlaws; that the Congress in approving the use of the armed forces of the United States for the purposes announced joins with the President in declaring that such military expedition shall not be permitted to encroach in any degree upon the sovereignty of Mexico or to interfere in any manner with the domestic affairs of the Mexican people—

to the Committee on Foreign Affairs.

HARBOR COMMISSIONERS, HAWAII.

Mr. HOUSTON. Mr. Speaker, I also call up from the Speaker's table the bill (H. R. 3042) to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766, with Mr. GARRETT in the chair.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Virginia [Mr. HAY] yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HAY. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, the very able statement of the gentleman from Virginia [Mr. HAY] explaining the bill under consideration yesterday did not, as I recall it, embody any suggestion that the bill had the approval of the executive department. After the gentleman had made his statement, there was introduced into the RECORD by the gentleman from Massachusetts [Mr. GARDNER] a letter signed, apparently, by the Secretary of War, indicating that the bill was fallacious, and that there might be a very marked difference of opinion as between the War Department or the Executive and the Committee on Military Affairs. A number of the Members of the House, I am sure, desire to be informed whether, when they vote on this bill, they will be voting in accordance with the wishes of the President of the United States and the War Department, and upon suggestions made by them. Does the gentleman care to explain this morning whether or not the bill as he has presented it, generally speaking, has the approval of the White House and of the War Department?

Mr. HAY. Mr. Chairman, I am authorized to state by the President of the United States that this bill meets his approval. In other words, it is his bill; it carries out the recommendations which he made to Congress when he addressed Congress at its convening in December last. It goes a little further than the President asked us to go. It is true that the continental army is not provided for in this bill, but the President, in recommending a continental army, recommended machinery by which military forces should be raised in time of peace that will be ready in time of war.

The President thinks this bill, as it is drawn, makes the National Guard a sufficient force in time of peace to be used in time of war, and that it meets the purpose he had in mind. The Secretary of War, of course, agrees with the President, and I may say, in broad language, that this is the President's bill and that he thoroughly approves of it. I will call attention to what Secretary of War Baker says about these figures and read the last sentence in his communication to Mr. GARDNER. In concluding his letter Mr. Baker said:

You will, of course, understand that accurate information on this subject is not available, and that therefore the figures I am giving you are at best only approximate.

I desire to say that the figures in my report were taken from the evidence of The Adjutant General of the Army, who has charge of that part of the War Department which deals with subjects of this sort. The figures contained in the letter of the Secretary came from the War College. I will not discuss the reason why the War College undertook to make an argument in this communication against the figures which have been given by The Adjutant General of the Army.

Mr. MOORE of Pennsylvania. One more question, if the gentleman will yield.

Mr. HAY. Certainly.

Mr. MOORE of Pennsylvania. The gentleman is probably aware of the fact that there has been a great misunderstanding, both in the House and throughout the country, as to what the President actually desired with respect to armed merchantmen. Since the Army bill now under consideration has come into the House, there is an evident misunderstanding of the attitude of the administration toward the bill, on which the gentleman from Virginia [Mr. HAY] and his committee have worked so industriously. In view of the statement made by the gentleman from Massachusetts [Mr. GARDNER] yesterday the country might be led to a still further misunderstanding. It seems important, if the gentleman from Virginia [Mr. HAY] is able and willing to do so, that the gentleman shall inform the House whether the administration is actually supporting what we now commonly know as the Hay bill.

Mr. HAY. It is; and I may say that this is, after all, a matter of detail. It does not go to the merits of the bill. That is, the gentleman from Massachusetts [Mr. GARDNER] took issue with the report as to the number of trained men that were in the country; that is all.

Mr. MOORE of Pennsylvania. Therefore gentlemen voting for the bill, generally speaking, without regard to details or amendments, would be voting in accordance with the wishes of President Wilson with respect to this increase of the Army?

Mr. HAY. They would. Mr. Chairman, I now yield 15 minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman and gentlemen of the House, I, as one of the members of your Committee on Military Affairs, upon whom devolved the responsibility of framing this bill, the purpose of which is to increase the efficiency of the Army, am gratified by the interest which the membership, as a whole, seems to manifest in the bill, and the apparent unanimity with which it seems to be approved; and I am sure that I voice the sentiments of each member of the committee in expressing my appreciation of your approval.

When the hearings began on the bill, on January 6, the country was greatly disturbed over the question of a more adequate national defense, and there were many different shades of opinion among the members of the committee and the House, as a whole, as to the proper course to pursue in our efforts to strengthen the Military Establishment. The committee held hearings for 28 days, during which were presented the views of our greatest military experts in the Regular Army and National Guard, as well as every shade of opinion from the citizenry of the country, including those who were for and those who were opposed to an increase in the Army.

After the hearings were concluded the committee weighed carefully all the testimony presented, and have agreed upon the bill now before you. There were, of course, differences of opinion in the committee on many features of the bill, which is always the case on a great and important matter like this. But each member was willing to make reasonable concessions in order that an agreement might be reached, and we are all gratified that the bill which is the result of our efforts seems to be unanimously accepted by the House. We are also gratified that it has the approval of the President, and we trust and believe that it will receive the approval of the entire country.

Within the limited time that I have at my disposal this morning, I shall not attempt to discuss in detail the various provisions of the bill, for they have been so clearly explained by the chairman of our committee that I feel that every Member of the House understands the bill thoroughly by this time. I shall therefore direct my remarks toward the general principle upon which the bill was framed, and make answer to some of its opponents.

The question that is now before us has probably attracted more attention in Congress and in the country as a whole, than any other measure that has been before the country in recent years or probably since the foundation of the Government; and while we find many differences of opinion among the citizenry of the country upon the bill and upon the movement as a whole, I want to say first that there is one principle upon which we all agree. The great fundamental principle which underlies this bill and this Government, is the principle upon which the Congress and the American people will always agree. It is the first principle that finds lodgment in the heart of the child; it is the last principle that dies in the heart of man. It is the principle upon which our Republic rests, and without which it can not endure. That principle is the principle of self-preservation and self-defense. Every self-respecting citizen believes in defending himself against unjust attack, and believes in preserving his integrity and his honor, and will sacrifice everything he possesses to do so. And every patriotic American citizen believes in defending the Government and preserving its integrity and its honor, and will make any sacrifice to do so.

Every man upon the floor of this House, Mr. Chairman, would fight to protect that flag. Every man upon the floor of this House and every patriotic American citizen elsewhere would die, if need be, to preserve the honor and integrity of this Government. [Applause.] Therefore upon the great fundamental principle involved there is no difference of opinion among the American people. We do find, however, opposition to this bill and opposition to this movement. We find that opposition divided into four classes. That opposition is not due to the fact that some are unpatriotic and do not love the Government or reverence its flag, but because of the fact that we differ as to how to accomplish the end desired. Some oppose an increase in the national defense because of the cost involved and some oppose it for other reasons. We find among the opponents of this bill the self-nominated antimilitarists, who believe that a step toward a more adequate defense for the Nation would bring upon us the monarchical militarism that we see in the monarchies beyond the seas. But I want to say to those gentlemen that they fail to distinguish between a monarchy which gives its thought, its life, and its soul to its monarch and a republic which retains its thought to its individuals and the reins of its government in the hands of the people. [Applause.] Then we find opponent No. 2, the ultrapacifist, who seems to believe that the dove of peace is spreading its snow-white wings over this Republic and is about ready to furnish from its spotless plumage a pillow upon which the head of the Republic may rest throughout the future without a struggle or without a care. But I want to call the attention of those gentlemen to the fact that this Government was not established by our fathers without a struggle or without sacrifices, nor will it be maintained by us or our posterity without an effort or without a care. I find that some of these gentlemen, some of these peace-at-any-price advocates, are appealing to the churches of the country to assist them in their crusade against preparedness. I grant that they are honest in their opinions and sincere in their efforts. Their only trouble is their lack of a proper appreciation of the situation before us. Most of the letters that I have received against the movement—and they have been very few—have come from some good Christian people of my district, and God knows that I love them and respect their wishes, though forced to disagree with their judgment. Many of them believe that the efforts of those who are praying for peace will make peace secure and war impossible.

Mr. Chairman, I join them in their wishes and their prayers, but I do not wholly agree with their conclusions. Let me say in this connection that the greatest apostle of peace that the world has ever known, that man who preached peace in the zenith of His power and who practiced it in His walks and in His life, from the manger of Bethlehem to the cross of Calvary, failed to convince a sinful world of the purity of His doctrine. Pure as were His motives, noble as were His efforts, He failed to eradicate the spirit of avarice and greed from the hearts of men. Another thought to those who are attempting to array the religious institutions of the land against this movement is the fact that it is the arm of the law that makes it possible for congregations to assemble without interruption in their worship of God. [Applause.] Go into the criminal courts all over this country and we repeatedly hear from the calling of the dockets the charge of indictments of individuals for disturbing congregations assembled for public worship. What would be their condition if the mantle of protection which is thrown around them by the arm of the law, by the forces of organized Government, were taken from around them? It would be impossible within a few months for them to associate in that capacity in many communities throughout the country, for how often do we see the church forced to appeal to the police force for protection against the breakers of the law? If denied that protection, the churches would suffer, and moral and religious progress would be impeded, and, without the ennobling influences of the church, society would suffer. And so it is with the Nation. The men and women who pray for peace in the Nation do not pray more earnestly or more fervently than they pray for peace in their respective communities, and their prayers are no more effective. I believe that the prayers of the righteous have done much in the past and will do much in the future to prevent strife and to bring peace out of chaos. But there are cases that prayers will not reach, for there are men and nations who will not yield to their better impulses or heed the voice of reason; and so long as there are men and nations of that type and that character, just that long it will be necessary to deal with them through and by the forces and instrumentalities of organized Government.

Another argument advanced by the pacifist is that adequate national defense by our Nation will impede the progress of the movement toward international peace. They hope that the day will come in the immediate or remote future when the nations of the earth will agree to disarm and carry into execution that agreement, thereby saying to the world that war shall be no more. I join them in that hope, and pray that God may speed the day that it may be fully realized. But until that attainment is achieved, if it ever is, let America be prepared to take care of America first. And it is unreasonable to suppose that such preparation on our part would in any way impede the progress of an international peace agreement. On the contrary, it would make our position stronger and our influence greater in such a movement, for the nation adequately prepared to defend itself would have greater influence in its efforts to bring about such an agreement than would the weak nation that is at the mercy of the stronger nations.

Next is opponent No. 3. We find the alarmist who believes that preparation for a more adequate national defense will lead us into war. I want to say to the gentlemen of that type that if they hold to that doctrine they must contend that they will be safer in their homes with the locks off of their doors. They must admit that, if that doctrine is correct, it would be wise for their towns to discard their police courts and their police authorities. They must admit, if they hold to that doctrine, that society around them would be safer from attack on the part of the lawbreaker if they should discard the civil courts of their country and dismiss their officers. They must admit that it would be sound doctrine for their State to tear down its penitentiaries. The two propositions are on all fours, and they can not get away from it.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FIELDS. I can not in the limited time I have, I regret to say.

Then we find another opponent of the proposition, opponent No. 4, the man who does not want to pay the price. Now, I believe that the majority of the people of this country believe that the best way to prevent war is to be prepared to defend ourselves in time of war. [Applause.] Nations are like men. A nation is not different from the individual units which compose it, and the individual who would strike a blow at his fellow man, as a rule, is not so apt to strike that blow if he believes the other fellow is prepared to defend himself. And so it is with nations. But for those who do not want to pay the price, let us compare war conditions with peace conditions. Take, for instance, the figures in the Civil War. I find that the excess cost of that war, in addition to the average annual cost of maintaining our military establishments at that time, was $3,075,345,727. To that we add the collossal sum for pensions for Civil War soldiers of $4,457,974,496 up to June 30, 1914, the latest figures I have, making the total excess cost of that war $7,533,320,223; and this does not include the interest which we have paid on the war debt. How far would that go in maintaining the present military establishment of our Government? Our present military establishment costs approximately $102,000,000 annually. Then the total cost of the Civil War, saying nothing of its destruction of business and wealth, saying nothing of the homes that it destroyed, the blood that it shed, the widows and orphans that it made, the cost and sorrow of

which can never be estimated, would maintain our present military establishment for 69 years at the present cost of maintenance. So to you gentlemen who do not want to pay the price, let me insist that you had better consider carefully the cost of war before arriving at a definite conclusion upon this point, for the most expensive war in which a country can engage is the war for which it is least prepared.

Then, my friends, there are other propositions in connection with the cost. We are the greatest Nation on earth, with our commercial interests growing by leaps and bounds; a Nation of 100,000,000 energetic people, and with a boundary line around the mainland of the United States of 17,301 miles, 12,000 miles of which is coast line, upon which we have 189 ports through which we export annually from two billion to three billion dollars' worth of commodities produced by the American people. Our exports for the last calendar year amounted to $3,547,480,372. Suppose we should become involved with a hostile nation, and that some of our great bases of export should be seized because of our inability to defend them, and our commerce stopped on the seas because of our inability to protect it. What effect would that have upon this country? Why, it would instantly throw the country into the worst panic that it has ever experienced, affecting its every section; and panics are as expensive as wars from a standpoint of dollars and cents.

I heard a gentleman say the other day that he was not interested in the protection of the coasts of our country because he lived 300 miles from the coast. That gentleman fails to realize first, that this is a united country, and, second, that there go from his community every year, every month, and every week commodities into the markets of the world that bring back gold to his community. From the district which I represent we send to the markets across the seas lumber, staves, coal, iron, fire bricks, agricultural products, and live stock. We exported last year from the United States $50,962,517 worth of tobacco, much of which went from Kentucky, the banner tobacco State of the Union. It is therefore obvious that any condition that affects our export trade affects and injures every section of the country, and in addition to our interest in our ports through which go our exports, we are all interested in our coast cities, in which reside people who are our kin and kind, and in which we find domestic markets for our products. These cities could not be injured by a foreign enemy without the effect of such injury reaching the whole country; and this thought brings us to the question of paying tribute to an enemy nation to prevent the destruction of our coast cities in the event we should be unable to protect them against such an enemy. Suppose we should become involved on the Atlantic coast with Germany, England, France, Austria, or some other European Nation, and on the Pacific coast with Japan or Russia. Our Navy would probably be able to protect the more important cities along the Atlantic coast, but it is not strong enough to protect both the Atlantic and Pacific coasts at one and the same time. Some of our coast cities would therefore be open to attack, and an enemy fleet could level its guns upon them and demand a tribute of millions or billions of dollars from the city or the Government of the United States to save the city from destruction by the enemy's guns. Such methods have been followed in wars of the past, and resorted to by Germany against Belgium in the present war; and, my friends, in considering this phase of the question, I find in me none of the sentiments expressed by the gentleman who said that he was not interested in coast defense because he lived 300 miles from the coast.

I live 600 miles from the coast at the nearest point, but I am a citizen of the same Government and live under and honor the same flag as does the man who looks from the window of his own home upon the ocean's waves. I am a citizen of the same Government and live under the same flag as did our pioneer citizens who braved the dangers of the frontier settlements, and for whose protection the Government of the Union fought the Indians for a hundred years. We are one Union of citizenry from one end of the country to the other, and the chief reason for such a Union, the basic principles of the Federal Constitution, was to unite into one body of sufficient strength to protect each community of the country against foreign invasion or domestic insurrections. Therefore, Mr. Chairman, no citizen from any quarter of the United States can sit idly by and unconcerned and see another citizen or another section of his country suffer at the hands of a foreign enemy without violating the fundamental principles of the Constitution of the United States and repudiating his obligations as a citizen. We are one country and one citizenry, living under one and the same flag, and are each obligated to contribute to the protection and well-being of the other.

Mr. Chairman, I think I have said enough relative to the protection of our ports through which go our exports to foreign markets and our coast cities, in which reside American citizens, over which floats the American flag and in which we of the interior find markets for much of our produce and raw material, to convince everyone of the necessity of their protection. I will therefore pass on to that part of our coast territory which has no fortified harbors. On our 12,000 miles of coast line we have only 27 fortified ports or harbors. The remainder of that vast area is dependent, first, upon our Navy, and, second, upon our mobile Army for protection. And this thought brings us directly to the merits of this bill, the main purpose of which is to increase the strength of the mobile Army. If an enemy should attempt to land an Army on our shores at any point not within reach of one of the 27 fortified harbors, and should succeed in defeating our Navy, our last and only protection would be our Army. And is our Army, with its present strength, sufficient to defend us? Well, let us see if it is.

We have in the continental United States an Army of 49,000 men who would actually engage in battle. The remainder of our Army here at home are men of the Quartermaster's Corps and the Ordnance Department, which furnish supplies, and the Medical Corps, which administers to the sick and wounded. The remainder of our total Army is stationed about in our island possessions and in Panama. It has been argued in this Hall and from the stump throughout the country that our distance from probable and formidable enemies gives us absolute security against attack. But, Mr. Chairman, such an argument is fallacious, and one only has to refer to history to prove its fallacy. India and Transvaal were farther from England and Tonkin was farther from France than we are from either of them. But distance did not save those places from invasion and conquest. And it has been stated, too, that no nation could transport troops enough to give us trouble, even though she should be able to land them. Well, let us see. Both England and Germany have strong navies and strong merchant marines. By using 25 per cent of their merchant marine as an adjunct to their navy Germany could embark at one sailing 250,000 troops and England more than 1,000,000. Ah, Mr. Chairman, what would be the fate of our little Army and what would be the sufferings and agonies of our people if such an aggregation of troops as either England or Germany are capable of sending should be landed upon our shores?

It is very clear that our forces for defense are not commensurate with our responsibilities or equal to the forces which we might be forced to meet. Hence the necessity of an increase in our Army and Navy. Oh, some say that because we are not embroiled in the European conflict we need no further or greater defense. But let them stop and consider conditions sanely and calmly, and then pass judgment. Every great country on the globe except our own is engaged in it, and many of them have been drawn into it not because they wanted to go into it, but because unfortunate circumstances forced them into it. God knows that we do not want to be drawn into that horrible conflict and are praying as a Nation and as individuals that such a calamity may be averted. But, Mr. Chairman, no one can tell what may happen in a time like this, when the war spirit has set the world on fire and crazed the brain of nations. In a time like this men and nations can not at all times choose what course they will take or find their chosen course what they had expected it to be, because by the evil designs of another the course which seemed peaceful and safe may become turbulent and dangerous. Oh, yes; we read of such unfortunate and unpleasant experiences in the lives of both individuals and nations.

When the honest, peaceable citizen retires after a day's labor he expects, and has a right to expect, a night of peaceful rest; but yet, with his desire for rest and his good intentions to go peacefully about his honest pursuit on the morrow, the evil heart of the burglar may be designing plans by which to enter his home and take from him the fruits of his honest toil, and may make him his victim in poverty or death ere the rising of another sun. But, Mr. Chairman, if the burglar learned in advance that his would-be victim was armed for his self-defense and had the moral courage to use his weapons for defense he would most surely change his mind and stay his effort to carry into execution his wicked designs; and the same argument will apply to the belligerent forces of a nation. And, Mr. Chairman, I do not believe that any people on earth know that better than we do right at this particular time. Only a few nights ago the peaceable, patriotic American citizens of the little city of Columbus, N. Mex., retired after their day's labor, expecting to go about their peaceful pursuits on the morrow. But what was the sequel? What their fate? Ah, Mr. Chairman, we know too well for our happiness or our comfort. Before the dawn-

ing of another day their homes were burned, their men were shot, their innocent women and children murdered by Mexican bandits from across the border; and, gentlemen, there are other people in other countries who are just as bitter toward us, and whose hearts and minds are just as highly inflamed against us as are the Mexicans who committed the dastardly crime to which I have referred. This condition exists not because of any wrong we have done but because of wrongs we have refused to do, or their wrongs to which we have refused to submit. [Applause.] Therefore, men, be not deceived. Your peace theories are beautiful, and I would that they could materialize into genuine realities and stand throughout the centuries as a monument to your noble desires and intentions. But listen; listen to this one suggestion. We all know, and are forced to admit, that there is nothing so dangerous to a theory as an adverse fact; and the fact is that your theories are not well founded and are insecure. Then, in the face of such facts, I appeal to you men of this Congress and this country to put America under a strong and secure lock, made of a strong and well-organized Army and Navy, that her peace and safety may be insured against the avarice, the greed, the burglary, and the enmity of all the world. [Applause.]

Mr. Chairman, from the opponents of preparedness comes the argument also that we will not have war unless we want war and invite it. But, gentlemen, I warn you against such a delusion. We do not want war, and have never wanted it. But during the 136 years that have elapsed since the birth of the Nation we have had eight wars, or an average of one war for every 17 years that the Government has existed; and in addition to the wars referred to, we had a century of almost continuous warfare with the Indians. We did not want or invite any of them, but fate forced them upon us. We met the issue, came out victorious, and glory in our victories; and we, of course, hope to come out victorious if ever forced into war again. Some contend that we should not make further preparation, because we are now better prepared than we were when we fought our wars of the past. That is true; but we must not lose sight of the fact that the other Nations with which we engaged, or with which we might be forced to engage in the future, are also better prepared than they were during our engagements, and we have more territory, more wealth, and more lives to protect now than we had in those days. The continual increasing cost and responsibilities of rearing a family are analogous to and parallel with the proposition of building and maintaining a Government. It costs the parent with six or eight children more to support his family than it did when he had only one, two, or three children. His responsibilities increase as his family increases; and so it is with a Government. And in line with that thought I desire to refer briefly to some complaints that have been made with regard to the amount of money that is spent on the Army of the United States as compared with the amount expended on the armies of other countries. It is true that it costs the United States more per man to support its Army than it costs other nations to support their armies, but it must be borne in mind that the cost of labor and the cost of living is greater in this than it is in other countries. It costs the Government of the United States more than it costs other countries to employ men for the Army, just as it costs the private employer of the United States more to employ labor than it costs the private employers of other countries. We pay our first-year enlisted men of the Regular Army 60 cents a day and feed and cloth them, and can hardly get them at that; and we increase the salaries of our officers in proportion to their rank, as do other countries.

Great Britain pays her enlisted men only 30 cents a day; Germany, 12⅝ cents; France, 6⅝ cents; Italy, 23½ cents; Russia, 1½ cents. As I have said, the cost of living in America is greater than in other countries, and it must be borne in mind that it costs just as much to feed, clothe, and shelter a soldier as it does to feed, clothe, and shelter a private citizen. Another heavy item of cost that we must meet because of the immense size of our country, and which amounts to but little in many of the other countries because of their limited territory, is the cost of transportation. If you consider the area of the United States, including Alaska, as 100 per cent, the combined areas of all the following countries are but 97 per cent thereof:

	Per cent.
Austria-Hungary	6.66
Belgium	.31
British Isles	3.34
Denmark	.43
France	5.64
Germany	5.76
Greece	.69
Italy	3.06
Japan	4.46
Portugal	.99
Russia (in Europe)	57.95
Spain	5.41
Turkey (in Europe)	1.71

Neither Austria-Hungary, France, nor Germany is as large as Texas; each is about twice the size of Colorado. Japan is about the size of California, Italy of Nevada, and Portugal of Indiana; yet the peace strength of the armies of these countries is as follows:

	Men.
Austria-Hungary	424,241
France	703,000
Germany	790,985
Italy	304,572
Japan	280,000

I do not contend that we need an army in proportion to these armies, in comparison with the differences in the size of their territory and ours, but I do contend that if we should become involved with any of these nations our trained force is entirely too small to cope with theirs.

Now, I have shown the immensity of our territory and the smallness of our means of defense as compared with the same means maintained by other countries, none of which is one-tenth as large as the United States, including Alaska. I think I have made my analysis plain enough to convince anyone that our means of defense do not measure up to our responsibilities. I do not mean by that reference that we could not get men to go to the front if the honor or security of the country should become involved. We could get a million men in a week, or get them overnight if the emergency were an extreme one. But that is not the question. There is science in both warfare and defense, just like there is in any other line of business. You would not expect to go to the farm and get a full force of clerks for a city bank or a city department store and have them run either successfully before they had had training. Nor would you expect to go into the offices in a city and get a crew of farm hands who had never seen a farm and expect them to take charge of and successfully harvest a crop. They would waste the crop and die themselves of sunstroke and other diseases brought on by their sudden change of conditions to which they were not seasoned; and so it is with an army. We have had one very notable experience of that kind in this country and more or less of it in every war that we have fought. But the one that I particularly refer to is the experience of the Civil War. Statistics of the War Department show that of the men who enlisted in the Civil War on both sides, two died of curable and largely preventable diseases for every one who died in battle or as a result of battle, and almost countless numbers were unnecessarily sacrificed in battle for lack of training of both officers and men. And, Mr. Chairman, I know of no greater crime that a nation can commit than to call to its defense its patriotic young men, the very flower of its manhood, and subject them to useless destruction both by disease and in battle because of their lack of training in the arts of defense and the science of health in army life; and it is to prevent a repetition of a national crime of that character, as well as to better insure the safety, progress, and well-being of the Nation, that I advocate a larger and more thoroughly trained Army. And at this point, Mr. Chairman, comes another thought in connection with the cost. The boys who go to defend the country go from American homes. For each one who enters the service there is a vacant chair at the family fireside and an aching heart in a mother's bosom; and shall we, the wealthiest Nation on earth, with our billions of wealth already developed and our countless billions yet to develop, make less favorable the chances of these brave young heroes to return to their fathers' firesides and their mothers' bosoms by economizing on the cost necessary to the preservation of their health in army service and their lives in battle should battle be forced upon them? Gentlemen, this thought appeals to me personally, for I have brothers and I have sons who may be called upon to defend the flag; and, if they should, I pray God that they may have every advantage and every protection that proper training can give them, even though it costs money to train them.

I referred awhile ago to the smallness of our Army as compared with our responsibilities in the continental United States, and in addition to the mainland of the United States we have island possessions with a total coast line of 9,926 miles. These islands are our territory, and must be protected by our Government; and to add to our responsibilities we have on our hands the Philippine Islands—which we ought never to have had and which I trust we may soon get rid of—but so long as the Stars and Stripes float in the Philippine breezes, that long we are bound to protect the Philippine territory. And then, Mr. Chairman, in addition to our responsibilities by reason of our own territory we have heavy and growing responsibilities in Central and South America, which have a coast line of more

than 17,000 miles, because of the Monroe doctrine, which our Nation inaugurated and has maintained for more than 90 years. Under that doctrine we say that the Western Hemisphere shall continue to be the home of democracy and the abode of republics, and that her republics, from the strongest to the weakest, shall not be interfered with by the monarchies or other Governments across the seas. And, Mr. Chairman, this point brings me to another thought which we may well consider, and consider carefully, and that is this: The monarch of every monarchy, the king of every kingdom of the earth, is jealous of the spirit of democracy and republican governments and are praying for their annihilation. A monarchy endures by its monopoly of knowledge and its military force. A republic endures by the patriotism of its people and the dissemination of knowledge among them. The two principles are distinct and in conflict with each other, and that conflict has been going on, the two principles have been at war with each other, either on the battle field or in the hearts of men, from the overthrow of King Tarquin and the establishment of the Roman Republic 440 years before Christ up to the present day.

Therefore let us be not deceived. Let us not imagine that we are dwelling in a land of eternal peace, upon which no jealous eye will ever fall or against which no monarchical force will ever be directed. Such a thing may never happen, and, again, it may. We do not know. But there is one thing that we do know, and that is that some of the Empires of Europe have looked with an anxious eye upon South American territory, and no earlier than the year 1908 one of them attempted to hoist her flag and plant a colony of her people in South America, but withdrew at the request of the United States, made in compliance with our obligations under the Monroe doctrine. But the next effort, should it ever be made, might be more determined than was the last one, and should it be successful it would follow that the Government that was strong enough to enter by force upon South American territory would continue to grow stronger, would continue to acquire more territory, and would eventually absorb the small Republics of the entire South and Central American countries; and should that occur, which, I grant, is not probable but it is possible, especially in the absence of sufficient military and naval forces to prevent it, what condition would follow? Why, sirs, the day would come, probably not in our time, probably not in the near future, but it would eventually come when this Republic would have to combat on the soil of the Western Hemisphere and at its own door the powers of monarchical government in its efforts and struggle for world supremacy. I pray that that day may never come. I trust that neither we nor our posterity may ever be forced to meet such a condition, and the best way, my friends, to prevent its coming is to be prepared at all times to suppress and thwart the first effort; and we can only be prepared to do so by having an Army and a Navy of such magnitude as will convince any foreign power that its efforts to plant colonies or establish a government on the Western Hemisphere can not succeed; and by this method, and by this method alone, can we guarantee the enforcement of the Monroe doctrine. It is true that some of our American people criticize the Monroe doctrine and claim that its maintenance is not essential to the future peace and perpetuity of this Republic. But be that as it may, we hold to that doctrine, and, without discussing the wisdom or unwisdom of it as defined by different opinions, it is sufficient to say that so long as we as a Nation adhere to and maintain it, we must preserve our honor as a Nation by meeting the responsibilities which we thereby incur. [Applause.]

Mr. HAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Chairman, this bill represents an awakening of the people of the United States to a realization of their dignity and responsibility as a Nation. It points the way to a new governmental policy. It rejects as unsound the assumption that we can depend for the protection of our interests upon the influence of moral suasion at a time when our border is invaded by armed soldiers bent on robbing and murdering unprotected women and children.

The theft by Mexican outlaws of American cavalry horses and Army artillery furnishes a chapter in our history which has no precedent and which should have no recurrence. And the inability of this Government, representing 100,000,000 persons, to cope with this Mexican band, without an act of Congress to increase the Military Establishment, leaves no room for discussion as to the humiliation and precariousness of our predicament.

We can no longer rest content in the assurance that all the world is our friend, and that we are not subject to the enmities and hostilities of which other peoples are victims.

The need of military and naval preparedness is being discussed and debated not only in Congress but at every fireside in every hamlet and village and city throughout the length and breadth of the land. A new era must be inaugurated. The question is not, Is it wise to create this new national policy? We have reached the point where its establishment is a stern and immediate necessity.

My concern is not whether we are entering upon a dangerous experiment, but whether we are going far enough to meet the actual situation which confronts us. We have seen the spoliation of China, because of the inability of that rich country to resist the intrusions of more powerful neighbors. We have seen that the policy of peaceful argument and solemn appeals to the justice and morality of the issues had no weight in saving the Chinese people from the loss of their prestige, the confiscation of their resources, and the threatened destruction of their nationalism.

We in the United States have grown to a position of prosperity and pride where envy will point her finger in our direction, and greed will invoke the hatred of otherwise kindly disposed peoples. It is our duty as a Nation to be ready for insidious encroachments on our territory or attempted interference with our commercial rights and industrial activities.

The time will come when we will have to announce in certain and unmistakable terms whether the Monroe doctrine is an American principle or an international tradition. The country looks to this Congress to act wisely and adequately. It is clearly our duty to establish a policy of preparedness which will give a feeling of genuine and justified security to the people; one which will provide a guaranty of continued liberty and independence to ourselves as well as to the generations that are to come. [Applause.]

I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. HAY. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. NICHOLLS]. [Applause.]

Mr. NICHOLLS of South Carolina. Mr. Chairman and gentlemen, before taking up the argument on the bill in question I had decided, due to the limited time extended to each of us, to limit what I had to say to one phase of the bill, because it is impossible for a man to discuss 82 sections and discuss them to any extent. I shall therefore limit what I have to say to the question of the National Guard, which, in my judgment, is the most vital part of the new organization of the Army.

When I came to Washington as a new Member of Congress, I am frank to admit that I had in my head that there were two great lines that divided this body, that one was Republican and the other was Democratic, and that when any question of great interest came up the two lines divided and one was on the one side and one on the other. When I was appointed on the Committee on Military Affairs I was afraid that I was going to find that to be true. But what did I find? I found 21 men, some Republicans, some Democrats, but each forgetting that fact, and standing there as Americans to benefit this Nation by their action. [Applause.] That committee worked out this bill with no politics, no partisan lines, and has presented it to you with a unanimous front, and nothing could give the country and nothing could give me more delight than to see this House take the same action that that committee took.

We had several propositions before us. The first was, Shall we defend? We all agreed that we shall defend. And the question then arose, How is the best way to give adequate defense without being extravagant in that defense? The War College submitted a plan to create what was known as the continental army, and the plan which we have given you is the plan of the administration, except that we use the National Guard instead of the continental army. It is needless for me to go into a discussion as to why we did not favor the continental army plan. To put it briefly, we did not believe it was practicable. We did not believe men could leave their positions for one month in the year and serve their country, and go back and find those positions still open to them. We did not believe, even if they had the patriotism to do it, that the employers who employed them would allow them to come back and fill those positions, and, furthermore, we believed that the limited time given them in which to prepare themselves to be soldiers would virtually do them no good. Therefore the committee took the position that the National Guard, already working 52 days in the year, should be used as a second line of defense, and, if possible, add to that instruction the instruction given in the summer camps. And then we had the continental army plan coupled with the benefit derived from the National Guard. Therefore we substituted that plan for the plan of the continental army, which, I think we all agree, was not feasible.

And right here I want to state that the fact that Secretary Baker wrote a letter to this Congress disputing or controverting the figures presented by our chairman on yesterday should not bear on the merits of this bill. It is merely a question of an estimate as to how many reserves we have or how many men have been through military training.

It does not make any particular difference, but I want to call the attention of Congress to this fact, without meaning any reflection on the present Secretary of War: I want to ask you who prepared the letter that he sent, and how he knows, within the brief length of time that he has been here anything about the proposition? That thing came, in my judgment, from the War College, that has been opposed to our bill from start to finish, because they can not get exactly what they want.

Now, I want to say further that the plan which we give you is the plan of the President. We have given him everything that he has asked for, he having withdrawn his proposition of the continental army. There is no use in any of us denying that if we did have a large standing army of 500,000 or 600,000 men it would be a splendid way to defend the country, and the best way to defend the country would be to put a cannon on every rock on all our coasts and surround it with soldiers. But we can not do that. Let us do what we can do, and we can not do anything unless the people of the United States back us in what we do. Therefore the object was to get the next best thing. Your Regular Army, gentlemen, is sufficient, with the National Guard and the reserve corps, to defend you against an invasion. It has been said in the hearings before our committee that it would be impossible to land over 200,000 men in one trip from any foreign country, and if the standing army of 140,000 fighting men, besides the additional corps, can not attend to those 200,000 while that other country that we are supposing is going to attack us is going back to get more, then we ought to abolish the standing army. They can handle it and will handle it.

Now, let us see where the fighting forces of this country have always come from. You remember when the South tried to secede from the United States, and when the standing army, or the trained Army of the United States Government went to Bull Run to "wipe off the face of the earth" a mob of untrained citizens of the South; and you remember that the society people of the city of Washington in their carriages rode down to see the race; and you also remember that when those citizen troops met them there there was a race, and the people in the carriages headed the procession of runners back to Washington. [Laughter.]

Now, my friends, I am not trying to draw any sectional lines. I am as far from doing that as anybody in the House. The South did not have any standing army or any form of government to speak of, but they did have brave men ready to fight for the cause they believed to be right. The men who finally won that war were the citizen soldiers of the Northern and Western and Eastern States. When they repulsed our citizen soldiers at the Battle of Gettysburg they virtually ended the war and saved the Union; and this war was fought out by men who did not have compulsory military training when the war began.

Now, my friends, let me give you a little more history. When this Government was founded and when all the trained troops of our Government had been defeated, and when the British troops went toward the South, sweeping everything before them, and were in a position almost to conquer a free-minded, free-thinking, liberty-loving people, what took place? The citizen soldiers at Cowpens, in my own State, and at Kings Mountain, in North Carolina, without any military training, completely routed those troops and gave us our Government.

I have always believed that it takes two things to make a soldier. It takes not only discipline to make a soldier, but it takes patriotism; and the man who volunteers to give his time, to give his money, to give his blood, if necessary, in the service of his country in the National Guard, has, in my judgment, got more patriotism than the man who admits that he enlists to defend that flag for the paltry sum of $15 a month. [Applause.]

Now, gentlemen, will you pardon a personal illustration of National Guard duty? Five years ago in my native city a negro committed the unmentionable crime. He was placed in the county jail and a mob of 2,000 people attacked that jail with the intent of lynching him. The sheriff and his deputies shot some of that mob before the company was ordered out. The governor of that State wired the captain of the company and ordered him to defend that jail. I saw a National Guard company—18 of its members had worked side by side in a cotton mill with the young lady outraged—I saw that company respond, with two other companies of the National Guard, to the call and drive that mob from the jail walls, protect that negro, and never flinch and never flicker, although every member of those commands was in favor of stringing that negro up if he had not been under that oath to obey orders; and I tell you now in the South it was a harder thing for them to do than to face any cannon that the Kaiser has in his command. [Applause.] It was not a question, in that instance, of ordering men to fire and getting a response. It was a question of keeping them from firing on account of the insults hurled at them by that mob; and yet such discipline was maintained that not a shot was fired and the law was upheld. [Applause.]

Now, gentlemen, troops that can act thus under those conditions, troops who can act in the manner that this company acted there and in other places, can be relied upon to defend this country in time of war. What else? Another feature enters into the proposition of the national guardsman. While our standing Army, while our reserve, is defending our coasts against a probable invasion, while we are getting those troops to the front, you will have National Guard officers trainnig their companies. I think the committee was right in allowing the States to have some say-so as to who should command those troops. Suppose that a regiment goes out from Delaware. The men in the regiment know their officers. They have volunteered in the National Guard because they did know the officers and had confidence in them and wanted to be with them. Suppose my regiment comes out from South Carolina. Men are in that regiment who would not have joined it but for the fact that they liked the officers and had confidence in them. Suppose we put them in a joint encampment in time of war, and the President should say, "You Delaware officers command the South Carolina regiment, and you South Carolina officers command the Delaware regiment." What is going to happen? You can not get the same efficiency that you can get under your own officers. Therefore, I say the President will not under any conditions mix up things in that way.

No, gentlemen, I do not stand here and pretend to tell you that any National Guard organization is equal in efficiency to our standing Army. I do tell you, however, that if the border in New Mexico had recently been defended by a regiment of National Guards, and Villa and his bandits had crossed into the United States and burned the homes and destroyed the property of our citizens and the machine guns of National Guards had failed to work, and they had been caught asleep on the job, you would have heard a howl throughout this Nation denouncing them. I do not believe there is a regiment or battalion in the National Guard in this country who would not have acquitted themselves equally as well, if not better, than the United States troops stationed in Columbus, N. Mex.

There is another proposition that I think is of vital importance to the plan of defense, and that is the proposition that my friend from Mississippi [Mr. QUIN] spoke of yesterday, about nitrates for the purpose of manufacturing powder. I do not care to discuss that further than to say that I do not believe any defense would be adequate if we could be cut off from supplies of the ingredients which are necessary for the manufacture of ammunition, because none of us would say that it would be proper to send our troops into the field with nothing to fight with.

Now, gentlemen, I have talked along this line as long as I care to. I want to say to you men above the Mason and Dixon line who are fighting the proposition of preparedness, and to you men below the Mason and Dixon line who are fighting the proposition of preparedness, that you remind me of the time when I was a boy and my mother wanted to give me a dose of medicine and I did not want to take it, and she said, "You have got to take it whether you want it or not; you don't know what is good for you." I want to tell you Members from the North who are opposed to preparedness that in 1860 those of us in the South tried our best to secede from the Union and those of you in the North kept us in the Union very much against our will. We are proud of the fact that you did, but we wish to assure you that we are just as much a part of the Union as you are and we are just as proud of this great Nation, and that we are going to give you protection whether you want it or not, because, evidently, some few men on the floor of the House do not know what is good for the country. This House will adopt the measures which are necessary to protect our country and defend the honor and glory of the greatest Nation under the sun. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, I believe that the Committee on Military Affairs in reporting this bill to the House has provided the country with every possible facility in the way of putting our military organization on a sound foundation. In the first place the military critics and the citizen critics who have

attacked our Army and our so-called lack of preparedness and who have charged that the country is in such imminent danger from invasion by a foreign foe have, in my opinion, vastly overshot the mark. Even some of the representatives of the War College and of the General Staff who appeared before the Military Committee differed so widely in their views and some of them so exaggerated the necessity of an immense standing army that they failed to inspire our committee with confidence in their recommendations.

On the other hand, the so-called pacifists have argued that no increase whatever is required. So the committee have taken a middle course. We have recommended only moderate increases, but those we have recommended will, in my opinion, place the country in a reasonable state of preparedness. Personally I believe the House should still further increase our Regular Establishment. A Regular Army of 180,000 would not be too large for this great country of 100,000,000 people.

Now, it is said that the appropriations that Congress has made in past years have been largely wasted and that we have no Army to-day. That statement is absolutely false, and our Army is the best army of its size in the world to-day. [Applause.]

Mr. POWERS. Will the gentleman yield at this point?

Mr. ANTHONY. Yes.

Mr. POWERS. The gentleman from Nebraska [Mr. SHALLENBERGER] made the statement yesterday that we had appropriated more money for the support of our Army than Germany has for hers in a certain length of time. I did not quite catch his statement as to the length of time.

Mr. ANTHONY. I can not answer as to the correctness of any figures that may have been quoted. I hardly think we appropriate as much as Germany does for her army; but I want to say to the gentleman that we pay for our Army upon the American scale of wages. We have to compete with the civilian wage, in order to attract men from other walks in life; and if you take the amount of money which we are compelled to pay our men, if you take into consideration the way in which we subsist them and house them and all that, it shows that the money has not been extravagantly expended. But what I wanted to say was this, that considering the size of our Army there is no army in the world to-day that is at a higher standard than our own. Our officers are educated in as high a degree of military science as those of any army in the world. Under the system of Army service schools established 15 or 20 years ago, every officer in our service at some time in his life is put through a course of instruction which brings him absolutely up to date. Whether a Coast Artillery officer, a Cavalry officer, or an Infantry officer, he has access to the service schools of his particular branch, and the men who graduate from these schools are provided with the very latest ideas in military science, prevailing in any army of the world. All my life I have lived adjacent to one of the largest military posts in the country; and if you gentlemen could learn what I have learned by such proximity to our Army you would, by such daily observations, be inspired with confidence in the fighting capacity of the enlisted men, and confidence in the ability and intelligence in the officers that we have.

I do not believe we need a great Regular Establishment of half a million men as some advocate. I believe we only need men enough to garrison properly our outlying possessions, the Philippines, Panama, and Hawaii, and to provide what may be called an adequate coast defense, to properly garrison our own military posts and provide a proper internal police force for our own country.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STAFFORD. In the letter of Secretary Garrison, as well as in the explanation of the assignment of the troops under this bill, it is proposed to have but a portion of the increased enlisted Army in the continental United States and a large number dispatched for service in Hawaii, the Philippines, and the Canal Zone. What is the necessity for providing this increase for use in our insular possessions instead of having them confined to service in continental United States?

Mr. ANTHONY. I will say to the gentleman that I do not believe any of the increase provided for in this bill is intended to augment the garrisons in our outlying possessions.

Mr. STAFFORD. Secretary Garrison's outline suggested more than one-half of them for that purpose.

Mr. ANTHONY. It is my belief that most of the troops have already been taken from continental United States to Hawaii and Panama and the Philippines that are really demanded to garrison these places, and this increase will be used largely to replace those men in continental United States.

Mr. STAFFORD. Then, the increase is more for strengthening our forces in our possessions, rather than our forces here, against foreign attack?

Mr. ANTHONY. We have already strengthened our forces in our foreign possessions, and the increase will go largely to take the place of those garrisons that have been taken from our interior posts and our Coast Artillery forces here at home.

Mr. STAFFORD. That accounts for the want of troops at present in continental United States to meet the conditions on the Mexican border.

Mr. ANTHONY. That accounts for it absolutely.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MOORE of Pennsylvania. The condition along the Delaware River is, that whereas our fortifications there would require normally 800 men, they have been reduced to 200. Is it not essential that along the great coast line there should be a stiffening up of the number of men required to man the defenses actually in our possession at the present time?

Mr. ANTHONY. I think under our present policy it is the intention of the department to place the increases in the Coast Artillery provided in this bill at those points from which they have been taken away to send to Panama and Hawaii.

I will say further to the gentleman that, in regard to the Coast Artillery, personally I was against any increase in the Coast Artillery, because I do not think there is the slightest necessity for any increase. It would be far better to provide that all the increase we provide go to enlarge our mobile army. I think so far the reason that, going back into history, you will find that we have not fired a coast-defense gun or used a coast-defense soldier for the last hundred years. If this country was invaded by a foreign foe they would not land within miles of our fortifications if they could get away from them.

Mr. MOORE of Pennsylvania. Will the gentleman yield further?

Mr. ANTHONY. Yes.

Mr. MOORE of Pennsylvania. If the Navy of the United States should break down, which God forbid, would not the coast line be the first line of defense?

Mr. ANTHONY. In my opinion, no foreign battleship would dare approach a fortified harbor of any of our big cities. For instance, New York and San Francisco are so strongly fortified that no foreign fleet would dare expose itself by a direct attack upon them. The European war has shown the inability of battleships to stand up against land defenses, as at the Dardanelles, and our defenses of our great harbors are much stronger than any coast defenses in European countries, so our experts tell us.

Mr. MOORE of Pennsylvania. That would be because we had sufficient men to man our fortifications, which we do not have now.

Mr. ANTHONY. Our need is to provide a mobile army to defend the long stretches of our immense coast line that is not defended by big guns.

Mr. MOORE of Pennsylvania. But the gentleman would not dispense with the existing coast defenses?

Mr. ANTHONY. I would not. They serve their place very well, but I would not provide many additional big coast-defense guns but would keep them up to date.

Mr. MOORE of Pennsylvania. The gentleman would maintain the requirements as to matériel?

Mr. ANTHONY. Oh, yes.

Mr. MOORE of Pennsylvania. And that would need more men?

Mr. SLAYDEN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SLAYDEN. I would like to ask the gentleman if the experience in the world the last year or two does not suggest that what we need is an increase in field artillery for effective defense, rather than coast artillery?

Mr. ANTHONY. The gentleman is quite correct.

Mr. SLAYDEN. I agree with the gentleman. I think, man for man, the Regular Army is equal to any people on earth; but does not the gentleman think that somebody must have literally or figuratively gone to sleep on his post a few days ago in Columbus?

Mr. ANTHONY. I would rather that the gentleman answer that question himself.

Mr. SLAYDEN. I think the gentleman can get my view.

Mr. ANTHONY. I do.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MOORE of Pennsylvania. If a foreign foe proposed to send men into the United States they would come in at some port which, presumably, we have fortified. The gentleman would not permit our fortifications to be undermanned if it should be necessary to repel that kind of an invasion?

Mr. ANTHONY. I would not underman any of our important single coast defenses. Many unimportant coast-defense

posts now have garrisons, where a few caretakers for the guns would suffice. But if a foreign army came to our shores they would not necessarily come to a harbor. It has been demonstrated that a landing can be made on any unprotected part of the coast.

Mr. MOORE of Pennsylvania. I think that is true, but I wanted to have the gentleman say whether or not it is not true at the present time that the coast defenses are undermanned.

Mr. ANTHONY. No; I do not believe that is correct.

Mr. MOORE of Pennsylvania. That is the report of the bureau.

Mr. ANTHONY. Let me say this: I believe it is not necessary to have a full complement of men behind every gun in the coast defense in time of peace, but only enough men there to take care of the guns, and especially is this all that is necessary at the unimportant places if at any time the country is threatened they could be instantly manned. The Coast Artillery will say that you should keep a large force there all the time to man the guns, but the infantryman will tell you that in a time of necessity they can provide the men in 30 days to augment the trained mechanical experts of the Coast Artillery, and so man the great guns. It is the business of the Coast Artillery to provide trained men to handle the big guns, but that highly skilled proportion necessary is only 25 per cent. The other 75 per cent of the force needed could be augmented or recruited from the other branches of the service in 30 days.

Mr. MOORE of Pennsylvania. Does this bill provide for an increase of the Coast Artillery?

Mr. ANTHONY. It provides for an increase of 52 companies—about 5,200 men. I voted for it against my best judgment, largely to gratify the desire of men situated like the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I am glad the gentleman did it.

Mr. ANTHONY. I believe this bill provides a reasonable increase in the Regular Army. It would be better, however, to still further increase some branches, particularly the Cavalry, which the bill does not increase at all. Sufficient extra officers, by which we can readily train a sufficient army of citizen soldiers are provided by the bill. In addition a federalized National Guard of 400,000 is provided so that the country can be adequately protected in any emergency.

It does not take two or three or four years to train soldiers to make a fighting man out of a citizen, in spite of what the so-called experts will tell you. I want to say to this House that, in my opinion, if the emergency which the gentleman from Pennsylvania speaks of should arise, if our Navy should ever be swept from the seas—and I do not believe that such a disaster could ever overtake us, even were all the ships of all the other nations arrayed against us, at least it could not be accomplished without the lapse of months of time—I believe that within three months an army of well-trained citizen soldiers could be armed and equipped and made ready to defend the country in addition to the 165,000 Regulars we have provided and the 429,000 National Guardsmen that are provided for in this bill.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McLAUGHLIN. The gentleman's statement as to the increase in the number of officers and the uses to which they are to be put—does the gentleman think the present plan or plan contemplated by the board or by the committee for the increase of the officers and placing them on the retired list, is right?

I understand that now the Army rolls are loaded down with retired officers and that appropriations to the extent of $4,000,000 are necessary to pay the salaries of retired Army officers.

Mr. ANTHONY. The gentleman is quite right. There has been too much liberality exercised in retiring officers from the regular service.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KAHN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. ANTHONY. It is my purpose to endeavor to secure an amendment to this bill which will require our present retired list to be overhauled, and those men who have been retired for disability who have since recovered and become physically able to be restored to duty, restored to duty which they are able to perform.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MEEKER. The point brought out a moment ago, or the suggestion, raised one thought in my mind. The gentleman speaks of putting a million men in the field in three months. Have we the equipment for those men?

Mr. ANTHONY. I will say to the gentleman that we have 1,000,000 extra modern rifles made and in storage.

Mr. SLAYDEN. Mr. Chairman, does the gentleman's reformation of the retired list contemplate a changing of the retiring age?

Mr. ANTHONY. No; it contemplates remedying the abuses which have heretofore existed. For instance, one of the abuses, in my opinion, is that which would require an Army chaplain to ride a horse 90 miles in three days or go upon the retired list. There are good men able to perform adequate military duty, for instance, able to sit in a swivel chair at the War Department and do good desk duty who have been placed on the retired list because they could not ride 90 miles in three days.

Mr. SLAYDEN. Does not the gentleman recognize the fact that that makes way for promotion?

Mr. ANTHONY. Oh, I readily understand that.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SHERLEY. The gentleman does not want the impression to go out that we have sufficient guns, not rifles, but field guns and ammunition and other necessary matériel to equip a million men?

Mr. ANTHONY. No; I do not.

Mr. SHERLEY. The gentleman's answer seemed to indicate that, and, of course, that is, unfortunately, very far from the fact.

Mr. ANTHONY. I will say to the gentleman that I think sufficient provision has been made and the manufacture of field guns has commenced in such substantial quantities that it will be comparatively few years until we have such supplies.

Mr. SHERLEY. The gentleman does not believe that we can make an efficient Field or Coast Artillery soldier in three months so that he is able to shoot guns with the accuracy that would be necessary not to tremendously waste ammunition?

Mr. ANTHONY. Not at all. What I said was that we could augment the Coast Artillery from other branches of the service.

Mr. SHERLEY. Where are you going to get the men? The gentleman made the statement, in answer to the gentleman from Pennsylvania [Mr. MOORE], about not needing men to man all the guns, that we only need part of a gun crew. Is that opinion shared by any officer in connection with the service?

Mr. ANTHONY. No; every Coast Artillery man will want every man you can give him.

Mr. SHERLEY. It is one thing to brush aside, as the small personal ambition of a man, his opinion, but it is another thing to meet the opinion of officers whose business it is to know. I have given seven years of pretty constant study to the question of Coast Artillery. I do not think the gentleman's statement touching the needs of the personnel is warranted by the opinion of those who have to deal with the question.

Mr. ANTHONY. When we get to that part in the bill I will give the gentleman my views.

Mr. SHERLEY. But the gentleman has already given his views to the House, and I did not want the statement to go unchallenged.

Mr. ANTHONY. Mr. Chairman, this bill is not perfect in all its provisions by any means, but its general principles are correct. There are a number of places, however, which this House should straighten out before it is enacted into law. One of them is the inequalities which will result in promotion, which will follow from the increases we have made in this bill unless some provision is made to correct them. For instance, we increase the Infantry and the Coast Artillery and the Field Artillery, but we do not increase the Cavalry. Every Cavalry officer will suffer from seeing his brothers in the service promoted over his head while he marks time unless we provide that he shall advance at the same time they do, when the cause is purely legislative, as this is. From the thousand extra officers provided in the bill, if they are properly apportioned among the proper ranks and branches, we can make up for these inequalities. The present provision in the bill does not do this, but I believe the chairman of the committee is convinced there should be further liberality in that regard. When we reach that provision in the bill it is my intention to offer an amendment which will straighten out the present lack of equality there. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, gentlemen speaking in favor of the bill on both sides of the House have mainly said that it is a bill for an increase of the Army sufficient in time of peace. That may be correct. I am not familiar enough with the subject to know, but it seems to me that the statement itself shows that the bill falls far short of what ought to be provided at this time. We are having a little trouble down on the border of Mexico, sending a few soldiers over into Mexican territory.

When the time came to do that, after having troops on the border for four years in contemplation of the possibility of the very thing that has occurred, no troops were really ordered across the border until the House had passed a resolution authorizing an increase of 20,000 in the Regular Army, to take the place, perchance, of the few soldiers who did cross the border. There never was a more pat illustration of the fact that while the present Army or the proposed increase may be sufficient in time of actual peace, it is not sufficient now when any occasion arises for even miniature war. [Applause.]

We are having the greatest war of all the ages going on now, with the determination on each side to kill the other side at all hazard, each side probably believing that it is fighting for its own existence, and fighting, too, with a revengeful determination to make the other side powerless in the future. In such a war neither side will be too careful of the interests of outsiders. We constitute the greatest neutral power in the world. We expect to speak with some authority. Who would pay in this war much attention to the suggestion or the request of one of the small Central American Republics? Would either England or Germany give very much attention to a protest made by even so good a Republic as Nicaragua? Not at all. Why not? They do not have either the actual or the potential power behind them. Our suggestions meet with careful contemplation, if not consideration, because of the actual or rather the potential power behind them. And we will not go through this war to the end without many questions arising of the greatest importance to us and to the world, and very largely it will be left to this Nation and the representations made by this Nation to protect the integrity of neutrals throughout the world, if not to maintain the principles of international law most vital to us and to the rest of the world. [Applause.]

Our influence, moral as it is, tremendous as it is from the moral side, is great not so much because of the reasoning which we adopt as the potential power behind that reasoning. Other nations and other men may reason as well as any of us, but they have not the power behind them. After this war is concluded, or after peace shall have been agreed upon, there will arise many problems perplexing in character, intricate in detail, and delicate in all of their relations. We expect that the United States of America will do its share toward protecting the interests not only of our people but of all the world and of all civilization. No one can tell what those questions will be or how they will arise. I believe that it is the duty of the United States, with the war going on in Europe, with its intricate and delicate problems constantly arising, with the questions that are sure to arise after the war, to prepare now an army which will add to the weight of the reasons and the suggestions which we may make. [Applause.]

We add by this bill only 20,000 to the Regular Army over what is now authorized; 40,000 before the resolution passed a few days ago. I have never been—I am not now—in favor of a large standing army. I do not believe it will ever be possible in a country like ours, with the feeling which our people have, ever to maintain either a large standing army or compulsory military service. [Applause.] But I do believe that an emergency exists where it is wiser and cheaper in the end to make ample preparation now for trouble which may come. If the trouble does not come, we will be getting off cheaply with the money which we expend. If the trouble does come, we will show that we will then be getting off cheaply both in money and in blood. The President of the United States, it is said on this floor this morning, favors this bill. Doubtless the President, who has indicated publicly his desires that there should be some real preparedness, favors the best he can obtain. I have no doubt he favors this bill over the existing law. I have no doubt he favors the Senate bill over the existing law. But this is not preparation for trouble; this is only preparation for peace. [Applause.]

If we do not fear trouble, there is no special hurry about this bill. If we fear that a dangerous situation may arise, then we are not preparing for it. I have noticed all through my life that the lawyer who prepares for his case in advance has the advantage. I have often noticed in this House that a man who prepares upon a subject has the advantage, and I have often noticed that the man who did not prepare was at a disadvantage. To me the time has come in the relation of our country to the world when I think it is wise for us to consider the possibilities as well as the probabilities and to prepare now for what may or might come to us, and if we do not do that and something does happen we will all, as well as the country, regret it to the end of our lives. With the war spirit running throughout the world, with the inflammatory feeling arising apparently among all the people, in this the greatest and richest Nation of the world, it were idle to say that we should leave ourselves utterly unprepared for possible war in the sublime confidence that God will take care of us as he does of drunken men. [Loud applause.]

Mr. ANTHONY. Mr. Chairman, will the Chair tell me how much time remains for this side?

The CHAIRMAN. One hour.

Mr. ANTHONY. Mr. Chairman, I yield that hour to the gentleman from California [Mr. KAHN]. [Applause.]

Mr. KAHN. Mr. Chairman, for years on this floor I have advocated the cause of preparedness. For years the suggestion fell upon deaf ears. It required a great war—a world war—to arouse the people of the United States to the necessity of enacting legislation for military and naval preparedness. No nation is the sole arbiter of its own destinies. The people of the United States are a peace-loving people; they do not desire war; they hope that war may never come. But suppose some other nation should feel that we have insulted its national honor—that we have affronted the people of that nation. Suppose that other nation should feel that the affront can only be wiped out by the arbitrament of arms. The American people are not cowards, but if challenged in that way they will fight [applause] even as they have fought in the past. But we can not fight unless we have the money, the men, the arms, and the munitions. And it is in time of peace that we must provide those means for defense. Wars come suddenly. I heard Lady Barlow deliver an interesting address here in the city of Washington a few weeks ago in which she described how suddenly the present conflagration in Europe was ignited. Her husband is a member of the English Parliament; her brother is a member of the English Parliament; her father is a member of the English Parliament. She had been appointed a delegate to a conference to be held at Constance, in Germany, on the 1st of August, 1914. On the 27th day of July preceding she asked her husband to speak to Earl Grey, the British minister of foreign affairs, and find out whether it would be advisable for her to go to Constance, she being a delegate to a convention that was to be held there on that day. War had been declared a day or two before between Austria and Servia. That evening her people had a conference with Earl Grey. The latter reported that there was absolutely nothing to fear—that there was not a cloud on the horizon that could not be dissipated through the forces of diplomacy. The next day—on the 28th of July—she started for Constance, in Germany.

She reached that city on August 1 in time to attend the conference, and while it was in session one of the secretaries rushed in excitedly and stated that war had just been declared between Germany and Russia; that the German Government had placed a special train at the disposal of the delegates; that mobilization had commenced; that unless the delegates took advantage of going on this train it would probably be a long time before they could reach their respective homes. The lady left Constance that afternoon. She arrived in London on the evening of the 4th of August. Two hours after her arrival war was declared between England and Germany. All of this occurred within the period of one week.

Take the war between Japan and Russia; that war broke out without warning to Russia. The war between Japan and China broke out without warning to China. And we may as well make up our minds that no nation on earth which should contemplate hostilities with us is going to give us time for preparation when that other nation believes that the hour has come when it must strike. So I repeat that we must make our preparations for national defense during the piping times of peace.

Oh, we often hear it said on the floor and elsewhere that 70 per cent of all the money that goes into the Treasury of the United States is expended on account of wars past and possible wars to come. If we had been prepared in our past wars we would not be paying that enormous sum for those wars. Take the pensions that are paid annually, approximately $165,000,000. Much of that money is paid because our men were stricken with disease; because they died of wounds that might have been healed but for our lack of preparedness——

Mr. CALLAWAY. Mr. Chairman——

Mr. KAHN. I can not yield just now. I will a little later on.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. Much of the money is being expended in paying interest on the bonds that it became necessary to issue by reason of our being involved in war.

Take the case of England in that regard. Her expenses in this war, according to the statements of her statesmen, aggregate $25,000,000 a day. Since the outbreak of this war she has expended $10,000,000,000 for the war. Take the case of France. She is expending approximately $17,000,000 a day. She has expended approximately $7,000,000,000 since the outbreak of this war.

Only yesterday, during general debate on this bill, a gentleman stated on this floor that if war should come the American people would gladly instruct their Representatives to vote the necessary funds to carry on the war. I do not doubt the correctness of the facts contained in that statement; I do not question it. Of course, they will do it. But just think of how much more it will cost in those days of stress to get ready to fight, and how much cheaper it can be done here during the days of peace. That is why we are paying so much for wars past. We had to pay war prices for everything we purchased in war times. It would have been infinitely cheaper to have purchased supplies in times of peace and kept them in reserve.

When the French Parliament was opened only a few weeks ago the oldest member of the body, Senator Latappy, who was the presiding officer of the Senate, stated that the trouble with France had been that her Parliament had been occupying its time too much with trying to cure all the ills of humanity and had not given enough time to the national defense. He stated further that if France had been as well prepared at the beginning of hostilities as she is prepared now, the probabilities were that she never would have been attacked. And I for one feel that if my country is properly prepared the chances of war will materially diminish. [Applause.]

It is the old case of the highwayman. He lurks behind a tree waiting for a victim. If he sees a vigorous, stalwart individual who can take care of himself come up the road, he lets him pass by in peace. But if he sees an individual whom he believes he can worst and rob, he pounces upon the latter and takes away from him whatever of value he happens to have in his pockets. It is the same with nations as it is with individuals. And our ultrapacifists make a great mistake in believing that mankind have grown to be so good, so generous, and so gentle that no people will want to fight us, and, if they do, all we need do is to hand them a Sunday school tract and that will settle the whole controversy. [Laughter.]

Preparation, not only against war but for every condition in which human life is concerned, is necessary in every country. Take the case of the man who puts up a magnificent apartment house. He feels it incumbent to add necessary fire escapes. They do not add to the beauty of the building, and they add materially to the cost of construction. If you were to ask the owner of the building, "When do you expect a fire?" he would promptly reply, "I do not know; but I am putting up these fire escapes to protect the lives of the people within the building in case fire should come." What is that but preparedness? A gentleman on this floor said yesterday that in the committee he had asked whom we were preparing against. He asked, "Is it Japan?" "Is it Germany?" "Is it England?" "What country are we to prepare against?" And he said he was surprised because none of the Army officers who appeared before us could answer the question.

Mr. Chairman, the captain of the palatial steamer that puts out across the ocean carries with him a large number of life preservers and lifeboats and life rafts. If you were to ask that captain, "When do you expect the storm in which you will be required to use these devices?" he would undoubtedly tell you, "I do not know. I hope no such storm will ever come; but if it should come I want to be prepared to meet it." [Applause.] And the same principle holds good with respect to the military and naval defenses of our country.

Mr. FIELDS. Will my colleague yield?

Mr. KAHN. Certainly.

Mr. FIELDS. Has it not been stated on the floor of this House in the last two years by Members opposing preparedness that there was no possibility of war between the great nations of the earth at that time?

Mr. KAHN. Yes; it was so stated, and yet war did break out, and it broke out as suddenly as I stated a few moments ago.

It has frequently been asserted that the report from the Committee on Military Affairs is a unanimous one. It is. Preparedness, the question of national defense, is not and never should be made a partisan question. [Applause.] Every loyal, patriotic American citizen should want to see his country in a condition of preparedness for national defense, so that she would be able to properly defend herself, her citizens, and her institutions against the armed attack of any country on the face of the globe. [Applause.]

I agree with the gentleman from Illinois [Mr. MANN] that we ought at this time enlarge our regular standing army.

But, after all, when you get a committee of 21 members together, each with his own views, his own ideas, it becomes necessary in the interest of good legislation, in the interest of speedy legislation, to yield some of one's personal views for the sake of getting other things that one might think are of equal importance. In other words, if the committee can agree on principles, the details can generally be reached by compromise. That is what happened in the committee.

The committee was greatly at sea upon the question as to how many additional men should be added to the Regular Army, and that was not strange. The committee is composed of laymen. They know little or nothing about military matters. Some few of the members have had service in the National Guard. Two or three of them had service of some kind or other in the Spanish-American War. But the overwhelming majority of the membership of the committee have had no personal experience in military matters, and therefore they had to depend upon the testimony given by those who are at the head of the Military Establishment of the Government. And what happened?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. KAHN. In a moment. There were Army officers who came before us who testified that in order to be properly prepared we required as many as a million men. There were others who said that we needed immediately 500,000 men in the Regular Army. There were others still who said we needed 250,000 men in the Regular Army; and, finally, the Secretary of War said that about 134,000 men of the Regular Army would be enough, provided he had some other forces which he desired.

When you consider that the experts, the men who ought to know, are thus divided among themselves as to just what force is required you can readily see that even a great committee of the House of Representatives might make a mistake in fixing the proper figure for the number of men who should be enlisted for the line of the Regular Army of the United States.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. KAHN. First, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Confirming what the gentleman says as to taking advice from those who know, does the gentleman recall the passage by this House, by an overwhelming majority, about two and a half years ago of the so-called Hensley resolution, which, upon a mere newspaper report from Great Britain, proposed that we should cease the construction of battleships for at least one year?

Mr. KAHN. I recall that incident.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Missouri?

Mr. KAHN. But, then, it is a good thing for the country that there are men in Congress who have the courage to take the testimony that is given them, to weigh it thoroughly, and then, in the light of their judgment, to frame the legislation in all honesty in the hope that the country will approve. [Applause.]

Mr. MOORE of Pennsylvania. And take advice from those who know.

Mr. KAHN. Sometimes they have to disregard the advice of those who are supposed to know, because, as I told the gentleman from Pennsylvania, those who ought to know how many enlisted men we ought to have in our fighting force varied in their figures from 134,000 to approximately a million men.

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Missouri?

Mr. KAHN. Yes; I yield.

Mr. BORLAND. Before the gentleman gets away from the question of the increase in the standing Army, was it not also true that the committee was confronted with the difficulty that the Army now experiences in keeping the Army enlisted up to its present strength in time of peace? Would not a largely increased paid standing Army largely increase that difficulty in time of peace?

Mr. KAHN. Well, the testimony before the committee was to this effect—that during periods of business depression enlistments increased. So that enlistments increased considerably soon after the passage of the Underwood tariff bill. [Laughter on the Republican side.] But later on the enlistments—and it is so at present—fell off very materially.

Mr. BORLAND. In 1907 there must have been an enormous enlistment, a tremendous enlistment.

Mr. KAHN. There was not as much as there has been more recently. But in all seriousness——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Yes.

Mr. MOORE of Pennsylvania. I would ask the gentleman to state the minimum number of men that appeared to be required, as the concensus of opinion of the experts who appeared before the committee.

Mr. KAHN. Well, as I now recall, the War College wanted 250,000 men. The Secretary of War wanted 134,000 men, and, as I say, the Army officers that appeared before us all differed from each other in their estimates.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Missouri?

Mr. KAHN. I yield.

Mr. DECKER. I would like to ask the gentleman one question, to prevent what otherwise might be a misunderstanding. The gentleman from Pennsylvania [Mr. MOORE] asked the gentleman from California if he did not remember a resolution in which it was proposed that this country cease armament. Do you know of any such resolution as that introduced here?

Mr. KAHN. I recall something of that kind in the press of the country at that time, but whether it was ever introduced or not I do not recall.

Mr. DECKER. Was not that resolution introduced by Mr. HENSLEY to the effect that an effort be made by this country to induce all countries to cease military preparations for a year?

Mr. KAHN. I think that was done.

Mr. MOORE of Pennsylvania. Including the United States.

Mr. KAHN. Yes.

Mr. DECKER. And all the House voted for it except Mr. Moore.

Mr. MOORE of Pennsylvania. The gentleman is almost right.

Mr. KAHN. I can not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. Now, the chairman of the Committee on Military Affairs discussed on yesterday the enlistment period in the United States Army. At the present time, under the existing law, men are enlisted in the line for a period of four years with the colors and three years in the reserves. I have always contended, and I feel now, that that enlistment period is too long. I think the chairman omitted to state the one important fact that would indicate a three-year enlistment period as desirable under existing conditions, and that is that we must send large numbers of our troops to our insular possessions. If we enlist those troops for a period of two years, we would begin training them on the day they left the mainland, and they would be about fully trained at the time they got ready to come home. For that reason it may be desirable to continue the three-year period for troops in service in our possessions at any rate. The bill provides for that length of service. But at the proper time I shall offer an amendment—and I think such an amendment might well be adopted—to allow any man in the Army, after a period of one year, if he can show proficiency as a soldier, upon the recommendation of his commanding officer to go into the reserves forthwith. (Applause.) And at two years he certainly ought to be allowed to go, even if his commanding officer is not willing to give him a certificate. I believe that a four-year period of enlistment or a three-year period of enlistment deter many young men from going into the Army—young men who would, for a brief period, be willing to adopt the life of a soldier for the experience and training it would give them during a period of one year, or even two years. Army officers have stated before the committee that you can not make a good, dependable soldier in less than three or four years. I think that is absurd. Take the great war that is being fought in Europe to-day; the soldiers in the German Army have had only two years' training. The soldiers in the French Army had two years' experience until a very few years ago, when it became necessary to increase the enlistment period in France to three years, not because the soldiers were not properly trained at the end of two years, but because the German population had so far outgrown the French population that Germany, with a two-year enlistment period, could put as many soldiers in the field as France with a three-year period of enlistment. That was the only reason for it. And if in two years you can make a good soldier out of a German boy or a French boy, or a Russian boy or a Japanese boy, I say you can make as good a soldier, if not an infinitely better soldier, out of an American boy in that period of two years. [Applause.]

I recognize the fact that if the period is cut down you must still make some provision for noncommissioned officers. You must allow a certain number of men to reenlist time and again for the purpose of making noncommissioned officers. They are all-important in any fighting arm of the military service.

Mr. Chairman, we have heard a great deal about compulsory military service, or universal military training. I have often said that, in my judgment, the people of the United States are not ready for such a program at this time; but I have as an exhibit here a number of English posters. They are genuine. Hundreds of thousands of similar posters, printed at an enormous expense of money, were distributed at considerable cost from one end of the British Isles to the other. For 18 months the Government of England appealed to the manhood of the land to come to the colors in defense of their King, their country, and their homes. It seems to me that in some of these posters one can read tragedies that seemingly ought to appeal to the latent patriotism of even the dullest of English citizens. For 18 months this effort was made. It would seem, however, that the effort was practically fruitless. Finally that country had to resort to conscription—to the draft.

In the one great war in which the American people were embroiled, the War between the States, the southern government resorted to conscription in 1862. The northern government resorted to it in 1863. For a while in the North we had trouble, even under the draft, to get soldiers, just as England to-day under conscription is having her difficulties to get soldiers. It may be that the time will come when in this country a system somewhat similar to the Swiss or the Australian system may be adopted. But each of those systems is predicated upon the idea of universal military training; and, after all, in a Republic like ours, that is the democratic, the fair, the honest way of getting soldiers. [Applause.] Every boy, whether he be rich or poor, whether his station be high or low, whether he come from the powerful or the weak, is put upon an exact equality with every other boy, and that is true democracy. [Applause.] Those who speak of universal training in these days can point with pride to some of the fathers of the Republic in that regard. Thomas Jefferson himself, acknowledged to have been the greatest of all Democrats, as early as 1805 prepared with his own hands a bill which he sent to his Secretary of War, Gen. Dearborn, with a request that the Secretary have it introduced in Congress and written upon the statute books, advocating compulsory military service. So those who believe in compulsory service have at least high authority for their views.

The trouble with us in this country to-day upon the question of preparedness seems to be this: We have on one side men who go to one extreme, and on the other side citizens who go to the other extreme. Both extremists do much harm and no good. I remember occasions on this floor when a gentleman, who is now absent from the House, rose repeatedly and urged that an enormous Navy be built forthwith because we would have war with a certain country, which he named, inside of two years. The two years have long since passed. We have had no war, and we may never have any war. At any rate, we all hope so.

But I believe that it is much more important to the people of the United States to-day that we build up without delay a large effective Navy than that we have an enormous Army. [Applause.] The Navy is our first line of defense. [Applause.] So long as we control the sea, so long as our battleships keep afloat to fight off any possible fleet that may be sent to our shores by an enemy, so long will our country be safe from invasion. It is only if we lose control of the sea that the invader would try to make a landing upon our coasts. And the testimony before the committee is to the effect that our military force must be so effective that if the invader should land he ought to be defeated at the seaboard. Therein alone lies the safety and the security of the people of the United States.

The ultrapacifists who came before our committee have lost sight of some of the elemental facts in life. In nature we find the birds of the air preying upon one another; the fish in the sea preying upon one another; the animals of the forest and the plain preying upon one another; the crawling insects and the creeping insects preying upon one another; and in all history in like manner men have preyed upon their fellow men. And you will have to change human nature to make it different. So long as ambition and avarice and covetousness exist in the human breast so long, in my judgment, will you have war. Nor can racial differences be adjusted in courts of arbitration, and so long as you have racial differences you will have wars. But, after all, the greatest, the most prolific cause of war is commercial rivalry; that is, in a measure, avarice and covetousness. Many nations of the world have been wiped out simply because some more powerful body of people wanted to get the trade that the weaker nation had built up. And many of the wars of our day were frequently brought about on account of commercial rivalry.

Mr. Chairman, the people of this country have grave problems to confront, perhaps graver problems than we have ever had to confront at any period of our country's history. We stand for

the Monroe doctrine. Do you not think that that fact brings in its train a great burden to the people of the United States, especially so since we have built the Panama Canal? Can the people of the United States look with equanimity upon any other nation acquiring a naval base or territory between the Panama Canal and the mainland of the United States? I do not think so. And if we desire to keep other nations out we must be prepared to defend the Monroe doctrine, if need be, by force of arms. [Applause.] What is the use of trying to deceive ourselves? In the Pacific Ocean we have island possessions that are the key to the canal. Hawaii, in the north Pacific, and Tutuila, with our naval base of Pago Pago, in the south Pacific, are essential to the peace and the welfare of the American people. These insular possessions must be held by us, and in order to hold them we must have an augmented Army and we must have a powerful Navy. Let us not deceive ourselves in these matters.

We have, in the Far Northwest, Alaska, rich in minerals, rich in furs, rich in many other things; Alaska would be a great prize for any nation that might seek to try conclusions with us. Even there in that distant area we must be prepared to defend our rights.

I do not believe that the American people have been fooled with the statement so frequently made that the munition makers are responsible for wars; that it is they who incite the people to war. Long before there were ammunition makers, long before there was the so-called Ammunition Trust, since the earliest days of recorded history there have been wars; when each man had to make his own weapons—the bow and arrow—we had wars. There was no mention of a trust in those days. And, after all, for the last four years the Government of the United States itself has been manufacturing practically all of the ammunition which it requires for its Army.

Why should the ammunition makers, under these conditions, attempt to stir up war in this country? They have little or nothing to gain if the Government is making its own ammunition for its own Army. Yet we hear it constantly asserted, constantly repeated, that if the Government would begin to manufacture its own ammunition the Ammunition Trust would not be in a position to compel this country to get into war. The truth of the matter is the people do not know that we have been making our own ammunition for our Army during the last four years. It is about time that the press of the country should inform them to that effect.

Mr. Chairman, the bill that has been reported makes some splendid changes in the military organization.

Mr. FESS. Will the gentleman yield before he enters upon that?

Mr. KAHN. Yes.

Mr. FESS. I want to ask what the gentleman's opinion is in reference to the Monroe doctrine; what his opinion is, if he has one, of the effect of what has taken place at Brazil on the possibility of trouble over the Monroe doctrine.

Mr. KAHN. The dispatches in the newspapers seem to indicate that there might be an agreement between Germany and Brazil under the terms of which Brazil is using the interned ships on account of the scarcity of other ships to carry her products to the markets of the world. Of course, it is all conjecture. We know nothing about it, and until we know all the facts I for one do not want to indulge in the realm of theory. [Applause.]

Mr. POWERS. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. POWERS. The gentleman from Nebraska [Mr. SHALLENBERGER] stated yesterday that, in round numbers, since 1901, this Nation had appropriated for the support of the Military Establishment $1,700,000,000; that during the same period the expenditure of the German Empire for the same purpose was $1,650,000,000, or practically the same amount. With this money the German Nation has armed a nation, built a military establishment which is the wonder of the world.

Mr. KAHN. Of course, that is largely due to the fact that our Army is the most expensive army in the world. We pay our private soldiers on the first enlistment $15 a month. My information was that the German soldier receives approximately 2 cents a day, or 50 cents a month, but the gentleman from Connecticut [Mr. HILL] yesterday stated that the Germans get 12 cents a day.

Mr. FARR. The German soldier gets $38.52 a year.

Mr. KAHN. Thirty-eight dollars and fifty-two cents a year, while the American soldier gets in the way of pay $180 a year, besides many allowances that the German soldier does not get.

Mr. REAVIS. If the gentleman will pardon me, the statement made by the gentleman from Connecticut [Mr. HILL] was that during war times the German soldier got 12 cents.

Mr. KAHN. My information is that the German soldiers in times of peace receive 2 cents a day. I imagine that information is correct, because in the statement of the gentleman from Connecticut he stated the figures for Austria, where they get 2¾ cents a day.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. SHALLENBERGER. It may be that the gentleman from Kentucky doubts the figures that I gave because they came from a Democratic source.

Mr. POWERS. Oh, no, I do not doubt the figures at all, but I was wondering why we were not in a better state of preparedness.

Mr. SHALLENBERGER. I took the figures from the splendid speech of our colleague from Wyoming [Mr. MONDELL], the speech he first made on the preparedness question before the House, and I have no doubt that the figures are correct.

Mr. KAHN. I do not doubt the correctness of the figures, but the reason is that we pay substantial wages to our soldiers and the other countries do not.

Mr. FARR. Do we really know how much Germany has spent on her army?

Mr. KAHN. I do not know. I can not furnish the information, but I am willing to take the information given by the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. HUDDLESTON. Will the gentleman yield?

Mr. KAHN. I will.

Mr. HUDDLESTON. Can the gentleman tell what part of the seventeen hundred million dollars has been spent for pay of the enlisted men?

Mr. KAHN. No. The last bill carried approximately $22,000,000 for their pay. We retire enlisted men after 30 years' service on three-quarters pay. The last bill carried $2,800,000 for that. Of course, in addition to that, the clothing allowance for soldiers is very much greater than in any other country, and the soldier gets other emoluments not given to the soldiers of any other country.

Mr. HUDDLESTON. Is it not a fact that the wages of the enlisted men represent less than one-fifth of the expense that has been spoken of?

Mr. KAHN. Oh, no; the gentleman is entirely mistaken. Now, Mr. Chairman, one of the things I like in this bill is the practical reorganization——

Mr. HENSLEY. Will the gentleman yield?

Mr. KAHN. I am sorry, but my time is running. If I have time, I will yield to the gentleman after I finish this. The new organizations will have a headquarters company, a supply company, and machine-gun companies. We have all learned from the war in Europe that the fighting there is being done in the trenches with machine guns. In fact, two or three days ago a gentleman who has just returned from the trenches told me that on the German side there is a machine gun about every 10 feet. If that statement be true, then we will have to increase largely the number of our machine guns, and I hope that the Ordnance Department will see its way clear to ask for proper appropriations for the construction of these most effective guns, so that in case war should come we will at least have a proportion of them that will be adequate for the defense of the American people.

Mr. Chairman, I have not that sanguine feeling about the militia that some of my colleagues have. I do not think it possible under this bill to enlist 425,000 national guardsmen unless many of the States of the Union change either their constitutions or their laws. The State of Utah, for instance, has a provision in its law that the possible limit of its enlisted men shall be twelve hundred. Under the Hay bill, at 800 men for every congressional district and 800 for each Senator, there should be thirty-two hundred men in the State of Utah. There will be a deficiency of 2,000 men unless Utah changes its laws.

Mr. HAY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes; certainly.

Mr. HAY. The gentleman does not deny that under the Constitution of the United States the Congress has the right to fix the number of men which may be raised in any State?

Mr. KAHN. Oh, I think that is true, but I still believe that unless the States of the American Union meet this provision in this law in the same spirit in which it is being enacted by the Congress of the United States you never will have 425,000 men in the National Guard of this country.

Here is a partial list of States in which legislation must be amended to comply with increases in National Guard provided by the Hay bill:

Utah.

Maximum peace limit (enlisted men)	1,200
Quota enlisted men under Hay bill—800 × 4	3,200
Deficiency	2,000

(L. 1909, ch. 73, sec. 15.)

South Carolina.

Peace limit (officers and men)	2,500
Quota enlisted men under Hay bill—800 × 9	7,200
Deficiency	4,700

(Civil Code, 1912, art. 4, sec. 528.)

New York.

Peace limit (enlisted men)	18,000
Quota enlisted men under Hay bill—800 × 45	36,000
Deficiency	18,000

(L. 1909, ch. 41, sec. 30.)

Texas.

Peace limit (officers and men)	7,000
Quota enlisted men under Hay bill—800 × 20	16,000
Deficiency	9,000

(Texas Civil Statutes, 1914, art. 5778.)

Rhode Island.

Peace limit (enlisted men)	1,700
Quota enlisted men under Hay bill—800×5	4,000
Deficiency	2,300

(L. 1909, ch. 394, sec. 30.)

Florida.

Peace limit (enlisted men)	3,000
Quota enlisted men under Hay bill—800×6	4,800
Deficiency	1,800

(Fla. Compiled Laws, 1914, sec. 672.)

Delaware.

Peace limit (officers and men)	675
Quota enlisted men under Hay bill, 800×3	2,400
Deficiency	1,725

(1915, Revised Code, sec. 294.)

North Carolina.

Peace limit (officers and enlisted men)	3,000
Quota enlisted men under Hay bill, 800×12	9,600
Deficiency	6,600

(N. C. Revised of 1908, sec. 4895.)

Mississippi.

Peace limit (men)	1,800
Quota enlisted men under Hay bill, 800×10	8,000
Deficiency	6,200

(Code of 1906, sec. 3201.)

Connecticut.

Peace limit (men)	3,500
Quota enlisted men under Hay bill, 800×7	5,600
Deficiency	2,100

(Public Laws 1911, ch. 246.)

Oklahoma.

Peace limit (men), about	1,200
Quota enlisted men under Hay bill, 800×10	8,000
Deficiency	6,800

(Revised Laws 1910, sec. 3934.)

Wisconsin.

Peace strength:	
Not more than 40 companies Infantry (68 officers and men to company)	2,720
Not more than 1 battery Artillery	84
Not more than 1 troop Cavalry	68
	2,872
Adjutant general's, subsistence, medical, and pay departments	
Quota enlisted men under Hay bill, 800×13	10,400
Deficiency	7,528

(Wis. Stats., 1913, ch. 34, secs. 610, 636.)

N. B.—Governor may increase maximum to that obtaining in like organization in the Regular Army (L. 1915, ch. 32).

New Mexico.

Peace limit:	
1 regiment Infantry (total enlisted)	1,321
1 Infantry band	
1 squadron Cavalry (total enlisted)	405
1 Cavalry band	28
1 light battery Field Artillery (total enlisted)	120
1 Gatling gun section (total enlisted)	28
1 signal company	75
Hospital Corps	138
Approximate total	2,115
Quota enlisted men with Hay bill, 800×3	2,400
Deficiency	285

(N. Mex. Stats. 1915, sec. 3821.)

Ohio.

Peace strength: Not more than 1 per cent of each able-bodied man citizen and each able-bodied male of foreign birth who has declared his intentions to become a citizen, more than 18 and less than 45 years of age, less certain exemptions:

Estimated population of Ohio	5,000,000
Estimated able-bodied males (1 in 5)	1,000,000
1 per cent of this	10,000
Quota enlisted men under Hay bill, 800×24	19,200
Deficiency	9,200

Virginia.

Peace limit:	
40 companies Infantry (1 captain, 1 first lieutenant, 1 second lieutenant, 75 men)	3,120
4 troops Cavalry (1 captain, 1 first lieutenant, 1 second lieutenant, 75 men)	312
4 batteries Artillery (1 captain, 2 first lieutenants, 1 second lieutenant, 84 men)	352
12 companies Coast Artillery	1,800
Total	5,584

(5 divisions naval volunteers.)

Quota enlisted men under Hay bill, 800×12	9,600
Deficiency	4,016

(Va. Code, ch. 21, Title V, secs. 301, 307, as amended by L. 1912, ch. 310.)

I believe that under this bill we can get an effective force of about 250,000 men from this source. It will be a much better force than we have ever had from the militia of the various States, and, in my judgment, it will be worth the expense that will be added to the Military Establishment for this purpose.

I have great faith in the so-called summer camps. I believe that for a minimum cost we will be able to train a high class of American citizens in a comparatively short period of time to come to the defense of the Republic in case they should be called. These young men who attend these camps pay their own expenses. They are imbued with the true spirit of patriotism and a desire to serve their country. I believe they should be encouraged, and I believe that the provision in this bill in regard to these camps should be enacted into law. I believe that for a small fraction of the cost that was contemplated under the continental-army scheme we will get as good a class of men for about one-seventh of what the other force would have cost us. I believe that under this bill we will have in readiness approximately five or six hundred thousand men who will be ready to take up the defense of the country in case the President should call the armies of the country into being. I think that is the best that can be hoped for under the bill, but that is so much better than anything that we ever had before that I welcome the change, because I believe it is a right step in the preparedness of my country.

Mr. Chairman, in advocating preparedness, in supporting preparedness legislation, as I do, I simply want to avoid the mistakes of the past. If ever our battle flags must again be unfurled, if ever martial drumbeats shall again call our people to war, I want my country, once in her history, to be ready, ready, ready. And now is the time to get her ready. [Loud applause.]

Mr. HAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, during a very long service here and after having made a great many speeches, I can truthfully say that I never spoke in this House under a more thorough and solemn sense of responsibility than I do this minute. As a preface to the remarks that I am going to make I desire to repeat one remark that I made in a short speech when the naval cadet bill was under consideration; that is, that I believe that if we attend to our own business we will never have another war. [Applause.] We have forced every war that we have ever had, and what is a good deal more to the point, we won in them all. While I can make this speech, and no doubt a better one, absolutely without notes, the Speaker of the House of Representatives can not afford to take any chances on slips of the tongue or on making rash statements or on being misrepresented, intentionally or unintentionally, because, to a very large extent, what he says will be taken as the views of the House. Therefore these notes:

Mr. Chairman HAY and his Committee on Military Affairs deserve the cordial thanks not only of the House but of the whole country for bringing in a bill so sensible, so comprehensive, and so satisfactory to reasonable men. [Applause.] The most pleasing and important feature of their action is that they did it by unanimous vote of that great committee, Democrats and Republicans working together in a brotherly and patriotic spirit. This is another illustration of a theory I have long maintained—that when there is any great question up in this House nearly affecting the honor, glory, or safety of the Republic politics has no place here. [Applause.] On such momentous occasions we are all plain Americans, intent upon doing our duty—our whole duty to our country and our kind. It would be well not only for our own citizens but for all the nations of the earth to make a note of that pregnant fact, thereby avoiding trouble. I am fain to believe that this bill will pass the House with the same unanimity with which it was reported from the Military Committee. A stranger sitting in the gallery yesterday or to-day, looking down on the House, could not have told Democrats from Republicans, except for the fact that by immemorial usage Democrats sit on the right of the Speaker and Republicans on the left.

That committee, happily ignoring the extremists at both ends of the line, have brought in a bill representing to a remarkable degree the wishes of our countrymen generally. Of course it was not in the power of Mr. Chairman HAY and Mr. KAHN and their fellow laborers to please everybody. No human power could do that. Even if King Solomon, with his wondrous headpiece, if he could return to us, could not do that. Here and there will be found one, my friend from Massachusetts [Mr. GARDNER], for instance, who does not think this bill goes far

enough, and one like my friend from New York [Mr. LONDON], who thinks it goes too far; but the average American will indorse it, and after all is said and done the average American constitutes the strength and glory of the Republic. I will not discuss in detail the provisions of this bill. That has been done by the members of the Committee on Military Affairs, who know more about the subject than I do—men of ability and integrity, who have devoted years of hard labor and painstaking study to the Army and matters pertaining thereto. I have faith in these men and I cheerfully accept their conclusions. They have done the best thing possible under all the circumstances, and it would be presumptuous in me to undertake to tinker with their handiwork.

The duty of Congress, not only now but always, is to transmute the will of the American people into law, and notwithstanding the senseless and malicious abuse heaped upon the Congress, that is precisely what it does invariably when it can ascertain with a reasonable approximation what the will of the people is.

That is exactly what the House is trying to do at the present time, and those impatient folks who have been criticizing Congress for going too slow in this matter have no conception whatever of the toil, thought, and investigation which the members of the Committee on Military Affairs have expended on this measure.

It so happens that since the agitation for and against what is popularly termed "preparedness" became acute and widespread I have spoken or lectured in 31 States and have tried to find out public opinion by reading magazines and newspapers, by experiments in my speeches and lectures on many audiences, and by interrogating every sort of citizen—section bosses, firemen, engineers, conductors, farmers, merchants, lawyers, preachers, newspaper folks, statesmen, soldiers, teachers, and laborers.

There are certain fundamental propositions on which the vast majority of the American people are agreed:

First. They want peace, but not "peace at any price." [Applause.] They want "peace with honor," the sort of peace that Benjamin Disraeli, the most brilliant Englishman since Lord Byron, boasted that he took home with him from the congress of Berlin—"peace with honor." While peace is the normal condition of Americans, and while they love it most fondly and pray for it most devoutly, they believe thoroughly that there are things worth fighting for—a belief which they have demonstrated with guns in their hands on all proper occasions. They are sure, if needs be, to do so again. They believe that the Revolutionary War and the War of 1812 were on our part just wars—necessary wars. Among their proudest and most cherished memories are Lexington, Bunker Hill, Trenton, Kings Mountain, Yorktown, the River Thames, and New Orleans. [Applause.] They remember with honest pride that in 1898 we went to war, not for self-aggrandizement, not for self-enrichment, but to free an alien people—our neighbor and our friend—from the clutches of an intolerable despotism; and when the war ended and we were conquerors we set up the people whom we had freed in housekeeping for themselves and returned into our own country. The historian of the times in which we live will write upon his glowing page with iron pen the verdict that on our part that war was the most splendidly altruistic performance in all the hoary registers of time. [Applause.]

Second. They do not intend to see this country turned into an armed camp. They are unalterably opposed, always have been, and forever will be until the Republic is on its last legs, to a large standing army; because, while we have never had a big standing army here, they know full well that in other countries huge standing armies have been the instruments of despotism.

Third. They are not willing to bankrupt the country in military and naval preparations. They are, however, willing to spend all that is necessary for the public defense.

Fourth. They are almost to a man against conscription in times of peace, but they are for it should it become necessary in times of war. For in war, as in other undertakings, having put their hands to the plow, they do not look back.

Fifth. While proud of the record of our small Regular Army in all our wars, they have always depended upon our Volunteers to do most of our fighting, and they glory in the valor of our Volunteers on hundreds of historic fields.

Sixth. They have no desire or ambition to have our country pose as a great military power, and they have no intention of seeing it as helpless as China. They know beyond a peradventure that a great, rich country without the means of defense is a constant temptation to the cupidity of mankind. They understand perfectly that we are the richest people on the globe or that ever was on the globe—possessing more than a third, almost half, the wealth of the entire world—and they do not intend to be despoiled of their rights or their property by any foreign country whatsoever. These hard-headed Americans believe profoundly in the philosophy that "an ounce of prevention is worth a pound of cure." They are against a war of aggression, but they will fly to arms any day in a war for defense. They do not covet their neighbors' lands, and they do not intend that a foreign foe shall set foot on the sacred soil of the American Republic. [Applause.]

They know that the Navy constitutes the first line of defense and that it has proved a very present help in every time of trouble. They know that coast fortifications constitute the second line of defense and that observation of the stupendous war across the sea proves that battleships can not batter down well-constructed land defenses. They know that Regulars, with such other troops as we can put into the field, constitute our third and last line of defense.

Seventh. In view of all these facts, beliefs, observations, and desires, the average American is in favor of reasonable and adequate preparation by land and sea—not for the purpose of attacking any nation on earth, for he believes with Thomas Jefferson in "peace, commerce, and honest friendship with all nations; entangling alliances with none"—what he wants with reasonable and adequate armaments by land and sea is to repel attack of any and every nation under the sun, should any nation be so unwise as to attack us. While he is not eager to pay taxes, he is willing to foot the bills for reasonable and adequate preparedness. He will consider the Hay bill reasonable and adequate for our land forces.

A great many people—I am not talking about foreigners now, but about our own citizens—a great many people here at home sadly misjudge our national character. We are constantly told that this is the most peaceable Nation beneath the stars. That is true, and we are all glad of it, proud of it; but that is only half the truth, and a witness is sworn to tell the truth, the whole truth, and nothing but the truth. The whole truth is, that while we are the most peaceable Nation in the world, we are at the same time the most martial. The proof of that seeming paradox is that in April, 1861, there were not 20,000 soldiers in America, while in April, 1865, the continent trembled beneath the iron heel of 2,000,000 of the finest soldiers the sun ever looked down upon, some in blue and some in gray. [Applause.] At the first tap of the drum an entire people sprang to arms and went to death as to a festival. So it will be again should the occasion come, which God forbid! We were 30,000,000 strong then; we number 100,000,000 now.

It seems to me, Mr. Chairman, that this bill sets out in particularity what we ought to do. I suggested some time ago, in the speech to which I referred about the naval cadets, that there were a few things that could be done with the maximum of good and the minimum of cost; and one of them has already been done, namely, increasing the number of cadets at Annapolis. When this bill is passed most of the things that I suggested at that time will have been accomplished and we will be on the high road to having a well-drilled and well-officered National Guard or volunteer force that we can increase from time to time, according to the exigencies of the situation. I believe in practicing what we preach. In 1800 less than 5 per cent of the American people lived in cities and towns, and in 1910 more than 46 per cent of the American people lived in incorporated towns of over 2,500 inhabitants. By reason of the changed conditions our children are not having certain advantages which the children of the olden times had.

In his book on "Destruction and Reconstruction," the most classical book ever written concerning the Civil War, Gen. Dick Taylor says that after the Battle of Front Royal they found 30 or 40 Federal cavalrymen dead on their horses, and who could not fall off because they had great leather belts around their waists which were attached to rings in their saddles. What good is that sort of cavalry? One reason why the Confederates got such a bulge in the early part of the Civil War was because the southern men generally were used to handling firearms and to horseback riding.

We are forgetting the art of shooting in this country. We are forgetting the art of horseback riding. When my son became old enough to hold up a shotgun I bought him the best gun I could find and taught him to shoot it. As soon as he got big enough I bought him the best target pistol I could find and taught him to shoot it. I taught him how to saddle and ride and curry and feed a horse. I wish every boy in the United States could ride like an Indian and shoot the way the Squirrel Hunters of Kentucky and Tennessee did on the 8th day of January, 1815, on the great and glorious field of Chalmette.

There are a whole lot of things we can do. These military schools all over the country have waked up at last and are trying to put their curriculums high enough to guarantee their top graduates as lieutenants in the Army if they ever get a chance.

We boast of our vast wealth and of our inexhaustible physical resources. I like to think about it myself. But these things do not make a mighty nation. Long, long ago Sir William Jones propounded a far-reaching and immortal question and answered it himself:

What constitutes a state?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned,
Not bays and broad-armed ports
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts
Where low-browed baseness wafts perfume to pride.
No! Men—high-minded men—men who their duties know,
But know their rights and knowing, dare maintain—
These constitute a state!

[Loud applause.]

I am happy in the belief that that sort of men constitute not only the House of Representatives but the vast bulk of American citizens everywhere. [Loud and long-continued applause.]

Mr. HAY. Mr. Chairman, I ask that the bill be read.

The Clerk began the reading of the bill.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. HAY. Mr. Chairman, I will ask whether the reading of the bill is by section or by paragraph?

The CHAIRMAN. By paragraph.

Mr. HAY. I think the rule is to read it by section. It is not an appropriation bill.

The CHAIRMAN. The Chair is mistaken. The Clerk will read the bill by sections.

The Clerk read as follows:

SEC. 2. That each regiment of Cavalry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 16 captains, 16 first lieutenants, 16 second lieutenants, the veterinary officers hereinafter authorized, 1 headquarters troop, 1 supply troop, 1 machine-gun troop, and 12 troops of Cavalry organized into 3 squadrons of 4 troops each. Of the officers herein provided, except supply officers, the first lieutenants not required for duty with the troops of Cavalry or with headquarter, supply, or machine-gun troops shall be available for detail as squadron adjutants or such other details as may be lawful.

Each Cavalry headquarters troop shall consist of 1 captain who shall be the regimental adjutant, 1 regimental sergeant major, 3 squadron sergeants major, 1 first sergeant who shall be the drum major, 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 sergeants, 5 corporals, 2 cooks, 2 horseshoers, 1 saddler, 23 privates, 1 band leader, 1 assistant band leader, 1 sergeant trumpeter, 2 band sergeants, 4 band corporals, 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 1 sergeant orderly, and 11 orderlies.

Each Cavalry supply troop shall consist of 2 captains, who shall be regimental supply officers; 1 first lieutenant and 2 second lieutenants, who shall be squadron supply officers; 2 regimental supply sergeants, 3 squadron supply sergeants, and such noncommissioned officers and other enlisted men as the Secretary of War may authorize to be supplied from the Quartermaster Corps and other staff corps or departments: *Provided*, That the commissioned and enlisted personnel of the supply troop, supplied from the regiment and the Quartermaster Corps, shall, when in garrison, be available at all times to assist the quartermaster thereof.

Each Cavalry machine-gun troop shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 8 sergeants, 8 corporals, 2 cooks, 2 horseshoers, 1 saddler, 1 mechanic, 2 trumpeters, and 62 privates, of whom not to exceed 25 per cent shall be rated as private, first class.

Each troop of Cavalry shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 6 sergeants, 6 corporals, 2 cooks, 2 horseshoers, 1 saddler, 2 trumpeters, and 43 privates: *Provided*, That the President, in his discretion, may increase the number of corporals in any troop of Cavalry to 9 and the number of privates to 76.

The commissioned officers required in each regiment of Cavalry for headquarters, supply, and machine-gun troops, and for the troops organized into squadrons shall be assigned from among the officers hereinbefore authorized for the regiment.

Mr. BORLAND. Mr. Chairman, the pending bill provides increases in the Regular Army of the United States of all branches of the service except the Cavalry. No increase is provided in the Cavalry regiments of the standing army. The number of Cavalry regiments now provided for the Regular Army is 15, and the present strength 14,220 men. This present strength is capable of being increased to a war footing of 20,700 men. In addition to this there are among the Organized Militia of the National Guard of the United States 97 troops of Cavalry, whose present strength is about 5,000 men. The greater part of this Cavalry strength among the Organized Militia is in the Eastern States.

It is stated by members of the Military Affairs Committee that one reason why no increase in the Cavalry of the standing Army is provided is that encouragement is to be given to the organization of Cavalry troops and regiments in the enlarged National Guards. While the great fighting strength of any nation, especially under conditions of modern warfare, must be its Infantry, and while it is true also that the Field Artillery and the Coast Artillery are very necessary to any plan of defense of our own Nation, yet the time has not arrived when any great war can be conducted or any adequate defense made against invasion without a sufficient supply of Cavalry. Cavalry is the great mobile force, the flying wing, of every army. Its services are first called into action. It performs the most difficult, daring, and arduous tasks. Great generals and military geniuses of all times have relied for the success of their battle plans upon the use of their Cavalry.

I understand that the present estimates for military expenditures in behalf of the Organized Militia provide for furnishing the militia cavalry organizations with horses. Such organizations are now furnished by the Federal Government with all their necessary equipment, including caretakers and veterinarians. To my mind there is no section of the country so well adapted to the organization of cavalry in the militia as the Western States. It is a branch of the service which utilizes to the highest degree the peculiar training, dash, and abilities of the western farmer, pioneer, and frontiersman. The quota of Organized Militia contemplated in the present enlarged plan, so far as it applies to the Western States, can very largely be supplied by mounted troops under the proper encouragement of the Federal Government. In the western counties of Missouri alone an entire regiment of cavalry of the Organized Militia can readily be recruited if proper provision is made. This branch of the service will prove of infinite value in case of danger, because it can be readily assembled and thrown quickly into the locality where needed.

When war between the United States and Mexico was declared in April, 1846, Gen. Kearney, in command at Fort Leavenworth, was given authority by the War Department to raise two mounted regiments for service in Mexico. Both regiments were raised with wonderful promptness in the counties of western Missouri, then sparsely settled and on the very frontier of American civilization. The first to respond was the celebrated First Missouri Cavalry, under the famous Col. Alexander W. Doniphan. With this regiment Gen. Kearney began his march overland down the Santa Fe Trail to New Mexico. He was furnished with no supplies, no reserve force, and was practically without orders or plan of campaign. Before the middle of August all of New Mexico and Arizona were in the possession of the American troops and a new and orderly government had been established. The century-long conflict between the Spaniards and the Indians had been suppressed and Kearney was ready to proceed to the pacification of California. By this time the Second Mounted Regiment of Missourians arrived, under Col. Sterling Price, and Col. Doniphan's regiment moved on into the heart of Mexico and took part in the successful engagements which followed below the Rio Grande. These regiments illustrated the very highest type of the citizen soldiery. They embraced within their ranks many young men who afterwards rose to national fame. The most striking thing about their organization was the promptness with which they were assembled and the speed and effectiveness with which they operated. The Texas Rangers are another historic example of the effectiveness of mounted organization. We shall do well to provide in the great plan of national defense in which we are now engaged effective means for utilizing one of the highest and best forms of the organization of citizen soldiery. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. HAY. Mr. Chairman, I move to amend, on page 2, line 17, after the word "officers," to insert the words "in time of peace."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the word "officers," insert the words "in time of peace."

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. On page 3, line 8, there are two captains provided for the supply troop. May I ask the gentleman the need of two captains in the supply troop?

Mr. HAY. Because I am informed by the Quartermaster Department that they would not have enough officers to take care of the quartermaster's duties in the regiment unless they do have this extra captain.

Mr. KAHN. Then, if they have the extra captain, why should they have the first lieutenant? I am told that the first lieutenant should be available as a battalion adjutant.

Mr. HAY. Well, that may be true; but the idea in providing these officers was to give a large number of officers to a regiment for the purpose of discharging the duties of these extra troops, and it is to give leeway for officers off on detail without materially injuring the organization, and the gentleman knows the

fundamental idea is to get as many officers as you can conveniently carry. I think that is the idea.

Mr. KAHN. On page 4, line 5, I move to strike out the word "trumpeters" and insert the word "buglers."

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 5, strike out the word "trumpeters" and insert in lieu thereof the word "buglers."

Mr. KAHN. That is the technical term now used in the Army for these men. They no longer use the word "trumpeter," but use instead the word "bugler."

Mr. HAY. It is a question of whether the word "trumpeter" is used in existing law, because if it is, when we consider the pay section after making a new class, we have to provide for them there.

Mr. KAHN. I have not looked up that feature.

Mr. HAY. I think they were called "trumpeters" in the act of 1901.

Mr. KAHN. They are now called "buglers."

Mr. HAY. I suggest to the gentleman that he do not forget, when we come to the section which provides for the pay, to offer an amendment.

Mr. KAHN. I will do that.

Mr. HAY. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to return to page 1 for a question which I wish to ask of the Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CALLAWAY. On page 1, beginning at the end of line 6, is this language:

When in the judgment of the President war becomes imminent all of said organizations that shall then be below the maximum enlisted strength authorized by law shall be raised forthwith to that strength and shall be maintained as nearly as possible thereat so long as war, or the imminence of war, shall continue.

If I understand the general provisions of the bill, there are skeleton organizations formed that would allow the Army to be expanded to 270,000 men.

Mr. HAY. Two hundred and seven thousand.

Mr. CALLAWAY. Yes; and under this provision the President is given authority to expand the Army to that number at any time he should consider war imminent, without awaiting the action of Congress. I think the Constitution of the United States has very wisely provided that the President can not declare war. I think that reservation ought to be kept with Congress, and it occurs to me that if our war strength is to be considered 207,000, we ought not to give the President this power, which will virtually enable him to make the whole preparation which is reserved by Congress. Mr. Chairman, what was the reason for the committee giving the President that power not contemplated by the Constitution?

Mr. HAY. I will say to the gentleman that in every bill that provides for the raising of troops for the purpose of war that has been the provision contained in this bill, from the early times down to the present, for the reason, as I conceive, that conditions might arise which would make it very apparent to the President that war was certain. It might happen that Congress was not in session at the time, and therefore it is thought wise to allow the President, when he believes that war is imminent, to take these precautionary steps and not to wait until Congress actually declares war. Otherwise the country that might be intending to make war upon us would catch us unawares.

I do not believe that this power conferred upon the President has ever been abused, nor do I believe that it ever will be abused. I do not think that any President would undertake ta raise this Army to war strength unless he was thoroughly convinced that war was imminent; and then, too, Congress would have in its hands the power to refuse to make the appropriations for those men if the President had not wisely or had unpatriotically called them into existence when they actually were not needed.

Mr. CALLAWAY. Mr. Chairman, would it not become practically the duty of Congress to appropriate for the pay and expenses of men if the President had been given the power to call them out, and it had been done in a legal way, according to the provisions of Congress?

Mr. HAY. I think the Congress would do it if it turned out that the President had acted without cause and because he had, for some purpose of his own, determined to raise the Army to war strength and not for the purpose of defending the country.

Mr. CALLAWAY. Mr. Chairman, if it is wise to give the President this power to make the preparation for war, would it not be wise also, because we might be caught unawares, to give him the power to declare war?

Mr. HAY. Oh, no. That is a very different proposition. In the first place, we could not do it, because the Constitution provides that the Congress must declare war.

Mr. CALLAWAY. I understand that.

Mr. HAY. And therefore we have no power in an act of Congress to provide that he shall declare war.

Mr. CALLAWAY. I am not talking about our authority. I am talking about the wisdom of the thing. If it is wise for Congress to retain the power to declare war, it occurs to me that it would be wise also to retain in Congress this power to make war provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may be allowed to proceed for five minutes if he desires.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAY. As I said before, this power has never been abused. It has been carried in every bill of this character that has ever been passed by Congress, and it is simply a precautionary measure, and nothing more. I can not conceive of any man who is President of the United States so far abusing his power or so far flying in the face, as it were, of the people of the country as to build up an Army when there was no actual need for it. I thfnk that the long line of precedents justifies us in carrying this provision.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee answer this question?

Mr. HAY. I will if I can.

Mr. SLOAN. How long has the language referred to by the gentleman from Texas [Mr. CALLAWAY] and by the gentleman from Virginia been in the law relating to the organization of the Army?

Mr. HAY. I can not say to the gentleman just how long it has been there, but I say that in all bills, like the Volunteer Army bill, for example, passed two years ago, and in all bills looking to preparation, those are the words used. In the Army bill of 1901 they were not used. I do not know why.

Mr. SLOAN. Were they used before that? Is this a matter of modern innovation or otherwise?

Mr. HAY. It has been in every bill that was ever passed by Congress.

Mr. SLOAN. That goes back how far?

Mr. HAY. To the beginning of the Government.

Mr. SLOAN. I can well see that the President would be the best judge of the imminence of war against us, but I can not see, of course, how he would be the proper person to determine whether we would engage in an aggressive war.

Mr. HAY. This language does not provide for anything of that kind.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the Field Artillery shall consist of 12 colonels, 12 lieutenant colonels, 36 majors, 192 captains, 24 of whom shall be supply officers, 192 first lieutenants, 24 of whom shall be supply officers, 228 second lieutenants, 12 of whom shall be supply officers, the veterinary officers hereinafter authorized; 12 regimental sergeants major, 24 regimental supply sergeants, 36 battalion sergeants major, 36 battalion supply sergeants, 24 color sergeants, 12 mess sergeants, 12 supply sergeants, 12 stable sergeants, 24 sergeants, 192 corporals, 24 horseshoers, 12 saddlers, 24 mechanics, 48 trumpeters, 36 cooks, 288 privates, 120 orderlies; 12 bands, each of which shall consist of one band leader, 1 first sergeant, who shall be the drum major, 1 assistant band leader, 1 sergeant trumpeter, 2 band sergeants, 4 band corporals, 1 cook, 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 108 batteries, each of which shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 mess sergeant, 1 stable sergeant, 1 chief mechanic, 5 sergeants, 12 corporals, 4 mechanics, 3 cooks, 2 trumpeters, and 102 privates, and such other enlisted men as the Secretary of War may authorize to be supplied from the staff corps or departments. The commissioned officers required for said batteries shall be assigned thereto from among the officers authorized by this section for the Field Artillery at large. The remaining officers and all the enlisted men so authorized shall be assigned to duties or organized, within the Field Artillery, as the President shall from time to time direct: *Provided*, That the President in his discretion may increase the number of sergeants in any battery of Field Artillery to 7, the number of corporals to 16, the number of mechanics to 7, the number of trumpeters to 3, and the number of privates to 149: *Provided further*, That each battery of Field Artillery shall be armed and equipped, and any two or more of such batteries may be com-

bined into or detached from higher tactical units as the President shall from time to time direct: *Provided further,* That the supply officers and supply enlisted men provided for by this section shall when in garrison be available at all times to assist the quartermaster thereof: *Provided further,* That in construing existing law relative to the appointment of chaplains in the Army nine batteries of Field Artillery shall be regarded as a regiment thereof: *And provided further,* That for the purpose of lessening as much as possible inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of this act any vacancies created or caused by this act in commissioned grades below that of captain in any arm of said line may, in the discretion of the President and under such regulations as he may prescribe in furtherance of the purpose stated in this proviso, be filled by the promotion or transfer without promotion of officers of other branches of the line of the Army; but no such promotion or transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of five officers not below the rank of captain of the arm to which the promotion or transfer of such officer shall have been proposed, who, after having made a personal examination of such officer and of his official record, shall have reported him qualified for service in said arm in the grade to which his promotion or transfer shall have been proposed.

In the emergency of actual or imminent war the President is authorized to organize 1 ammunition battalion for each organization of Field Artillery consisting of not less than 6 batteries, and 1 artillery park. Each ammuntion battalion shall consist of 1 major, 1 captain, 1 first lieutenant, who shall be the supply officer, 1 ammunition battalion headquarter detachment, and 3 ammunition batteries.

Each ammunition battalion headquarter detachment shall consist of 1 battalion sergeant major, 1 battalion supply sergeant, 4 corporals, 1 trumpeter, 2 cooks, 3 orderlies, 3 privates, and such noncommissioned officers and other enlisted men as the Secretary of War may authorize to be supplied from the Quartermaster Corps and other staff corps or departments.

Each ammunition battery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 stable sergeant, 1 mess sergeant, 7 sergeants, 12 corporals, 1 chief mechanic, 1 saddler, 4 horseshoers, 3 cooks, 3 trumpeters, and not more than 187 privates: *Provided,* That not to exceed 25 per cent of said privates shall be rated as privates, first class: *Provided further,* That the President may, in his discretion, increase to 6 the number of horseshoers in each ammunition battery serving with mountain artillery.

The organization of an artillery park shall be as the President may prescribe.

The organization of ammunition battalions, ammunition batteries, and the artillery park shall be temporary, and upon the passing of the emergency requiring their creation they shall be disbanded. The officers necessary for said organizations shall be supplied by the assignment of officers from the officers' reserve corps hereinafter provided for, or by temporary promotions and appointments in the manner authorized by section 8 of an act to provide for raising the volunteer forces of the United States in time of actual or threatened war, approved April 25, 1914, for filling temporary vacancies created in the commissionel personnel of the Regular Army through appointments of officers thereof to higher volunteer rank.

Mr. KAHN. Mr. Chairman, on page 5, line 7, I move to strike out the word "trumpeter" and insert "bugler."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 7, strike out the word "trumpeter" and insert the word "bugler."

The amendment was agreed to.

Mr. KAHN. In line 15, on the same page, I move to strike out the word "trumpeters" and insert the word "buglers."

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 15, page 5, strike out the word "trumpeters" and insert the word "buglers."

The amendment was agreed to.

Mr. KAHN. On page 7, line 18, I move to strike out the word "trumpeter" and insert the word "bugler."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 18, strike out the word "trumpeter" and insert the word "bugler."

The amendment was agreed to.

Mr. KAHN. On page 8, line 3, I move to strike out the word "trumpeters" and insert the word "buglers."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 3, strike out the word "trumpeters" and insert the word "buglers."

The amendment was agreed to.

Mr. KAHN. On page 5, in line 3, I move to strike out the word "trumpeters" and insert the word "buglers."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 3, strike out the word "trumpeters" and insert the word "buglers."

The amendment was agreed to.

Mr. KAHN. On page 6, in line 2, I move to strike out the word "trumpeters" and insert the word "buglers."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 2, strike out the word "trumpeters" and insert the word "buglers."

The amendment was agreed to.

Mr. SLOAN. Mr. Chairman, on page 8, lines 9 and 10, I read that—

The organization of an artillery park shall be as the President may prescribe.

I think some of us laymen would like to hear something about that from some one in authority.

Mr. HAY. I will state to the gentleman from Nebraska that is intended for use in time of war. The President is simply given the authority to organize an artillery park as he may see fit. It is a war proposition.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. Quite a number of Members have asked what is an artillery park. May I ask the chairman of the committee kindly to explain?

Mr. HAY. As I understand, an artillery park is a place where the guns, the caissons, the ammunition, and the ammunition wagons are parked for some purposes; but perhaps my friend from Vermont [Mr. GREENE], who has been a military man, can give a better explanation of it than I can.

Mr. GREENE of Vermont. As I understand it, the parking of artillery is its assembling for repair purposes, and so forth, in emergencies in connection with the field service. In a different sense the words also mean a complete train of cannon, including equipment, ammunition, gunners, and so forth, for an army in the field.

The Clerk read as follows:

SEC. 4. That the Coast Artillery Corps shall, in addition to the commissioned officers now allowed by law, consist of 5 colonels, 5 lieutenant colonels, 14 majors, 68 captains, 68 first lieutenants, 68 second lieutenants, 25 sergeants major with the rank, pay, and allowances of regimental sergeants major of Infantry; 34 master electricians, 76 engineers, 89 electrician sergeants, first class; 89 electrician sergeants, second class; 54 sergeants major with the rank, pay, and allowances of battalion sergeants major of Infantry; 50 master gunners, 66 firemen, 222 first sergeants, 222 supply sergeants, 1,776 sergeants, 2,664 corporals, 444 cooks, 444 mechanics, 444 trumpeters, 17,982 privates, and 18 bands, each of which shall consist of 1 first sergeant, who shall be the drum major, 1 band leader, 1 assistant band leader, 2 band sergeants, 4 band corporals, 1 cook, 2 musicians first class; 4 musicians, second class; and 13 musicians, third class: *Provided,* That, within the limits fixed by law, the number of officers, noncommissioned officers, and privates assigned to the manning body of any particular tactical unit of the Coast Artillery Corps may be fixed by the President in accordance with the requirements of the service of that unit: *Provided further,* That the number of rated men in the Coast Artillery Corps shall not exceed 1,776: *And provided further,* That when Coast Artillery troops are employed in the duties of any other arm of the service they may be organized temporarily in accordance with the law pertaining to that arm, but nothing in this proviso shall be held or construed to authorize any increase in the numbers, rank, pay, or allowances of officers or enlisted men of the Coast Artillery Corps.

Mr. FIELDS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Section 4, page 4, line 10, substitute a colon for the period after the words "corps," and add: "*And provided further,* That hereafter the Chief of Coast Artillery shall have the rank, pay, and allowances of a major general."

Mr. FIELDS. Mr. Chairman, in view of the fact that this officer has imposed upon him duties in line with the officers who fill the position of major general, I think it is only fair and right that this amendment should be adopted. Therefore I offer it for the consideration of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. FIELDS].

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, on page 9, in line 14, I move to strike out the word "trumpeters" and insert the word "buglers."

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 9, line 15, strike out the word "seventeen" and insert the word "twenty-two."

Mr. GARDNER. Mr. Chairman, unless my calculations are wrong, the bill increases the Coast Artillery Corps by 5,882 men. Am I correct?

Mr. HAY. That is about it; yes.

Mr. GARDNER. In the report of the Chief of Coast Artillery I find, on page 4, that our Coast Artillery is 10,828 enlisted men short; that is, enlisted men of the Regular Army. Now, the way our Coast Artillery is manned is this: All our overseas fortifications are manned by Regulars, but in this country half of our guns are supposed to be manned by Regulars and half are supposed to be manned by militiamen; that is, the mortars and the guns. The mines are all manned by Regulars. Now, I find in the report of the Chief of the Coast Artillery that there are 10,828 men short of the number of Regulars, and I find that we are nearly as badly off in the matter of militiamen. We need to have 711 officers and 17,000 men to man the militia's share of the guns and mortars. Instead of that, we have only 440 officers and 7,438 men in the Coast Artillery arm of our militia, so that we are short nearly 11,000 Regulars and 10,000 militiamen from the number necessary to man our guns in our coast defenses.

Mr. MILLER of Minnesota. Short for what purpose—for the guns and fortifications already constructed, or those to be constructed?

Mr. GARDNER. The gentleman from California [Mr. KAHN] tells me that it is for the guns now mounted. I find that the Chief of the Coast Artillery says in his report for 1915, page 8:

> At the present time many of the coast fortifications have been so stripped of the personnel that they have been placed in the hands of caretakers, who can only keep the matériel in serviceable condition. The garrisons for the coast defenses of Portsmouth, the Delaware, the Potomac, the Cape Fear, Charleston, Key West, Tampa, Mobile, Galveston, and the Columbia are greatly below what they should be under the policy which contemplates that one-half of the guns and mortars be manned by regular troops.

Mr. MOORE of Pennsylvania. Let me give the gentleman one concrete example. On the Delaware River, with which I am familiar, there are three fortifications, Fort Du Pont on the Delaware side, Fort Mott on the New Jersey side, and Fort Delaware in the center. It requires ordinarily about 800 men to properly man these three fortifications. By reason of the assignment of men to our insular possessions, we have but 200 men, and they are concentrated in Fort Du Pont. Hence the other two forts, with all their guns and valuable machinery of the Government, are in the hands of caretakers only.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, I find, on page 5 of the report of the Chief of the Coast Artillery, a table showing what troops we have for manning the guns now mounted or being mounted.

One 16-inch gun is being mounted at Panama Canal; no men are provided to take care of it. We have twenty-four 14-inch guns. Manning bodies are provided for seven of them. Manning bodies are not provided for 17 of them. We have one hundred and eleven 12-inch guns. Manning bodies are provided for 75. Manning bodies are not provided for 36. And so it goes, right through the list, shortages everywhere.

I shall extend in the RECORD the entire table, taken from page 5 of the Report of the Chief of Coast Artillery, United States Army, for 1915:

Guns now mounted or being mounted (after eliminating batteries declared obsolete by the War Department Board of Review).

	16-inch.	14-inch.	12-inch.	10-inch.	8-inch.	6-inch.	5-inch.	4.7-inch.	4-inch.	3-inch.	Mortars.
Number for which manning bodies are now provided	.....	7	75	67	20	104	11	5	2	64	280
Number for which manning bodies are not provided	1	17	36	64	29	102	41	26	2	212	128
Total	1	24	111	131	49	206	52	31	4	276	408

Mr. KAHN. Mr. Chairman, I desire to speak on the amendment. Personally, I believe that the amendment should be adopted. This is the situation with respect to the Coast Artillery: As the gentleman from Massachusetts [Mr. GARDNER] has said, we are woefully short of the requisite number of men to man the guns which we have emplaced up to the present time. That is not all. Under the agreement between the Chief of Coast Artillery and the Militia Division of the War Department, the militia of the various States was to be organized into Coast Artillery companies in many of the States. So that these militia organizations could man the guns that have been emplaced in equal proportion to the men in the Regular Army. In other words, half of the men to man the guns were supposed to be Regular Army men and the other half militia men.

It is a fact that the militia is about 11,000 short in is quota. It seems to me that the militia officers and the War Department will have difficulty in getting the States to build up their Coast Artillery companies if, when the States ask the Regular Army people, "What have you done toward manning the guns already emplaced?" the latter are compelled to answer that they are about five or six thousand men short. Under these conditions you can not expect the States to build up their organizations. The Regular Army must build up its own organizations to the full strength required to man its share of the coast-defense guns before it can expect the States to build up theirs. I, for one, shall vote for the amendment.

Mr. HAY. Mr. Chairman, I hope the amendment will be voted down. There is a great difference of opinion in the Army as to whether the Coast Artillery should have been increased. You will hardly find an officer of the Army who believes that we ought to increase it a single man. They believe that they have men enough now in the corps, and the committee put in the bill exactly what was asked for by the War Department. The committee gave them every man and every officer that was asked for by the War Department.

I am sure that if the late Secretary of War who made that recommendation and who is one of the high priests of preparedness had thought that more men were needed in the Coast Artillery he would have asked for them, but he did not ask for any more.

Now, in the Senate they are asking for an increase very much larger than that proposed by the gentleman from Massachusetts, and I trust that the House will not handicap the conference committee by adding largely to this bill when we have to meet the Senate in conference with a very much larger proposition than we have. I hope, as we have done everything that the War Department has asked us to do on this proposition, that the House will accept the judgment of the committee and of the War Department, and not the judgment of the corps which is interested in having an increase, and which, of course, would necessitate an increase of officers and promotion for everybody in that corps.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GARDNER. Do I understand that the gentleman from Virginia wants to keep the provision made in the House down so as to have an opportunity to make a bargain with the Senate?

Mr. HAY. The gentleman does not understand anything of the sort. I did not mean to imply anything of that sort. I did mean to say that I am informed that the Senate bill contains a very much larger increase for the Coast Artillery than is proposed by the gentleman from Massachusetts. I suppose they will insist on their provision, just as we will insist upon ours, and if we mount up as an original proposition we will not be in the position that we ought to be in.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MILLER of Minnesota. Should it be desired to increase the establishment, say, by 5,000 troops above that carried in the bill is it the gentleman's opinion that for the good of the Army this increase should be made in the Coast Artillery Corps in preference to the Field Artillery?

Mr. HAY. It is not; I believe if we make any increase anywhere in the bill it should be for the Field Artillery.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAY. I will.

Mr. MOORE of Pennsylvania. The gentleman does not take the ground that the coast fortifications are sufficiently manned, does he?

Mr. HAY. I do; I take the ground that the coast fortifications—they are not coast fortifications; they are harbor defenses—that with the increase given in this bill every harbor defense in this country will be adequately manned.

Mr. MOORE of Pennsylvania. The chief of the Coast Artillery in his last report informs us that the matériel of the coast defenses is well provided for, but he makes serious complaint as to the number of men to man them.

Mr. HAY. I will state to the gentleman that that is the cry that comes up from every branch of the Army. The Cavalry, which the gentleman from Missouri a moment ago talked about, wants more Cavalry, and the Infantry thinks that they ought

to have more Infantry, and the Field Artillery thinks that they ought to have more Field Artillery, and the Engineers think they ought to have more Engineers; but, after all, Congress has to fix some limit to the demands which are made from all these corps for a great increase.

Mr. MOORE of Pennsylvania. I will ask the gentleman to consider this: Our ocular information helps out much. On the island of Hawaii there are so many troops—8,000, or thereabouts, now—and there is a very large detachment of Coast Artillery coming back to ports like New York, Philadelphia, and Boston; and we find men who have been accustomed to man these fortifications have been returning from the Philippines and the Panama Canal, and the question naturally arises, Should we not replenish these fortifications along the coast line, where there is great danger of attack if war were to come?

Mr. HAY. I said on yesterday that in 1907, when the Coast Artillery was organized, they were given 19,000 men, with the understanding that that would be enough to man the coast defenses of this country. Since that time there have been taken away from the coast defense of this country about the number of men for which this bill provides an increase. They are asking for 52 additional companies in order to replace in this country the number of men that they have taken away from it in order to man the defenses in the insular possessions.

Mr. MOORE of Pennsylvania. Does the proviso take care of replenishing necessary to bring the coast defenses back to the normal personnel?

Mr. HAY. It does; and in the judgment of the late Secretary of War.

Mr. GARDNER. Is the gentleman correct in that statement?

Mr. HAY. I am, going by the report of the late Secretary of War who made the statement.

Mr. GARDNER. The report?

Mr. HAY. Does the gentleman say that the Secretary of War recommended more?

Mr. GARDNER. No; I am speaking of his report.

Mr. HAY. I do not know what he may have in his report. I am talking about the recommendation that he made.

Mr. GARDNER. I may have mixed it up with last year's report, but the gentleman knows perfectly well that the Secretary of War took that position last year.

Mr. HAY. I am talking about the recommendations which were made.

Mr. GARDNER. I am not talking about the estimates. Good Lord! everybody knows those were cut down.

Mr. HAY. I am not talking about the estimates. I am talking about the recommendation that was made to Congress by the President in his message and by the Secretary of War as to the organizations which they desired.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

Mr. HAY. Mr. Chairman, the gentleman can not do that in my time. He can do it in some other time. I will yield to the gentleman.

Mr. GARDNER. No; when the gentleman is through I will go on. Mr. Chairman, the gentleman is entirely mistaken about the Senate bill. I hold in my hand a comparison of the present law, the Senate bill, and the House bill for every branch of the service. In the Hay bill, taking the enlisted force altogether for the Coast Artillery, there are 25,203 men, maximum and minimum both the same. The Senate bill, minimum, is 306 less than our minimum. To be sure, the Senate maximum presents rather a peculiar condition. Under certain circumstances it runs up to between three and four thousand more than our maximum—not this great quantity that we have been told about. There is a peculiar provision in the Senate bill to which I desire to refer if I can find it, to the effect that the President shall have authority to increase the Coast Artillery Corps. It is a fact that the President has authority to increase the Coast Artillery. Here it is in the Senate bill:

That the President may, in his discretion, increase the number of sergeants to 2,104, the number of corporals to 3,156, the number of privates, first class, to 5,225, and the number of privates to 15,675.

Mr. HAY. Mr. Chairman, if the gentleman will permit me, I will ask him if the President could not do that immediately upon the passage of the bill, if it became a law?

Mr. GARDNER. The House bill?

Mr. HAY. No; the Senate bill.

Mr. GARDNER. Oh, he certainly could increase it three or four thousand. I have not calculated it all out. I was astonished at the gentleman's statement, because my table shows the Senate minimum is less than ours.

Mr. HAY. Mr. Chairman, I call the gentleman's attention to the fact that is a discretion which the President can exercise in time of peace.

Mr. GARDNER. He has no greater authority in time of war.

Mr. HAY. I know he has not. He can do it in time of peace, and therefore he can add those 20,000 men.

Mr. GARDNER. The most he can add is three or four thousand.

Mr. HAY. Not at all.

Mr. GARDNER. And as a matter of fact, what the Senate provides is less than is provided in the Hay bill.

Mr. HAY. For the skeleton companies.

Mr. GARDNER. No; the total, 24,897—that is, unless this table prepared by the War Department is wrong.

Mr. HAY. I do not know anything about that; but the point I am making is that the discretion conferred upon the President in the Senate bill does not preclude him in time of peace from putting all of those people into the Coast Artillery Corps.

Mr. GARDNER. Perhaps he might——

Mr. HAY. There is no question about it.

Mr. GARDNER. He might perhaps make it 4,000 more.

Mr. HAY. He can make it 15,000 more.

Mr. GARDNER. I hope he will.

Mr. HAY. That is the point I am making.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word. I wish to read from the testimony before the Committee on Military Affairs of the Senate given by Brig. Gen. Clarence R. Edwards, of the Regular Army. He states in this testimony that he has had charge of the forces in Hawaii and the Philippine Islands and is now in charge of the military defense of the Canal Zone. Here is expert testimony on this very matter of our Coast Artillery. He says:

The terms "coast defenses" and "Coast Artillery" as used by us are misnomers. Largely through these terms and the significance they carry to the ignorant or unthinking the arm of the service they represent has been enabled during the last quarter of a century to reach a degree of efficiency that places it well to the forefront of our Military Establishment. This in no wise denies the ability and earnestness and high professional attainments of our Coast Artillery personnel. But these things themselves constitute only another reason for checking, when necessary, the professional enthusiasm that would further distort our unbalanced Military Establishment and thereby add to the extravagance without adding anything to our military strength. The original fault lies with the so-called Endicott Board, which started the modern development of this arm of the military system, without any thought of the remaining parts of the system. The harm innocently, but still ignorantly, done by this board to our military development is incalculable and far outweighs its good intentions and the real benefit conferred in directing attention to our undefended coasts. The results of its activities have not only been extravagant in cost, but they have weakened us militarily and have made our defense methods the laughingstock of every serious foreign student who has studied them. Unpleasant as the task is, I feel it incumbent upon me to take this opportunity to urge new study of this part of our defensive system before we go to extremes that can do no more than make us ridiculous in the military world.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. SHERLEY. Does the gentleman realize that Gen. Edwards is the most extreme advocate of any man that has appeared before our committee touching additional fortifications for Panama? Gen. Edwards's statement as to the fortifications of America, if it bears the construction that the gentleman is undertaking to give, is not shared by any other officer that I know of, and is not shared by him in the estimates and requests that he made touching additional fortifications at Panama.

Mr. SHALLENBERGER. He asks in this statement to be given a mobile force of 27,000 men to back up these fortifications they propose to arm with coast artillery, and these defenses. If there is any one thing that, in my judgment, has been exploded, it is the policy of expending millions of money upon fixed fortifications.

The Military Committee had before us an officer of the Coast Artillery, a member of the General Staff, from the staff of Gen. Wood, at New York, and he told us that, in the judgment of the experts who had studied it in order to defend those coast defenses, in the judgment of the War College, they felt, if I understood the testimony, we must be prepared to place 27,000 men behind each fort to defend the fort. In other words, it would require, in the opinion of the experts, 750,000 troops to defend these forts; not troops to defend the country, but troops to defend the forts supposed to be the defenders of the country.

Mr. GARDNER. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. GARDNER. Does the gentleman think those troops have got to be fixed behind every fort?

Mr. SHALLENBERGER. It is the testimony of the experts.

Mr. GARDNER. Is that the gentleman's understanding of the facts; does the gentleman really think that?

Mr. SHALLENBERGER. I do think so, because I am satisfied from what I have studied of the experiences in the war in Europe and the testimony before this committee was that these guns that are mounted in these forts are, none of them,

so mounted at present that they can be turned in defense of those who attack them in the rear, and any fort, such as those we have, mounted to defend every one of our harbors, can be overcome by attacks in the rear or in the reverse, as the military men express it. We have the testimony of those men that if we are to defend these forts we must be prepared to defend them in the rear. And furthermore, it is a matter of testimony before the committee that these very forts now are armed with guns 20 years old, mounted upon carriages that would not permit them to be fired at the angles now discovered they should be fired at. In other words, the entire system of defense of our coast has got to be revised because of the experience of the war in Europe, so I think that this House would be wise to follow the recommendation of the Secretary of War and the member of the General Staff who testified before our committee, speaking, as I understood it, for the General Staff in asking for the increase granted in this bill.

Part of testimony of Capt. C. E. Kilbourne, General Staff, United States Coast Artillery Corps, before House Military Committee Friday, January 28, 1916, page 790:

Capt. KILBOURNE. I thought it might be of some interest to the committee if I would speak of the work that has been done in the Eastern Department in the matter of preparation of plans for the defense of the Atlantic coast and the Gulf coast.

The CHAIRMAN. Very well.

Capt. KILBOURNE. About four or five years ago the National Land Defense Board worked up plans for the defense of the harbors from the rear, and those plans were approved and accepted until the development of those long-range guns in the European war. That necessitated the recasting of all our plans, because originally the idea was that we would supply enough troops, called Coast Guards, to protect the rear of the fortifications against land guns, which fire from 12,000 to 15,000 yards, and possibly more; some reports are that they carry much farther than that. That plan had to be abandoned, because it is not possible with any mobile force that we could hope to raise to protect any one of those harbor forts—not any one, but most of them—by holding an intrenched line far enough from the city to prevent the enemy emplacing artillery within range of it. It runs up to 130,000,000, some of them, before you get all the way around.

Consequently plans had to be adopted for the defense of the immediate rear of the batteries with emplacements, intrenchments, entanglements, etc., to protect the rear of the batteries from any sudden rush that might be made under cover of darkness or fog to destroy those batteries and admit a fleet to the harbor. For the defense of the balance of the country we had to adopt the system of meeting them at landing places, surveying the country to ascertain the best defensive lines, arrangements being made to fight them on each one of those lines—to fight a delaying action, falling back and trying to hold them until reenforcements come. There has been a board in each coast defense, given to the survey and study of the terrain this year. I have one complete report here, in case the committee would like to see the details of it.

Advance data on those reports have been submitted and tabulated, and it results in what the department considers, for the immediate defense of the forts, an irreducible minimum of 29½ regiments of Infantry. We have 22 coast defenses, some with as high as three or four forts, and each fort should have its immediate rear guard.

Now, those troops can not be considered in connection with the mobile army which is fighting at a distance from the forts, for the reason that just about the time there is a severe attack out there that might be the very time that would be selected for a raid on the forts with a view to slipping a fleet into the harbor. So those troops must be separate and apart from any that we consider for the defense of this coast.

The CHAIRMAN. Do I understand that you mean you want 29 regiments of Infantry to be stationed all the time in the rear of these forts?

Capt. KILBOURNE. The minute war threatens they ought to be there.

The CHAIRMAN. Where would you draw them from?

Capt. KILBOURNE. We could not draw them from the Eastern Department; that is certain.

The CHAIRMAN. I understand that; but I am talking now about this: In the event of war, what plan is there proposed to have these 29 Infantry regiments in such shape as to bring them where you want them?

Capt. KILBOURNE. This report has not yet been submitted to the General Staff, whose duty it is to work out those details. This is just as it was worked out in the Eastern Department and prepared to be submitted. In fact, it was completed only about two days before——

The CHAIRMAN. I understand, however, your idea is these 29 regiments should be apart from the proposed mobile army?

Capt. KILBOURNE. Yes, sir; I think that within a short time after a war broke out we could replace those Infantry regiments with militia regiments—volunteers—so they could go to the mobile army, where their training would be more valuable. Its duty would be merely to hold an intrenched position, which does not require the discipline, the training, nor the hardening processes which Infantry for field service requires.

We asked one of these local boards then to take up the question of how many troops they would need to meet an army that might be landed at favorable landing places in their immediate neighborhood and to fight that army on these prepared lines that they had surveyed—to fight a delaying action. We said, "You may assume that if you can hold a probable enemy for two weeks you will be reinforced by a force sufficient to defeat them; that is, anything you can hold for two weeks we will send you enough troops to defeat." Each one, working separately, has submitted a report, these reports working out altogether to 45 divisions.

The CHAIRMAN. Forty-five Infantry divisions?

Capt. KILBOURNE. Part Infantry and part Cavalry.

Then, having these local studies completed, the department board took them and consolidated them with a view to the matter of reenforcing, and our basis was that if we could have a few more troops than were required for any two places we would have enough to make a reasonably assured defense there. On that basis the coast was divided into three main defensive areas: From Penobscot Bay to New York; from New York to the entrance of the Chesapeake; and from the entrance of the Chesapeake down to and including Alabama, we might say. We did not go into the situation on the other side, because that is a problem for the Western Department mobile defense. We found that by taking these three divisions we could reduce this number of troops to 25 divisions.

The CHAIRMAN. That would be nine Infantry regiments to a division?

Capt. KILBOURNE. It works out altogether, sir, to 743,000 men.

Mr. SHERLEY. Mr. Chairman, I do not desire to anticipate what I may have to say to the House very shortly in presenting the fortification bill, but I am not willing to let go unchallenged statements which I feel are very, very erroneous.

It is not true, in my judgment—and I speak after seven years' experience on the committee dealing with fortifications—that our fortifications are antiquated, that they are useless, or that they represent, as implied by the statement of the gentleman from Nebraska [Mr. SHALLENBERGER], a menace instead of a defense. The gentleman talks about the need of 750,000 men to defend them from the rear. Now, the very fact that he seems——

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. I can not until I get through with making a connected statement—the very fact that he seems to think that these men must be stationed at each fortification shows a total misunderstanding, as I view it, of the purpose of fortifications. Now, I have very often stated it, and it has been repeated and repeated by military officers, so that it would seem that it would be clearly understood, that the purpose of a coast fortification is to deny to an enemy's fleet certain waters covered by that fortification, and to permit the use of such waters by our own fleet. It is not contemplated that it will prevent the landing of troops anywhere on the coast, but within the radius of the guns it will prevent those waters being used by an enemy; and the test of a fortification is this, that it serves its purpose when it forces an enemy to land in order to subdue it.

Now, it is true that if an army of an enemy is landed and makes an attack upon a fortification from the rear it takes a mobile army perhaps to defend such a fortification, but presumably if we have properly prepared that fortification, assuming that the control of the sea has passed from us, we will have driven the enemy to some place not near as good as the fortified area would be, where he will presumably be met by a mobile force. Now, if the enemy defeats that force and there is nothing else in his way, he can go and take these fortifications from the rear; but to assume that fortifications are a menace, and that we have done a foolish and absurd thing in building them is to assume something that is not warranted by any testimony I know of given by any officer at any time in the history of the Government.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. I will. If I had known it was the gentleman who desired to ask me before, I would have yielded sooner.

Mr. SHALLENBERGER. The point to which I wished to direct the attention of the committee was that this was not my opinion or my statement, but was the testimony of Capt. Kilbourne, of the Coast Artillery, himself a member of the General Staff, detailed with Gen. Wood at New York, who stated that, after a careful study that they had had upon the subject, the conclusion was what I have stated to the committee. The gentleman can read it for himself.

Mr. SHERLEY. I know Capt. Kilbourne very well. I have been with him a number of times at fortifications when there was target practice. I was with him recently in New York when the purchase of some land was being considered. I have not read the particular testimony of which the gentleman has spoken, but I guarantee that what Capt. Kilbourne meant to convey was that, assuming a force had landed in America and that a particular fortification was being attacked from the rear, there would be required a certain number of mobile troops to defend that fortification, and then counting up each fortification that it would require the number of troops of which the gentleman has spoken; but that does not prove that your fortifications are weaknesses and does not prove anything the gentleman seemed to imply.

Now, I maintain again that our fortifications are, of their kind, the very best in the world. There are some things that need to be done to improve them. I hope to bring forward some items in the bill this year looking to that improvement, but I am not willing that the statement should go out that the fortifications are obsolete and that the character of the mounts are such as to make the guns useless. I have but recently come from a test made by battleships against an emplacement that was typical of our seacoast emplacements. I happen to have seen with my own eyes some of the results of the fire by these ships. And any man who has seen what I have seen within the week and who could say that our fortifications are useless takes a

liberty with his speech that is absolutely inconceivable to me in face of the facts.

Mr. SHALLENBERGER. Will the gentleman permit another question?

Mr. SHERLEY. Certainly.

Mr. SHALLENBERGER. Do you know that the War Department has in contemplation now the changing of the mounts of all these guns, so that they may be elevated at another angle?

Mr. SHERLEY. I deny it. I say we have increased the elevation of some from a 10-degree elevation to 15, and we propose in building new guns to have an elevation very much beyond that. I also say that we are going to take some old guns and mount them for higher-angle fire, but I expressly deny, as not being the situation, that we are going to have to change the carriage of most of our guns or even a large percentage of the guns that are now mounted. I deny that they are not effective. I deny that they are obsolete.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] has expressed the matter very clearly, as he always does, in regard to these harbor fortifications. It was testified before our committee that it was contemplated increasing the possible elevation somewhat, owing to lessons that have been brought out of the present war.

Mr. SHERLEY. If the gentleman will permit, I carried an item in the fortification bill, and explained it on the floor last year, for the change of gun carriages. Here is what happened: We had a disappearing gun carriage with a maximum range of 15°. Some of those were mounted so as to have a depression of 5 and an elevation of 10. Now, we altered the carriages so as to give them a maximum elevation of 15 and a minus of none, and with our new guns we are proposing to increase greatly the elevation, the purpose being to increase the range of fire.

Mr. TILSON. Unfortunately, I was not here in the last Congress, but what the gentleman states is absolutely correct. With the slight change in angle of fire the very same guns will be able to reach a very much greater distance than they do now.

Mr. FARR. May I ask what range?

Mr. TILSON. Well, it is believed we can reach to 10 miles effectively.

Mr. SHERLEY. If the gentleman will permit again, we are going to mount some 12-inch guns on carriages that will permit an elevation of 30° and better, that will have a range of 30,000 yards. We will have a range of about 19,000 yards with the 12-inch guns, with elevation of 15°, shooting a lighter projectile.

Mr. GARDNER. As a matter of fact, you have got to reduce your projectile to 1,200 pounds?

Mr. SHERLEY. You increase your range by lightening the projectile.

Mr. TILSON. Of course what you gain in range you have to lose in the weight of the projectile. However, I was going to speak of another use of the Coast Artillery. The Coast Artillery is trained as infantry as well as coast artillery, so that in the last resort they would be able to take care of themselves as infantry and could assist in defending the place fortified in case the mobile troops had been defeated and the country overrun, which it would mean if their forts were attacked in rear.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. GREENE of Vermont. You refer to the "last resort." Is it not a fact that the suggestion of the gentleman from Nebraska [Mr. SHALLENBERGER] is based entirely on the last resort? If we were compelled to defend our forts from the rear it would mean that the Navy had lost control of the sea and the enemy had gotten up the edge of the coast and had gotten around to our fortress.

Mr. TILSON. It would mean that the Navy had been driven from the sea, the mobile force had been defeated at the place of landing, and the country was overrun by the enemy. Of course these harbor fortifications are absolutely necessary to protect our naval bases, and the Coast Artillery personnel necessary to man them should surely be provided.

I was going on to speak of a further use of Coast Artillery that thus far has not been mentioned at all. It is very well known that in the present war in Europe much larger guns than were ever used in the field before have been used, a sort of semimobile artillery, a very large gun, mounted on a railway car and moved to the place where needed. It is contemplated that we are to be provided with some of these guns, and that the Coast Artillery men are to handle them; that in case of an invasion or attempt at landing by an enemy the Coast Artillery would not be confined within the forts, but would be able to come out of the forts with these large semimobile guns.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. May I have five minutes more?

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more?

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TILSON. The Coast Artillery would be able to come out of the forts, take these large semimobile guns on railway carriages, and move them to the place where they were needed. It happens that our railways are in most cases very fortunately situated for this purpose along both the Atlantic and the Pacific coasts.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Texas?

Mr. TILSON. With pleasure.

Mr. SLAYDEN. I may say I was very much interested in the gentleman's statement that these very large guns in what he calls the semimobile artillery were mounted on railway cars. He does not mean that guns of the caliber of the 42-centimeter guns were fired from railway cars, does he?

Mr. TILSON. They can not be fired from a railway car standing loose on the track. Of course, the gentleman understands that. But they can be run into emplacements or temporary emplacements on the coast.

Mr. SLAYDEN. As a matter of fact, those guns have always been taken off and put onto concrete emplacements already made. I understand they do use some fairly large guns from railway cars, but I never heard it suggested before that those very large guns were so employed.

Mr. TILSON. That is so. They use some quite large guns from the railway cars themselves; but it is intended that these very large guns shall be run onto a temporary platform or emplacement where they can be used.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. SHERLEY. If the gentleman will permit, we expect to build a 16-inch mortar that may be fired from a car, and it may be possible also to do the same with 14-inch guns.

Mr. SLAYDEN. Has that been done?

Mr. SHERLEY. Not in this country, and so far as I know it has not been done in that form abroad.

Mr. TILSON. Of course, the gentleman knows that with a mortar or a great gun like that, using a high angle of fire, the recoil is much more nearly vertical, so that the lateral resultant of the recoil is very much less than if the guns were fired more nearly horizontal.

These are uses for coast artillery that we have never had before, and as you can readily see, they are important uses. In case of an invasion or an attempted landing upon the shore of this country such a force would be of the very greatest importance. Instead of being, as the gentleman from Nebraska [Mr. SHALLENBERGER] describes, a third line of defense, they would really be a part of the second line of defense, to meet the invader at the shore. Therefore it seems to me that this part of the Army could very well stand a considerable increase, and I shall vote for the amendment of the gentleman from Massachusetts [Mr. GARDNER].

Mr. ANTHONY. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

I think that if this House makes any increase more than is provided for in the bill, that increase should be made in the mobile forces of the Army. The committee has already increased the Coast Artillery as far as the War Department desires it increased, and in my opinion any more troops added to that corps would be deliberately thrown away by this House.

The Coast Artillery, it is true, is a necessary and vital part of our coast defense, but even in time of war three-fourths of the Coast Artillery troops would probably not fire a shot, because under the present system they are scattered all over our coasts, many of them being stationed at most unimportant places that probably would never be threatened by a foe, and therefore they could never possibly be utilized, and it would be a great mistake to further augment such garrisons.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. KAHN. Does the gentleman think it would be advisable to withdraw the troops that may be at any of these posts that he speaks of and thus leave those posts exposed in time of war?

Mr. ANTHONY. I am not in favor of withdrawing the Coast Artillery from any of the most important posts, but I would be in favor of withdrawing them from some of the unimportant posts; say, for instance, Fort Hunt, down here below Washington. In my opinion there is no necessity of any troops being there, except caretakers for the guns. They would never be threatened in case of war.

Mr. KAHN. I understood that those troops would be taken down to Fort Henry and in that direction as soon as the fortifications down there are completed.

Mr. ANTHONY. Yes; I think there are dozens of places around our coasts where Coast Artillery garrisons could well be dispensed with.

Another point: It has been stated that the Coast Artillery Militia is short under the present plan of the War Department, which calls for the militia furnishing half of the men to man the guns in time of war. They may be short in numbers now, but under the provisions of this bill—under the pay provision, which is incorporated—the Coast Artillery Militia will be speedily recruited up to the full authorized strength and the strength that is expected by the War Department.

I do not want my remarks to be construed as a criticism of the Coast Artillery in any way, because I consider it as now constituted one of the most efficient branches of our Army. Its head, Gen. Weaver, is one of the ablest and most capable men in the service; and I believe that the armament and equipment now provided for our principal ports, New York and San Francisco, makes them absolutely impregnable from successful attack by any battleship fleet that could ever be brought against them.

I think it would be a mistake and an absolute squandering of money to make any further increase in this corps in addition to that provided in the bill.

Mr. GARDNER. I just want to correct a statement that I made. I find that under the Senate bill the President may add altogether 5,112 enlisted men to the force for the Coast Artillery.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The amendment was rejected.

The Clerk read as follows:

SEC. 5. That the number of commissioned officers of the Corps of Engineers shall be increased by 1 colonel, 1 lieutenant colonel, 4 majors, 15 captains, 15 first lieutenants, and 15 second lieutenants, and the enlisted force of said corps shall be increased by 15 companies, to be constituted as the President may direct, and the Engineer band shall hereafter have the same organization as that hereinbefore provided for bands of the Coast Artillery Corps: *Provided*, That hereafter vacancies in the grade of second lieutenant in the Corps of Engineers of the United States Army shall be filled as far as may be consistent with the interests of the military service by promotion from the Corps of Cadets at the United States Military Academy: *Provided further*, That vacancies remaining in any fiscal year after the assignment of cadets of the class graduating in that fiscal year may be filled by the transfer of lieutenants of the line of the Army of the United States who pass a satisfactory professional examination: *Provided further*, That vacancies not filled as hereinbefore prescribed may be filled from civil life, as provided in the act of Congress approved February 27, 1911.

Mr. HAY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 10, in line 16: Strike out the word "constituted" and insert the word "organized."

The amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, I move to strike out the last word. I know, of course, that the gentleman and the entire committee gave careful consideration to every portion of this bill; but I would like to know what evidence the committee had before it to justify the fixing of the officers of the Corps of Engineers at the figures mentioned in the section.

Mr. HAY. We had before us the testimony of Gen. Kingman, the Chief of Engineers, who desired a very much larger number of officers than are provided for here. But the increase in the Engineers, who are a part of the line of the Army, provided 15 companies of Engineers, and we provided the officers necessary to officer that number of enlisted men. The 15 companies would be 1 regiment and 3 companies, and we provided a colonel, a lieutenant colonel, 4 majors, 15 captains, 15 first lieutenants, and 15 second lieutenants.

Mr. SPARKMAN. Can the gentleman state from memory what Gen. Kingman's opinion was upon that point?

Mr. HAY. Gen. Kingman wanted the Chief of Engineers to be a major general; he wanted two or three brigadier generals, I forget which; he wanted a very much larger number of colonels, lieutenant colonels, majors, and other officers, which would have increased his corps by somewhere in the neighborhood of over 100 officers.

Mr. SPARKMAN. I would like to say to the gentleman that, while I am not able to state just how much the Corps of Engineers ought to be enlarged, I think it should be increased considerably beyond what is provided for in this bill.

Mr. HAY. The gentleman means in the way of officers?

Mr. SPARKMAN. Yes; for I happen to know myself from my acquaintance with that corps of officers and the work they are doing that they have not a sufficient force to perform the duties required of them. We increased the number of officers of the corps in the river and harbor bill of 1911, which increase was to extend over a period of five years, I believe, and is probably about up now. My information is, however, that the river and harbor work has not as yet got the full benefit of the increase, because the War Department keeps using these officers for other purposes. Of course, an engineer officer's duties are not confined to engineering. He has to perform military services besides. The department is very free to use the officers of that corps in many lines of military work, and very properly, because they are the cream of that profession, and they are needed in various places other than in engineering fields, and for that reason, in addition to the demands of river and harbor work, I think the number ought to be very considerably increased; but, as I say, I am not prepared to state now just to what extent. I should have to leave that to the experts.

Mr. HAY. I am sorry that I can not agree with my friend from Florida. I remember that the Engineer Corps has been increased twice since I have been here, once in 1905, again in 1911, and now it is being increased again. Gen. Kingman testified that even now he did not have as many officers in his corps as the law allows. It seems they find difficulty in keeping their corps filled. These officers in this bill are provided for mobile troops, for engineer troops, not for river and harbor work or any work of that kind. We are providing just a sufficient number of them to officer the enlisted men provided for in the 15 companies asked.

Mr. SPARKMAN. I would like to ask the gentleman if he does not believe it will require even more than that number to do the work that this bill has cut out for the Engineer Corps to do?

Mr. HAY. We have not cut out any work for the Engineer officers, except to command these troops; that is all.

Mr. SPARKMAN. That is a good deal. Besides there is a great deal left to the executive head, and it is hard to tell just how much under the law will be required of them.

Mr. HAY. They are going to be organized under the law which now obtains.

Mr. SPARKMAN. I understand that, and when that organization is perfected I am a little bit afraid we shall find quite a shortage of engineers.

Mr. HAY. I hope not. I am very sure we are giving them all they need.

Mr. SPARKMAN. I have no desire now to do more than to state my views, which are based upon knowledge gained from many years of experience and observation. I do know that the Engineer Corps has not officers enough to do the work required of it, and I think the number of its officers ought to be increased very considerably, perhaps doubled in some of the grades.

Mr. FREAR. Mr. Chairman, I rise in opposition to the formal amendment offered by the gentleman from Florida [Mr. SPARKMAN]. In line with this discussion, I would like to ask the chairman of the committee how many engineers are to-day detailed on river and harbor work?

Mr. HAY. I can not answer that; but I suppose the gentleman can answer it better than I can. He ought to be informed on that subject.

Mr. FREAR. I have some information on it, and that is the reason I have taken the floor, in view of the question that was propounded to the chairman of the committee. As I now understand it, 65 officers, or about that number, are employed regularly in looking after the improvements on the rivers and harbors and creeks of the country. On an average, there are something like 250 new surveys in each river and harbor bill. I would like to ask the chairman of the committee if he does not think it would be better for the needs of the service at this time that more of these officers should attend to their legitimate military duties instead of being put on this work?

Mr. HAY. I agree with the gentleman entirely. I think civilian engineers could do the work just as well.

Mr. SPARKMAN. Mr. Chairman, I do not agree with that view.

Mr. FREAR. Am I yielding to the gentleman, or does he wish the floor?

Mr. SPARKMAN. It does not make any difference so long as I get the time. Of course, if we were to approach the sub-

ject from the angle from which the gentleman from Wisconsin [Mr. FREAR] views it, we all might easily reach the conclusion he does, because I fancy he thinks three or four engineers could do all the engineering work that ought to be done on the rivers and harbors of the country, with the creeks that he so often speaks of thrown in; but I disagree with him as to that, and I say most emphatically that if we are to continue to do the work we have been doing and which is necessary to be done if the great waterways of the country are to be improved so as to meet the demands of our rapidly growing commerce, then we will require more engineers than is now provided by law, supplemented by the increase provided in this bill. Of course if we cut down the work, as the gentleman suggests, we would not need so many.

Mr. PLATT. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, there has evidently been a great change of sentiment in this House during the last 12 months, and even during the last 3 months. When in the last Congress a little more than a year ago the gentleman from Massachusetts [Mr. GARDNER] undertook to show that something in the direction of preparedness should be begun then, only a handful—some 30 Members of this House—could be persuaded that our country was in any possible danger or that there was any necessity for any action whatever. The gentleman from Massachusetts was denounced from one end of the country to the other as a jingo, and it seemed that the peace-at-any-price people, the people who believed that our great country could never be drawn into war, and the people who believed that if we should be drawn into war we could defend ourselves by raising a million or two men overnight, were in full control of the administration at Washington and of public sentiment. It seemed a hopeless task to attempt to convince either the administration or the Congress that there should be any increase whatever of our military or naval establishment. It seemed to be the general feeling that we should be untrue to our ideals, or that we should in some way interfere with the realization of the dream of general disarmament that was to follow the European war, if we so much as added a man to our little Army or a ship to our Navy.

But during the spring and summer some things happened. The possibility of becoming involved in war did not seem so remote in the fall, the people had become or were becoming aroused to their danger, and the President himself had become convinced that something must be done. In his message at the opening of this Congress on December 7 the President outlined a program, much of which is embodied in the bill now before us, and added "At least so much by way of preparation for defense seems to me to be absolutely imperative now. We can not do less."

Mr. Chairman, I do not understand how anybody who will read the history of the last five or six years of the last great European war, the war between Napoleon and the rest of Europe, can fail to be impressed with the singular parallel between what happened then and what is happening now, so far as neutral rights and trade are concerned. Practically the same things happened then that are happening now. There is nothing new under the sun. President Jefferson and President Madison made every kind of effort to keep our country out of the war. They declined to take even a step toward building up an Army or a Navy for fear it should tempt us to defend our rights. They wrote endless notes and protests against the destruction of American ships and of American lives, but in spite of all this our country was drawn into the war, and as Woodrow Wilson indicates in his History of the American People (Vol. III, p. 212), was drawn in wholly unprepared and on the wrong side. Mr. Wilson says:

> France was doing more to injure neutral trade than England was. That very spring (1812) a French fleet put to sea commissioned to burn American merchantmen wherever found.

The submarine may be a new weapon, but the idea of destroying merchant ships is not new.

What was worse—

Continued Mr. Wilson—

> the risk of the war was not a whit more obvious than its deep impolicy. Napoleon was the enemy of the civilized world; had been America's own enemy in disguise. England was fighting him almost alone, and now America had joined the forces of Napoleon in fact, if not in intention, as he had subtly planned.

Now, Mr. Chairman, I do not say that we are going to be drawn into the great European war of to-day as we were drawn into the great war of a little more than a century ago, but no man in his senses, who knows his history and who has followed in the light of history the events of the past year, can doubt that there is danger, very real danger, and that lack of preparedness contributes to the danger.

One blunder of a century ago, viz, continuing entirely unprepared until drawn actually into war, we are to-day very tardily seeking not to commit again. The bill before us is a step in advance, though not much more than a step. A century ago we relied almost entirely upon the militia, the old militia that included every man of military age trained one day a year. That militia was defeated in practically every battle in the so-called War of 1812.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. PLATT. I will.

Mr. YOUNG of North Dakota. Is it not a fact that Gen. William Henry Harrison got up as far as London, Canada, and won a battle on the way up?

Mr. PLATT. Yes; we won one or two little skirmishes, but only one real victory in the War of 1812, and that was at New Orleans after the war was over, and it had no effect on the treaty or anything else.

Now, we begin by bringing our present Regular Army organizations up to full strength, a most important provision for the creation of efficiency, and we seek to add something—too little, in my opinion—to the number of the organizations. But we have not cut loose yet from the militia idea. We depend upon the Organized Militia or National Guard for our chief reserve, without bringing it under full Federal control. I do not believe that this arrangement can work satisfactorily. It so happened that when we fought on the side of Napoleon in the last great European war, some of the governors of the New England States which opposed our participation in the war, did all they could to prevent the militia of their States from responding to the call of their country. Some governors refused to call their militia out or to allow it to leave the State. It seems to me that such a situation is not impossible under this bill. The National Guard is entitled to great credit for the work it has done in recent years against many discouragements. It is entitled to recognition and to encouragement, through action of Congress, but I do not believe we should depend upon it as a reserve immediately available in time of emergency. We might bring the guard under full Federal control, holding it under the Army and not under the militia clause of the Constitution, or we might create such a Federal volunteer reserve as the proposed continental army, which would doubtless take in a considerable part of the guard, and leave a considerable part for State control, but what we really ought to do is to work toward some system of general military training, which should be a part of the education, or should complete the education, of every young man.

Mr. Chairman, if we look facts squarely in the face we must admit that the United States of America is a great, magnificent Nation of wealth worshipers, ease lovers, and pleasure seekers. Too many of our young men seem to have no higher purpose in life than to obtain money to spend on pleasure. Too many of them have absolutely no sense of responsibility for service of any kind to their country or to their communities. A period of military training and discipline would work wonders with them, would make men of them, and would enable them to serve not only their country in time of need, but themselves at all times to some purpose. [Applause.]

The Clerk read as follows:

SEC. 6. That the Infantry arm shall be increased by 10 regiments, and each regiment of said arm, exclusive of the Porto Rico regiment, shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 16 captains, 16 first lieutenants, 16 second lieutenants, 1 headquarters company, 1 supply company, 1 machine-gun company, and 12 Infantry companies organized into 3 battalions of 4 companies each. Of the officers herein provided for, except supply officers, the lieutenants not required for duty with Infantry companies or with headquarters, supply, or machine-gun companies shall be available for detail as battalion adjutants and such other details as may be lawful.

Each Infantry headquarters company shall consist of 1 captain, who shall be the regimental adjutant, 1 sergeant major, 3 battalion sergeants major, 1 first sergeant, who shall be the drum major, 2 color sergeants, 1 mess sergeant, 1 supply sergent, 2 cooks, 1 horseshoer, 1 band leader, 1 assistant band leader, 1 sergeant trumpeter, 2 band sergeants, 4 band corporals, 2 musicians first class, four musicians second class, 13 musicians third class, 1 sergeant orderly, and 16 orderlies.

Each Infantry supply company shall consist of 2 captains, who shall be regimental supply officers, 1 first lieutenant, and 2 second lieutenants, who shall be battalion supply officers, 2 regimental supply sergeants, 3 battalion supply sergeants, and such noncommissioned officers and other enlisted men as the Secretary of War may authorize to be supplied from the Quartermaster Corps and other staff corps or

departments: *Provided*, That the commissioned and enlisted personnel of the supply company, supplied from the regiment and the Quartermaster Corps, shall, when in garrison, be available at all time to assist the quartermaster thereof.

Each Infantry machine-gun company shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 7 sergeants, 8 corporals, 2 cooks, 1 mechanic, and 48 privates, of whom not to exceed 25 per cent shall be rated as privates, first class.

Each Infantry company shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 3 sergeants, 6 corporals, 2 cooks, 2 trumpeters, 1 mechanic, and 48 privates: *Provided*, That the President, in his discretion, may increase the number of sergeants in any company of Infantry to 5, the number of corporals to 10, the number of cooks to 3, and the number of privates to 126.

The commissioned officers required in each regiment of Infantry for headquarter, supply, and machine-gun companies and for the Infantry companies organized into battalions shall be assigned from among the officers hereinbefore authorized for the regiment.

Mr. KAHN. Mr. Chairman, on page 11, line 25, I move to strike out the word "trumpeter" and insert the word "bugler."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 25, strike out the word "trumpeter" and insert the word "bugler."

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, on page 12, line 25, I move to strike out the word "trumpeters" and insert the word "buglers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 25, strike out the word "trumpeters" and insert the word "buglers."

The amendment was agreed to.

Mr. KAHN. On page 13, line 3, I move to strike out the word "ten" and insert the word "sixteen," so it will read "16 corporals."

Mr. HAY. I would like to ask the gentleman for what purpose he offers that amendment.

Mr. KAHN. The number of corporals will be entirely inadequate. The corporal takes charge of a squad of seven men, and when we give a corporal to the requisite number of squads we ought to have 16.

Mr. HAY. I hope the gentleman will not insist on that amendment.

Mr. KAHN. Well, Mr. Chairman, I will withdraw the amendment.

Mr. MANN. Mr. Chairman, I move to strike out the last word. On page 12, lines 16 to 21, in reference to the Infantry machine-gun companies, how many machine guns does a company handle?

Mr. HAY. Under the present regulations they have four machine guns to a company.

Mr. MANN. Does the gentleman know how many machine guns the Army has?

Mr. HAY. One thousand and seventy-seven machine guns.

Mr. MANN. Do they have a number in reserve?

Mr. HAY. Some are in reserve.

Mr. MANN. How many is it expected will be provided for the reserve?

Mr. HAY. I will say to the gentleman from Illinois while we are on the machine-gun proposition that for the last three years the committee has appropriated from $150,000 to $200,000 a year for machine guns. The Chief of Ordnance has not used any of those appropriations, but has turned them into the Treasury, because he had not been able to select a type of gun which was satisfactory to him. Hence we have had no machine guns manufactured during the last three years.

Mr. MANN. I am the least expert of anyone I know of on the subject, but I have gained the impression some way that in Europe machine guns are playing an active part.

Mr. HAY. They are playing a very active part.

Mr. MANN. I have seen them operate, and it seems to me that they are a very effective means of defense. I should think that they might by this time, or very soon, with the experience gained abroad, find some satisfactory type of machine gun and have some in reserve. I would much rather trust in the main the operation of a machine gun in the hands of people who did not know a great deal about firing than to trust their knowledge and expertness in shooting at a target with a rifle. At least I would feel more comfortable if I was behind the machine gun. I think it is a very effective weapon. Of course, I assume that it is possible to provide a machine gun which when you want to use it will be ready for use, notwithstanding what is reported to have occurred down at Columbus, in New Mexico.

Mr. HAY. I have not been informed whether that was absolutely true or a newspaper report.

Mr. MANN. I do not know, but I suppose if it did occur it was some accident.

Mr. HAY. I was going to say that, if it did occur, it was something that might have happened to anybody or to any gun, and I do not know that our soldiers should be blamed for it. Perhaps the gun jammed, or something of that sort, which might happen to anybody or to any kind of a gun. I will say to the gentleman from Illinois that the committee is thoroughly alive to the importance of having a large number of machine guns in reserve. They have no more now, because the Ordnance Department has not been able to select a type of gun that they wanted to manufacture.

Mr. MANN. Then, the shortage in the reserve is not because Congress has refused to appropriate the money, but because the War Department itself has declined to expend the money which has been appropriated?

Mr. HAY. That is exactly true.

Mr. MANN. We have done very well in appropriating the money, and I think we ought to appropriate still more; but I am quite sure that the War Department ought to get a hustle on itself.

Mr. HAY. I think so.

Mr. MANN. And speed up some, and find some gun that it is willing to have constructed and put in reserve.

Mr. HAY. Mr. Chairman, I will state to the gentleman that some years ago—three or four years ago—Col. Lewis, an Army officer of the Coast Artillery, had what he thought was a most excellent machine gun. As was his duty, he offered it to the United States Government. The Ordnance Department, or the Board of Ordnance and Fortifications, turned the gun down and would not use it. Col. Lewis took the gun abroad and, I am informed, sold it to England, to Russia, to France, and to Holland, and that is the gun that is now doing the execution that we read about in the newspapers every day.

Mr. MANN. That was a very unfortunate mistake on the part of the War Department.

Mr. HAY. It was.

Mr. MANN. Unfortunately, all of us do make mistakes.

Mr. HAY. That is true.

Mr. MANN. And that is one mistake that is not chargeable to Congress. Usually everything that is not done or that is done, if there is any mistake made, is charged to Congress by the people in the country.

Mr. HAY. That was not the fault of Congress; we did not turn it down.

Mr. MANN. I say that mistake was not chargeable to Congress, but even then, if they did turn down a gun, they ought to be prepared in the War Department to have a type of gun selected which can be manufactured and put in reserve. I believe myself that if we should ever be invaded and an enemy should get beyond the shore, there is nothing that will be more important than to have plenty of ammunition and machine guns and some men to operate them.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois. I will state to the gentleman from Illinois [Mr. MANN] that the Chief of Ordnance stated before the committee that he expected to be able to select a proper type of gun very soon, and they are asking quite an appropriation for the purchase or manufacture of these machine guns, and these guns will be provided for in the appropriation bill.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee whether it is not a fact that when Col. Lewis had his gun tried by the Board of Ordnance and Fortifications, it burst?

Mr. HAY. I am not aware of that fact.

Mr. GARDNER. That is my impression—that he made it of cast iron or something inferior to the best steel. When it was tried by the Board of Ordnance and Fortifications, my recollection is, that it burst. I do not think the board could be expected to judge of what the gun would have done if it had not burst. I am not defending, as the gentleman probably knows, the Chief of Ordnance, because I think him entirely too conservative in his views. Did he not testify over a year ago that the Bennett-Mercier gun, which we have at the present time, was unsatisfactory, and that we were going to try the Vickers?

Mr. HAY. He did.

Mr. GARDNER. And that is over a year ago?

Mr. HAY. Yes.

Mr. GARDNER. And nothing has been done?

Mr. HAY. Nothing has been done. I will say to the gentleman that so far as the Lewis gun is concerned, I think he is mistaken in saying that it burst. It may have done so once.

Mr. GARDNER. I may be mistaken.

Mr. HAY. But Col. Lewis afterwards perfected it, and I know I saw an account of where this gun had been fired from an air-

ship at a target on the ground, the airship being at a considerable elevation, and the target was struck every time the gun was fired.

Mr. GARDNER. My recollection is very hazy on the matter. I thought the gun had burst.

Mr. HAY. It was my impression at the time, although, of course, I did not know anything about it as an expert, that it was an excellent gun and ought to have been adopted.

Mr. GARDNER. That is very obvious.

Mr. TILSON. Mr. Chairman, I would like to ask the gentleman from Virginia a question, if I may be permitted. Is it not in evidence before the committee that the Ordnance Department had found a quite satisfactory machine gun that is being manufactured by private manufacturers, and that it believed that in case of immediate need we could soon secure a supply of those guns from the private manufacturers?

Mr. HAY. I think so. I think a statement of that kind was made, but that was the Vickers gun, as I remember, and the statement was also made that they had not been able to do anything about it because they were manufacturing the gun for the allies. It is an English gun, and we would have to get the permission, possibly, of the English Government.

Mr. TILSON. Before we could manufacture it?

Mr. HAY. Before we could manufacture it. I think we ought to be able in this country to get a gun of our own.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. STAFFORD. Are the department officials withholding the selection of the proper type of gun awaiting information resulting from observation of the European war? I might say that the Chief of the Bureau of Construction and Repair of the Navy Department I believe testified before a subcommittee of the Committee on Appropriations that our officers detailed to the European forces are obliged to withhold very valuable information until the close of the war, and when the war is ended they will be privileged to divulge that information, which will be of great value to our naval officials in the design and construction of our modern battleships. I was wondering whether the Army officials are withholding making recommendations as to arms for the same reason.

Mr. HAY. I do not think that is true of this machine gun; it may be true of the other.

Mr. EMERSON. Will the gentleman yield?

Mr. HAY. Yes, sir.

Mr. EMERSON. Did I understand that this machine gun shot from an aeroplane hit the target every time?

Mr. HAY. Yes, sir.

Mr. EMERSON. Have we got any of these guns in the service now?

Mr. HAY. We have not; we did not accept that gun.

Mr. EMERSON. I think we ought to have a few of those down in Mexico now.

Mr. LA FOLLETTE. Mr. Chairman, I move to strike out the last three words. I simply want to say in reference to the Lewis gun that at the time that gun was tried it was whispered around—and I think probably with some cause—that there was jealousy back of the refusal of the Ordnance Board to accept the Lewis gun. Capt. Lewis had made certain criticisms that were construed as a reflection on the military ability and efficiency of some of the officers of the Army during the Spanish-American War, and it was whispered that he was punished therefor by a refusal to accept his gun, and that that was the reason it was turned down.

Now, the gentleman from Illinois [Mr. MANN] said it was not Congress's fault that it was turned down. That is probably true, but if there was anything in the report that a gun that had been invented by an officer of the United States Army was turned down because that United States Army officer had created some ill feeling and friction among other United States Army officers by some acrimonious criticism, I submit that should not be an excuse for the turning down of a valuable invention that might have been a great benefit to this country; and I think that if that is the case Congress should pass some law containing a provision making that impossible.

Mr. Chairman, I withdraw the pro forma amendment.

Mr. McLAUGHLIN. Mr. Chairman, I rise to oppose the amendment of the gentleman for the purpose of asking a question of the chairman of the committee. Page 11, section 6, there is an increase provided for of 10 regiments and a certain number of officers, and there are 16 captains, 16 first lieutenants, and 16 second lieutenants. Is not 1 captain, 1 first lieutenant, and 1 second lieutenant enough for each company?

Mr. HAY. Yes; but these other officers are used for commanding the supply company, the headquarters company, and the machine-gun company, as well as other details, such as quartermaster's duties which they have to perform.

Mr. KAHN. And battalion adjutant.

Mr. McLAUGHLIN. But in that portion of the bill where the supply companies are spoken of and another part where the machine-gun company is spoken of and another paragraph or sentence where the Infantry headquarters are spoken of, in each there is a provision for a captain made.

Mr. HAY. But the gentleman will find they are to be detailed from the officers of the regiment.

Mr. McLAUGHLIN. There would not be enough then, if the gentleman will permit——

Mr. HAY. Oh, yes.

Mr. McLAUGHLIN. There are 12 Infantry companies, 1 headquarters company, 1 supply company, and 1 machine-gun company; that makes 15 altogether; and there are 16 officers——

Mr. HAY. That makes 12 extra officers in all.

Mr. KAHN. Two in the supply company—that makes 16.

The Clerk read as follows:

SEC. 7. That the total enlisted force of the line of the Army shall not exceed at any one time 140,000, except as provided for in section 1 of this act.

Mr. HAY. Mr. Chairman, this being Saturday afternoon, I move that the committee do now rise.

Mr. KAHN. Will the gentleman withhold that until I can offer this amendment?

Mr. HAY. I will.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, line 12, by striking out the words "one hundred and forty" and insert in lieu thereof the following: "Two hundred and twenty," and add at the end of the section the following: "That not exceeding 80,000 of the force provided in this section shall be distributed among the various arms of the service in such manner and in such proportion as the President may prescribe."

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

Mr. TILSON. Will the gentleman withhold that for a moment? May I ask unanimous consent to speak for just two minutes?

Mr. HAY. I withhold the motion.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Chairman, one of the most troublesome questions with which we are confronted in the Committee on Military Affairs is the question of promotion. When we reach section 11 we encounter the section that deals with promotion. When that section is reached I intend to offer an amendment, which makes promotions dependent upon the length of commissioned service and the usual examinations. I would like to have unanimous consent to print this amendment, which is a very brief one, in the RECORD, so that Members may see it and consider it before the committee takes up again the consideration of this bill.

Mr. SHERWOOD. Does that include merit or just length of service?

Mr. TILSON. In that regard it is just the same as we have now, length of service and the usual examination, except that now it is purely by seniority, so that an officer may be promoted without serving any time at all in a given grade if there is a vacancy in the grade above; but neither system considers the merit of the officer at all, except the usual examination, which is provided for by this amendment the same as the present section in the bill. I simply ask to have this amendment printed so that it may be seen and examined before the committee resumes consideration of the bill.

Mr. HAY. Mr. Chairman, I would like to have it read for information.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Mr. TILSON offers the following amendment: Strike out section 11 and insert a new section, as follows:

"SEC. 11. Subject to the examinations provided by law, the requirements of this act as to provisional appointments, and the exceptions provided by this act as to chaplains, dental surgeons, and officers of the Medical Corps, promotions among commissioned officers of the Regular Army shall take place on the completion of the following total years of service as a commissioned officer of the United States, to include service in the Regular Army, the Volunteers, the Navy, and the Marine Corps: Four years to the grade of first lieutenant, 12 years to the grade of captain, 21 years to the grade of major, 26 years to the grade of lieutenant colonel, and 30 years to the grade of colonel."

Mr. STAFFORD. I understand that is merely read for information.

The CHAIRMAN. It is read for information.

Mr. TILSON. It is fair to state to the Members of the House that if the amendment just read should be adopted, I have

ready a number of provisos relating to the Medical Corps, Dental Corps, and chaplains, which would be necessary to take proper care of these officers. Also other provisos which would be necessary to properly adjust such an amendment to the other parts of the bill. It seemed best not to include these until the body of the amendment is adopted, as they would probably only tend to obscure the real issue or prevent the amendment being read at all.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein the official copy of the instruction of the British Admiraly to British merchantmen, as made public by Mr. Polk to-day.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing an official copy of the orders of the British Admiralty to armed merchantmen, as given out by Mr. Polk, of the State Department, to-day. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, is it very important to the gentleman that that go in to-day?

Mr. FESS. I will say to the gentleman from Tennessee that I have been trying to keep a record touching this particular item of dispute. It is not necessary for it to go in to-day, only I would like to have it printed in the RECORD sometime. It was made public to-day, and I thought it would be proper to put it in to-day.

Mr. GARRETT. Mr. Speaker, I have not seen the matter, and do not know that I would have any objection if I had seen it.

Mr. FESS. I will withdraw the request to-day and pass the copy of the orders over to the gentleman. I would like to have the opportunity of putting it in the RECORD, because I am making a sort of a summary of all of this controversy.

Mr. GARRETT. I understand that the matter has been made public?

Mr. FESS. Yes; by the State Department.

Mr. GARRETT. Well, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 3 o'clock and 58 minutes p. m.), under its previous order, adjourned until Monday, March 20, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a list of papers, documents, etc., on file in the Department of the Treasury, which have no permanent value or historical interest (H. Doc. No. 905); to the Committee on the Disposition of Useless Executive Papers.

2. A letter from the Governor of the Panama Canal, transmitting report of investigation of the claims of McClintic-Marshall Construction Co. against the Isthmian Canal Commission (H. Doc. No. 906); to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 13384) to provide for the erection of a public building at the city of Albertville, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 13385) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States; to the Committee on Indian Affairs.

By Mr. BURNETT: A bill (H. R. 13386) to provide for the erection of a public building at the city of Attalla, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 13387) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

Also, a bill (H. R. 13388) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the acts of March 4, 1907, and March 2, 1911; to the Committee on Banking and Currency.

Also, a bill (H. R. 13389) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

Also, a bill (H. R. 13390) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

Also, a bill (H. R. 13391) to amend the act approved December, 23, 1913, known as the Federal reserve act, by adding a new section; to the Committee on Banking and Currency.

By Mr. WINGO: A bill (H. R. 13392) granting a pension to deputy United States marshals of the United States court, western district of Arkansas, for the Indian Territory, prior to March 1, 1895; to the Committee on Pensions.

By Mr. KINKAID: Joint resolution (H. J. Res. 184) providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.; to the Committee on the Public Lands.

By Mr. FINLEY: Memorial of the General Assembly of South Carolina, favoring the policy of preparedness as advocated by President Wilson; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 13393) for the relief of the heirs of Joseph E. Davenport; to the Committee on Claims.

Also, a bill (H. R. 13394) for the relief of the heirs of Orville J. Davenport; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 13395) granting an increase of pension to Rachel Cliff; to the Committee on Pensions.

By Mr. DECKER: A bill (H. R. 13396) granting an increase of pension to Perry Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13397) granting an increase of pension to Elizabeth Commons; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 13398) granting a pension to Joseph L. Herron; to the Committee on Pensions.

By Mr. EVANS (by request): A bill (H. R. 13399) granting an increase of pension to Mary E. Wolf; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13400) granting an increase of pension to Julian Myers; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13401) granting an increase of pension to John S. Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13402) granting an increase of pension to John C. Day; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 13403) granting a pension to Arthur V. B. Souders; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 13404) granting a pension to Nancy C. Daggett; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 13405) granting an increase of pension to Julia Doran; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13406) granting an increase of pension to Leopold Schillinger; to the Committee on Pensions.

Also, a bill (H. R. 13407) granting an increase of pension to Jewel H. Walker; to the Committee on Pensions.

Also, a bill (H. R. 13408) for the relief of the estate of Robert Dickson; to the Committee on Claims.

By Mr. KONOP: A bill (H. R. 13409) granting an increase of pension to Thomas Kelley; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 13410) granting an increase of pension to Jairus Hottenstein; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 13411) granting an increase of pension to Bernard O'Reilly; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 13412) granting an increase of pension to Carvil H. Treadway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) to remove the charge of desertion from the record of Jason J. Green; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 13414) granting a pension to John C. Koepplinger; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 13415) granting an increase of pension to Samuel F. Leard; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13416) to authorize the President to reinstate John Brognard Okie, jr., as a midshipman in the United States Navy; to the Committee on Naval Affairs.

By Mr. SUTHERLAND: A bill (H. R. 13417) granting an increase of pension to C. C. Stemple; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BUTLER: Memorial of West Chester Camp, No. 49, United Spanish War Veterans, Department of Pennsylvania, indorsing the Key bill (H. R. 54); to the Committee on Pensions.

Also, petitions of Lewis C. Cullen, of Williamstown, Pa., and the Chester Enameling Co., of Chester, Pa., indorsing House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, memorials of Marshallton Council, No. 37, of Marshallton, Pa., and the Anna M. Ross Council, No. 101, D. of L., of Spring City, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BRUMBAUGH: Papers to accompany House bill 13172, for relief of Charles Gilford; to the Committee on Pensions.

Also, papers to accompany House bill 6987, for relief of Foster Hedrick; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Petition of Parkon Baptist Church of 323 people, of Nashville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of 38 citizens of Elwood, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition of San Joaquin Valley Building & Loan Association and of the Stockton Land, Loan & Building Association, both in the State of California, for the passage of House joint resolution No. 55, relating to taxation of building and loan associations; to the Committee on Ways and Means.

By Mr. DALE: Memorial of National Security Congress, in re preparedness; to the Committee on Military Affairs.

Also, memorial of mayors and mayors' committee of St. Louis conference on preparedness; to the Committee on Military Affairs.

By Mr. DANFORTH: Petition of Frank Depew, of New York, favoring increases in Naval and Military Establishments; to the Committee on Naval Affairs.

Also, petition of National Security League, favoring increases in the Army and Navy; to the Committee on Military Affairs.

Also, petition of National Defense Conference of Mayors and Municipal Representatives, favoring increases in the Army and Navy; to the Committee on Naval Affairs.

By Mr. DAVENPORT: Memorial of Retail Merchants' Association of Pawhuska, Okla., favoring 1-cent postage on dropped letters; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Texas: Petition of American National Live Stock Association and Cattle Raisers' Association of Texas in re grazing on public lands; to the Committee on the Public Lands.

Also, memorial of Farmers' Educational and Cooperative Union of America in reference to cotton-futures act; to the Committee on Agriculture.

By Mr. ELSTON: Telegram from prominent citizens of Livermore, Cal., protesting against House bill 12648; to the Committee on Agriculture.

By Mr. EMERSON: Petition of Wesleyan Sunday School of 30 people, of Huntsburg; Woman's Christian Temperance Union of 57 people, of Huntsburg; Mission Band Sunday School of 55 people, of Huntsburg, all in the State of Pennsylvania, favoring national prohibtion; to the Committee on the Judiciary.

Also, petition of city council of city of Cleveland, Ohio, as to sale of marine hospital; to the Committee on Naval Affairs.

By Mr. FLYNN: Memorial of National Security League in re preparedness; to the Committee on Military Affairs.

By Mr. FOCHT: Petition of voters of Chambersburg, Lamelton, Hartleton, and Millmont, and Lutheran Sunday School of Hartleton favoring the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petition of General Upton Camp, No. 118, Sons of Veterans, United States Army, favoring the widows' pension bill; to the Committee on Invalid Pensions.

Also, petition of Samuel Phillipson, of Chicago, opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Streator, Ill., Local No. 7, United Brick and Clay Workers of America, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Memorial of Alameda County Loan Association, of Oakland, Cal., in re House joint resolution 55; to the Committee on Banking and Currency.

Also, petition of citizens of Sabinal, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GARRETT: Petition of citizens of Union City, Tenn., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of citizens of Wilbur and Friends Church, of Scotts Mill, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HEATON: Petition of Washington Camp, No. 112, Patriotic Order Sons of America, of Shenandoah, John F. West, and 15 other citizens of Tamaqua, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of citizens of West Lebanon, Woman's Christian Temperance Union of 45 people of Durham and Brunswick, 57 citizens of Gorham, and union mass meeting of 610 people of Kennebunk, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of W. M. Conn and 25 other citizens of Jefferson County, Ohio, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Memorial of Christian Endeavor Society of the Third Presbyterian Church, of Salt Lake City, Utah, in favor of Federal censorship of motion pictures; to the Committee on Education.

Also, memorial of Young People's Society of Christian Endeavor of the Presbyterian Church of Perron, Utah, in favor of Federal censorship of motion pictures; to the Committee on Education.

By Mr. JAMES: Petition of Presbyterian Church of Marquette, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Butman Tucker Laundry and Hennessey Laundry Co., both of Providence, R. I., favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Memorial of National Security Congress, under the auspices of the National Security League, held at Washington, January 20 to 22, favoring national defense; to the Committee on Military Affairs.

By Mr. LESHER: Petition of 20 people of Milton, 500 Lutheran people of Milton, and First Presbyterian Church of Northumberland, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Memorial of Society of Sons of the Revolution in the State of Maryland, indorsing steps for adequate preparedness; to the Committee on Military Affairs.

By Mr. LONDON: Petition indorsing House joint resolution 38, calling upon the President to convene a congress of neutral nations to offer mediation to the nations at war, from Connecticut Hebrew Association, Ansonia, Conn.; to the Committee on Foreign Affairs.

Also, petition of Painters' Union No. 442, New York City, indorsing Linthicum resolution providing for investigation of sanitary conditions in dairy industry; to the Committee on Agriculture.

Also, petition of Socialist Party Local, San Bernardino, Cal., urging the establishment, through Government aid, of plants for the production and distribution of wood alcohol as a means of relief from the high cost of gasoline; to the Committee on Interstate and Foreign Commerce.

Also, petition of Socialist Party Local, Norwood, Ohio, protesting against House bills 6468 and 491, permitting the Postmaster General to deny the privilege of the mails to certain books, periodicals, and publications; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Wade and others, Macon, Ga., asking that certain pension benefits be extended to widows of soldiers and sailors who served 90 days or more with the Union Army or Navy in the Civil War and were honorably discharged from the service; to the Committee on Invalid Pensions.

Also, petition of residents of Henry Street Settlement, New York City, approving House bill 8668, by Mr. KENT, to establish a national park service; to the Committee on the Public Lands.

By Mr. MAGEE (by request): Petition of Royal Schiele and others, of Syracuse, N. Y., in re appropriation of Government money for sectarian purposes; to the Committee on Indian Affairs.

Also (by request), petition of Herbert W. Wight and others, of Syracuse, N. Y., in re appropriation of Government money for sectarian purposes; to the Committee on Indian Affairs.

By Mr. MANN: Petition of Chicago (Ill.) South Side Club, favoring woman-suffrage amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Swedish Engineers' Society, of Chicago, Ill., favoring the construction of a monument to commemorate the patriotic work of Capt. John Ericsson; to the Committee on the Library.

By Mr. NOLAN: Protest of the California Wine Association, San Francisco, Cal., against legislation to legalize the making of wines from materials other than grapes; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Petition of W. E. Miles and 107 citizens of Lancaster, Mass, protesting against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of First Congregational Church of North Brookfield, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. E. Miles and 107 citizens of Lancaster, Mass., against the enactment of House bill 652; to the Committee on the District of Columbia.

By Mr. PETERS: Petitions of 25 citizens of Princeton; Baptist Christian Endeavor, of Fairfield; Baptist Church of Princeton; First Baptist Sunday School of Waterville; First Baptist Church of Waterville; Christian Endeavor, of 150 people, of Waterville; 20 people of Waterville; Woman's Christian Temperance Union, of 60 people, of Waterville; 25 citizens of Princeton, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Rev. F. C. House and 36 others of Hornell, N. Y., opposing the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, petition of Young People's Branch of the Woman's Christian Temperance Union of Brookton, N. Y., Miss Grace Lewis, secretary, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Mr. and Mrs. Leon A. Holden, of Newark Valley, N. Y., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of Rabbi A. S. Borvick; Elmira branch, central committee for the relief of Jews suffering through the war, Harry Borvick, secretary; and the proclamation relief committee, of Elmira, N. Y., opposing the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. RANDALL: Petition of Glendale Lodge, International Order of Good Templars, of Glendale, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Library Circle of the Chautauqua of Los Angeles, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROGERS: Petitions of First Baptist and Christian Endeavor Society of the First Baptist Church, Lowell, and citizens of Lowell, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Cuxhavener K. N. Verein, of Brooklyn, N. Y., protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of committee on temperance of the Congregational Churches of the United States, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of New York State Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of New York section of the Appalachian Mountain Club, indorsing the Kent bill; to the Committee on the Public Lands.

Also, petition of J. N. Kinney, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

By Mr. ROWLAND: Petitions of United Brethren Sunday School people, of Clearfield; 65 people of Clearfield; United Brethren, 200 people, of Clearfield; Eleventh Street Methodist Episcopal Church, 124 people, of Clearfield; West Side Methodist Episcopal Church, 400 people, of Clearfield; 124 people of Bellefonte; First Methodist Episcopal Sunday School, 750 people, of Bradford; and 233 people of Bradford, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Stantonville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHOUSE: Petition of citizens of Wellsford, Kans., in support of the Sheppard bill providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SNELL: Petition of F. B. Johnston, R. E. Magraw, G. B. Payne, George H. Prouse, A. Tompkins, J. Dullea, and E. E. Duell, all of Malone, N. Y., protesting against the passage of the Fitzgerald postal bill and the Siegel postal bill; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Memorial of Central Trades and Labor Union of Woonsocket, R. I., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Arkansas: Petition of F. M. Carter and many others, of Stuttgart, Ark., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of J. G. Brewster and many others, of Fordyce, Ark., for free speech and freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. WASON: Resolutions of the Methodist Episcopal Church of North Charlestown, N. H., representing 43 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Woman's Christian Temperance Union of North Charlestown, N. H., representing 20 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Capital Grange, Patrons of Husbandry, of Concord, N. H., representing 375 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Congregational Church of Lancaster, N. H., in Sunday service assembled, representing 140 persons, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of the Woman's Christian Temperance Union of Jefferson, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Young People's Society of Christian Endeavor of the Congregational Society of Lancaster, N. H., representing 40 people, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *March 20, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee still expressing in our prayer the longing of the universal heart. Whatever wealth of being Thou mayest give to us, whatever joy of life, whatever beauty of grace may be ministered unto us, our hearts are restless until they find their rest in Thee. Without Thee we can do nothing. Thou art the Author of all that abides. Thou art the inspiration of all that is high and ennobling in human life. Thou hast come into touch with men. Thou hast written the history of Thine own dealing with Thy people. Thou hast given to us the changeless law. Thou dost minister to us by the living spirit.

Grant us this day to perform the duties of the day in harmony with Thy will and in conformity to Thy law. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SIMMONS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. HITCHCOCK presented a memorial of sundry citizens of Sutton, Nebr., remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Millville, New Brunswick, Rockaway, Newark, Woodstown, Brookside, Trenton, Hawthorne, Almonessen, Plainfield, and Mendham, all in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROBINSON presented a petition of the Woman's Missionary Society of the Methodist Episcopal Church of Luxora, Ark., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JAMES. I present a resolution adopted by the Legislature of the State of Kentucky, favoring the appointment by the President of Col. L. Mervin Maus to the grade of brigadier general in the United States Army and to place him on the retired list. I ask that the resolution be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

IN HOUSE OF REPRESENTATIVES,
March 8, 1916.

Resolution requesting Senators and Representatives from Kentucky in the Congress of the United States to support bills S. 4570 and H. R. 10277, now pending in Congress, to authorize the President to appoint Col. L. Mervin Maus to the grade of brigadier general in the United States Army and place him on the retired list.

Whereas there is now pending in the Congress of the United States Senate bill No. 4570 and House bill No. 10277, to authorize the President to appoint Col. L. Mervin Maus to the grade of brigadier general in the United States Army and place him on the retired list;

Whereas Col. Maus rendered conspicuous and distinguished services as the first commissioner of public health for the Philippine Islands in the eradication of bubonic plague from the city of Manila; in the suppression of a widespread epidemic of smallpox throughout the archipelago, which annually destroyed thousands of lives; in successfully combating Asiatic cholera which invaded the islands during his administration as commissioner of public health for the Philippines; in taking a census of the lepers of the archipelago and selecting an island for their segregation; in establishing provincial and municipal boards of health throughout the islands; and in making many radical changes among the natives, which materially improved their condition and saved thousands of lives annually;

Whereas Col. Maus is now a resident of Kentucky and engaged in the campaign against the great white plague of the State as secretary of the Kentucky Board of Tuberculosis Commissioners; and

Whereas Col. Maus has secured no reward from Congress for his distinguished services, while a large number of officers have received special recognition and extra promotion for sanitary and constructive work in Cuba and the Panama Canal Zone: Therefore be it

Resolved by the House of Representatives of Kentucky, That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to support and use all honorable means to secure the passage of said bills.

A copy.
Attest:

ELI BERRY,
Chief Clerk of House of Representatives.

Mr. SHEPPARD presented petitions of sundry citizens of Taylor, Dublin, De Leon, Desdemona, Dallas, and Fort Worth, all in the State of Texas, and of sundry citizens of Newtown, Pa., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the District of Columbia and of Ames, Iowa, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of South Carolina presented petitions of sundry citizens of South Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND. I present memorials signed by some 28,657 farmers in the State of Michigan, remonstrating against the passage of the so-called prison convict-labor bill. I ask that one of the memorials be read into the RECORD without the names, and that all the memorials be referred to the Committee on Education and Labor.

The memorials were referred to the Committee on Education and Labor and the body of one was read as follows:

Protest against legislation which would prevent the sale of products made in whole or in part by prison labor.

To the United States Senate and House of Representatives in Congress assembled:

It has been brought to the notice of the undersigned that certain bills are now pending in both Houses of Congress which not only forbid the interstate shipment and sale of articles produced by prison contract labor but which would also prevent the State from employing its prisoners in the manufacture of articles on State account.

This legislation, if passed, by restricting the field of sale, would practically eliminate the industries now operated on State account, in many penal institutions, enabling the large manufacturers of binder twine to monopolize the industry, deprive the farmers of the benefits of competition, increase the price of twine, and deprive the State of the income of this industry.

It was largely through the efforts of the farmers that the old plan of hiring out the inmates of penal institutions to contractors was abolished, but we do not believe that free men should be taxed to support inmates in idleness. We believe that inmates of penal institutions should be employed at useful, instructive, and profitable labor to compensate society for the loss and expense they have caused, to support their families, to effect real reform, and to teach them a useful occupation. The above-mentioned bills, by restricting the field of sales, would largely prevent such employment.

We therefore, the undersigned farmers, respectfully but earnestly protest against any law which will interfere with the shipment and sale in any market of articles produced by prison labor employed under State management.

Mr. JOHNSON of South Dakota presented a petition of 141 citizens of Hot Springs, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Farmers' Local Union, of Ethan, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. OLIVER presented memorials of sundry citizens of Tyrone, Hoboken, and Johnstown, in the State of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Allegheny County and Westmoreland County, in the State of Pennsylvania, praying for the enactment of legislation to found the Government of the United States on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Charles F. Moore Camp, No. 6, United Spanish War Veterans, Department of Pennsylvania, of Sayre, Pa., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the congregation of the Bethany United Evangelical Church, of Marysville, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of George H. Schwartz Camp, No. 2, United Spanish War Veterans, of Allentown, Pa.; and a petition of General J. P. S. Gobin Camp, No. 41, United Spanish War Veterans, of Scranton, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. WARREN presented a memorial of Rock Lake Grange, No. 13, Patrons of Husbandry, of Wheatland, Wyo., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. VARDAMAN presented petitions of sundry citizens of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a memorial of the Housewives League, of St. Paul, Minn., remonstrating against the imposition of a duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of Hamilton Fish Camp, No. 7, United Spanish War Veterans, of St. Paul, Minn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of Hamilton Fish Camp, No. 7, United Spanish War Veterans, of St. Paul, Minn., praying for the enactment of legislation to provide for Government ownership of munition plants and shipyards, which was ordered to lie on the table.

Mr. LODGE presented petitions of the Inter-City Methodist Ministers' Meeting, of Massachusetts, and of sundry citizens of Cambridge, Chelsea, Brockton, Worcester, Reading, Georgetown, Whitman, Arlington, Attleboro, Leominster, Abington, Peabody, North Brookfield, Middleboro, Lowell, and Framingham, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lancaster, Mass., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Michigan presented petitions of sundry citizens of Kalamazoo, Hudson, Brighton, Grand Rapids, Winona, Summit City, South Lyon, Holland, and Saginaw, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Battle Creek, Albion, Shelby, Traverse City, Cedar Lake, Glenwood, Dowagiac, and Charlotte, all in the State of Michigan, remonstrating against the enactment of legislation to make Sunday a

day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of Local Union No. 444, International Union of Steam and Operating Engineers, of Detroit; of the Trades and Labor Council; and of Local Union No. 1832, United Brotherhood of Carpenters and Joiners, of Escanaba, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Pontiac, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Shelby and Sault Ste. Marie, in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Coldwater, Kalamazoo, and Petoskey, all in the State of Michigan, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Ogemaw County, Mich., praying for the adoption of a system of rural credits, which was ordered to lie on the table.

Mr. STERLING presented petitions of sundry citizens of Hot Springs, S. Dak., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of the Philadelphia (Pa.) Branch of the National German-American Alliance and of the Pennsylvania State Branch of the National German-American Alliance, praying for a revision of the naturalization laws, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Maritime Exchange, of Philadelphia, Pa., remonstrating against the enactment of legislation to provide for Government ownership and operation of merchant vessels, which was referred to the Committee on Commerce.

He also presented memorials of the Philadelphia (Pa.) Branch of the National German-American Alliance and of the Pennsylvania State Branch of the National German-American Alliance, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of the Philadelphia (Pa.) Branch of the National German-American Alliance and of the Pennsylvania State Branch of the National German-American Alliance, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of certain amendments to the so-called tariff commission bill, which was referred to the Committee on Finance.

He also presented petitions of the Philadelphia (Pa.) Branch of the National German-American Alliance and of the Pennsylvania State Branch of the National-German American Alliance, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Chamber of Commerce of Oakland, Cal., praying for an emergency appropriation of $2,000,000 for the construction of the Government railroad in Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Inland Waterways Association of San Francisco, Cal., praying for the enactment of legislation to provide for the building up of the American merchant marine, which was referred to the Committee on Commerce.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 1741) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park, reported it with an amendment and submitted a report (No. 281) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 1059. A bill to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana (Rept. No. 279); and

S. 1065. A bill to provide for summer residence homesteads, and for other purposes (Rept. No. 280).

Mr. JOHNSON of Maine, from the Committee on Claims, to which was referred the bill (S. 1746) for the relief of Delilah Siebenaler, reported it without amendment and submitted a report (No. 283) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3257) for the relief of Johnston-McCubbins Investment Co., reported it without amendment.

Mr. LODGE. From the Committee on Private Land Claims I report back favorably, without amendment, the bill (S. 1860) in reference to the issuance of patents and copies of surveys of private-land claims.

I submit a report (No. 284) to accompany the bill, and I ask that the letter from the Secretary of the Interior may be printed at the end of the report.

The VICE PRESIDENT. The bill will be placed on the calendar, and the request of the Senator from Massachusetts will be complied with.

SUITS AGAINST THE UNITED STATES.

Mr. CHILTON. Several bills have been referred to the Committee on the Judiciary relative to the bringing of certain suits in the Supreme Court of the United States. I am directed by the Committee on the Judiciary to report a bill in the nature of a substitute for these bills, which I ask may be received.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CHILTON. I am directed by the Committee on the Judiciary to report the following bills and joint resolution adversely, and I ask that they be postponed indefinitely:

The bill (S. 902) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States;

The bill (S. 4059) authorizing suits to be brought by any State or States against the United States of America; and

The joint resolution (S. J. Res. 68) giving the consent of the United States for the State of Louisiana to institute suit against the United States in the Supreme Court of the United States.

The VICE PRESIDENT. The bills and joint resolution will be postponed indefinitely.

DESERT-LAND ENTRIES IN CALIFORNIA.

Mr. WORKS. From the Committee on Public Lands, I report back favorably with amendments the bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal., and I submit a report (No. 282) thereon. It is a matter of some urgency, and I ask for the present consideration of the bill.

Mr. PENROSE. Unless the bill is quite important, I want to object to the consideration of any matters this morning. The armor-plant bill will come up for final disposition at 4 o'clock to-morrow; a number of Senators desire to be heard on it; and it is hardly fair to the measure or to the Senators concerned to have these outside matters coming up at this time.

The VICE PRESIDENT. Is there objection?

Mr. PENROSE. Unless the Senator——

Mr. WORKS. I suggest that it is a matter of importance and could nearly have been passed while the Senator has been speaking.

Mr. PENROSE. That may be, but I have a right to object.

Mr. WORKS. I can explain to the Senator——

Mr. PENROSE. It is explanations which are causing delay that I object to. I object.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 5127) granting an increase of pension to Melvan Tibbetts (with accompanying papers); and

A bill (S. 5128) granting an increase of pension to Nahum E. Clary (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5129) relating to carriers on rural readjusted routes and rural motor mail routes; and

A bill (S. 5130) granting to rural mail carriers December 25 as a legal holiday; to the Committee on Post Offices and Post Roads.

A bill (S. 5131) authorizing the President to transfer J. A. Simpson, now on active duty, from the Medical Reserve Corps of the United States Army to the Medical Corps, with the rank of major; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 5132) to define the true intent and meaning of section 48 of the act of August 28, 1894, and for other purposes; to the Committee on Finance.

A bill (S. 5133) to provide for a site and public building at Philipsburg, Pa.; to the Committee on Public Buildings and Grounds.

A bill (by request) (S. 5134) to retire William Jenney, James Hill, and Thomas W. Bonsall as chief mates, United States Navy; to the Committee on Naval Affairs.

A bill (S. 5135) to correct the military record of William R. Potter;

A bill (S. 5136) to grant an honorable discharge to Eugene Magnin;

A bill (S. 5137) for the relief of Jacob Swartz; and

A bill (S. 5138) to grant an honorable discharge to Samuel Fogle; to the Committee on Military Affairs.

A bill (S. 5139) providing for the trial of charges against employees in the classified civil service list; to the Committee on Post Offices and Post Roads.

A bill (by request) (S. 5140) to determine what obligation, if any, exists under the treaty with Spain of 1819 to relieve the estate of Richard W. Meade, deceased;

A bill (S. 5141) to carry out the findings of the Court of Claims in the case of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, against the United States; and

A bill (S. 5142) for the relief of Louisa Weaver; to the Committee on Claims.

A bill (S. 5143) granting a pension to Elmer Harry Martin;

A bill (S. 5144) granting a pension to Cornelius Branning;

A bill (S. 5145) granting an increase of pension to George W. Allen;

A bill (S. 5146) granting a pension to Almira E. Sheldrake;

A bill (S. 5147) granting a pension to John A. Stahlnecker;

A bill (S. 5148) granting a pension to Mary C. Weirick;

A bill (S. 5149) granting an increase of pension to George W. Taylor;

A bill (S. 5150) granting a pension to Mary Irvin;

A bill (S. 5151) granting an increase of pension to Thomas Taylor;

A bill (S. 5152) granting a pension to Mary E. Burg;

A bill (S. 5153) granting a pension to William Wesley Blaine;

A bill (S. 5154) granting an increase of pension to Henry H. Niles;

A bill (S. 5155) granting an increase of pension to John Irvin (with accompanying papers);

A bill (S. 5156) granting a pension to Robert Lorain, jr. (with accompanying papers);

A bill (S. 5157) granting a pension to Achsa M. Miller (with accompanying papers);

A bill (S. 5158) granting an increase of pension to Henry C. Peffer;

A bill (S. 5159) granting an increase of pension to Arthur Ward;

A bill (S. 5160) granting an increase of pension to Martin S. Crull;

A bill (S. 5161) granting an increase of pension to Robert Kinkead (with accompanying papers);

A bill (S. 5162) granting a pension to Joseph J. Bennett;

A bill (S. 5163) granting a pension to Emma W. Paye;

A bill (S. 5164) granting a pension to Ethalinda C. S. Maucert;

A bill (S. 5165) granting an increase of pension to Benjamin F. Smith; and

A bill (S. 5166) granting a pension to Charles W. Rhodes; to the Committee on Pensions.

By Mr. LANE:

A bill (5167) granting a pension to Lewis W. Hill (with accompanying papers); and

A bill (S. 5168) granting a pension to Dimple Jones (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 5169) for the erection of a public building at Waupun, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. CUMMINS:

A bill (S. 5170) to amend section 8 of an act entitled "An act to amend the laws for preventing collision of vessels, and to regulate the equipment of certain motor boats on the navigable waters of the United States," approved June 9, 1910; to the Committee on Commerce.

By Mr. CLAPP:

A bill (S. 5171) to provide for an emergency reserve force of officers for the Navy; to the Committee on Naval Affairs.

A bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; to the Committee on the District of Columbia.

A bill (S. 5173) to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber (with accompanying papers); to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

A bill (S. 5174) to reinstate Glenn E. Routier as a midshipman at the United States Naval Academy; to the Committee on Naval Affairs.

A bill (S. 5175) to remove the charge of desertion from the military record of Albert Tousley; to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 5176) granting a pension to William J. Grimm; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5177) granting an increase of pension to Grace W. Post; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5178) granting an increase of pension to Mary Soderberg (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5179) for the relief of mail contractors; to the Committee on Post Offices and Post Roads.

By Mr. POMERENE:

A bill (S. 5180) for the relief of the estate of John H. Piatt, deceased; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 5181) granting a pension to John A. McCarthy (with accompanying paper); to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 116) authorizing the President of the United States, in conjunction with the State of Texas and the State of Oklahoma, to reestablish and re-mark the boundary line between the State of Texas and that part of the State of Oklahoma formerly known as the Choctaw and Chickasaw Nations; to the Committee on Indian Affairs.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HITCHCOCK submitted an amendment proposing to appropriate $6,500 for necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was ordered to lie on the table and be printed.

Mr. CLAPP submitted an amendment providing for the publishing and arranging alphabetically of the name, service, and post-office address of persons to whom pensions were granted on account of service in the Revolutionary Army, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SMITH of Michigan submitted two amendments intended to be proposed by him to the general deficiency appropriation bill (H. R. 12193), which were referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to obtain the consent of the Indians of the Lac Court Oreilles Tribe for flowage rights on the unallotted tribal lands, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was ordered to lie on the table and be printed.

Mr. BRANDEGEE submitted an amendment proposing to increase the salaries of two translators, Surgeon General's Office, War Department, from $1,700 to $1,800 each, intended to be proposed by him to the legislative, executive, and judicial ap-

propriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

NATIONAL DEFENSE.

Mr. SMITH of Georgia. I submit an amendment intended to be proposed to the bill (S. 4840) making further and more effectual provision for the national defense, and I ask that it be read.

The amendment was read and ordered to lie on the table and be printed, as follows:

Amend by adding, after said section 29, the following paragraph:

"SEC. 29a. In addition to the work connected with the military service, soldiers on active duty hereafter enlisting shall devote an average of 96 hours monthly to study and to receiving instructions upon educational lines not directly connected with the military service and preparatory to their return to civil life. A part of this preparation for civil life shall consist of vocational education either in agriculture or the mechanic arts, and civilian teachers may be employed to aid the Army officers in conducting the said educational work. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instructions preparatory for civil life herein provided for."

Mr. WADSWORTH submitted two amendments intended to be proposed by him to the bill (S. 4840) making further and more effectual provision for the national defense, and for other purposes, which were ordered to lie on the table and be printed.

MILITARY TRAINING IN CIVIL LIFE.

Mr. LODGE. I submit a resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Massachusetts will be read.

The resolution (S. Res. 139) was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a statement to be prepared by The Adjutant General of the Army showing approximately the number of persons in the United States in civil life who have received a military training within the last 10 years, as follows:

1. Men who have served at least one full enlistment in the Regular Army.
2. Men who have served at least one full enlistment in the National Guard.
3. Graduates of educational institutions which provide an adequate military training.

Mr. WORKS. This resolution is offered by one of the Senators who are anxious to take up the bill that is now pending——

Mr. LODGE. I am perfectly willing that the resolution shall go over.

Mr. WORKS. It will probably take up a good deal of time for discussion. Objection was made to an urgent bill that I asked to have considered because it would delay discussion on the armor-plate bill.

Mr. PENROSE. Let the resolution go over.

Mr. WORKS. I object to the present consideration of the resolution.

Mr. LODGE. Let the resolution go over, Mr. President. I have no objection to that.

The VICE PRESIDENT. The resolution will lie over and be printed.

NEEDS OF THE NAVY.

Mr. BRANDEGEE. Mr. President, there is in the North American Review of this month a very interesting and, I think, instructive article, entitled "The Needs of Our Navy," by an expert. I should like to have it printed in the RECORD, if there is no objection. It is full of information, and I think will be a great help to the Senate in the consideration of proposed legislation that will soon come before us.

Mr. OVERMAN. Does the article reflect on any Cabinet officer?

Mr. BRANDEGEE. Oh, no. I have read every word of it, and there is no reflection on anybody. It discusses the proposed American naval program. It is by a leading British expert. The name of the Secretary of the Navy is mentioned in connection with it, but there is not a word that anyone could take offense at, and there is no reflection on anyone.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The article referred to is as follows:

THE NEEDS OF OUR NAVY AS PERCEIVED BY THE FOREMOST BRITISH EXPERT.

[By Arthur H. Pollen.]

Mr. Daniels's program is not an effort to produce a complete new Navy. It makes addition to an existing Navy. The ships commissioned and now in use will, nearly all of them, be essential portions of the Navy it is designed to have in 1922 or 1923. It is an admission that the existing Navy is deficient. Its promulgation is tantamount to saying, "We have not enough battleships, we have no battle cruisers, and we ought to have some. Our submarines, destroyers, and scout cruisers are too meager in numbers—too small and too weak in design." A new standard of naval strength is being set up. Certain obvious questions, then, arise for discussion. Are the additions now proposed to be made of the right sort? Are they being added in the right proportion? In other words, will the completed Navy, with these new units, be a symmetrical, well-balanced, efficient force? Finally, if the answers to these two questions are generally affirmative, viz, that the right types are being added and in the right proportion, will this new, symmetrical, well-balanced force be adequate for America's needs?

It is the last question that is the most important. It is the only one of which the lay public can judge adequately. Landsmen, however close and intelligent the interest they take in naval affairs, can only in exceptional instances understand all the complicated matters that have to be decided before any new type of ship is finally resolved upon. A large number will be capable of judging, if they have followed the course of the present war closely, of the sort of proportion that should exist between the capital units in a fleet and the light and subsidiary craft. But here again, to form a judgment of value, a close study of war and naval principle is indispensable. But whether the new Navy will suffice for America's needs, this any educated man can, with the right data before him, answer. To some extent, of course, the answer depends upon the answers to the first and second questions. It is proposed to spend half a billion dollars on completing the naval force. If the result of carrying out the proposed scheme should be a top-heavy or a lop-sided force, if by spending the money on better types of ship, or good types in a better proportion, a perfectly balanced force will result; then, though the proposed Navy might be inadequate, the more wisely selected force might suffice. But without pausing to consider this alternative let us push our inquiries as to the third question a little further.

The military power which a nation needs, either on land or on sea, is settled for it by its circumstances and its policy. If Great Britain lost command of the sea—that is, the certainty of being able to use it as the highroad of its supplies—the country holding an adverse command could impose its own terms of surrender on us in about six weeks' time. For practical purposes we should be starving. We should be utterly defeated by hunger or the threat of hunger in a far shorter period than it would take to organize an invading expeditionary force, to land it, and conquer even the smallest portion of our territory. Any country wishing to defeat Great Britain in war need, therefore, only follow the perfectly simple prescription of building and maintaining a navy that much more powerful than ours as will suffice to insure the British Navy's defeat. The fall of England follows automatically. To every Englishman, then, the answer to the question, "How strong a navy does Great Britain need?" has for some years been comparatively simple and plain. We look around the world, we note the general grouping of the powers, we calculate the naval strength of those likely to be opposed to us in war, and we provide a fleet adequate to engage the navies that might combine against us.

For example, at the beginning of 1914 we had of battleships and battle cruisers of the modern type 21 in commission, 5 due for completion during the year, 5 building, and 3 projected.

Germany, Austria, and Italy had of ships of the same class 18 built, 9 building, and 4 projected. Our total, therefore, was 34 ships against the 31 of the triple alliance. Could we have counted upon France as our ally, we could have added the whole of her fleet to our total. The Russian fleet, being confined to the Black Sea and the Baltic, would not have assisted us against the triple alliance. But even without French assistance we were in superior force to the whole of our possible enemies. Further, the conditions of the triple alliance being what they were, it had for some years been obvious that Italy would never join in a war of aggression waged by Germany and Austria against us, and it was quite certain that we should not force Italy to fight against us by declaring an aggressive war against her partners. Hence our superiority was easily greater than 34 to 31. And as some thousands of miles separated the home headquarters of Austria and Germany and as we were astride of the communications, our duty was really almost limited to maintaining an adequate balance against Germany.

Now, this was a matter on which the opinion of the men in the street was as good as that of the sailor statesman. In spite of much confused thinking and wrong-headed argument, the man in the street fully realized that command of the sea, in the last resort, must be won and held by the side that possessed the largest number of the strongest naval units. Both in the number of our capital ships and in the power of their armaments, we have been compelled by public opinion to maintain a high percentage of superiority over Germany. At the outbreak of war our superiority in numbers was 40 per cent; and comparing the

striking power of these ships by the combined weights of a single broadside from each, our gunnery superiority was 60 per cent.

Has America in this matter any guide as unmistakable as was ours? Mr. Daniels's statement is quite silent on the subject. It is not a matter on which the foreigner gets very much enlightenment from such American writings, official or unofficial, as reach us on this side. And it is obviously not for him to suggest what the standard of American naval strength should be. And yet it looks like putting the cart before the horse to discuss the character and composition of the new Navy without knowing first what it is for. The fleet America needs is the fleet that its circumstances and policies require. It is clear that there is no choice in the matter. Either American circumstances and policy determine the strength of the Navy, or the strength of the Navy will determine American circumstances and policy. Put into plain English the words "circumstance and policy" mean this: From what powers do you expect trouble? Mr. GARDNER and the General Board seem in this matter to take quite a definite and intelligible line. They say that the American Navy should be equal to the most powerful which any other nation maintains. The most powerful navy is the British. It has maintained its standard of strength for purely defensive purposes. It has been built to prevent being altered, to Great Britain's disadvantage, the existing balance of power in the world. It stands to-day for the sanctity of international contract, for the liberty of small nations, for the right of Christendom to resist unscrupulous aggression, and the public denial of justice, humanity, and law. All these are fine things. The United States stands for them also. It would be to the world's benefit if they put themselves in a position to stand for them with effect. But, clearly, if it needs a navy up to the British standard to enable America to play Great Britain's rôle in this respect, then Mr. Daniels's program is utterly inadequate.

The strength, then, of the Navy that America requires must be dictated by the combined strength of the nations whose hostility to American policy and American ideals there is reason to fear. It is a question not for naval experts but for statesmen to settle. When it is settled, the equivalent of the Navy required may, to a great extent, be determined by arithmetic. Relative battleship strength is the first point, though it is not the only one. When a list has been made of the powers that may become enemy, add their battle fleets together, estimate what their strength is likely to be at any future date, and provide the battleship strength necessary for meeting it. With two final observations I shall leave this part of the subject. The General Board and Mr. GARDNER want a navy equal to the strongest maintained by any single power. If this is an intelligible, it is also a large and costly policy. But remember that it is not so costly as failure to have adequate naval strength when the time of trial comes. Secondly, if you want a successful naval war, provide a force at least 40 per cent greater than that you are likely to meet. If you want an exciting naval war, provide one which is approximately equal. But a navy which is smaller in numbers and less in power than that of the probable opponent is demonstrably worse than useless. It is useless because there seems no rôle at all for an inferior fleet. It neither protects nor enables you to attack. And it is worse than useless, because to possess a great fleet which is not great enough to fight successfully is a waste of treasure and effort and men in time of peace and a source of bitter humiliation in time of war.

Let us now pass to the second question. Does the new program provide a well-balanced fighting fleet? To discuss this we must take something in the program as a basis. And naturally we shall take the strength in capital ships, because, as we have seen, command of the sea ultimately depends upon these and upon no other form of naval force at all. Mr. Daniels proposes to build so that in 1922 or 1923 America will possess 27 battleships and 6 battle cruisers. What relation will the other fleet units bear to this force, judged first by the standard which the peace theory laid down as desirable, and next by that which war has shown to be vitally necessary? The other fleet units are cruisers and destroyers. Until recently cruisers have been of a score of heterogeneous types, ranging from 2,000 to 13,000 tons, with armaments running from 4-inch to 12-inch guns, and with speeds all the way from 19 to 30 knots. Expert analysis and criticism have long since shown that the armored cruiser is a bastard unit. It has neither the armament nor the protection of the battleship, nor the speed of the scout and the commerce protector. The career of Von Spee does, it is true, show that a squadron of such ships in the eastern Pacific, disposing of a broadside of twelve 8-inch guns, could detach from the main seat of war anything from four to six times its strength until that squadron was immobilized or destroyed. But this is the only instance in which the armored cruiser has influenced the war at all. No doubt every armored cruiser that Great Britain possesses has been commissioned and in use since the war began. But they have been little other than more costly and slower substitutes for the faster, lighter, and cheaper cruisers that do not exist.

In naval war there are two purposes which cruising ships fulfill. The first, which makes the greater demand upon their numbers and activities, is the protection of trade. But the second is hardly less important. The capacity to use fleets of capital ships with effect depends not entirely, but very largely, upon the degree to which the admiral is served with cruising ships. If there is one thing plainly written in the history of naval war, it is that scarcely ever have the admirals using the capital-ship squadrons had a sufficiency of lighter craft at their disposal. In our two great wars against Revolutionary France and Napoleon our admirals sent up an unending complaint of the deficiency of their equipments in this respect. Yet in 1793 we had 135 cruisers commissioned in the Royal Navy. By 1809 this number had risen to 684. In 1796 we had brought our ships of the line to over 100; we already had seven cruisers to each two ships of the line. But in 1809 the ships of the line had hardly increased at all. The proportion of cruisers then to capital ships had practically doubled. In the year of Trafalgar they were five to one. But so great were the demands of trade for protection that neither Nelson nor any of the fleet commanders had at any stage of the campaign a sufficiency of frigates.

What was the British Navy's standard of cruising strength before the war began? In 1914, as we have seen, the British Navy had, built and building, 34 capital ships of the first class. Again, built and building, we had 38 armored cruisers and 89 light cruisers, or 127 cruisers in all. Of these, 46 possessed a speed of between 19 and 21 knots, 32 had a speed of between 22 and 23 knots, 33 had a speed of from 24 to 26 knots, and 16—most of which were still building—had a designed speed of 30 knots. Thus the total ratio of cruisers to capital ships was a little less than four to one. Of slow and more powerful cruisers the ratio was about one and a half to one; of cruisers from 2 to 3 knots faster than the battleships, about one to one; of cruisers from 3 to 5 knots faster than the battleships, about the same; and of cruisers about 50 per cent faster than battleships, about one to two.

In a modern fleet the destroyers discharge, like cruisers, several functions. They can be used for scouting, for commerce protection, especially against submarines, for protection of battle fleets from submarines, and for the delivery of torpedo attacks on enemy fleets in action. Built and building, in 1914, we had 240 destroyers, or 7 to every capital ship. Thus, of all light craft put together, it is fairly accurate to say that for every 2 battleships we had 3 slow cruisers, 2 cruisers 10 per cent faster, 2 cruisers 25 per cent faster, 1, 50 per cent faster, and 14 destroyers. Of the destroyers, roughly one and a half were capable of a speed of 25½ to 27 knots, and the other half of a speed of 30 to 35 knots. How does Mr. Daniels's proposition of light craft to capital ships compare with this, which was Great Britain's peace standard?

The completed American Navy is to consist of 27 battleships, 6 battle cruisers, making 33 capital ships; 10 armored cruisers, 13 scout cruisers, 5 first-class cruisers, 3 second-class cruisers, and 10 third-class cruisers—a total of 41 cruising craft. Of destroyers there will be 108. The proportion of cruisers to capital ships, then, instead of coming up to the British standard of approximately 4 to 1, would actually be less than 1.25 to 1, and the proportion of destroyers to battleships, instead of being 7 to 1, would be a little less than 3½ to 1.

If, then, the British peace standard was right, there will be a deficiency in the American Navy of nearly 120 cruisers and 100 destroyers. It may be quite truly objected that more than one-third of the British cruisers were either of obsolete types, like the armored cruisers, or of a speed which modern conditions make almost useless—that is, of less than 22 knots. It can be urged with justice that 20 fast cruisers would probably more than do the work of these 46 slow ones. But if this is said, then I must object that 28 of the 41 American cruisers would be in exactly the same case. And if these are obsolete already, they will not be less démodés five or six or seven years hence. Of the British cruisers, after all, 32 had a speed of from 22 to 23 knots, and 33 a speed of from 24 to 26 knots; 16 were designed for 30 knots. So far as I know, against these 81 cruisers of over 22 knots, America in 1925 will possess only 13.

But a comparison of the proposed American Navy with what was the peace standard of the British Navy does not state the case against Mr. Daniels's program as strongly as it can be stated. All instructed naval opinion in England had for many

years proclaimed that the ratio of fast light craft to battleships had been allowed to sink to dangerously low proportions. The 16 30-knot cruisers laid down only just before the war were a belated effort to conciliate this very damaging criticism. The extent to which we have suffered in the war from the lack of cruisers of this type can be judged from the following facts: From the outbreak of war to the present moment, so far as is known, not a single German cruiser has left its home ports and joined any squadron abroad, or been able to put itself upon the high seas. At the outbreak of war the *Leipzig*, *Emden*, and *Nürnberg* were with Von Spee in the Eastern Pacific; the *Dresden* and *Karlsruhe* were in the neighborhood of Mexico or the West Indies; the *Bremen* was in the Atlantic; the *Königsberg* was in the Indian Ocean. A few armed merchantmen were ready for work on the South American trade routes. Of the cruisers the *Dresden* and two armed merchantmen prolonged their existence by taking refuge in the tangled waterways just above Cape Horn. The first was destroyed. The armed merchantmen interned themselves. The *Karlsruhe* ended mysteriously. The *Königsberg* was driven up the Rufigi. Only the *Emden*, *Leipzig*, *Nürnberg*, *Dresden*, and *Cap Trafalgar* were brought to action. Between them they inflicted damage on British shipping by direct capture of not less than £6,000,000 sterling. Had Von Spee detached the *Leipzig*, *Nürnberg*, and *Dresden* from his squadron the first moment he sighted the battle cruisers in Port Stanley, Heaven knows how long it would have taken before all three of them had been immobilized or sunk, or what damage they might still have done. And the damage they did is not to be measured only by the ships and cargoes they captured and destroyed. The cost of underwriting, and hence the cost of freights from South America to Europe, were gravely affected. The total cost of these cruisers to us can hardly be placed at a lower figure than £8,000,000 sterling. It is a sum that might have been reduced by half or more. Four million pounds would have given us a round dozen of cruisers better armed and faster than any of these. They might have ended the *Karlsruhe* and *Emden* before their depredations had gone far. And these would have been of incalculable war value apart from completing this particular job. It is only a single instance that goes to prove that the ratio of nonbattleship strength to battleship strength, instead of being too high, was undoubtedly too low in the British Navy.

The deficiency of fast light craft became still more evident when the rude experience of war wakened our Admiralty up to the fact that it had entirely failed to provide adequate protection against submarines. Before the submarine attack on trade began, the objectives of these much discussed and little understood units of naval force were the ships of the Royal Navy and the transports plying between England and France. No unit of the first importance of the Royal Navy was successfully attacked by submarines at all. And almost no unit of any importance amongst the transports was hit or damaged. Of the warships that were lost, hardly one fell in conditions that would have seemed permissible had the capacity of the submarine to attack fleets been adequately analyzed before war began. When the three *Cressys*, the *Hermes*, *Hawke*, and *Niger* had been sunk, the principles of defense came to be better understood. In effect, our 240 destroyers proved adequate for the maintenance of the requisite flotillas for dealing with the German fleet if it came out, and for the protection of the fleet and the transports. But when the attack on trade began there was no margin available. I can not then doubt, supposing that we lumped all the cruisers and destroyers together, and say that we possessed at the beginning of the war a proportion of about 11 other craft to each battleship, that that proportion was far too low. It was too low because so large a number of the units had not the speed requisite for modern conditions. But apart altogether from this, had the provision been 50 per cent higher, it would not have been excessive. The saving in the protection of trade might more than have equaled the outlay necessary to provide it.

As a criticism, then, of Mr. Daniels's program, one is tempted to suggest that its weakest point is the inadequacy of its light craft, and certain special conditions arising out of the naval situation in America seem to lend additional point to this criticism. The naval enemies of Great Britain could both of them be cooped up. Within one hour of the declaration of war the German Navy was completely blocked in, and the Austrian Navy no less. But if America finds herself in a naval war it will be quite impossible for her to slam the door of the fleets hostile to her with the promptitude and completeness with which these two doors were slammed by us. Her enemies will be able to put everything afloat to sea before she can turn a screw to stop them. The only difference between our case and yours is that the British sea trade is much greater. But that, after all, touches only part of the case. And it should be added that the United States has a coast line almost incalculably greater than ours, and she may have to fight on two fronts and not on one only. It would seem, then, if the ratio of light craft to battleships was too low at 11 to 1 in the British Navy, and should have been 15 to 1, the ratio of America would certainly not be much too high at the latter figure, and should certainly not fall short of the former.

And now to the first of my questions: Is Mr. Daniels proposing to add the right kind of units to the American Navy? This is rather difficult to discuss without going into a series of technical matters which perhaps the majority of readers of The North American Review might find tedious. But certain things leap to the eye. It is noticeable, for instance, that the cost of the unit battleship is to be $18,800,000. The cost of the *Iron Duke*, the flagship of the Grand Fleet, was under $10,000,000; the cost of our battle cruisers of contemporary design, that is the *Lion* and *Queen Mary*, was approximately equal to that of the *Iron Duke*. The American battle cruisers, I observe, are to cost $17,500,000, or $1,300,000 less than the dreadnaughts. When all allowance is made for the increased cost of material, these seem to be prodigious figures, and one supposes that this great increase in cost must reflect some great increase in size, protection, armament, and speed. It has been stated here that the Bureau of Construction and Repair does not propose to adopt a bigger gun. It seems incredible that a greater number of guns should be put into the new battleships than is already put into the latest class which America is building. Where, then, is the extra money going? Greater speed, of course, is costly, and greater armor protection still more costly, because it adds to the size and strength of hull and increases the power necessary to attain to any given speed. Do the events of the war make any case for increasing the speed and protection of battleships? Surely not. There has been no fleet engagement, and the only time that dreadnaughts met, viz, when Sir David Beatty chased the German battle cruisers across the North Sea, the circumstances were in no way parallel to those of previous fleet actions, nor do they suggest anything that is likely to recur. Undoubtedly they advertised speed, but they threw little light on the question of armor. The naval constructor, then, must be in a difficulty. No one knows from experience whether higher speeds will prove of value when both sides want to fight—whether larger guns are worth the sacrifices they extort, whether thicker armor is a necessity. All one can say with confidence is that so far very little new light has been thrown on the principles which have governed battleship construction to the present time.

In 1913 the British Admiralty decided to arm our new capital ships with the 15-inch guns instead of the 13.5. It was an advance in projectile weight from 1,400 pounds to approximately 2,000. It involved a diminution in the number of guns carried. What the arguments were on which this change was brought about the British public has not been told. The only information it has on this subject is exceedingly disquieting. It is that the experts disagreed and that it fell to Mr. Churchill to decide this knotty point himself. It was he, and not the seamen, who had settled the matter. In his farewell speech in the House of Commons he informed us of this staggering fact, as if the rightness of the decision could be taken for granted. He entirely failed to perceive that the fact that it was a lay decision was almost conclusive as to its being wrong.

From almost every point of view it seems bad policy to diminish the number of guns that a capital ship carries. There is only one argument to counterbalance the objection. The heavier the shell, the flatter the trajectory and the greater the constancy or accuracy of the gun at great ranges. The standard of exactness in knowledge of range is determined by the flatness of trajectory. If to hit with a 6-inch gun at 12,000 yards you must know the range within 40 yards, to hit with a 15-inch gun you need not know it more nearly than to 150 or 200 yards. In other words, you may be allowed an error four or five times as great and yet hit. But more than this, the 15-inch gun will probably make three times as high a proportion of hits to rounds fired as the smaller weapon at this range. If the 15-inch gun was preferred on the ground that a higher standard of marksmanship could more easily be obtained with it than with the 13.5, then there was a good military reason for preferring it. But there would have to be something in the ease of obtaining the higher standard of markmanship to compensate for the loss of volume of fire.

Most landsmen—and some seamen—judge of naval weapons not by what they can do in practice but by what they are in theory. They are more impressed by the torpedo than by the gun, because a torpedo strikes a ship under water, while the gun strikes it above water, and they know that the damage

inflicted by the smallest torpedo may be much greater than that effected by the largest shell. And as between different sizes of guns they conclude that the bigger the shell and the greater the range to which it carries, the more effective the gun must be. They ignore the only thing worth remembering. It is that guns are made to hit with. Unless a larger gun promises more hits it is not worth changing.

There is, then, so far as the public knows, no reason for supposing that if American seamen stick to the 14-inch rifle they are making any mistake in so doing. It is possible that the 15-inch would give better results at ranges from 16,000 to 19,000 yards. But surely inside those ranges the difference would not be material. Probably the cost in the increase of capital ships is mostly due to an increase in speed. High speed is of undoubted value. But it is of less value if it is in a few ships of the fleet and not in all. It might not be worth raising the price to obtain only this. But the choice in speed, like the choice in the size of guns, is emphatically a matter for experts to decide. It will be dangerous if public opinion pushes them to larger and costlier ships, if this leads to a diminution of numbers in seeking a higher standard of individual power.

The most interesting features in the American program are the battle cruisers, the 10 scout cruisers, and the submarines. With regard to the type of battle cruisers what has been said in the matter of battleships applies still more strongly here. If you are likely to engage an enemy that possesses this form of craft, it is necessary for you to possess them too. But the ships must be individually faster and more powerful. If they are not, you may be just as well without them. The battle cruiser, really, is a luxury of the rich power. Germany's battle cruisers have been perfectly useless to her. They made a certain amount of sport for Sir David Beatty a year ago, but they have never, in the North Sea, attempted and have never achieved any military result of the least importance. The only battle cruiser that has done good service to Germany was the *Goeben*, that dodged the British squadrons in the Mediterranean and brought Turkey into the war, and she should have been *sunk long before* she reached the Dardanelles. The four left in home waters might just as well never have been built. Indeed, had Germany constructed five dreadnought battleships to take their place, the outlay would have been about the same—for over here the fast battle cruisers cost at first more than dreadnaughts—and she would be in a far better naval position. For the war opened with our having 22 dreadnaughts in commission, and had Germany preferred battleships to battle cruisers, she might have had 21. Her chances in a fleet action would have been much better if our superiority in capital ships had been represented solely by a single battleship and the four battle cruisers that were in home waters.

Of the proposed scout cruisers, what strikes one most—as in the case of battleships—is their enormous cost: $5,000,000 each! The latest British type of light cruiser, the *Arethusa* and *Calliope*, displace 3,800 and 3,520 tons each, according to the publications given out before the war. Their cost has not been published. But I should be surprised if either type exceeded $2,000,000. The weakness of these ships is their armament—three and two 6-inch guns and six 4-inch. The ideal light cruiser armament would appear to be five or six 6-inch guns. No gun that is any smaller gives sufficient results—as is shown by the fact that the German 4-inch shells never did any harm to those of our ships that have engaged them. But, on the other hand, it is bad policy to increase the weight and size of the ship unduly. Speed and high speed are of course badly wanted, but when it comes to $5,000,000 a ship it looks as if the new scout cruisers would be more like the armored cruisers of a former date—unduly fast, or unduly armed, or unduly armored. To do this is to fall into the error of sacrificing numbers to speed and strength. The cruiser is primarily a scout and commerce protector. If its strength and speed are adequate for meeting enemy cruisers, it is all that is needed. And for this a 6-inch gun should suffice. Surely it would be better economy in this particular to spend the money on larger numbers. For, as we have seen already, it is the numbers of fast craft that is the most conspicuous lack in the program as it stands. As to destroyers we have no details, but here again speed, radius of action, and armament are all vital factors.

The most questionable element in the American program is the very large provision of submarines. Fifty fleet submarines and 85 coast submarines, which are to cost in all nearly $80,000,000, make a vast hole in the half billion that it is proposed to spend. As it is in many respects the most striking, so in another it is the most difficult item to criticize. The special circumstances of this war and the very extraordinary circumstances which preceded it, have given the submarine an entirely false importance in the public eye. Essentially the submarine is a variant of the destroyer. Once within attacking range of an enemy it has what the destroyer has not, the power of delivering a daylight attack, remaining itself almost unseen. But invisibility is not a new attribute. The torpedo boat and the destroyer possessed it at night. Their speed enabled them to deliver the equivalent of unseen attack in the dusk. Except that the submarine's invisibility is more complete, it is the destroyer's inferior. It has less speed, it is less strongly armed.

But its invisibility does give it a function new to naval war. It has the capacity to pass through waters which are absolutely commanded by surface ships—because it can pass them submerged and unseen. Fleets otherwise powerless to enter commanded waters can now enter them with this form of craft. Thus the German submarines have been at large to a limited extent in the English Channel, and with extraordinary freedom in the North Sea, in the western Atlantic, and in the Mediterranean. They have gone, in point of fact, where no German surface ship could have gone at all. British submarines similarly have penetrated the Sea of Marmora and the Baltic. The first and most striking fact about the submarine, then, is its capacity to enter into and operate in waters that are adversely commanded.

But once in those waters the power of the submarine is extraordinarily limited. Indeed, its capacity to enter those waters can also be limited. The use of nets, of mines, and of patrols—especially when assisted by aircraft—these at any focal point which submarines coming or going must pass, can do much to obstruct their free passage. The narrower the waters, the easier their control by these means. And even in comparatively open waters great destruction can be and has been done by surface craft upon them.

But, apart altogether from the dangers to which the submarine is exposed, what is its value when it is at work in hostile waters? It has two weapons, the torpedo and the gun. It can carry but few torpedoes—few, that is, compared with the number of rounds of gun ammunition that it can stow away. The torpedo, too, is an uncertain weapon at the best of times, particularly uncertain when aimed while the submarine is submerged. Wherever it is possible, then, the captain of the submarine has done his work with his guns. But as a gunned ship the submarine is the weakest thing afloat. Hence its guns can be used only against unarmed craft. It dare not approach any armed ship on the surface at all. If it has to approach an armed ship submerged, its speed of approach is greatly limited. The highest submerged speed does not exceed the half-power speed of the slowest warship. Hence high speed and a high standard of vigilance in ships which are armed makes them altogether immune from submarine attack except in the rare cases when, by pure chance, their course takes them within the submarine's striking radius. It was thus, it is supposed, that the *Formidable* was destroyed on New Year's Day, 1915. It was thus that the *Lusitania* fell—if the fact that she was within a yard or two of the course she had taken every time she had ever crossed the Atlantic can be described as chance and not as folly. The point, however, is that if the ship is armed the submarine must keep submerged, and if it keeps submerged its maneuvering speed is low, its capacity to get within striking distance very limited, and its weapon very uncertain. If the ship it intends to strike is both at speed and accompanied by destroyers or fast craft, the area of danger to the submarine and the intensity of the vigilance are increased, and the danger from submarines becomes altogether negligible.

The success of the submarine against the merchantman is to be explained by the fact that merchantmen being unarmed, the submarine has been able to deal with them as any other armed surface ships would do. The speed of the modern big submarine is higher than that of any but a score or so of the fastest liners, and a single 12-pounder is quite sufficient armament to subdue a merchantman if the merchantman is unarmed itself. If submarine attacks on trading ships become recognized as legitimate by civilized nations, then all merchantmen will be armed, and their case will approximate that of the warship.

But the most remarkable failure of the submarine in this war is its incapacity to do the one thing which even those who thought least of its capacity took for granted. It has entirely failed in its function of coast defense. The German submarines have been unable to defend either the ports of France, the coast of Gallipoli, Salonika, Valona, or the coast of Egypt from the allied battleships and transports. The explanation is simple. It has not been able to interfere with the transport and disembarkation of troops, because these operations have

been carried out in waters superficially controlled by the fleet to which the transports belonged. What the submarine could do in defending a coast in waters superficially controlled by its own side will probably never be proved. These are not the conditions in which intending invaders send their armies across the sea. Had the Germans been mad enough to try to land a force in England, I have no doubt that British submarines, acting without any fear whatever of destroyers or other fast craft, could have accounted easily for every transport that got past our battleships, our cruisers, and our destroyers. But I have, if it is permissible to say so, still less doubt that any transports would ever have got past!

The root of the matter seems to be this: If you command the seas with surface craft, the rôle of the enemy submarine is limited to being a somewhat inefficient guerilla. It can waylay peaceful merchantmen, just as the highwaymen of old in England held up travelers and "bad" men in America have occasionally held up trains. But it has not taken any such toll of British shipping as the privateers took in olden days, and, like the privateers, it has been absolutely incapable of interfering with military communications where the surface is efficiently commanded. In this matter the British submarines have entirely eclipsed the German. Both in the Sea of Marmora and in the Baltic our successes against transports have often been greater in a single week than the German submarines' against our transports in the whole campaign.

A foolish and most unfortunate statement of the British Admiralty in January, 1915, had attributed to submarines an importance that they never possessed. It was said that the British fleet desisted from the attack on the Germans at the Dogger Bank because of the presence of underwater craft. I am persuaded that no British admiral could ever have made this excuse—and survived. If enemy submarines are observed at sea, it will no doubt be necessary to avoid passing within range of them. But a suddenly discovered mine field or a well-planned torpedo attack from destroyers each would have exactly the same effect. It would impose upon the commander of a battleship squadron a sudden and, perhaps, a large and violent change of course, but it would be no excuse for flight. If such an excuse were admitted, it would be tantamount to saying that submarines could sweep the sea.

What is the application of these considerations to the American program? I suggest that the principles to bear in mind are these: The more certain you are of commanding the sea against your adversaries, the more useless submarines will be to you. If you command the seas, you will not want them for coast defense. If you do not command the seas, they will not defend your coasts. They will not help to win command of the sea. You will hardly want them for attacking the enemy's trade, for you are too far from the focal points of any enemy's trade to be able to maintain submarines upon them.

Take it for all in all, I suggest—while Mr. Daniels's program shows no sign of the idiotic absurdities about submarines that have been put forward on this side—that, nevertheless, it has been influenced by the great effect the submarine has had on the public and professional imagination. And this leads me to my concluding point.

It is impossible to get any large change of policy carried in this country unless public opinion is instructed and educated in the issues and principles involved. The same conditions no doubt prevail in America, and may prevail to a still greater extent. But it must be remembered that the details of naval programs are not fit matter to be settled by public acclamation. The scale of the program is certainly so. The objects for which the navy is to be built are so, but the details manifestly are not. If the American statesmen and the American public can agree together as to the standard of strength that their Navy ought to attain, there is only one sound way of insuring that that strength is attained and at the smallest sacrifice. It is to leave the details to be decided by the best expert opinion that your Navy can produce. Remember that you want experts on a great many subjects. Remember also that to put yourselves into the hands of an individual expert is not the only way, and seldom the best way, to secure the best results. The general knowledge of a great service like the American Navy is more extensive, and its judgment is saner, than that of any single man, however gifted he may be. Remember, too, that the criticisms of those who use the things that are provided is far more valuable than the suggestions of those that make them. The program is quite silent as to expenditure on methods, and yet the methods of using weapons are of far vaster moment than the size or power or cost of the weapons themselves. The provisions of a navy is certain to be bungled if it is not guided by the best strategical and tactical brains you have. And the strategical brains will be misled unless they have mastered tactics, and the study of tactics can not begin until the art of using weapons has been brought to perfection.

If the occasion of a great naval program were made the occasion for organizing a well-proportioned naval staff—not a staff for executive administration, but one for dealing with all naval problems from the point of view of right theory and scientific practice—then a result would be produced far greater and more valuable than can be got by any mere provision of inert and costly things. It is, after all, on the men, and not on the ships, that you rely. See that they have the ships, guns, methods, plans, preparations, training that they ask for.

ARTHUR H. POLLEN.

ADDRESS BY SENATOR OWEN (S. DOC. NO. 361).

Mr. HOLLIS. Mr. President, I ask that an address by the Senator from Oklahoma [Mr. OWEN] to the Democracy of New Hampshire, delivered at Concord, N. H., March 16, 1916, be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

MANUFACTURE OF ARMOR.

Mr. PENROSE. Mr. President, I give notice that to-morrow morning, March 21, I shall, after the routine morning business, address the Senate in opposition to the armor-plant bill, being Senate bill 1417.

NATIONAL DEFENSE.

Mr. THOMAS. Mr. President, I desire to give notice that on Friday next, the 24th instant, at the close of the morning business, I shall address the Senate upon Senate bill 4840, and in that connection I shall discuss the subject of national defense.

M'CLINTIC-MARSHALL CONSTRUCTION CO. (H. DOC. NO. 906).

Mr. SMOOT. Mr. President, on February 25 the Senator from Pennsylvania [Mr. OLIVER] presented to the Senate the report of Maj. Gen. Goethals on the claim of the McClintic-Marshall Construction Co. and asked that it be printed as a document. That was agreed to. Maj. Gen. Goethals was required by law to transmit this report to Congress, which he did not do, as will be seen by his letter to the Senator from Pennsylvania [Mr. OLIVER], in which he says:

> It was not understood by me that I was required also to transmit a copy of this report to the President of the Senate.

It appears now that the letter of Gen. Goethals transmitting the report is addressed to the Speaker of the House of Representatives. The printing clerk has no authority to change this, and it is not usual to print as a Senate document matter addressed to the Speaker of the other House. Last Saturday the House ordered the report to be printed and referred. That being the case, and in view of the situation, Mr. President, I move that the vote by which the order of the Senate was agreed to be reconsidered.

Mr. OLIVER. That is all right.

The VICE PRESIDENT. Is there objection?

Mr. OLIVER. On account of delay in action by the other House, I wanted to make sure that this report would be printed. As a matter of fact, I think under the act of Congress Gen. Goethals should have sent the report to the President of the Senate as well as to the Speaker of the House.

Mr. SMOOT. There is no doubt about that, Mr. President; but Gen. Goethals did not do so. Now that the House has ordered the report printed, it is unnecessary for the Senate to print it, and I therefore have asked for a reconsideration of the vote by which that was ordered.

Mr. OWEN. Mr. President, we can not hear on this side of the Chamber the request of the Senator from Utah.

Mr. SMOOT. Gen. Goethals, under the law, was required to transmit to Congress the report on the claim of the McClintic-Marshall Construction Co. He transmitted it to the Speaker of the House but not to the President of the Senate. The Senator from Pennsylvania [Mr. OLIVER] asked, on the 25th of February, that the report be printed as a document. In looking up the letter from Maj. Gen. Goethals it was found that his letter was addressed to the Speaker of the House, and last Saturday the House ordered that the report be printed. I am simply asking now that the vote by which the report was ordered to be printed in the Senate be reconsidered.

The VICE PRESIDENT. Without objection, the vote whereby the report was ordered to be printed will be reconsidered. Are there concurrent or other resolutions? If there be none, morning business is closed.

MANUFACTURE OF ARMOR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. LODGE. Mr. President, I see by the calendar that the Senator from Rhode Island [Mr. LIPPITT] has given notice that he would address the Senate to-day on the question of the proposed Government armor plant. It was my intention, if I could secure recognition, to follow him. As he is not now present, however, I shall be very glad to speak at this time on that question, for the time is very short before we reach the period fixed by the Senate for a vote.

Mr. President, this matter of an armor plant is one of very great importance, not merely on account of the money involved, for the initial appropriation is $11,000,000, which I think will be largely wasted; but also because, in my opinion, the adoption of this measure by Congress will create a situation which is extremely likely to paralyze for a time the construction of our great armored vessels. I therefore feel that no excuse is needed for addressing the Senate upon the subject and going into some details in regard to it.

The only arguments in its favor that have been advanced—there may be other arguments and reasons of which I know nothing—the only arguments that have been advanced are that the armor-plate makers are robbers and that we shall save money to the Government by putting the Government into the business. It is very easy to call people robbers. I have not much faith in calling names and using epithets and indulging in personal abuse. It has always seemed to me that it is a form of argument which leaves something to be desired.

I think we especially should hesitate to indulge in mere invective, for we know with what injustice that kind of argument is often applied to Congress itself. I have heard it said and I have seen it stated more than once in print in the newspapers that Senators and Representatives who were laboring to get public buildings for desirable villages in this country, or appropriations for stagnant creeks and river beds that require wells perhaps to supply them with water, who were struggling for navy yards in places where no navy yards were needed, and for Army posts, perhaps, and other public enterprises of that kind—I have heard them referred to in the newspaper press as robbers. We know how unjust that is, of course, and what excellent motives influence Senators and Representatives who are laboring to secure appropriations of that character. Therefore, I think we should hesitate before we set down as robbers men who are engaged in a perfectly legitimate business, who I think it can be shown, have made but little money out of the business, and who are furnishing armor to the United States at a lower price than armor is furnished in any foreign country.

I do not expect that anything I can say will have the slightest effect upon those who think that it is desirable to put the Government into the manufacturing or transportation business for the mere sake of having the Government in business, and who, with that generous spirit which is frequently exhibited when we are dealing with the Treasury of the United States, regard it as a mean and groveling objection to say that inferior government manufacturing is going to cost the United States a great deal of money. With those who hold this view of the desirability of putting the United States into every form of business, of course no argument on the ground of economy or the best methods of production will be of avail; but I think that to the great majority of both Houses as well as to the people at large the question of the best and most economical method of supplying the Government's wants is of importance. Therefore, I desire to consider the manufacture of armor, what we are getting now, and what we may expect if we destroy the private producers and substitute a Government production.

In the first place, let me say that there is no question by anybody as to the quality of the armor now furnished. There is no better armor furnished to any government than is furnished to ours. This narrows the question to the point of whether the present practice is the best method of securing the armor.

I desire, first, to call attention to the fact that the armor plate for naval use is an entirely different question from any other article which the Government either buys or makes itself. No one can question, I think, that it is sound policy to have navy yards, and not leave the Government dependent upon private yards, but by having navy yards we do not exterminate the private yards, because they have other business. The same is true of the manufacture of powder; the same is true of many other articles, some of which are made in Government shops; cartridges, for instance, and small arms; but with armor plate there is only one customer; there is not, and never can be, any general commercial demand for the article.

In the other articles that are made by the Government where the private production is not ended by the Government entering into the field, we preserve that elasticity of production which is so essential in the manufacture of war materials; that is, we are able, if war comes, greatly to increase our production through the private industries which are not dependent on Government production, but which can be enlarged easily at any time when stress comes. That is not the case with armor plate. If we establish a Government plant, private makers will go out of the business, and we shall be left with what is practically an inelastic and inexpansive source of supply.

The Secretary of the Navy in his annual report recommended an armor plant to be constructed by the Government capable of turning out 10,000 tons a year. The bill reported by the committee is more intelligent because it provides for 20,000 tons a year; but even 20,000 tons will not meet the requirements of the Navy if we enlarge our program or in time of stress, and if we are to build an armor plant we must make up our minds to incur the great expense of building a plant sufficient to meet all possible needs, because there will be absolutely no elasticity to it, and when war comes the enlargement of the production would be out of the question within any reasonable time.

The existing armor plants came into existence through the encouragement and suggestion of the Government. It is said that they have charged unfair prices, and that point I am about to consider; but on the general proposition of the best method of getting armor, I will quote Admiral Strauss, who has been the principal witness on whom the committee and the Department have relied for support for the Government plant, as to what he says in regard to private manufacturers. In his testimony before the committee Admiral Strauss said:

> If the private firms will furnish armor at a fair profit and will continue to do so under all conditions, I see no especial advantage in the Government going into the business. It all depends on what a fair profit is.

Now, as to the question of cost and profit. According to the report submitted by the chairman of the committee, armor plate should be produced for $262.79 a ton, with a plant operating at its full capacity. That is based entirely on ideal conditions of operation, some of which are obviously impossible. The actual manufacturing cost of producing armor is given, as I have just said, at $262.79 a ton at full capacity; but the Government plant will not be employed at full capacity to begin with, which at once increases the cost of production.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. BRANDEGEE. Does the estimated cost of $262 a ton, or whatever the figures are, include overhead charges?

Mr. LODGE. No; I am coming to that.

Mr. BRANDEGEE. I beg the Senator's pardon.

Mr. LODGE. That is the bare factory cost, nothing else, and it is based on the theory that the plant is running full all the time, which never has been the case with private plants. They never have had more than a third of their capacity of production used by the Government, and the five-year building program probably only keeps the plant busy to about two-thirds of its capacity.

Taking still further the Government's figures of $262 factory cost, we must first remember that since that estimate was made there has been a great advance in prices. That is admitted. It was admitted in the hearings. There is no question about it. It is admitted by the department. A very conservative addition would be 10 per cent over the cost of $262. That would make our armor plate cost now $289.07 a ton, as the pure factory cost. But the administrative and general expenses, taxes, insurance, interest, and depreciation are entirely omitted. Of course those things have to be considered in a private business. They are not considered in the Government business, but they are not escaped because they are not considered. They are not removed because we can juggle with the Government accounts and costs. Somebody pays all those overhead charges. All must be met, and met out of the Treasury; that is, out of the taxes paid by all the people. The effort is to make the people think that they will get armor plate cheaper by giving only the factory cost, which is pure deception.

Mr. PENROSE. Mr. President, will the Senator permit an interruption?

Mr. LODGE. Certainly.

Mr. PENROSE. The Senator might also refer to a very important item which is not covered in this estimate, and that is the machinery and equipment which goes into the scrap heap as the result of the rapid and continual improvement in armor-plate-making processes. I remember seeing at Bethlehem some 20 years ago a hammer, I believe it was called, an enormous structure in the middle of a great shed, that cost a million dollars, and was out of commission almost before it was completed. Those enormous losses which go into the scrap heap are not covered in these estimates.

Mr. LODGE. What the Senator from Pennsylvania says is, of course, absolutely true. That is one of the additional charges not figured in these factory costs. The factory cost which is given by the Government, which will be $289 now, is absolutely misleading. It is like many other Government figures of costs. They put in their labor costs and leave out all the other costs that have to be met by private industry, and those costs are paid by the taxpayers and taken out of the Treasury. They are there, just the same.

If we add those charges which are unavoidable with any private corporation, we reach an estimated cost, including the overhead charges, taxes, insurance, repairs, and depreciation, of $387.82 a ton. The Bethlehem Steel Co. offers now, if it can have a five-year contract on the five-year program from the Government, which will secure its production during that period, to supply the armor at $395 a ton. It is now being furnished, according to the last contracts, at $425. The profit at either figure is very moderate—in the former case very small.

Mr. CURTIS. How long ago was that?

Mr. LODGE. That was for the armor furnished to the two new ships. I am going to show now how that compares with the prices paid by other Governments. I have the tables here. I want to get the exact figures for the different countries. I am reading from the Navy Yearbook:

Japan, $490 a ton for turret armor and $490 a ton for Krupp side armor.
Austria, $729 for turret armor and $511 for Krupp side armor.
Italy, $444 for turret armor and $405 for Krupp side armor.
Germany, $490 for Krupp side armor.
France, $598 for turret armor and $460 for Krupp side armor.
England, $691 for turret armor and $503 for Krupp side armor.
Russia, $510 for turret armor and $368 for Krupp side armor.
The United States, $496 for turret armor and $425 for Krupp side armor.

The price of turret armor has since then been reduced, as I understand, to $425 per ton.

The amount paid by the United States is the lowest of any except Italy.

An interesting thing to be considered is that the only Government plant that we know about is in Japan. The others are all private plants in every other country in the world, and I shall have something to say about that later. We know how much cheaper labor is in Japan than it is in this country. Japanese armor costs $490 a ton against the $425 that we are now paying, so it is evident that the Government plant in Japan has not lowered the cost of armor; but I suppose the explanation of the difference between the Japanese cost and the cost which we are told we shall have from a Government plant is that the Japanese figures are honest figures and cover everything. I think that is the real explanation.

I want now to say something about armor-plate making to explain the costs.

The making of armor plate is a secret process. The men in charge of the work are highly paid officers, specialists, scientists of the great steel companies which make many things besides armor plate. The superintendent at Midvale, I think, in charge of the armor-plate manufacturing, gets $15,000 a year. That is the type of men they have to employ for these important manufactures. The Government, of course, can not get these men. They will not give up their positions for anything the Government can offer. The Government will have to train such men itself.

The workmen at these plants are all part of the general organization. They are kept in employment throughout the year because the product of all the armor plants is a varied product. They have many other branches in which they can employ their men and maintain their organizations when the armor-plant production is not being made.

During the committee hearings it was asked of one of the naval officers who were present—I do not recall now which one, but I can find it—who would be supplied by the Navy for making armor at once. He replied that the department had one young lieutenant who had enjoyed some experience in the Washington Navy Yard, and a chemistry specialty, not mentioned.

I will also read from the testimony a little colloquy which occurred, which shows the difficulty and the intricacy of the manufacture:

The CHAIRMAN. Mr. Secretary, as to this proposition for a 20,000-ton plant, the estimate of cost is based upon its running all the while—three shifts. It is not customary to run Government plants 24 hours a day. Therefore, unless there is an emergency, we could reduce the time of manufacturing armor to eight hours a day, and jog along in that way, and the cost would not be as much as we are now paying.

That is the committee theory of conducting armor manufacturing.

Mr. BARBA.—

Who represented the Midvale Co.

It is not possible, Mr. Chairman, to run an armor plant eight hours a day. It is not physically possible.

Mr. GRACE.—

Representing the Bethlehem Co.

The operation require continuous work.

Mr. BARBA. The operations require absolutely continuous performance 24 hours a day 7 days a week.

The CHAIRMAN. You mean the heat has to be maintained?

Mr. BARBA. Yes, sir. I instanced a week ago in my testimony one operation, which is common to every armor plant, which requires from 18 to 25 days' continuous operation at a temperature of 2,000° F. without cessation. You can not do that on an 8-hour basis.

The CHAIRMAN. That is one of the special parts of the manufacture, however.

Mr. BARBA. You can do that in the case of machines where the tools may stand idle.

The CHAIRMAN. My judgment would be it would be possible for the Government armor factory to run on those processes which are not necessarily continous in such a way as not to make it necessary, and you could get the same results, and you could expand and run 24 hours a day in an emergency.

Mr. BARBA. But, Senator Tillman, where does your cost go under such an operation as that? When you are working 8 hours a day and the plant is idle 16 hours a day, everything stops more than 16 hours a day. It takes longer than 8 hours a day to pick up and get going. You need a little manufacturing experience, Senator, to show you the truth of these statements I am making to you.

I have here a letter, which I am going to read to the Senate, from a man who has now no connection whatever with an armor plant, but who was employed for many years in one of the armor plants, and who has no interest whatever in them. He now has a position in my State. I think it is a very interesting letter and well worthy of the consideration of the Senate. It is dated Worcester, Mass., February 15, 1916:

DEAR SIR: I have been much interested in the recent hearings relating to the proposed establishment of a Government plant for the manufacture of armor plate.

I was employed for four years by one of the concerns now engaged in that trade, and for much of this time I was intimately connected with armor-plate work. My connection was with the open-hearth furnaces, in which all the armor-plate ingots were melted and from which they were cast ready for forging to shape. I worked at these furnaces in every capacity from common laborer to assistant superintendent of the plant. I was never in position to have access to the book costs of this or any other product of the plant. I was, however, in excellent position to realize fully the difficulties involved in the manufacture and the proportionately great amount of labor involved in the preparation of this grade of steel.

I think a few of my estimates may be of interest to you.

I have been much amused—

Very irreverent—

I have been much amused to hear various members of the congressional committee refer to the great difference between the cost per ton of steel rails and armor plates—two products which bear about as much resemblance to each other as a pickaxe to a watch spring.

It is not difficult to calculate roughly that on account of the costly alloys employed, the steel lying melted in the open hearth furnaces represents per ton of finished armor plate, a raw material value of not far from $150. In this connection it must be borne in mind that the Government requires that each finished plate shall represent not over 50 per cent of the weight of the ingot. This means that a minimum of 50 per cent of steel produced by the furnace returns to it as remelted scrap. The alloys in this discarded steel are, to a large extent, wasted, as they are nearly all slagged off during remelting.

Armor-plate ingots are cast in carefully prepared sand molds similar to those used in steel foundaries. At a low estimate based on heaviest and cheapest steel-casting work this molding must add to the cost of the plate per ton $40. This makes armor steel worth $190 per ton before it has gone to the armor-plate department at all.

There are a large number of circumstances affecting the cost of armor steel to which it is very difficult to give a value. These items, if an attempt were made to figure them into the cost of the plate, would probably be thrown out by any congressional committee. They do, however, enter into the cost of the steel and, to my mind, largely affect it.

The entire steel department is organized and scheduled for armor plate. Everything else is provisional and liable at any moment to be sidetracked.

Each furnace requires from 12 to 18 hours to produce a heat of steel. An armor-plate ingot requires two furnaces pouring simultaneously. These must, moreover, be furnaces previously chosen and brought into condition for armor heat by a previous melting of a suitable grade of steel. It is more than probable that when an armor heat is scheduled for any time after the first day or two of the week, the furnaces will have gotten out of step to such an extent that one will have to be held empty for possibly as much as eight or nine hours, waiting for its partner to be ready. The two furnaces full of armor steel must be melted down with the greatest of care so as to bring them both along to final condition uniformly. The period required to complete the heat is variable as much as 50 per cent, and there are a large number of circumstances which can delay one or the other furnace. As the two must be brought along together, every accidental delay is exactly doubled, and armor heats take from 40 to 50 per cent longer to make than other steel on this account alone. There is furthermore a lively possibility that on account of this necessity of holding back first one furnace and then the other the furnace bottom may be eaten through and the whole charge run out into the pit as scrap. I have had this happen time after time. For this reason it is common practice to have still a third heat coming along—its composition being such that at short notice it can be worked over into an armor plate heat to replace a heat spoiled. You can readily understand that if there were no other difficulties than these the scheduling of steel through the furnace department would be quite an intricate job. This is merely the beginning. The same difficulties are duplicated in the casting pit and the condition here is further aggra-

vated by the fact that the armor-plate ingot mold takes up space in front of the furnaces all out of proportion to its tonnage and that furthermore the preparation of a mold ties up this space for about 10 days before pouring, and it is at least 4 days after pouring before the ingot can be moved.

A further item of expense in the making of armor steel is this: Under ordinary circumstances certain impurities can be removed by careful management of the melted steel in the furnace. The proper conditioning of armor steel requires careful manipulation of the furnace, and the two conditions may oppose each other. It is therefore necessary to charge as raw material in the furnace steel scrap and pig iron of a much higher grade than would ordinarily be used and at a considerably higher cost. This is necessary so that during the few hours directly preceding the pouring the melter's energies can be directed solely to the proper conditioning of the steel as armor without reference to conditions required for the elimination of impurities.

On the pouring side of the furnace we find the same sort of a story. The care and attention demanded are everywhere infinitely greater than would be supposed.

The ramming up of the sand mold is a task of such delicacy that the jobs are given only to highly trustworthy and intelligent men. In my time the work was done solely by Americans who naturally drew the wages which trustworthiness and intelligence demand. The ferrostatic pressure on the mold is enormous, and the least deviation from proven practice means an appalling disaster. One of the minor troubles includes the cracking off of facing sand from the inside of the mold, producing sand pockets in the steel. So carefully are these enormous molds built up that sand is not allowed to be shoveled into them; but must be handed down in tin pails, one pail at a time. Each pailful of sand must be carefully tamped in and the pail returned before any more sand is sent down. You will be interested to learn that during the four or five days required in the ramming up of a mold—a job requiring seven or eight men—there is a foreman, whose duty consists principally in keeping a running record of the progress of the mold and the exact portion worked on at every particular moment by every man on the job. The mold is, after completion, marked off with inch marks on the inside, and during the pouring of the ingot this foreman stands over the opening, stop watch in hand, checking off the various sections as the metal rises and noting the behavior of the surface. Any irregular behavior of the mold can be traced back at once to the operator responsible. I recall the breaking out of an armor plate ingot which I myself poured. The accident was fortunately attended by no serious injury to life. The foreman checked back over his records and located the man responsible for the portion of the mold through which the steel broke out. After some time the man confessed his responsibility. He had been out late the night before and was too tired to keep up with the other men on the job. He took advantage of a moment's absence of the foreman and managed to dump in three pailfuls of sand in place of one, with the result that this spot got one-third the tamping that it deserved. The result was an accident that might easily have cost several lives, and actually stood the Steel Co. a loss of $25,000.

This is from a practical man who made armor plate. How idle it is to come in here with these estimates of naval officers who never cast a plate in their lives.

The careful organization of a plant to the degree required by such a product is by no means a simple matter.

I might go on through a number of pages, tracing down one point after another, to show how the making of armor steel in a steel plant interferes with all normal operations and materially increases the cost of every other pound of steel made in the plant. It is impossible to show these items up on a cost sheet.

I have had very little to do with armor steel in the armor-plate department itself—that is, the forging, machining, casehardening, and tempering of the plates. I have, however, seen enough to permit me to understand what elements might enter into the further cost of armor steel.

With a very few exceptions, the powerful and costly equipment required in the further manufacture of armor plates is not adaptable to any other purpose, and during a "small-navy" administration must lie absolutely idle. The labor employed must of necessity be highly intelligent, trustworthy, and carefully trained in this specialty. This large crew of highly specialized, skilled mechanics must at such times be either lost entirely or must be taken care of on unfamiliar jobs at higher wages than their services justify outside their specialty. I have seen the armor-plate department pass through a depression of this sort, and know it to be a terrible drain on the company's resources.

I have been in position to become familiar in a general way with the feeling of the executives regarding the armor-plate business and the general understanding is that while the armor-plate plant running full is a splendid dividend producer, it is, when idle, a terrific drain on the plant, and, all in all, it is extremely doubtful whether as a business proposition the plant would not be better off outside the game altogether.

I do not believe that armor plate can be made under the best of conditions at a lower cost than $350 a ton. I believe that the cost of making armor in a Government plant, even under the peculiar accounting methods which governmental departments permit, would always exceed $600 per ton. The making of armor should involve a considerable amount of costly experimenting. Some of the problems involved are peculiar to armor and others are shared in common with alloy steel in general and with the steel-making industry. For this reason an armor-plate plant is naturally an adjunct of a plant constantly carrying forward the development of alloy steel and steel-making processes. In this respect a Government armor-plate plant would be sadly handicapped, and I firmly believe that the output of such a plant would always be from 5 to 10 years behind the world in all that pertains to the development and perfecting of protective armor.

I am thoroughly in sympathy with the feeling of the armor makers that if the Government enters this field they must leave it. There has never been enough work to keep even two armor plants properly employed.

The proposal advanced by a certain committee member that the Government operate such a plant only eight hours a day would be laughable if the situation were not so serious. It frightens me to realize that affairs connected with the defense of this country are in the hands of Representatives so little conversant with the subject as to propose or entertain such an absurdity. Armor plate can not be picked up and laid down like a piece of embroidery. It must have attention when it is ready for attention and not one hour sooner or later. With the exception of certain machine-shop operations in squaring up the ends and drilling for bolts, armor making is essentially in all of its many branches, a 24-hour job. One operation alone requires no less than 28 days of continuous heat treatment at a high temperature.

I see nothing unusual in the proposal of the armor plants to immediately increase the price of armor for the amortization of their investment. The first armor plant entered the field at the earnest solicitation of our Government. Our Government has on two subsequent occasions encouraged the installation of competing plants beyond the capacity of the country to absorb the product. In my opinion, the armor makers have not had as much as would be considered a fair return on their outlay, and I think they are entirely justified in protecting their stockholders in the manner proposed.

I am rather surprised at finding myself in the position of defending the armor makers. I do not feel that I owe anything in particular to the plant with which I was connected. Furthermore, I have been from time to time more or less in sympathy with agitations similar to this drive against the armor companies, and you can judge fairly well what my normal state of mind is from the fact that I was, during its existence, a member of the Progressive Party. Now, however, the attack has become concentrated on an industry with which I am entirely familiar. When I see the treatment accorded these manufacturers, the small amount of credence given their statements, the attitude of the louder section of the press, and the pitiful ignorance displayed by those of our Representatives who have the matter directly in charge, I begin to wonder how many times I have been deceived along similar lines in matters about which I was not so well informed.

I hope you will find it possible to do something to bring about the defeat of legislation looking forward to the installation of a Government armor factory.

Yours, very truly, KENNETH B. LEWIS.

Mr. Lewis lives now in Worcester, Mass., and is connected with the Morgan Construction Co.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. Certainly.

Mr. SMITH of Michigan. If it will not interrupt the Senator from Massachusetts, I have been very much interested in the comparative statement of the cost of the construction of armor plate in other countries than our own. It would seem from a cursory review of that report that conditions abroad must be much more burdensome to the industry than they are in our own country or that we are getting our armor plate at a very fair price.

I was going to ask the Senator whether in the Japanese figures, which seem to be very large as compared with our own, in view of the fact that Japanese labor is very much cheaper than our own, there would seem to be a very great discrepancy there. Can the Senator say whether or not their inability to obtain the raw material from which armor plate is to be made enters very largely into the question of that excess cost?

Mr. LODGE. I suppose in the case of Japan there may be some addition in the difficulty of getting raw material, but that must be more than made up by the difference in labor cost.

Mr. OLIVER. If the Senator will allow me, I will suggest that in my opinion one of the great elements of increased cost in the Japanese factory lies in this, that it is inevitable that it will cost more to make armor in an armor-plate factory which does nothing else than in one which is merely an adjunct of a great steel works with the ability to use all that is included in the manufacture of other branches of steel and which in addition can use up the scrap and refuse and everything else in other departments.

Mr. LODGE. That is absolutely true, and I called attention to the fact that the workmen could be employed all the time at high wages by putting them in other departments, and also to the question of the power. These plants have the power which applies to all the other branches. The Government plant must have power for one department of manufacture alone.

Mr. SMITH of Michigan. If the Senator from Massachusetts will permit me, is it not fair to assume that the Government plant in Japan at the time these figures were given was employed continuously in the work that it has undertaken to do? It is my impression that the work has been very largely utilized by the Japanese Government during the last few years, and if the figures which the Senator from Massachusetts has produced——

Mr. LODGE. These are from the Navy Yearbook.

Mr. SMITH of Michigan. If those figures show a normal condition of production, then the normal price must be augmented very largely by their inability to get raw material as cheaply as our people can get it.

Mr. LODGE. These Japanese figures are not the figures of this year but of a year ago. They give no information of anything when the prices of steel were not as high as they are now. I simply use the Japanese figures because Japan is the only country that has attempted to have a Government armor plant, and they being new in manufacturing industry may not have the great steel industries which we have and which they have

in Europe, which would enable them to turn those industries to the making of plate. It may have been a necessity with them, but it is interesting as showing that the only Government plant of which we know in a land of cheap labor is turning out armor at a much higher cost, $100 more, than the Bethlehem Co. offers to make it for the next five years. If it can get a continuous contract for five years it can make it for $395 a ton.

Mr. OLIVER. If the Senator will allow me, in response to the question of the Senator from Michigan, I will state that the Japanese have access to Chinese pig iron produced in the Chinese market at less than half what it can be produced for in this country.

Mr. LODGE. We are told that this plant can be built——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. Can the Senator state what authority there is for the giving of those figures in the Japanese estimates?

Mr. LODGE. It comes from the Navy Yearbook.

Mr. HITCHCOCK. My information is from the chairman of the Committe on Naval Affairs that it is a mere guess, and, like all other information that comes out from Japan, it is hidden behind an impenetrable curtain.

Mr. LODGE. The Navy Yearbook is prepared by the secretary of the Committee on Naval Affairs and the figures are taken from the reports of the Navy Department.

Mr. HITCHCOCK. I think if the Senator investigates he will find that it is the merest guess and there is absolutely no warrant for it.

Mr. LODGE. What is the Senator's guess?

Mr. HITCHCOCK. My guess is that with the cheap labor in Japan and with the supply of iron from China they are manufacturing their armor plate at far less than that.

Mr. LODGE. That is the Senator's guess?

Mr. HITCHCOCK. I have no doubt they very carefully conceal that fact from the world.

Mr. LODGE. If that is a guess, what shall we say of the guess of men who have never run an armor plant giving us estimates of what it will cost? This information about foreign countries comes direct from those countries through the Navy Department. The Navy Yearbook published by the committee is as authentic as any information we can have. At all events it is more authentic than the individual guess of any Senator.

Mr. HITCHCOCK. It is possible that I am not in a position to know anything, but the Senator from Massachusetts realizes that it is almost impossible for the officials of the United States to get the slightest bit of information out of Japan concerning even the construction of their naval vessels. American officials and Americans are barred from the navy yards and they are barred from their plants.

Mr. LODGE. I think the information of the Navy Department is better than any of our guesses. At all events it is all we have to go on.

We are told that it will take 18 months to build a plant, or from 18 months to 2 years. Mr. President, we authorized two battleships a year ago. Not one stroke has been done on either of them yet and there will not be before September. In order theoretically to save money, I suppose, they were given by the Secretary to two Government yards, though the ways in those yards were occupied and we shall not get the keels of those ships laid until next September—at the earliest, 18 months.

How long do you think it will be with a Government department operating in that way before they get started on an armor plant? They have to buy the land. The authorities must have it condemned. It may be that they will take into court the whole question of the value of the land. They have to make their plans.

Here, we are building battleships from year to year, yet they can not get the plans ready. What would the delay be with an armor plant?

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. Certainly.

Mr. PENROSE. On that point, it was testified by the manufacturers that at least double that time would be required to construct a Government plant. Admiral Strauss himself admitted that. It is extremely doubtful whether it can be constructed at all at the present time, on account of the high price of material and the difficulty of getting some material from any place, on account of the war in Europe.

Mr. LODGE. I am much obliged to the Senator. He has anticipated what I was going to say. I am very glad he has done so, for the Senator is more familiar with the subject than I am.

Admiral Strauss made that statement. In fact I think it is generally agreed by everybody who has taken the trouble to look into it that it will be from four to five years before we can get the plans. That is just the beginning. You have to get your organization. You can not walk out into the street and pick up these superintendents and skilled workmen who have been gradually brought together in the private plants. The organization of a great plant is one of the most important things in regard to it. We have therefore a period of, I think, at least five years before we can begin to turn out armor, and we have no provision whatsoever for making armor in that interim.

Now, I want to give an illustration of the Government's attempts at manufacture. The Government tried at one time to make steel castings. Steel castings are the simplest form of steel. The Government thought it could save something by buying pig iron and casting its own steel. I will not go into the details of it, but the facts are of record that the Government steel turned out so badly, was so full of blowholes and cracks, and cost so much to produce that the whole project was abandoned two years ago. And the Government turned back to the commercial market for its rudimentary ingots. They failed completely to make steel castings, which are the very A B C of the armor business. The investment was trifling, of course.

There is this, however, to be said: The Government will have the advantage in the rapidity with which it can turn out plates, because now the armor produced by private manufacturers is subjected to tests and inspections so rigid that a large tonnage is oftentimes rejected. The Government often specifies in the contract a certain number of ballistic tests, and then arbitrarily doubles the tests before acceptance. I have some doubts whether the Government would be quite so severe with itself with an armor plant filled with superintendents and workmen, who are there primarily on the basis of votes and politics.

We have an example of how the Government sometimes acts in that way, as in the case of cartridge cases made at the Washington Navy Yard. When they were furnished by private contractors the specifications required that they should stand a test of five firings; but when the Government undertook the manufacture that requirement was abandoned. The Government is not strict with itself and we run the risk of bad shells which might easily mean defeat instead of victory.

The Government also a little while ago undertook to leave the people who had always been making steel breechblocks in order to try a new company that had underbid. I will not go into that, for it does not bear so directly on this matter; but it is an interesting thing as showing the Government's method of doing business; and I will ask leave to print it with my remarks.

The PRESIDING OFFICER. It will be so ordered in the absence of objection. The Chair hears none.

The matter referred to is as follows:

For example, a year and a half ago the Navy Department ordered 48 breechblocks and 48 screw box liners for 14-inch guns of the Pennsylvania Steel Co. This company, it seems, had underbid the regular producers of this line of high-grade steel products, and the Navy Department clutched at the chance to save a few dollars. On these 48 sets of breech mechanism forgings, it was found necessary to take 25 from the contractor and give them to an experienced company in order to get the work out. Twelve sets of the remaining 23 have been delivered to the Government. The success with the remaining 11 is yet to be determined. It should be added that the other parts for the guns had been delivered to the Government by other makers and lay useless waiting for the fulfillment of the cheap order. Such results as these tend to create a serious suspicion as to the quality of the 12 sets which the contractor painfully finished. Let us hope that the final test will not come in the face of an enemy who puts efficiency ahead of dollars.

Mr. LODGE. Mr. President, it is demonstrated, I think, beyond question that the quality of steel used in the manufacture of armor is the highest; that our armor manufacturers are constantly at work developing processes and improving armor; that they are furnishing armor to our Government at a lower price than any other Government is receiving it; and that their profits have not averaged much over 4 per cent per annum on the whole investment. They do not regard it as a very valuable adjunct to their business. Now, if they are going to be destroyed, if the Government plant is established, these private manufacturers go out of business.

The manufacturers of armor are not like the makers of powder, the makers of rifles, and the builders of ships. There is only one customer for armor plate. If the Government begins to make its own armor plate, the private manufacturers go out of business, and we are left with nothing but the Government

armor plant, which can not be expanded, and which will take a long time to build up and develop. During the five years that will elapse, certainly, before we can begin to make a pound of armor plate, how is the Navy to be supplied? The armor-plate makers say, if they are to be condemned to extinction, that they should expect and should receive for their armor plate a price which would enable them, in part at least, to pay for the investment which they have made. They have been denounced as unpatriotic for making any such suggestion. Well, Mr. President, I know we are very patriotic about the expenditure of money from the Treasury of the United States, but I have not observed either in Members of the other House or in Senators—who are, after all, merely human—any greater desire to sacrifice their own property than exists among other people. When a man is going to have his property wiped out, he will do the best he can to protect himself.

Of course there is a bill here, I am aware, to walk in and confiscate their property. I do not think we have yet quite reached that point of wrong and injustice; but, if we confiscate their property, we should get only crippled plants. The power does not go with the armor plant. All the other departments would be apart from the Government. We should be but little better off even if we entered upon the policy of confiscation. We have either got to pay a much higher price for our armor for five years, or we have got to go without armor, and during that period to paralyze the building operations of the Navy. We can not have dreadnaughts or superdreadnaughts or ships of the first line of battle without armor; and we are entering upon this dangerous business at this perilous time.

I realize—we have seen plenty of it in the last few years—that it is considered in certain quarters little short of a crime to make money in business; and I understand the desire that exists in many minds to punish men who have been successful in business merely on account of their success; but it seems to me that it is less important at this moment to prevent some American business from making a small profit than it is to have our coasts defended. I am much more afraid—not afraid, but I am much more concerned about the injury of a foreign foe than I am about the injury that may be caused by some American company or some American business man making money if they make it in an honest way. I think we can wait a little while before destroying these businesses until at least the peril of the present time has passed. I think we ought not yet to run the risk of arresting the upbuilding of our Navy at such a moment as this.

I ask the Senate to look at other Governments—Governments which are more paternal in their methods than is our own. Look at the prices that Germany and England and France pay for their armor as compared with what we pay for ours. The world admits the efficiency of Germany. She buys all her armor from, I believe, two manufacturers. She does not do that without reason; she does not give those people the opportunity to make money without reason. She thinks that the profit those people make is cheap for the Government in the long run. It is obvious that Germany—and the other countries no doubt do the same—goes below the petty question of whether a manufacturer is making 4 per cent or 7 per cent, and goes down to the root of the matter; and that is in what way the Nation can be surest of a continual supply of the munitions of war and with a power of expansion which will serve her best in time of stress. She finds that the way to secure that is not to dwell within the iron limitations of a Government plant, but to bring in the great influence of selfish human interest, so that it shall be for the interest of private capital to hold their great plants, some years making little returns, some years making fair returns, some years perhaps making no returns at all, but always ready for what the private plant alone can give—quick expansion.

Germany runs her military affairs, runs her army and her navy as economically as does any nation in the world; but she runs them on the principles of true economy. It does not trouble her to have her armor-plant makers making profits, for she thinks that is cheaper in the long run to the German people, and that in that way when the hour of pressure comes she can get what she needs.

We are now proposing to make an initial appropriation of $11,000,000, and before we get through it will be over $20,000,000, and to put it into an armor plant which will not promote the national defense one iota, but which, if anything, will hamper and hold back the development of the Navy at this time of all others, when the lessons of the need of a great Navy ought to be known by every man, and are known, I believe, by the people of this country.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. Certainly.

Mr. SUTHERLAND. If it will not disturb the Senator, I should like to ask him a question. I find in the report made by the chairman of the Naval Committee this language:

> When the special committee, consisting of Senator Tillman, Congressman Padgett, and Admiral Strauss, investigated the whole subject last year, that committee could not obtain any authoritative or reliable information whatever as to the cost of armor.

Then, farther down, there occurs this statement:

> It suffices to say that the committee is of the opinion that the Government has been charged unreasonable prices for its armor plate, and that the only remedy lies in the Government owning and operating a plant, as provided for in Senate bill 1417. Should the Government build it and then lock it up, and it never be used, it would be wise to erect it, as it would serve as a warning to private manufacturers that there is a point beyond which the Government will not be driven and where patience ceases to be a virtue.

It seems to me, if that epitomizes all of the information which the committee has on this subject, it is a most astounding foundation for the expenditure of $11,000,000 to build an armor plant.

Mr. LODGE. That is the whole case. It is not true that the committee could not get the costs; they have been invited to examine the books, but the companies have refused to exhibit their secret processes for the benefit of the world.

Mr. SUTHERLAND. The question in my mind is not whether the committee were able to obtain the figures showing the cost. This report confesses that they have not done so and that they have absolutely no information whatever upon the question of what it costs to manufacture armor, and consequently the committee which reported this bill must admit that they have no notion whatever as to what it is going to cost the Government to manufacture armor. The question I want to ask the Senator is whether or not it is true that neither the committee nor anybody else who is pressing this kind of legislation knows anything whatever upon the subject as to what it is going to cost the Government to manufacture armor plate.

Mr. LODGE. Mr. President, I think the costs were thoroughly explained. I tried to follow them from the beginning. Taking the Government estimate as a basis, and adding 10 per cent, which is very conservative, for the difference between the time when the Government estimate was made and the present time, the result is, as I have said, the pure factory cost of $289.07, not taking the Government's estimate as to other charges, which are mere estimates, mere guesswork.

Mr. SUTHERLAND and Mr. PITTMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah and the Senator from Nevada have addressed the Chair. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I yield first to the Senator from Utah.

Mr. SUTHERLAND. I will ask the Senator whether he agrees that it is not possible for the Government of the United States, with its wasteful methods of doing business, its inability to procure the best talent and experts to look after industries like this, to manufacture armor plate anything like as cheaply as it can be manufactured by private producers?

Mr. LODGE. My own belief is that it will cost the Government at least $600 a ton after they get it all going and their organization made up.

Mr. PITTMAN. Mr. President——

Mr. LODGE. I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, I do not want the Senator's remarks to go unquestioned, because the Senator from Massachusetts knows that the committee of which the Senator from South Carolina (Mr. TILLMAN) is chairman did make an estimate as to the manufacturing costs.

Mr. LODGE. Certainly. I have so stated over and over again.

Mr. PITTMAN. And that estimate as to costs was practically agreed to also by the private manufacturers?

Mr. LODGE. Certainly.

Mr. PITTMAN. The only real difference of opinion was as to the general expenses, overhead charges, for which we would not get an estimate from the private manufacturers.

Mr. LODGE. It was agreed that the factory cost, allowing for the difference between the time when the Government estimate was made and the present time, would be $289. That cuts out, as I have said, all of the other overhead charges, insurance, repairs, depreciation, interest, and so forth. Those charges will be taken out of the pockets of the people.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. Yes; I yield.

Mr. MARTINE of New Jersey. Mr. President, the thought advanced by the Senator from Massachusetts, referring to the Krupps as utterly a private institution, it seems to me is not entirely true. I have here an article on the subject of Government ownership generally——

Mr. LODGE. Let the Senator put that in later; I do not care to have an article read now.

Mr. MARTINE of New Jersey. I have no desire——

Mr. LODGE. I know about the organization of the Krupps. It is a private concern; but the Government owns, I believe, an interest in it. I never said it was "utterly private."

Mr. MARTINE of New Jersey. I only want to state the fact that the authority which I have declares that the Krupps are not a private institution——

Mr. LODGE. The Senator can insert that later.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. LODGE. I do not care to have a newspaper article published in the midst of my remarks.

Mr. MARTINE of New Jersey. If the Senator does not want to hear it, very well. I merely wanted to state the facts.

Mr. LODGE. I decline to yield further.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield further.

Mr. LODGE. The organization of the Krupps is perfectly well known to the world. The Senator can put the article in the RECORD in his own time.

Mr. MARTINE of New Jersey. Very well, I can stand it if the Senator can.

Mr. LODGE. I am perfectly familiar with the organization of the Krupps. As I have said it is a private concern with a Government interest in it and no doubt a measure of Government control. But it is not a Government plant. It is run as a business enterprise.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. LODGE. Certainly.

Mr. LIPPITT. The Senator from Nevada (Mr. PITTMAN) has just stated that in the report which has been made by the so-called Tillman committee it is shown that it was impossible to get an estimate of the overhead charges from the representatives of the armor-plate manufacturers.

Mr. PITTMAN. If I said "estimate" I made a mistake. I meant to say it was impossible to get the facts upon which to determine the correctness of their estimate.

Mr. LIPPITT. I wish to say, Mr. President, that those gentlemen testified under oath as to what those facts were, and shortly I shall take an opportunity to present them to the Senate.

Mr. LODGE. Mr. President, what the Senator from Rhode Island says is true; those gentlemen testified under oath as to their overhead charges, which brought the price up to the figures which I gave in the beginning, and which I think were $387 a ton total cost. The only difference of opinion was that the committee, every member of which was totally ignorant of the process of the manufacture and knew nothing whatever about it, did not agree with the armor-plate manufacturers.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield further to the Senator from Nevada?

Mr. LODGE. Yes.

Mr. PITTMAN. I do not want to interrupt the Senator, and I am trying not to.

Mr. LODGE. I see the Senator is trying not to, but I am very glad to have him do so.

Mr. PITTMAN. The statement of the Senator from Rhode Island forces me to speak to interrupt the Senator, although I do not want to ask him any further questions. I think the Senator will find—and a little later on I intend to call the Senator's attention to it—that he is mistaken in saying that the armor-plate manufacturers testified under oath to the facts substantiating their estimates. They divided the cost of overhead charges arbitrarily, according to their best judgment, as they said, between their armor plant and their general steel plant. That is what I am getting at. We had, however, no facts.

Mr. LODGE. I believe they testified honestly; I do not believe they are a set of robbers or liars or anything of the kind. I think they are just as honest men as are those who sit in the Senate, and I do not believe they have testified wrongly, nor do I believe that because a man is successful in business he is therefore a criminal, a liar, and a perjurer.

Mr. PITTMAN. I have not charged that.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I yield.

Mr. PITTMAN. Before the Senator from Pennsylvania proceeds, if he will allow me, I merely want to say that I do not think the remarks of the Senator from Massachusetts were entirely fair under the discussion I was making. I do not believe that anything I said would cast any reflection upon the honesty of any of the witnesses; at least, I had no such intention.

Mr. LODGE. No, I do not think the Senator had.

Mr. PITTMAN. They did not testify to the facts upon which we could draw our conclusions as to the overhead charges.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I yield.

Mr. PENROSE. There has been so much misapprehension upon this particular point that I will venture to interject a remark.

The Senate committee knows, as the Tillman committee has declared and its has continually reiterated, that these companies refused to give their cost figures. That is only true on the surface. These figures are in many cases compiled by licensed accountants—not by the officials of the company, as I understand, in all cases—and they have been at all times ready to submit to any kind of an examination the Government wanted, by any accountant they might send there, or by any member of the Naval Committee, or any other Member of this body; but they have said that they will require that this information shall be preserved confidential, just as the returns of the corporation tax and the income tax are preserved or supposed to be preserved in the strictest confidence and it is a penal offense to disclose them, under a wise governmental policy, so they have demanded that this information shall be kept confidential with the Naval Committee or with the Secretary of the Navy, in order that it may not be disclosed to any possible competitors here or abroad.

I can not imagine how any man conversant with affairs of business can offer any objection to that proposition. In the case of one particular battleship—I think it was the *Pennsylvania*—they had an accountant's figures before the Naval Committee and offered to have them examined, and offered to submit them to the Secretary of the Navy with any further corroboration that he might require, to show the actual cost and the very small percentage of profit, much less than that in the commercial phases of the iron and steel business, for the information of the naval authorities and the committee.

There is no unwillingness to disclose these facts. There is an unwillingness to disclose them for general public information, just as no corporation would be willing to have the Commissioner of Internal Revenue publish to the world its returns.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I do.

Mr. PITTMAN. I call the Senator's attention to the fact, however, that at the time that offer was made a number of the members of the committee suggested that they would have no right to receive any private information that they could not give to the Senate; that the information would be valueless, unless it could be given to the Senate for its determination upon the facts submitted. They would not allow us to report those facts to this body, when, as a matter of fact, we were simply collecting facts on behalf of this body.

Mr. TILLMAN. And under instructions of this body.

Mr. PENROSE. Mr. President, if the Naval Committee or any members of it are so sensitive on that point there certainly could have been no objection to the Secretary of the Navy, who is the executive head, to barter and trade and negotiate these contracts, receiving that information, any more than there is any objection to the Secretary of the Treasury and the Commissioner of Internal Revenue receiving confidential information.

Mr. PITTMAN. They placed the same restrictions upon the Secretary of the Navy. They would not allow him to transmit those facts to this body.

Mr. LODGE. Mr. President, I have tried to show that in my opinion this is going to involve a great waste of the Government money. I think we shall probably get very inferior armor at very much higher prices; that we shall create a situation for the next five years in which we shall either have to pay an enormously increased price for armor or else allow our ships to stand still and have nothing done on the building program. I think this upbuilding of the Navy is so far superior in importance to preventing somebody from making

money that the latter noble purpose ought not to be considered for a moment.

Here we have been devoting our time in the Naval Committee to this armor plant when we ought to have been devoting it to the Navy of the United States. The armor plant, even taking it at the terms of its supporters, will not be of the slightest benefit in the direction of national defense, and what we should think of first is the defense of the country. That is what the American people desire. They are not interested in armor plants. They want ships. They want a fleet that can defend us on both the Atlantic and the Pacific. They do not want anything done that may arrest the building of a fleet.

I wish to call the attention of the Senate, in closing, to our present condition in a general way, and show where we need to spend our money now, and spend it quickly, and get the work done as rapidly as possible.

Rear Admiral Fletcher, before the House Committee on Military Affairs, on December 9, 1914, stated:

> We have not been able to get 16 ships together since we first sent ships to Mexico, but previous to that we always maneuvered with 16 or 17 ships in fleet exercises.

The Secretary of the Navy writes:

> The following dreadnaughts, predreadnaughts, destroyers and submarines are at present in Southern waters under the command of Admiral Fletcher:
>
> Dreadnaughts and predreadnaughts: *Wyoming, Arkansas, Delaware, New York, Texas, Florida, Kansas, Michigan, South Carolina, Utah, Virginia, Nebraska, New Jersey, Rhode Island,* and *Louisiana*—
>
> Fifteen.
>
> It is expected that the *Oklahoma, Nevada,* and *Pennsylvania* will be added to the fleet some time in May.

He also gives the destroyers and submarines, which amount to nothing, and says there are no air craft.

Now, I take those statements of what the fleet is. We hear that we have 41 battleships. That is the statement that is put out to the country—that we have 41 battleships, dreadnaughts and predreadnaughts and superdreadnaughts, built or building, or authorized. Those that are building or authorized are simply ships on paper. What we want to know, what it is important for us to know, is the strength of our actual fighting fleet which can defend the coasts of the United States if war should come upon us. Let me analyze those 41 ships.

Nine of them are building, or authorized. That leaves 32.

Three are recorded in the directory of February 1, 1916, as out of commission—the *Indiana, Iowa,* and *Massachusetts.* The *Iowa* was authorized in 1892, and the *Indiana* and *Massachusetts* in 1890. I think they were commissioned in 1894. They are more than 20 years old now. They are out of commission. That leaves 29.

The *Oregon,* which is in full commission, is more than 20 years old. She was built at the same time as the *Indiana* and *Massachusetts,* and, although now on special service, is superannuated for the battle line. That leaves 28.

In commission, but in reserve, are the *North Dakota* and the *Georgia,* which are also under repair, and the *Alabama, Illinois, Maine, Missouri, Ohio,* and *Wisconsin*—a total of 8. That leaves 20. Those are vessels in commission but in reserve, and we are told that this is done in other countries; but it is done with this important difference: The ships in reserve in other countries have their full complement of men. Our ships in reserve have not half their complements of men. They are stripped of their men in order to supply the fleet, because we have a shortage of seamen due to the failure of Congress to appropriate, and the result is that these ships are, for the time being, really out of commission.

That leaves 20. There are also under repair the *New Hampshire, Vermont, Connecticut,* and *Kearsarge.* Those four ships have some structural defect, so that if they are pushed to a speed of over 12 knots they have a torsional vibration at the stern which it is feared will crack the shafts. There is some structural defect in them, I am sorry to say, and they will have to be largely rebuilt. That leaves 16.

The *Kentucky* is stationed at Vera Cruz. Therefore we are able to mobilize 15 ships of the first fighting line, with three submarines, no air craft, and no battle cruisers.

Why, in 1907, with a total of 23 ships, we were able to mobilize 16, which left Hampton Roads and went around the world. And now the country is treated to the statement that we have 41 ships, and yet we can mobilize but 15 ships, or, including the *Kentucky,* 16; and if we can add the *Oklahoma, Nevada,* and *Pennsylvania* in the course of the next few months—as I hope we shall—we shall have 18.

The President of the United States has stated in his speeches that we have sunk from the second place, which we occupied some years ago, to the fourth place. He has better information than I have, and I suppose he is correct in saying that we have sunk to the fourth place. This would be due to the increase of building in France. But there is not any question that we have sunk to the third place. The only complete figures, of course, are those of July 1, 1914. We have no thoroughly accurate figures about the building during the war. At that time, however, Great Britain had, of dreadnaughts and superdreadnaughts, 20 built, 16 building, a total of 36. Germany had 13 built, 7 building, a total of 20. We had 8 built, 7 building, a total of 15. France had 3 built and 9 building, a total of 12. Japan had 2 built and 4 building, a total of 6.

Mr. President, when we can mobilize at this moment only 15 ships; when we have not a single battle cruiser even authorized by Congress; when we reflect that the *Bluecher,* which was destroyed in the North Sea, was caught and destroyed because she was the slowest ship in the German squadron, and yet she is faster than any ship in the United States Navy; when we consider that here, on the statement of the Secretary himself, there are no aeroplanes with the fleet, three or four practically valueless submarines—in the presence of a condition like that, and in view of the present state of the world, to turn from building up the American Navy to wasting money on the doubtful experiment of armor plants in order that somebody shall be prevented from making money, in order to break down an industry and force people out of an industry which is giving us armor cheaper than any other nation in the world is getting it—in the presence of that condition of the United States, to turn from the building of battle cruisers and dreadnaughts, from the defense of the coasts which the people of the United States demand, and give our time to this foolish scheme of an armor plant, simply because somebody does not like the makers of armor, seems to me little short of criminal.

Mr. LIPPITT. Mr. President——

Mr. HUGHES. Mr. President, will the Senator from Rhode Island permit me to interrogate the Senator from Massachusetts for a moment?

Mr. LIPPITT. Certainly.

Mr. HUGHES. The Senator made a statement which rather startled me with reference to the speed of the ships which we now have in commission. Is there any hope that their speed will be materially increased in the future, or are we to go on building ships that are slower than those built abroad?

Mr. LODGE. I hope we shall increase the speed of our ships in the future. In the case of the two last English ships of which I have any information—I am not speaking now of battle cruisers, but of superdreadnaughts, heavily armored ships—their speed test was 25 knots. In the case of our ship just out, the *Pennsylvania,* I think her speed test was between 21 and 22 knots. We have got to bring up our speeds. That is the weakest point, and we have not a single battle cruiser or a fast ship.

Mr. HUGHES. This condition, evidently, if it affects all these ships to which the Senator refers, has existed now for a long time.

Mr. LODGE. Ah, but other nations have been increasing the speed of their ships, and we have not. We have declined to build fast ships. Congress has not appropriated for them.

Mr. HUGHES. Does the Senator mean that it is the fault of Congress—that Congress limits the speed?

Mr. LODGE. Why, of course it does. Speed costs money. It is the most expensive thing about a ship. Every knot you add costs a million or so additional.

Mr. HUGHES. Everybody understands that.

Mr. LODGE. That, of course, the Senator knows. Very well. We have not authorized the fast type of battle cruisers. Japan has four of those ships to-day afloat. In July, 1914, Great Britain had 10 battle cruisers, Germany had 8, Japan had 4, Russia had 4, and we had none.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. I should like to ask the Senator who he thinks is responsible for this failure to have fast battleships?

Mr. LODGE. Congress.

Mr. HITCHCOCK. Which Congress? Not this Congress.

Mr. LODGE. Well, the last Congress. What difference does it make? I am ready to spread the blame. I am not making a partisan speech.

Mr. HITCHCOCK. The Senator is a very influential member of the Republican side. He has been in the Senate for a great many years.

Mr. LODGE. I have.

Mr. HITCHCOCK. Is the Senator condemning the Republican Congress and the Republican administration?

Mr. LODGE. No; I merely said that in 1907 we could mobilize a fleet of 16 ships out of 23 and send them around the world, while to-day, out of a nominal strength of 38, you can only mobilize 16. You have not advanced a particle.

Mr. HITCHCOCK. I am asking the Senator who is to blame for it?

Mr. LODGE. I will tell the Senator. I do not want to bring party matters into this discussion. The Congress that cut down the battleships, that cut us down from two a year to one a year, was the Democratic Congress that came in before Mr. Taft went out.

Mr. HITCHCOCK. I am asking the Senator about the speed of battleships. That, he says, is the great defect of our Navy to-day.

Mr. LODGE. I do.

Mr. HITCHCOCK. The Senator has enlarged upon it.

Mr. LODGE. I have.

Mr. HITCHCOCK. The battleships that are now in commission were largely the product of Republican Congresses and administrations; were they not?

Mr. LODGE. They were, and they were the best of their time. The battle cruiser is a more modern ship.

Mr. HITCHCOCK. Why is the Senator scolding the Democratic administration and the Democratic Congress, then?

Mr. LODGE. I am not scolding the Democratic administration.

Mr. HITCHCOCK. I suggest that the Senator should go further back.

Mr. LODGE. The Senator has taken a cap and fitted it on his own head. I said nothing about the Democratic administration until he began to carry it back by asking as to what party was to blame. I think both parties have been to blame. I think Congress has been to blame. It is to blame to-day. It is to blame at this moment for spending its time on this wretched bill for an armor plant, when we need ships to fight the battles of the country. You are spending more money to build an armor plant—it will cost $20,000,000—than you can build a battle cruiser for, and the battle cruiser will defend your country, but the armor plant is of no use.

Mr. HITCHCOCK. I think the Senator is hardly fair in attempting to bring in another issue here when it is proposed to add to the defenses of the country by the construction of an armor plant. The fact that the great Government of the United States enters upon the construction of an armor plant is no reason why it should diminish its energies in other directions; and I am at a loss to understand why the Senator criticizes this Congress and this administration.

Mr. LODGE. The Senator has not done me the honor to listen to me, and I do not think it would have had any effect if he had, but I tried to explain it by saying that I thought this whole business was likely to arrest the building of ships.

Mr. HITCHCOCK. Will the Senator explain why?

Mr. LODGE. Why, Mr. President, no. I have explained it three or four times, and it is not my fault if the Senator did not hear it.

Mr. HITCHCOCK. I had the pleasure of listening to most of what the Senator said, but I have been unable to connect the two matters.

Mr. LODGE. Why, Mr. President, it is perfectly plain. You can not get a Government armor plant going, you can not get it up and ready—I will say nothing of the organization—under five years. I am ashamed to keep repeating this statement so often. What are you going to do in the five years?

Mr. HITCHCOCK. Meanwhile, we will be purchasing armor.

Mr. LODGE. Yes, exactly; and you will be purchasing it from them at $600 a ton.

Mr. TILLMAN. Why?

Mr. LODGE. Why, because they have a right, if you are going to ruin their property, to try to cover their losses.

Mr. HITCHCOCK. Then the Senator really is here in the attitude of threatening the Government of the United States——

Mr. LODGE. I am not threatening it at all. I am merely telling the Senator the facts.

Mr. HITCHCOCK. By saying that in the construction of armor-plate factories the present factories will proceed to plunder the United States by charging two prices for the armor.

Mr. LODGE. They will not plunder the United States. The United States is plundering them. That is the purpose of this bill.

Mr. HITCHCOCK. Let me call the Senator's attention to the fact that there is a law on the statute books now which prohibits the United States from purchasing armor abroad, and it would be very easy for Congress to repeal that law if the armor plant undertook to hold up the Government.

Mr. LODGE. You can buy armor plate in England at $500 a ton; you can buy armor plate in Germany at over $500 a ton; you can go to Japan and probably buy it at $490 a ton if those countries are so unpatriotic as to sell it when they are at war.

Mr. HITCHCOCK. It would be just as easy for the United States to buy armor in one of those foreign countries at $368 a ton as it was for Russia to buy armor of the United States at that price.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. LODGE. That matter of Russia buying armor at a couple of hundred dollars less was nothing but as a sample, away below cost, in the hope of getting business. The amount sold abroad is perfectly negligible. The whole amount is less than 3,000 tons. The other countries encourage manufacturers to make armor plate. They do not try to ruin them. They are trying to build them up, and they buy their own armor at home.

Mr. HITCHCOCK. Of course the same threat was made against the United States when the United States went into the manufacture of powder, but the fact was that when the United States went into the manufacture of powder it paid extortionate prices, and since that time the price of powder has come down from 80 cents to 70 cents and from 70 cents to 60 cents, and from 60 cents the price is about 53 cents.

Mr. LIPPITT. Will the Senator allow me just at that point? The Senator, I am sure, does not mean to say what is not the fact.

Mr. HITCHCOCK. Probably it is not.

Mr. LIPPITT. The fact is that the United States was paying 53 cents for powder when the Government went into it and not 80 cents. Prior to that date there had been a continuous decline in the price of powder from 80 cents to 53. Now, the Government of the United States is trying to make a case for itself by assuming that the price of powder would never have been lower than 53 cents, although the price had been continually falling up to that time.

Mr. HITCHCOCK. I think the Senator is mistaken in his statement. I was a Member of the House of Representatives at the time that the powder plant down here at Indianhead was doubled, and at that time the price was 53 cents. I do not recall it, but prior to that time it had been very much higher. My recollection is that it was as high as 80 cents a pound for smokeless powder.

Mr. LIPPITT. If I am mistaken, then the Secretary of the Navy is mistaken, because I am quoting the figures which he gives at page 58 of his report.

Mr. HITCHCOCK. For what year is that?

Mr. LIPPITT. Nineteen hundred and fifteen.

Mr. HITCHCOCK. I mean, what year was the powder purchased at that price?

Mr. LIPPITT. According to his report, the price of powder by private manufacturers has varied as follows:

In 1897, $1 per pound; in 1898, 85 cents per pound; in 1899–1900, 80 cents; 1901, 75 cents; 1902–1906, 70 cents; 1907–8, 69 cents; 1908, 63 cents; 1910–1913, 60 cents; 1914–15, 53 cents.

Mr. HITCHCOCK. That verifies what I say.

Mr. LIPPITT. In 1900 it was 80 cents a pound, but when the United States started manufacturing the price was 53 cents.

Mr. HITCHCOCK. That verifies exactly what I say. The price of powder came down, and its reduction was accelerated when the United States began the manufacture of powder, and it has been forced down because the United States in its powder plant has demonstrated that the cost of powder was very much below what the Government was paying under contract.

Mr. LIPPITT. Mr. President, I do not want to discuss the powder question, but I shall take the floor on another subject.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. LIPPITT. Mr. President, after the very exhaustive address which the Senator from Massachusetts [Mr. LODGE] has just delivered upon the question of a plant for manufacturing armor it would seem almost unnecessary for me to consider the same subject. I feel I shall have to deal with the same facts, and the conclusions at which we shall arrive are not different. But different minds assemble and interpret these facts in a little different way, and therefore I am going to take the liberty of consuming some short time of the Senate in showing my method of arriving at what I believe is the real situation in regard to the manufacture of armor plate in the United States.

The present situation of that industry is this: There are three plants capable of manufacturing armor for our naval vessels—one of them the Bethlehem Co., one the Carnegie Co., and the third the Midvale Co. The three combined are capable of manufacturing about 30,000 tons of armor per annum. Our annual consumption for the last 10 years has averaged about 13,000 tons. So the capacity of the country for manufacturing armor is a little over 50 per cent greater than the annual demand.

It is a very fortunate thing for us at this time that that is the case, because events in the last year have demonstrated to the satisfaction of most of the people of this country that wisdom requires us to increase the tools we have for defending ourselves against foreign attack, and of the two methods that can be used for that purpose, the Army and the Navy, I in conjunction with a great many other people of the United States believe that the Navy is far the most important. The Navy is our first line of defense. So long as that is unbroken the United States is secure against foreign aggression.

I feel very much as Capt. Sims expressed himself before the Naval Committee of the House the other day, when he said that the place to defend the United States is 1,000 miles at sea. If that is a proper statement of the case, then the first and most important duty we have at the present time is the development of a proper naval force to take care of that defense, and it is a very fortunate matter that the policy which has been established in this country in regard to naval armor for more than a third of a century has resulted in the construction here of plants that are capable of meeting the great demand for armor that any adequate naval expansion will call for.

Without those plants in existence as they are it would be utterly impossible for us to consider for a moment the expansion of our Navy. This policy that has been undeviated from since iron and steel vessels came into existence has resulted in putting us in a position to-day where our constructive forces are adequate to deal with the situation.

That being so, Mr. President, I agree fully with what the distinguished Senator from Massachusetts has said in regard to the effect of this bill upon our naval program. I believe further that this bill is a menace to the adequate and rapid construction of a navy, more so to the adequacy than to the rapidity. I think so for these reasons: The great question connected with this armor matter is not the question of cost. It is not a matter of high moment to this country whether the armor that is to go on its ships is to cost a few cents more or less per ton.

The important and vital, and very vital, question that is involved in this discussion is the quality of the armor that shall go there. We never know the value of armor, and never will know its value, on a battleship until it comes to the supreme test of battle. If we are going now to build up a Navy, we want to know that the manufacturers who are to furnish the material upon which in the last analysis the protection of this country will depend are under every possible stimulus and encouragement to give to this country not merely the kind of armor that is called for by specifications, not merely the armor that will meet some requirements of the Navy, but the best armor that they know how to make; and in order to get that with certainty those men must feel that they have behind them in their efforts to turn out their products the sympathy and the encouragement of the Government of the United States, with whom they deal.

Mr. President, the particular question that we have under discussion is whether we shall abandon the traditional policy of the United States in regard to its supply of naval armament and substitute for the private factories upon which it has heretofore depended a Government-owned and a Government-managed plant for the purpose of making that armor. It is manifest and needs no elucidation, I think, that if such a plant is built the private plants will go out of existence. Even under the conditions which have prevailed in the recent past those plants have only been able to run a trifle over one-third of the year.

It is certain that with a Government plant capable of producing 40 per cent more than the average annual requirement of the United States there will be no market for the product of these private concerns, that they will have to be dismantled, and such salvage as can be obtained from them will be turned over to the commercial lines of iron and steel manufacture.

In order that we may understand exactly the question that is under discussion I wish to read the bill that has been offered and which is to be voted upon to-morrow at 4 o'clock. In doing so I may say that I am very sorry that on a question which I think is of very vital importance to a very important part of the plans for American security a unanimous-consent agreement should have been entered into to vote upon this bill before any discussion upon it had started. As I have talked with Members of this body I feel convinced that there is a very great lack of information upon this subject among them, more so than has often happened upon a bill of its importance, and I wish that the time was long enough to give an ample and thorough discussion of what is involved in this measure.

Mr. President, the bill which we have under discussion in its amended form as reported by the Senate committee entitled "A bill to erect a factory for the manufacture of armor plate" is as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy, said factory or factories to have an annual capacity of not less than 20,000 tons of armor; and the sum of $11,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purposes of this act.

That bill, Mr. President, is a charmingly broad and simple proposition. It directs the Secretary of the Navy to erect an armor factory that shall have a capacity of not less than 20,000 tons. The only limitation there is in regard to this project is that the size of the factory shall be not less than 20,000 tons. How large it shall be is not specified. As to where it shall be erected, of what character it shall be, how long it will take to construct it, no detail is considered and no limitation of cost is provided.

With a bill of this character presented to the Senate which in itself conveys no information as regards the details that are involved in it, it seems to me there should be presented a report which is full and complete in the information it gives to the Senate and to the country as regards the project with which it deals.

The purpose that this bill proposes to carry out is a business matter. It is purely a business undertaking. The promoters of it appear before the country and ask them to contribute an unknown sum of money but which shall not be less than $11,000,000 for a certain purpose.

Mr. President, the prospectus of a proposed business operation has certain requirements to which it must conform if it is going to be at all complete or adequate to the purpose for which it is issued. There is no mystery about what the promoters should say in such a prospectus. There are hundreds of them issued in the United States every year, and where they are issued by efficient people, whose motives are beyond question, they give such information that nobody can be in doubt as to what is proposed.

A prospectus, if I may call it so, has been issued in connection with this matter. It is entitled "A report to accompany Senate bill 1417," and is presented "by Mr. TILLMAN, from the Committee on Naval Affairs," for the information of the Senate.

Mr. President, this report is so extraordinary, not only for the matter which it contains but for the information which it fails to give, that I feel at liberty to call it to the attention of the Senate, that it may fully understand the character of information with which this bill is presented to this body for its consideration.

In this report there is not a word of information about what would be the cost of this plant, about how long it will take to build it, about where it is proposed to build it, about what will be the cost of producing armor in it. On the contrary, it is a report which I think I am justified in saying is both partisan and abusive. It brings in question the protective system, apparently implying that the gentlemen, or some of them, in favor of this scheme of a Government-owned plant are in favor of it because under a protective tariff they are not able to buy armor abroad.

It is abusive in the language which it employs in regard to the people who are engaged in this industry. It declares that in this industry a condition has existed which is "little short of scandalous." It says that the manufacturers who are engaged in it have established "a monopoly and combine of the worst type." It says that they are "essentially greedy and hoggish"; that they have "more power than is compatible with the public good"; that in the hearings which were held on this subject the committee could not obtain from them "any authoritative or reliable information whatever as to the cost of armor"; and that they exhibited "the same capacity for talking without saying anything as that exhibited so artistically by their brethren of earlier years."

Mr. President, this report criticizes the manufacturers of armor plate because it says they have not given any reliable information whatever. A report whose proper purpose it is to give reliable information and which spends a considerable portion of its space in criticizing others for not giving information

should at least set them an example which they could follow on other occasions. I find no such example set in this report.

I will ask that this report be printed at the end of my remarks so that anyone who chooses to read it can see exactly what is the character of information which has been given to the Senate upon this subject.

The PRESIDING OFFICER (Mr. HUSTING in the chair). There being no objection, it is so ordered.

[See appendix.]

Mr. LIPPITT. This report referring to the information that has been given by the witnesses at the hearings uses the following language:

> The same talk of the "value of trade secrets"; the same reluctance to talk cost of production; the same plea of having been encouraged by the Government to go into the business and the consequent unfairness of Government competition; the same inability to recognize that if such a quasi partnership as they claim exists between them and the Government they should, in all fairness, shoulder its liabilities as well as insist on its benefits; indeed, about the only material difference between the hearings of 1916 and those other numerous ones that have followed each other so regularly and so fruitlessly since 1895 is that of dates. To go into these reports would be a waste of time. They are published in pamphlet form and can be easily obtained by interested parties from the document room. The hearings before the Senate committee on this subject are also obtainable, as they have been printed.

Then the report concludes by saying:

> It suffices to say that the committee is of the opinion that the Government has been charged unreasonable prices for its armor plate, and that the only remedy lies in the Government operating a plant, as provided for in Senate bill 1417.

In effect this report declares that all the information that has been obtained at the hearings both at the present time and in the past—and they have been voluminous—is worthless.

Mr. President, if those hearings are worthless, they are the only source of information, so far as I know, which the members of that committee have upon this subject. If those reports and hearings and documents are not such as will give information to the Members of the Senate outside of the committee in case they are read, then I do not know where the members of that committee derive any information that would justify them in reporting any measure at all. Nevertheless, having first declared that their source of information is imperfect and worthless, the committee says "it suffices to say that the committee is of the opinion."

Mr. President, it does not suffice me, and it will not suffice the people whom I represent. I come from a manufacturing State. The people there are accustomed to weighing and measuring manufacturing projects. They know the information upon which they should be built. They know the kind of report that ought to be made. I do not know what may be the case with other Senators in this body, but I do know, sir, that I could not go back to my constituency in Rhode Island and say to them that I voted for a bill of this kind because the committee which reported it declared that they have no valuable or reliable information at all, but nevertheless asked me to believe that their verdict was sufficient. Inasmuch as that committee, through its distinguished chairman, who has said in these hearings that he knows more about the manufacture of armor plate than anybody else in the Senate, has said that it suffices to say that a certain majority of this committee were in favor of this project, and as they have in this way challenged the credibility of their verdict, I think it is not out of the way or improper for me to consider the qualifications of those gentlemen.

The bill was reported to the Senate by a vote of 9 out of a total committee membership of 17—a majority of 1. The distinguished chairman of that committee, by the Congressional Directory, I find is a farmer; of the other eight who voted for this Government manufacturing project, seven are lawyers, and one is a successful business man from California, who has recently come to the Senate. In that whole list of Senators, whose judgment the chairman of the committee says I should accept without any proof, there is not one man who has ever been engaged in the iron industry; there is not one man who is a manufacturer, or who is accustomed to dealing with manufacturing problems. I think, therefore, that I am justified in asking for some additional information before I make up my mind how I shall deal with this subject.

And, sir, in spite of the statement of this report, that information is not lacking. The report declares that investigations and reports have followed each other fruitlessly. Sir, although I was told it was worthless to do so, I have taken the time and the trouble to look back through those reports to see what they did contain. They cover a period of more than 20 years. They bear all the evidence of having been carefully prepared by able and educated men, and of having been derived from ample sources of information. All of those reports have considered the question which we are considering to-day. They were undertaken for the purpose of deciding and informing the Congress whether or not it would be useful and valuable for the United States to erect an armor plant.

The first of those reports was in 1896, when Mr. Herbert was the Secretary of the Navy. Congress made him responsible for deciding whether or not an armor plant should be built. He says in his message of December 31, 1896, transmitting this to Congress, that he gave the subject the most anxious and serious consideration. As a result of that consideration he says:

> At the last session of Congress I gave, in response to an inquiry from the Committee on Naval Affairs of the United States Senate, the opinion that the Government ought to buy its armor rather than manufacture it. The reasons set forth in that communication are still believed to be sound.

The next investigation of this subject was made in 1900, when Admiral O'Neil presented a very exhaustive report upon it. On page 6 of the testimony given on February 16, 1900, he says:

> I do not think it is expedient for the Government to undertake the manufacture of armor, for several reasons, which I will state.

That is followed by three pages stating the reasons that Admiral O'Neil thought justified these conclusions.

The next investigation was the so-called Niles report, to which frequent reference has been made in the recent hearings, and which was undertaken in 1906. In December Charles J. Bonaparte, who was then the Secretary of the Navy, asked Congress that they give the department, as a protection in dealing with the armor-plate manufacturers, the privilege of erecting an armor plant if the Secretary thought it was necessary. Congress did give him that privilege; and, with the power in his hands to do otherwise, he became satisfied that it was not wise for such a plant to be erected.

That, sir, is the history of the consideration of this subject in the past. The reports that were made upon these occasions were very ample; they contain a very large amount of information in regard to costs and conditions of the business at that time; and the conclusion which all these gentlemen arrived at was that it was not in the interest of the public; it was not in the interest of the United States to change the manufacture of armor plate from private factories to a Government-owned establishment.

Mr. President, that being the history of this subject, I now want to consider for a few moments the question which in this discussion has been made prominent, and that is the cost of manufacturing armor at the present time and the return that has accrued to the manufacturers who are engaged in it. The attempt has been made to show that there is no information available on this subject; that it is impossible to arrive at what the cost of armor is from the testimony in the hearings. Well, Mr. President, I have been accustomed for a great many years to studying reports of this kind, and I can only say for myself that I have had no difficulty in arriving at what to me is a satisfactory statement of those conditions. Unless somebody is disposed or willing to take his stand on the ground that the testimony given in these hearings is false, then I think we must come to the conclusion that all the information fairly necessary to ascertain what it costs to make armor is revealed there.

In the hearings, on pages 7 and 8, in the testimony of Mr. Grace, who represented the Bethlehem Co., there are given four tables, marked as Exhibits "A," "B," "C," and "D." Exhibit C gives the cost of producing armor plate under various conditions. That table is based on the so-called Tillman report, which was the result of an investigation of the present cost of making armor, undertaken recently, and reported to the Senate on February 26, 1915.

The report was made by the Senator from South Carolina [Mr. TILLMAN], as chairman of the Senate Committee on Naval Affairs, by L. P. PADGETT, as chairman of the Committee on Naval Affairs of the House of Representatives, and by Joseph Strauss, Chief of the Bureau of Ordnance. That report states the cost of producing armor under the most favorable conditions of a plant, running full time, to be $262.79 per ton.

Mr. President, that cost was arrived at in conjunction with the people who are running these plants, and largely as the result of information that was given by them. The committee had at their command the reports and experience of Government inspectors, who were stationed at these plants, with full privilege of inspecting the operations and the product while armor was being manufactured. The representative of the Bethlehem Manufacturing Co., who prepared and presented these tables and put them in evidence, under oath says that this $262.79 fairly represents the cost of making armor under the conditions stated. Mr. Dinkey, the representative of the Midvale people, later on, when testifying upon the subject of cost, made the same assertion. They both agreed with and indorsed

the conclusions which were arrived at by the committee of which the Senator from South Carolina [Mr. TILLMAN] was the chairman, and they accept, under oath, $262.79 as being a fair basis cost for armor under the conditions.

Mr. President, they then go back to the Niles report, to which I have already referred, of 10 years ago, which is also a very carefully prepared report, and, taking as a basis the figures which he has used, show the increase there would be in the cost for a plant running two-thirds full and for a plant running one-third full. They then add to these costs the overhead and administrative costs, which were not taken into consideration by the TILLMAN investigation, and give as a result the total cost of manufacturing armor plate in a factory running full, one running at two-thirds capacity, and one running at one-third capacity. The costs so presented of a plant running at two-thirds capacity amount to $367.82.

On page 43 Mr. Grace testifies in regard to the conditions under which the Bethlehem plant would work if the present hypothetical naval program which is under consideration by Congress should be adopted—or, rather, which I wish were under consideration by Congress, for it has not yet been reported to the Senate or to the House. It is proposed, according to that program, to build ships which will require about 113,000 tons of armor plate in five years. With the additional wastage, the total manufactured product probably would be about 120,000 tons, which would be at the rate of some 24,000 tons per annum. The present capacity of the factories is something over 30,000 tons. Assuming that, under the conditions under which they would then run, the cost would be $367 a ton, we then want to know what would be a fair price for the Government to pay for armor plate.

The price at which the Government has been buying armor is $425 a ton. That is the price which has been paid under conditions which compelled the factories to run at about one-third time. I myself do not think that these concerns have been able to make much profit under those conditions, but it is manifest that they can afford to make armor plate cheaper if they have a larger product on which to run their works. Therefore, toward the end of the hearings, Mr. Grace wrote a letter to the Secretary of the Navy, which is on page 170 of the hearings, in which he offered to reduce the price of armor from $425 a ton to $395 a ton, provided the contemplated naval program were carried out, so as to enable him to run his factory at two-thirds capacity.

We therefore have, as the testimony of Mr. Grace, a cost price for armor under these circumstances of $367 a ton. We have a proposition to sell at $395 per ton, which leaves a profit of $28 a ton. Now, the question is, What profit does that mean on the capital invested in the business? Running at two-thirds full, the output of the Bethlehem plant would be two-thirds of 12,500 tons, which, they say, is their maximum capacity, or 8,332 tons. The profit on that at $28 per ton would be $233,000. At the figures which they have given, $233,000 is 3⅓ per cent on $7,000,000, which they claim is the value of their plant. In the figures from which their cost of $367 a ton is made up is an allowance of 5 per cent as interest on the capital used in their business—that is, upon the $7,000,000—the value of their plant, and some $800,000 of working capital in the form of cash. That 5 per cent can be added to the 3⅓ per cent; so, according to the figures which have been shown by the hearings as to the costs and profit of the Bethlehem plant, running under the conditions that would prevail if we go ahead with a naval building program in accordance with the plan now being discussed, the situation would be that, after some years of running with little or no profit, they would receive a price which would enable them to have a return of 8⅓ per cent upon the money that is invested in their plant.

Mr. President, those are the figures which I have made up by taking the different items as given in the report of the hearings. On page 170 of the hearings we find a statement of Mr. Grace's own expectations in regard to this. He says:

On this basis—

Referring to the price of $395 per ton—

we could expect a return of 7⅓ per cent, applicable to depreciation and profits.

In other words, arriving at this point, as I did and as Mr. Grace does, there is a difference between us of about six-tenths of 1 per cent.

Mr. President, there are scattered through the hearings various other bits of testimony which also give us information as to the cost of making armor. On page 87 we have a statement from Mr. Dinkey, that at a price of $425 a ton, the now prevailing price, if they could run their plants full, they would make a profit of 12 per cent; but that running as they do run—that is, as they have been running lately, which is something over one-half, I believe, of their capacity—their profit is a little less than 6 per cent.

On page 170 there is another very interesting statement given under oath, which may be of interest to those who think that these naval armor plants have been gold mines for their owners. I refer to the statement made by Mr. Grace, of the Bethlehem Co., that—

We would have been far better off if we had invested the same amount of money in a good 4 per cent bond, where the interest and principal would have been secure without risk or effort on our part.

In other words, the judgment of Mr. Grace as to the value of this plant to them is that they would have been much better off if they had never built it, and had been content with the small return of 4 per cent upon the money which they have invested in it.

EXHIBIT C.

COST OF PRODUCING ARMOR PLATE UNDER VARIOUS CONDITIONS.

The production cost of armor with shop operating at full capacity has been determined as follows:

Report of Niles Board, House Document No. 193, Fifty-ninth Congress, second session, $244.27 per ton.

Report of Tillman Board, House Document No. 1620, Sixty-third Congress, third session, $262.79 per ton.

(The later report reflects advances in cost of labor and material and is quite consistent with the earlier report, considering the differences in the dates at which they were made.)

With plant operating at less than full capacity, the Niles Board found that the cost would be increased as follows:

Plant operating at half capacity, cost would be increased 20 per cent.

Plant operating at one-third capacity, cost would be increased 30 per cent.

These reports give mere shop cost and do not contain many items that enter into the actual total cost, such as administrative and general expense, insurance and taxes, interest on plant investment and working capital, etc., and in the following tabulation is shown the effect of the addition of some of these very real and important items. The depreciation of the plant, although a real addition to cost, is not included below, as it is shown that prices actually received by the manufacturers has not been sufficient to allow anything for this purpose.

1	2	3	4
	Cost per ton with plant provided with sufficient contract tonnage to operate at full capacity (10,000 tons). (This is a condition that has never been maintained.)	Cost per ton with plant provided with only sufficient tonnage to operate at one-third capacity. (This approximately represents actual average conditions that have obtained.)	Cost per ton with plant provided with sufficient tonnage to operate at two-thirds capacity. (This condition might obtain as a result of the proposed 5-year program.)
Production cost, plant operating at full capacity (Tillman report)	$262.79	$262.79	$262.79
Add for plant operating one-third capacity 30 per cent (Niles report)	.....	79.60	.....
Add for plant operating two-thirds capacity, 10 per cent (taken proportionately from Niles report figures)	.....	.....	26.28
Total production cost	262.79	342.39	289.07
Administrative and general expense ($100,000 per year)	10.00	30.00	15.00
Taxes and insurance ($45,000 per year)	4.50	13.50	6.75
Interest at only 5 per cent on $7,100,000 plant ($355,000 per year)	35.50	106.50	53.25
Interest at only 5 per cent on $500,000 working capital ($25,000 per year)	2.50	7.50	3.75
Total	315.29	499.89	367.82

If the contracts awarded in the future should be in the same average quantities as in the past (namely, 3,280 tons per year, or about one-third our plant capacity), the present price of $425 per ton would provide as follows:

		Per ton.
Contract price		$425.00
Less—		
Production cost (column No. 3)	$342.39	
Administrative and general (column No. 3)	30.00	
Taxes and insurance (column No. 3)	13.50	
		385.89
Leaving for interest on investment		39.11

Mr. KENYON. Mr. President, will the Senator allow me to ask him a question?

Mr. LIPPITT. Certainly.

Mr. KENYON. I suppose the Senator is familiar with the methods by which this work is carried on by the Bethlehem

Steel Co. I confess I am not. Can the Senator state what proportion of their business is the manufacture of armor plate?

Mr. LIPPITT. It is a very small proportion.

Mr. POINDEXTER. I understand it is 3 per cent.

Mr. LIPPITT. I was going to say that my understanding of the Bethlehem Co.'s product—I do not know whether I am correct or not—is that it is something over $100,000,000 a year. The Senator from Washington says that 3 per cent represents the proportion of their armor-plate business to their total business .

Mr. KENYON. I noticed in the paper this morning a statement——

Mr. LIPPITT. Yes; I noticed that myself.

Mr. KENYON. That the Bethlehem Steel Co. will pay 112.1 per cent. The annual report shows earnings of $17,762,812.61 for 1915, which would seem to indicate that the company itself had been doing better than the Senator figures the profits would be in the manufacture of armor. Now, what I want to get at is, how much of their business was armor-plate business?

Mr. LIPPITT. It is relatively an insignificant amount, I will say to the Senator. The Senator undoubtedly, as a careful student of the commercial columns of the press, is perfectly familiar with the marvelous revolution that has happened within a year in the value of the Bethlehem Co., due to foreign orders. I suppose he knows that the value of the stock has increased from something like $30 or $40 a share to something over $500 a share?

Mr. KENYON. In view of that fact, I can not understand the Senator's statement that the erection of an armor plant for the Government would ruin the business of some of these companies.

Mr. LIPPITT. Excuse me; I never made such a statement.

Mr. KENYON. Well, would eliminate the armor-plate business of these companies.

Mr. LIPPITT. I think it would eliminate their armor-plate business.

Mr. KENYON. The Senator thinks it will do that?

Mr. LIPPITT. I have no doubt of it.

Mr. KENYON. Of course, it will not ruin the companies?

Mr. LIPPITT. Not in the slightest.

Mr. KENYON. Or affect them very materially?

Mr. LIPPITT. Or affect them very materially; in fact, I think it is a very remarkable thing, I will say to the Senator—as I have studied this question—that these companies have been willing to continue this business at all. I think the United States has been extraordinarily fortunate at this particular crisis in her history, if I may use that word with relation to affairs at the present time, to find herself with these plants in existence. I suppose it is nothing except the fact that they were valueless for scrapping that has kept them here.

I approached this subject, I will say to the Senator, absolutely without any prejudice or knowledge of it. I came to it with the supposition that I should find these companies making a handsome return and that the question involved was how great a return they would be justified in receiving. As the result of my study, I am now profoundly convinced that not only have these companies not made handsome returns on this business, but that the price that has been paid for armor by the Government is utterly insufficient; and that in the public interest, in the interest of having established here for our use at all times such plants as these, it would be far better if the Government of the United States had paid a higher price than they have paid.

Mr. KENYON. As I understand the Senator's position, then, it is that the establishment of an armor-plate factory would be detrimental to the public interest, but would not seriously affect the companies now making armor plate?

Mr. LIPPITT. I have not particularly discussed the question of what effect it would have upon these companies, and I do not think it is really of very great moment in the consideration of this subject——

Mr. KENYON. No; I do not think so, either.

Mr. LIPPITT. Because I am perfectly satisfied, looking at this question merely from the interest of the public, which it is our particular business to look at, although it is also our business to look at the interest of these gentlemen as a part of the public; but looking at it simply from the standpoint of the public interest of the great American people, excluding these particular manufacturers, I should think it would be a very shortsighted policy, indeed, which would undertake the hazards and the risks of Government manufacture where we have the manufacture of this very important article now being carried on for us by some of the most distinguished ironmasters in the world. We have all of their great experience at our service; we have their patriotism at our service; and I believe that the Government in this bill is proposing a very foolish project.

Mr. KENYON. Mr. President, the argument has been made here, I am sure, that this would very materially injure the business of these manufacturers; but I take it now, from the Senator's argument, that that would be almost a negligible matter.

Mr. LIPPITT. Mr. President, these are very large concerns. One of these manufacturers, I think, is the Carnegie plant, which I believe is owned by the United States Steel Corporation. The United States Steel Corporation has had its one-third of these orders, which amount to in the neighborhood of 4,000 tons, at $425 a ton. What would that be? The total product of the United States Steel Corporation last year, I saw in the paper a few days ago, was something over $500,000,000. Of course, as compared with the great volume of the business of that company, this is not a vitally important thing, nor is it with the Bethlehem Co. With the Midvale Co. it is much more important, because they are not so large a concern; but the important point is this: Their property is part of the wealth of the United States. When we take the statistics of the Census Bureau to arrive at how much the wealth of the country has grown, and we read with pride that it has grown a certain number of millions or hundreds of millions or even billions of dollars, we must remember that that wealth is made up of the detailed items of the possessions of every man and corporation and farmer in the whole country, and this is part of that wealth. If we destroy it, if the United States taxes its people to raise another $20,000,000 of fresh money to put into this business—and in my opinion it will cost not less than $20,000,000—and if at the same time we are destroying twenty or thirty millions of dollars of other property which is already in existence, then the cost of this project to the people of the United States is not $20,000,000, but it is $50,000,000, for they have destroyed what they have merely to get something else that is no better in its place.

Mr. KENYON. Mr. President, may I ask the Senator another question along that line?

Mr. LIPPITT. Certainly.

Mr. KENYON. I do not want to see any industry destroyed, but the Senator has said that the enlarged naval program will require a great deal more armor plate to be manufactured than has been manufactured before. Now, if these companies have gotten along reasonably well—and I imagine they have; they seem to have declared pretty good dividends——

Mr. LIPPITT. The Bethlehem Co. never declared a dividend, as the Senator probably knows, until this year.

Mr. KENYON. But 112 per cent on the common stock is a pretty good dividend; is it not?

Mr. LIPPITT. It is a good start, certainly.

Mr. KENYON. We think so in our part of the country.

Mr. LIPPITT. Even in manufacturing districts we think it is a fair start.

Mr. KENYON. I should judge it was; and that was on the common stock.

Mr. LIPPITT. But the Senator, of course, knows that that is due to war conditions.

Mr. KENYON. Now, with this increased armament that must come in an increased Navy there will be that much more armor plate to be manufactured. This factory of the Government can not manufacture all of this armor plate. Why, then, can not these companies go ahead and manufacture practically as much as they ever have made before?

Mr. LIPPITT. Why, Mr. President, not only this proposed manufactory of the Government can not manufacture all of our armor plate, but it can not manufacture any of it.

Mr. KENYON. Then why do they object?

Mr. LIPPITT. It can not manufacture any of it, because if we are going to build a Navy at all—and I believe we should—then we are just as apt to need it five months from to-day as we are five years from to-day.

Mr. KENYON. I agree with the Senator.

Mr. LIPPITT. And I believe that the Navy ought to be constructed to whatever size we believe is adequate in the most rapid way in which the resources of this country will enable it to be built. I should hope it would all be built inside of five years, and I think it is possible to do it if the proper measures are taken to do it. Now, this Government plant will not be built in five years——

Mr. KENYON. Then this Government plant will not affect it at all.

Mr. LIPPITT. This Government plant will not supply one single armor plate to any vessel which is going to be launched within five years from this minute, I am sure; but the real an-

swer to the Senator's question is this: After this particular emergency has passed by, after we have, under some rush and the use of all our facilities, constructed and put into operation such a Navy as we may decide upon, then there comes along merely the yearly building that is necessary for the reproduction of what may be destroyed or abandoned. That has averaged for the last 10 years about 13,000 tons a year. The capacity of this Government plant, if the requirements of this bill are conformed to, will be not less than 20,000 tons per annum. Therefore, when those conditions arrive at the end of five years, the Government plant will be able to take care of all the armor that there will be a demand for. Naturally, the Government is going to run its own armor plant. What, then, will be the condition? These people will dismantle their plants. We can not expect them to keep them insured and painted and watched for years for nothing, with no chance of use. I presume the land, if nothing else, will be of some use to them. Therefore what we are doing by this bill is to destroy what we have, which is the best in the world—the very best in the whole world, the testimony here in all these various reports agrees. They say that the armor plate which is manufactured in these plants is better than that which is manufactured anywhere else in the world. They say that the tests are higher. Not one of them questions it.

It was said away back there by Admiral O'Neil in 1900. It was said—I am going to read it to you in a minute—in the Niles report of 1906. It was said by the witnesses here a few days ago in Washington. It is not only the best quality, but we buy it at the lowest price at which any nation in the world is able to get it, and we have done it for more than 10 years. We are going to destroy the best plants in the world, so far as any testimony goes that has been presented before this body, and substitute the doubtful experiment of a Government plant, run by people who have had no experience in the armor business, but who we hope will develop it at the expense of the Government.

Mr. GALLINGER and Mr. NEWLANDS addressed the Chair.

Mr. LIPPITT. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been unavoidably kept from the Chamber in attendance upon a committee meeting. As I entered I understood the Senator to say that we would need more armor in the future than we have in the past. As I understand, this armor is almost exclusively used in battleships. Does the Senator think we are going to authorize more than two battleships this year?

Mr. LIPPITT. Oh, Mr. President, I am looking at the present naval situation with almost a broken heart.

Mr. GALLINGER. Yes.

Mr. LIPPITT. I had hoped that I was coming down to a session of Congress whose first business—the business that would take precedence of any other before this body—would be to provide this country with an adequate Navy. I stand here, sir, after three months and a half, and know that there has not been one single report as yet made upon what seems to me to be a vital subject.

Mr. GALLINGER. If the Senator will permit me, I join with the Senator in the feeling that nothing has yet been done; but my impression is that the addition to the Navy will be largely in battle cruisers and in the smaller class of ships—submarines and ships of that type—rather than in battleships. I would gladly vote for more than two battleships, but I hardly think it is the program of the majority to authorize more than two during the coming year; so that we will probably not need more armor than we require at the present time, and private companies are fully equipped to furnish it.

Mr. LIPPITT. I will say that I was using the terms that had been used by the Secretary of the Navy as to the requirements of armor, provided a certain naval program went through, and I was presenting to the Senate the evidence as to what profit these manufacturing plants would make if that was the case. If less armor than that is required this construction by the Government of a $20,000,000 plant is still more of an absurdity.

Mr. GALLINGER. Certainly.

Mr. NEWLANDS. Mr. President——

Mr. LIPPITT. I yield to the Senator from Nevada.

Mr. NEWLANDS. The Senator has probably discussed already the subject I wish to inquire about, but I had not the good fortune to hear him. I wish to inquire as to the estimate of the Secretary of the Navy, assuming that his proposed program is carried out, regarding the tonnage requirements of armor plate during the next five years, say. I understand that the Secretary of the Navy has made out a program covering a period of five years.

Mr. LIPPITT. It requires 113,000 tons of armor plate, distributed over five years, or with wastage, perhaps 120,000 tons—an average annual consumption of, say, 24,000 tons.

Mr. NEWLANDS. Now may I ask the Senator what the capacity of the existing plants is?

Mr. LIPPITT. Thirty thousand tons.

Mr. NEWLANDS. So that the existing plants are able to supply that demand and more?

Mr. LIPPITT. It is claimed that if this naval program goes through they will not run at much over two-thirds of their capacity; and yet the distinguished colleagues of the Senator over on that side of the Chamber propose to build an unlimited plant. The only provision in regard to it is that it shall produce not less than 20,000 tons a year.

Mr. NEWLANDS. And the total requirement is 24,000 tons?

Mr. LIPPITT. The total requirement is about 24,000 tons per annum; but that plant will not have anything to do with that requirement. This plant will not be in operation for three or four years, and no battleship equipped with armor produced in this Government plant could possibly be afloat five years from now; so it has nothing to do with this program. It only looks to the future. It is simply a statement to these gentlemen who are engaged in this business that just as soon as the United States can do so it is going to put them out of business. In the meantime it is going to depend upon them for this very important thing of the armor that is going on its battleships. What we ought to do is to give them every possible encouragement to go into the most extensive experiments they could think of that would be valuable to improve that armor. That is what they have been continually doing in the past. Instead of encouraging them to do that, so that we might have a Navy of the very best quality, we are telling them that just as soon as we have gotten all we can out of them we are going to throw them into the dump heap. It is not business in my part of the country. It may be in the West.

Mr. NEWLANDS. I wish to ask whether or not the existing plants for the manufacture of armor plate can be used for anything else?

Mr. LIPPITT. Nothing at all. When they are not making armor plate they are shut up.

Mr. NEWLANDS. Can the Senator state what has been the total cost of these plants that produce 24,000 tons per annum?

Mr. LIPPITT. The total cost of them is in excess of their present inventory valuation, because a large amount of machinery has been thrown away on account of its being replaced by improved machinery. The present reproduction value of these plants would probably be in the neighborhood of $25,000,000.

Mr. GALLINGER. It has been put as high as $30,000,000, I think.

Mr. LIPPITT. And it has been put as high as $30,000,000. The Bethlehem people, who have the largest plant, say that they inventoried their plant for their own purposes at $7,000,000, but they say it could not be reproduced at that price.

Mr. NEWLANDS. Assuming that to-morrow the Government itself should be able to enter upon the manufacture of armor plate sufficient to meet the requirements of its entire Navy, to what use could those plants be put, whose reproductive value would be, I will say, $30,000,000?

Mr. LIPPITT. No use whatever. They would be destroyed. Oh, they could be scrapped, of course, and the material could be used at the value of scrap material, and I presume some small portions of them might be converted; but they would have to be substantially scrapped.

Mr. NEWLANDS. I presume the buildings could be used, could they not?

Mr. LIPPITT. No; I am told that they could not. If the Senator will take the trouble to look at this report and simply to look at these pictures that are in it, showing the enormous size of the units that have to be used in this industry, he will see they have to be able to handle single pieces of iron that weigh over 300,000 pounds. It is no piano wire that is being made when you are handling units of that kind. These pictures show some of these immense ingots, and will give the Senator some idea of the enormous size of the buildings and the special kinds of buildings that have to be used for this purpose. It is a special plant.

Mr. President, I have now discussed the question of costs. I want to say just a word, while I am on this question of prices, in regard to one point which has been frequently referred to in this debate, and which has been referred to by the Senator from Massachusetts—a point that I think anybody considering this subject should put in the foremost part of his consideration of it—and that is the fact of the comparative price paid for armor by the United States and by these foreign countries.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island further yield to the Senator from Nevada?

Mr. LIPPITT. Certainly.

Mr. NEWLANDS. I should like to ask the Senator what has been the highest and what the lowest price charged by these armor-plate plants for armor plate?

Mr. LIPPITT. Mr. President, on page 7 of the hearings the Senator will find the prices charged each year from 1887 down to 1915. I believe they vary from $520, as my eye runs over them, to one year when they were $346; 1906 was the year in which the price was the lowest, and since then it was $420 until 1913, when the eight-hour law went into effect, which added 50 per cent to the cost of the labor employed in these factories, and the price went up to $454. It is now at $425, and the companies offer to make the armor under the new conditions of adequate employment at $395.

When I was interrupted, Mr. President, I was just starting to call attention to the comparative prices in this country and abroad; and it is such an illuminating suggestion, when you remember the different prices of labor in this country and in these foreign countries, the different conditions under which manufacturing has been carried on in this new country, that to my mind it is a very weighty consideration.

In the Niles report of 1906, on page 18, there is a little history on this subject of foreign prices. It says that up to 1896 the prices paid for armor in this country were about 25 per cent higher than the prices abroad; that in 1896, 20 years ago, the prices in this country were closely on a par with those abroad; and it furnishes a table of the prices in existence at the time of this report, in 1906, 10 years ago. That was the year when the United States bought its armor at the lowest price it ever paid for it, $346. But even taking the present price of $425, it shows that we were paying more than $250 a ton less than it was costing England at that time. It cost England $681. We were paying $250 less than it cost France. We were paying $125 a ton less than it cost Germany, and $225 a ton less than it cost Italy—just one-half, in fact.

Mr. President, the conditions that existed at that time of our buying our armor at only about one-half what was paid by foreign nations have continued to this time. On page 7 of the committee hearings there is also a statement of the prices paid here and abroad for armor, which I will ask permission to have printed in connection with my remarks, without reading. It shows that we are practically to-day, as we have been for 10 years back, buying armor at a materially lower price than any other first-class nation in the world, or in fact any nation in the world.

The PRESIDING OFFICER (Mr. NORRIS in the chair). In the absence of objection, it will be so ordered.

The matter referred to is as follows:

Prices which different Governments pay for armor plate as shown by the Naval Yearbook compiled in the office of the Naval Affairs Committee of the Senate.

PRICES PAID FOR ARMOR BY PRINCIPAL NAVAL POWERS.

	Turret armor.	Krupp side armor.
Japan	[1] $490	[1] $490
Austria	[1] 729	[1] 511
Italy	[1] 444	[1] 405
Germany	.....	490
France	[1] 598	[1] 460
England	[1] 691	[1] 503
Russia	[1] 510	[1] 368
United States	496	425

[1] Same as in last Yearbook; no new information.

Mr. LIPPITT. We next come to the question of quality. After all is said and done that is the one matter that we ought to bear in mind in considering this subject. It is not a vital matter to the United States whether they pay $25 or $30 or $50 a ton more or less for their armor. It is a very vital matter whether or not they get the best quality. I simply want to call attention to the uniform testimony, running all through these reports, away back to 1898, 18 years ago, of approval of the quality of the armor that has been put upon the ships of the American Navy, given by representatives of the Navy Department and representatives of the Government in various ways.

I have here, from the testimony of Admiral O'Neil, who was then the Chief of the Bureau of Ordnance, on February 2, 1898, a very elaborate statement, covering several pages, of armor tests abroad made by various nations, giving all the details of them; and he then sums up as follows:

My convictions are that the armor manufactured in this country is fully equal to the best service armor as manufactured abroad; that the tests heretofore applied have been such as to secure a high standard, and that they are as severe as those heretofore applied abroad, and represent more fully the actual quality of the armor supplied.

He goes on, in other language, approving the quality of our armor.

Again, in the Niles report, on November 16, 1906, when Mr. Truman H. Newberry was Acting Secretary of the Navy, on page 26, it is said:

The board finds that in no other country are the requirements of inspection and ballistic tests more severe than in the United States, and in most instances are distinctly less so. The methods of inspection and test differ widely. Here the manufacture of each individual plate is under constant surveillance of Government inspectors, and periodically during the course of manufacture plates are selected from small lots of finished and service plates for ballistic test as representative of the armor made. In most foreign countries the manufacturer submits sample plates that have withstood certain ballistic tests. The purchaser makes a selection of the quality of armor desired from these sample plates, and the manufacturer endeavors to fill the order given with armor of the same quality as that in the selected plate.

Then, again, in the present hearings, simply duplicating the testimony that has appeared here at intervals over the last 16 years, on page 41, Mr. Grace says:

I do not think there is any question about the quality of armor that the United States Government is receiving.

And so on. Mr. President, I will ask that these extracts, showing the high quality of American armor, be printed in my remarks without reading them in full.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

QUALITY.

(Feb. 2, 1898, Senate hearing; O'Neil.)

After an elaborate statement of armor tests abroad, sums up: "My convictions are that the armor manufactured in this country is fully equal to the best service armor as manufactured abroad; that the tests heretofore applied have been such as to secure a high standard; and that they are as severe as those heretofore applied abroad and represent more fully the actual quality of the armor supplied. More so than does the method of testing in vogue in England; that the armor presented in this country would have withstood tests considerably more severe than those to which it was subjected; and that the tests are and have been reasonable to the contractors and so drawn as to carefully protect the interests of the Government. In the specifications recently prepared, which it is proposed to use in case of future contracts, a new table of velocities has been inserted making the tests more severe than heretofore."

(Niles report, Nov. 16, 1906; Truman H. Newberry, Acting Secretary, p. 26.)

The board finds that in no other country are the requirements of inspection and ballistic tests more severe than in the United States, and in most instances are distinctly less so. The methods of inspection and test differ widely. Here the manufacture of each individual plate is under constant surveillance of Government inspectors and periodically during the course of manufacture plates are selected from small lots of finished and service plates for ballistic test as representative of the armor made. In most foreign countries the manufacturer submits sample plates that have withstood certain ballistic tests. The purchaser makes a selection of the quality of armor desired from these sample plates, and the manufacturer endeavors to fill the order given with armor of the same quality as that in the selected plate.

(Present hearings, p. 41; Mr. Grace.)

I do not think there as any question about the quality of armor that the United States Government is receiving. They have a higher specification than any foreign country that we know of to-day. We are manufacturing, in other words, armor plate to the highest specifications. You take England, for instance. They make an armor plate, submit it to the Government, and if it is satisfactory the Government says, "Make the rest like that plate." We make 600 tons of armor in a group, and submit the whole group to the United States Government, and they select the poorest plate out of it to the best of their knowledge. * * * It occurred to me along that line that if this industry was controlled absolutely by the United States Government you would have the purchaser inspecting its own products and accepting it for use. I can not quite conceive that they would be as rigid in making condemnations as they are with a private manufacturer.

(Niles report, p. 23.)

The chief and all-important exponent of the quality of armor is its ballistic resistance against actual attack by gun fire, and the increasing demands upon manufacturers in this regard have been the incentive to them and to others to experiment with new methods of manufacture. With every increase in ballistic resistance demanded has come to the manufacturer a certain increase in the cost of production. The value of material has increased and the difficulties of manufacture multiplied while the rate and certainty of production has markedly lessened. In no branch of steel making is greater nicety of manipulation and treatment required than in the production of armor plate.

Mr. LIPPITT. Another very important consideration in this matter is the cost of the plant that it is proposed to build. There is provided in the bill an appropriation of $11,000,000. The Secretary is not limited to that $11,000,000, and there is no evidence of any kind presented to show that that will be the maximum cost of the plant. On the contrary, there is ample evidence from a number of different sources to demonstrate that the plant will cost very much more. In fact, the Tillman report itself, from which that figure of $11,000,000 is taken, says on page 7:

It is not considered that these estimates are sufficiently accurate to enable the erection of such a plant to be proceeded with. * * * Before proceeding with the erection of a plant, a well-known consulting engineer, familiar with this class of work and with the laying out of a factory, should be consulted.

In other words, the report itself is not sufficiently confident of its figures to advise that they be accepted as final. Those figures were made up about a year ago. Since then, as everybody knows, there has been an enormous increase in the price of steel products. I came across a memorandum here a day or two ago in the Boston News Bureau which stated that on many steel products to-day the price in Pittsburgh was the highest that was ever known.

But we have other testimony on this question of plant cost. Mr. Grace, of the Bethlehem Co., on page 140, referring to the cost of this plant, says that he had his engineers prepare an estimate of what it would cost to build a plant of 20,000 tons, and that, while he had it not then with him and could not give the exact figures, "it is somewhere between $14,000,000 and $15,000,000."

He said at another place, on page 171, that plants as estimated by the Tillman committee can not be built at this time for anything like the figures they have submitted.

He also says that "we just as firmly believe that in a Government-operated plant armor can not be made, even by running the plant full, for $262 a ton."

Mr. Dinkey, who represents the Midvale people, at page 139, testified that an estimate that called for the construction of a 20,000-ton plant for $11,000,000 "would have to overrun a very great deal."

Mr. President, nobody has appeared in favor of the construction of this plant anywhere as a witness before the committee except the Secretary of the Navy and Admiral Strauss. The testimony of the Secretary of the Navy is that we ought not to build a plant of over 10,000 tons capacity. He repeated that several times. His original estimates were for a plant of 10,000 tons capacity.

This committee has given us no information of any kind to show why they have recommended a plant of 20,000 tons instead of one of 10,000 tons. They simply say "it suffices to say." That is all the knowledge we have on the subject. The committee declares it suffices to say that the majority of the committee are in favor of this plan.

Admiral Strauss in his testimony was asked what the benefit would be to the Government of having this plant, and on page 145 he replied:

If the private firms will furnish armor at a fair profit, and will continue to do so under all conditions, I see no especial advantage to the Government in going into the business. It all depends upon what the fair price is.

Senator PENROSE. Is it only a question of price? Is that the only question now that is disturbing the Government?

Admiral STRAUSS. I think so.

Senator PENROSE. Would it not be unfortunate if the Government went into this business and the private concerns went out, not only for the progress of the art but for the needs of the Government?

Admiral STRAUSS. I think it is well for the Government to have competition in producing munitions as well as anyone else. I think Government factories need competition in order to stir them on, both as to quality and price.

In other words, the testimony of the only expert witness who appeared in favor of this bill is that there is no benefit to the Government except a question of price, and that, of course, is a matter that might very reasonably be arranged by special negotiations between the Secretary of the Navy and the owners of these plants. As I have already said, they have, in consideration of existing conditions, expressed their willingness to reduce their price from $425 to $395 a ton.

Mr. PITTMAN. Mr. President——

Mr. LIPPITT. I yield to the Senator.

Mr. PITTMAN. The Senator has stated that the only object testified to by experts on behalf of the Government was as to the question of cost. He will find, on page 146——

Mr. LIPPITT. If the Senator will allow me, he is going to refer to Admiral Strauss's correction.

Mr. PITTMAN. Yes, sir.

Mr. LIPPITT. I meant to say, but forgot it in reading the testimony, that on a page farther on Admiral Strauss said that he wished to correct his testimony saying that the only benefit to the Government would be in the price by saying that he thought also there might be some additional knowledge gained in regard to the quality of the plate.

I think that is what the Senator referred to.

Mr. PITTMAN. Yes; that is it. He says also the Government plan will probably improve the quality of the armor.

Mr. LIPPITT. Does he say "probably"?

Mr. PITTMAN. I will read it, so as to be exact, if the Senator will permit me:

I would like to amend the answer and say, besides the advantage of cost, if we had a Government plant we would be able to set a pace as to quality—I think there is a chance of that—that we would be able to make better demands as to quality.

Mr. LIPPITT. I think there is a "chance," he says.

Mr. PITTMAN. I used the word "probably."

Mr. LIPPITT. He scarcely used the word "probably." I admit there is a chance of it, but I think there is a much greater chance that with the Government project it will be worse than they are now getting. Of course, it is manifest to anybody who will give this a minute's consideration that when the Government makes all its armor under the control of the Navy Department and then tests that armor, also under the control of the Navy Department, there may be a little desire to pass that armor without being too critical. We would always have the fear back in our hearts that perhaps something had been overlooked lest there should be a scandal in the Navy Department. When this armor is made by a private individual and tested by the representatives of the purchaser, who have only one undivided interest, and that is to get the best quality possible, we know, as far as human ingenuity can provide for it, that we have surrounded it with the very best test that can be applied.

Mr. TILLMAN. Will the Senator allow me?

Mr. LIPPITT. I will, with pleasure.

Mr. TILLMAN. The Senator has not read the investigation of 1895 and 1896 in this business, when Carnegie and Schwab acknowledged they had put off blowhole armor and all sorts of trash. I will get the report.

Mr. LIPPITT. I know all about that. I have the report.

Mr. TILLMAN. Why did you not mention it, then?

Mr. LIPPITT. The Senator had already mentioned it in one of his illuminating addresses on the subject.

Mr. TILLMAN. But the Senator was proceeding to say that a private individual would never put off any fraud on the Government.

Mr. LIPPITT. I do not think I said that.

Mr. TILLMAN. That is the substance.

Mr. LIPPITT. It was not the substance or the essence or anything like what I said. What I said was that if they attempted to do it we would have the best guaranty that human ingenuity could devise in knowing that it would be inspected by the very department that had one undivided interest. The Senator refers to one particular case. I do not know of any occasion in this discussion for reviving the scandals of the last century. That occurred 20 years ago. But as long as the Senator wants to bring it up, I will state that what happened there was that charges were made against, I think, the Carnegie plant that there had been a conspiracy between the inspectors of the Government and the employees of the plant, so that some bad armor had been passed on the Government; that the Government employees and the employees of the plant had been working together. Congress passed a resolution fining the company for its operation. I presume it was of very doubtful legality. Anyway, for some reasons that were conclusive and satisfactory, the only Democratic President who has ever sat in the presidential chair in whose sincerity the American people had entire confidence remitted that fine and said it was not justifiable. The fine was not paid because the President said it ought not to be paid.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. LIPPITT. I yield with pleasure.

Mr. POMERENE. It has been stated several times on the floor of the Senate that one of these companies, at least, threatened that if the Government constructed an armor-plate plant they would immediately raise the price of armor plate $200 a ton. If these companies are likely to take advantage of the Government in its extremity and increase the price of armor plate $200 a ton, or perhaps 50 per cent over and above what they are getting now, what assurance have we that they will not take advantage of the Government in the matter of the quality of the armor plate?

Mr. LIPPITT. We have this security, that the armor plate is passed by a Government inspector who is in the works at any and all times and has a chance to inspect every plate.

Mr. POMERENE. Does not the Senator think that if the Government went to the expense of putting up an armor plant and was manufacturing armor plate it would see to it that there were experts there to look after the Government's interests just as well as if it was manufactured by a private concern?

Mr. LIPPITT. No; I do not.

Mr. POMERENE. Well, I must differ from the Senator.

Mr. LIPPITT. I have just stated my belief on that point. I do not know whether the Senator has just come in or whether he was here at the time.

Mr. POMERENE. Yes; I think I heard the Senator's statement.

Mr. LIPPITT. Of course, in one case there is the same master to both men, the Secretary of the Navy. In the other case the interests are not combined in any way.

Mr. POMERENE. I can hardly think it would be possible to any very great extent, at least, that men who were in the employ of the United States Government would deliberately set about to defraud the Government by imposing upon it a quality of armor plate which was below that required by the specifications. It is possible but not probable.

Mr. LIPPITT. I am delighted to know the Senator from Ohio has such confidence in the Government officers.

Mr. POMERENE. In that instance they would have no private interest to serve whatsoever; they would be serving the Government itself.

Mr. LIPPITT. If I wanted to go into that, I would like to open up this book and show you the opposite, but the time is passing and I should like to finish my remarks——

Mr. POMERENE. Will the Senator——

Mr. LIPPITT. If the Senator from Ohio will allow me, I wish he would give this question of quality as manufactured in private plants and in Government his very best thought. This is not a partisan question; it is a business question, a very important business question; and I do not think it is necessary for us to stand and discuss it here, either I as a Republican or you as a Democrat. I hope it is not.

But what I want the Senator to think of is this, that in these private plants it so happens that in the overseeing departments there is the greatest ability that has even been known in that industry. Mr. Schwab, at the head of the Bethlehem plant, and Judge Gary, at the head of the United States Steel Corporation, are recognized as foremost experts in those industries. They have under them an almost unlimited staff, who are experimenting in iron manufacture of all kinds, not merely in iron manufacture for the purpose of making armor plate, but for the purpose of meeting very many other important and delicate requirements. Does it not stand to the Senator's reason—it does to mine—that the opportunity for improvement in armor in the hands of such men who are constantly experimenting in other similar directions might be much greater than in the hands of men who had no opportunity to experiment except in one direction? I can not imagine that there is anything in the Government uniform which makes a man's intelligence so much greater that with less opportunity he can produce better results.

Mr. POMERENE. Mr. President, there can be no difference between the Senator and myself upon the one proposition that we want the very best quality of armor plate we can get.

Mr. LIPPITT. Irrespective of cost.

Mr. POMERENE. Unquestionably. I have not any objection to any plant making a reasonable amount of money. That does not disturb me. But I have been satisfied, from the investigation I have made on this subject, that the Government has been at times at least paying vastly more than it should pay. I can not understand——

Mr. LIPPITT. What time——

Mr. POMERENE. Just a moment. I can not understand why an American firm that has grown up and prospered under the American Government could charge a foreign Government less for its armor plate than it does the home Government. That is one of the things that has appealed to me and has had very great force with me. I deny the political morals, the business morals of any firm that will come to the Government and make a threat that it will charge $200 a ton more for armor plate than it is charging now.

Mr. LIPPITT. Mr. President, just at that point——

Mr. POMERENE. Just a moment.

Mr. LIPPITT. When did that occur?

Mr. POMERENE. I have been informed——

Mr. LIPPITT. One of these——

Mr. POMERENE. I have been informed by two members of the committee that this threat was made in the committee room itself.

Mr. LIPPITT. In looking over the testimony, I do not find it.

Mr. POMERENE. I do not know that it appears there. I have accepted the statement of Senators in whom I have every confidence, and that is the statement that they made.

Mr. LIPPITT. You have more confidence in their statement than in this record?

Mr. TILLMAN. I can settle that matter right here. Here is the evidence, if the Senator from Rhode Island will hear it.

Mr. LIPPITT. All right.

Mr. TILLMAN. I send to the desk and ask to have read the marked——

Mr. LIPPITT. Just wait one minute. How long is that?

Mr. TILLMAN. It is very short, but this is the purport. It is the testimony of the correspondent of the Manufacturers' Record of Baltimore, a reputable journal. If the Senator will allow me——

Mr. LIPPITT. I will not.

Mr. TILLMAN. You do not believe in it?

Mr. LIPPITT. I do not know anything about newspaper——

Mr. TILLMAN. It is not a newspaper. It is a business magazine. The Senator has been discussing business men's integrity and honor and all that sort of thing.

Mr. LIPPITT. Mr. President——

Mr. TILLMAN. Will the Senator allow this to be read?

Mr. LIPPITT. No. Now, Mr. President——

Mr. TILLMAN. I will put it in later.

Mr. LIPPITT. I hope you will.

Mr. OLIVER. Will the Senator allow me?

Mr. LIPPITT. In just one minute and then I will yield. The Senator from South Carolina when these gentlemen appeared before his committee, under the protest of the senior Senator from Pennsylvania [Mr. PENROSE], took the unusual course of swearing every one of these witnesses. He refused to accept any of their testimony unless it was sworn testimony. That is a very unusual thing in a congressional hearing, though it is not unprecedented. He now wants me to accept something in a magazine which is not a newspaper. I do not know anything about that. It is not official in any way. He tries to make out that it is the testimony of these people. He can put it in in his own time.

Mr. TILLMAN. The Senator is very unfair and unjust, too. I have tried to make out nothing. I have asked if you did not recognize the Manufacturers' Record as a reputable magazine, one to be relied on?

Mr. LIPPITT. I suppose it is.

Mr. TILLMAN. Say yes or no.

Mr. LIPPITT. I do not have to say yes or no.

Mr. TILLMAN. You do not have to, but fairness and decency demand that you shall say yes or no.

Mr. LIPPITT. The Senator must be very careful. As to what decency demands, I am to judge, and not he.

Mr. TILLMAN. I apologize to the Senator.

Mr. LIPPITT. That is all right. I will say to the Senator that I know very little about the Manufacturers' Record.

Mr. TILLMAN. It is a business magazine devoted to the development of southern industries.

Mr. LIPPITT. I say I have very little knowledge of it, but the knowledge I do have leads me to believe it is a publication of high standing. But I do not care to accept that sort of testimony.

Mr. OLIVER rose.

Mr. LIPPITT. I yield to the Senator from Pennsylvania.

Mr. OLIVER. Mr. President, I just wish to say that I am rather sorry to see the Senator refuse to allow the Senator from South Carolina to say anything he wants about this, because he is the sponsor for the bill, and this is the first time—at the eleventh hour—when he has risen in advocacy of it since it has been reported, and it is the first time anybody has wished to present any argument in its favor.

Mr. TILLMAN. Mr. President, that is very unkind of my friend from Pennsylvania, because he knows my health is so poor that I can not do much debating.

Mr. OLIVER. I am not reflecting on the Senator from South Carolina. I am reflecting upon everybody who has proposed to crowd through this important measure—this unprecedented revolutionary measure—without even the form of debating it upon its merits.

Mr. HITCHCOCK. Mr. President——

Mr. LIPPITT. If the Senator will allow me, the Senator from Ohio [Mr. POMERENE] brought up a subject, which we were diverted from a minute ago, in regard to——

Mr. HITCHCOCK. It was with relation to that I desire to remind the Senator of something. It is only a short time ago——

Mr. LIPPITT. In regard to the question of foreign selling?

Mr. HITCHCOCK. No.

Mr. LIPPITT. Then, if the Senator will allow me——

Mr. HITCHCOCK. If the Senator will yield to me very kindly, only a short time ago the Senator from Massachusetts [Mr. LODGE], on the floor of the Senate to-day made an open declaration that if the Government went on and constructed this armor-plate factory the private manufacturers would undoubtedly raise the price of their armor.

Mr. LIPPITT. No; he did not say that. He said that they would undoubtedly be justified in raising it, and that is very different.

Mr. HITCHCOCK. No; he defended it. I think that is the evident meaning.

Mr. LIPPITT. He did not know anything about what the manufacturers would do——

Mr. HITCHCOCK. That the Government of the United States would be in a plight to get armor, and that the private manufacturers would raise the price——

Mr. LIPPITT. No; that they would be justified in raising it.

Mr. HITCHCOCK. Let me finish. That they would raise the price $200 a ton. In reply to that I called attention to the fact that if they did that the United States could defend itself by purchasing armor from abroad. So that evidently was the meaning of what the Senator from Massachusetts said.

Mr. TILLMAN. The Senator from Pennsylvania [Mr. PENROSE] is about the Chamber somewhere. He was here a few minutes ago. It was he who made the statement.

Mr. OLIVER. Will the Senator allow me just a moment? I think I can settle this thing so far as the intention of one of the manufacturers is concerned. I am authorized by one of these concerns, whose representative visited me a day or two ago, to say that that concern has no intention whatever of making any change in the price at which it proposes to sell armor plate to the Government, no matter what the action should be with regard to this bill; that they will sell it at the same price at which they would have sold it if the legislation had not been enacted. That comes direct to me from the management of the Midvale Steel Co.

Mr. HITCHCOCK. That certainly is very cheerful and very sane.

Mr. LIPPITT. And very patriotic.

Mr. HITCHCOCK. It is a very sensible, a very sane, and a very patriotic statement; but it utterly disposes of the argument of the Senator from Massachusetts that we should not construct this plant because we would be in a desperate strait to get armor.

Mr. OLIVER. He supplemented that statement also by saying under ordinary conditions he thought that they would be justified in adding to the price such sum as would partially compensate them for rendering their plants useless by this legislation, but considering the position in which the country stood to-day he did not believe it would be a patriotic move, and that this legislation would make no difference in the price at which at present they would furnish armor plate to the Government.

Mr. LIPPITT. I should like to say just a word in reply to the Senator from Ohio [Mr. POMERENE], who seems to be very much impressed by the fact that at certain times in the history of the last 20 years armor plate has been sold abroad by some of these companies at a less price than it was then being sold to the United States Government. I presume the Senator from Ohio knows all the circumstances which accompanied those sales. He probably knows, if he does not I should like to impress upon him the fact, that those sales were advertising sales, sample sales, made for the purpose of seeing whether the plants that were idle from the lack of demand on the part of the only consumer in this country, the National Government, could find an outlet abroad. They sold small quantities just the same as a dry goods dealer here in Washington. If you should write to Woodward & Lothrop a letter saying that you want a sample of shirting it would be sent to you for nothing. In the same way they sent off samples abroad to see if they could build up a business. That is the only way, as a rule, in which a new merchant is able to get his goods into the hands of the consumer. It is not selling as a regular thing great quantities of material to other parties. In one case where this was done, in the case of Russia——

Mr. POMERENE. At $249 a ton.

Mr. LIPPITT. The price of the first lot they sent was $249 a ton, and then they got as a result of that a price of $524 a ton, which was very much greater than they were charging this Government for the armor.

Mr. POMERENE. Does the Senator mean to say that they sold a sample to Russia for $249 a ton and then they later made a larger shipment at over $500 per ton?

Mr. LIPPITT. They made a shipment a little later at $549 a ton. So the Senator will find on page 12 of the hearings——

Mr. POMERENE. I have page 151. I was referring to the testimony of the Secretary of the Navy.

Mr. LIPPITT. On page 12 the Senator will find a full record of it. I should like to have that paper printed with my remarks as illustrating the trifling character of the Government business and the nature of it.

Mr. POMERENE. I can not well understand why a manufacturer would sell a sample at the price of $249 a ton and when it came to the principal shipment charge over $500 a ton. It does not look quite reasonable to me.

Mr. LIPPITT. To me it looks very reasonable. In the first shipment, I have no doubt if it had been necessary they might have presented that first sample to the Russian Government to see if they could get some business there. It would have been good merchandising, possibly, to have done that. The Senator knows perfectly well that whenever a man now introduces an article to a discriminating purchaser it is sometimes necessary for the new producer to offer him a little lower price. There is nothing unusual about it.

Mr. KENYON. May I ask the Senator a question?

Mr. LIPPITT. Certainly.

Mr. KENYON. The Senator referred in a response to an inquiry of the Senator from South Carolina with reference to the investigation made in 1894, I think it was, of the Carnegie Steel Co., that the subsequent fine that was imposed upon them for defrauding the Government in the manufacture of armor plate, which I think was $600,000, was remitted. Is the Senator quite certain that the whole fine was remitted?

Mr. LIPPITT. I took that statement from——

Mr. KENYON. My recollection is that——

Mr. LIPPITT. My authority for that is the Senator from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. I wish the Senator from Rhode Island would get the whole speech I made on that occasion and put it in.

Mr. LIPPITT. I have the Senator's whole speech right here.

Mr. TILLMAN. The whole speech I made in 1897?

Mr. LIPPITT. No.

Mr. TILLMAN. When I opened up that fraud of the Carnegie Co.——

Mr. LIPPITT. I have the Senator's speech made in the Senate here December 13, and in the course of that speech he quoted from a speech made at an earlier day upon the subject of antediluvian scandal. He says, in regard to President Cleveland, that—

> Mr. Carnegie was fined by the Secretary of the Navy and, by some hokus-pokus, this glorious President of ours, who, God be thanked, goes out of power in two days from now, remitted that fine.

He remitted that fine, and he was thanking God that President Cleveland, the only Democratic President they have heretofore had since 1861, was about to go out of office. I do not know how he may feel next March.

Mr. KENYON. I think it is a fact, however, that the fine was reduced to $140,000, as I remember, and that amount was paid; but I am not certain.

Mr. LIPPITT. I should have made that statement, but I have not looked at it with care. It was not, of course, an important matter under present conditions and it occurred 20 years ago, and it has no bearing upon the present conditions of armor manufacture.

Mr. President, I was talking about the cost of a plant. I have been interrupted so much that I am not exactly sure whether I covered all the points I had in my mind to analyze, but if I have done so I have shown to the Senate that under the prices the present manufacturers have proposed to the Government for the supply, under the conditions that are likely to exist in the next four years, if the naval program is carried out, it is a price $30 less than they have been receiving for armor plate under the conditions of production that have recently existed, and they would make a profit, according to the sworn figures, of 7½ per cent in one method of figuring and of 8⅓ per cent in another way of figuring it.

I have shown that we have in this country armor plate of the very highest type sold to our Government at a materially less price than any other Government in the world is able to buy it for. I have shown that in this proposed Government plant for the purpose of building armor there is no indication of what it is going to cost; that it would be impossible for it to be produced within such time as would enable a vessel to be added to our Navy, at least within five years, and I believe it would be nearer seven.

I will close my remarks by simply adding to what I have already said the statement that it seems to me this bill is one of the most unwise and unnecessary from a business standpoint that I have ever seen presented to this body since I have been a member of it.

I do not believe that under the method proposed the Government would save any money at all. I believe that it would materially imperil the vital point in connection with this whole subject; and that is, the quality of our armor; that we now have plants the quality of whose product is unquestioned; that that is the vital point in connection with this whole matter, and not the question of whether armor plate costs a few dollars per ton more or less. I therefore hope the bill will fail.

APPENDIX 1.

[Senate Report No. 115, Sixty-fourth Congress, first session.]

MANUFACTURE OF ARMOR.

Mr. TILLMAN, from the Committee on Naval Affairs, submitted the following report, to accompany S. 1417:

The Committee on Naval Affairs, to whom was refererd the bill (S. 1417) to erect a factory for the manufacture of armor, having had the same under consideration, beg leave to report it with an amendment.

The relation of the United States Government to the armor-plate manufacturers has been a continual source of dissatisfaction to those Members of Congress who really do not believe in the doctrine of favoritism to special interests, or in the protective system at all, and a condition has existed little short of scandalous. From 1887, when Secretary Whitney made the first contract with the Bethlehem Co., to 1915, when Secretary Daniels refused to award any contracts at all, investigation has followed investigation without result.

The very nature of the armor-plate business makes such a condition inevitable. There is only one customer in the United States for the product—the Government—and the large capital required to found an armor plant excludes all but the largest concerns from the business.

There are only three manufacturers of armor plate in this country, and the result is either a monopoly or a combine of the worst type. None of the conditions that tend to check monopoly are present. The number of manufacturers is necessarily limited and the Government is compelled to buy their product, regardless of the price charged, because the law does not allow the Secretary of the Navy to go outside of this country to buy it. The manufacturers have no fear of private competition, for there is not sufficient demand for armor to justify the entrance of other parties. The economic principle which declares that to increase the price of a monopolistic product beyond a certain limit automatically decreases the demand for it does not obtain, because the United States Government is compelled to armor its vessels, regardless of cost. It is plain that Congress can pass as many laws as it chooses to pass and give the Secretary of the Navy as much discretion as he may ask without remedying the situation. As long as present conditions continue the armor manufacturers are in a position to force the United States Government, in the language of the highwayman, to "stand and deliver."

The committee has no desire to criticize unjustly the manufacturers of armor plate. They have done no more than most other men would have done under similar circumstances and temptations. Men in the pursuit of wealth are essentially greedy and hoggish; and the protective principle seems to have been prolific in producing some magnificent specimens. The main fact to be borne in mind is that they have more power than is compatible with the public interest. Give power to any set of men, however excellent and honorable, and sooner or later they will abuse it. Men have been built that way since the beginning of time.

The history of armor-plate making in America is interesting and significant in view of the foregoing observations.

The change from wooden ships to ships of iron and steel was authorized by the act of August 5, 1882, which orders—

"That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent of the estimated cost of a new ship of the same size and like material."

Secretary of the Navy W. E. Chandler really began the new Navy, for he made the contract with the John Roach Co. for the first four iron ships—the *Atlanta, Baltimore, Chicago,* and *Dolphin*. The *Dolphin* is still in active service as a dispatch boat, showing how thoroughly well it must have been built. It is now about 33 years old.

The next step was to get armor for these iron vessels. There was no armor being manufactured at all in the United States; the armor for the *Miantonomoh* having been imported from England at a cost of about $550 per ton. Secretary Whitney induced the Bethlehem Co. to enter upon the manufacture of armor, it having one of the largest iron plants in the country; and the price agreed on varied from five to six hundred dollars per ton. The Bethlehem Co. and the Cleveland Rolling Mill Co. were the only two concerns that bid at all. Whitney did not make a close or tight bargain, as he knew the company must necessarily be put to large expense, and he was willing to allow a liberal price on that account. He felt that it was desirable, if not absolutely necessary, that we should have armor manufacturers in the United States; and his successor, Mr. Tracy, felt that there should be more than one concern in the business, and he induced the Carnegie Steel Co. to enter it. There was a dispute with the Carnegie Co. about the price. Mr. Carnegie insisted he must receive the same price the Bethlehem people were getting or he would not touch it. Secretary Whitney further agreed for each pound of armor plate used he would set aside 2 cents to indemnify the company for any damages it might sustain for infringing on certain patents held by the Schneider Co. in France.

Having reason to believe the Carnegie and Bethlehem companies were in collusion or combination, Senator Chandler offered a resolution in the Senate instructing the committee as follows:

"To inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also whether any prices paid have been increased on account of patent processes used for the introduction of nickel, or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers of the Government were interested therein, or at the time when any contracts were made were or have since been interested in the patents or employed by the owners thereof; and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy."

This resolution passed the Senate on December 31, 1895, and under it the first senatorial investigation of armor was begun.

The first bill for the erection of an armor-plate factory was introduced on January 22, 1896, by Senator Smith, of New Jersey. This bill provided that the factory be erected in the city of Washington.

Secretary Herbert, on January 5, 1897, stated in reference to the Bethlehem plant, basing his estimates on data obtained from the company itself, that—

"Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, or whatever may have been interest on working capital, all those and other charges have been paid from the gross earnings of the company; and the results show the company's investments in the plant to make armor and gun steel for the Government have been returned with 22 per cent thereon."

According to Secretary Herbert, in seven years the plant had paid for itself and in addition had returned 22 per cent of itself, and practically the same statement was made of the Carnegie Co. These facts prove the assertion often made by Senator TILLMAN—that the Government had built the plants and then given them to those two companies.

Secretary Daniels, in his current report, states:

"Since the passage of the naval act of June 7, 1900, the Navy Department has spent $76,195,960 for armor for its ships. It is believed that if the intent of Congress to order the erection of a factory had been carried out at that time the Government would have saved enough money on armor plate to own a plant as large as that owned by all three of the private companies and in the meantime to have supplied the armor plate for its own ships at a less price than it has been compelled to pay."

The facts as brought out go to prove this beyond dispute.

In 1903 the Midvale Steel Co. entered the field, but its entry has made no material difference in the situation as to cost of armor to the Government. Of course they were lured by the hope of profit. Being skillful metallurgists and iron masters, just by walking through the Bethlehem and Carnegie works they could see that the profits were large. But that company did not build an armor plant until they had bid five times and were denied participation in the contracts because they did not have any plant in which to manufacture it. They had underbid the older companies, but the Government, for some unexplained reason, though ostensibly it was because the President or the Secretary of the Navy elected to believe that the new company could not build a plant and deliver the armor in accordance with their contract, gave the awards to Bethlehem and Carnegie.

Mr. Barba, then president of the Midvale Steel Co., stated to the Tillman committee that "I remember that our original bid contemplated beginning delivery in 26 months, during which time we hoped to be able to erect a plant that would enable us to begin delivery of the comparatively small sizes of armor which were required for the purposes of the Navy at that time." When Mr. Barba was asked, "Didn't you believe that Carnegie and Bethlehem had a good thing, and therefore you wanted to share in it?" answered, "Unquestionably." To show the bias of the Navy Department in favor of Carnegie and Bethlehem, Mr. Barba testified that the Midvale Co. received about one-third of the amount—16,000 tons—needed by the department, at $397 per ton, and two-thirds was given to the Carnegie and Bethlehem companies, at $450.60 per ton.

After having been turned down five times, the construction of a plant was begun by the Midvale Co. in 1903 and has progressed so far toward completion that the Secretary of the Navy awarded them a contract, they being the lowest bidder. So far so good; this was honest competition. But once in they were recognized by the old companies, who took them in partnership, as it were, for thereafter the price offered by each of the three did not materially vary.

The effort of the Government to obtain competition among armor makers had failed. It should be said to the credit of the Midvale Co., however, that they refused to pay a royalty to either Harvey or Krupp and defended a suit through all the courts up to the United States Supreme Court, which sustained their contention that they had done nothing for which to pay a royalty.

When the special committee, consisting of Senator TILLMAN, Congressman PADGETT, and Admiral Strauss, investigated the whole subject last year, that committee could not obtain any authoritative or reliable information whatever as to the cost of armor. There was every evidence of combination and collusion instead of competition, but no proof. But given three companies with a single fixed purchaser of their products, a consumer who is compelled to buy, and monopoly or combination, tacit or avowed, is certain to follow. The nature of the case excludes proof in a judicial sense of the term, but it invites an unerring moral conviction.

Secretary Daniels, in his last report and in his statement before the Senate Naval Committee, said the three bids in the last "competition" agreed to a cent.

The hearing before the committee brought out no new facts. The armor men of 1916 showed the same capacity for talking without saying anything as that exhibited so artistically by their brethren of earlier years. "The same talk of the 'value of trade secrets'; the same reluctance to talk cost of production; the same plea of having been encouraged by the Government to go into the business and the consequent unfairness of Government competition; the same inability to recognize them if such a quasi partnership as they claim exists between them and the Government they should, in all fairness, shoulder its liabilities as well as insist on its benefits; indeed, about the only material difference between the hearings of 1916 and those other numerous ones that have followed each other so regularly and so fruitlessly since 1895 is that of dates. To go into these reports would be a waste of time. They are published in pamphlet form and can be easily obtained by interested parties from the document room. The hearings before the Senate committee on this subject are also obtainable, as they have been printed."

It suffices to say that the committee is of the opinion that the Government has been charged unreasonable prices for its armor plate, and that the only remedy lies in the Government owning and operating a plant, as provided for in Senate bill 1417. Should the Government build it and then lock it up, and it never be used, it would be wise to erect it, as it would serve as a warning to private manufacturers that there is a point beyond which the Government will not be driven and where patience ceases to be a virtue.

The committee, therefore, by a vote of 9 to 3 of those present, ordered the bill reported favorably, and expresses the hope that it will soon become a law.

—

APPENDIX 2.

Foreign armor-plate contracts received by Bethlehem Steel Co.

Name of Government.	Date of contract.	Tonnage of armor.	Price per ton.
Russia	Dec. 16-28, 1894	1,115	$249 per ton for nickel steel or harveyized.
Do	May 15, 1895	224	Do.
Do	Nov. 27-Dec. 9, 1895	1,137	£107 per ton—approximately $524.
Italy [1]	July, 1911	2,050	$438.85 per ton.
Do.[1]	October, 1911	780	$426.50 per ton.
Japan [1]	May, 1912	25	£80 per ton—approximately $390. Comprising 3 plates only, to be tested with a view of securing an order if tests proved satisfactory.

[1] Foreign armor not manufactured under 8-hour law.

Mr. TILLMAN. Mr. President, it would be easy, I think, to show how much of misinformation, or lack of information, and how inconsequential and illogical is the speech to which we have just listened, but I do not propose to address myself to that at all. However, utilizing the liberality of the rules of the Senate, which permit a Senator to talk about anything he pleases if he has the floor, I propose to discuss another phase of the preparedness situation. It is of much importance to the Navy from a broad, national point of view.

Mr. President, for some reason—I do not know what, nor do I know why it is so—the Charleston Navy Yard for many years past has been a target for misrepresentation and falsehood. Its enemies have not hesitated to hire newspaper writers, writers in yellow journals and magazines, to flyblow and lie about it. Even friendly writers in magazines are sometimes careless in their statements. For instance, the current Leslie's Weekly, March 16, has specialized on Charleston, and its editor, F. J. Splitstone, has written very entertainingly, and evidently wanted to give Charleston a "fair deal." His article is finely illustrated, but under a photograph of the dry dock appears this: "The dock is not large enough for battleships and large cruisers but can take care of smaller craft." The fact is the dry dock can accommodate all battleships in the fleet now that are less than 545 feet long. This means any of the battleships we have or are building except the *Arkansas, Nevada, New York, Oklahoma, Pennsylvania, Texas, Wyoming, Arizona, California, Mississippi, Idaho, 43,* and *44*. Strenuous efforts are now being made and will continue to be made until the channel from the city to the navy yard is dredged sufficiently to permit any ships in our fleet to go there.

Had the Navy Department itself been friendly or even willing to be just to Charleston, the Cooper River would have been dredged out long ago and the yard made accessible to the whole fleet. The fleet can get into the harbor and up to the city now. It has been there twice within the last five years. The navy yard is 6 miles up the Cooper River, and there are two mud banks in the way which will not allow any of the larger battleships to reach it. The Army engineers estimate that for an expenditure of $175,000 only to dredge this mud out of the channel the entire battleship fleet now built and to be built can steam into the harbor at low water and go right on up to the navy yard itself. The letter from Admiral Benson, Chief of Operations, which I will read, emphasizes very strongly the almost vital necessity of having a dock accessible south of Hatteras; and Charleston's dock is already there, and it is the only one. This is Admiral Benson's letter, written to me three days ago:

NAVY DEPARTMENT,
Washington, March 10, 1916.

MY DEAR SENATOR: The only example that has so far occurred in the war now going on abroad which emphasizes the necessity of a dry dock in the vicinity of an action, by reason of serious injury to a vessel, is the case of the British battle cruiser *Lion*, which was injured in the Dogger Bank engagement between the British and the Germans in January, 1915. It is the general impression that had it been necessary to tow this vessel very much farther, it would have been impossible to save her.

This emphasizes the necessity of being able to reach a dry dock somewhere south of Hatteras, into which vessels could be towed and docked in the event of injury during an action in the waters to the southward of Cape Hatteras.

Sincerely, yours,

W. S. BENSON,
Chief of Naval Operations.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

Even in the Navy Department itself there is a great ignorance concerning the Charleston yard, and about the harbor, too. This, notwithstanding one Naval Board stated that Charleston was better than Port Royal, and urged the removal of the navy yard from Port Royal to Charleston; and another board of naval officers selected the site and planned the yard—not as a naval station but as a navy yard—and laid it out on broad national lines. Many naval officers are still of the opinion—because they have read it so often in northern papers—that Charleston has no harbor worth while, and that the navy yard is not accessible because the channel to it needs to be dredged. The entrance to the dock fills up, I know, because of the quantity of silt held in suspension in the water of Cooper River. They pooh-pooh and sneer at it because of ignorance of the facts. The expense of keeping the entrance to the dock open is as nothing compared to what has been expended on League Island Navy Yard and many other yards we have, and it is outrageous to have these falsehoods given continued circulation and not to have the naval officers themselves familiar with the exact status in regard to Charleston and the navy yard there. Some members of the House Committee on Naval Affairs are equally ignorant and indifferent.

I ask permission to have inserted without reading, in large type, the article I send to the desk. The fine type tries my eyes, as I know it does the eyes of everyone else. I always pass over that sort of matter in the RECORD if I can. I send the article to the desk.

Mr. GALLINGER. I will ask the Senator from South Carolina what he means by "large type"?

Mr. TILLMAN. I mean the same character of type in which the debates in the RECORD are printed.

Mr. GALLINGER. The ordinary RECORD type?

Mr. TILLMAN. The ordinary RECORD type.

Mr. GALLINGER. There will be no objection to that, of course.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

[Reprinted from Manufacturers' Record, Jan. 13, 1916, from address made before Southern Commercial Congress in Charleston on Dec. 14, 1915.]

THE CHARLESTON NAVY YARD IN CONNECTION WITH "PREPAREDNESS."

[By R. G. Rhett, Charleston, S. C.]

[The reasons why the present navy yard at Charleston, S. C., should be developed and why the limited amount of money needed for dredging to make the yard available for the largest ships should be promptly expended are set forth in a striking manner by Mr. Rhett in the article herewith. He gives the reasons for the building of the Charleston Navy Yard and convincingly states the necessity the Government is under to care for it. This is an article which should be read by every Member of Congress, as well as by every intelligent voter who wants to acquaint himself with the facts regarding an important branch of national preparedness, namely, the coast defenses of the United States.

Mr. R. G. Rhett is president of the People's National Bank of Charleston and one of the foremost business men of that city. He has been mayor of Charleston, and both in office and as a private citizen he has been unceasingly and extraordinarily energetic in working for the welfare and development of Charleston and his section of the South.—Editor Manufacturers' Record.]

"In the plans for preparedness which have been laid before Congress there has been one singular omission to which I wish to call attention. Provision has been made for more dreadnaughts, more battle cruisers, more submarines, and other vessels of war, but little attention has been paid to the bases from which these vessels are to operate, and to which they are to retire for refuge or repair in time of stress. A dreadnaught costs over $15,000,000—a dry dock less than $2,000,000. The loss of a dreadnaught could readily occur for the want of a dry dock at a convenient point on our coast. Have we ever considered where our naval conflicts are likely to occur and where our repair shops are most likely to be needed?

"The Atlantic coast of the United States is about 2,500 miles in extent, and midway projects Hatteras, one of the most dangerous capes known to navigation. On the northern half of this coast there are six navy yards; on the southern half there is but one, and that one does not even contain a crane of sufficient capacity to handle a modern turret gun, a modern Scotch marine boiler, nor a turbine for a dreadnaught. In fact, there is not such a crane anywhere on our coasts south of Hatteras. And yet if we ever do have a naval engagement it will most assuredly take place in the Caribbean Sea.

"Instead of developing the only yard south of Hatteras on the Atlantic coast, constant pressure has been brought to bear to close it or to confine its equipment and its operations to small craft. And both of our Gulf yards were actually closed altogether by ex-Secretary Meyer. One would suppose that the Potomac River was the southern boundary of the United States, and that the South Atlantic and Gulf coasts were foreign shores.

"We have built an interoceanic canal at an enormous cost in order that we may be able to transfer our fleet from one coast to another as military exigencies may require, and yet we persist in keeping that fleet bound to bases located just as far away from this canal as possible. Moreover, we are from time to time being advised by ex-Secretary Meyer, through magazines and papers, that the salvation of the country depends upon abandoning all naval bases south of Hatteras and holding the fleet assembled on the North Atlantic coast. Surely this is sectionalism run mad.

"The first essential requisite for a naval base, Mr. Meyer states, is a harbor which can accommodate a fleet, and he finds none on the Atlantic except Hampton Roads and Narragansett Bay. He disposes of the harbor of Charleston as if it could accommodate no battleships at all.

"In 1905 the coast squadron, under command of Admiral Dickens, spent the winter in Charleston Harbor, and took occasion to make a survey of its capacity for a fleet of battleships of the deepest draft then designed. His statement is as follows:

"'After entering the harbor 50 battleships, with 26-foot draft, can be anchored in Charleston Harbor at single anchor, 400 yards apart, with a scope of 45 fathoms of chain. Sixty-five battleships with the same draft and with the same scope of chain can be moored in Charleston Harbor 1,000 feet apart. Thirty-five battleships can be moored above the battery.'

"There is no difference in its capacity for battleships of 30-foot draft. In fact, the entire fleet of the United States and all the dreadnaughts it contemplates in the next few years could find shelter in Charleston Harbor, and yet it is dismissed from any consideration, because above the harbor proper—between the city and the yard—there was two shoals of 28 feet at high water. These could and should have been removed long since, but neither Secretary Meyer nor any of his predecessors have ever recommended their removal. The War Department reports that a high-water channel of 35 feet throughout can be obtained for $175,000. The naval board, which located the yard above the city, evidently did not contemplate the possibility that subsequent administrations could neglect to open the approach to the dock. The approaches to the Portsmouth dock cost $750,000, and those to the Philadelphia dock cost $1,500,000. Why should the approaches to the Charleston dock and yard, which cost nearly $5,000,000, be neglected?

"Are we in earnest in our desire to prepare for defense? If so, must it not be a defense of the Nation, and not of a section of the Nation—of all our coast, and not of a favored fraction of it? What matters it to the inhabitant of the Mississippi or Ohio Valley whether his fields are invaded via the shores of New England or the Carolinas or Louisiana? What matters it to an enemy whether our northern coasts are impregnable to attack if he finds our southern coasts without any protection at all?

"Much newspaper abuse has been heaped upon Secretary Daniels because he ventured to reopen the Gulf yards in a limited way. The criticism should be because he has not insisted that one great naval base, thoroughly equipped to handle all war vessels planned or planning, should be immediately installed on the South Atlantic coast and another on the Gulf coast. To do less than this is to make of naval preparedness a mockery.

"Some years ago Guantanamo, near the southeastern end of Cuba, was suggested as the naval base for the southern section of the United States by the General Board. It was not taken seriously except as the excuse for Secretary Meyer's closing the yards at Pensacola and New Orleans. A board of inspection subsequently declared the Guantanamo suggestion impracticable for a number of reasons. Indeed, a base in a foreign country to be reached only by water is a little fantastic. A squadron may well be bottled up there as Cervera was bottled up in Santiago. Communications may be cut off and the yard become a possession and an asset of the enemy. Indeed, Congress has never been quite ready to place Charleston, Pensacola, and Guantanamo in the same class, as some of our Secretaries would have it do. A main base for our fleet should be capable of protection even against a superior naval force and in close and certain connection with the military centers of the country.

"An article in Everybody's Magazine on navy yards and Army posts has been called to my attention, which is typical of the kind of stuff with which the public is being misled. It appeared in the November issue, and is an indiscriminate abuse of yards and posts and of the Senators and Congressmen supposed to be responsible for them. That with reference to the Charleston yard may be taken as a sample, viz:

"'Senator BENJAMIN R. TILLMAN lived in South Carolina, and before him Senator M. C. Butler. They were typical representatives of the spirit that demands a division of our fighting money by locality rather than the need for defense. Butler got a navy yard at Port Royal, S. C., that cost, including dredging, nearly $3,000,000; then it has to be abandoned for real navy-yard purposes. Ships couldn't get to it. Then Senator TILLMAN got a navy yard located at Charleston in shallow water, involving heavy cost for poor service. Five million dollars have gone into this yard. Shallow water or deep makes no difference to the men who profit by the naval money.'

"Preceding the above is the following statement:

"'From the standpoint of the present European war, however, naval authorities believe that we need a shore establishment pretty well scattered along our coast line. The great length of the coast and the new methods of fighting with small vessels make it necessary to have stations for manufacturing and repairing such craft and for patrol bases.'

"And yet he condemns out of hand the only yards along 1,200 miles of Atlantic coast most exposed to attack. The Port Royal Yard was located a great many years ago by a board of the Navy Department, headed by Admiral Porter—not by Senator Butler—and it was located there because it was the only deep-water harbor along that coast at the time. Since then vessels have been built of a size and draft far beyond the dream of our Navy men of that day, and the Government has spent many millions in deepening the harbors of the country to keep pace with the increasing draft of merchant vessels. Senator TILLMAN found a yard at Port Royal in his State, upon which he could not get the Navy Department to expend any money, because it was said not to be capable of the development nor to have the protection demanded by modern warfare. At the suggestion of Admiral M. T. Endicott, Chief of the Bureau of Yards and Docks of the Navy Department, Senator TILLMAN inserted a clause in the pending bill authorizing the Secretary of the Navy to appoint a board of naval experts to examine the harbor of Charleston and its vicinity, for the purpose of determining whether it would be advisable to transfer the yard to that port, taking into consideration the expenditures already made at Port Royal. The yard was located at Charleston, first, because the Chief of Yards and Docks of the Navy Department thought it ought to be there; next, because, after a thorough investigation, a board of naval experts, headed by Admiral Frederick Rodgers, found it to be the proper place for it; and, finally, because Secretary John D. Long, of Boston, ordered it to be done.

"Moreover, it was located by this board of naval experts, with the approval of Admiral Endicott and of Secretary Long, upon the Cooper River, where it now stands, and Senator TILLMAN had no more to do with its location there than did the author of this article. It will be a matter of some surprise to a great many people that the Chief of the Bureau of Yards and Docks of the Navy Department conceived Charleston to be the proper place for a yard, and actually suggested it to Senator TILLMAN, but it is a fact, and Admiral Endicott told it to me himself with a great deal of satisfaction.

"The Charleston Navy Yard was located on Cooper River, about 5 miles above the city, for the reason that it was beyond the reach of bombardment and the sweep of storms, while it had close connection with all railroad systems, ample yard room, and several miles of deep water front. The channel above the city is in one or two spots only 22½ feet at low water, which gives 28 feet at high water, but the cost of making this channel 35 feet at high water all the way to the navy yard—600 feet wide in straight stretches and 1,000 feet at curves—was estimated by the Army engineers to be less than $175,000, and was recommended to be done over six years ago. It can be done at any time in less than a year.

"As to the importance of a base on the South Atlantic coast, and incidentally of that base being Charleston, every commandant who has been in charge of the yard there has expressed himself freely. I quote from published articles of the last two:

"Admiral Helm says: 'During the last 12 years since the establishment of the navy yard at Charleston was first determined, the enterprise has come in for a vast deal of misrepresentation, and Senator TILLMAN, who has been its steadfast champion, has been roundly abused because of it. Nevertheless, even under hostile administrations, it has grown and expanded. The fact is, as all naval men recognize, that with the opening of the Panama Canal the Charleston Navy Yard becomes an invaluable asset of the Navy. The prime purpose of the canal is to afford a quick means of transferring our battleships from our Atlantic to our Pacific coast. The incomparable superiority of the Charleston Navy Yard lies in the fact that not only is it the nearest yard of first-class equipment to the Panama Canal, but it is the only yard south of Norfolk which is impregnable against an attack by sea. Charleston, although under seige throughout two great wars, has never been captured from the water. Its defenses to-day guarantee it against such a fate in future and make the Charleston Navy Yard, sheltered from storms and protected against any hostile fleet, the great strategic base from which any possible naval warfare of the future is most likely to be conducted.'

"Admiral Edwards says: 'It behooves the thoughtful and progressive officers of the Navy to give immediate, extended, and careful consideration concerning the possibilities of development of the Charleston (S. C.) naval station. Whether viewed from a financial, industrial, or strategic standpoint, the progressive, if not the rapid, development of this naval station intimately concerns the efficiency and operation of the fleet.

"'For military and strategic reasons it appears of paramount importance that there be developed on the Atlantic coast at some point south of Cape Hatteras a naval station capable of docking and repairing our largest and most important battleships. The protection of the Isthmian Canal, a project that involved an expenditure of about $400,000,000, combined with the

general existing belief upon the part of naval experts that if the fleet of the United States will ever be called upon to engage in battle, the contest will take place in the Caribbean, makes it a matter of importance to the efficiency of the fleet that there be developed on the mainland of the Atlantic coast, and independent of any projected outlying naval base, a first-class naval station.

"'The channel and harbor conditions of the Charleston Navy Yard, together with its industrial possibilities, appear to be measured by some of our naval experts from conditions existing about the period of the close of the Civil War. As evidence of the satisfactory existing character and extent of the channel conditions on the navy-yard water front, it is only necessary to state that the battleship *Connecticut* about two years ago, with packed bunkers and a full supply of ammunition and stores, made a complete turn in the channel in front of the navy yard and proceeded to sea without the aid of tugs.

"'The industrial and military possibilities of the Charleston (S. C.) Navy Yard should be specifically inquired into by the General Board, for it is quite certain that a personal inspection upon the part of the naval experts composing that board would place Charleston upon a plane that its importance deserves.

"'The fact that the American-Hawaiian Steamship Co. contemplates having its steamers leaving Puget Sound stop at San Francisco, Charleston, and Philadelphia on their regular trips to New York probably best tells of the growing importance of Charleston as a leading maritime port.'

"If it be admitted that a great naval base and yard ought to be established on this shore—and there should not be any difference of opinion on the subject—Charleston is not only ideally located for it, but it is the only port which is capable of serving this purpose. Not only is it the deepest harbor along the coast, but it is the only harbor with a broad landlocked bay in which a great fleet can assemble and lie at anchor; where natural defenses and fortifications make it impregnable to attack; where rail connection with the arsenals and vital centers of the country are short and numerous.

"The city is only 7½ miles from the ocean, to begin with, and the channel, lying for some distance between jetties, is easily mined, and is protected by numerous batteries along Sullivans Island, as well as by modern 12-inch guns at Fort Sumter. It is located directly north of the Panama Canal, from which its sailing distance is only 12 per cent greater than the sailing distance from New Orleans. It is only 500 miles from Washington, with two railway systems making a direct connection and a third—the Southern—an indirect connection. It has two rail connections with the West and two with the South. It has the only coal terminals on the coast, and is the distributing point for the Carolinas of both the Standard and the Texas Oil Cos. Its channel is not only now the deepest and straightest along the coast, but it practically maintains itself. In fact, there has been no work done upon it for something like 20 months. Moreover, it is capable of further deepening at a very small cost. The harbors south of Hatteras are here given, showing their depth at low water—rise of tide from 5 to 6 feet; their distance from the ocean; the expenditures upon them in the past 10 years; the tonnage of vessels entering each of them in these 10 years; and the appropriations proposed for the present year:

	Expended on harbor.	Number of ships.	Tonnage.	Mean low-water depth.	Distance from ocean.
				Feet.	*Miles*
Charleston	$665,226	9,281	17,491,750	28	7½
Savannah	3,115,501	8,212	19,140,550	24.2	26
Wilmington	2,277,978	2,717	3,335,601	26	30
Jacksonville	3,486,227	14,680	14,505,916	22.5	28
Brunswick	758,906	4,086	5,520,123	22	14.5
Georgetown	854,917	6,368	8,211,446	18	.....

In bill for present year.

Charleston	$80,000
Savannah	397,500
Wilmington	316,000
Jacksonville	300,000

"Five years ago the War Department recommended the deepening of the harbor to 30 feet at low water, at a cost of $350,000, but we have knocked at the door of Congress in vain for it. With the only navy yard and the only coaling station along this coast located in this harbor, there certainly should be no further delay in doing this inexpensive piece of harbor work, so that at all stages of the tide the largest of dreadnaughts may safely enter for docking and the largest of merchant ships may come in for coal. At a cost of less than one-half of the amount spent upon either of the ports of Wilmington, Savannah, or Jacksonville in the last 10 years we could have 35 feet at low water and 40 feet at high water, giving us a port unexcelled in this country from any standpoint.

"Writers and speakers have seized upon some statement showing that $5,000,000 has been expended upon the Charleston Yard, and that our larger battleships can not reach the dry dock, and have drawn the conclusion that the yard is useless; that the $5,000,000 has been thrown away; that the idea of establishing a naval base along this coast ought never to have been contemplated and ought now to be abandoned. It does not seem to occur to them that it may be wiser to spend $175,000 and save the $5,000,000 and, incidentally, the only naval base on this coast. It does not seem to occur to such writers that it might be well to look into the merits of the yard irrespective of how it has been established. It is fixed in their minds as a political plum of Senator TILLMAN'S, and it therefore stands condemned.

"As a matter of fact, it is not only a great strategic base, located by the Navy Department, but a most efficient industrial plant splendidly equipped, as far as it goes, and doing magnificent work. It has time and again underbid private yards, and has done the work for less than the bid. It should be thrown open to all our ships of war and be made a factory and repair shop for dreadnaughts and torpedo boats alike.

"Senator TILLMAN has been abused because he demanded for the South its slice of navy-yard 'pie'—to use their language and his. Let us see how large a slice this was in the last year of Secretary Meyer's administration:

Expenditures for 1912.

Portsmouth Yard		$2,106,541
Boston		4,047,111
New York		9,456,783
Philadelphia		3,257,223
Washington		7,201,538
Norfolk		4,533,805
Total North Atlantic coast		30,603,001
Charleston Yard	$720,792	
Port Royal	95,720	
Total South Atlantic coast (2 per cent)		816,512
Mare Island	4,586,974	
Puget Sound	3,217,919	
Total Pacific coast		7,804,893
Olongapo	920,736	
Cavite	619,592	
Total Philippine Islands		1,540,438
		40,764,734

"It may be interesting to note the progress in recent years. Expenditures at the Charleston yard in the last four years are as follows:

Total expenditures for labor and material.

1912	$720,792
1913	901,899
1914	1,144,952
1915	1,639,057

"In conclusion, let me repeat that if the underlying thought in our preparation for defense is the removal of all temptation for attack upon us, then we must plan a defense of the Nation as a whole, and not of a section of the Nation; we must have naval bases of the first class on our southern coasts as well as on our northern coasts; we must have coast fortifications that are properly equipped and properly manned south of Hatteras as well as north of Hatteras; our troops must be brought from interior points, where they are serving no purpose, and made to familiarize themselves with the topography and strategic points of all our coasts. If we do less than this, our so-called preparedness will not ward off, but will invite attack. If our policy of preparedness is to include a consideration for the political integrity and independence of our fellow Republics of this hemisphere, then it is still more imperative that we do not delay in the preparation of a great naval base on the South Atlantic and a great naval base on the Gulf, where our shores lie nearest to them.

"One objection has been urged with great force and effect against southern yards which deserves consideration, and that is the difficulty of securing sufficient skilled labor at short notice from adjacent industries for the repair of large ships. Of course this should have little weight in the scale with strategic exigencies from a military standpoint, especially as labor can be brought from the centers of mechanical industry in less than 24 hours. But as a matter of industrial economy the proper way to keep such a force on hand for emergency repair on large ships is to utilize these yards for shipbuilding. The climate is suitable, material and coal may be obtained by the Government at exceedingly favorable rates, and these yards can become economical shipbuilding plants for all kinds of vessels needed by

the Navy. The force steadily employed would thus be always at hand for emergencies.

"Can we not at this crisis view our problem of preparedness comprehensively and recognize the country south of the Potomac, as a part of the Nation which requires its protection and deserves its consideration in no less a degree than that lying behind the 1,200 miles of coast north of Hatteras?"

Mr. TILLMAN. That article goes fully into the facts about the Charleston Harbor and the Charleston Navy Yard, too; and I defy any man who has any care for his reputation for truth to disprove any assertion made by Mayor Rhett. It is a reprint from the Manufacturers' Record of January 13, 1916. Mr. Rhett shows conclusively the value of the Charleston Harbor as an asset to the United States Navy and how it has been discriminated against by the department itself in years past. Former Secretary of the Navy George von L. Meyer tried in every way possible to belittle and destroy the yard, and Congress, under the Republicans, cooperated with him most willingly—seemingly gladly.

One striking fact about Mr. Rhett's article is this: The expenditure for the six yards north of Hatteras in 1912 was $30,603,601; for the Charleston Yard, $720,792; and for Port Royal, $95,720; making $816,512 for those two—the only ones in the South. Port Royal is no longer maintained as a naval station. The Navy Department, under Secretary Daniels, has utilized the Government property and the durable buildings there as disciplinary barracks. If Mr. Meyer's policy had been continued, this valuable property, costing over a million dollars, would have gone to waste or been sold by him for a song like the floating dry dock at Pensacola.

With regard to that floating dry dock and what Secretary Meyer sold it for, I have just received a letter from the Secretary of the Navy giving full details officially from the records, which I ask to have inserted in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

THE SECRETARY OF THE NAVY,
Washington, March 20, 1916.

MY DEAR SENATOR TILLMAN: In response to your request for information concerning the history of the floating dry dock which was formerly stationed at Pensacola, Fla., I give you the following from the records of the department:

An act of Congress, June 7, 1900, authorized the purchase of this dry dock from the Government of Spain for a sum not to exceed $275,000. The dock was inspected by a board of officers in January, 1901, and in July, 1901, the purchase was effected, and title acquired in September, at a cost of $195,000, the dock being delivered to this Government at Habana, Cuba. It was at this time in need of extensive repairs. Certain necessary repairs were made at Habana to fit the dock for transfer to the United States, and in November, 1902, it was towed to the navy yard, Pensacola. Further repairs were made thereafter to fit the dock for service. The total expenditures were as follows:

Purchase	$195,000.00
Towage	35,000.00
Repairs	69,977.65
Turned into Treasury	22.35
	300,000.00

The Pensacola Navy Yard was closed, by order of Secretary Meyer, on October 20, 1911, and in February, 1912, the dry dock was advertised for sale. On March 11, 1912, bids were opened, as follows:

W. M. Evans, Mobile, Ala	$31,600
Ollinger-Bruck Dry Dock Co	31,000
James Shewan & Sons, New York	28,050
J. G. Hitner, Philadelphia, Pa	27,501
Boston Iron & Metal Co	26,100
New Orleans Dry Dock Co., New Orleans	25,100
Oliver Bros. Purchasing Co., New York	7,110
Saul Butter, Roxbury, Mass	5,100
Gulf Machine Works, Pensacola, Fla	5,000
Gregory Wrecking & Constructing Co., Perth Amboy	2,000

The dock was accordingly sold to W. M. Evans for $31,600. James Shewan & Sons, New York, purchased the dock from W. M. Evans at a figure reported to be between $40,000 and $50,000.

A month or six weeks ago I requested the commandant of the New York Navy Yard to ascertain the present condition of the dock, and was informed that its owners, James Shewan & Sons, reported it to be in almost daily operation. It would appear, therefore, that at the time of its sale the dock was competent to render valuable service, at least for many more years.

Sincerely, yours, JOSEPHUS DANIELS.

Hon. BENJAMIN R. TILLMAN,
United States Senate, Washington, D. C.

Mr. TILLMAN. Mr. President, the two Pacific coast yards, Mare Island and Puget Sound, got $7,804,893; the Philippines got $1,540,438. This makes a total of $40,765,444 for the United States naval stations altogether, and only $816,512 of that to be spent in the South. To me this smacks very loudly of sectionalism and favoritism—one or both.

Uncle Sam seemed, under Republicans, always to have money to take care of the Navy everywhere except south of Hatteras; yet the stretch of coast from Hatteras to Key West and from Key West to the mouth of the Rio Grande is more than 2,000 miles and has three or four good harbors. This whole subject of the neglect of the south Atlantic and Gulf coast by the Navy Department has been ably and fully treated in an article by Admiral John R. Edwards, which I had printed as a public document. Admiral Edwards is an accomplished engineer and his breadth of view and patriotic impulses led him to defend and champion the Charleston Harbor and the Charleston Navy Yard, as well as the Pensacola Navy Yard, along with other yards, because he feels that they are of vital importance to the healthy and permanent development of the United States Navy. He believes any scheme of preparedness which does not take these two yards into consideration is woefully lacking in breadth of view and farsightedness.

I feel that to neglect to equip these two yards as they should be under conditions as they now exist would be a crime and almost a calamity. It will naturally be believed and charged I am interested in Charleston only because it is in South Carolina. That statement has been made so often and so repeatedly I have gotten used to it; but I thank God I can look north of Mason and Dixon's line as well as south of it; and I am endeavoring, as chairman of the Naval Committee, as was proved by my works, to have the New York Navy Yard made accessible. I want to build an armor plant at Philadelphia, on League Island, because I believe it is the best place, and I shall vote for the new dock proposed for Norfolk. I am endeavoring now to have the navy yard at Bremerton fully equipped for building battleships, and I voted for and urged the equipment of Mare Island to build battleships. In the name of God, are men so narrow and selfish and so sectional that they can not forget the past and still want to cherish hatred of the South, and South Carolina in particular? Do we pay no taxes? I ask this question because I feel very strongly on this particular subject; but I do not believe very many, or any, Senators now entertain any such feeling.

The prevalent opinion about Charleston shows how hard it is for the truth to overtake a lie, and this lie seems to have more lives than a cat, because it has been proved a lie often enough to be regarded as one, at least, in the Navy Department.

I remember some years ago—in 1902 and 1903—I joined with Senator Hale and other members of the Naval Committee to have the rock at Hendersons Point, where the entrance to the Portsmouth Navy Yard is, blown out of the way, at a cost of $749,000. I want the Senator from New Hampshire to take notice of this.

Mr. GALLINGER. Mr. President, the Senator from New Hampshire introduced the amendment which resulted in the removal of that obstruction.

Mr. TILLMAN. I know that, and I joined with former Senator Hale in having it done. All three of us—Hale, GALLINGER, and I—were considering the good of the American Navy and not working for our respective States.

Mr. GALLINGER. Undoubtedly that is true, and I feel sure that former Senator Hale and the Senator from South Carolina joined the Senator from New Hampshire in working on that line.

Mr. TILLMAN. I know the Senator from New Hampshire is broad and liberal, that he is not at all sectional.

Mr. GALLINGER. That is true. The Senator from South Carolina has got that just right.

Mr. TILLMAN. Former Senator Hale was liberal enough and broad-minded enough to be willing to have a navy yard at Charleston and voted appropriations sufficient to develop it. Alas! old age has come on him, too, like it has on me, and he is no longer in the Senate. Republican though he was, and partisan in that respect, he could see, and did see, south of the Potomac River, while some men in and out of Congress have never been able to see farther in that direction, because South Carolina seceded in 1860. I am resolved to put the facts before the Senate and the country whether any of the Senators read them or not. Therefore I have asked to have printed in the RECORD the article to which I have referred, which Senators can read in the RECORD if they want to do so and if they desire to find out the truth. The truth about Charleston shall get into the RECORD, where it will permanently record the facts about the Charleston Harbor and the Charleston Navy Yard. If men will be little-minded, narrow, and sectional I can not help it. I thank the good Lord I am not built that way.

Mr. PITTMAN. Mr. President, the distinguished Senator from Massachusetts [Mr. LODGE], who is a member of the Committee on Naval Affairs, seemed to base his chief argument against this bill on the ground that it was going to destroy the private armor factories. I do not believe that any member of the committee who voted to report this bill favorably would have done so if he had believed that it would have resulted in the destruction of the armor plants under the conditions the Senator from Massachusetts has stated. While we desire to reduce the cost of armor, I think the chief object of this bill is to fur-

nish a reserve capacity, which may be used by this Government in the event of emergency.

Our present naval program calls for 24,000 tons of armor plate a year. The total capacity of the private factories in the United States to-day is only 30,000 tons. The testimony shows that a battleship requires about 8,500 tons. If that be true—and that was what the *Mississippi* required, and I believe that the other battleships are going to be larger—there will not be a sufficient armor capacity to supply an additional battleship. The question was asked Mr. Dinkey, when he was on the witness stand before the committee, If the naval program were doubled could the private institutions take care of the armor requirements, and he said, "No; not without enlarging their plants." I believe that the object of the Senate is to treat the armor plants just as we are treating the private shipyards—that is, to give them sufficient business to encourage them and keep them alive, so that we may have in this country a reserve capacity, and so that if there comes a great demand for a number of battleships we may be able to build them.

I was surprised that the distinguished Senator from Massachusetts should not consider a bill of this kind as a part of the preparedness program. He chided Congress; he chided the members of the committee on not taking up the naval bill. He said that what we should be considering is the building of battleships and not the destruction of private enterprise. Armor plate is absolutely essential to the building of battleships; you can no more increase the number of battleships without increasing the provisions for the manufacture of armor plate than you can increase the number of ships without shipyards. What we are faced with now is a lack of reserve capacity for armor plate—an absolute essential, as I have said, for battleships.

During the testimony, when Mr. Dinkey was attempting to excuse himself for not giving us publicly the facts with regard to the cost of production of armor plate, he said, "We can not make it public, because we do not want our competitors to know the cost." When he was asked who were his competitors and if there was any competition in the United States between these three manufacturing institutions, he said, "We do not want our competitors abroad to know the cost of this material," and yet no concern abroad can sell armor to us. There is no one who can supply our armor necessities except these three institutions. No one of them can supply it all. Even if one of them bids on all of the armor needed, it would have to divide it up amongst the other two. It is a natural monopoly. When Mr. Dinkey was answering questions along that line we asked him if he had any other market besides the United States, and he said yes; they did have some foreign business and they were expecting more. I asked him the question if Brazil and Argentina and Chile should see a necessity for preparedness as we see a necessity for preparedness, and they should place an order with the factories in this country equal to the amount contracted for by this Government, what would be done. He answered, "Of course we would recognize the Government first." What I am getting at is this: The testimony shows that there is going to be an increased demand for armor plate from other countries; in fact, every sign of the times would indicate to thinking men that all countries are going to find it necessary to move along the line of preparedness in proportion to each other. Would it not be to the interest of this Government, if these private institutions can get sufficient business from foreign countries to keep them in existence, at the same time itself to provide 20,000 tons capacity in addition? That is the idea I have, and that is what I want.

Suppose, for instance, that this Government should build a 20,000-ton plant and should run it half capacity. There would then be 12,000 tons left for the private plants. That would be as much as the private plants have had on the average since their existence. Mr. Grace testified that these plants had only been run at one-third capacity since their very existence. What has been the result? Orders requiring them to run at only one-third capacity have been sufficient to keep them in business. They are satisfied to continue in business if they get orders to fill that one-third capacity. Now, if we build a 20,000-ton plant and run it at half capacity and give contracts for the other half of the armor required under the proposed naval building program to the private institutions, they will then be receiving a greater patronage than they have received during any period of their history up to the present time.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. PITTMAN. I do.

Mr. LIPPITT. May I ask the Senator why he wants the Government to erect a 20,000-ton plant and run it on half time? Why not build a 10,000-ton plant, thereby saving half the money, and run it on full time?

Mr. PITTMAN. Because there may come a necessity for this Government to utilize 50,000 tons of armor plate a year. A battleship may be sent out to sea and destroyed in a second, and $15,000,000 or $20,000,000 is gone. In my opinion, if we built a plant of 20,000-ton capacity and were compelled to let it lie idle as a reserve to the armor-plate factories we have now, it would be a great insurance for this country.

Mr. LIPPITT. It would be what?

Mr. PITTMAN. A great insurance and a cheap insurance for this country. I think that if we should pay the interest upon $11,000,000, even if we allowed the plant to lie idle so as to keep the other plants going, it would be a cheap insurance, as it would make certain our ability to construct three or four additional battleships in case we require them.

Mr. LIPPITT. But, Mr. President, we have all the capacity we have ever needed, and more, too.

Mr. PITTMAN. Yes; we have all the capacity we have ever needed; but I do not think for one moment that the Senator will venture to say how long that capacity will be sufficient in the present condition of the world. England had all the capacity which she needed for 40 years; France had all the capacity she needed for 40 years; but that capacity was not sufficient when it came to the present European war.

Mr. LIPPITT. I will say that I do not think we would long have sufficient armor-making capacity if the Government built its own plant. I believe if the Government builds its own plant it will reduce the capacity of this country for making armor by 33⅓ per cent.

Mr. PITTMAN. That is the statement the Senator makes, and yet Mr. Grace, the president of the Bethlehem Steel Co., said in his testimony that he would continue to run on as they have been running on.

Mr. LIPPITT. Where does Mr. Grace say that?

Mr. PITTMAN. I will get it for the Senator.

Mr. LIPPITT. Mr. President, Mr. Grace was referring to conditions under which his plant is operating at the present time, when he has a large contract. He did not say that he would be satisfied to run as they have been running for the last 10 years, but just at present they have a large contract, as I understand. I do not think Mr. Grace ever made that statement, or if he did, that he ever contemplated it would be subject to the interpretation the Senator is putting on it.

Mr. PITTMAN. It may not be subject to that interpretation. However, I will call it to the attention of the Senator that the Senate may interpret it. The Bethlehem Co. has been manufacturing armor since 1887.

Mr. Grace testified as follows:

> With contracts of 3,280 tons, this would provide only $128,280.80 a year, or less than 1¾ per cent on the investment, without any consideration whatever for repayment of capital invested in the plant.

And yet since 1887 the Bethlehem Steel Co. armor plant has only received orders sufficient to run it practically at one-third capacity. The capacity of the Bethlehem Steel Co. is 12,000 tons.

Mr. LIPPITT. Yes; but it was not 12,000 tons in 1887.

Mr. PITTMAN. No; its capacity has been increased.

Mr. LIPPITT. It was increased about 1903 or 1904, I think——

Mr. PITTMAN. It was increased in 1902, I think. Up to that time its capacity was about 7,500 or 8,000 tons. Then the capacity of the plant was increased, and its capacity now, according to the testimony, is about 12,000 tons. Since 1902 up to the present time the average orders of that concern have been sufficient only to run it one-third capacity, but they have never shown any indication of a desire to go out of the business. Every time that the Government has attempted to provide a reserve capacity on its own behalf for building armor plate they have opposed it. They have opposed it for the same business reasons that the Senator from Rhode Island opposes it to-day. They have opposed it on the ground that private institutions were entitled to make a profit out of the manufacture of armor; but what I am getting at is that from 1902 to the present time they have run on one-third capacity.

Mr. LIPPITT. As I recall, Mr. Grace testified that if they had invested their money in 4 per cent bonds they would have been a great deal better off than they were after investing in an armor-plate factory.

Mr. PITTMAN. That is what he testified to.

Mr. LIPPITT. Under oath?

Mr. PITTMAN. Yes; and yet every time this Government has attempted to go into the business itself they have opposed it.

Mr. LIPPITT. Because the plant is there, and they could do nothing else with it.

Mr. PITTMAN. What I am getting at is this: If we should supply them with one-third of their capacity from now on, would they go out of business?

Mr. LIPPITT. I think they would.

Mr. PITTMAN. Why did they not go out of business from 1902 to the present time, then?

Mr. LIPPITT. Well, you know "hope springs eternal in the human breast," and I think they have felt all the time that some time or other they might do better; they might get more business; and they could not do anything else with their plant. But if the Government establishes the policy that instead of their having one-third of their plant running part of it will be reduced, I think the natural tendency will be for them to go out of business. I do not know what they would do, but I should think that would be the probable result.

Mr. PITTMAN. The Senator thinks, does he, that the probable result would be that they would go out of business when since 1902 they have kept in business on one-third of their capacity?

Mr. LIPPITT. But they did not have a Government plant to take their business away. They got all the business there was.

Mr. PITTMAN. Would it make any difference whether the Government plant was in existence or not, if they got the same amount of business upon which they have existed for 30 years?

Mr. LIPPITT. They would not get it.

Mr. PITTMAN. But the proposition is, if the Government gives them one-third of the orders, will it not keep them alive? I contend that it will keep them alive, because it has kept them alive in the past.

Mr. LIPPITT. But, Mr. President, if the Government gives to each of these three factories one-third of its business, what business is the Government plant going to do?

Mr. PITTMAN. I did not understand the Senator's question.

Mr. LIPPITT. The Senator asked me the question whether, in case the Government gives to the Bethlehem plant one-third of its business, the Bethlehem plant will be kept alive. I ask the Senator if the Government gives to each of these three manufacturers one-third of the business that is going, which amounts to the total, what will the Government plant do? Is that on the basis that he thinks it would be a good project to take fifteen or twenty million dollars of the people's money and put in a plant and then have it lie idle, and sell excursion tickets to go to it as a spectacle of the National Government's business acumen? I suppose they might make a little money in that way, but they would not make it in any other way.

Mr. PITTMAN. In questions of this kind I am not so used to dealing with money as is the Senator from Rhode Island. I am looking now at the question of preparedness. This is a question of patriotism. I can very readily see that a government could well invest $11,000,000 in insurance for the capacity to build battleships to defend its shores. I want to say to the Senator that the policy of this Government now with regard to the building of battleships contradicts the assertion of the Senator that there is any intention on the part of this Government of crushing and running out of business these armor plants. Has the Government shown any policy to drive out of business the private shipbuilding plants? Was it not testified in the hearings that the policy——

Mr. HARDING. Mr. President——

Mr. PITTMAN. Just a moment. Was it not testified in the hearings that it was the policy of the Government so to divide and scatter the ships between private yards and Government navy yards as to keep the private yards alive?

I now yield to the Senator from Ohio.

Mr. HARDING. I should like to ask the Senator from Nevada if he is not aware that the shipbuilding industry of this country has a line of customers outside of the United States Navy, while the armor plants can sell only to the United States Government?

Mr. PITTMAN. That is true; and yet have they not urged upon the Government to give them some of the business to help keep them alive?

Mr. HARDING. Well, it is perfectly natural, from their standpoint.

Mr. PITTMAN. That is true; it is perfectly natural; and has not the Government shown its policy by giving them some of that business, although they had outside business?

Mr. HARDING. That is true; but——

Mr. PITTMAN. Now, then, if the Government has shown that policy toward sustaining the private shipyards in this country, which really do not need help as much as these armor plants, why should the Senator say it has changed its policy with regard to these armor-plant factories?

Mr. HARDING. The Senator fails to make this distinction: A privately owned shipbuilding yard has a wide range of trade other than that of the United States Government, while the manufacturer of armor plate has no customer in the United States except the Government itself.

Mr. PITTMAN. But is it not a fact that, in spite of their wide field, they do come to the Secretary of the Navy and say to him, "You should divide these shipbuilding contracts with us under the theory that you should help keep us alive in case of emergency"? Is not that true?

Mr. HARDING. That is quite likely.

Mr. PITTMAN. That is true; but what has been the policy of the Government? The policy of the Government has been to divide the contracts between the Government yards and the private shipyards, for the very purpose of helping sustain these institutions; and there is no doubt that the same policy would exist with regard to these armor-plate factories. When we build a Government shipyard we do not build it for the purpose of driving out of business the private institutions. We build it for the purpose of having an increased capacity, of having a reserve force, and that is what we want with this armor plant. We want a reserve force back of it.

If there is a demand to double our program to-morrow, what position are we in? The present program calls for 24,000 tons of armor plate per annum, and yet we only have a capacity in this country of 30,000 tons. There is only a surplus to-day of 6,000 tons over the present program—not enough to build a battleship like the *Mississippi*. Our program is modest in the extreme. Everyone knows that. All of us know that conditions are rapidly changing, which indicate to our minds that perhaps there will be a demand for a larger naval program at least. If that demand comes; if, as has been stated by some of the greatest naval experts we have, as has been stated by some of the best statesmen in this country, we need a Navy equal to any in the world, where will we get the armor plate to protect these ships?

Mr. GALLINGER. Mr. President, on that point, if the Senator will permit me, the Senator does not believe that we are going to try to build the greatest navy in the world; and what information has the Senator that we are going to increase the number of our battleships this year over last year? If we have a surplus of 6,000 tons as the manufacturing establishments are to-day, private enterprise will enlarge those plants if it is necessary to make more armor plate.

Mr. PITTMAN. That is the exact question, Senator. It is a question whether we shall have our reserve capacity in the Government or in individuals. I think we should have the reserve capacity in the Government, for several reasons. One of the reasons, as stated by the Secretary of the Navy, is that we should give our naval experts, our ordnance men, an opportunity to study the manufacture of armor. The Senator from Rhode Island would have us believe that it is very difficult to find in the Navy experts who could conduct this work, and yet he forgets that harveyized steel was discovered in the navy yard at Washington. He forgets that 9 or 10 of our ordnance men have been taken right straight from the Navy and carried into the Bethlehem shops. He forgets that it has not been questioned by anybody that our naval ordnance men are equal to any. In fact, they are superior.

Now, the Secretary of the Navy has said that we ought to have a Government plant so that our naval experts may conduct their investigations and their studies, and attempt to improve the quality of our armor plate to meet the competition of the world in that line; further, that we should have a place where we could study the perfection of armor plate, and when we discover a process superior to another that we could at least keep that secret a part of the time. He testified in this matter that the Government was cooperating with private institutions in the manufacture of torpedoes, and discovered a process for making torpedoes superior to those made in foreign countries, and that the private institution attempted to sell some of those torpedoes to foreign countries so that they might study that new process and the secret of it; and it became necessary to go into the courts of the United States to enjoin that private institution from giving away the secrets of the manufacture of these torpedoes.

Those are things that must be considered in a matter of this kind. They seem very germane to a consideration of the question of preparedness.

There is another thing: Private institutions are not going to enlarge their present plants unless there is a guaranty and a contract to take up their increased capacity. I agree with the Senator from New Hampshire that we have not any information or any facts upon which we would be justified in entering into a contract for increased capacity, and therefore we can not expect these private institutions to do it. But while we may not have any facts or information, yet the precaution that is necessary to be exercised by the Government may warrant us in preparing

for something that may never happen, but we will be prepared for it in case it does happen.

It is said that we have no information to lead us to believe that there will be an increase. I admit that; yet if this country should become involved in war to-morrow, there would be a demand for a larger Navy, and in these perilous times none of us can take the responsibility of saying that our Nation is entirely free from all danger of being involved in a war. Our whole scheme of preparedness, the increase of our Army, the increase of our Navy, is not dependent upon any conditions of war now. It is not dependent upon any threats of war now. It is dependent upon a world condition—a world condition that has suddenly come upon us that causes us to prepare for any eventuality. For that reason we must have a reserve capacity.

Mr. GALLINGER. Mr. President, of course the Senator joins with me in the hope that war may not overtake us, and neither the Senator nor I believes that it will; but if it should, has the Senator observed that during the almost two years of frightful war in Europe no battleship has participated in any contest—not one?

Mr. PITTMAN. And I have observed during all that time that England, while supposedly being defeated, has been the most prosperous country in Europe. I have seen England's commerce practically undisturbed, and I have not heard of a foreign foe setting his foot upon England's soil, by reason of the dominant power of the British Navy.

Mr. GALLINGER. Very true.

Mr. PITTMAN. I was asked a while ago by the distinguished Senator whether I hoped ever to see the Navy of this country equal to any in the world. I do; and I trust that does not constitute me a militarist. I care very little for the enlargement of the Army. I can conceive of no American expeditionary force of which I would want to be a supporter. I would not want to send a soldier outside of this country if I could help it; but I would like a Navy that would keep any foe off our soil and at the same time protect our commerce on every sea in the world, just the same as Great Britain is protected to-day.

Mr. GALLINGER. Mr. President, I am rather surprised at the suggestion of the Senator that he expects to see our Navy the greatest in the world. If England should stop building ships of war at the present time, it would take us about 10 years to catch up to her; and what is England going to be doing while we are building battleships and other ships of war? I think it is absolutely a dream that we are ever going to have the greatest Navy in the world.

Mr. PITTMAN. I will say to the Senator that this Nation will be in existence 10 years from now, and very probably thousands of years from now.

Mr. GALLINGER. Yes.

Mr. PITTMAN. Great Britain has not the potentialities of wealth and power that this country has. It has not the constituency of its people, it has not the isolation, that this country has. I believe, with the commerce this country is destined to have, with a wealth greater than that of any country in the world, that the natural tendency of things is that this country shall eventually be able to match any navy in the world in the protection of that commerce upon the high seas and protecting its shores against invasion. I do not know when it will come.

Mr. GALLINGER. Well, Mr. President, that may be so, but it is a dream.

Mr. PITTMAN. It may be a dream, but I can not see why we can not have a pleasant dream. I can not see why we have got to be constantly at the mercy of any foreign navy. I hope the time will come, and I believe it will, when the Navy of this country will be the great peace-deciding factor of the world.

I will digress just a few minutes on that line, if the Senate will pardon me. I can not to save my life see how at the present time there can possibly be any settlement of great international disputes through a court of arbitration. I firmly believed in it prior to the beginning of this war. I should like to believe in it now, but when I see a terrific war, like the present one, for causes that seem trivial to me; when I see a war like that with no apparent effort on the part of the warring factions to settle the dispute peaceably; when I see them fail to go to The Hague or to appeal to the neutral nations, I can not have much hope. I have always believed that the fights of nations could be settled, like the disputes of individuals, by a court, and it can be done among people of the same race, but where you have racial hatred, where you have racial suspicion, where you have men chafing under ancient wrongs, when they have no confidence in the word or the honor of another race, then there is nothing upon which to found a court. No court can have any existence through any authority unless the people that create it and who will be bound by its rules have confidence in the integrity of that court.

I believe now that the thing that kept Europe out of war for 40 years and that will some day practically eternally keep it out of war is the influence and the power of this Government. War did not happen in Europe for 40 years, not because they did not dislike each other, not because they did not have the same grievances during those 40 years that they had the day the war commenced, but because they did not know where lay the balance of power. When they believed that the balance of power had shifted from one side to another they went at each other's throats. But if this country of ours had had a navy of sufficient magnitude to have been a world power, and it had intimated to every one of those threatening, warring factions that this country could not avoid the effect of a great European war, and that it could not sit idly by and see that war commence without being considered in it; if it had made representations of that character and had had the power to back them up there would have been at least a pause. Neither one of those great warring factions, in my opinion, would have thought for a moment of entering into that contest with the fear that the balance of power might be thrown against it, whether it be physically or morally.

Mr. GALLINGER. Mr. President, I am afraid if our country had had the power and had taken that attitude we would have been engaged in some entangling alliance with foreign powers, contrary to George Washington's admonition. Does the Senator really think that, under any conditions, this great neutral Nation could have interfered in that conflict in Europe?

Mr. PITTMAN. I do not think this Nation would have had to interfere, and I would not have advised this Nation to interfere. I have not taken that position at all. I take the opposite position—that we have no right to interfere. I have always held that we had no right to interfere by reason of the invasion of Belgium, as was urged by one of the distinguished statesmen of this country. I still contend it. What I believe is that the moral force of a great, powerful nation will be felt in the future, and that it is probably being felt now; and that is the force I wish to exert. How difficult it is even to exert a moral force, how difficult it is to make a demand for your rights, to protest against wrong, if you have not the power to stand on those rights and defend them!

This question of an armor-plate factory, in my opinion, is a part of the naval preparedness scheme. I felt at the time that it should have come in with the naval bill. It is just as important as it is to build up shipyards in this country.

We are now appropriating millions of dollars, for what purpose? For the purpose of building up shipyards in this country; for the purpose of placing them in a position where they can build battleships. Why? Why, it is for the future. It is looking to the future. It is looking to the growth of this country. It is looking to a change of conditions; and yet, when we say that we will create a reserve capacity of a 20,000-ton plant for armor, we are met with the argument that we are attempting to destroy individual business!

Is there any distinction between building this armor plant by the Government and building ships in Government shipyards? Is there any distinction between building this Government armor plant and building powder factories? Why, this is not Government ownership. The Government is not invading some other business. The Government is simply taking care of its own business.

Is any man expected to hire a carpenter to build his house if he is capable of building it himself? If the Government were invading some business not essentially governmental, you might raise the objection of interfering with private enterprise. As far as interfering with private enterprise is concerned, if it were not necessary to maintain the present private enterprise as a reserve capacity I would not consider it for a moment; but I contend that it is the policy of this Government to preserve, rather than to destroy, those factories. I think that if you should take a poll of the Senate to-day, or of the whole Congress, you would find that 90 per cent of the Members would say to you: "No; we have no intention of destroying those private plants. We want them in existence, so that we can use them when we need them." I think the action of this Government with regard to the shipbuilding plants is evidence of that.

I want to say that I would rather see this plant built and lie idle than not to have it at all. As I said before, I can not conceive of a worse position for this country to be in than if it became necessary to double our building program and have nowhere to get the armor plate for our vessels. We could not expect to get it abroad—not under the present existing condition of things abroad—and yet we will only have to increase our program a very little to get beyond the capacity of our private institutions, and those private institutions will not create a

reserve unused capacity. We can not blame them for not doing it; but if we wanted to, we could build a 20,000-ton plant, and we could divide the business, and then those plants could be getting just as much as they have gotten since they were brought into existence. They did not stop in the past, and if they get that amount of work they will not stop in the future. Why? Because, as the Senator from Rhode Island says, "Hope springs eternal"; and, as was testified by Mr. Dinkey, they are seeking foreign business. They have already built one vessel for Argentina. They have some orders there. They have orders now.

If we supply them with the one-third of their capacity, which has been keeping them running for years, and they develop business in South America or develop business in Italy or somewhere else, and through private orders keep those great factories running, and we can run our Government factory as well, then, in case of emergency, instead of having only 30,000 tons capacity we will have 50,000 tons capacity; and I do not believe there is anyone here but that believes this country should have 50,000 tons capacity for the Navy at the present time.

Those are the questions. Now, then, as to the question of cost: I think this question of cost is so insignificant by comparison with the question of preparedness that I am not going to give much time to it. I think the great question is that which I have attempted to discuss. Those are the considerations that appeal to me. I want to say, however, that the record shows that the Government experts and the experts for the private factories have agreed that $262 per ton is approximately a correct manufacturing cost for armor plate, and to that the private institutions add other characters of costs. They add costs for administrative and general expenses amounting to $10 a ton. They add taxes and insurance amounting to $4.50 a ton. They add interest at 5 per cent on $7,100,000, in the case of the Bethlehem plant, amounting to $35 a ton. They add interest at 5 per cent on $500,000 working capital, amounting to $2.50 a ton. They make a total cost of $315 a ton working full capacity. They make a total cost of $499.89 working one-third capacity.

What does that mean? The manufacturing cost is definitely agreed on. That is $262.79. The only dispute is as to the costs involved in interest, taxes, insurance, and what they term general and administrative expenses.

Mr. OLIVER. Mr. President, will the Senator yield to me for a question?

Mr. PITTMAN. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I should like to ask the Senator if he has ever had any experience in operating a manufacturing plant of any kind?

Mr. PITTMAN. No; I can not say that I have. I should like to know whether the Senator from Pennsylvania has ever had any experience in operating an armor plant?

Mr. OLIVER. I have had no experience in operating an armor plant, but I have——

Mr. PITTMAN. Well, we were led by the evidence to believe that there was a great distinction between armor plants and other factories.

Mr. OLIVER. There is, of course, a great difference between operating an armor plant and another plant; but this principle applies to all plants: That the difference in manufacturing cost—not simply the general cost, but the manufacturing cost alone—between the operation of any plant of any kind, running full and running two-thirds full or one-third full, is so enormous that really, when the figures are placed before a person not familiar with such operations, the difference is staggering. I know, because I have had experience both ways and in both cases. I refer to the manufacturing cost alone.

Mr. PITTMAN. I understand when a manufacturer engaged in one business has to close down one-half of the time or two-thirds of the time there is a fixed charge or expense added. But here is an enterprise which is only 3 per cent of the entire manufacturing business. This armor plant is only 3 per cent of the Bethlehem steel plant. Consequently, if you shut down two-thirds of the time 3 per cent of the business and the rest is running on continually, it makes a difference.

Mr. OLIVER. But it makes the same difference in the manufacturing cost of that 3 per cent.

Mr. PITTMAN. Now, to show you why we can not accept those figures as to running one-third capacity, the Bethlehem Steel Co. state that, running one-third capacity, they should have received $499.89 to make the interest on the investment, and yet they got only $425 for the product. Are we as reasonable men to accept such statement?

Mr. OLIVER. If the Senator will again allow me to interrupt him, I will say that while I am not responsible for those figures the gentlemen who submitted those figures are reputable gentlemen, and they were under oath, notwithstanding the fact that the chairman of the committee told one of them he did not believe what he was saying. I will say that I know one of the gentlemen, and I would believe anything he would say at any time under any circumstances.

Mr. PITTMAN. The only person I have heard refer to the question of honesty of any of the witnesses has been on the other side. I certainly did not question the honesty or integrity of any one of the witnesses.

Mr. OLIVER. I am referring to what the chairman of the committee said to Mr. Dinky when Mr. Dinky was on the stand.

Mr. PITTMAN. The Senator is a lawyer and understands there is a difference between the testimony of a witness as to a conclusion and his testimony as to facts which constitute a conclusion or from which to arrive at a conclusion. They testified that in their opinion the estimate they gave for general expenses was fair. I am not questioning but that they believed it, but how can we tell whether the estimates for general expenses were fair, when those general expenses included the salaries of president, vice president, treasurer, and secretary, and we do not know what those salaries are?

Mr. OLIVER. All you have is the word under oath of these gentlemen.

Mr. PITTMAN. We have their word.

Mr. OLIVER. I will say that I believe it.

Mr. PITTMAN. Yes; we have the word of those gentlemen that in their opinion these things are reasonable, but we have no way of determining whether their prices are right or wrong.

I ask leave to place in the RECORD Exhibit C of the hearings. I will not take time to read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

EXHIBIT C.

COST OF PRODUCING ARMOR PLATE UNDER VARIOUS CONDITIONS.

The production cost of armor with shop operating at full capacity has been determined as follows:

Report of Niles Board, House Document No. 193, Fifty-ninth Congress, second session, $244.27 per ton:

Report of Tillman Board, House Document No. 1620, Sixty-third Congress, third session, $262.79 per ton.

(The later report reflects advances in cost of labor and material and is quite consistent with the earlier report, considering the differences in the dates at which they were made.)

With plant operating at less than full capacity, the Niles Board found that the cost would be increased as follows:

Plant operating at half capacity, cost would be increased 20 per cent.

Plant operating at one-third capacity, cost would be increased 30 per cent.

These reports give mere shop cost and do not contain many items that enter into the actual total cost, such as administrative and general expense, insurance and taxes, interest on plant investment and working capital, etc., and in the following tabulation is shown the effect of the addition of some of these very real and important items. The depreciation of the plant, although a real addition to cost, is not included below, as it is shown that prices actually received by the manufacturers have not been sufficient to allow anything for this purpose.

1	2	3	4
	Cost per ton with plant provided with sufficient contract tonnage to operate at full capacity (10,000 tons). (This is a condition that has never been maintained.)	Cost per ton with plant provided with only sufficient tonnage to operate at one-third capacity. (This approximately represents actual average conditions that have obtained.)	Cost per ton with plant provided with sufficient tonnage to operate at two-thirds capacity. (This condition might obtain as a result of the proposed 5-year program.)
Production cost, plant operating at full capacity (Tillman report)	$262.79	$262.79	$262.79
Add for plant operating one-third capacity 30 per cent (Niles report)	.....	79.60	.....
Add for plant operating two-thirds capacity, 10 per cent (taken proportionately from Niles report figures)	.....	.....	26.28
Total production cost	262.79	342.39	289.07
Administrative and general expense ($100,000 per year)	10.00	30.00	15.00
Taxes and insurance ($45,000 per year)	4.50	13.50	6.75
Interest at only 5 per cent on $7,100,000 plant ($355,000 per year)	35.50	106.50	53.25
Interest at only 5 per cent on $500,000 working capital ($25,000 per year)	2.50	7.50	3.75
Total	315.29	499.89	367.82

If the contracts awarded in the future should be in the same average quantities as in the past—namely, 3,280 tons per year, or about one-third our plant capacity—the present price of $425 per ton would provide as follows:

		Per ton.
Contract price		$425.00
Less—		
Production cost (column No. 3)	$342.39	
Administrative and general (column No. 3)	30.00	
Taxes and insurance (column No. 3)	13.50	
		385.89
Leaving for interest on investment		39.11

With contracts for 3,280 tons, this would provide only $128,280.80 per year, or less than 1¼ per cent on the investment without any provision whatever for repayment of the capital invested in the plant when it may have to be abandoned, owing to the building of a Government plant or some radical change in the method of manufacture.

Mr. PITTMAN. Now, we come down to the question of costs to them. It is agreed that the manufacturing cost was $262.79 a ton. The only thing for the Government to determine is the overhead cost. We can not find out what the administrative cost of those works are, but we do know what the cost of the administrative work of the Government will be. We know that we have three experts to-day who are constantly in those three plants watching the manufacture of that armor plate. Those three men might just as well be in a Government armor-plate factory, or at least some of them. We have two other experts who are constantly testing this steel to see whether it is up to the specifications. They might just as well be testing that in a Government plant.

Senators speak about the secrets of this industry. The composition of Krupp steel is known to everyone. It is true that the physical process of melting it and heating it and transferring it requires skill, and yet the men who have that skill are not receiving over $5,000 or $6,000 a year.

When you come down to it, it is simply this: We have Army officers who are experts in this line. They are being paid by the Government, and in time of peace it seems to me that it would benefit not only those Army officers, it would benefit this whole country if these men could be engaged in a scientific work, looking to building up the Navy, which would protect them and this country in time of war.

Mr. PENROSE. Will the Senator permit me?

Mr. PITTMAN. Certainly.

Mr. PENROSE. Can the Senator name a single officer of the Army who is an expert in the manufacture of armor plate?

Mr. PITTMAN. No.

Mr. PENROSE. Or of the Navy, either?

Mr. PITTMAN. No; I can not.

Mr. PENROSE. I understood the Senator to state that the Government had Army officers—I suppose he meant Navy officers, but that inaccuracy is not unusual in discussing armor-plate questions—who are experts in this line. Now, can the Senator name a single officer in the Navy or the Army who is an expert in any process connected with armor-plate manufacture?

Mr. PITTMAN. No; there is not.

Mr. PENROSE. Then the Senator's statement was not entirely correct.

Mr. PITTMAN. I think the Senator misunderstood me. I said we had expert ordnance men and scientific experts.

Mr. PENROSE. I did not understand the Senator to use the word "ordnance." That, of course, is an entirely different industry.

Mr. PITTMAN. We have experts who are familiar with the industry to this extent——

Mr. PENROSE. There is as much difference between——

Mr. PITTMAN. Pardon me, until I finish the answer.

Mr. PENROSE. I beg the Senator's pardon.

Mr. PITTMAN. We have naval officers who are supposed to be sufficiently expert.

Mr. PENROSE. In what?

Mr. PITTMAN. I have no doubt that they are sufficiently expert to be placed in the armor-plate factories to watch and see that that work is done according to specifications. We have experts who have sufficient knowledge to inspect that work and determine whether or not it is up to the standard.

Mr. PENROSE. Will the Senator mention a single officer in the Navy who is qualified or who pretends to be qualified to manufacture armor plate?

Mr. PITTMAN. No; nor were there any experts in the Bethlehem Steel Co. until they started in to manufacture; nor was there any expert in the Midvale Co. until they started to manufacture armor plate. There was not an expert in the Carnegie plant until they started to manufacture, but when they got ready to manufacture they had no trouble in getting them. As a matter of fact, they have been getting most of them from the Navy and training them.

Mr. PENROSE. Will the Senator permit me? These private manufacturers spent millions of dollars in experimenting; they spent many thousands of dollars in sending men to Europe to foreign establishments to learn the art. If the Government wants to take 30 years to develop men, and these men have been developed in 20 or 30 years, and spend a million dollars, we are so far apart it is hardly worth while to argue the question. But the Senator spoke about experts, and I challenge him to name a single officer of the Army or Navy who is qualified in the opinion of any sane man and fitted to superintend the manufacture of armor plate.

Mr. PITTMAN. I do not mean to say upon the institution of this work we could lay our hands on the naval officer who would be able to take charge of it. In the hearing, as the Senator will recollect, when this very matter came up it was suggested that we would probably employ private men from those very institutions and put them on this work. But that makes no difference. It will take four years, as the Senator says, to have this plant completed. Other witnesses testified various times less than four years. It costs the Government some money to educate its Navy officers as experts in any line, but that is to the benefit of this Government. We should start educating them. The Senator says the more we depend upon these private institutions the better it will be for the Government. According to the Senator, if these men should decide not to manufacture armor plate at all this Government would be absolutely helpless, because we could not get men of ability to attend to it.

The situation is simply this: This Government would not have the same overhead expenditures as private institutions, because it would not have a president receiving $100,000; it would not have a vice president, receiving probably $50,000 a year; it would not have a treasurer, receiving $25,000 a year; and it would not have great bonuses given to its officers. While the salary, for instance, of an officer may be $70,000 or $25,000, according to the public statements the various managers of these plants have been enjoying large bonuses in addition to salaries.

Mr. OLIVER. Will the Senator allow me?

Mr. PITTMAN. I yield.

Mr. OLIVER. I will just remark that the Senator is doing a great deal of the same kind of guessing the committee has done in its report. It is all guesswork.

Mr. PITTMAN. I notice the Senator never objects to any guessing, provided it is on his side. They have done a great deal of guessing this morning, and I think the Senator is very much interested in the preservation of the enormous business in Pennsylvania. I thoroughly sympathize with the Senator in his desire to get as much business for the State of Pennsylvania as he possibly can. I would agree with him if there were not a higher motive on the other side of the question. I think the patriotism of the country is a little superior to personal prosperity.

Mr. President, that is all I have to say on the subject at this time.

Mr. HITCHCOCK. Mr. President, I desire to state in a few words why I support this bill. It is a bill which proposes to appropriate $11,000,000 for the construction of an armor plant or for the purchase of existing armor plants in carrying out a project which has been in the public mind for a good many years and the wisdom of which Congress has on numerous occasions seriously considered.

Mr. President, the arguments in favor of this enterprise, to my mind, are, first, economy. If anything were needed to demonstrate that the Government of the United States possesses the capacity and efficiency to manufacture the things that it requires, that demonstration was conclusively made in the case of powder. At the time when the discussion first arose whether or not the Government of the United States should undertake to manufacture its own powder for the Army and Navy we were pay 80 cents or more a pound for powder, and when the proposition was advanced for appropriating money and building a powder plant it was argued against that, just as it was argued here to-day, that the Government of the United States could not successfully compete with private manufacturers in the manufacture of powder. It was argued then, as it has been argued to-day, that it was unfair for the Government of the United States to manufacture its own powder and that it should continue to buy the powder from the private manufacturers at such prices as they chose to charge.

Mr. President, our experience in the manufacture of powder has been a conclusive answer to both these arguments. When the Navy plant was established at Indianhead and the Army plant was established, as I recall it, in New Jersey, there began an immediate reduction in the price of powder the private or-

ganization offered the Government. It went down from 80 cents to 75 cents, and from 75 cents to 70 cents, and from 70 cents to 65 cents, and from 65 cents to 60 cents, and now the price is materially below that figure—exactly where, I do not know—and the Government manufacture has advanced from year to year, until this year we will manufacture at the Indianhead powder plant for the Navy approximately 5,000,000 pounds of powder, and we will manufacture in the plant for the Army in New Jersey all the powder required for the Army. At what price? The report of the Secretary of War and the report of the Secretary of the Navy show that the cost to the Government of the United States, even including interest on the plant, is only 34 cents per pound.

Mr. President, I maintain that is a conclusive demonstration that the Government of the United States is capable of manufacturing efficiently and economically the things which it requires.

Mr. President, the making of war is a Government business. It ought only to be undertaken when the interests of the Nation require it. We should not permit in the United States any great private institutions to grow up whose prosperity and welfare depend upon the making of war. We want no plutocrats in the United States. If we make the Government of the United States dependent upon private institutions for the manufacture of powder and shot and shell and armor plate, we may be sure that a great interest will grow up, as indeed it has grown up, whose object and desire and whose dividends depend upon war and the preparation for war.

Whenever the subject of preparedness comes up, as it is up at the present time, we will find those great interests with the powerful, wealthy concerns behind them, the great and distinguished stockholders, worth their millions, sitting in high business and social places, using their great influence personally and through the newspapers of the country to compel Congress to go to an extreme in preparing for war.

So, Mr. President, I say that the business of making war being a national business, it ought to be the policy of this country to eliminate from it those great interests of the country whose natural selfishness and whose great power will permit them to influence the Government of the United States in the important matter of war or peace.

Mr. WADSWORTH. Will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. WADSWORTH. Do I understand the Senator from Nebraska to say that this bill is for the purpose of eliminating the private manufacturer?

Mr. HITCHCOCK. I beg pardon.

Mr. WADSWORTH. In view of the remark just made by the Senator from Nebraska, do I understand that it is the purpose of the bill to eliminate the private manufacturer of armor plate?

Mr. HITCHCOCK. This bill will be a beginning, Mr. President. It will not be the last chapter written in that story, but it will be a beginning, just as the construction of powder plants at Indianhead and in New Jersey constituted a beginning in the manufacture of powder.

We have had very interesting reasons offered here to-day why this should not be done and very contradictory reasons to-day and on other days. One Senator argues that it should not be done because the armor plate will cost us more than we can purchase it for at private armor institutions. Another says when these private concerns have grown up here and waxed fat and mighty in selling the armor plate to the Government of the United States, what an injustice to deprive them of their lucrative business. I do not know which Senator is right, and I do not care, but as long as the making of war remains a national business we have a right to nationalize the manufacture which is essential to the making of war.

Mr. GALLINGER. Mr. President, I am interested in that phase of the Senator's discussion. After we have this armor-plate plant, would the Senator have a plant to manufacture rifles and sabers and the various accouterments of war, saddles for the Cavalry, and all that?

Mr. HITCHCOCK. I am rather surprised at the question of the Senator from New Hampshire, because we already have very much of that sort in the Army.

Mr. GALLINGER. We are doing very little of it.

Mr. HITCHCOCK. Oh, we are doing quite a good deal.

Mr. GALLINGER. Not a great deal.

Mr. HITCHCOCK. I shall not take time to read it; but I have a letter from the former Secretary of War, which I shall ask leave to insert in my remarks without reading, which shows that a very large amount of manufacture is now going on, and successfully going on, in the Army.

The VICE PRESIDENT. If there be no objection, permission to insert the letter is granted.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, December 15, 1915.

Hon. GILBERT M. HITCHCOCK,
United States Senate.

MY DEAR MR. HITCHCOCK: I take pleasure in furnishing you with the information requested in your letter of December 11, 1915 (O. O. file 635.1/2).

There are two Government powder plants—one controlled by the War Department and located at Picatinny Arsenal, Dover, N. J., and the other controlled by the Navy Department and located at Indianhead, Md. All the smokeless powder now being procured by the Army is being manufactured at Picatinny Arsenal, and the output of that establishment for the fiscal year ending June 30, 1915, was 1,285,000 pounds.

The number of employees on June 30, 1914, was 457, and on June 30, 1915, 373. The factory cost, which includes certain overhead charges only, was approximately 32½ cents per pound for cannon powder and 41½ cents per pound for caliber .30 powder. Including all overhead charges—which can not cover all the overheads to which a private manufacturer is subject and which, of course, include no profit—these figures are 39 cents and 48 cents, respectively.

As stated above, no smokeless powder is being bought from private manufacturers, as the Army powder factory is able to manufacture the entire quantity for which funds have been appropriated. When purchased from private manufacturers the price of smokeless powder for cannon is 53 cents, as fixed by law.

With reference to the arsenals connected with the War Department and the character of the productive work done by them, I may state that they are under the Ordnance Department, which is charged with the duty of designing, manufacturing, and otherwise procuring, and of supplying to the service, and maintaining in repair the artillery, small arms, ammunition, and personal and horse equipments for the fixed defenses and the mobile armies and militia of the United States and its insular possessions; and by authorization supplies, also, practically all of the small arms and equipments of the Navy and the Marine Corps. In this work it employs over 5,500 workmen in six great establishments, which are guarded and generally cared for by 600 enlisted men. Much of the work of the department is of a scientific character, involving the application of the sciences of chemistry, mechanics, and electricity. The amount of this class of work is difficult to set forth accurately, but it will help in forming an estimate of it to know that of the high-class aids to such work known as draftsmen, who translate theoretical study into the specification and illustration which precede production, there are employed 129. An imperfect general measure of the work of a department of construction and supply is furnished by the amount of funds which is expended by the department in carrying the work on hand. For the last two years this amount has averaged for the Ordnance Department nearly $15,000,000 annually, or more than $176,000 per officer. As the work has been done by practically the entire corps, the latter figures give a kind of representation of the amount of responsibility which has, on the average, fallen to each officer, expressed financially.

The present establishments of the Ordnance Department, with their location and uses, are as follows:

Watertown, Mass., manufacturing arsenal.
Springfield, Mass., manufacturing armory.
Watervliet, N. Y., manufacturing arsenal.
Governors Island, N. Y., arsenal of storage, issue, and purchase.
Sandy Hook, N. J., proving ground.
Dover, N. J., powder depot.
Philadelphia, Pa., manufacturing arsenal.
Augusta, Ga., arsenal of storage and repair.
Rock Island, Ill., manufacturing arsenal.
San Antonio, Tex., arsenal of storage and repair.
Benicia, Cal., arsenal of storage and repair.
Manila, P. I., depot of storage and repair.

All of them are used for the issue of supplies, and all of the manufacturing arsenals are also arsenals of storage and repair.

The principal, although not the sole, manufacture of each of the manufacturing establishments is as follows: Of the Watertown Arsenal, seacoast gun carriages; of the Springfield Armory, small arms; of the Watervliet Arsenal, cannon, large and small; of the Frankford Arsenal (Philadelphia, Pa.), ammunition for small arms and mobile artillery; of the Rock Island Arsenal, personal and horse equipments, carriages for mobile artillery, and small arms. All of the muskets, small-arm ammunition, and personal and horse equipments required for the Army are manufactured by the department, but of other classes of ammunition and small arms, of small cannon, and of gun carriages a considerable proportion of the requirements of the service is supplied by private establishments.

Very truly, yours, LINDLEY M. GARRISON,
Secretary of War.

Mr. GALLINGER. The manufacture of quartermaster's supplies and articles of that character coming under the head of the Senator's argument is relatively small.

Mr. HITCHCOCK. It amounts to something like $15,000,000 a year, according to the Secretary of War. It is successful, and it works smoothly; and that $15,000,000 worth is manufactured under the supervision of officers of the United States, and eliminates to that extent private interests, which would be engaged in manufacturing and which would be lobbying here in Washington to swell their profits and their business.

I assert, Mr. President, that this bill will work an economy in the manufacture of armor. I do not know that; I can not prove it, but I believe it, and I point, as I have said, to the case of powder as an indication that there is probable truth in my assertion.

But, Mr. President, what reason have we to think that the present prices of these armor plants for armor plate, if they are

the cheapest in the world, will continue cheap. We know that there are only three institutions in the United States that manufacture armor; we know that, whatever the prices are, they fix them; we know that their prices are identical; and what proof have we that those three concerns, practically operating as one, will not upon occasion raise the prices?

Mr. President, in answer to this pathetic plea that we should not disturb those concerns which are manufacturing armor for the United States at a profit, let me say that if it is possible, as Senators have said, for those concerns to manufacture armor plate cheaper than it is manufactured elsewhere in the world, they will find a market for their armor plate in those other countries. If Japan, as has been asserted, is paying now more for her armor plate than these concerns are willing to manufacture it for, they will find a market for their armor plate in Japan. If Russia is paying more than they can manufacture it for, they can find a market for their armor plate in Russia.

Mr. PENROSE. Mr. President, will the Senator from Nebraska yield to me?

Mr. HITCHCOCK. But, Mr. President, that argument is a little inconsistent with the high-tariff propaganda which comes from the Republican side. We have been told by Senators on the other side that it was not possible for steel manufacturers in the United States to compete with the world. We have been asked to impose a great tariff and tax upon the people of the United States to keep out disastrous competition from the rest of the world. So, when I hear these stories that these great armor concerns are selling their products to the United States Government at a lower price than the factories in other countries, I am compelled to receive that statement with a grain of allowance.

Mr. OLIVER. Mr. President, will the Senator allow me to interrupt him?

Mr. HITCHCOCK. I will.

Mr. OLIVER. Those statements are not made upon mere guesswork of Senators on this side. They are taken from the Yearbook, issued by the Senate Committee on Naval Affairs, of which the Senator from South Carolina [Mr. TILLMAN] is chairman, and of which his son is secretary; and the Yearbook is prepared as a statistical book by the secretary of that committee.

Mr. HITCHCOCK. And, Mr. President——

Mr. OLIVER. If the Senator will allow me, these are statements not as to what it costs to make armor in other countries, but what it costs the governments of other countries to buy armor made in their respective countries.

Mr. HITCHCOCK. Mr. President, I do not know anything about those figures——

Mr. OLIVER. I do.

Mr. HITCHCOCK. But I know that they are evidently wrong in the case of Japan. There is no power in the world that can secure from Japan the secrets of her army and her navy. I know that from conversations with high officers in the United States. We can not even ascertain how many vessels Japan is building in her navy yards; we can not ascertain how many men she has employed. Even the financial affairs of Japan are comparatively concealed. That little island Empire has shrouded herself in a cloud of uncertainty. When, therefore, a report, without any apparent explanation, sets forth the fact that in Japan, where labor is so cheap, in Japan—where the raw material is so close at hand in China—that the Japanese Government is paying such an exorbitant price for armor, when everything else she gets is so cheap, I must be excused if I have some doubt as to the accuracy of the figures.

Mr. OLIVER. This is no secret. It would probably be a part of the financial exhibit in Japan, as showing what it pays for the production of this article, just the same as what salaries it pays to its executive and administrative officers.

Mr. HITCHCOCK. Mr. President——

Mr. OLIVER. At any rate, Mr. President——

Mr. HITCHCOCK. I can not yield for a speech.

Mr. OLIVER. We do not need to father that document. It comes from your side of the House.

Mr. HITCHCOCK. But, Mr. President, personally I should vote for this bill, even though I knew that for the present it would increase the price of our armor. I would vote for this bill, notwithstanding that charge—which I doubt—because I believe that the other benefits to flow from the bill will be incomparably greater than any loss which might result from a temporary increase in the price of armor, if it shall come. I do this, Mr. President, purely because it seems to me the time has come when Congress, now that the matter has come before it, should make it forever impossible for this Government to be robbed and cheated and defrauded by the concerns to which it is paying at the present time something like $6,000,000 a year.

The Senator from Rhode Island [Mr. LIPPITT] said we should not bring up these old scandals, but what assurance have we that there may not be new scandals? There was an investigation a number of years ago by authority of the House of Representatives, and I want to read you just a sentence or two from the report of the special committee which made the investigation at that time. I read from page 17 of the House report on the violation of armor-plate contracts, as follows:

> It has been conclusively shown that the inspectors have been satisfied, and the armor plates passed by the most notorious frauds. The efforts of the company, and of its superintendents, Cline, Corey, and Schwab, have been to satisfy your committee that the armor is up to the requirements of the contract, notwithstanding the false reports to inspectors, doctoring of specimens, plugging of plates, fraudulent re-treating of test plates, and "jockeying" of the testing machine. The unblushing character of the frauds to which these men have been parties and the disregard of truth and honesty which they have shown in testifying before your committee render them unworthy of credence.

And yet, Mr. President, we are doing business to-day with some of those same men; and the frauds and outrages that occurred at that time are liable to occur at any time when the Government is practically in the hands of a few concerns from which it is purchasing its necessary supplies of war.

Mr. THOMAS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator.

Mr. THOMAS. Let me inquire of the Senator whether that report does not show also that the companies were selling armor at or before the time of this investigation to foreign countries very much cheaper than they were selling the same armor to the United States?

Mr. HITCHCOCK. Mr. President, I am glad the Senator from Colorado has asked that question, because it calls to my mind the statement made by the Secretary of the Navy, Mr. Herbert, under Grover Cleveland. On page 100 of the hearings which the Senate Naval Committee recently held that report of the Secretary of the Navy is reproduced in full, and I will read a paragraph or two from it, because it is very illuminating. An effort has been made here to account for the fact that the Bethlehem Steel Co. sold armor to Russia for $249 a ton at a time when it was charging the United States a much larger price. Let me read to you the explanation of that fact which is made by the Secretary of the Navy, Mr. Herbert, in his report to Congress. He says:

> Here, then, we have the pregnant facts that the two companies in the United States have had a perfect understanding with each other as to what they should charge their own Government; that the five companies in France seem to have had a like understanding with each other as to what they should charge their Government; that the price of armor in France rose gradually from 1891 to 1894, as improvements were adopted, to about the same price as that which was charged by the Bethlehem and Carnegie Cos. to Russia in 1895, after the former company had forced its way into the European market. I am informed upon authority which I believe to be good that about or perhaps before the time of the last contract of the Bethlehem Co. with Russia there was a meeting in Paris of the representatives of the principal, if not all, armor manufacturers of Europe and America.

Mr. President, I have read that to show that we not only have an intolerable condition in the United States, in which three companies absolutely control the price of armor, but we have a meeting in Europe, and nobody knows how many meetings there have been since, in which an international arrangement is made between the armor plate manufacturers of the various countries not to interfere with each other's business.

Mr. OLIVER. Mr. President, the Senator does not intimate that he knows anything of an agreement between the manufacturers here and the manufacturers on the other side, does he?

Mr. HITCHCOCK. I intimate that the Secretary of the Navy so reported to Congress.

Mr. OLIVER. This is the first intimation that I have ever had that any such thing has been charged.

Mr. HITCHCOCK. Well, Mr. President, this information was not published in the papers.

Mr. OLIVER. Mr. President, I do not confine myself to the papers; I have read all these reports.

Mr. HITCHCOCK. They do not always appear in the reports. If the Senator will look into the report of Secretary Herbert he will find it there, I am sure.

Mr. WADSWORTH. Mr. President, will the Senator give the date of Secretary Herbert's report?

Mr. HITCHCOCK. It was in the year 1896.

Mr. WADSWORTH. Does the Senator say that the Secretary of the Navy or any official of the United States has ever made a report containing such information since that time?

Mr. HITCHCOCK. I do not know of any.

Mr. WADSWORTH. Has the Senator any information to that effect himself?

Mr. HITCHCOCK. I have not; but, Mr. President, I know that year after year practically identical bids have come in from the three existing armor plate concerns to the Government of the United States. I know there is a law which prohibits the

United States from buying armor in other countries, and if the three concerns in the United States make identical bids, what are the people of the United States to do except to buy all their armor at the price named by those three companies?

Mr. WILLIAMS. Or do without a Navy.

Mr. HITCHCOCK. Or to do without a Navy. I say, Mr. President, that condition has become intolerable, and that it is time that the United States constructed its own armor plant, even though it is operated at a cost which will increase the price of our armor. I hope that it will not increase the price of our armor; I believe that it will not increase the price of our armor. I think the experience we have had in the manufacture of powder demonstrates that it need not do so; but so long as we are compelled to put inspectors in these plants to examine and inspect the armor which is manufactured and to watch the manufacturers as criminals are watched, it is time that we had our own factories and made our own armor, and for that reason and also for the other reasons I have stated, Mr. President, I favor the passage of this bill.

Mr. KERN. Mr. President——

Mr. OLIVER. If the Senator from Indiana will allow me one moment, I merely wish to call attention to the fact that no article of any kind manufactured anywhere for the United States Government is manufactured except under the eye of an inspector, and to intimate that a manufacturer is a criminal because he has to submit to having an inspector in his works is unworthy of the Senator from Nebraska or of any other Senator.

Mr. KERN. Mr. President——

Mr. HARDING. Will the Senator yield for just a moment?

Mr. KERN. I was about to move an executive session, after which I wanted to move to take a recess.

Mr. HARDING. I merely desire to give a notice.

Mr. KERN. I will yield to the Senator, if he so desires.

Mr. HARDING. I desire to give notice that following the address of the senior Senator from Pennsylvania [Mr. PENROSE], of which he gave notice this morning, after the morning hour to-morrow, I should like to address myself for a short time to the pending measure.

Mr. PENROSE. Mr. President, if the Senator from Indiana will permit me to address an inquiry to him, I will state that I am informed that at the proper time he intends to ask for a recess until to-morrow. Is that correct?

Mr. KERN. Yes, sir.

Mr. PENROSE. I was going to suggest to the Senator that he fix 11 o'clock to-morrow morning, instead of 12, for the hour of meeting, if that be agreeable to him.

Mr. KERN. I have no objection to that.

Mr. PENROSE. That will accommodate Senators who have not had an opportunity to speak on the armor-plate bill.

Mr. KERN. I will say to the Senator that it was the suggestion of the Senator from South Carolina [Mr. TILLMAN] that we take a recess until 11 o'clock to-morrow, so that I think it will be generally agreeable.

Mr. PENROSE. Very well.

The VICE PRESIDENT. The Chair, in self-protection, is going to announce now that 11 o'clock to-morrow morning he will recognize the Senator from Pennsylvania [Mr. PENROSE] and then the Senator from Ohio [Mr. HARDING], and other Senators who desire to address the Senate must give in their names.

Mr. PENROSE. I gave notice this morning that I intended to address the Senate after my colleague the Senator from Pennsylvania [Mr. OLIVER] and the Senator from Virginia [Mr. SWANSON] had spoken on this bill. Therefore, I understand I am third, although I would cheerfully follow the Senator from Ohio.

The VICE PRESIDENT. The Chair did not notice that the Senator from Pennsylvania [Mr. OLIVER] and the Senator from Virginia [Mr. SWANSON] had given notice. The order, then, will be the Senator from Pennsylvania [Mr. OLIVER], the Senator from Virginia [Mr. SWANSON], the Senator from Pennsylvania [Mr. PENROSE], the Senator from Ohio [Mr. HARDING], and by that time the Chair thinks it will be 4 o'clock.

Mr. CUMMINS. What will become of the rest of us?

The VICE PRESIDENT. The Chair simply makes the statement as a matter of protection to the Chair.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session the doors were reopened.

RECESS.

Mr. KERN. I move the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, March 21, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 20, 1916.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. Edward N. Jones, jr., Infantry, unassigned, to be lieutenant colonel from March 10, 1916, vice Lieut. Col. Waldo E. Ayer, First Infantry, who died March 9, 1916.

Capt. William C. Rogers, Twenty-eighth Infantry, to be major from March 11, 1916, vice Maj. Palmer E. Pierce, Twenty-second Infantry, detached from his proper command.

First Lieut. Vernon W. Boller, Eleventh Infantry, to be captain from March 11, 1916, vice Capt. William C. Rogers, Twenty-eighth Infantry, promoted.

Second Lieut. Charles E. Coates, Seventh Infantry, to be first lieutenant from March 11, 1916, vice First Lieut. Vernon W. Boller, Eleventh Infantry, promoted.

CAVALRY ARM.

Second Lieut. Ronald D. Johnson, Twelfth Cavalry, to be first lieutenant from March 17, 1916, vice First Lieut. Edward M. Zell, Eleventh Cavalry, who died March 16, 1916.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps with rank from March 13, 1916.

John McAllister, of New York.
Fenwick Beekman, of New York.
Thomas Alexander Kenyon, of New York.
Frank David Smythe, of Tennessee.
Alfred Gibson Farmer, of Ohio.
Treston Reed Ayars, of Missouri.
William Johnston Cranston, of New York.
Gardner Nathan Cobb, of Massachusetts.
Morris Kellog Smith, of New York.
Charles Marion Avcs, of Texas.
Ralph Griffiths Stillman, of New York.
Gerald Peirce Lawrence, of Ohio.
George Albert O'Connell, of Alabama.
Milton Hickox Prosperi, of the District of Columbia.
Walter Ashby Frankland, of the District of Columbia.
Ralph Henry Kuhns, of Illinois.
Harry Delphos Orr, of Illinois.
James Patterson, of Illinois.
William Eugene Kendall, of Illinois.
George Warner Mosher, of Illinois.
Maurice Lyon Puffer, of Illinois.
John Christian Dallenbach, of Illinois.
Irwin James Shepherd, of Hawaii.
Ralph Waldo Wakefield, of Maine.
Walter Benjamin Harvey, of Pennsylvania.
Henry Thorndyke Chickering, of New York.
S. Mortimer Hill, of New York.
Joseph Gardner Hopkins, of New York.
John Allen Hawkins, of Pennsylvania.
Albert Rudolph Hatcher, of Kansas.
Harry Vincent Paryzek, of Ohio.
Richard Dexter, of Ohio.
Herbert Vance Weihrauch, of Ohio.
Marion Arthur Blankenhorn, of Ohio.
Chester Dale Christie, of Ohio.
James Gerard Kramer, of Ohio.
Dean Flewellyn Winn, of Georgia.
Samuel Fosdick Jones, of Colorado.
Burnley Lankford, of Virginia.
Charles Franklin Hoover, of Ohio.
Horace David Arnold, of Massachusetts.
Alexander Swanson Begg, of Massachusetts.
John Warren, of Massachusetts.
Frank Percival Williams, of Massachusetts.
Henry Lindsay Sanford, of Ohio.
Thomas Pollock Shupe, of Ohio.
Zabdid Boylston Adams, of Massachusetts.
Elliot Gray Brackett, of Massachusetts.
Benjamin Irving Harrison, of Ohio.
Herbert Newton Greene, of Oregon.
Allen Graham, of Florida.
Seward Erdman, of New York.
Ferdinand Hartmann Dammasch, of Oregon.
Lyman Foster Huffman, of Ohio.

George Emerson Brewer, of New York.
John Jacob Smith, of California.
Charles North Dowd, of New York.
John Punnett Peters, jr., of New York.
Samuel Bradbury, of New York.
Arthur Shade Jones, of Ohio.
Leroy Briggs Sherry, of California.
William Edgar Lower, of Ohio.
Alan De Forest Smith, of New York.
Harry Selby Purnell, of Maryland.
Cecil Claire Lawhorn, of Tennessee.
Brainerd Hunt Whitbeck, of New York.
Harold Oliver Ruh, of Ohio.
Harry Gordon Sloan, of Ohio.
Howard Lester Taylor, of Ohio.
John Patrick O'Neil, of Illinois.
Walter Black Rogers, of Ohio.
Richard Lloyd Cook, of the District of Columbia.
Charles Albert Bowers, of Ohio.
John Guy Strohm, of Oregon.
William Raymond Barney, of Ohio.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Assistant Paymaster John D. P. Hodapp with the rank of ensign to be an assistant paymaster in the Navy with the rank of lieutenant (junior grade) from the 7th day of March, 1915.

The following-named officers to be lieutenants in the Navy from the dates set opposite their names, to correct the dates from which they take rank as previously confirmed:

John H. Hoover, July 1, 1914.
Louis H. Maxfield, July 10, 1914.
Raymond F. Frellsen, October 29, 1914.
Alfred W. Atkins, November 5, 1914.
Philip H. Hammond, November 13, 1914.
Claud A. Jones, December 11, 1914.
Harry Campbell, December 12, 1914.
George W. Kenyon, December 15, 1914.
Allan S. Farquhar, January 1, 1915.
Lucien F. Kimball, February 24, 1915.
Harvey W. McCormack, March 4, 1915.
Harold M. Bemis, March 22, 1915.
Ernest D. McWhorter, April 23, 1915.
John M. Schelling, April 28, 1915.
Bert B. Taylor, May 5, 1915.
William O. Wallace, July 11, 1915.
Frank R. King, July 20, 1915.
Bruce R. Ware, jr., July 29, 1915.
Carl T. Osburn, August 1, 1915.
William S. Farber, August 6, 1915.
Archibald D. Turnbull, August 17, 1915.

Lieut. (Junior Grade) Charles W. Crosse to be a lieutenant in the Navy from the 28th day of December, 1915.

Asst. Surg. William E. Findeisen to be a passed assistant surgeon in the Navy from the 23d day of September, 1915.

The following-named officers to be paymasters in the Navy, from the dates set opposite their names, to correct the dates from which they take rank as previously confirmed:

Fred W. Holt, August 22, 1912,
Walter D. Sharp, October 19, 1912,
Raymond B. Westlake, January 18, 1913,
John M. Hancock, February 21, 1913,
George R. Crapo, February 19, 1914, and
Benjamin H. Brooke, September 23, 1915.

The following-named officers to be paymasters in the Navy, from the dates set opposite their names, to correct the dates from which they take rank as previously nominated:

William N. Hughes, July 19, 1914,
John N. Jordan, August 11, 1915, and
Harold W. Browning, September 1, 1915.

Boatswain William R. Buechner to be a chief boatswain in the Navy from the 21st day of December, 1915.

Boatswain James J. O'Brien to be a chief boatswain in the Navy from the 21st day of December, 1915.

The following-named gunners to be chief gunners in the Navy from the 21st day of December, 1915:

Arthur B. Dorsey,
Arthur D. Freshman,
Edward Wenk,
Frank C. Wisker, and
David P. Henderson.

The following-named machinists to be chief machinists in the Navy from the 30th day of December, 1915:

Frank Smith,
Ralph G. Moody,
John McN. D. Knowles, and
Ernest W. Dobie.

John F. Huddleston, a citizen of Florida, to be an assistant paymaster in the Navy from the 15th day of March, 1916.

POSTMASTERS.

ALASKA.

Z. M. Bradford to be postmaster at Juneau, Alaska, in place of E. L. Hunter. Incumbent's commission expires April 24, 1916.

ARIZONA.

William J. Daze to be postmaster at Winslow, Ariz., in place of Julia Mahoney. Incumbent's commission expired February 8, 1916.

CALIFORNIA.

D. H. Fallon to be postmaster at Pleasanton, Cal., in place of C. S. Graham. Incumbent's commission expires April 17, 1916.

COLORADO.

W. L. King to be postmaster at Sterling, Colo., in place of W. I. Brush. Incumbent's commission expires April 24, 1916.

CONNECTICUT.

Harry W. Crane to be postmaster at Wethersfield, Conn., in place of Harry W. Crane. Incumbent's commission expires April 5, 1916.

George Forster to be postmaster at Rockville, Conn., in place of G. W. Randall. Incumbent's commission expires April 5, 1916.

GEORGIA.

Sam M. Barnett to be postmaster at Chatsworth, Ga. Office becomes presidential April 1, 1916.

Mary R. Blacker to be postmaster at Dodge, Ga. Office becomes presidential April 1, 1916.

Annie C. McCord to be postmaster at Harlem, Ga., in place of Annie C. McCord. Incumbent's commission expires April 5, 1916.

Lonnie E. Sweat, to be postmaster at Blackshear, Ga., in place of T. E. Oden. Incumbent's commission expires April 17, 1916.

ILLINOIS.

C. E. Fort to be postmaster at Stronghurst, Ill., in place of J. F. Mains. Incumbent's commission expires April 24, 1916.

Kate M. Weis to be postmaster at Tentopolis, Ill. Office becomes presidential April 1, 1916.

KANSAS.

John Q. Adams to be postmaster at Stockton, Kans., in place of J. L. Stevens. Incumbent's commission expires April 9, 1916.

Edward E. Hanna to be postmaster at Axtell, Kans., in place of George Delaney. Incumbent's commission expires April 9, 1916.

James P. Newman to be postmaster at Galesburg, Kans. Office becomes presidential April 1, 1916.

Charles L. Smith to be postmaster at Baxter Springs, Kans., in place of Fred Bartlett. Incumbent's commission expires April 24, 1916.

KENTUCKY.

James B. Fitzpatrick to be postmaster at Hazard, Ky., in place of John Baker, deceased.

Garland G. Lanum to be postmaster at Fordsville, Ky. Office becomes presidential April 1, 1916.

LOUISIANA.

Jonas Rosenthal to be postmaster at Alexandria, La., in place of J. T. Charnley. Incumbent's commission expires April 3, 1916.

MAINE.

Charles A. Churchill to be postmaster at Rockport, Me., in place of John Harkness. Incumbent's commission expired March 1, 1916.

George B. McMennamin to be postmaster at Rumford, Me., in place of Fred H. Atwood. Incumbent's commission expires April 5, 1916.

MICHIGAN.

James A. Hull to be postmaster at Oscoda, Mich., in place of W. McGillivray. Incumbent's commission expired January 16, 1916.

MISSISSIPPI.

Thirza I. Clarke to be postmaster at Marks, Miss., in place of Thirza I. Clarke. Incumbent's commission expires April 17, 1916.

J. H. Jones to be postmaster at Moorhead, Miss., in place of F. A. Gardner. Incumbent's commission expired February 19, 1916.

John G. Webb to be postmaster at Pickens, Miss., in place of John G. Webb. Incumbent's commission expires April 17, 1916.

MISSOURI.

Collins J. Johnson to be postmaster at Palmyra, Mo., in place of H. J. Bernhard. Incumbent's commission expires April 24, 1916.

Joseph A. Voelker to be postmaster at Clyde, Mo., in place of August W. Enis. Incumbent's commission expires April 24, 1916.

NEBRASKA.

Benjamin A. Brewster to be postmaster at Chadron, Nebr., in place of W. A. Danley. Incumbent's commission expired January 15, 1916.

NEW YORK.

George O. Burgin to be postmaster at Franklin, N. Y., in place of G. T. Eveland. Incumbent's commission expired February 1, 1916.

Andrew F. Burke to be postmaster at Port Chester, N. Y., in place of W. J. Martin. Incumbent's commission expired February 21, 1916.

Fred B. Fuller to be postmaster at Gouverneur, N. Y., in place of Charles McCarty. Incumbent's commission expired February 13, 1916.

James P. Gillen to be postmaster at Port Jervis, N. Y., in place of T. J. Quick. Incumbent's commission expired February 10, 1914.

I. J. Harrington to be postmaster at Richmondville, N. Y., in place of R. C. Terpening. Incumbent's commission expired August 21, 1915.

Charles L. Harris to be postmaster at Cato, N. Y., in place of C. E. Turner. Incumbent's commission expired February 1, 1916.

C. Howard Hoornbeek to be postmaster at Ellenville, N. Y., in place of W. L. Fuller. Incumbent's commission expired March 13, 1916.

W. B. Hoxter to be postmaster at North Cohocton, N. Y., in place of D. C. Cottrell. Incumbent's commission expired January 29, 1916.

William E. Joint to be postmaster at Savona, N. Y., in place of J. H. Freeman. Incumbent's commission expired February 7, 1916.

Caleb C. McNair to be postmaster at Gasport, N. Y., in place of O. A. Chaplin. Incumbent's commission expired January 11, 1916.

Louis S. Martin to be postmaster at Redwood, N. Y., in place of Henry C. Ahles. Incumbent's commission expired January 11, 1916.

John F. Mumford to be postmaster at Middleville, N. Y., in place of F. N. Molineaux. Incumbent's commission expired February 8, 1916.

F. H. Munson to be postmaster at Berlin, N. Y., in place of H. D. Waite. Incumbent's commission expired January 29, 1916.

Fred W. Otte to be postmaster at Peekskill, N. Y., in place of John Mable, 2d. Incumbent's commission expired December 18, 1915.

Elbert D. Parker to be postmaster at Arcade, N. Y., in place of William F. Lewis. Incumbent's commission expired February 21, 1916.

John J. Peake to be postmaster at Newburgh, N. Y., in place of F. W. Wenzel. Incumbent's commission expired August 5, 1915.

David B. Reamer to be postmaster at Savannah, N. Y., in place of T. C. Wethey. Incumbent's commission expired February 1, 1916.

Charles F. Record to be postmaster at Forestville, N. Y., in place of C. L. Dix. Incumbent's commission expires April 17, 1916.

Dimont M. Rector to be postmaster at Delanson, N. Y., in place of Loren Webster. Incumbent's commission expired February 1, 1916.

Lee R. Smith to be postmaster at Hammond, N. Y., in place of J. T. Rodger. Incumbent's commission expired February 13, 1916.

Darius E. Sullivan to be postmaster at Canton, N. Y., in place of J. E. Johnson. Incumbent's commission expired January 11, 1916.

W. Irving Williams to be postmaster at Rensselaer, N. Y., in place of G. L. Wiltse. Incumbent's commission expired February 13, 1916.

NORTH DAKOTA.

Minnie Clabaugh to be postmaster at Fairmount, N. Dak., in place of Charles Leathart. Incumbent's commission expires April 11, 1916.

OHIO.

C. W. Hodges to be postmaster at Mount Sterling, Ohio, in place of C. H. Clark. Incumbent's commission expires April 24, 1916.

OKLAHOMA.

Perry A. Monroe to be postmaster at Alva, Okla., in place of Lemuel W. Moore. Incumbent's commission expired January 24, 1916.

George L. Powell to be postmaster at Cement, Okla., in place of John M. Lapham. Incumbent's commission expires April 24, 1916.

OREGON.

J. W. Leneve to be postmaster at Coquille, Oreg., in place of A. F. Linegar. Incumbent's commission expired March 8, 1916.

PENNSYLVANIA.

Josiah Cole to be postmaster at Slatington, Pa., in place of S. J. Evans. Incumbent's commission expired January 19, 1915.

Patrick J. Mash to be postmaster at Nanty Glo, Pa., in place of E. C. Davis. Incumbent's commission expired March 4, 1916.

SOUTH CAROLINA.

James M. Byrd to be postmaster at Branchville, S. C., in place of James M. Byrd. Incumbent's commission expires April 15, 1916.

W. B. Wright, jr., to be postmaster at Shelton, S. C. Office becomes presidential April 1, 1916.

SOUTH DAKOTA.

Leroy F. Lemert to be postmaster at Spencer, S. Dak. Office became presidential January 1, 1916.

David M. Smith to be postmaster at Humboldt, S. Dak. Office becomes presidential April 1, 1916.

VIRGINIA.

Henry L. Munt to be postmaster at City Point, Va. Office becomes presidential April 1, 1916.

WASHINGTON.

Frederick W. Reuter to be postmaster at Cheney, Wash., in place of John F. Spangle. Incumbent's commission expired March 8, 1916.

WYOMING.

A. F. Stott to be postmaster at Douglas, Wyo., in place of J. L. Kidwell. Incumbent's commission expires April 17, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1916.

UNITED STATES MARSHAL.

Joseph A. Wessel to be United States marshal, district of Minnesota.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Harry J. Abbett to be a lieutenant.

Ensign Charles F. Greene to be a lieutenant (junior grade).

Surg. Lewis Morris to be a medical inspector.

Asst. Surg. Norman R. Sullivan to be a passed assistant surgeon.

Passed Asst. Paymaster William N. Hughes to be a paymaster.

Passed Asst. Paymaster John N. Jordan to be a paymaster.

Passed Asst. Paymaster Harold W. Browning to be a paymaster.

Asst. Paymaster Thomas Cochran to be a passed assistant paymaster.

Boatswain Ernest R. Peircey to be a chief boatswain.

Machinist Frank R. King to be a chief machinist.

Machinist William H. Hubbard to be a chief machinist.

Ensign Henry B. Cecil to be a lieutenant (junior grade).

Ensign Charles G. McCord to be a lieutenant (junior grade).

Ensign Carroll B. Byrne to be a lieutenant (junior grade).

Ensign James A. Saunders to be a lieutenant (junior grade).

The following-named gunners to be chief gunners:

Gustav C. Tanske.

Leroy Rodd.

Louis M. Wegat.

Harry E. Stevens.

Herman Kossler.

Oscar E. Anderson.

The following-named machinists to be chief machinists:

Harry Champeno.

Carl H. Markham.

POSTMASTERS.

CONNECTICUT.

Harry E. Slocum, Madison.

ILLINOIS.

James Wyatt, Chrisman.
Peter J. Yentes, Morton.

MARYLAND.

Rose C. Foreman, Emmitsburg.
G. E. Williamson, Preston.

MICHIGAN.

W. H. Blashfield, Hartford.
Fred O'Melay, Hillsdale.
William O. Van Eyck, Holland.
Harry M. Royal, Shelby.
William G. White, Ovid.

MISSISSIPPI.

Nevan C. Hathorn, Columbia.

PENNSYLVANIA.

H. A. Koller, Glen Rock.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 20, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of hosts, King of Kings and Lord of Lords, our heavenly Father, we thank Thee that Thou hast not left Thy children to grope their way in darkness, but that all down through the ages comes a cloud of witnesses in testimony of Thy love and fatherly care. Especially do we thank Thee for that spirit ever going out from Thee in quest of the hearts of men. May we open our hearts to that influence and be ready to follow where it leads, that we may fulfill every duty devolving upon us in private or in public life. In the spirit of Him who gave his life that we might know Thee and live to larger life and nobler purposes. Amen.

The Journal of the proceedings of Saturday, March 18, 1916, was read and approved.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766, the Army reorganization bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766.

Mr. GARDNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. To propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Whether this rule enables this bill to take precedence over the Unanimous Consent Calendar?

The SPEAKER. The Chair thinks it does.

Mr. GARDNER. Will the Chair hear me for a minute?

The SPEAKER. Yes; the Chair will hear the gentleman, with this remark, that this rule goes into as much detail as any rule the Chair ever saw in the House.

Mr. GARRETT. Does the gentleman make a point of order?

Mr. GARDNER. No; I just make a parliamentary inquiry. I ask that the Chair will hear me.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. GARDNER. In answer to the inquiry of the gentleman from Tennessee [Mr. GARRETT], my purpose is not to delay a vote on the bill, but to delay a vote on the Kahn amendment, because I think the Kahn amendment is really a vote on the bill. With the early meeting of the House, bringing up a vote on the Kahn amendment early in the day, when that is the principal vote in the bill, I think I ought to——

Mr. GARRETT. Of course, the gentleman has a remedy in that respect. The gentleman can make the point of no quorum.

Mr. GARDNER. Well, if the gentleman prefers——

Mr. GARRETT. I do not prefer. I just make the suggestion.

Mr. GARDNER. I can assure the gentleman that what I want is to make an arrangement to take a vote on the Kahn amendment to-morrow, instead of to-day.

Mr. HAY. Mr. Speaker, I will say to the gentleman from Massachusetts that I can not see any reason for postponing a vote on this proposition, and when we go into the Committee of the Whole House on the state of the Union I have no doubt the gentleman from California [Mr. KAHN] and myself will be able to agree upon some time, so that the vote probably will not come until 12 o'clock, or probably after that, and by that time the House will be full.

Mr. GARDNER. Mr. Speaker, this rule under which this bill is being considered simply says that "it shall be in order on all legislative days except Wednesdays." Now, that is simply giving this bill the same precedence that an appropriation bill has. It certainly can not give it more, because the appropriation bills have the highest privilege. This merely makes this bill in order; it does not say a word about its being privileged.

Now, Mr. Speaker, it has been already ruled that an appropriation bill on a Monday has not privilege over Monday business. I refer the Speaker to the ruling on January 16, 1911. It is cited under paragraph 884A of the Manual. In the case to which I refer there arose a question whether a motion to discharge a committee under the Monday rule had or had not preference over a motion to go into Committee of the Whole House on the state of the Union. It was argued out, and the argument covered a number of pages of the CONGRESSIONAL RECORD, and finally it was decided by the House overruling the Speaker that a motion to discharge a committee from the consideration of a bill under this rule, the Monday rule, is of higher privilege than a motion to consider an appropriation bill on a suspension Monday. If a motion under the Monday rule was of higher privilege than a motion to go into Committee of the Whole House on the state of the Union, a fortiori the calling of the Calendar for Unanimous Consent, which is the first business under the Monday rule, must have preference to a motion to go into Committee of the Whole House on the state of the Union. I hold that the preference accorded this bill under the rule is only that which is accorded to appropriation bills under the general rules of the House. That is the question to which my parliamentary inquiry relates. I should be glad to have the Chair give an opinion on that.

Mr. GARRETT. Mr. Speaker, I do not concur in the thought expressed by my friend, the distinguished gentleman from Massachusetts [Mr. GARDNER], that the sole matter for the consideration of the Chair is the language quoted, namely, that "the bill shall be in order on all legislative days except Wednesdays." There are other parts of the rule that must be taken into consideration with that language.

I refer to this, for instance—and I call it to the attention of the gentleman from Massachusetts, for whose opinion as a parliamentarian I have the very greatest respect, as he knows—"that while the bill is under consideration the House shall meet at 11 o'clock antemeridian and during general debate." Now, on Saturday last the House adjourned, and the announcement of the Chair was that we adjourned until 11 o'clock to-day. That necessarily implied that this bill was under consideration, under the special rule. Otherwise we would have met at 12 o'clock. So that is a construction——

Mr. GARDNER. Mr. Speaker, will the gentleman yield there?

Mr. GARRETT. Certainly.

Mr. GARDNER. No objection being made to the Chair's announcement, it would hardly be considered binding as a construction of the rule, would it?

Mr. GARRETT. I do not think the RECORD shows, but I think an inquiry was made about that at the time.

Mr. GARDNER. The gentleman at my left [Mr. MANN], who follows these things, is shaking his head vigorously.

Mr. GARRETT. I should say that in the absence of objection acquiescence would be implied.

Mr. GARDNER. It has never been ruled so in this House.

Mr. GARRETT. It would have been possible, Mr. Speaker, to have drawn a more drastic rule than this. This is not a very drastic rule. It would have been possible to present a rule to keep the House in continuous session and provide recesses of the Committee of the Whole at fixed hours. But in the judgment of the Committee on Rules that was not desirable, because some emergency, we realized, might arise, so that it might be necessary for the hands of the House not to be tied even for the consideration of this bill, and therefore we refrained from drawing a resolution which would keep the House in continuous session and providing for recesses as we could have done. But the Committee on Rules did provide—and I am suggesting now only what was in the thought of the Committee on Rules at the time—that while the bill was under consideration the House should meet at 11 o'clock, and that the bill should be in order on all legislative days except Wednesdays, and the House acquiesced by not objecting on Saturday when we adjourned at that time.

Mr. MANN. Mr. Speaker, I do not agree with the gentleman from Tennessee [Mr. GARRETT] as to the effect of the action of the Speaker in declaring that the House should meet at 11 o'clock this morning. I think he was right about that. I think we meet at 11 o'clock every morning until the pending bill is finally disposed of. As a matter of fact, the bill was not under consideration in the House at the time we adjourned. The bill is referred to the Committee of the Whole on the state of the Union, and the committee is where it is under consideration. But I take it that that language means that until the House has concluded the consideration of the bill the House shall meet at 11 o'clock every morning.

I hope that the gentleman from Massachusetts [Mr. GARDNER] will not insist upon an answer even to his parliamentary inquiry. Mr. Speaker, this rule makes the bill in order. It simply gives it the ordinary privileged status, such as revenue legislation has and appropriation bills have. When the committee discharge rule was provided, it said that a motion on the calendar to discharge a committee could be called up following the Unanimous Consent Calendar, and the test was had in the House on the question as to whether it was in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of an appropriation bill, a highly privileged motion. I do not now recall distinctly what Mr. Speaker CANNON ruled upon the subject, or whether he was overruled or sustained by the House. My recollection, refreshed by the gentleman from Massachusetts [Mr. GARDNER] is that Mr. Speaker CANNON held that the motion to go into the Committee of the Whole House on the state of the Union for the consideration of an appropriation bill was in order at any time, and that if the House desired to proceed with the Unanimous Consent Calendar, or the Committee Discharge Calendar, or the Suspension Calendar, it had that privilege of voting down the motion; and that on appeal from the decision of the Chair, or on submission by the Chair of the question to the House, Mr. Speaker CANNON was overruled, and the House decided that the motion to discharge a committee, on the calendar on suspension day, had a prior privilege over a motion to go into Committee of the Whole House on the state of the Union. Since that time the Suspension Calendar has been put ahead of the Committee Discharge Calendar, but there has been no change in the right of a motion to discharge a committee other than making it follow the Suspension Calendar.

Now, I do not want to see that ruling of the House overturned, so that hereafter every appropriating committee which has bills on the calendar will seek, on unanimous-consent day, to do away with the Unanimous Consent Calendar, which is the safety valve of the House for small bills at this time, and move to go into the Committee of the Whole House on the state of the Union. I do not see how the Speaker could hold that the motion of the gentleman from Virginia [Mr. HAY] is in order as against the motion to discharge, unless he opens the way for the motions to which I have referred, to be made in the future. I hope that under the circumstances the gentleman from Massachusetts [Mr. GARDNER]—because he and I and the rest of the House on this side are anxious to have preparedness enacted into law, although we are not so anxious about the present bill—will not insist upon the Speaker answering his parliamentary inquiry.

Mr. GARDNER. Under the circumstances I will withdraw my parliamentary inquiry.

The SPEAKER. The Chair is much obliged to the gentleman from Massachusetts.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called "Tombigbee," River at Princes Lower Landing, near Jackson, Ala.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called "Tombigbee," River at Princes Lower Landing, near Jackson, Ala.; to the Committee on Interstate and Foreign Commerce.

TENNESSEE FICKLIN.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent at this point to present a resolution. One of the employees of this House has died, and his widow is here, and she has not the money to take his body home. We can not pass the usual resolution this morning except by unanimous consent, because the resolution has not been presented to the House on a previous day. I therefore ask unanimous consent to present this resolution, which provides the ordinary expenses in cases of this kind.

The SPEAKER. The gentleman from Missouri asks unanimous consent to present a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 178.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Tennessee Ficklin, widow of E. D. Ficklin, late a messenger on the rolls of the House, an amount equal to six months of his compensation as such employee and an additional amount, not exceeding $250, to defray the funeral expenses of said E. D. Ficklin.

Mr. MANN. This is the usual resolution?

Mr. LLOYD. This is the usual resolution, but it has not gone through the box.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

THE MILITARY ESTABLISHMENT.

On motion of Mr. HAY, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, with Mr. GARRETT in the chair.

The CHAIRMAN. Without objection, the Clerk will report the pending amendment.

The Clerk read as follows:

Amendment by Mr. KAHN: Amend, page 13, line 12, by striking out the words "one hundred and forty" and insert in lieu thereof the following: "two hundred and twenty," and add at the end of the section the following: "That not exceeding 80,000 of the force provided in this section shall be distributed among the various arms of the service in such manner and in such proportion as the President may prescribe."

Mr. HAY. Mr. Chairman, before we go into that question——

Mr. KAHN. I wish to ask unanimous consent to modify the amendment.

Mr. HAY. I have no objection to doing that, if you will just give me one moment. I move to strike out the last word for the purpose of inserting in the RECORD a statement from the War College as to the number of trained men in the United States. When Gen. Bliss, Assistant Chief of Staff, was before the committee, he was asked by the gentleman from Mississippi [Mr. QUIN], a member of the committee, to put in the record a statement as to the number of trained men in the country, and on page 27 of the hearings he presents that statement, which is as follows:

No data are available from which an accurate estimate can be made of the number of men between the ages of 16 and 45 years now in the country who have had some military training; therefore, the following figures should be regarded as only approximately correct and considered in the light of the following more or less arbitrary assumptions upon which they are based, namely:

(a) That the average age of enlisted men at date of discharge was 29 years.

(b) That 50 per cent of the men discharged from the Regular Army reenlist therein (data informally obtained from The Adjutant General).

(c) That the average age of students at date of graduation from schools and colleges was 21 years.

(d) That the deaths among the numbers of men who have had military training has averaged approximately 1 per cent per year.

Number of men who received some training during the War with Spain and the Philippine insurrection, Apr. 21, 1898, to Jan. 4, 1902 (data from brochure now being prepared by Maj. R. H. Van Deman, General Staff):			
In Regular Army		144,849	
In the volunteers of 1898		223,235	
In the volunteers of 1899		13,447	
Total		381,531	
Estimated deaths		57,229	
			324,302
Number of men who received training in the Regular Army and who, upon discharge therefrom, did not reenlist therein (annual reports of The Adjutant General and The Military Secretary for the corresponding years):			
In the year ending June 30, 1903	6,638		
Estimated deaths	796		
		5,842	
In the year ending June 30, 1904	8,296		
Estimated deaths	912		
		7,384	

Number of men who received training in the Regular Army, etc.—Continued.			
In the year ending June 30, 1905	11,127		
Estimated deaths	1,112		
		10,015	
In year ending June 30, 1906	4,974		
Estimated deaths	447		
		4,527	
In year ending June 30, 1907	6,838		
Estimated deaths	546		
		6,292	
In year ending June 30, 1908	9,242		
Estimated deaths	646		
		8,596	
In year ending June 30, 1909	6,451		
Estimated deaths	386		
		6,065	
In year ending June 30, 1910	5,955		
Estimated deaths	297		
		5,658	
In year ending June 30, 1911	13,521		
Estimated deaths	540		
		12,981	
In year ending June 30, 1912	10,593		
Estimated deaths	317		
		10,276	
In year ending June 30, 1913	6,047		
Estimated deaths	120		
		5,927	
In year ending June 30, 1914	12,513		
Estimated deaths	125		
		12,388	
In year ending June 30, 1915		13,510	
			109,461
Number of men who have received some training in and been discharged from the Organized Militia during the period 1901 to 1915, inclusive (estimated from data informally obtained from the office of the Chief of the Division of Militia Affairs)		743,505	
Estimated deaths		50,000	
		*693,417	
(*NOTE.—Of the 693,417 men discharged from the Organized Militia and estimated as being still alive, about 231,139 were discharged at expiration of term of enlistment, and the balance, about 462,278, were discharged prior to expiration of term of enlistment.)			
Actual strength of the Organized Militia, Oct. 1, 1915 (p. 5, Annual Report of the Chief of the Division of Militia Affairs, 1915)		129,398	
			822,815
Number of students who have had some military training at educational institutions at which officers of the Army were detailed as professors of military science and tactics during the period 1900 to 1915, inclusive		180,526	
Estimated deaths		11,107	
			169,419
Actual strength of the Regular Army stationed within the continental limits of the United States June 30, 1915 (annual report of The Adjutant General, 1915)			68,258
Grand total			1,494,255

The amount of military training which these 1,494,255 men have had varies from that received during several complete enlistments in the Regular Army to the limited instruction possible during one day's service in the Organized Militia or with a cadet organization at a civil educational institution. Furthermore, except as stated in the following paragraph, the Government has no knowledge of the present addresses of these men or of the number that would be willing to volunteer for service in time of war.

As the figures quoted by the gentleman from Massachusetts [Mr. GARDNER] the other day came from the War College, I just simply wanted to show another set of figures from the War College.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Does the number given by the War College—a million and some odd men—mean the number who have had military training in the United States or the number who are now trained?

Mr. HAY. The number who are now trained.

Mr. MILLER of Minnesota. I had excellent military training 20 years ago, but I do not think I have any training now.

Mr. HAY. I am presenting these figures just to show how the War College or the General Staff can juggle with figures when they feel like doing it, that is all.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GARDNER. Did not the gentleman call up the Secretary of War since I published my statement and ask him as to the accuracy of it?

Mr. HAY. I do not think I am called upon to state private conversations between myself and the Secretary of War.

Mr. GARDNER. I am going to introduce a resolution asking The Adjutant General's figures on that. Will the gentleman support that resolution?

Mr. HAY. Why, sure; yes.

Mr. MANN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MANN. Is what the gentleman wants to put in the RECORD a statement now from the War College or a statement that was made in the hearings?

Mr. HAY. A statement in the hearings some time in January.

Mr. MANN. Would it not be better to have a statement made by the War College to the gentleman and inserted in the RECORD?

Mr. HAY. The War College has already made a statement, which the gentleman from Massachusetts [Mr. GARDNER] has put in the RECORD.

Mr. MANN. The Secretary of War made a statement and somebody testified and has made a statement. It seems to me that it might be advisable to have a statement from the official of the War College representing the War College.

Mr. HAY. As a matter of fact, The Adjutant General is the man that ought to make the statement, for he has all the figures. I want to put this in the RECORD to show, as the New York Sun stated in an editorial yesterday, that the General Staff had not forgotten how to play strategy in furnishing figures for the purpose of discounting what I had stated in my report.

Mr. MANN. If the War College has made a statement before the committee to one thing and somebody has testified to another and the Secretary of War has made a statement which is in another direction, I should think the gentleman representing the House would get a statement from the War College.

Mr. HAY. I do not want any statement from the War College, but I will get a statement from The Adjutant General, who has charge of the records and is supposed to be the man that can tell us how the matter is. I think, however, I have the right to print this under the general leave to print.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the word "eighty," before the word "thousand," and inserting in lieu thereof the word "forty-five," and to strike out the word "service" and insert in lieu thereof the word "line."

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment in the manner which will be reported by the Clerk.

The Clerk read as follows:

Modify the amendment so that it will read:
"That not exceeding 45,000 of the force provided in this section shall be distributed among the various arms of the line in such manner and in such proportion as the President may prescribe."

The CHAIRMAN. Is there objection?

Mr. SLAYDEN. Reserving the right to object, is this the amendment which proposes to increase the number of men in the Army that he has modified?

Mr. KAHN. Yes.

Mr. SLAYDEN. Reducing the number——

Mr. KAHN. It does not reduce it. Under the bill now under consideration the Army at full war strength would be approximately 175,000 men. If there be imminence of war, the President has a right, under the provisions of the bill under discussion to increase the Army to the full statutory strength, which would give approximately 175,000 men; that would leave a surplus of 45,000 men unassigned, and my amendment proposes to give the President authority to assign those men to such additional units and in such arms of the service as he may deem best for the country.

Mr. SLAYDEN. It would leave the surplus of 45,000 in the event that the gentleman's amendment be adopted.

Mr. PARKER of New Jersey. Mr. Chairman, we would like to have the amendment put in proper form, and I would like to ask the gentleman if the form adopted in 1899 would not cover the case better. That form was as follows:

To meet the present exigencies of the military service, the President is hereby authorized to maintain the Regular Army at a strength of not exceeding 65,000 enlisted men, to be distributed amongst the several branches of the service, including the Signal Corps, according to the needs of each. Such increased regular force shall continue in service only during the necessity therefor.

Now, under the amendment as proposed the President has so little power that I want to submit to the gentleman whether this is not the better form. It has been construed so as to allow a Cavalry company to be increased to 100 men——

Mr. HAY. Mr. Chairman, I have not yielded the floor.

The CHAIRMAN. The gentleman from California asked unanimous consent to modify his amendment so as to read as reported by the Clerk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified, and as it stands at present.

The Clerk read as follows:

Page 13, line 12, strike out the words "one hundred and forty" and insert in lieu thereof the following: "two hundred and twenty," and add

at the end of the section the following: "that not exceeding 45,000 of the force provided in this section shall be distributed among the various arms of the line in such manner and in such proportion as the President may prescribe."

Mr. HAY. Mr. Chairman, I will ask the gentleman from California [Mr. KAHN] if he desires to agree on a time for debate upon this amendment?

Mr. KAHN. I should be pleased to agree on time with the gentleman. I have requests over here now for approximately 1 hour and 20 minutes, and another request was just this minute made for 10 minutes more.

Mr. HAY. Of course the gentleman can accumulate requests. I have a great many requests myself, but we can not spend the whole day upon this proposition. It was very fully debated in general debate. Mr. Chairman, I ask unanimous consent that there shall be 45 minutes of debate on a side on this amendment.

Mr. MANN. Let me suggest to the gentleman that probably this is the most vital feature of the bill upon which there is a difference of opinion.

Mr. HAY. I think an hour and a half of debate after the general debate we have had is amply sufficient.

Mr. MANN. There was not very much general debate upon this subject.

Mr. HAY. I thought every one who spoke at all spoke on the strength of the Army, so far as I heard.

Mr. MADDEN. Mr. Chairman, I think we will not lose any time by allowing considerable latitude on this amendment.

Mr. HAY. Mr. Chairman, I am willing to do that. I am offering an hour and a half of debate.

Mr. MADDEN. I think the gentleman will make more time than that by allowing three hours.

Mr. MANN. Of course we are all anxious to expedite the passage of the bill; but general debate, I would suggest to the gentleman, was originally proposed at 30 hours.

Mr. HAY. Twenty-four.

Mr. MANN. No; it was originally at 30 hours. The gentleman must know that.

Mr. HAY. I do not.

Mr. MANN. The gentleman will certainly recall——

Mr. HAY. Oh, some one might have said they wanted 30 hours, but the rule asked for 24 hours.

Mr. MANN. I could remind the gentleman in a moment in private conversation of a suggestion which was made in private conversation, but I do not repeat private conversations. It was cut down from 30 hours to 24 hours and then to 10 hours, all of which met with my approval. Here is a vital feature of the bill, and gentlemen really desire to be heard upon it. I think the gentleman can afford to give more time than 45 minutes on a side.

Mr. HAY. How much time does the gentleman from California suggest?

Mr. KAHN. I suggest three hours all told, an hour and a half on a side. That I think will allow ample debate. I feel confident that there is no other section of the bill which will take up so much time, and I think it will be in the interest of the bill that that amount of time be given.

Mr. HAY. Will not the gentleman be satisfied with an hour on a side?

Mr. MANN. Make it an hour and a quarter.

Mr. HAY. Very well. Mr. Chairman, I ask unanimous consent that there shall be two hours and a half of debate upon this section and all amendments thereto and to the amendments to the section, one half of the time to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon this section—section 7—and all amendments thereto shall be concluded at the end of two hours and a half, one half of that time to be controlled by himself and the other half by the gentleman from California [Mr. KAHN]. Is there objection?

Mr. MILLER of Minnesota. Mr. Chairman, reserving the right to object, I understand that if that amount of time only is allowed it will be all taken up on this side by those who have already made requests for time. There are some of us here who have not made any requests up to this time who desire to say something in a very few minutes.

Mr. MANN. The gentleman from California will have to meet that condition by cutting down the amount of time allowed to each gentleman.

Mr. KAHN. I think I can accommodate the gentleman from Minnesota.

The CHAIRMAN. Is there objection?

Mr. HULBERT. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from California if he will be able to give me five or ten minutes? I am for the amendment.

Mr. KAHN. I can not give the gentleman as much as that, but I can give him some time.

Mr. HULBERT. Five minutes?

Mr. KAHN. Three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. KAHN. Mr. Chairman, the existing law provides for an enlisted force in the line of the Army of 100,000 men. That law was enacted in 1901. Never at any time under that law until very recently have we ever had 100,000 enlisted men in the Army. At the time the law of 1901 was passed there were a great many more men in the Army than we had along about 1903. The Army was materially cut down. At one time since the Spanish-American War we had a force of 57,000 men. That force has gradually been expanded as the necessities of the Government increased. When we constructed fortifications in our insular possessions we needed additional men and increased the Army. The matter was in the hands of the Executive. All the Presidents have used the power wisely and judiciously. The expense for additional men was voted by Congress from time to time and the increments were small and did not materially add to the cost of the Army. This amendment provides for 220,000 men. That does not say that the President must immediately enlist them, but it gives him authority if in his judgment he thinks it advisable to enlist them, just as does the existing law, which fixes the maximum strength at 100,000 men. I can conceive of many conditions under which such a step would be advisable on the part of the Executive. The pending bill, while it provides a force of 140,000 men, also provides that in the imminence of war the President may expand the Army so that it will include 20,700 men in the Cavalry, 21,816 in the Field Artillery, 25,203 in the Coast Artillery Corps, 77,280 in the Infantry, 4,500 in the Engineers, 1,932 in the Porto Rico Regiment, recruits aggregating 7,813, cadet companies 3,150 men, Military Academy 632, Indian scouts 75 men—a total number of men of the line amounting to 163,101 plus 12,000 men in the Philippine Scouts. That would make a total of about 175,000 men. That is the war strength of the line under the Hay bill.

Mr. MADDEN. Will the gentleman yield?

Mr. KAHN. I will.

Mr. MADDEN. How many real fighting men would there be in that 175,000?

Mr. KAHN. All fighting men. That does not include the staff. That does not include the Quartermaster's Department, nor the Hospital Corps, nor any of the other men who supply the necessities for the Army. They would aggregate about 32,000 more.

Mr. MADDEN. What is meant by Military Academy? Are those the students there?

Mr. KAHN. No, indeed. There are 635 men at the Military Academy who are in the line of the Army, and who could be called to the front immediately if the War Department so desired.

Mr. MADDEN. What is meant by that statement of recruits there?

Mr. KAHN. Under this bill the strength is fixed at 140,000 men, not including recruits at various stations to the number of 5 per cent. In other words——

Mr. MADDEN. Men who have not yet qualified?

Mr. KAHN. Men who have not been assigned to particular organizations but who have been accepted in the Army; they have been accepted and are to be distributed to the various organizations.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. SHALLENBERGER. I know the gentleman desires to be accurate and I will call his attention to the fact that the first paragraph says the President "shall," not that he "may," in the imminence of war add these men. Where he is allowed discretion is in the latter part of the bill, but it says here that he "shall" add these men.

Mr. KAHN. That is the language, as I understand it, of the existing law, yet the President has never added the full number. No Executive will ever abuse his authority, and, after all, Congress finally would have to provide the appropriations for any increase. The language in the latter part of the amendment would permit the President to organize new units from a force of 45,000 men. It would enable him to put all or any portion in the Infantry, Cavalry, Coast Artillery, or Field Artillery, as circumstances might require. I believe that the time has come when we should be able, even in times of peace, to expand our Army very substantially, if in the

judgment of the President such a course is necessary. For that reason I hope the amendment will prevail. Mr. Chairman, I reserve the balance of my time. How much time have I used?

The CHAIRMAN. The gentleman has used seven minutes.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. DENT].

Mr. DENT. Mr. Chairman, I hope that the committee will not adopt this amendment. I have great respect for my friend and colleague on the committee, the gentleman from California [Mr. KAHN], for his patriotism and for his ability as a member of the Committee on Military Affairs of the House, but this matter has already been threshed out in the committee. We have really given to the War Department a larger Army than the President himself has asked for, and to adopt this amendment now would mean that this bill would have to be returned to the Committee on Military Affairs after it has been agreed upon and practically redrafted. It seems to me, Mr. Chairman, that that argument is sufficient unto itself as an answer to the amendment offered by the gentleman from California [Mr. KAHN]. Now, I need not add anything, Mr. Chairman, to the argument made here the other day by the distinguished chairman of this committee that while we have had on the statute books since 1901 a law authorizing a maximum strength of 100,000 in the line of our Army we have never yet reached that point. For 15 years we have failed to have an Army equal to the maximum strength authorized by law, and the reasons that the chairman gave for that the other day are unanswerable. We must either adopt compulsory service in this country in order to get a large standing Army or we must increase the pay to such an extent that the Government can compete with private employers. This country is not yet ready, in my humble judgment, for either one of those two things. We do not want compulsory service, and the country will not stand for an enormous expenditure of money in order to meet competition with private enterprise. I say, therefore, Mr. Chairman, that this amendment ought to be defeated because it is impracticable; because we have increased the Army beyond even the limit asked for by the President; because we have placed it at a point as high as we can practically hope to reach; and, in the last place, because to adopt this amendment would mean that the bill would be sent back to the committee and the whole of it redrafted. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, as a new Member of this House at this time I should like to remain silent, but it appears to me that there is a clear and well-defined duty to speak. I am privileged by the expression of opinion of every Representative from the State of New York on the minority side to say that we are unalterably opposed to this bill as it is written, and in favor of this amendment. I am in great sympathy with what was said here on last Saturday that we should approach the consideration of this bill from a nonpolitical standpoint. There is no doubt that that is our desire. There is no doubt that that is what we will do. I am also in great sympathy or, rather, greatly interested in what was said here last Saturday to the effect that it would be a great and glorious thing if, when the vote is taken on this bill, we could vote for it unanimously as it is written. I wish we might, but if we did we would have no more satisfaction than we would on the morning of the 5th of July each year when we wake up in the morning and find the skyrockets have been shot off, the Roman candles are gone, and the caps and crackers are exploded. That is not my opinion alone, as I gather from a reading of the evidence that was taken by the Military Committee, but it is the opinion of every military authority in the United States to-day, and why not say so and let the people know it? The time has come when the people of the United States are looking to us and saying you can not talk preparedness and vote for pacificism.

Mr. GORDON. Will the gentleman yield?

Mr. SANFORD. I will yield.

Mr. GORDON. Does the gentleman consider Gen. Nelson A. Miles an authority on military matters?

Mr. SANFORD. He used to be. I do not know whether he is now or not.

Mr. GORDON. He does not agree with you.

Mr. SANFORD. I will make clear the point I have made. In the hearing before the Committee on Military Affairs the question was asked of Gen. Wood:

> You regard the organizations as more valuable than simply having more men?

His answer was this:

> Gen. WOOD. If you are limited to 140,000 men, I should fill up the present organization and then create new ones, especially in the Field Artillery, up to the limit of 140,000, but if you do only that you will not have done much for the security of the country. You will not have taken any adequate measure of defense.

And that is the truth, and every man who has studied this question, whether he is a military authority or not, knows it. Capt. Kilbourne, of the General Staff, when questioned by the chairman of this committee, who was speaking of an Army of 140,000 men, said:

> Capt. KILBOURNE. Why, Mr. Hay, I feel this way about that. Unless this country is willing to have a military organization of some kind of sufficient strength to meet any nation which might envy us or might desire to cross our policies, I agree with you, sir, it does seem to be idle to do anything.

It is idle to do anything if we are going to pass this bill, in the judgment of those men who know and whose testimony has been taken in 1,465 pages of the record.

Mr. HELVERING. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. SANFORD. I have not the time to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SANFORD. So I say that if we do pass this bill as it is written we have not done the thing that we have been talking about. It is a discouraging and a disappointing thing to see men stand on this floor and become eloquent for preparedness and then come and say here, "Let us be unanimous in voting to do that which is practically nothing in the judgment of the military men."

I do not say we should follow the military men alone. I think it was John Adams who said:

> The cardinal duty of a statesman, the principal duty of a statesman, is to provide for the common defense.

Let us try to be statesmen. That does not mean that we should follow blindly the authorities, but we should consider their testimony and not speak of it wholly as superficial. People of this country may not know for many months what we have done here in this long bill of some 90 pages. We may be able, in the words of the bill, to conceal its real meaning from the people who are watching and waiting in this country, but there are nations in Europe that will know what we have done when we shall have finished. I believe in framing a military policy without picking out your enemy; but in this crisis, in the condition in which this country finds itself to-day, surrounded by the most intense vitalities that ever prevailed in the world, if democracy can do no better than is proposed by the bill, democracy is not doing much.

The world will know what we have done here. I say to you, in the darkness and quiet of night you can scare away a burglar, if you will, with a toy pistol or perhaps with a shining top, but when you are going after a murderer in the full glare of the sunshine it is utter folly to draw a gun unless you know it is loaded.

This bill provides what? It provides, as it is written, that at the end of four years we shall have added so much that we will have an army of fifty or sixty thousand men for the defense of continental United States; an army of such magnificent size that at the end of four years it will be relatively as big, according to the population of this country, as our Regular Army was at the opening of the Civil War, and no bigger—and everybody knows that at that time it was not big enough to be an adequate police force.

That is not what the people are waiting for. They are waiting for the real solution of this problem; and whatever it is that you and I may wish, our plain duty is to solve this problem, and solve it as if we meant business. The program of the War College is not extravagant. It calls for 250,000 men in the Regular Army, and with a scheme of enlistment that would in eight years put into the reserve of the Regular Army 379,000 men, making in all a half million available men with Regular Army training. It is further proposed to supplement this with a half million men partially trained as citizen soldiers, so that in an emergency we could start with an army of approximately 1,000,000 men.

They tell us at the same time that if we should be in a war we would need an army of twice that size, or 2,000,000 men, so that they require an army that would in an emergency require us only to double our forces. The scheme provided in this bill would require us in an emergency to produce an army twenty times the size of the army provided in the bill. Is that preparation or is it pacifism?

I do not pretend to be a military authority, but I pretend to be competent to read this evidence and know what it means. I do claim to be competent to reflect in this House to-day the sentiments of the people of New York, who are not afraid of anything except the unnecessary weakness of Democracy. Gentlemen have said here that we must not go to compulsory service, although we have compulsory service in this country to-day and have had it since the beginning. In this country we have always placed the obligation of service in time of war on the untrained civilians generally.

The only question is, Shall we train our men beforehand in time of peace, to place them in a position to carry the obligation that we place upon them? It is not a friendly thing to the American people to say, "No; you need not train; we are going to be awfully good to you," because you know, and the sooner they know the better, that we already have compulsory service in this country.

I do not say we should adopt compulsory universal training now, but I say we should adopt some one of the systems that our military authorities have pointed out that would make us competent in case of need. Yes; we should approach this subject from a nonpolitical standpoint, but there is such a thing as being obligated to meet, even in politics, the question of what is to be the quality of your service. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield six minutes to the gentleman from New York [Mr. CALDWELL].

The CHAIRMAN. The gentleman from New York [Mr. CALDWELL] is recognized.

Mr. CALDWELL. Mr. Chairman, as a member of the Committee on Military Affairs, I have studied this question. I had hoped that I would have the pleasure of offering this amendment, because I believe that this is the most vital thing that is contained in this bill.

While it may be true that men can not fight battles without officers, it is equally true that officers can not fight battles without men. We have presented to us to-day the horrible spectacle of a skeleton army of American soldiers chasing a Mexican army of skeleton soldiers. Were their opponents more worthy, already the skeletons of the American soldiers would lie bleaching on the plains of Mexico. I feel very strongly upon this subject, and my feeling is based upon a thorough conviction. We owe a duty to this Nation, and while we are going about this preparation for defense and the creation of a Military Establishment, let us meet the requirements of the time. Let us not fool ourselves; let us acknowledge that the only person one can fool is himself.

I will agree that if we are to prepare either officers or men, the one not the other, that we had much better prepare officers, for it takes longer to educate and train an officer than it does a private. I realize that there is a large body of our American people living between the Allegheny and Rocky Mountains who are opposed to the organization of a military body equal to the requirements of this country, and I believe that it is in deference to the wishes of the Representatives from this section that the skeleton-army plan has been adopted in this bill. I have listened to much praise of the efficiency of the Squirrel Shooters from Kentucky and Tennessee, and I know of the ability of the Texas cowboy. I have lived among these people and I have the highest respect for their patriotism and marksmanship, but the facts seem to indicate that the Army is not made up of volunteers from the country. Our recruiting stations are largely established in the cities, and over 70 per cent of the men in the Army are recruited from the cities. When war is declared the first body of volunteers comes from the city, because it is there that the newspapers are able to arouse the patriotism and enthusiasm of our people first. The testimony before the Military Committee shows that 80 per cent of these recruits never had a gun in their hands before enlistment. In the time of stress, therefore, before the ranks of our organization can be filled to anything like efficiency, some force must be had to hold the invader, so that we can recruit and train soldiers for our defense. The passage of this bill in this form would, in my mind, be ridiculous if it were not pathetic. I sincerely trust, therefore, that the amendment will be adopted.

The people of our cities and towns are aroused and look to us for action as indicated by the resolutions passed by the conference of the mayors at St. Louis, which I ask unanimous consent to print as an extension of my remarks.

NATIONAL DEFENSE—CONFERENCE OF MAYORS AND MAYORS' COMMITTEES.

[Resolutions unanimously adopted at St. Louis, Mar. 4, 1916.]

Whereas the purpose of the establishment of the Republic was, among other things, to provide for the common defense and thereby to secure to ourselves the blessings of liberty and peace; and

Whereas this Nation is to-day without adequate defense by sea or land and is almost wholly without the means to protect its territory, defend its people, or safeguard its institutions against possible aggression; and

Whereas for the common national defense there are required an adequate Navy, ample coast defense, a mobile army, and a mobilization of the organized physical resources of the Nation; and

Whereas the General Board of the Navy has reported to the Secretary of the Navy that "our present Navy is not sufficient to give due weight to the diplomatic remonstrance of the United States in peace nor to enforce its policies in war"; and

Whereas we believe that the Navy should be increased with all speed until we shall have become the first naval power of the world, with strength on the Atlantic equal to that of any other power upon the ocean, and with additional strength upon the Pacific such as to make of us the first naval power upon that ocean; and

Whereas the General Staff of the Army has submitted to the War Department a plan for a moderate increase of the Regular Army and for the organization, distribution, and equipment thereof, and for the increase and complete manning of coast defenses: Now, therefore, be it

Resolved, That we, the mayors and members of mayors' committees upon national defense of the cities of the United States, in convention assembled, do hereby demand the immediate authorization by Congress of the building program of the General Board of the Navy of July 30, 1915, together with such additions and modifications as their expert knowledge and experience may indicate to be necessary at this time. And we do further demand that the personnel of the Navy be increased in conformity with the requirements of the service, as interpreted by the General Board.

Resolved, That we demand the increase and complete manning of coast defenses, as recommended by the General Staff.

Resolved, That we demand the immediate increase, organization, and disposition of the Regular Army, as recommended by the General Staff.

Resolved, That recognizing the military obligation equally with the civic obligation as a fundamental duty of Democratic citizenship in a Republic, and to establish a system which will affect alike every man in the Republic, we approve and recommend the adoption of universal military training under Federal control throughout the United States.

Resolved, That we approve and recommend the immediate formulation of plans by the Federal Government for the organization and mobilization of the physical resources of the country, and to that end, among other things, we specifically recommend:

That all arsenals, ordnance, rifle, and other munition-producing plants supported by Federal appropriation be located at a distance from the Atlantic and Pacific seaboards and from the Canadian and Mexican borders, as recommended in the recent reports of the General Staff of the Army.

That steps be taken by the Federal Government to effect in time of peace and standardization of all material which may be required by the Government in time of war.

That the transportation facilities, industries, and general resources of the country be so marshaled and organized as to make them promptly available for service upon the outbreak of war.

That Federal legislation to effectuate the foregoing be enacted by the present Congress; and be it further

Resolved, That copies of these resolutions be at once transmitted to the Senate and to the House of Representatives, and that a copy thereof be transmitted at once to each Senator and Representative of the National Congress.

Mr. TOWNER. Mr. Chairman, I call attention to the fact that both the section and the proposed amendment to it are limitations and not authorizations. Neither the section nor the gentleman's amendment to it would put any more men into the service. The section provides:

That the total enlisted force of the line of the Army shall not exceed at any one time 140,000, except as provided for in section 1 of this act.

The amendment proposed simply strikes out "140" and inserts "220." It still remains a limitation only.

The second section of the bill provides for the new organization of Cavalry regiments. It prescribes the number and character of officers and machine guns. Section 3 prescribes the organization of Field Artillery, with its officers, regiments, guns, and equipment. Section 4 provides for the organization of the Coast Artillery Corps. Section 5 provides for the organization of the Corps of Engineers. Section 6 provides for the organization of the Infantry. Each of these sections provides for the increases in a particular branch of the service. Some of the increases are small, others larger. If gentlemen really desired to increase the size of the Army, these are the sections they should have proposed to amend, not section 7, which is but a limitation and prescribes only a peace footing.

The gentleman's amendment refers to the "force provided in this section," but there is no force provided in this section. This is an increase of the limitation on the force but not an addition.

Mr. KAHN. I will say to the gentleman that that has been amended this morning.

Mr. GARDNER. Is not the gentleman aware that there are a great many more than 140,000 troops authorized in this bill, and that this section 7 simply says that of those authorized not more than 140,000 shall be recruited?

Mr. TOWNER. I am well aware of that, if you mean the war strength of the forces; but that does not change the point I make.

Mr. GARDNER. What does the gentleman mean by the war strength? I find no such statement in the bill.

Mr. TOWNER. In the express terms of section 7, which we are considering, it is provided that 140,000 shall constitute the

maximum strength of the Army, "except as provided for in section 1 of this act."

Section 1 provides that when in the judgment of the President war becomes imminent all of said organizations—

that shall be below the maximum enlisted strength authorized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as war or the imminence of war shall continue.

That is what is meant by war strength. It is the maximum number of men provided for in sections 2, 3, 4, 5, and 6 of this bill. The total is 207,335, as stated in the report of the committee. One hundred and forty thousand is the peace footing. Two hundred and seven thousand three hundred and thirty-five is the war footing of the Army as provided in this bill. The President, if he so determines, on the day after he shall sign this bill can direct that the Army shall be recruited at once to 207,335 men.

That is the elastic, expansive feature of the bill. There are officers and equipment provided for 207,335 men, but they are not called into service and we are not required to pay them until they are needed.

To increase the limitation without increasing the number of regiments would destroy the expansive feature of our policy. Unless gentlemen desire to do that they should vote against this amendment. If the amendment should pass, as the gentleman from Alabama [Mr. DENT] well says, this bill would have to be recommitted for reconstruction so that the other provisions of the bill could be brought in harmony with this change.

SIZE OF THE ARMY.

This is a bill to reorganize the Army and to increase its size and efficiency. It makes material increases in the Regular Establishment. It increases the minimum strength of the Army nearly 50 per cent. It adds 10 regiments of Infantry, 6 regiments of Field Artillery, 52 companies of Coast Artillery, 15 companies of Engineers, and 4 Aero squadrons. It adds to our present permanent force 40,000 men and 7,450 officers. Seven hundred and eighty-six officers have been added to train the militia and students in schools and colleges. The Aviation section has been increased by 73 officers and 720 men.

This will make a force in our Regular Establishment of 140,000 men, which could immediately be increased under the provisions of this bill by order of the President to 207,335 men. To this available force must be added 129,000 officers and men now in the National Guard, which may be increased under the provisions of this bill to 425,000. We already have a carefully considered and effective Volunteer Army law which provides a method of increasing the Army in case of war to any required number. It is expected that under the operation of this bill we will soon have a first line of 500,000 men subject to immediate call for service.

There is great difference of opinion as to what would constitute a reasonable increase of the Army. This difference is not confined to those who have no technical knowledge or actual experience in military matters. It is as marked among the military experts as among the people generally. It is often suggested we should follow the advice of those especially qualified to advise; but this can not be done when there is such a wide difference among those who are especially qualified. There is practical agreement that we must provide for substantial increases, but to what extent and in what manner these increases should be made there is the widest divergence of opinion. If we shall assume that we should provide for an Army of 500,000 men, either in actual service or prepared for immediate service if necessary, and if we further assume that provision should be made as to organization, arms, ammunition, and equipment for 1,000,000 additional men with sufficient training to be quickly prepared for active service if called, we would meet practically every reasonable demand.

It is admitted that we can not maintain a standing army of 500,000, or anything near such a number. To obtain a first line of 500,000 a part must constitute the permanent establishment and a part prepared for and subject to immediate call. The proportion which should constitute the permanent peace footing and how the remainder shall be obtained and trained are the subjects of controversy.

The present bill provides a permanent establishment of the Regular Army of 140,000, expansible to 207,000, and an auxiliary force consisting of the National Guard which includes about 130,000 officers and men, expansible to 425,000.

Ex-Secretary Garrison proposed a force of 135,000 regulars and the "Continental Army," to consist of 400,000 men volunteered for duty two months of each year for three years. He would allow the continuance of the National Guard, but without incorporating it into our national forces.

The War College plan is for 281,000 regulars with reserves.

Gen. Wood and some other Army officers advocate a plan of about 250,000 Regulars and 250,000 Volunteers to be prepared for service by intensive training for short periods.

The Chamberlain, or Senate bill, provides for a Regular Army of about 180,000 men, a Volunteer Army of about 250,000 men, and a militia force of about 200,000. All of these plans provide for reserves to meet subsequent demands.

Some matters necessary to be considered in determining the relative merits of these plans will now be discussed.

THE COST.

This bill is not an appropriation bill. It is not an emergency measure. It is not intended to meet the Mexican situation. That has been already provided for by authorizing the enlistment at once of all the men the President has asked for and by extraordinary appropriations. In that regard, as in every other particular instance, Congress must be guided in its action by the administration, and Congress has given instant and unanimous response to every request the President has made.

This bill provides for a permanent peace establishment. The appropriations necessary to carry out its provisions must be considered as a permanent burden on our people. We have and under our present system must continue to maintain the most expensive Army in the world. It costs us to maintain our present Army of less than 100,000 men more than $100,000,000 annually. It will cost us for any contemplated permanent additions to it more than $1,000 per man per year.

Our system of military service is voluntary. That means we induce and do not compel service. For this reason we must pay men more than other nations, which have compulsory service. The European nations do not really pay their soldiers. They give them an allowance of but a few cents per day. Besides, labor is more in demand and receives much higher wages here than in European countries.

To increase our Regular Army to 250,000 men would mean an increase of our Army expenditures to more than $250,000,000 yearly. To increase it to 500,000 men would mean an annual burden of over $500,000,000. These increases would make such increases to our load of national taxation as were never before experienced or even contemplated in time of peace. It would mean more stamp taxes, more revenue taxes, taxes on business, occupations, and professions, inheritance taxes—every conceivable kind of taxes.

It should be remembered that the Army is but one part of our Military Establishment. The Navy is the other and much more expensive part. While we pay $100,000,000 each year to maintain our present Army, it costs us annually $150,000,000 to maintain our Navy. If the President's declared purpose or any policy approaching it is adopted it would increase the annual appropriations for the Navy to from $500,000,000 to $750,000,000. It is true our Army is very small, too small; but it is efficient. The same can not be said of the Navy at present. It is admittedly deficient in both ships and men and it is apparently inefficient. It will cost much more to bring out Navy even up to second place among the navies of the world than it will to adequately strengthen our Army. Not only are new ships of all kinds required, but we shall be compelled to enlist a large number of men to man our enlarged Navy.

To increase and strengthen the Navy is an imperative duty. Unless we expect to send our Army overseas we shall have little difficulty in obtaining and maintaining one amply sufficient for defensive purposes. But with the Navy adequate preparation is still more important. The Navy is our first line of defense. To it we must look primarily for protection against invasion. Increases are demanded for the Navy which must entail a much larger burden of expense than is required for the Army. We must not lose sight of that fact in considering increases authorized for the Army. Both Army and Navy must be considered, and our total military budget should not exceed what can be justified as necessary expenditures at this time for national defense. The people will approve of all necessary additions to present expenditures, but they will expect their Representatives to consider carefully propositions for the appropriation of hundreds of millions of dollars in order to meet the extravagant demands of extremists.

The least that can be expected from this bill when it shall be returned from the Senate and emerge from conference is that it will require an annual expenditure for the Army of over $200,000,000. The least that can be expected from the Navy bill is that it will carry over $300,000,000. This will entail a permanent annual burden of over half a billion dollars for the support of our Army and Navy. This would seem a sufficient increase under existing circumstances.

The plan of increasing the Army proposed in this bill is the least expensive of any suggested, unless a compulsory system is adopted. The Regular Army is skeletonized so that the mini-

mum number only need be paid in times of peace and additions may be made to regiments already officered and formed in times of war. The National Guard will be trained under the direction of Regular Army officers, but in their home towns. They will be paid for time spent in training jointly by the Government and by the States. The Government will not be required either fully to pay or maintain them except when they are called into active service. The reserves will be rapidly increased and will constitute a source of effective defense with little cost to the Government.

In order to secure the number of men required under the other suggested plans, it is proposed to double the pay of the men in the Regular Army, and induce enlistment in the volunteer armies by the payment of bounties from the National Treasury. These plans if adopted would still further increase the cost of maintaining an Army over the estimates already stated.

RECRUITING.

We have already authorized the recruiting of the Army up to the maximum. It is now about 86,700. The War Department is now using extraordinary efforts to recruit the Army up to the standard authorized, about 120,000. Notwithstanding their utmost endeavor, they are only able to recruit about 100 men a day. If this bill passes, to recruit the Army up to the maximum authorized will require 121,000 additional men. To secure these men at the present rate of enlistment would require nearly four years.

It is much easier to enlist men in dull times than in good times. Fifteen dollars per month is very small pay. During the last year, although all the recruiting force was busily engaged in soliciting recruits and more advertising was done than ever before, the Government was only able to secure 45,111 men. This year, with more prosperous conditions, larger demands for labor, and higher wages, enlistments are much slower. It is difficult to induce men to accept a job that pays only 50 cents a day when manufacturing plants are paying from $2 to $4 per day for unskilled laborers.

Men do not joint the Army in time of peace from patriotic motives. Of course if we should become involved in war, conditions would be entirely different. Men then would listen to their country's call, and respond as a duty. But until that time comes we must expect enlistments to be slow. Only about so many men each year, subject to the varying conditions I have referred to, can be induced to enlist. It costs the Government now $180 per man to induce enlistments.

Ex-Secretary Garrison said that 50,000 per year was the limit of enlistments under our present conditions. Gen. McCain, Adjutant General of the Army, said that 50,000 was the maximum that could be enlisted annually. Gen. Wood calls attention to the fact that even for the Spanish War the Government was never able to fill its call, and that never since have we been able to bring our Army up to the authorized strength. He testified that for the year 1915, ending June 30, 27,020 men terminated their enlistments; 3,149 also went out on discharge by purchase.

If we can not fill our Army under present conditions how shall we fill the ranks if the authorized strength is increased to 250,000 or more?

There are two ways in which the number of enlistments can be increased. One, by increasing the pay, we have already referred to. The other is by shortening the term of enlistment.

Under the existing law the term of enlistment is seven years, four years active service and three years reserve. This bill changes the period to three years with the colors and four years with the reserve. Amendments will be presented and I hope adopted so that the term may be shortened, and a soldier who has served one year and obtained a certificate of proficiency and good conduct from his commanding officer can be transferred to the reserve. Gen. Wood has testified that with six months' intensive training a man can be made a good soldier, and that with one year of Regular Army service any man should be qualified for any ordinary military service. Other officers admit that in 12 months a soldier has learned all that is necessary to make him efficient.

The effect of the shorter term will be to induce a larger number of enlistments and to secure a better character of applicants. It will continually pass into the reserve a large number of trained men whom the Government will not be required to support, and who will be ready for immediate service when called to the colors. It would appear not only the best policy but almost necessary if we desire quickly to fill the ranks of any force we shall determine to secure.

CONSCRIPTION.

When the difficulties of securing voluntary enlistments sufficient for the large army demanded, and when the immense cost of maintaining such a large standing army is suggested, our militarist friends necessarily fall back on universal compulsory military service. Such a plan, they say, will secure a sufficient number, and will obviate the necessity of paying the men. Many of them favor the complete adoption of the European system. Many especially praise and applaud the German system. Still more desire us to adopt the Swiss system. This, they declare, will remedy all difficulties about enlistments. It will also solve the problem of how to maintain a large army without great cost, for with compulsory service only a small allowance is given the soldier.

It is astonishing how this proposition, which two years ago would have been considered absurd, is now so widely entertained. The Eastern press very generally approve it. Most of the Army officers desire it. It is advocated by many of the so-called military experts. It has become a formidable cult. It will probably grow stronger as long as the European war continues.

None of the advocates of universal compulsory military service seem disposed to discuss the effect of the adoption of such a system by the United States. Before the present war Germany, with such a system, maintained a standing army on a peace footing of 688,000 men. France maintained an army of 616,000 men.

If the compulsory system in France, with a population of 40,000,000, kept 616,000 men in arms, such a system in the United States would keep 1,500,000 men in arms. Under such universal system the number is determined by the population and the conditions of service. A selective compulsory service is still more difficult of application. No method could be devised by which one man or one class of men would be compelled to serve and another man or class of men relieved of service without injustice and favoritism.

The proposition to create and maintain permanently a large standing army by universal compulsory military service is militarism in its extremest form. It has never before been advocated by men of prominence and standing in this country. It is unwise and dangerous. It is opposed to our principles of democracy. It is not in harmony with our institutions. Never, except in times of war when the Nation is imperiled, have we resorted to force to fill our armies. Except in such cases it can not be justified.

THE NATIONAL GUARD.

This bill makes the National Guard the auxiliary force of our first line of the Army. It would seem apparent that with a military organization already in existence of 129,000 officers and men, well armed and equipped, with at least some training for military service, it would be folly not to utilize and develop this available material. This bill provides a plan by which for the first time in our history the National Guard will be brought under the control of the President and the War Department, so that in time of peace it may be fitted for effective service in time of war. The bill provides for detailing Regular Army officers to train the militia in the discipline prescribed by the Government. The National Guard is made subject to the order of the President for immediate service wherever required when war is declared or is imminent. It can be mobilized at once, because it will be fully armed, equipped, and trained for service. There is a singular prejudice against the use of the militia as a part of our national forces manifested by Regular Army men and some others. It has been strongly urged that the militia can not be amalgamated with the Regular troops as a national force, because to do so would be unconstitutional. There is very slight support for this contention. The militia has been considered from the first both as a State and as a National force. The Constitution recognized its dual nature and obligation. When in the service of the State the Nation need not interfere, and when in the service of the Nation the State can not interfere. Under the express power granted in the Constitution the National Guard may be trained for service, and when it is called into the service of the Nation it will be as much subject to the control of the President as any other part of the national forces.

Another objection urged is that it is composed of "48 little armies," each under a separate commander, and so can not be expected to be an effective force. The bill provides for a uniform system of organization and training, under which there will not be 48 armies, but only 1. The system, in this respect, is like that of the German Army, under which the different German States each furnish their quota under the command of their own officers. The supreme command is given the Emperor there, just as we give supreme command to the President here; and when called to the colors the President can officer them as he chooses, can assign them for duty as he sees fit, and can send them anywhere in the world for service.

The militia of the Nation was never so well officered, so well trained, so effective as it is to-day, and it will be made better under the provisions of this bill.

OTHER FEATURES OF THE BILL.

In judging the increases authorized in this bill the number of men is not the only thing to be considered. Not only is the Regular Army strengthened and enlarged and the militia increased and nationalized, but provision is made for many other things necessary to provide for adequate national defense.

To secure the required number of officers, both for continual service and to provide for emergencies, the number of cadets at West Point will be doubled. The Gard amendment will provide for an appointment of one Regular Army officer for every 400 cadets in military schools, universities, colleges, and other institutions where military training can be imparted. From these a corps of reserve officers of 50,000, who have had 4 years' instruction and 6 months' actual service with the Army is to be created by appointment or selection of the President.

This bill provides for nearly 8,000 officers. There are in the National Guard about 9,000. There are others in the United States available for service, graduates of military schools and others whose military training qualifies them, about 10,000. In all we have now about 27,000 well-trained men, which, with the 50,000 reserve officers provided for, will make a fairly satisfactory number of officers.

To secure an adequate reserve of soldiers of the line it is expected that under the provisions for increases and shorter enlistments 50,000 trained men available for service on the call of the President will be each year added to the reserves. The National Guard, in addition, will each year transfer from active service to the reserves probably 25,000 men who have been trained under governmental supervision. The military schools and colleges and universities where military training is to be given will turn out each year a large number of young men trained for service besides those qualified to act as officers. It will be but a short time until a million or more men trained for service can be quickly called into the field should occasion require.

Provision is also made for summer training schools, on the plan of the Plattsburg camp, where any citizen fit for service can be trained without expense to him by officers of the Regular Army.

It is provided that the department shall at once formulate plans to manufacture at least a large part of its own arms, ammunition, and military equipment.

Provision will also be made for a complete listing of all privately owned plants equipped to manufacture arms and ammunition, so that the Government can take them over in case of need.

The Secretary of War is authorized to procure and have on hand all necessary tools and appliances for the manufacture by the Government of arms, ammunition, and equipment necessary to fully arm and equip our forces in case of war. Provision is also made to increase our reserve stores of arms, ammunition, supplies, and hospital equipment. The Red Cross work is also authorized and encouraged.

The bill provides for organizing the industrial forces of the country so they may be called into service as a necessary element of an adequate national defense and for mobilizing them in case of war.

DENUNCIATION OF THE BILL.

It would be folly to expect that a bill could be framed at this time that would be universally approved. This bill has been denounced on the floor and by the press as weak and insufficient. Yet it provides for larger increases to our Regular Establishment than were ever before made. It presents the most extensive program of preparedness that this country ever considered. It will require the largest increase of military appropriations that we have ever made in time of peace.

After many weeks of deliberation and after hearing the statements and opinions of nearly all the military experts in the country this bill has been placed on the calendar with a unanimous recommendation that it shall pass. Democrats and Republicans on the committee alike approve the bill. It has received the approval of the President. The chairman of the committee [Mr. HAY] said on the floor of the House in presenting the bill:

I am authorized to state by the President of the United States that this bill meets his approval. In other words, it is his bill.

Condemnation of it now by gentlemen who a few days ago were demanding that everyone should "stand by the President" seems hardly justified.

Some additions have been and will be made by amendments. I shall offer an amendment to add a regiment of over 1,900 men, to be recruited in Porto Rico, for service in the Canal Zone, so that two of our regiments serving there can be brought back for service here. Increases ought to be made in the Aviation Corps. The field and machine-gun services should be increased. The Ordnance Department should be considerably strengthened. Other increases are justified, and can be made without destroying the efficiency of the bill and without requiring its recommitment. It should also be remembered that the bill will have to be considered in the Senate, where increases flourish and more lavish habits of expenditure prevail. It is very likely that when it comes back to us it will be almost large enough to meet the wishes of our strenuous advocates for greater increases in the House.

It is unfortunate that some extremists, in their zeal for a tremendous army, greatly exaggerate our condition of unpreparedness. We are not now prepared for war. We never have been. But we are not nearly so weak as some would have the country believe.

It has been said we have no men trained for service who could be called to defend the country if attacked. Gen. Bliss, Assistant Chief of Staff of the Army, was asked to make an estimate of the number of trained men available for service. This is his estimate:

Trained in Regular Army	109,461
Now in Regular Army	68,258
Trained in militia	693,417
Now in militia	129,398
Trained in Spanish-American War	324,302
Graduates from military schools, etc	169,419
Total	1,494,255

It has been said that we have no arms, ammunition, or supplies for an army if we had one. The Chief of Ordnance of the Army says we have supplies on hand fully to equip on an hour's notice 500,000 men.

We have nearly 1,000,000 rifles.

We have 200,000,000 rounds of ammunition for them.

We have under construction 1,077 machine guns.

We have 900 Field Artillery guns and 750,000 rounds of ammunition for them.

The Quartermaster General says we have supplies for 700,000 men on 90 days' notice.

The Chief of Engineers says we can supply trenching tools and pontoon equipment for 500,000 men in 15 days.

The Surgeon General says we have on hand extra medical stores for 250,000 men.

It is certain that the United States is now better prepared fully to arm and equip an army of any size than it ever was before in its history. We are producing within our own borders and from our own resources every form and character of arms, ammunition, and equipment in inconceivable quantities. If we were called upon to do for our own Army what we are now doing for the armies in Europe, we could arm and equip any number of men that might be needed for our own defense.

A REASONABLE POLICY.

There are some very good people who do not favor strengthening our Military Establishment to any extent. They believe all armies bad and any navy unnecessary. These persons would improve or increase neither our Army nor our Navy; they would prefer to abolish both.

There are many others who believe we should at once secure a large standing army and the greatest navy in the world. They believe that our safety requires such action at once, at whatever cost.

A thoughtful, careful, reasonable policy is that desired by the great body of the people. They believe both our Army and our Navy need strengthening. They believe everything necessary to make both efficient should be done. But they do not believe in the policy of maintaining a large army in time of peace. They do not believe we should strive for first place for our Navy among the navies of the world. They do not believe we should go any further than is fairly and reasonably necessary for the protection of our country and the maintenance of its rights and integrity. This bill is formulated on these lines. It is not perfect; but it is difficult to see how any man who believes that something should be done to strengthen our Army can justify himself in opposing it.

Mr. KAHN. I yield two minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I think we are all agreed that it is folly to attempt to maintain in this country a standing army in time of peace that alone and by itself would be altogether sufficient to protect the country against invasion in time of war. I think we are all agreed that the Regular Army, as maintained from year to year in time of peace, should be sufficient for what are loosely called peace purposes—for the training and instruction of the citizen soldiery, for the preserva-

tion of law and order, and similar duties and responsibilities—but with an expansive capacity that will enable it to be a nucleus around which the first line of defense is formed in time of war, and that any force we may add to a Regular Army organized for peace purposes that does not make that Regular Army sufficient for war purposes is altogether wasted. I favor the Kahn amendment. My principal objection to the figures that are set in this bill is that I do not believe even the capacity for expansion necessary for war purposes is carried with the small force that is provided to be the strength of the Regular Army. I believe that when an emergency of war confronts us we shall find that, even with our best and most hopeful calculations, the figures we have given will not be enough to take care of the great necessity for the use of the Regular Army for the organization of volunteer forces and all the other tremendous tasks that will confront the country in that time of confusion, excitement, and peril.

Another factor that ought to be taken into consideration in this connection, I believe, even though we were simply regarding the proposition as one contemplating the maintenance of the Regular Army in time of peace, is the enormous geographical area that must be garrisoned by troops and in which law and order must be maintained.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Will the gentleman from Virginia use some of his time?

Mr. HAY. I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, the bill as it comes before the House presents the combined best judgment of the members of the Committee on Military Affairs. It does not present exactly my idea of what the Regular Army should consist of. I believe we should have a larger Regular Establishment; but the limit of 140,000 in time of peace and 207,000 in time of war represents the mature judgment of the majority of the membership of that committee as to the proper size of an Army which this country should have in time of peace. In setting the figure for our Regular Army, we must bear in mind that it should not be set at the figure to which it should be increased in time of war: but our Regular Army should be a peace Army, of the size that we expect to maintain in time of peace. In time of war or should this country ever be menaced as some gentlemen thing it might be, the Regular Army would be a drop in the bucket; we would have to rely on the volunteer and civilian forces that have always responded and saved the country in time of national danger. The mere increase of the Regular Establishment by forty or fifty thousand additional men now will not provide the necessary men to form an Army of the size that would be needed at such a time.

Another obstacle to enlarging the Army further than the committee has recommended is the great expense and cost of it, for on an increase of the Army in time of peace to 220,000 men, you are going to increase the expense from $103,000,000, as it is at the present time, to approximately $220,000,000 per annum. Another thing, The Adjutant General told our committee that in time of peace it was only possible to recruit about 55,000 men each year for the Regular Establishment. If we reduce the limit of the enlistment, as we do in this bill to three years, it can readily be seen that recruiting 65,000 men each year will tax the miximum resources of enlistment to maintain an Army of 150,000 men in time of peace. If we increase it to 220,000 or 300,000 men, it means as the gentleman from Alabama [Mr. DENT] has well said, compulsory service, and I do not believe the country is as yet ready to go to that basis. Therefore I believe it would be far wiser to adhere to the figures that the Military Committee has set. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FESS. Is it not a fact that the bill proposes to increase the present establishment two-fifths, while the amendment of the gentleman from California would increase it six-fifths, or one-fifth more than double?

Mr. ANTHONY. The gentleman's statement is, I think, correct. Mr. Chairman, I yield back the balance of my time.

Mr. HAY. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I want to add a word to what has been said by the gentleman from Kansas [Mr. ANTHONY] and other gentlemen who have spoken on the amendment of the gentleman from California. I do not believe that the amendment should be adopted. I believe the bill as it has been presented is a fair and reasonable one. There is one thing we have to consider in connection with this bill, and that is that it is not such an easy matter in time of peace to get young men of worth who will enlist in the Army. If war comes, of course, you can get men to enlist, but when it is a time of peace it is a very difficult matter. There is a just reason and a just cause for young men of character and worth refusing to enlist in the Army in the time of peace. The fact is that there is no great inducement for them to do so, when you take into consideration the treatment they receive at the hands of the Government and the people when they have been discharged honorably from the service.

Proper regard and consideration for men who have served and will serve in the armies and the navies of this country should be exhibited at all times, and I think it is the duty of the Government to give preference to men who have honorably served their country in the Army and the Navy when it comes to employment in the civil service. Let there be more respect by law, if need be, for the uniform of our soldiers and sailors, and let none of them be denied admission to places of amusement because of same, as has often been the case. Let the Government and the American people show more consideration for the men who have served this country in giving them employment in civil life. I think an honorable discharge given to a soldier or sailor should be considered by the Government and the people as a badge of honor and a recommendation of the highest order. Yet this is not so to-day, and very few of those who have served their country faithfully and honestly have been shown any preference whatever.

There are men to-day who have taken the civil-service examination and who, by reason of having been disabled in the service, are entitled under existing law to preference in the civil-service appointments. Yet but a few of them get upon the rolls by reason of this statute. The Civil Service Commission sends their names to the appointive powers with two others, and it is the common practice, from my experience and examination of numerous instances, that where there are three names sent to the appointing power for appointment to the civil service, and where one of them is discharged from the Army for disability in the line of duty, and thereby having preference under the law, and in addition certified as being capable and able to perform the duties of the position which he seeks, the appointive powers in seventy-five cases out of eighty turn down the soldiers who have been discharged for disability in line of duty and take one of the other men. That is so to-day in the Post Office Department of the Government, and so in other branches of the Government, and has been so not only in this administration but in other administrations. Until the Government of the United States shows some appreciation of the young men who will go out to serve their country in the Regular Army, who will go to Mexico or elsewhere, who get injured and return and are discharged because of disability—until they receive just and due consideration, it will not be an easy matter to enlist them. As it is to-day the law on the statute book is in substance violated to favor those who have political influence. [Applause.]

Mr. HAY. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Chairman, I am sorry to differ with my good friend from Missouri [Mr. DYER] in his ideas concerning the size of our Army, inasmuch as he is at the head of that splendid organization known as the United Spanish War Veterans. I want to say, however, that I shall vote for an army of 220,000 men, and I would gladly vote for an army of 250,000 men, because I do not regard an army of 250,000 as any menace to this country. Our Army is composed of our young men and boys who go into the Army for a short period and then go back to civil life, and for us to hold up the specter of militarism by reason of an army of 250,000 composed of such men is utterly foolish.

We have been told that 140,000 is about all we can get; but I am willing at this time that we shall make the attempt, for two reasons. In the first place, unless we increase the Army the emergency in Mexico may assume proportions necessitating calling out the volunteer soldiers. During this period it will be easy to get men who are anxious and willing to go into the service, and thus avoid calling on the National Guard until it shall have had a chance to demonstrate what can be done for it under the plan as proposed.

You well know my confidence in the National Guard, but I want to legislate in such a way that during this period of great emergency we shall do everything we can to avoid the necessity of calling the volunteer soldier into the field, because I realize what it means; the sundering of home ties, the interruption of business affairs, which are always caused by sending a volunteer army into the field.

For these reasons, namely, because it is possible now to get men willing to do this service, and in order to prevent our volunteer forces being called into the field until they are better armed and equipped, I am glad to vote for an army which in

some measure represents the true dignity and worth of this great Nation of ours. [Applause.]

Mr. HAY. Mr. Chairman, I yield four minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, it seems to me that the amendment offered by the gentleman from California [Mr. KAHN] is peculiarly and curiously illogical and indefensible. I realize that there are a good many men on this floor who believe that we should have a larger number of units in the Regular Army than are provided for by this bill, and I had supposed that as we reached the portions of the bill relating to the size and number of units amendments would be offered increasing them. In regard to such amendments, there would have been ground for difference of opinion. Some have thought that an increase of the Coast Artillery companies was proper and necessary; some believe, no doubt, that an increase of the regiments of Cavalry is desirable; some that a larger number of Infantry regiments should be provided; the importance of Field Artillery has been demonstrated by the European war, and there are, no doubt, some who believe it might be well to increase the number of field batteries above the number provided by the bill; but those various items were passed over. It is not proposed to add to the number of units in any branch of the service by this amendment. The adoption of the amendment would not accomplish the result of giving us in time of actual war a larger Regular Establishment than we would have under the bill as it now stands. It would simply result in taking from the establishment we are providing for its all important element of expansibility. The amendment would, however, load on the people of the country an additional expenditure of from seventy to eighty million dollars annually for a larger force in time of peace, and I suggest to the gentleman that it would be well to think of that now and not wait until we are called upon to vote additional taxes. We would load upon the people of the country an additional burden of seventy to eighty million dollars every year without securing either a larger or a better establishment when actually needed than is provided for by the bill.

If gentlemen who believe in a larger Regular Establishment than the bill provides for have the courage of their convictions, or had them when we passed over the former sections of the bill, they should have voted for increases in the units of Infantry, Cavalry, and Artillery as we came to them, in order that the Regular Establishment might be, when expanded, in time of need a larger force than is provided by this bill. This bill represents, as I understand it, the average judgment of the committee, and I regret exceedingly that the members of the committee, who came so nearly to an agreement, could not have seen their way clear to stand by the work of the committee as presented to the House. I propose to vote for this bill, or at least most of its features, not because I approve of all its items and all of its provisions, but because it does represent a reasonable expansion of the Regular Establishment, probably as large an expansion as we can secure in time of peace through voluntary enlistments. [Applause.] Any considerable increases above the number we provided for can, in the opinion of the recruiting officers of the Army, only be secured in time of peace by conscription. We do not propose to go to that.

The bill as it stands increases the Regular Army by 10 regiments of Infantry; 6 regiments of Field Artillery; 52 companies, or the approximation of 6 regiments, of Coast Artillery; 15 companies of Engineers; and 4 aero squads. This is an increase on a peace basis of 40,000 men and approximately 7,500 officers. Without any change of organization whatever, the units provided for in the bill can be readily and quickly expanded by the addition of enlisted men to a force of over 200,000.

The increase which the bill provides on a peace footing will, when fully organized, increase the cost of the Regular Army about $50,000,000 annually, and adding to this the $11,000,000 estimated as the increase of militia pay, provided in the bill, we would have a total increased cost for our Military Establishment, when this new organization is in full swing, of over $50,000,000 annually.

The amendment offered by the gentleman from California [Mr. KAHN] would not, as I have said, give us a single additional company or regiment in any arm of the service. It would simply have the effect, if appropriations were made to carry it out, of expanding the establishment which we are providing for in the bill to full war strength in time of peace, leaving no room for expansion in time of war, and it would increase the cost by from seventy to eighty million dollars annually. I do not feel justified in voting to do that.

I feel that in providing for an Army of approximately 150,000 men, including officers, in time of peace, for nearly 800 officers in excess of those needed with troops to train the militia and students in schools and colleges, in providing for pay for the militia which should give us approximately 200,000 men in that line of the service, in providing for cadet corps, officers' training corps, and reserve corps of both officers and men, and in providing for the Federal control and prompt mobilization of these forces as well as for the industrial establishments of the country, we have a measure which presents about as good a scheme of preparedness as we can secure under voluntary enlistments and at a cost which the people will be willing to pay.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. WATSON].

Mr. WATSON of Virginia. Mr. Chairman, there is an old adage that when doctors fall out the layman has a right to speak. I trust, therefore, I shall not be deemed presumptuous in volunteering to express an opinion upon this very important question. There is no intrinsic merit in mere numbers. The fate of the Nation is not going to hinge on the proposition of whether the Army contains 140,000 men or 220,000 men. We all know that in the end the safety of the country must depend upon the courage and patriotism of the people themselves. Some of the experts say one thing and some say another; but as respects the question of mere numbers of the standing Army, their differences are not irreconcilable nor fundamental. In saying this I am not unmindful of the wide divergence between the advice offered by the heroic gentleman from Massachusetts [Mr. GARDNER], who in time of emergency would have none but Regulars on guard, and that offered by the less belligerent gentleman from New York [Mr. LONDON], who would discard all material physic for the body politic and trust to faith alone to cure all the ills of the flesh. I want to call the attention of the committee to the fact that every official of the Government charged with responsibility upon the subject, from the President to your committee, is agreed upon the proposition that there should be some increase in the standing army. The only question left to us to decide is how much. The President in his message said the Army should consist of about 140,000 men—I forget the exact figures. The former Secretary of War, Mr. Garrison, in his able annual report, said the same thing. The General in Chief of the Army says 150,000 is about the right number, and your committee recommends 140,000. The Army War College says 260,000, leaving out the Philippine scouts, and the gallant gentleman from California [Mr. KAHN] now says 220,000. I wonder what has happened to the gentleman since he agreed to the committee report.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. KAHN. The committee agreed absolutely on principle. There was not a division of opinion, but the gentlemen of the committee reserved the right to offer amendments to perfect the bill with regard to details, especially as to this increase.

Mr. WATSON of Virginia. I am not criticizing the gentleman's motives nor his rights. I must say, however, that the course pursued by some members of the committee in this case respecting the work of their own hands is most unusual. The gentleman from California, after his arduous service on the committee, when he had seen the work of his hands and pronounced it good, retired into solitude to rest. Deep sleep fell upon him, and he dreamed a dream, and a vision of the future rose before him. He thought he saw the stranger from the isles of Nippon peeping with covetous eyes through the Golden Gate upon the fruits and flowers of the Pacific slope, and his heart quaked and he was afraid.

When he awoke he resolved forthwith to strengthen his prescription and give the country 220,000 instead of 140,000 ounces of "national preparedness."

But, jesting aside, which of these estimates is correct?

With considerable confidence, I should say the report of the committee is right, because—

First. According to the statement of the War Department, 140,000 represents about the maximum number of men we shall be able to recruit for the Army under present conditions. If we want more, we shall have to pay much higher wages or conscript the men; and we would not be justified at this time in doing either of these things.

Second. If we augmented the number beyond what is provided for in the bill we would have nowhere to house them. New land sites would have to be acquired, new posts established, new barracks and quarters constructed at great and unnecessary expense to the people. According to the estimate of the department, the present accommodations would be sufficient to supply only some 140,000 men.

Third. If the number of the Army should be increased as proposed in this amendment, in time of peace there would be nothing for the additional 80,000 men to do.

According to the calculations of the department, the 140,000 men provided for in the bill will be amply sufficient to preserve the peace and execute the laws of the country, to garrison the military posts at home and abroad, to defend the frontiers, to train and instruct our citizen soldiery—in short, to perform all the duties for which an army is designed short of making war on a large scale.

Fourth. The increase called for in the committee bill is in line with the precedent followed by the Government on similar occasions in the past, and violates no traditional policy of the country.

It may be interesting to recall that the question of what was the proper size for the Army in a free Republic in time of peace was one of the first with which the administration of Washington had to deal. In 1792 he sent to Congress and obtained its approval for a bill organizing the Army upon a peace footing of 5,120 men. The population of the country at that time was 3,929,214. So it will be seen that Washington's plan contemplated 1 soldier in the Army for every 767 people.

When the great War between the States had closed and the question again recurred what size Army should be maintained for the future, by act of Congress, July, 1866, the number was fixed at 50,000. Estimating the population at that period at 33,000,000, we shall see that this contemplated 1 soldier for every 660 persons of the civil population.

Conjecturing the population at present to be about 100,000,000, an Army of 140,000 would represent 1 soldier for every 714 persons in civil life—a figure about on a par with that fixed by Washington at the beginning of the Republic and that fixed later by Congress at the close of the Civil War.

Now, on the contrary, the increase called for by this amendment, if adopted, would mean 1 soldier for every 454 people in the United States—a greater number than has ever been maintained by this Government in time of peace in all the years of its history.

Mr. Chairman, the bill before us increases the standing Army by 40 per cent, which, in my view, is a very substantial addition to the Nation's defense. We are not living in ordinary times, and thoughtful men all over the country believe we should take some steps toward putting our house in order. The committee bill is a fair and reasonable response to the public demand. The cost has been guarded, it seems to me, with wise care, and the increased expense will not, in my judgment, be an unwelcome burden upon the Public Treasury.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. KAHN. Mr. Chairman, if I had the time I would allow the gentleman time in which to finish the dream. [Laughter.] I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, it seems almost superfluous for the President of the United States to go all over the country and by his presence exhibit the existing sentiment for preparedness and after all have it all result in the mountain being in labor and bringing forth a ridiculous mouse. Forty thousand men—that is all—to be added to the Regular Army!

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. JAMES. Is it not true that in its present form this bill is a joke, and is it not also true that in its present form such strong "peace-at-any-price" advocates as William Jennings Bryan, Henry Ford, and Jane Addams could all vote for this bill if they were Members of this House?

Mr. GARDNER. I will say to my fellow Member and Spanish War veteran, that of course he is right. Why, not only could those pacifists vote for this bill but all the people of this House who for years have been fighting against a large army can and will vote for this bill. For instance, I hold in my hand a list of the Committee on Military Affairs who have agreed on this bill, if you please. They have agreed on this bill unanimously, and now let us see who they are and how they have stood on national defense before the present time. On that committee there are just 10 men who were in the last Congress. Let us see which were little Navy men and which were big Navy men.

SEVERAL MEMBERS. Army men.

Mr. GARDNER. No; I say, "Navy," because we had no record vote on the Army, and their vote are illustrative of whether or not they were, at heart, on the pacifist side or on the increase side. JAMES HAY, chairman, did not vote. S. HUBERT DENT, Jr., voted on the little Navy side. WILLIAM J. FIELDS voted on the little Navy side. KENNETH D. MCKELLAR voted on the little Navy side. PERCY E. QUIN voted on the little Navy side. WILLIAM GORDON voted on the little Navy side. DANIEL R. ANTHONY, Jr., did not vote. JULIUS KAHN voted on the big Navy side. FRANK L. GREENE voted on the big Navy side. JOHN C. MCKENZIE voted on the big Navy side. It shows, Mr. Chairman, that this is a bargain, a simple surrender. They have given out to the world, they have said we want real preparedness, and we get 40,000 men. Now, what are 40,000 men? I hold in my hand a list of the standing armies of the various countries of the world before the outbreak of the European war. I find the standing army of Turkey is no less than 430,000 men, just three times as big. I find the standing army of Switzerland, little Switzerland, with 140,000 men, and after these months and months and months of telling the country about the preparedness we are going to have, this is the net result. I yield back the balance of my time. [Applause.]

Mr. KAHN. How much time did the gentleman yield back?

The CHAIRMAN. The gentleman yields back six minutes.

Mr. KAHN. I yield six minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, this bill that we have been considering for the past day or two, which will be known as the Hay military bill, in my judgment, can not be completely satisfactory to any but the extreme pacifist. It may be, in a measure, satisfactory to the conservative preparedness advocate, but I am certain that I express the feeling of a large percentage of the number of red-blooded men in this country when I say that it is not what they had reason to expect, and do expect, from this Congress.

I believe that I reasonably represent the business element of this great country, being connected, as I am, with various industries employing many hundreds of men and women in various sections of the country, but more particularly in the very prosperous district which I have the honor to represent, I believe that I know what the people in that locality expect in this direction, and demand. It is, from my standpoint, absurd to offer this country, as adequate protection against invasion on either one shore of this great country or the other, an increase in the standing Army of this country of only 40,000 men above the legal number provided for to-day.

It is true that in this country in the past 12 months the guns, ammunition, clothing, and every other item that goes to the matter of equipping an army have increased in manufacture and production perhaps in the neighborhood of 1,000 per cent, so that in this direction this country is in a position to defend itself promptly. I know whereof I speak, because in my own district we have in the past 12 months developed industries in this direction that have increased their capacity to the extent that I have named a moment ago.

We have in the city of Utica what was the Savage Arms Co. Twelve months ago this concern was manufacturing sporting rifles and pistols. To-day the concern is known as the Driggs-Seabury Co., and they are turning out at the present time approximately 50 Lewis rapid-fire guns per day. One year ago to-day this plant was turning out nothing but spotting rifles and pistols, as I have said.

A year ago last November, in the village of Ilion, where there had been for nearly 100 years previous to that a plant known as the Remington Arms Co., who were manufacturing at that time perhaps five or six hundred rifles a day for the various armies of the world, and about the same number of sporting guns, are to-day—less than 18 months from the time the property was bought to increase the capacity of that plant—turning out approximately 3,000 Lee-Enfield rifles a day. This is an evidence of what this country can do when the demand comes.

Now, Mr. Chairman, the only thing that we need in this country at the present time, in addition to what we have, is a sufficient number of men in our standing Army to make the people of this country—the farmer, the man in the mine, the man in the factory, the small-business man, the large-business man, the banker, the preacher—feel altogether secure in their positions and in their rights, so that they can hold up their heads and walk the streets and the avenues of this great country of ours, and in any part of the world, feeling that no whit of their dignity or self-respect shall be taken from them by the necessity and the humiliation of knowing that we have not got the strength of backing up promptly the suggestions and demands of our State and executive departments in their negotiations with other great countries in the world, and, therefore, Mr. Chairman, I favor the Kahn resolution increasing the Army to 220,000 men. I would favor even a greater number of men than that, believing that fully 80 per cent of the taxpayers, directly and indirectly, in this country believe that we should have an Army of that magnitude, sufficient, as I have said before, to repel invasion on either shore of this great country, or on both shores at the same time. [Applause.]

Mr. HAY. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CAMPBELL] such time as he desires.

Mr. CAMPBELL. Mr. Chairman, the army proposed by the committee bill is sufficient for this country in time of peace. In the event of war it will answer as a skeleton upon which an army can be built up. If gentlemen are desirous of an army in this country in time of peace that will keep the country ready for war, the bill proposed by the committee is not sufficient, and the amendment offered by the gentleman from California [Mr. KAHN] does not provide half enough. The amendment should provide for 1,500,000 to 2,000,000 men instead of 220,000.

We must discriminate between our country on a peace basis and our country on a war basis. Is there necessity at this time for placing the country on a war basis? So far as I am concerned, I believe that at this time it would answer every purpose of our country to bring our coast defenses up to a high state of efficiency with the latest and the best of armament and provide the means for getting from one station to the other with sufficient equipment, ammunition, and men to take care of an invading army in case it should undertake to land anywhere in our country.

Mr. HELVERING. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. HELVERING. As a matter of fact, the bill carries the recommendation of the Lieutenant General of the Army, does it not?

Mr. CAMPBELL. I understand it does.

Mr. HELVERING. Gen. Miles recommended 140,000, or possibly 150,000 men.

Mr. CAMPBELL. Yes; and that, of course, was with the idea we were at peace to-day and would continue at peace. I am assuming we are at peace, though our Army is on foreign soil on a punitive expedition. No man knows what the result of the next 10 days may be or the next 2 weeks. We shall meet that condition if it arises.

Mr. Chairman, I can not support the amendment offered by the gentleman from California [Mr. KAHN]. I am opposed to a large standing army in time of peace.

Mr. Chairman, of course, while war continues to be the final arbiter between nations every nation must be prepared for that direful eventuality, so what I am about to say to-day is aside from the question of proper preparation for national defense against an invading foe.

It is proper to say, Mr. Chairman, that wars are not accidents, like fires, nor incidents of nature, like earthquakes and floods. Wars are declared by the authorized authorities of nations for the purpose of asserting an alleged national right or avenging an alleged national wrong.

When a serious dispute arises between nations, war is instinctively thought to be the only arbiter that will do honor to the nations involved, A just solution of questions of difference can not now be secured in a final decision by a duly constituted authority as a matter of national right. A metallic ring is therefore given to diplomatic notes to arouse national pride. Inferior diplomacy and weak international statesmanship soon call for an inventory of battleships, submarines, mines, aeroplanes, ammunition, and all manner of implements and agents of death and destruction, and if these instruments of power are deemed sufficient, the final diplomatic notes are on the one hand an ultimatum and on the other hand a defiance.

The question at issue is then submitted to the arbitrament of cruel war, where power instead of justice decides the questions of difference between nations.

Mr. Chairman, this has been the accepted method of reaching a final decision on serious international questions through all the centuries, and the decisions have been secured by the nations that have had the most powerful implements of war with well-trained men. With war as the arbiter, that nation is not "thrice armed that hath its quarrel just," but that has the best implements of war and destruction.

War's conception of justice, right, and honor is the possession of power to cause destruction to the life and property of the foe.

Before I go further into the matter let me read a letter from a man who has recently seen modern warfare in process of settling an international dispute. He says:

Your letter was here when I arrived home from the Dardanelles. I have been out there since the beginning.

I saw more men blown up in one hour out there than I saw killed all through the Boer War.

After we landed our troops on April 25 we were turned into a distributing hospital ship. Over 20,000 wounded passed through our vessel. It fell to my lot to sew up and bury the dead. To see the flower of the youth of Britain, Australia, and New Zealand—and Turkey, too, for that matter—mangled and maimed beyond recognition; not a man over 35 years and not one under 19 years; * * * to see lines of men charging with shrapnel blowing big gaps in their lines, makes one wonder if there is a living God who looks down and allows such things to go on.

April 25 will stand out as the day of horrors in my life. I suppose the landing against such odds was one of the finest things in history. Some poor chaps never got ashore. Boatload after boatload of troops grounded on the barbed-wire entanglements which stretched from the shore under the water for 30 feet, and not a man in them was left alive. They floated away later, filled to the gunwales with their dead.

On shore the sight was worse. So congested were the Turks in their trenches on such small land space that every 12-inch or 6-inch shell simply sent heads, legs, arms, and trunks of bodies flying in all directions. I think there must have been at least 50 heavy men-of-war—British and French—as well as torpedo-boat destroyers as thick as gnats, banging away all day and all night without a stop. From the giant *Queen Elizabeth* down every ship was searching the Turkish trenches with guns of all calibers. Above aeroplanes were spotting and bomb dropping. Every living person in a circle of 20 miles was bent on taking life or mangling some other person. This carnage was between men who had never exchanged a cross word; who had never even seen one another.

Mr. Chairman, it does not seem possible that this letter could have been written in an age and country where there is boast of culture and civilization, but it was, and the more than 12,000,000 of men who are either missing or are prisoners or are wounded or are dead, the $50,000,000,000 that have been worse than wasted, the untold billions of dollars' worth of property that has been destroyed in the last 20 months in Europe all testify that civilized nations still resort to barbarous war when international questions arise; and, Mr. Speaker, it may as well be conceded that war, with all its barbarity and cruelty and inhumanity, will continue to be the international arbiter until the nations of the world find some means of guaranteeing the integrity, the security, and equal honor to all nations upon all international questions.

Mr. Chairman, it is an unspeakable calamity to the people of the world that the public mind in all generations has been taught and trained to think of war as the final arbiter of international disputes. Even in this enlightened age and in our own beloved Christian country there is to-day a general assumption that there are international questions that can have no other honorable solution than by the arbitrament of war. We are to-day bound by a weird sort of worship of the punctilios in international relations, in which the formality finally calls for a show of force and arms, in which when the curtain falls on diplomacy it instantly rises on war. The war drums beat, there is an appeal to national pride, and patriotic people yield to the war spirit. To-day and for months past those in charge of our diplomacy are making demands for armed force on land and sea to an extent that little else has filled the public press or agitated the public mind, and Congress is responding to the demand for a larger Army and a larger Navy.

Is there no other honorable way of settling disputes between nations? To say there is not is to say that civilization and statesmanship have failed. The crucible of war now consuming Europe should produce something for humanity besides larger armies and navies and more destructive implements of war.

Mr. Chairman, it may be well that while all of the nations resort to war that we also shall have our arms instantly ready and our powder constantly dry for emergencies that may arise. But at the same time this government of the people, for the people, and by the people should ask the nations of the earth to unite with it in establishing other means than war for the security of national honor and for the maintenance of national integrity.

Mr. Chairman, until a few years ago dueling was looked upon as the only honorable means of settling differences between individuals. It has taken most of the time men have lived on the earth to develop political systems under which small communities are not constantly at war with each other. Happily for the world, now dueling is generally as unlawful as murder, and differences between the smaller political subdivisions of States and nations are no longer settled by force of arms. Law has been made the arbiter in disputes of this kind.

Now, let me cite some notable federations that have abolished war between their people. The Swiss Federation, made up of independent States; the French Republic, made up of independent States; the German Empire, made up of independent States. All of these States, before entering the federations of which they are now a part, were almost constantly at war with one another. Their differences are now adjusted by the orderly processes of the law, with equal honor and justice to all.

The United States of America, of Colombia, of Argentina, of Bolivia, of Brazil, and of Chile have each united many independent States that otherwise might be constantly at war with each other. These federations in Europe and America have promoted the general welfare of their people and have established a general peace between the political subdivisions of which the nations are composed and enabled their people to enjoy tranquillity with neighboring States and to engage in the pursuit of happiness, marred only by the fear of international disturbances.

International commerce, travel, intercourse, and communication are more general and more important than ever before. The people of the world live in closer relationship to each other. Conversation may be carried on between people in remote parts of the earth and instant communication sent everywhere on the globe where civilization has carried its triumphs.

Mr. Chairman, has not God given man this conquest of the earth to enable him to "furl his battle flags in the parliament of man, the federation of the world"?

I believe the nations of the earth can do for themselves that which the political subdivisions of which they are composed have done for themselves—establish international justice, insure international tranquillity, provide national security, and promote the general welfare under an international federation and constitution, and I fear these ends can not be attained in any other way.

All questions within every nation between individuals and the political subdivisions are to-day adjusted by laws enacted and enforced under constitutions the political subdivisions and nations agreed upon as the law under which they live in honorable security.

An international constitution, therefore, may be, and I believe should be, adopted by a federation of the world to enact and enforce international law and to vouchsafe to all nations, great and small, national security, national honor, national integrity, and to the world international tranquillity.

Mr. Chairman, is this an idle dream? It has not been so in Switzerland between former warring States; it has not been so in France between former warring States; it has not been so in Germany between former warring States. One of the chief purposes of the fathers of the Republic in forming the United States of America under a Constitution was to "insure domestic tranquillity." The same purpose was the prime cause for the formation of the Central and South American Republics. The avowed purpose of Pan Americanism, so recently hailed as a new American doctrine and a new international policy for all the Governments of the Western Hemisphere, is but the logical development of a great governmental principle—to establish international tranquillity and promote the general welfare.

The idea of securing the protection of government under federal law is as old as the desire for national security. This was the purpose of the Amphictyonic Council, 1,100 years before Christ; of the Achæan League, 300 years before Christ; of the Hanseatic League, in the twelfth and thirteenth centuries; and of the League of the Rhine a few years later. These are but some of the early efforts to establish governmental security under international law. The results in every case were worthy of the efforts made.

Federations with authority to enact and enforce laws between nations have been suggested by political writers and statesmen. A score of the greatest publicists in Germany, among them Kant, have urged formal international action in the enactment and enforcement of international law. French publicists have taken the same position, among them St. Pierre. This was the idea of the Brussels Congress in 1848, when it resolved:

That the speedy convocation of a congress of nations, composed of duly appointed representatives, for the purpose of framing a well-digested and authoritative international code, is of the greatest importance, inasmuch as the organization of such a body and the unanimous adoption of such a code would be on other occasions an effectual means of promoting universal peace.

This purpose has inspired men in parliamentary bodies to take steps for the creation of such an international federation. In 1848 Arnold Ruge offered a resolution in the German Parliament at Frankfort that declared:

We therefore recognize the necessity of calling into existence a congress of nations for the purpose of effecting a general disarmament of Europe.

In 1849, M. Bouvet, in the National Assembly of France, submitted the following in a resolution:

The French Republic proposes to the Governments and representative assemblies of the different States of Europe, America, and other civilized countries to unite, by their representatives, in a congress which shall have for its object a proportional disarmament among the powers and abolition of war, and a substitution for the barbarous usage an arbitral jurisdiction, of which the said congress shall immediately fulfill the functions.

About the same time Mr. Cobden, in the British Parliament, offered the following resolution:

That an humble address be presented to Her Majesty, praying that she shall be graciously pleased to direct her principal secretary of state for foreign affairs to enter into communication with foreign powers inviting them to concur in treaties binding the respective parties, in the event of future misunderstandings which can not be arranged by amicable negotiation, to refer the matter in dispute to the decision of arbitrators.

Mr. Tuck, of Pennsylvania, in the House of Representatives, on January 16, 1849, submitted a resolution in which he proposed—

That the Committee on Foreign Affairs be directed to inquire into the expediency of authorizing a correspondence to be opened by the Secretary of State with foreign Governments on the subject of procuring treaty stipulations for the reference of all future disputes to a friendly arbitration, or for the establishment instead thereof of a congress of nations to determine international law and settle international disputes.

The conferences at The Hague and of the Inter-Parliamentary Union in recent years have been inspired by the hope that a way might be agreed upon to settle international disputes without resorting to war.

Former President Taft and former Secretary of State Mr. Root have lately suggested the complete breaking down of international law and the necessity for its orderly reestablishment, with provisions for its enactment.

Mr. Chairman, international law, such as it has been, has failed and is failing to-day to redress national wrongs in both hemispheres. Wrongs ranging from the confiscation and destruction of property to the murder of men, women, and children are of frequent occurrence. A state of international lawlessness and anarchy exists. There is now no authority in international affairs except force, which does not know the limitations of law and results in international anarchy and destruction. International relations with resulting differences must continue. These relations and interests amount in large measure to interdependence, and are more intimate to-day than ever before in the history of the world. Individual nations can not make and enforce international law. That was the dream of Cæsar, of Napoleon, and is the dream of William. It has never been, and ought not to be, within the power of any nation to make and enforce laws for all nations.

How, then, shall nations adjust their differences? Civilization and statesmanship must not confess failure to meet the necessities and reasonable expectations of mankind. An orderly and effective rule of international law must be established. This can only be done under an international constitution creating, with proper formality and by the united action of the nation, a legislative, executive, and judicial authority in an international federation.

Mr. Chairman, to accomplish that great end I offer the following joint resolution and tentative constitution, which I send to the Clerk's desk and ask to have read.

Joint resolution proposing the establishment of the international federation of the world.

Resolved, etc., That the Government of the United States of America believes the progress of the world in the arts, sciences, commerce, and communication that now bring the people of the world in close relationship make it not only wise but necessary to the common welfare that international relations shall be controlled by international law enacted and enforced by authority, so that honor, security, integrity, and tranquillity shall be vouchsafed to all nations;

That the Government of the United States of America therefore adopts the following constitution, which is made a part of this resolution, for an international federation of the world to accomplish this high purpose as therein set forth; and

That the Secretary of State of the United States of America, by direction of the President, shall send copies of this resolution and the proposed constitution for an international federation of the world to the foreign offices of the several nations of the world, to be by the executive authorities of such Governments, at their pleasure, laid before their legislative assemblies for consideration and adoption.

CONSTITUTION OF THE INTERNATIONAL FEDERATION OF THE WORLD.

The Governments of the world, in order to form an international federation, establish international justice, insure international tranquillity, provide national security, and promote the general welfare, do ordain and establish this constitution for the international federation of the world.

SECTION 1. All international legislative powers herein granted shall be vested in the international congress of the world, which shall consist of a senate and house.

SEC. 2. The house shall be composed of 225 members, apportioned among the nations according to their voting populations, by the average of the total vote for members of the lower branches of the national assemblies in the three elections immediately preceding the adoption of this constitution, and chosen every sixth year by the most popular branch of the national legislatures of the several nations represented in the federation.

No person shall be a representative who shall not have attained the age of 25 years and been 12 years a citizen of the nation he is chosen to represent, and who shall not, when elected, be an inhabitant of the nation in which he shall be chosen.

When vacancies occur in the representation of any nation the executive authority thereof shall issue writs of election to fill such vacancies by the body from which the vacancy occurs.

The house shall choose a speaker and other officers and shall have the sole power of impeachment.

SEC. 3. The senate of the international federation of the world shall be composed of 96 senators, apportioned among the nations according to their international commerce, to be ascertained by the average of such commerce for a six years' period immediately preceding the establishment of this constitution.

The international senators shall be chosen by the upper branch of the national legislatures of the several nations for a period of 12 years.

Immediately after they have been assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the fourth year, of the second class at the expiration of the eighth year, and of the third class at the expiration of the twelfth year, so that one-third may be chosen every fourth year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any nation, the executive thereof may make temporary appointments until the next meeting of the upper branch of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of 35 years and been 15 years a citizen of the nation he is chosen to represent, and who shall not when elected be an inhabitant of that nation for which he shall be chosen.

The vice president of the international federation of the world shall be president of the senate, but shall have no vote unless the senate be equally divided on a vote. The vice president shall in that case cast the deciding vote.

The senate shall chose its other officers and also a president pro tempore, who shall preside in the absence of the vice president or when the vice president shall exercise the office of president of the international federation of the world.

The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the president of the international federation of the world is tried, the chief justice of the international federation shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in case of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the international federation of the world.

SEC. 4. The times and manner of electing senators and representatives of the international federation of the world shall be prescribed in each nation by the legislature thereof.

The congress shall assemble at least once in every year and such meeting shall be on the first Monday in October.

SEC. 5. Each branch of the international congress shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each branch shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each branch may provide.

Each branch of the international congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each branch of the international congress shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either branch on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither branch, during the session of the international congress, shall, without the consent of the other, adjourn for more than three days, not to any other place than that in which the two branches shall be sitting.

SEC. 6. The senators and members of the house shall receive a compensation for their services, to be ascertained by the international congress of the world and be paid out of the treasury of the international federation of the world.

The members of both branches of the international congress of the world shall, in all cases except felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective branches and in going to and returning from the same; and for any speech or debate in either body the senators and representatives of the international congress shall not be questioned in any other place.

No member of either branch of the international congress of the world shall, during the time for which he was elected, be appointed to any civil office under the authority of the international federation of the world, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the international federation of the world shall be a member of either body during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the house, but the senate may propose or concur with amendments, as on other bills.

Every bill which shall have passed the house and senate shall, before it becomes a law, be presented to the president of the international federation of the world. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the branch of the international congress in which it shall have originated, which shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the branch shall agree to pass the bill, it shall be sent, together with the objections, to the other branch, by which it shall likewise be reconsidered, and if approved by two-thirds of that branch it shall become an international law. But in all such cases the votes of both branches shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each branch, respectively.

If any bill shall not be returned by the president within 20 days (Sundays excepted) after it shall have been presented to him, the same shall be an international law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and house may be necessary (except on a question of adjournment) shall be presented to the president of the international federation, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The congress shall have power to lay and collect taxes and excises, apportioned to the nations composing the federation, one-half according to the population, to be ascertained by the last preceding enumeration of the populations of the several nations, and one-half according to international commerce, to be ascertained by the average of such commerce for six years next prior to the laying of the tax, and such tax so levied shall be paid into the treasury of the international federation; to pay the debts and provide for the common defense and general welfare of the international federation; to borrow money on the credit of the international federation; to regulate the carriers of international commerce and the paths of international commerce on the seas; to fix a uniform standard of weights and measures and of money; to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries, which shall be uniform in all nations; to define and punish piracies and felonies committed on the high seas and offenses against the international federation of the world; to raise and support such martial force for use on land and sea as may be necessary to enforce the international law and the decrees of the international court and to suppress insurrections against the authority of the international federation; to make rules for the government and regulation of the land and sea forces; to provide for calling out the land and sea forces to execute the laws of the international federation; to adopt an official language and provide for the publication of its proceedings and enactments in each nation in its own language; to exercise exclusive legislation in all cases whatsoever over the island of Porto Rico, which shall become the seat of government of the international federation of the world; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the international federation of the world or in any department or office thereof.

SEC. 9. No preference shall be given by any regulation of the carriers of international commerce to the carriers of one nation over those of another.

No money shall be drawn from the international treasury, but in consequence of appropriations made by law, and a regular statement and account of all the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the international federation, and no person holding any office of profit or trust under the federation shall without the consent of the congress accept of any present, emolument, office, or title of any kind whatever from any nation or ruler whatsoever.

SEC. 10. No nation shall enter into any treaty, alliance, or other federation, nor grant letters of marque and reprisal.

No nation shall, without the consent of the international congress, keep ships of war, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE 2.

SECTION 1. The executive power shall be vested in a president of the international federation of the world. He shall hold office during a term of 12 years, and, together with the vice president, chosen for the same term, be elected as follows:

The two branches composing the international congress shall convene in joint session and ballot from day to day until the international congress shall choose a president and vice president.

The international congress shall determine the time of choosing the president and vice president and the day upon which they shall begin voting on the election of these officers.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress shall, as herein provided for the election of president and vice president, elect a president pro tempore in case of removal, death, resignation, or inability both of the president and vice president, and such officer shall act accordingly for the unexpired term or until the disability be removed.

The president shall at stated times receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the international federation of the world or any of the nations composing the federation.

Before he enters on the execution of his office he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the international federation of the world and will, to the best of my ability, preserve, protect, and defend the constitution of the international federation of the world."

SEC. 2. The president, with advice and confirmation of the senate, shall make appointments, of civil and martial officers, and a cabinet of five members, namely, secretary of nations, secretary of the treasury, attorney general, marshal of land forces, and marshal of sea forces.

The president shall be commander in chief of the martial forces of the international federation of the world on land and sea and of the militia of the several nations when called into the actual service of the international federation of the world. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for the offenses of persons against the international federation except in cases of impeachment.

The president shall have power to fill all vacancies that may happen during the recess of the senate by granting commissions which shall expire at the end of their next session.

He shall, from time to time, give to the international congress information of the state of the federation, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions convene the international congress or either branch.

SEC. 3. That the president, vice president, and all civil officers of the international federation shall be removed from office on impeachment for and on conviction of bribery or other high crimes and misdemeanors.

ARTICLE 3.

SECTION 1. That the judicial power of the international federation of the world shall be vested in an international supreme court. The judges of the supreme court shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

The international supreme court shall be chosen and vacancies filled in the court as follows: The supreme courts of the several nations composing the international federation of the world shall nominate one of their number, and the justices so nominated shall be considered by the senate of the international federation of the world, and the senate shall choose by vote, which voting shall continue from day to day until the court of 17 members is chosen from the number so nominated.

The international supreme court shall choose a chief justice from their own number.

SEC. 2. That the judicial power shall extend to all cases in international law and equity arising under this constitution and laws of the international federation of the world; to controversies to which the international federation shall be a party; to controversies between two or more nations; between a nation and citizens of another nation; between citizens of different nations.

In all cases before mentioned the international supreme court shall have either original or appellate jurisdiction both as to law and fact, under such regulations as the congress shall make.

ARTICLE 4.

SECTION 1. That full faith and credit shall be given in each nation to the public acts, records, and judicial proceedings of every other

nation; and the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. New nations may be admitted by the international congress into the international federation of the world, but no new nation shall be formed or erected within the jurisdiction of any other nation, nor any nation be formed by the junction of two or more nations or parts of nations, without the consent of the legislatures of the nations concerned, as well as of the international congress.

The congress shall have power to make all needful rules and regulations respecting the territory or other property belonging to the international federation of the world, and nothing in this constitution shall be so construed as to prejudice any claims of the international federation of the world or of any particular nation.

ARTICLE 5.

This constitution and the international laws of the international federation of the world which shall be made in pursuance thereof shall be the supreme international law of the nations of the world; and the judges in every nation shall be bound thereby, anything in the constitution or laws of any nation to the contrary notwithstanding.

The senators and representatives before mentioned and the members of the several national legislatures and all executive and judicial officers, both of the international federation and of the several nations, and of the political subdivisions composing them, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the international federation of the world.

ARTICLE 6.

The ratification of 17 nations shall be sufficient for the establishment of this constitution between the nations so ratifying the same.

ARTICLE 7.

When a sufficient number of nations have adopted this constitution, the executives of the nations so ratifying shall appoint one commissioner each, which commissioners shall meet at the chosen seat of the government of the world and ascertain and announce the fact of such adoption and make temporary apportionment among the nations of the members of the two branches of the international congress, as herein provided, and make suitable provision for the meeting and organization of the international congress.

Mr. Chairman, I have suggested this constitution as a concrete proposition to accomplish the purpose that has been in the minds of many in all ages and generations. I have outlined a plan for such a federation as has been and is now looked upon as a means through which the tranquillity of the world may be secured.

Mr. Chairman, such a constitution would create a government whose authority would command the respect of the people of every nation in the world, being created, as proposed in the constitution, by the several nations with such formality as such a governmental act requires.

Mr. Chairman, I have suggested the international congress be made up of two houses as proposed, the lower house to have not more than 225 members, so that it would always be deliberative, and apportioned among the nations according to their voting population. The members of the lower house should be elected by the popular branches of the congresses of the several nations.

I have suggested that the upper branch of the federation congress should have not to exceed 96 members, apportioned among the nations according to their international commerce, and be elected by the upper branches of the national congresses of the nations represented.

The members of the lower house to be elected for 6 years and of the upper house for 12 years.

The congress of the federation should have all legislative authority with respect to international law, and to levy taxes upon the several nations for the expenses of the international federation, apportioned one-half according to the population and one-half according to international commerce of the nations. The expenses would be small compared with the expense now borne by the several nations with respect to their international relations.

The international congress should have power to regulate the carriers of international commerce and to provide that the port and harbor and tariff charges of each nation should be alike to all other nations.

The international congress in joint session is authorized and directed to elect an executive and vice executive for a term of 12 years.

The congress is authorized to create a martial force out of the armed forces of the several nations to be used by the executive in enforcing international laws and decrees and maintaining the authority of the international federation with respect solely to international questions.

The executive is the marshal in chief of the martial forces on land and sea and of the land forces of the several nations when acting under the federation.

An international supreme court of 17 members, elected in a joint session of the congress from nominations, one each made by the several supreme courts of the nations represented from among their members, is provided for. This court to have jurisdiction to try all disputed international questions, and upon these questions its decision to be final.

The congress is to establish an official language for the federation, with provision that the international laws and decrees of the court should be published in each nation in the language of that nation.

The difficulties to be overcome seem to be greater than they really are. A natural conservatism in every nation is the principal obstacle to be overcome. When that is done, the details in establishing such international authority will readily respond to intelligent effort. The mastery of an official language by the officials of the federation will not be an impossible task. In some of our own State legislatures Spanish and English are used interchangeably. Members of the Canadian Parliament use French or English as they will. The Panama Canal was built with employees who spoke every variety of language, yet no great public work was ever done more efficiently.

The ends to be attained are worthy of the sincerest and highest effort. This is an opportune time to press action upon it. It is doubtful if the world has ever been in a more deplorable condition, so far as international relations are concerned.

Mr. Chairman, two ways are open to the people of the world. On the one hand, to continue existing conditions that result in war and international anarchy; or, on the other hand, to provide an authority that shall duly enact and enforce an international code of laws for the assertion of national rights and the redress of national wrongs among all nations.

Mr. Chairman, the ugly scars that war has made on civilization make unanswerable and complete argument for such a code of international law with provisions for its orderly and effective enforcement.

The world is wearied and exhausted with blood and iron; with fire and sword; with deadly explosives and asphyxiating gases; with agents of death operating in the air, on land, on sea, and under the sea; with the destruction of the accumulations of its labor and industry and the choicest treasures of its art; by the waste of untold money and property; with grievous burdens of debt and taxes; wearied and exhausted with war as the international arbiter.

Humanity, saddened in every age and generation by war, its ruin, its squalor, its dead and wounded, its widows and orphans, its every woe and affliction, bows in anguish and in sorrow and pleads for the inauguration of the reign of authorized and orderly procedure by nations in settling their differences under international law.

Mr. Chairman, I urge, therefore, in the name of humanity, in the name of every race, of every creed, and of every religion, in the name of the world's civilization, the adoption of an international constitution clothed with authority and power to furl all battle flags "in the parliament of man, the federation of the world," and unfurl in every land and on every sea the emblem of an authority that, without doing dishonor or injustice to any, will do equal honor and justice to all, and guarantee equal security and protection to every nation beneath its folds, the great and the small, the strong and the weak, the rich and the poor, and establish tranquillity throughout the world for ourselves and for our posterity to the remotest generations of time.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, through the courtesy and generosity of the chairman of our committee each member was allowed to reserve the right to vote for any amendment that should appeal to him which would conform the more clearly to his opinion. We did agree to disagree upon some amendments that might be offered according to our best judgment. I wish to read to the House a few lines from a special cable to the Washington Post printed yesterday:

LONDON, *March 18.*

Britain's horrible example of confusion in recruiting would seem calculated to convince the United States of the desirability of solving its military problems on thoroughly scientific lines.

It seems to me, Mr. Chairman, that we can accept some splendid examples from the few lines of yesterday's Post. There should be no dividing line between the States of the Union. They are 48 little units, but they are the United States and not separate States. There is no dividing line industrially between the various States of the Union. New England purchases the coal and the iron of Pennsylvania and Maryland and wool and hides from the West. You gentlemen, in turn, of the South and West purchase our boots and shoes and our textile products.

Now, this question may concern the near-coast and the coast States more than it does the interior, but we should all be united. We can not tell but that the enemy may water his horses at the Mississippi River instead of at the Ohio River.

Mr. GORDON. Will the gentleman yield?

Mr. OLNEY. Yes.

Mr. GORDON. Are you in favor of compulsory military service and conscription?

Mr. OLNEY. I will say to the gentleman from Ohio that I do believe in universal military training, and I think our country will some day adopt that course.

Mr. GORDON. Is that why you favor this increase?

Mr. OLNEY. I favor this increase in order to be prepared. [Applause.]

Mr. GORDON. For compulsory service, you mean?

Mr. OLNEY. It has been difficult in the past to enlist recruits in the Regular Army, to be sure. I believe in adopting and inculcating a more democratic spirit for enlistment in the Army. I have lived in five States of this Union—Minnesota, Washington, Massachusetts, New Hampshire, and Rhode Island. My father was born in Kentucky. I love the men of the North and the South and of the East and the West. There is no reason why we can not get together on this proposition and brush away the lines which seem to exist between the existing States.

I am cordially and heartily in favor of this Kahn amendment, because in times of emergency, when Congress may not be in session, we may be glad of the opportunity to recruit our Army up to 220,000 men. [Applause.] And, Mr. Chairman, I intend to support the amendment as a measure of expediency, conservatism, and consistency. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, most failures in the world are caused by a too thin spreading out of the resources, and if this country fails in any emergency that may arise it will be because we have not our resources assembled so as to be able to use them.

We have an Army of 100,000 men to-day. It is spread out from Maine to China and from Alaska to the Panama Canal. It is spread out so thin that we have no unit anywhere, and it can not be used to defend the country or the flag if there was necessity for a defense. We have only 34,500 men in continental America to-day. What could we do with them?

This bill provides for an additional 40,000 men in the Army—a bagatelle, and of no use. It would accomplish nothing. We have been talking about preparedness and we have agitated the public mind by our eloquence, and we have led the people to believe that Congress was going to do something to meet the situation. But this bill does not provide for that.

The amendment offered by the gentleman from California [Mr. KAHN] is something better; it is more nearly adequate. But 220,000 men in the Army would not amount to much unless we had a great Navy. A great Navy must be the first line of defense. And our Navy should be large enough to meet any expeditionary force sent from any other country in the world, in order to prevent them from reaching the American shores; but if perchance they got by our Navy, then we have our coast defenses, which are said to be the best in all the world. The Army should be the third line of defense, and that is the only excuse we can have for providing for more than 220,000 men. If an enemy should land on America's shores we should need 2,000,000 men. The American people are looking forward to adequate preparation for the defense of our institutions, and they will not be satisfied with any halfway measure. This measure proposed by the Committee on Military Affairs of the House is not even a halfway measure. But if we had 220,000 men that could be utilized and our Navy as the first line of defense was successful, we would then be in a position to insure the protection of the coast lines of America by the first line of defense long enough to enable us to prepare an army that will come to our defense. Unless we do that we have failed in the performance of our duty. And the American people everywhere will demand to know the reason why we failed.

Oh, some say that the interior of the country is safe; that we have nothing whatever to fear; that it is only upon the seacoast that the danger lies. Ah, but, gentlemen from the interior of the country, you can not have a successful interior unless you have a successful exterior [applause], the one is dependent upon the other; and the American people look forward to the enactment of a law that will give the adequate preparation which they demand. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I yield seven minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Chairman and gentlemen, I am one of the members of the Committee on Military Affairs who, according to the gentleman from Michigan [Mr. JAMES], brought into this House a colossal joke. I am also a member of that same committee that the gentleman from Massachusetts referred to, comparing it to a mountain that labored hard and finally brought into this House a mouse instead of a bulldog. Gentlemen, I am a member of that committee, and I am not here to apologize for the bill it has brought into this House in any particular. [Applause.] I stood for it in the committee; I stand for it before the country now. [Applause.] I am ready to say it is a bill which will perform the work that is intended to be performed. This bill was not brought in here recklessly and without consideration. We had the men before us who advocated "bulldogs" for defense. We had before us men and women, good people, good citizens of this land of ours, who advocated white doves for protection. But we steered between the two and brought in a bill that provides for 140,000 men of the line in time of peace, which means 152,000 enlisted men, and which can be increased to 178,000 in time of war, and we felt that we were doing a reasonable thing.

The gentleman from New York [Mr. SANFORD] says, "Let us be statesmen; let us load the people up with an Army unheard of in the history of our country." Friends, it is more than that to be a statesman. It is the statesman's duty to protect the vital interests of all the people of his country. [Applause.] It is the statesman's duty not to be dominated by a few men scattered over this land who are filling this Chamber to-day with telegrams in an attempt to drive you men to saddle on the people of this country an expense that sooner or later will drive us into socialism. [Applause.]

Mr. Chairman, I am a Republican. I am proud of the traditions of my party. I glory in its past and in all the great things it has done for the country. But I am astounded to-day to hear certain sentiments uttered by men who for 16 long years controlled the destinies of this country, and all that time principally under the leadership of Uncle JOE CANNON, of Illinois, a man whose patriotism has never been questioned [applause]; and yet in all that time did the gentleman from Massachusetts [Mr. GARDNER], did my colleague from Illinois [Mr. MADDEN], did the gentlemen from New York and Massachusetts or Pennsylvania come into this House with a bill asking to increase the Military Establishment of our country? [Applause.] No. And even with trouble in the Philippines, with trouble everywhere, they fixed the maximum limit in peace times at 100,000 men.

Now, fellow members of this House, I want to ask you, Do these gentlemen know the lair of the lion that is about to leap upon us? [Applause.] I challenge them to point out to me, to you, to the people of the country, whence comes this danger now, when during 16 long years men on this side of the House stood for a much smaller Military Establishment than we even propose in this bill.

Another thought, my friends: I have taken pride in the history of my party, which with careful legislation has protected the industries of our country, the laboring men of our country, and made it possible for them to earn a livelihood and pay the expenses of this Government without war taxes in time of peace. [Applause.] But I want to warn you: Saddle this burden on the people of this country and you will not only continue the present war taxes, but you will put stamps on checks, you will put a tax on gasoline, you will put a tax on automobiles, you will tax everything in this country. And why, forsooth? In order that we may be protected from attack from some enemy of which we now know naught. [Applause.]

We on this side of the House can not be condemned by the country, because when you had charge of legislation in this House and had control of the administration you knew the Kaiser was day after day building that majestic military machine of his; you knew that England was adding to her navy yearly, and yet you said, "We do not need a bigger Army." But now when these great armies are destroying each other on the bloody fields of Europe we are told, "The red-blooded men of this country demand a bigger Army."

I say to you that the red-blooded men of this country do not demand this big military establishment. [Applause.] The red-blooded men of this country fear no enemy, and do not ask that their fellow citizens may be burdened with taxation in order that men in the Regular Army may be jumped from corporal to major general. [Applause.] It is only a few people who are putting their money into sending telegrams to you and me to beat us down and compel us to put this burden upon the people. Fellow Members of the House, in God's name, do not be carried away by hysteria, but be calm, deliberate, resolute, as statesmen should be. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KAHN. Mr. Chairman, I yield three minutes to the gentleman from Kentucky [Mr. POWERS].

The CHAIRMAN. The gentleman from Kentucky [Mr. POWERS] is recognized for three minutes.

Mr. POWERS. Mr. Chairman, the eloquent gentleman from Illinois [Mr. MCKENZIE], who has just taken his seat, says that the Kahn amendment proposes to saddle on the people of this great country an enormous burden of taxes. Although the gentleman is a member of the Committee on Military Affairs, I take the position that he does not understand the Kahn amendment.

It does not do anything of the sort. Section 7, under consideration, and the Kahn amendment, under consideration, are both limitations. Section 1 of this bill provides that in time of peace our military line of defense shall not be below the minimum required by law, and when war is imminent it shall be the duty to carry up this line of defense to the maximum required by law. That is the law and the act of 1901. This bill does not change that act, but, upon the contrary, reaffirms it. Now, this Kahn amendment and this section 7, as the gentleman from Iowa [Mr. TOWNER] pointed out, are both limitations. It reads—

That the total enlisted force of the line of the Army shall not exceed at any one time—

According to the language of the bill—

140,000.

The Kahn amendment says it shall not exceed 220,000; not that it shall be 220,000, not that it shall be 140,000, but that it shall not exceed 140,000, according to the bill, and shall not exceed 220,000, according to the Kahn amendment.

These things are limitations. You can not have the military line up to the maximum, to the limit, under this bill unless war is imminent. That is the language of the bill. The Kahn amendment gives a little discretion in the matter. It gives the right to increase the enlisted force beyond that, even though war is not absolutely imminent. War may not be imminent, but it may be very threatening. Conditions may be such as require readiness on our part. The Kahn amendment leaves a little discretion in the hands of those whose immediate duty it is to defend our country and its institutions from whatever foe or foes they may be threatened with. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for five minutes.

Mr. FESS. Mr. Chairman, the present bill increases the Army over its present status two-fifths. This proposed amendment increases it six-fifths, or one-fifth more than double the present status.

If the increase is proposed because of present danger, then certainly it is not large enough, but if the purpose of the increase is not that, but simply to bring it up in accordance with the necessities of times of peace, with no regard to whether we are soon to go into war or not, then I do not see the necessity of more than doubling our present status. [Applause.] If, on the other hand, the war in Europe is the incentive or the determinant to direct this legislation, this amendment means scarcely anything. For my part, while I do not know what the future may bring, I am satisfied that before a year elapses after the war closes you will have on your hands an Army requirement that you can not meet, as we can not now make up the requirements of the present establishment, including the requirements in the Navy.

Mr. POWERS. Will the gentleman yield?

Mr. FESS. I will.

Mr. POWERS. You would not have to fill it under the Kahn amendment nor under section 7 of this bill.

Mr. FESS. I understand that; and if you would not have to fill it, there is no particular use for it now. I do not speak in opposition to this amendment because I come from an inland State simply. I am not of those who may think that because they are far from the seacoast they are not in as much danger as those on the coast. I agree with the statement—I think most people ought at least to believe—that what is protection for the coast is protection also for the inland States, and what is a danger to our coast will also be a danger to the interior country. Simply because I am a resident of an inland State I do not refuse to vote for the amendment. My opposition is not put on that ground. I am not opposed to an increase of our national defense. I am in favor of a rational increase, and when it comes to strengthening our first line of defense, the Navy, as well as our second line, I will be with those who believe in a substantial increase, and I am willing also to increase the weak spot in this third line of defense, the mobile army. The bill now before use gives an increase of two-fifths of the present establishment. I will vote for this, but I do not see any reason at this time for going to the extent of one-fifth more than doubling the present status, and under these circumstances I can not vote for this increase. [Applause.] I think there is such a wide variety of opinion, as expressed here, that every Member must do what I believe Members are doing, and that is use his own judgment.

This increase in the bill as reported by a unanimous vote of committee is as much of an increase, lacking a thousand men, as Secretary Garrison originally suggested, and nobody would say that he was a pacifist. The amendment before us goes further than the recommendation of Gen. Wood and is only a little short of the recommendation of the War College. Without desiring to criticize any group of men, we must not lose sight of the natural bent of mind determined by the character of investigation. The War College is largely professional, and naturally would recommend a large increase. Investigation looking to a military establishment would naturally lead to maximum increase.

Mr. GARDNER. Will the gentleman yield?

Mr. FESS. I will.

Mr. GARDNER. Is it not true that Secretary Garrison recommended a supplemental continental army of between 400,000 and 500,000 men?

Mr. FESS. And we supersede the continental army recommendation by federalizing the National Guard.

Mr. GARDNER. We should still have had the National Guard under his recommendation.

Mr. FESS. We would not have had the National Guard federalized.

Mr. GARDNER. It would have been federalized as much as it will be by this bill.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FESS. I will if I have time. I would like half a minute to make one other statement——

Mr. SHALLENBERGER. I just want to say that the bill gives not a thousand more but 30,000 more than Secretary Garrison asked for in his report.

Mr. FESS. I can not yield further now. I can not vote with the extreme pacifists. For them I have respect, but for their contention I have very little respect. I can not vote with what may be called the extreme military Members. Our country will not stand for their contention. Both of these positions can not be correct. It is likely that neither is correct. It is most certain that the safe position of the country is not in the extreme but somewhere between them. The bill before us is not extreme. The amendment, I fear, is more than is demanded. I shall therefore vote against the amendment and for the bill.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. YOUNG].

[Mr. YOUNG of North Dakota addressed the committee. See Appendix.]

Mr. KAHN. Mr. Chairman, I yield three minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, there are times when discretion must be reposed in the President of the United States. You can not say that war is imminent, but you can sometimes say that there are exigencies that require discretion. In the early days of the Republic the statutes allowed George Washington and successive Presidents to enroll extra regiments at their discretion.

In 1844 or 1845 Congress gave power to our then President to double, if he thought necessary, the number of enlisted men in every troop and every company.

In the year 1899 we gave authority to the President to maintain the Army at a certain figure that was then large, distributing the men among the various branches of the service.

I agree with gentlemen that this section as it stands is a limitation. It ought not to be. This section ought to read:

SEC. 7. That the total enlisted force of the line of the army, in the discretion of the President that an exigency so requires, may be increased by him to 220,000 men, to be distributed by him among the several branches of the service according to the needs of each.

Our Army is curiously top-heavy, and rightly so. It has too many officers. It is common in a troop or in a company that 25 men have to be detailed. Some will be in the guardhouse, some will be recruits who can not serve, some will be sick, some will be used as clerks or in charge of property, and there will be some vacancies, so that if there be only 65 or 75 privates in a Cavalry troop there will be only about 40 in line, with three commissioned officers and some noncommissioned officers. It is the same in our Infantry. In case of emergency it is men that will be needed, and discretion should be given to fill up the ranks of

the companies and troops and to enlarge the number of enlisted men. They may be wanted.

Mr. HAY. I yield two minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, ideas or conceptions of preparedness vary all the way from "peace at any price" to "armament regardless of price."

No one has yet been able to define or state what constitutes preparedness. Preparedness is a condition, very elusive and never to be attained. The professional man when he obtains his license or diploma to practice law or medicine simply has a legal permit to prosecute his profession, but the old experienced lawyer or doctor, when he retires from the practice, realizes the vastness of his lack of knowledge of his profession.

If Germany with her marvelous fighting machine with which she has since been successfully fighting the world had been prepared, she would have gone on to Paris. France with her highly trained soldiers and universal military service, single handed would have been helpless before the invading Germans. Italy with her military prowess and preparation has not to this hour been able to press the Austrian line back any appreciable distance. Russia with millions upon millions of splendid soldiers has been driven back like a mob. Again I ask you what constitutes the preparedness for which there is such a loud clamor? How will we raise the money with which to pay the cost? It is a proposition that Congress can not afford to plunge headlong and recklessly into.

How many soldiers shall we place on the back of each taxpayer? Have you counted the cost according to the American scale of wages? Shall we adopt the Prussian, Russian, French, Italian, or Austrian military program? Behold the combined naval fleets of Great Britain, France, Italy, and Russia powerless before the Dardanelles and Gallipoli. Will American preparedness fall short of this combination? Of what effective service is the German Navy, second largest in the world, to-day—bottled up in the Kiel Canal?

These questions have been propounded for the purpose of riveting attention of the House on the magnitude of the problem, with the hope that we may be the better able to obtain our bearings.

Complete preparation as contemplated by the American militarists comprises a state of armament on the sea equal to that of Great Britain plus an amount of efficiency capable of driving the British Navy off the sea as she has driven Germany off the sea, and an army possessing all the efficiency of the German Army plus the ability not only to successfully resist that army but to overcome it. Great Britain's Navy and Germany's Army are the products of a century's development and represent an expense that would bankrupt even so resourceful a country as our own, if it were attempted to attain such a degree of military supremacy and efficiency within a short limit of time. It would mean the defeat of any party that would attempt such a program.

The bill under consideration is not the last word on the question of preparedness. Nobody claims that it is. It is the beginning of what I hope will prove to be an efficient military organization. This administration inherited an unorganized Army and Navy from its predecessors and is attempting, under the most trying circumstances, to construct an efficient and effective organization in each establishment. Preparedness and efficiency must go hand in hand, and the two together on a scale large enough mean victory.

Recent events do not justify the claim that our Army is an efficient military machine. The attack made by the Mexicans on Columbus, N. Mex., discloses an inexcusable situation and condition in that the portion of the Army camped there was taken completely by surprise, and the further report that our machine guns were, for some unexplained reason, out of commission. It is criminal to be expending millions of money collected from the taxpayer if better results than these are not to be obtained. There is likewise severe criticism of the types of aeroplanes that are in the service, being better fitted for the junk heap and mantraps than they are for effective and efficient service in the Army. It is a matter of intense regret that so many alleged accidents happen to our submarines.

The criticisms that have been made on the character and type of shells with which our battleships and cruisers are supplied present a most deplorable condition. The slow and dilatory manner in which our navy yard and naval contractors perform their contracts would indicate almost criminal carelessness on the parts of those whose duties it is to supervise this important and vital part of the country's defense. The blame for the faulty construction of the aeroplanes, submarines, shells, and dilatory naval construction is not properly chargeable to this administration, nor can it be truthfully said that these faults lie at the door of Congress. Congress has met all the reasonable demands for appropriations from the departments, but the departments have not heretofore exhibited that degree of thoroughness which would inspire Congress with sufficient confidence to double its appropriations for fear that it would only result in an added waste of public funds.

Nations, like individuals, have conditions thrust upon them. The present administration has religiously striven for peace; yet we see at this very moment how the actions of other nations may involve us in war against our will. The interference by Great Britain in our commerce is almost, if not quite, as serious as Villa and his bandits in their invasion of American territory. One is a violation of American rights on land and the other is a plain violation of American rights on the sea. While I recognize the fact that it is the exclusive and sole prerogative and duty of the executive department to deal with and conduct all diplomatic negotiations concerning our international affairs, I am extremely anxious to see that department take hold with a firm and vigorous grasp of the wanton interference by Great Britain with our legitimate over-sea trade with neutrals, and more especially with its unpardonable interception of our foreign mails.

It is time to serve unmistakable notice that the patience, tolerance, and endurance of the American people are exhausted; that the day of reckoning has arrived. England's usurpation and violation of our commercial rights on the highways of the free seas, Germany's barbarous submarine warfare, Villa's invasion of American territory, have sounded wars' alarm throughout this hitherto peaceful and peace-loving Nation. Let the world take notice and beware that once the sword is drawn it will be not soon sheathed.

The world saw that the Congress of the United States was in full accord and ready to support and sustain the President in his efforts to adjust international affairs when the McLemore resolution was buried by an overwhelming majority. The Congress had no more jurisdiction of the subject matter of the resolution than a police court has of a proceeding in chancery. Everyone hopes, trusts, and prays that no American will be so unmindful of his country's welfare as to assume undue or unwarranted risks, but the significance of the action of Congress is thoroughly understood around the world.

I have no patience with those who are blaming Congress because it is unable to turn out an army of the highest efficiency over night. It ill becomes certain ex-Presidents and ex-Secretaries of War who battle harder for the limelight and political spot light when they are out of office than for military and naval efficiency when they were in office.

The act of April 25, 1914, passed by a Democratic Congress, provides for the raising of a volunteer army of unlimited proportions. Under the Constitution Congress alone can declare war. If it is not in session when war becomes unavoidable it would be the duty of the President to call it in extraordinary session for the purpose of declaring war; then, in this event, the volunteer forces recruited under this act, together with the Federalized Militia, would be available for every emergency. The same Congress would promptly pass every measure demanded by the exigencies of the occasion. The purpose of the present bill is to provide for an adequate army in time of peace. Should unwelcome war be forced upon us, no one entertains a doubt that, no matter how many millions are included in the call, it will be met with promptness and alacrity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from California has 22 minutes remaining, and the gentleman from Virginia has 30 minutes.

Mr. HAY. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, it seems to me that the only question Congress has to consider is what is the practical way to spend the money we are going to set aside. The difference between an army of 140,000 and an army of 220,000 men is about $80,000,000 a year, as far as the cost is concerned. It has been admitted here that this Nation must depend on its volunteer citizen soldiery. You can not get away from that. The money that it would cost to equip 80,000 men would, if put into equipment for forces on the sea and for the National Guard and other organizations necessary for the second line of defense, go much further toward preparing us to defend ourselves. And when it comes to a show-down, they will not all be from Massachusetts or New York, either. [Laughter and applause.]

It seems to me that the purpose of the whole war program is to see if we can not reach far back to the grass roots and put into the hands of men in civil life everything we pos-

sibly can give them to encourage training, and not to 80,000 men who may be loafing most of the time. We should put in the hands of a million men making their living every day, and doing extra work besides, all the equipment possible. I can see no reason for the amendment. I believe the practical question before Congress is whether we shall spend the appropriation to hire men to do nothing, or spend the money for guns, powder, ammunition plants somewhere away from the seacoast, so that somebody in the center of the country may occasionally know that we might have need for an army later on. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, the time allotted to me is probably sufficient to say all that I know about the subject, but hardly enough to indicate what I think about it.

I propose to vote for this amendment. [Applause.] I shall do so because it is a step to the right end. I am not in favor of a large standing army. I believe in universal training upon some such plan as suggested by the gentleman from Missouri [Mr. MEEKER]. The citizenry of this country should be the bulwark of its defense. But so long as you have pacifist Members in this House without regard to the opinions of their constituents upon the question of defense, it is better to take a step in the direction indicated by the amendment of the gentleman from California [Mr. KAHN] than to blind ourselves to present-day necessities. The idea that an army of 220,000 men commits a nation of 100,000,000 people to "militarism" is too absurd to countenance.

We have at the present time in the United States 34,000 men available for military duty; 18,000 of these men have either gone across the border into Mexico or are on the border at the present time. How many gentlemen here realize the fact that the border line between the United States and the Republic of Mexico is more than 1,700 miles long, greater, in fact, than the distance of a straight line from the city of Washington to the city of Denver. And if you were to take all of the troops now in Mexico, and on the border, and string them out on the line between the United States and Mexico you would have 10 soldiers for every mile.

A few days ago the gentleman from Massachusetts [Mr. GALLIVAN] emphasized the danger of war with England rather than with Germany. The length of our northern frontier is 3,400 miles, and if you take all the troops available in the United States to-day you would be able to put no more in proportion to the length of the northern boundary of the United States than you can at the present time along the southern boundary. Is that adequate protection?

Nearly a year ago the Democratic Party in New York City recorded its approval of preparedness. At the annual Fourth of July celebration of that patriotic organization, the Society of the Columbian Order, a term synonymous with Tammany Hall, whose existence dates back to within two weeks of the inauguration of George Washington, the following resolution was unanimously adopted:

Resolution adopted at Tammany Society on July 4, 1915.

We, the citizens of the United States and of the State of New York, in mass meeting assembled, under the auspices of the Society of Tammany, on the anniversary of the signing of the Declaration of American Independence, in order to secure action by Congress and the State legislatures of measures deemed necessary for the security and the prosperity of the Republic, for the maintenance of the Monroe doctrine, the policy of the open door in China, the policy of ultimate freedom to the Philippines, and the reestablishment of democracy in Mexico, and for the preservation of law and order, do hereby

Resolve, That until world peace is reasonably certain of realization the United States must provide for an adequate Army and Navy as a means of defense of its principles and institutions; that Congress and the administration be urged to institute an immediate inquiry into the defenses of the Nation to determine the expediency of enlarging and strengthening the Army and Navy of the United States and the National Guard of the States and the organization of reserves for several branches of our naval and military forces.

[Applause.]

Before this session of Congress opened—13 months having elapsed since my election—I conducted a mail poll of my constituents, and I found an overwhelming sentiment in favor of preparedness. And why? We have the need of it and will pay the greater part of the expense of it.

One-thirteenth of the entire population of the United States now lives in the New York metropolitan district. New York City produces one-tenth of the entire manufactured product of the United States, more than any other State except Pennsylvania.

The value of New York's taxable property exceeds that of Chicago, Philadelphia, Boston, and St. Louis combined. New York City banks handle 60 per cent of the clearings of the United States.

New York is the terminus of all but one of the great eastern railroad systems.

Approximately one-half of the exports and imports of the United States pass through New York Harbor, and from the merchandise imported through the port of New York more than double the amount of duties is collected and turned into the Federal Treasury than from all other ports of the United States together. And I had almost overlooked the fact and nearly failed to mention that New York State contributed, in addition thereto, $17,417,537.60, nearly one-half, of the individual income tax, and $10,221,206.65, or more than one-fourth, of the corporation income tax collected during the year 1915. What an opportunity for plunder and tribute! And does it not concern the whole people?

But the demand for preparedness is Nation wide. Less than two weeks ago a conference of mayors, representing practically every State in the Union, was held at St. Louis, at which resolutions were adopted, of which I desire to put a copy in the RECORD and yield back the balance of my time. [Applause.]

NATIONAL DEFENSE—CONFERENCE OF MAYORS AND MAYORS' COMMITTEES.

Resolutions unanimously adopted at St. Louis, March 4, 1916.

Whereas the purpose of the establishment of the Republic was, among other things, to provide for the common defense, and thereby to secure to ourselves the blessings of liberty and peace; and

Whereas this Nation is to-day without adequate defense by sea or land, and is almost wholly without the means to protect its territory, defend its people, or safeguard its institutions against possible aggression; and

Whereas for the common national defense there are required an adequate Navy, ample coast defenses, a mobile army, and a mobilization of the organized physical resources of the Nation; and

Whereas the General Board of the Navy has reported to the Secretary of the Navy that "our present Navy is not sufficient to give due weight to the diplomatic remonstrance of the United States in peace nor to enforce its policies in war"; and

Whereas we believe that the Navy should be increased with all speed until we shall have become the first naval power of the world, with strength on the Atlantic equal to that of any other power upon that ocean, and with additional strength upon the Pacific such as to make of us the first naval power upon that ocean; and

Whereas the General Staff of the Army has submitted to the War Department a plan for a moderate increase of the Regular Army and for the organization, distribution, and equipment thereof, and for the increase and complete manning of coast defenses: Now, therefore, be it

Resolved, That we, the mayors and members of Mayors' Committees upon National Defense of the Cities of the United States, in convention assembled, do hereby demand the immediate authorization by Congress of the building program of the General Board of the Navy of July 30, 1915, together with such additions and modifications as their expert knowledge and experience may indicate to be necessary at this time. And we do further demand that the personnel of the Navy be increased in conformity with the requirements of the service as interpreted by the General Board.

Resolved, That we demand the increase and complete manning of coast defenses as recommended by the General Staff.

Resolved, That we demand the immediate increase, organization, and disposition of the Regular Army as recommended by the General Staff.

Resolved, That recognizing the military obligation equally with the civic obligation as a fundamental duty of Democratic citizenship in a Republic, and to establish a system which will affect alike every man in the Republic, we approve and recommend the adoption of universal military training under Federal control throughout the United States.

Resolved, That we approve and recommend the immediate formulation of plans by the Federal Government for the organization and mobilization of the physical resources of the country, and to that end, among other things, we specifically recommend:

That all arsenals, ordnance, rifle, and other munition-producing plants supported by Federal appropriation be located at a distance from the Atlantic and Pacific seaboards and from the Canadian and Mexican borders, as recommended in the recent report of the General Staff of the Army.

That steps be taken by the Federal Government to effect in time of peace a standardization of all material which may be required by the Government in time of war.

That the transportation facilities, industries, and general resources of the country be so marshaled and organized as to make them promptly available for service upon the outbreak of war.

That Federal legislation to effectuate the foregoing be enacted by the present Congress.

And be it further resolved, That copies of these resolutions be at once transmitted to the Senate and to the House of Representatives, and that a copy thereof be transmitted at once to each Senator and Representative of the National Congress.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman, I dislike very much to oppose my friend and colleague from California [Mr. KAHN], but I am opposed to this amendment. I believe I have conveyed to the members of this committee the thought that I am in favor of a strong citizen soldiery. I believe the future welfare and the future safety of the Nation lies not in our Regular Army, but lies in that strong body of men that we will enlist under the banner of the National Guard. I am in favor of increasing the number and the efficiency of the National Guard until every man in this United States shall say that it is strong enough to defend our country and our honor. I am one of those who believe there is no immediate danger of our country being attacked. I think there is no crying need of an immediate and superficial increase in the Army; rather do I believe that we should begin at the very foundation and build up a mighty and

efficient force that, should the time come, when we do need to fight for defense we should have an Army not only strong in numbers but strong in efficiency. It is the great volunteer army of the United States that we must depend upon for our future safety and support. It is the men who will be trained in the National Guard that will form this vast body of men who will be the bulwark of the Nation's defense.

Believing as I do, I see no reason why we should increase the Regular Army to a greater number than is done in the bill as originally presented by the committee. Hitherto we have deemed ourselves amply protected with the Army as it now is. All this while our National Guard has not been trained to any degree of efficiency. Now we are proposing to double, even quadruple, the National Guard. We are proposing in this bill to train nearly a million men to become efficient in the art of warfare. This is to be done in the brief period of a few years. These are the men that we are to look to in case war should break out. Why, then, should we add to this effective fighting force the burden of a larger standing army? This amendment proposes to increase the Regular Army about 80,000 over the provisions of the bill as originally presented. Eighty thousand men will be a big tax burden on the people. It must be remembered that once these 80,000 men are enlisted they are not to be discharged with impunity. Once we add that 80,000 to our roll, it will stay there always.

As I figure it, we can train 10 men in the National Guard for the sum that it will cost to keep 1 soldier a year. Why not spend the sum that it would cost to keep these 80,000 troops in training our citizen soldiery? It would give us an additional Army of 800,000 men. The cost of paying and maintaining these extra 80,000 troops it is proposed we add for five years would train every able-bodied man in the United States for a citizen soldier in that length of time. Let us get the greatest amount of efficiency with the least amount of money.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Mr. Chairman, the long period of peace which this country has enjoyed for the past half century—a peace interrupted only by the relatively unimportant Spanish-American War—and a contemporaneous period of peace among the great powers of Europe produced in the minds of many of our people the conviction that wars had become impossible and that an epoch of universal peace was about to supervene. There were many indications which led thinking men to doubt the soundness of this conviction, but a systematically fostered propaganda had lulled the majority of our people into a belief that war could only come of our own choosing, and that we should escape its horrors by ignoring its possibility and making no preparation for it. From this delusion we have been rudely awakened by the great war now being waged in Europe, and an insistent demand for a better national defense has arisen in all parts of the Nation. There is no question about the earnestness of the people in regard to this question. But as a nation we have stood aloof from military matters, and the great mass of the people are unfamiliar with what constitutes the essentials of military preparation. It is important that no specious substitute for preparation, running into high numbers on paper but actually spelling little or no advance in the way of real preparation, be offered as a sedative to quiet the popular demand. The people must not be deceived.

The European war is the reaction which has precipitated the present movement for a better national defense. From it we can learn what constitutes real military preparation. In the light of the facts brought out in the present conflict we can review our own past military history from a saner viewpoint and with a less hysterical exaltation of American prowess than has characterized the description of our military achievements in our school histories. We can learn wherein our military system has been faulty and what steps are necessary to amend it. We can also determine the extent to which the measure now before this House removes the glaring defects in our military system.

At the commencement of the War of the Revolution we were not a nation, and therefore the war is interesting in connection with our military policy only in so far as it indicates the source from which our policy sprang. During it were developed the systems of militia and volunteers and of pensions and bounties. Militia and volunteer systems are due to an illogical fear of a standing army; pensions and bounties, to the failure to have available trained troops. Washington justly appreciated the value of this system when he said:

> To place any dependence upon militia is assuredly resting upon a broken reed. Men just dragged from the tender scenes of domestic life, unaccustomed to the din of arms, totally unacquainted with every kind of military skill (which is followed by want of confidence in themselves when opposed by troops regularly trained, disciplined and appointed, superior in knowledge, and superior in arms), are timid and ready to fly from their own shadows.
>
> There is every reason to believe that the war has been protracted on this account. Our opposition being less, the successes of the enemy have been greater. Had we kept a permanent army on foot, the enemy could have had nothing to hope for, and would in all probability have listened to terms long since.

During this war 395,000 men were called to the colors. The greatest number who responded in any one year was 89,600. From this number the largest force Washington was ever able to mass upon the battle field was a little less than 17,000. At the Battles of Trenton and Princeton, during the time of our greatest peril, his effective strength was less than 4,000. The number of men the British had in this country at any one time varied from 20,000 to 40,000. We thus had at all times under arms an Army two or three times greater than our enemy.

The cost of the war, exclusive of bounties paid by States and counties and of supplies seized in the prosecution of war, amounted to $170,000,000, which with the $200,000,000 pledged by Congress to redeem the currency makes a total of $370,000,000, a per capita cost of $123—a greater per capita cost than was incurred in the Civil War.

In the War of 1812 the militia system was again found to be inefficient. In several instances the governors refused to call out their contingents, on several occasions the militia refused to cross the frontiers even to help their comrades engaged in battle, and in others, their term of enlistment having expired, they refused the appeal of their commander and returned to their homes, though at the time they were confronting the enemy. Disobedience of orders and mutiny were common.

During this war an example of the incompetency of the system is well illustrated in the burning of our Capitol. A British fleet with 3,000 troops had hovered on the shores of the Chesapeake for a year, but not until June, 1814, was any attention paid to the protection of the Capital. On July 1 the President submitted to his Cabinet a proposition to call out two or three thousand militia to be stationed near the Capital, while ten or twelve thousand more from Maryland, Virginia, and the District of Columbia were to be held in constant readiness. This plan was approved. Gen. Winder was appointed on July 2 to command the troops, not on account of his abilities, but because as a native of Maryland and a relative of the governor his services would be useful in meeting opposition to the war. Gov. Winder was authorized to call out, when needed, about 15,000 militia. On August 13 he reported that he called on the governor of Maryland for 3,000 men and about 1,000 had responded. On August 20 he called on the militia en masse, and on August 24 reported that his army had assembled. It numbered 5,401. On the same day this army hastily formed in order of battle at Bladensburg. It was attacked and routed in the presence of the President and his Cabinet with a loss of only 8 killed and 11 wounded. The British force which inflicted this defeat consisted of 1,500 men. After the battle Washington was burned and the British retired to their ships without opposition.

The War of 1812 lasted about three years, during which we employed 527,654 men; the largest number in any one year was 235,839; and for the same year the largest number of British regulars opposed to this force was 16,500. We failed to maintain our contention in it, and the only decisive land victory we gained was the Battle of the Thames, if we except the Battle of New Orleans, fought after the signing of the treaty of peace. The cost is estimated to have been $240,000,000, exclusive of pensions.

A large degree of the success which we attained in the War of 1812 and the Revolution was due to the assistance which we received from other powers. France aided us in the Revolution and in 1812 England was so fully occupied in the Napoleonic wars that she could give but scant attention to us.

The failure of the militia in the War of 1812 brought an end to its use as a Federal force until it was again revived in the face of the lessons of history by the militia law of 1903.

To a nation which depends for the most part upon raising its forces after the outbreak of war the length of time required to bring a new army to a state of efficiency is a fact of primary importance. For unless it has sufficient force to stand off the enemy until its new armies are capable of action it is doomed to defeat. Our own past history furnishes very clear information on this point. During the War of the Revolution, although preparations on the part of the colonies began as early as 1774, we suffered a series of defeats without a single victory, although our numbers greatly exceeded those of our opponent, until the end of the year 1776. No important victory was won until late in the year 1777. The history of the first year of the War of 1812 does not disclose a single American victory. The uninter-

rupted series of victories to the credit of our Army in the Mexican War were not won by untrained troops. The armies with which Gen. Scott and Gen. Taylor won their great successes were composed of Regulars and Volunteers of more than six months' thorough training. In the Civil War not a single engagement of any magnitude was fought for a year after its outbreak. The minor engagements of the first year of the war, including Bull Run, do not justify the conclusion that material results can be accomplished with untrained troops. In all these cases there elapsed a period varying from six months to one year before the troops raised were capable of effectively participating in active operations. This period may therefore be taken as the time required for converting our resources in personnel into actual power.

The present European war has brought out, perhaps, more clearly than any previous conflict the difference which exists between potential resources and actual military power. It also throws some light on the process by which latent resources are converted into actual power. It has taken Great Britain more than a year and one-half to effect this process of conversion, and it does not appear to have been even yet completed.

As regards the personal element, this process of conversion of latent resources may be expressed by the word "training." It is evident to any one who has given the matter serious thought that any number of men assembled for action and armed with any weapons whatever do not necessarily constitute an efficient military force. For this reason, armed mobs have always been helpless in the face of organized military forces, even when their numbers were greatly superior. What is not so generally understood seems to be the effort and length of time required to create a force capable of striking a concentrated blow in unison instead of dispersing its power in ineffectual individual and uncoordinated assaults. Only a force trained and disciplined for a long period is capable of the unified action necessary to success. This is the lesson taught by the present world conflict and our own military history.

In the face of these facts, what is the proposal of the Committee on Military Affairs for the improvement of the military system which proved defective in the past and which will constantly prove inadequate to the demands of any great war in the future?

Briefly, it is proposed to increase the mobile forces of the Regular Army by 40,000 men. This increase is to be distributed over a period of four years, so that the only increase immediately contemplated is 10,000 men. This represents the measure to which the striking force of the military arm of the United States Government—the only one which can be counted on for service within a period of from 6 to 12 months after the outbreak of war—is to be increased at the present time.

But the main feature of the proposed bill consists in resting practically our entire system of defense upon the Organized Militia, raised, trained, and administered by the several States. In spite of its proved inadequacy in all our past wars, it is now proposed to fasten this system upon the country so firmly that it can never be shaken off should it again prove inadequate.

What will be the degree of efficiency of this force which is to be our main military reliance? Section 54 of the bill prescribes periods of instruction consisting of 48 assemblies for drill and instruction of one and one-half hours each and a 15 days' annual encampment. From past experience with the Organized Militia it may be doubted whether this standard will ever be attained by the great body of the Organized Militia. But accepting the standard as practicable, it results that the total maximum annual instruction will be equivalent to 192 hours, or 576 hours in an enlistment of three years. How does this compare with the standard of instruction of the military forces of the great world powers? I am informed that in France the total period of instruction of the private soldier amounts to 8,014 hours; in Germany, 5,832 hours; in Austria-Hungary, 5,472 hours; in Russia, 3,600 hours; in Japan, 5,400 hours. While this great disproportion exists as to the quantity of instruction in point of time, there is even a greater difference in the quality of instruction. The armory drills of the National Guard are necessarily limited to such elementary instruction as can be given on the restricted space of an armory floor, while European armies are instructed on the actual terrain under conditions as closely simulating those of actual war as it is possible to approximate in time of peace. The forces of the great foreign powers are instructed by professional officers who have devoted their entire life to the military profession, while our National Guard is officered by men who can give only occasional attention to military affairs. With the time available for instruction, it is impracticable to carry the instruction of our National Guard beyond the work of the company. This means that there can be no practical instruction of majors, colonels, and other higher officers.

The performance of the Australian troops in the present war has been cited in the report of the committee as a demonstration of the efficiency of militia as compared to thoroughly trained regulars. While granting the superiority of the Australian system over anything that we have as yet produced in this country, it is well to bear in mind that the Australian troops were far from being in a state of readiness for war upon the outbreak of the present conflict. They were first mobilized in Egypt, and there subjected to a rigid course of instruction for a period of nine months before they were considered capable of engaging in active operations. They were put into action as soon as was possible, for troops were greatly needed at that period of the war. Nevertheless, Gen. Sir Ian Hamilton, who commanded them in the attack on the Dardanelles, in the report which was recently made public, attributes the failure of the attack in a large measure to the lack of training of the troops. A similar experience was had with the Canadian militia and the territorial militia of England. They all required a long period of training after the outbreak of war to fit them for active service.

The Swiss militia system has also been greatly extolled, and undoubtedly it represents the highest degree of efficiency of which a militia system is capable. Nevertheless the current statement that its high degree of efficiency preserved Switzerland from the invasion which was the fate of Belgium in the present war must be accepted with a considerable degree of reserve. It is much more probable that Switzerland's immunity from invasion was due to the mountainous character of its terrain and the consequent obstacle to the development of a swift offensive, which was on the other hand greatly favored by the open and unobstructed flats of Flanders. The slow course which the invasion of France took in the region of the Vosges Mountains abutting on Switzerland as compared with the rapid advance on the northern end of the line is sufficient demonstration of the correctness of this contention.

The Swiss militia system has been called upon to stand no test during the present war. However, in the period just preceding the present war, in 1913, an entire brigade of Swiss militia mutinied against the control of its officers when called upon to execute a maneuver under disagreeable conditions of weather—an occurrence which indicates that even the Swiss militia is not endowed with that high degree of discipline which is necessary to success in modern war. Commenting on this occurrence, Gen. Wille, the commander in chief of the Swiss military establishment, said:

> Such a command is entirely unreliable: it is useless for war, be it ever so fit for performances and be the individuals composing it ever so heroic, knowing no nobler object in life than to die for the fatherland. It is only by and through military training that these excellent military characteristics become of value, for it is absolutely only military training which creates that reliability that never fails in any situation. * * *
>
> If nothing more serious than disagreeable weather justifies renunciation of military obedience and a running away, can one imagine how such heroes would run if, instead of being exposed to rain and snow, they found themselves exposed to a shower of bullets?
>
> But as long as we all endeavor to palliate such things and lack the courage to tell our lord and master, the sovereign people, this unpleasant truth to his face the malady remains incurable, and our army will never be what our lord and master, the sovereign people, expect it to be, namely, the reliable, dependable defender of our liberty.

I have cited these facts without any intention of decrying the value of citizen soldiery, which must always be an important element in our system of defense. My object is solely to emphasize the fact that citizen soldiers can not be expected to perform the duties which can be carried out only by thoroughly trained Regulars, and that they must be given a thorough course of training after the outbreak of war to fit them to participate in action with any chances of success. This fact is of especial importance by reason of the statement in report of the Committee on Military Affairs that the bill now before this House provides for a force of 1,324,790 "trained" men, who will be available upon the passage of the bill.

As a matter of fact there will be available for actual service within one year after the passage of the bill a force of only 10,000 greater strength than our present inadequate establishment. This is the measure of the increased force with which we may expect to confront the world at this critical juncture in international affairs. We can not expect military service of the great mass of the material which the committee has included in its force of 1,324,790 before the end of the first year of any war in which we may engage. In the meantime we shall have available for service in the United States a mobile force of only 50,000 men.

The lumping in one round sum of all men in the country who have had military training, varying from the thorough instruc-

tion of the Regular soldier to the slight smattering acquired in military schools and the National Guard, shows a failure to appreciate the difference in the value of the different classes of troops.

Moreover, only a very small fraction of the force included in the committee's figures will be actually available for any service whatever. The men included in the item, "men trained and in the country," to the number of 995,790—the bulk of the committee's army—are not available, for they have contracted no obligation to serve the country, and could not be located if there were power to enforce their service. With its paper force of 1,324,790, the committee has resurrected the "million men raised overnight" of William Jennings Bryan.

I have expressed my belief that a citizen soldiery must be an important element in our defense. It is necessary, however, to qualify this statement with some reservations. Unless we are able to create a civilian army, subject in all respects to the control of the Federal Government, we are building upon shifting sand. In respect to the Organized Militia, the Constitution has granted the Federal Government the power to prescribe certain rules for the organization, armament, and discipline of the militia, reserving all other powers, including government and appointment of officers, to the States. In its statement the committee contends that—

if Congress has the power under the Constitution to prescribe certain things, it must have the power to enforce what it prescribes.

In this contention the committee ignores the fundamental principle upon which our political system is based. Our Government is composed of two separate and mutually independent systems, the Federal Government and the State governments. In no sense of the word and in no respect whatever are the State governments subordinate to the Federal Government. Hence the governors of the States, who are the commanders in chief of the militia of their respective States, can not be made subordinates of the Federal Government nor required to carry out its orders. The Organized Militia is an integral part of the State governments, created by the enactments of State legislatures. Any action that the Federal Government may take in regard to it must be put into effect through the governors of the States. What means is there at the disposal of the Federal Government to require these independent officials to execute its orders?

Moreover, the Constitution expressly reserves to the States the authority of governing the militia in time of peace. If this means anything, it means that the duty of carrying out all administrative acts, including the constitution of courts-martial and the conduct of instruction, devolves upon the States; it means, moreover, that the State officials must carry into effect any measure which the Federal Government may prescribe in pursuance of its constitutional power to provide for the organization, armament, and discipline of the militia. How then can it be contended that Congress "must have the power to enforce what it prescribes"? What means has the committee provided for such enforcement? I have perused the bill formulated by the committee rather carefully, and I have failed to find any positive measure for the enforcement of the provisions of the bill.

In our past history governors have refused to furnish their militia to the Federal Government; and although such action was in plain violation of the provisions of the Constitution, the Federal Government appears to have been powerless to require them to carry out their duty. How much more difficult will it be to enforce a requirement concerning whose legality there may be a justifiable objection!

Is there in this Congress any lawyer who will subscribe to the constitutionality of the sections of the bill now before us authorizing the President of the United States to convene courts-martial for the trial of members of the militia in time of peace while the Constitution expressly reserves the authority of the government of the militia to the States? Or that the States may not dismiss an officer without the approval of the President? Or that Congress can legislate to require the civil officers of the States to execute all process and sentences of courts-martial? Or that the Federal Government can prescribe the method by which vacancies shall be filled in time of war in the various grades when the Constitution expressly gives to the States the power of appointment of officers both in peace and in war? The power given to the States to appoint the officers of the militia is express and unconditional; the bill now before this House assumes to restrict that power.

In its report the committee has adopted the opinions expressed in a report of the military council of the State of Missouri. In that report the statement is made that the military system of Switzerland "is identical with that of our militia system, save and except service there is compulsory, while here it is voluntary. Switzerland is composed of a number of Cantons which are civil subdivisions corresponding to our States. Under the Swiss system, each Canton raises and trains its own force and selects the officers thereof."

This statement ignores the fundamental difference between our own governmental system and that of Switzerland. The Swiss Canton does not correspond to our State. The Cantons of Switzerland are subdivisions of the nation and subordinate to the national government. The Canton officials are therefore subordinate to the officials of the general government, and consequently subject to their direction. The Government of Switzerland is not constituted like our own, on the principle of two independent systems of government, each sovereign in its own prescribed sphere. It is this fundamental principle of our Government that most seriously operates against the possibility of ever making the State militia a dependable force for national purposes.

The report of the committee bases our national defense upon the State Militia "because the organization was already in existence, composed of 129,000 men, and was ready to be disciplined, trained, and organized as is provided for in the Constitution." The militia law now on the statute books contains provision for carrying into effect the constitutional powers of the Federal Government in respect to the militia. Unless it shall appear that the provisions of that law were enforceable, there is no reason to believe that the more extended powers which the proposed law purports to confer upon the Federal Government can be made effective.

What are the actual facts in regard to the present condition of the militia as a result of the passage of the militia law of 1903 in accordance with which the Federal Government has been making an annual average expenditure of $6,000,000 for the development of the Organized Militia for the past 13 years?

At the last annual Federal inspection, 564 officers and 19,382 enlisted men were absent. In 301 companies, the physical examination was below the required standard. During the calendar year 1914 the average number of men absent from each assembly for drill and instruction was 63,201 or nearly 50 per cent of the entire strength of the Organized Militia. Thirty-seven per cent of the infantry strength of the Organized Militia did not attend the 24 assemblies for drill and instruction required by the militia law. Of the total enlisted strength of approximately 120,000 men, 37,000 did not attend the camp of instruction prescribed by the militia law. At the last Federal inspection the instruction of 330 companies was rated as poor and 932 companies were below the standard of efficiency. In respect to marksmanship the reports rendered by the State adjutants general for 1914 show that only 34.8 per cent of the strength of the Organized Militia received instruction in target practice, although such instruction is expressly prescribed in the militia law. Only 21,039 are reported as having qualified in gallery practice, which is the simplest form of instruction with the rifle.

A large fluctuating element exists throughout the militia consisting of men who serve for a short period and are then discharged. In some companies more than 50 per cent of the strength is annually discharged before completing their enlistment period.

The carelessness with which Government property is guarded is shown by the fact that Federal property to the value of $1,352,761.14 issued to the various States for the purpose of arming, equipping, and training the militia has been lost or destroyed through carelessness and neglect. Reports of inspecting officers for 1914 show that in 379 companies of the Organized Militia the rifles were in poor condition. This means that not only is valuable Government property being allowed to deteriorate through neglect, but also that the weapons with which the enlisted men are armed are in such a condition as to injure their effectiveness for battle.

There can be no question that the militia has failed us whenever we have attempted to employ it in military operations; but it is often urged that the National Guard of to-day is not the militia of our past history, and that a great change has supervened since the passage of the militia law of 1903. The facts which I have cited do not indicate, however, that the difference between the militia of to-day and that of our past history can be very great.

As a whole the militia is intimately bound up with the local politics of the various States. In each State it is directly administered by an official—the adjutant general—whose tenure of office ceases with the party in power, and whose interests are primarily political. It is this official to whom we must look for the administration of the expenditure of the funds which will be appropriated under the provisions of the bill under dis-

cussion. His responsibility is not to the United States, and his tenure of office is independent of the Federal Government.

The bill of the committee proposes to remedy the existing deficiencies by means of Federal pay, amounting in the case of enlisted men to one-fourth the rate of Regular Army pay. I think that it is more than doubtful whether this provision will accomplish the object. The pay in the case of privates will amount to about $45 per year. This is too small a sum to constitute a serious inducement to the individual man; it is too great, in the aggregate, in comparison with the results that will accrue to the United States.

Some idea can be formed as to the probable effect of Federal pay by comparing the results now obtained in the States which pay their troops with those in which no pay is given. During the year 1914 seven States paid sums varying from 25 cents to $1 for each attendance at assemblies for drill. The average attendance at drill in these States was not above the general average of all States and was much below that of many other States in which no pay was given.

The United States, with a population of about 92,000,000, has on paper a force of about 122,000 Organized Militia, or 1,324 citizen soldiers for each million of population.

The United Kingdom, with a population of about 41,000,000, had before the beginning of the present war 317,000 citizen soldiers, none of whom were paid. This means 7,770 citizen soldiers to each million of population. If the young men of the United States would enlist in the same relative numbers as the young men of Great Britain, we could have a citizen soldiery of 714,622 men.

The Dominion of Canada, with a population of a little more than 7,000,000, had a national citizen soldiery of about 64,000 men, none of whom were paid. If our young men should enlist in the same relative numbers, we should have a force of about 826,000 men.

Before compulsory training was put into effect, Australia, with a population of about 4,455,000, had a partially trained citizen soldiery of about 88,000, none of whom were paid. If our young men should enlist in the same relative numbers, we should have 1,802,651 citizen soldiers.

We can not build an efficient national defense upon a force thus constituted. If our citizen soldiery is to be made effective, it must be nationalized. And the present Organized Militia can not be nationalized by an enactment which attempts to legislate around the plain provisions of the Constitution.

The main defect in the committee's bill consists in basing our national defense upon the militia system. But many provisions in regard to the Regular Army are equally open to objection.

The most prominent of these objectionable features is, perhaps, the provision legislating for a return to the permanent-staff system which broke down so lamentably in 1898. Prior to the Spanish-American War the staff departments of the Army were administered by a permanent personnel. Its interests were apart from those of the Army, and staff officers were unfamiliar with the needs of the Army and its requirements for war service. Absorbed in administrative routine, they grew to look upon the Army as an institution which existed for the purpose of peace administration by the staff bureaus. This condition of affairs is well illustrated by the naive complaint of the Quartermaster General in 1898, which has become classic in Army circles, that just as he had succeeded in getting his department in good working order the war came along and upset it completely. It is difficult to form an idea of the complete incompetence of the staff departments to fulfill their function during the Spanish-American War. Perhaps it is most strikingly manifested in the arrangements for the embarkation of the expeditionary force to Cuba. The following is part of a description of that operation by the lieutenant colonel of the First Volunteer Cavalry:

> It was the evening of June 7 when we suddenly received orders that the expedition was to start from Port Tampa, 9 miles distant by rail, at daybreak the following morning, and that if we were not aboard our transport by that time we could not go. As the number and capacity of the transports were known, or ought to have been known, and as the number and size of the regiments to go were also known, the task of allotting each regiment to its proper transport and arranging that the regiments and transports should meet in due order on the dock ought not to have been difficult. However, no arrangements were made in advance, and we were allowed to shove and hustle for ourselves as best we could, on much the same principles that had governed our preparations hitherto.
>
> We were ordered to be at a certain track with all our baggage at midnight, there to take a train for Port Tampa. At the appointed time we turned up, but the train did not. The men slept heavily while I and other officers wandered about in search of information which no one would give. We now and then came across a brigadier general or even a major general, but nobody knew anything. Some regiments got aboard the trains and some did not, but as none of the trains started this made little difference. At 3 o'clock we received orders to march to an entirely different track, and away we went. No train appeared on this track, either, but at 6 o'clock some coal cars came by, and these we seized. By various arguments we persuaded the engineer in charge of the train to back us down the 9 miles to Port Tampa, where we arrived, covered with coal dust but with our belongings.
>
> The railway tracks ran out on the quay, and the transports, which had been anchored in mid-stream, were gradually being brought up alongside the quay and loaded. The trains were unloading wherever they happened to be, no attention whatever being paid to the possible position of the transport on which the soldiers were to go. Col. Wood and I jumped off and started on a hunt, which soon convinced us that we had our work cut out if we were to get a transport at all. From the highest general down, nobody could tell us where to go to find out what transport we were to have. At last we were informed that we were to hunt up the depot quartermaster, Col. Humphrey. We found his office, where his assistant informed us that he didn't know where the colonel was, but believed him to be asleep upon one of the transports. This seemed odd at such a time, but so many of the methods in vogue were so odd that we were quite prepared to accept it as a fact.
>
> At last, however, after over an hour's industrious and rapid search through a swarming ant heap of humanity, I found Col. Humphrey and was allotted a transport—the *Yucatan*. She was out in mid-stream, so Wood seized a stray launch and boarded her. At the same time I happened to find out that she had previously been allotted to two other regiments—the Second Regular Infantry and the Seventy-first New York Volunteers—which latter regiment alone contained more men than could be put aboard her. Accordingly I ran at full speed to our train, and leaving a strong guard with the baggage I double-quicked the rest of the regiment up to the boat just in time to board her as she came into the quay and then to hold her against the Second Regulars and the Seventy-first who had arrived a little too late, being a shade less ready than we were in the matter of individual initiative.
>
> There was a good deal of expostulation, but we had possession; and as the ship could not contain half of the men who had been told to go aboard of her, the Seventy-first went away, as did all but four companies of the Second. Meanwhile a general had caused our train to be unloaded at the end of the quay farthest from where the ship was; and the hungry, tired men spent most of the day in the labor of bringing down their baggage and the food and ammunition.
>
> * * * The travel rations which had been issued to the men were not sufficient, because the meat was very bad indeed. If we had been given canned corn beef, we would have been all right, but instead of this the soldiers were issued horrible stuff called "canned fresh beef." There was no salt in it. At the best it was stringy and tasteless; at the worst it was nauseating. Not one-fourth of it was ever eaten at all, even when the men became very hungry. There were no facilities for the men to cook anything. There was no ice for them; the water was not good; and they had no fresh meat or fresh vegetables.

Contrast this pell-mell embarkation under the permanent staff administration with the smooth handling of the Vera Cruz expeditionary force in 1914, as carried out under the detailed system.

One of the first reforms resulting from the experiences of the Spanish-American War was the act of February 2, 1901, by which the permanent staff system was abandoned and detail system of officers of line who were to return periodically to duty with troops was instituted. It is now, in effect, proposed to return to the permanent system by permitting continuous service of officers in the staff departments. The lessons of the Spanish-American War are no longer fresh in our minds, but they must not be forgotten. The return to the permanent-staff system would be a step of a most retrogressive nature.

But it is not alone in respect to the return to permanent-staff system that the legislation in regard to the staff departments is objectionable. The bill proposes to place a premium upon staff service by permitting of the detail of a line officer to the staff corps with increase of rank. The effect of this provision will naturally be to discount service with troops with consequent injury to the efficiency of such service. Now there can be no higher function in the military establishment than the command of troops. Any legislative provision which encourages officers to abandon such service is pernicious in the highest degree.

A further defect in the formulation of the bill is to be found in the provisions regarding the increase of the Medical Corps. The number of majors provided for that corps is greater than that provided for the Infantry, which constitutes the bulk of a modern army; the number of lieutenant colonels of the Medical Corps is twice as great as that provided for the Cavalry and two and one-half times the number provided for the Field Artillery; the number of colonels is greater than for either the Cavalry or Field Artillery. The total number of medical officers provided is five times the proportion which they bear to the other arms in any other army in the world. There can be no excuse for providing for an excess of medical officers over our peace necessities, for the Medical Corps is the one branch of service for which skilled officers can be obtained from civil life on the outbreak of war.

There is, finally, one further feature of the proposed bill that should not be passed over without close scrutiny. That is the provision for the promotion of officers of the combatant arms of the service.

Under present laws on the subject advancement is by seniority in each arm of the service. Officers are advanced as vacancies occur by retirements, deaths, and resignations, or by legislative increases in the arm of the service to which the officer belongs. In times past increases in the different arms of the service have been made in a haphazard fashion, and this has resulted in wide discrepancies in the promotion of officers who entered the service

at the same time. For example, officers who entered the service in 1887 range in rank from major to colonel; those who entered in 1902, from first lieutenant to major, depending on the arm of the service. Officers who have served as instructors at West Point have had the fortune upon returning to their regiments to find themselves junior to youngsters who a few years before had been under their instruction as cadets. These differences in rank are not due to any merit upon the part of the officers promoted, but are solely due to the accidents of congressional legislation. Naturally, these discriminations are humiliating to the older and more mature officers who find themselves, without any fault on their own part, in a position where they may have to receive orders from young and inexperienced men.

This system, or rather lack of system, of advancement is prejudicial to the interests of the Government in that it imposes responsibilities upon relatively immature men that require the sober judgment of matured experience. In no other army in the world does this pernicious system of advancement prevail. An efficient army under such a system is an impossibility, for promotion is the very life of the officer corps, and efficient service can not be expected from officers who have become discouraged and indifferent through an arbitrary advancement of their juniors over their heads.

The proposed bill aggravates the present inequalities in promotion. When put into effect in its entirety the resulting promotions, so I am informed, will be as follows:

All lieutenant colonels and one major of Field Artillery will become colonels; only 4 out of 21 lieutenant colonels of Cavalry will become colonels; and only 17 out of 39 lieutenant colonels of Infantry will become colonels. All majors of Field Artillery will become lieutenant colonels, while only 6 out of 61 majors of Cavalry and 31 out of 122 majors of Infantry will be promoted. All first lieutenants, second lieutenants, and additional second lieutenants of Field Artillery will become captains, leaving 4 vacancies in the grade of captain, while 86 out of 246 first lieutenants of Cavalry and 359 out of 501 first lieutenants of Infantry will be promoted. These discrepancies are enormous. The officer who will be the junior colonel of Field Artillery entered the service in 1890, the junior colonel of Cavalry in 1878, and the junior colonel of Infantry in 1884. There will thus be a difference of 12 years in the period required to reach the grade of colonel in the different arms. The officer who will be the junior lieutenant colonel of Field Artillery entered the service in 1898, the junior lieutenant colonel of Cavalry in 1886, the junior lieutenant colonel of Infantry in 1889. There will again be 12 years' difference in the time required to reach the grade of lieutenant colonel. The officer who will be the junior major of Field Artillery entered the service in 1901, the junior major of Cavalry in 1892, and the junior major of Infantry in 1896. There will thus be a difference of nine years in the time required to reach the grade of major. The officer who will be the junior captain of Field Artillery is yet to be commissioned; the officer who will be the junior captain of Cavalry entered the service in 1901 and the junior captain of Infantry in 1905. There will thus be a difference of 15 years in the time required to reach the grade of captain.

Under a system of promotion by seniority, the only just method of advancement is in accordance with length of service. The law should specify the number of years which an officer should serve in each grade, and he should, if qualified, be promoted after having served for that period and not before. This is the principle of the bill introduced by the gentleman from Connecticut [Mr. TILSON], which conserves the interests of the Government by insuring the necessary years of service and experience for the higher grades and that of the individual officer by giving him a position commensurate with his service.

To sum up the defects of the proposed bill:

First. Under the guise of a fictitious federalization it fastens on the country the system of State troops which has failed us in the past and gives little assurance of better performance in the future;

Second. It carries an expenditure for the pay of officers and enlisted men out of all proportion to the service rendered;

Third. Reestablishes the permanent staff system which was proven disastrously inefficient in the Spanish-American War; and

Fourth. Provides a system of promotion adverse to the efficiency of the service and injurious to the prospects of the great body of Army officers.

On the other hand, the sum total of immediate provision for a better national defense amounts to an increase of 10,000 men in the Regular Army. This is the measure of the response which the committee proposes to make to the present demand for preparedness.

I am heartily in favor of increasing the Regular Army, and shall therefore cheerfully vote for the Kahn amendment which will make the Regular Army 220,000 men. Warfare has changed and will continue to change, and it requires more training to adapt the citizen soldiery to the new methods of warfare. We must have trained and disciplined men more today than in any other period in our history. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am heartily in favor of a very material increase in the Army and Navy for the defense of the country, and I have persistently voted for all measures which would keep us upon a solid basis for the defense of the American people in time of war. I believe that the larger portion of the money available should be expended on the Navy, our first line of defense.

I realize that the increase of the Army to 140,000 would not alone be sufficient, but when we take into consideration the other provisions made in the bill it can readily be seen that the increase is far in excess of 140,000 men and that the reserves, the National Guard, and trained men of the country would give us over a million soldiers, a footing sufficiently large for the beginning of a defense movement.

The bill, in addition to providing the Regular Army increase, also provides a manner for the federalization of the National Guard, which now contains 129,000 men. This National Guard I feel will very materially increase, now that it is recognized by the National Government in this bill; and not only will it increase in numbers, but in efficiency and work, because it will be financially improved by having Government aid. This in itself upon the present footing would give us 269,000 men, all trained, equipped, and ready for immediate call.

The National Guard has not had a fair chance during past years. It has continued under adverse circumstances, and yet it has maintained a splendid standing and done good work. Now that it is to become a part of the national defense, I look for even greater things from this strong organization.

I am a great believer in our citizen soldier. I want to see the National Guard much enlarged, its duties and efficiency for immediate service strengthened and extended. Let us have a large National Guard; more schools and colleges with requisite military training.

Let the youth of the land be taught what authority means and give them proper and sufficient military training. It can do them no harm and will greatly strengthen the ability of the country to defend itself in time of need and make them better citizens.

The increase of the Army to 140,000 men or to 220,000 men would be very small indeed if the time should arise when we need a larger Army. It will not only be an Army of this size we shall need but one of a million troops or more. It will be necessary for us to largely depend upon the National Guard as we have always depended upon it in the past and upon the volunteer soldiers. Let us see, therefore, that this organization and our young men are given proper military training so that they can render efficient service at short notice side by side with the Regular Army should necessity arise, and that we may be able to quickly mobilize an army of soldiers trained in the arts of war not alone in the Regular Army, but also in the National Guard and in the schools and colleges.

In addition to the National Guard under the reserve law now in operation there will be maintained a reserve of some 60,000. There are 27,000 men in the Regular Army discharged each year on account of the expiration of service, and from the National Guard for the same reason some 39,000. From this source we obtain, in addition to the regular reserves, 270,000 who have passed through the Army in the last 10 years, and 395,000 who have passed through the National Guard in the same time.

We have also young men passed through the military schools and colleges of the country during every year, making 330,000 of these young men who have had military training in the last 10 years. I find from these figures that there are 995,000, in round numbers, men of military age now in the country who have had military training.

If we would therefore take the 140,000 provided in this bill for the Regular Army, 60,000 for the reserve of the Regular Army, 129,000 in the National Guard, and the 995,790 men trained in the country, we have 1,324,790 men who are qualified to take up the duties of a soldier at any moment, so that while the 140,000 men of the Regular Army might seem small in comparison to what we really demand, yet when we take these figures presented by the report upon this bill, we feel safe in the more than 1,300,000 ready for service.

I feel that the Army and the men qualified for service should be sufficiently large to meet the first shock in the event of war. War does not come as in years gone by—after long talking and diplomatic relations—but it appears to come like a thunderclap from the clear sky and when least expected. I feel, therefore, that we should provide both in our Army and Navy adequate men and ships for the defense of the land. With our country of 100,000,000 people, rich in soil, in manufacture, and in commerce, we ought to be able, without much burden upon the individual, to maintain adequate defense of the land. Our people should feel that the United States Congress has provided them sufficient protection under those clauses of the Constitution which empower Congress to raise and support armies and to provide and maintain a Navy. The various States under the Constitution vested in the National Government this power and authority, and the people look to Congress to perform its duty in such manner that they will be absolutely safe from foreign intervention.

I should have been willing to vote for a larger standing army than the one provided, but the committee must have approached this matter from every angle, and, having confidence in the committee, I am willing to stand by its recommendations. [Applause.]

Mr. DEMPSEY. Mr. Chairman, the Kahn amendmnet authorizes the President to enlist 80,000 men in addition to the number named in the bill. It is difficult for us to realize the difference between 143,000 and 220,000, and the size of the Army as it is to-day can be best understood by concrete examples of what it is unable to do.

The place where the Niagara River empties into Lake Ontario has been considered from days previous to the founding of the Republic as a strategically important point. The French built a fort there when the place was a part of their possessions. This has been maintained and added to from that day to this. Until two years ago it was garrisoned. Our Army, however, is so small that as soon as the necessity arose of policing the Mexican border no troops were left for Fort Niagara, and since then the fort and the Government property have been in the hands of a few caretakers.

Another most important post along the frontier between us and Canada is Buffalo, one of the largest of our cities, at the foot of Lake Erie. Buffalo has grown to be a city of half a million people, with vast interests of all kinds; with a great harbor, which receives the great grain shipments of the great West; with many railroads, forming a connecting point between the East and the West; with great manufactories of many kinds, including one of the great steel plants of the country; and with commercial interests of almost every kind. Fort Porter, too, has been denuded of troops since trouble arose on the Mexican border.

So we find that with slight friction, without war, our Army is unable to garrison the most important strategic points on our border.

It has been urged that preparation for defense is unnecessary because the nations of Europe are exterminating each other. In this country the North and the South faced one another in armed conflict for four years. At the end of that period the armies of the North paraded in this city, previous to their disbandment, and expert opinion is that the armies of the North and the South after this long conflict contained the greatest number of thorough soldiers and the best trained soldiers ever seen on this continent. So it will be found at the end of the European war that the nations of Europe will have more soldiers and better soldiers than they have ever had in their previous history. Little Canada alone, our neighbor on the north, whom we adjoin from ocean to ocean, will soon have half a million men in this conflict, and the account of the progress of the war shows that its soldiers are as intrepid, as resolute, and as daring as any who are engaged in the contest.

It has been urged by Members of this Chamber that we are more likely to become engaged in war with Great Britain than with Germany. If this be a true prophecy, about which I express no opinion, how will the United States be prepared, with an Army of 143,000, when Canada, one of the many dependencies of Great Britain, has a thoroughly trained, well-equipped army of 500,000 men, who will have all the confidence in themselves which can come only from participating in a great war?

It is urged, too, that there is no need of preparation, because Europe is too much engaged in its own struggle. The time when pestilence is abroad is when contagion need be feared. The world is so intimately connected that what affects one part of it is very apt to spread to another.

Gentlemen urge, too, that strengthening the Army is apt to breed war; that men who are trained will be apt to say that their training has been useless unless they can have an armed conflict. What is true of us is true of others, and the rest of the world is to-day an armed camp, with which our interests are in constant conflict. While we all pray for peace, this conflict of interests may at any time, with those opposed to us thoroughly prepared, lead to a trial of arms.

With all these considerations in mind, I shall vote for the Kahn amendment, and I would gladly vote for a still greater increase and to have the Army recruited much more rapidly than this bill provides.

Mr. KAHN. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, I am very heartily in favor of the adoption of this amendment. I am in favor of it not on account of considerations for the future but on account of considerations that are here to-day. Gentlemen on the other side of this question who suggest that we should increase the Army 40,000 are inclined to suggest that there exists no immediate need for a larger increase. Why place it at 40,000? Does that measure the difference between the greatest and mightiest Nation of the world unprepared and helpless and open to the attack of nations great and big the world over and such a Nation adequately prepared to meet its national obligations? I say no. When we add only 40,000 to all arms of the service we are making but a shadow of preparedness.

Mr. GORDON. Mr. Chairman, will the gentleman yield right there?

Mr. MILLER of Minnesota. I can not yield. If I had more time I would.

The Nation—the people of America—is asking Congress for an adequate Military Establishment, that we may protect our honor, that we may protect our citizens, that we may protect the integrity of the Nation itself. Is a paltry army corps that with which you are going to respond? They have asked us for bread, and are we not giving them a stone?

Mr. Chairman, it has been suggested that the proposed amendment simply is a limitation. Well and good; in one sense it is, but it is a limitation beyond 140,000. It says that the number of the Army can be increased to 220,000 if the situation requires it, if Congress shall first appropriate the money in order that the increase may be made. There is not a man here who can not look into the future far enough to see that the hour may come quickly and sharply—when Congress is not in session—when the President will want the power to increase the Regular Army of the United States until we have a fighting force somewhere. [Applause.] The present law authorizes 100,000 men, but at no time for a period of many years has there been more than about three-fourths of that number actually in the service. By raising the limit to the point proposed we will have an efficient force fairly reasonable in its proportions.

Mr. Chairman, an 80,000 increase may look large to some men who can not look the country and its interests all over, but when you measure the needs of the hour the proposed increase is small. By the bill you increase not by a single troop the 15 Cavalry regiments of our Army, and to-day, when we are making war upon but a man, we have not a sufficient Cavalry force to do the work. Mr. Chairman, more than 50 years ago, on the field of Gettysburg, 300 cannon belched forth their fire. The proposed bill doubles the 6 regiments of Artillery. The Artillery, as it stands to-day—6 regiments, 4 men to a battery, 6 batteries to a regiment, making 144 guns in all—and the bill you propose to give to the country that they may have adequate preparedness gives 288 guns only, not enough to sweep a single sector at Verdun [applause]; not as many as thundered at a single battle in a war half a century gone by. Artillery decides the battle issues of to-day. Instead of 12 regiments we should have at least 24.

Yesterday an effort was made by the gentleman from Massachusetts [Mr. GARDNER] to increase the Coast Artillery Corps. This bill increases that branch of the service by some 5,200 men. The gentleman insisted, and with reason, that a further increase of about 5,000 men is needed to man the fortifications already constructed. In recent years increased demands have been made upon the Coast Artillery. Panama and Hawaii alone will about absorb the increase authorized in this bill. There is no doubt in my mind that any scheme that will adequately prepare our country for defense must increase the Coast Artillery beyond that carried in this bill.

So, Mr. Chairman, existing needs require that we increase the Military Establishment more than this bill contemplates. We have of late been humiliated by the trampling upon our rights on land and sea of powers great and small. Americans who have their country's interest at heart demand that these days of humiliation shall end. They are determined that the

Stars and Stripes shall be raised high and kept there; that the flag shall protect in life, property, and rights every person who owes it allegiance.

The first requisite to this national program, which in every respect has my hearty support, is a Regular Army reasonably ample for the country's needs. If this proposed amendment be adopted opportunity will then exist to bring the various branches of the service up to a state of reasonable adequacy.

Mr. HAY. I desire to say to the gentleman from California that I have only one speech on this side.

Mr. KAHN. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, it is my intention to say by my vote rather than by my words what I believe in regard to this amendment. I now wish to speak just a word to those Members on this side who have attacked this bill rather sharply this morning and to put this proposition to my friends like the gentleman from Massachusetts [Mr. GARDNER], the gentleman from New York [Mr. SANFORD], and others who have spoken. If they were confronted with the proposition to vote either for a bill that would give us an army of 140,000 men or a bill that would give a maximum army of 100,000 men, which would they vote for? That is the proposition upon which they would be called upon to vote if this bill came to a final vote in the form that it is now. So it is not a question of whether they would have it larger, but the question is, Is this bill as far as it goes better than the law which it proposes to supplant? Between these two propositions I think there can be no question that they would give their votes to the increase to 140,000 men rather than no increase at all. When they speak of the bill being a joke, they speak of it in comparison with what they would perhaps have it if they were writing the bill, but unfortunately they are not writing the bill. There are some 430 other Members who are taking a part in writing the bill, and we must arrive at a conclusion upon which a majority can stand.

I for one favor a larger number than the bill reported provides for. I was in favor of this same number when it was proposed in the committee and I shall stand for it in this amendment, because I think it is a step in the right direction. However, if it is not adopted, I shall also stand for the bill as reported, because I think it is good as far as it goes in this direction. [Applause.]

Mr. KAHN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The CHAIRMAN. The gentleman from Illinois is recognized for eight minutes.

Mr. MANN. Mr. Chairman, I have been one of the pacifists, I believe, properly so called. I do not think I am overly excitable by nature or apt to indulge in hysteria by fear, but I never have addressed the House before under a greater sense of responsibility for my country than I feel now. What is the situation? A year ago last December, after the European war had been in progress for some months, the President of the United States informed the Congress that in his opinion at that time there was no practical need of an increase in the Regular Army. The President of the United States last fall announced publicly that he thought there should be an increase. He invited the leader of the opposition in the House and the leader of the opposition in the Senate in a conference, expressing the hope that the question of the preparedness of this country might be considered as an emergency matter, free from partisanship. In January he made a tour of the country urging the country to get in a better position of preparedness for international trouble. It was a situation growing out of the European war. The President, dealing with the delicate questions involving this country with foreign countries, had reached the deliberate opinion that there ought to be something done in the way of preparation. He took the very unusual course, almost unexampled, of making speeches in different parts of the country in order to bring the attention of the people home to this subject, not as a matter of a permanent policy of the Army in time of peace, but as an emergency matter in the face of possible international complications. Now, what has he received therefor? This bill authorizes an increase in the Regular Army of 10,000 in the next 15 months. The President was asking preparation now as an emergency matter. In view of complications which might arise, and probably would arise, we propose to respond to them by adding 10,000 men—that is all—in the next 15 months.

Does anybody call that preparation? And then, we will add 10,000 more in the next 12; 10,000 more in the next 12 months; and 10,000 more in the next 12 months. And if the President be correct in his estimates of the matter, we will be adding men for an emergency some three or four years after the emergency has arisen and has passed away. [Applause.]

The bill is brought before this House as an emergency matter, setting aside other bills which have been promised prior consideration. Well, adding 10,000 men in the next 15 months is a matter of very little importance. We authorized 20,000 men to be added the other day by a resolution which never had been introduced and without debate. Here is the response we are making to the request of the President to add 10,000 men in 15 months—40,000 men in four years and a quarter.

The amendment of the gentleman from California [Mr. KAHN] permits the President, in his discretion, to add 80,000 more men. If I had my way about it, I would make it a requirement at this time to drill these boys now so that if danger should arise they will have been drilled in advance. But all the Kahn amendment does is to remove the limitation of 140,000 in the bill and permit the President to add in his discretion 80,000 more. Under the terms of the bill the President, if he declares that war is imminent, can bring the regiments up to their full strength. But when danger arises, and negotiations are going on with a foreign country, it is of itself a delicate situation for the President by proclamation to declare that war is imminent. At such a time a declaration that war is immiment is practically a declaration of war. But if we confer upon the President the discretion that is proposed here he can and, I believe in view of the existing international situation, will bring the Army up to this strength.

Gentlemen say it can not be done, and, therefore, they are opposed to trying it. I can remember when gentlemen on the floor said at the time we had a Regular Army of only 25,000, during my service here, that you could not increase it because you could not get the men to enlist. We never have failed to get the men to enlist. We never have failed to keep the Regular Army up to the highest point allowed by the President under his orders. And to say that we can not get the men is to write our countrymen down as pusillanimous cowards. [Loud applause.]

Mr. HAY. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia is recognized for 11 minutes. [Applause.]

Mr. HAY. Mr. Chairman, in what has been said here to-day what the bill does has been lost sight of. The bill provides for an Army in time of peace of 140,000 men, and according to the statement made by The Adjutant General of the Army in time of war it can be expanded to 207,000 men. That is what the bill does so far as the Regular Army is concerned. But gentlemen say that is no preparedness. The bill does not stop there. It provides for a federalized National Guard, which may be raised to 425,000 men. Training for the youth of the country is provided for. Much legislation is proposed which will aid us in time of war. I know that some gentlemen believe that you can not get anything out of the National Guard and that it is idle to rely upon it. But in every war in which this country has participated the militia and the National Guard have always responded, and through their efforts and through their courage victory has perched upon our banners. [Applause.] And if it did so then it will do so now, and will do so in the future.

Gentlemen talk about emergency. Emergency? Why, my friends, does anybody presume that if an emergency arose 220,000 men would meet it? If we had an emergency it would take a million men, not 220,000. And what are you proposing? You are proposing an army of 220,000 men, which will not meet an emergency, to keep it up in time of peace, and to have the people of this country pay taxes to maintain an army which they can not in the first place get and which, in the second place, they can not use. [Applause.]

Now, if that is true, what is the virtue of this amendment? What is the purpose of this amendment? What is the reason for it? Why, gentlemen, I can tell you the reason for it. Everybody in this country realizes that it is impossible to recruit under the volunteer system an army of 220,000 men or of 200,000 men. And the people of this country who are agitating the question of preparedness, who want us to sacrifice the traditions of this country, the history of this country, the best interests of our people, to the idea that somebody is about to invade us, these people who are stirring up all this agitation and who seem to have a mint of money to make it with, want you to have enacted into law a provision for 220,000 men in order that they may demonstrate to the country that they can not be raised under the volunteer system, and then they want to come to us and say, "You must put into operation compulsory military service in this country." [Applause.]

Why do I say that? Here is this letter which we all received this morning, signed by this great military expert, Mr. S. Stanwood Menken, who, I dare say, does not know the difference between a battery and a troop, and who never saw a squadron in the field, but he comes and tells us that we must defeat this bill because it is unscientific and does not give enough men, because, he says, the military experts of this country have not

been followed in framing it. My friends, if we undertook to follow the military experts of this country in making up military bills, we would have a thousand bills in this House for your consideration instead of one. Why, every one of them has a plan; every one of them has a different idea about these things. And ever since I have been on the Military Committee, a period of 19 years, that committee has had to work out its own salvation, because it never got any help from the military experts in this country in working out a practical scheme. [Applause.]

Now, my friends, I wish you would pay attention to this part of this remarkable communication. It says in part:

As I am writing to you, I take the liberty of calling your attention to one other fact, the result of experience before vast audiences, and that is that I found not only here but in the West that they approve with practical unanimity the idea of universal obligatory training of the youth of our land. They recognize that it is a democratic way of obtaining a people's army; that it renders militarism impossible; that it will add to individual efficiency; it will bring understanding among the classes and add life and health to the people, who will receive an endowment of patriotism through service to their country otherwise unobtainable.

That is the meat in this matter; that is what these people are going after. They are maintaining a vast organization throughout this country; they are employing agents everywhere in order to carry on their program to bring about compulsory military service in this country.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. Yes; I will.

Mr. GARDNER. I notice the gentleman twice says "compulsory military service." That is rather different than compulsory military training, is it not?

Mr. HAY. I would like the gentleman to explain the difference.

Mr. GARDNER. Compulsory military service is compulsory military service in time of war. I believe in a volunteer army in time of war, but I believe in compulsory military training.

Mr. HAY. I think everybody understands that the gentleman from Massachusetts has simply stated what is the difference between tweedledee and tweedledum.

Mr. GARDNER. Oh, no.

Mr. HAY. Well, if compulsory military training is not service, I do not know what it is, whether in time of war or time of peace. It does not make a particle of difference.

Some gentleman talked about the defense of our institutions and said that we had to have these 220,000 men in order to defend our institutions. Who is attacking the institutions of this country? What nation on earth is attacking them? My friends, there is not a country on earth to-day that has any idea of making war upon the United States. [Applause.]

The gentleman from Illinois [Mr. MANN] talked about international complications. I tell you that the signs of the times in Europe point now to the fact that peace is beginning to hover over that country. [Applause.] Out of the roar of the cannon, out of the smoke of battle which hangs over Verdun, there appears a ray of hope for early peace in that country. And when peace comes, what will gentlemen say to their people—gentlemen who have voted to saddle upon their people 220,000 soldiers, men who will not be used for any purpose, people who will cost an immense amount of money?

And, after all, if an emergency should arise, we should have to depend now, as in the past, upon the volunteers of this country and upon the National Guard. We would have to depend upon them, and if you had those 220,000 men authorized, in my judgment you would not add anything to the real defense of the country, but you would provide something which is against the best interests of our people and in favor of taxation which we can escape, which we do not want and do not need. I am as much in favor of having this country prepared for any emergency as anybody else, but I am not in favor of being carried off my feet by the National Security League and people of that sort, who are carrying on this propaganda, not for the purpose of really preparing the country in time of emergency but for their own ends. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. FULLER rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. FULLER. To offer an amendment to the amendment.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. FULLER. I move to amend by striking out "two hundred and twenty" and inserting "two hundred and fifty."

The CHAIRMAN. The gentleman from Illinois [Mr. FULLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "two hundred and twenty" and inserting "two hundred and fifty."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FULLER] to the amendment of the gentleman from California [Mr. KAHN].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs to the amendment offered by the gentleman from California [Mr. KAHN].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. KAHN and Mr. FULLER demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 82, noes 153.

Mr. KAHN. Mr. Chairman, I call for tellers.

Tellers were ordered, and the Chairman appointed Mr. HAY and Mr. KAHN to act as tellers.

The committee again divided; and the tellers reported—ayes 103, noes 183.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. CRAGO. Mr. Chairman, I offer an amendment to this section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CRAGO] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 13, line 13, after the word "act," strike out the period, insert a colon, and insert the following: "*Provided, however*, That in addition to the enlisted force of the line of the Army authorized by this act, the President may enlist an additional force of 60,000 men to serve one year with the colors and six years with the reserve, in such organizations as the President may designate."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. CRAGO. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 82, noes 134.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. ADAMSON rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. I ask unanimous consent to extend my remarks in the RECORD by printing an editorial on military roads.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD by printing an editorial on military roads. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Is this bill being considered by numbered sections or by paragraphs?

The CHAIRMAN. By numbered sections. The Clerk will read.

The Clerk read as follows:

SEC. 8. That the Quartermaster Corps shall, in addition to the commissioned officers now allowed by law, consist of 4 colonels, 4 lieutenant colonels, 12 majors, 29 captains, and not to exceed 50 quartermaster sergeants (senior grade), 490 quartermaster sergeants, 290 sergeants (first class), 1,550 sergeants, 800 corporals, 3,600 privates (first class), 850 privates, and 150 cooks. The master electricians now authorized by law shall hereafter be known as quartermaster sergeants (senior grade), and shall be included in the number of quartermaster sergeants (senior grade) herein authorized.

That the number of commissioned officers of the Medical Department shall be increased by 8 colonels, 14 lieutenant colonels, 60 majors, and 169 captains and first lieutenants: *Provided*, That details to staff corps and departments of the Army, under the provisions of the act of Congress approved February 2, 1901, may be made from the Army at large from the grades in which vacancies to be filled by detail shall exist in said corps or departments, or from the next lower grades, and officers detailed to fill such vacancies in grades above that of captain in such a corps or department may be redetailed therein without a compulsory period of service outside thereof. Officers so detailed to fill vacancies below the grade of major in such a corps or department shall again be eligible for detail therein after having served for at least one year in the branches of the service in which such officers shall, respectively, hold commissions: *Provided further*, That officers serving by detail in the staff corps or departments specified in this section shall take rank in their respective grades from the dates of their rank under their original detail in said grades: *And provided further*, That in each of said staff corps or departments a board of three experienced officers thereof shall be appointed by the chief thereof as occasion shall require, and shall investigate and report upon the qualifications and fitness of officers for detail or redetail to fill a vacancy existing or expected to occur within three months in such corps or department; and no officer shall be detailed or redetailed to fill any vacancy in any such corps or department except upon the recommendation of a board of officers constituted as required by this proviso; but nothing therein shall apply to any vacancy in a grade above that of colonel or to any vacancy that is to be filled by appointment by the President, by and with the advice and consent of the Senate: *And provided further*, That hereafter the Secretary of War is hereby authorized to detail one or more officers of the Medical Department of the Army for duty with the military relief division of the American National Red Cross: *Pro-*

vided further, That hereafter the Dental Corps of the Army shall consist of the number of officers in said corps now provided by law, and that there shall be 35 captains in said corps; that appointees to the grade of first lieutenant in said corps shall be not less than 22 years and not more than 30 years of age; and that promotion to the grade of captain, herein provided for, shall be subject to an examination before a board consisting of not more than three officers of the Medical Department, including the Dental Corps of the Army, to be appointed by the Secretary of War, and that the captains provided for in this act shall be appointed from the present members of the Dental Corps who have had five years' service in said corps: *Provided further*, That the enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, with the pay and allowances of master signal electricians; hospital sergeants, with the pay and allowances of engineers, Coast Artillery Corps; sergeants, first class, with the pay and allowances now provided by law for sergeants, first class, Hospital Corps; sergeants, corporals, and cooks, with the pay and allowances of like grades in the Signal Corps; horseshoers, saddlers, and farriers, with the pay and allowances of like grades in the Cavalry; mechanics, with the pay and allowances of mechanics in the Field Artillery; privates, first class, and privates, with the pay and allowances of like grades in the Signal Corps; *Provided*, That master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than 12 months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General: *Provided further*, That original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfers thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe: *Provided further*, That the enlisted men of the Hospital Corps who are in active service at the time of the approval of this act are hereby transferred to the corresponding grades of the Medical Department established by this act: *Provided further*, That the total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, except as hereinafter provided, the equivalent of 5 per cent of the total enlisted strength of the Army authorized from time to time by law: *Provided further*, That in time of war, or when war is imminent, the Secretary of War is hereby authorized to enlist or cause to be enlisted such additional number as the service may require: *Provided further*, That the number in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of 1 per cent; hospital sergeants, one-half of 1 per cent; sergeants, first class, 7 per cent; sergeants, 11 per cent; corporals, 5 per cent; and cooks, 6 per cent: *Provided further*, That the number of horseshoers, saddlers, farriers, and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization: *Provided further*, That in said department the number of privates, first class, shall not exceed 25 per cent of the number of privates: *Provided further*, That if by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reduction shall for the time being exceed the percentage hereinabove specified for such grade no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength; but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid; and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified any commissioned officer thereof who is not under charges may be discharged on his own application: *Provided further*, That privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows: As dispensary assistant, $2 a month; as nurse, $3 a month; as surgical assistant, $5 a month: *Provided further*, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated.

Mr. HAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 14, after the word "shall," insert the words "on and after July 1, 1916."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another amendment. On line 15, page 13, after the word "officers," insert the words "and pay clerks." Otherwise they might be legislated out of office.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, page 13, line 15, after the word "officers," by inserting the words "and pay clerks."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Virginia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by the committee: Strike out lines 1 to 4, page 14, and insert the following:

"That the Medical Corps shall consist of one Surgeon General, with the rank of major general, during the active service of the present incumbent and thereafter he shall have the rank of brigadier general of the Medical Department, and commissioned officers of the several inferior grades, proportionally distributed among the same as in the Medical Corps now established by law, the total number of whom shall approximately be equal to, but not exceed except as hereinafter provided, 7 for every 1,000 of the total enlisted strength of the Army authorized from time to time by law: *Provided further*, That if by reason of a reduction by law in the authorized enlisted strength of the Army aforesaid the total number of officers in the Medical Corps commissioned previously to such reduction shall for the time being exceed the equivalent of 7 to 1,000 of such reduced enlisted strength no original appointment to commissioned rank in said corps shall be made until the total number of commissioned officers thereof shall have been reduced below the equivalent of seven to the thousand of the said reduced enlisted strength, nor thereafter so as to make the total number of commissioned officers thereof in excess of the equivalent of seven to the thousand of said reduced enlisted strength; and no promotion shall be made above the grade of captain in said corps until the number of officers in the grade above that of captain to which the promotion is due shall have been reduced below the proportional number authorized for such grade on the basis of the reduced enlisted strength, nor thereafter so as to make the number of officers in such grade in excess of the proportional number authorized on the basis of said reduced enlisted strength: *Provided further*, That when in time of war the Regular Army is increased by virtue of the provisions of this or any other act, the medical officers appointed to meet such increase shall be mustered out of the service of the United States when the reduction of the enlisted strength of the Army shall take place: *And provided further*, That relative rank among captains and lieutenants in the Medical Corps, who have or shall have attained that rank by operation of law after a period of service fixed thereby, shall be determined by counting all the service rendered by them as officers in said corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of court-martial or by reason of failure to pass examination for promotion."

Mr. STAFFORD. Will the chairman of the committee kindly explain what is the effect of this amendment, and particularly whether the proportion of 7 to 1,000 is a larger ratio than now exists in the present establishment?

Mr. HAY. The purpose of this amendment is to give the Medical Corps of the Army 7 officers to every 1,000 enlisted men. That proportion is greater than the present one, and it is a proportion which the Surgeon General of the Army recommended to the committee as being, in his opinion, sufficient to meet any demand which may arise.

The amendment is so drawn that as the Army goes up in strength the Medical Corps goes up in strength and if the Army decreases in strength the Medical Corps will decrease in strength. It is what may be called a shifting scale.

Mr. STAFFORD. But you always will have 7 medical officers to 1,000 enlisted men?

Mr. HAY. Yes.

Mr. STAFFORD. What is the ratio at present?

Mr. HAY. I think it is 5.7.

Mr. KAHN. It is 5.32.

Mr. STAFFORD. Has it been demonstrated that the present quota is not sufficient in time of peace to meet the emergencies of the Army?

Mr. HAY. I think it has. I think in a bill of this character we ought to see to it that we provide medical officers sufficient to meet any emergency which may arise, and if we do give the Medical Corps a few more men than they actually need, why, we are not throwing money away in that respect.

Mr. STAFFORD. Of course, if the gentleman will permit, in the bill as submitted the Secretary of War had authority in time of war to increase the Medical Corps.

Mr. HAY. Not the Medical Corps. He had authority to increase the enlisted men of the Hospital Corps, but not the officers.

Mr. STAFFORD. How many additional officers will this increase the Medical Corps?

Mr. HAY. If there are 100,000 men it will be an increase of 257 officers.

Mr. STAFFORD. Ranging from second lieutenants up?

Mr. HAY. Ranging from first lieutenants.

Mr. STAFFORD. From first lieutenants up?

Mr. HAY. There are no second lieutenants in the Medical Corps.

Mr. SHERLEY. Mr. Chairman, I was not sure, but as I caught the reading of the amendment, it does not seem to fit in exactly with the part of the bill which is not amended. If I am right, the amendment moves to strike out all of lines 1, 2, 3, and 4, on page 14.

Mr. HAY. Down to the word "provided."

Mr. SHERLEY. It was not so reported.

The CHAIRMAN. Without objection, the amendment will be modified.

Mr. HAY. Strike out all of lines 1, 2, 3, and 4, down to the word provided.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia as a committee amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, in line 4, after the word "*Provided*," I move to insert the word "*further*."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, line 4, after the word "*Provided*" insert the word "*further*."

The amendment was agreed to.

Mr. HAY. On line 12, page 14, after the word "be," I move to insert the words "detailed or."

The CHAIRMAN. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 14, line 12, after the word "be" insert the words "detailed or."

The amendment was agreed to.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent to print in the RECORD a speech made by my colleague Mr. MCCULLOCH on the 12th of February last.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to have printed in the RECORD a speech made by his colleague Mr. MCCULLOCH on the 12th of February last. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 13, section 8, insert, after line 26, the following:

"There shall be established an auxiliary corps of the War Department, the same to be composed of all licensed officers and members of the crews of transports, mine planters, cable boats, and harbor boats of the Quartermaster's Department of the Army, also superintending engineers of the Quartermaster's Department, all of which shall have at the time of the enactment of this bill served at least five years in the Quartermaster's Department of the Army, the Navy, or Coast Survey, these men to be enrolled in the same rank and at the same rate of pay they receive at the enactment of this bill, the officers to receive a warrant from the Secretary of War and the same allowance as received by warrant officers in the Navy, all previous service in the Quartermaster's Department, the Navy, or Coast Survey to count as continuous service in this corps."

Mr. BENNET. Mr. Chairman, I showed this amendment to the chairman of the committee, and he said at that time that he saw no objection to it. The amendment speaks for itself. It adds a new corps to the War Department, to be composed of licensed officers and the members of the crews of transports, mine planters, cable boats, and harbor boats. I might say that the experience of the European war has demonstrated that these men ought to be under military control and direction. In connection with one of the nations, at least, they found serious difficulty because they had no control over the captains and officers of the transports and such auxiliary boats. They were civilians. These men perform military duty, and this puts them on the same basis as those who perform military duty and as men who are provided for in this section generally. I think that explains the amendment. I understand on the part of the committee that there is no particular opposition to it, and it serves the purpose that I have indicated.

Mr. MANN. Will the gentleman yield?

Mr. BENNET. I will.

Mr. MANN. Does this auxiliary corps apply to anyone who has not served for five years?

Mr. BENNET. It does not.

Mr. MANN. Will it apply to anyone who serves hereafter five years but who has not served five years at the time of the enactment of the bill?

Mr. BENNET. Does the gentleman mean some one in the service who has not served five years but afterwards serves five years?

Mr. MANN. Whether he is in the service now or goes in after.

Mr. BENNET. If there was any doubt about that, I would be perfectly willing to make it apply to them.

Mr. MANN. I was asking for information as to what it did do.

Mr. BENNET. I think the plain intention is that when a man reaches five years' limit he becomes a member of this corps.

Mr. MANN. Does it not say "served five years at the time of the passage of the act"?

Mr. BENNET (reading). "All of which shall have at the time of the enactment of this bill served at least five years in the Quartermaster's Department of the Army, the Navy, or Coast Survey."

Mr. MANN. Is it not intended by the amendment, by whoever prepared it, merely to give a certain status to a few men who are now serving in these various capacities, with no intention of putting any of them under military service in the future, but simply to get them on the retired pay roll?

Mr. BENNET. That can be easily remedied by inserting, after the word "bill," the words "or hereafter." I agree with the gentleman from Illinois that it is a good proposition——

Mr. MANN. The gentleman does not agree with me; I do not think it is a good proposition.

Mr. HAY. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. HAY. Does this not provide that the pay shall not be increased?

Mr. BENNET. Neither the rank nor pay is increased by reason of the amendment.

Mr. MANN. It provides that it shall not be increased at all. If a man is a mate on a transport, under this amendment can he ever become a captain?

Mr. BENNET. He could become a captain by operation of existing laws other than this act.

Mr. MANN. But could he?

Mr. BENNET. It carries them at the same rank and the same rate of pay as they had at the enactment of the bill, but there is no language here that prohibits their being promoted under other statutes.

Mr. HAY. I will say to the gentleman from New York that when he talked with me I was in a hurry; but I observe that at the end of this proposed paragraph it is provided that these officers shall receive a warrant from the Secretary of War and the same allowance as is received by warrant officers of the Navy. Now, the warrant officers of the Navy receive a great deal more than these men now receive. I could not consent to that.

Mr. BENNET. Then let us strike that part out. Mr. Chairman, I ask unanimous consent that, after the words "Secretary of War," the rest be stricken out.

Mr. POWERS. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. POWERS. The gentleman's amendment seeks to put these people under military authority, and they are now under civil authority?

Mr. BENNET. Yes.

The CHAIRMAN. The gentleman from New York asks to modify his amendment by striking out all after the word "War" in the third line from the last. The Clerk will report the language stricken out.

The Clerk read as follows:

And the same allowance as received by warrant officers in the Navy, all previous service in the Quartermaster's Department, the Navy, or Coast Survey to count as continuous service in this corps.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BENNET. Now, Mr. Chairman, I ask to further modify the amendment by adding, in the sixth line of the amendment, after the word "bill," the words "or hereafter."

The CHAIRMAN. The gentleman also asks to modify the amendment by adding, after the word "bill," the words "or hereafter." Is there objection?

There was no objection.

Mr. STAFFORD. Now, Mr. Chairman, may we have the amendment read as modified.

The Clerk read as follows:

Page 13, section 8, insert after line 26 the following:

"There shall be established an auxiliary corps of the War Department, the same to be composed of all licensed officers and members of the crews of transports, mine planters, cable boats, and harbor boats of the Quartermaster's Department of the Army, also superintending engineers of the Quartermaster's Department, all of which shall have at the time of the enactment of this bill or hereafter served at least five years in the Quartermaster's Department of the Army, the Navy, or Coast Survey. These men to be enrolled in the same rank and at the same rate of pay they receive at the enactment of this bill, the officers to receive a warrant from the Secretary of War."

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SHERLEY. Mine planters are not under the Quartermaster's Department, they are under the Coast Artillery.

Mr. BENNET. I do not think the amendment says that they are under the Quartermaster's Department.

Mr. SHERLEY. Oh, yes; it does.

Mr. BENNET. I see the gentleman's point. I think the gentleman agrees with me that if these other officers are put on this status, the officers of the mine planters ought to be in the same status?

Mr. SHERLEY. Yes; but the gentleman has designated now mine planters which do not exist, because there is none under the Quartermaster's Department.

Mr. BENNET. Then, Mr. Chairman, I ask unanimous consent to modify my amendment so as to strike out the words "mine planters" wherever they now appear and put them in after the phrase "of the Quartermaster's Department of the Army."

Mr. SHERLEY. Under the Coast Artillery.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment in the manner which the Clerk will report.

The Clerk read as follows:

Modify the amendment by striking out the words "mine planters" wherever they now occur and insert them after the word "Army," in line 4 of the amendment.

The CHAIRMAN. Is there objection to the modification of the amendment in the manner indicated?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

Mr. MANN. Mr. Chairman, the gentleman from New York [Mr. BENNET] did not indicate who prepared this amendment, but I am quite confident that it was not prepared by the gentleman from New York, or it would not have required unanimous consent given so frequently to modify it. The purpose of the amendment is to give a military status to certain men who have not a military status now and who do not perform military duty, undoubtedly with the object of putting these men in the end upon the retired list as military men. Men who are soldiers get a certain preference from Congress and the Government by being eligible to a place on the retired list, on the theory that all of the time they are living they are taking the chance of being killed. But these men do not take that chance.

I am not in favor at this time of putting civilians in the service upon a retired status or of saying that we will call men soldiers who are not soldiers for the purpose of giving them a retired status. It is just as sure to follow as that the sun will rise to-morrow morning, if this amendment goes into the law, even with the modifications which have been made, that these men within a short time will be seeking, and in some way unknown to most of us will secure, not only the allowances that now go to equal ranks in the fighting end of the Navy, but will be placed on retired-status pay, and I do not think it ought to be done.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two or three minutes.

The CHAIRMAN. Without objection, the gentleman will proceed.

There was no objection.

Mr. BENNET. Mr. Chairman, this proposition first came to me originally from Capt. Bernard, of New York City. I sent it to the War Department, and the War Department drafted a bill which I introduced last January, H. R. 8044. I went over that bill with the gentleman from California [Mr. KAHN]. There were certain things in the bill as drawn by the War Department which that gentleman did not think should be presented to the House in the shape in which they were.

Therefore they were stricken out, and the amendment as it remains is taken from the draft provided for me by the War Department. If section 8 will be read with even hasty care, it will be seen that there are rank after rank of men who, though performing some civilian duties, are very properly put upon the same status desired for these men, and with not such good reason, because there is nothing that ought to be under a military status more than a mine planter or a transport or a cable boat or these other auxiliaries that are mentioned, and the officers of the Army who have charge of those things ought to have the absolute right to be able to say to the captain of one of those boats, "You shall go here or there; you must do this or refrain from doing that"—and if they disobeyed to put them under court-martial, which they can not do now. All they can do now, if a man disobeys an order under the most strenuous circumstances is to discharge him, and sometimes that is exactly what the man would want.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. Assuming the gentleman's purpose is correct, in what position would that leave the men on the United States Army Engineer boats? Are they included in the amendment?

Mr. BENNET. Yes; the superintendent of engineers in the Quartermaster's Department. The effort was not to include everybody on the boats, but simply those who had an intimate connection with the Military Establishment. People are in danger in doing this duty. It is only 10 days ago that a man in New York Harbor on one of these very boats transporting powder from fort to fort in the harbor of New York had his leg taken off. He is not enough of a military employee to get any damages from the Government on account of that, and he is too much of a military employee to get damages the other way, so that at the end of 30 days he automatically goes off the pay roll with nothing. It is a dangerous occupation and strictly military.

Mr. MOORE of Pennsylvania. The Coast Survey is referred to in the gentleman's amendment?

Mr. BENNET. That portion was stricken out.

Mr. MOORE of Pennsylvania. As the amendment stands now it applies to officers of the boats in the Quartermaster's Department only?

Mr. BENNET. Transports, cable boats, under the Quartermaster's Department, and mine planters, and also superintendent of engineers in the Quartermaster's Department.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GREENE of Vermont. The gentleman said that one reason for bringing these men into the service and putting them on a military status is that an officer may have direct military control over them.

Mr. BENNET. Yes.

Mr. GREENE of Vermont. And that in case they refuse to obey an order, as it is now, he can do nothing more than to discharge them, whereas if they are under military control he can order them court-martialed. If that is true, what is gained in effectiveness? If you have to discharge a man who disobeys, you have lost his services, and if you have to court-martial him, you have lost his services.

Mr. BENNET. If a man is in a military force and he gets an order from his superior officer and knows that for disobedience he will be court-martialed, he is apt to obey. On the other hand, if he knows the only penalty is to lose his job, sometimes he is very willing to lose it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were—ayes 14, noes 45.

So the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word merely for the purpose of putting some figures in the RECORD in connection with this Quartermaster Corps and the Hospital Corps which we have just been considering.

The gentleman from Virginia [Mr. HAY] said that The Adjutant General said the maximum strength of the Army under this bill would be 207,335 men. That is so; but The Adjutant General includes the Quartermaster Corps, 7,650, noncombatants; Hospital Corps, 9,873, noncombatants; Philippine Scouts, 12,000; cadets, 3,150; making 32,673 all told, which I think ought to be deducted. That leaves 174,662, not counting those elements.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 9. That the Signal Corps, exclusive of the aviation section thereof, shall consist of the commissioned officers now allowed by law, 47 master signal electricians, 155 first-class sergeants, 204 sergeants, 273 corporals, 32 cooks, 774 first-class privates, 233 privates; and the aviation section now authorized by law: *Provided*, That the number of aviation officers in said aviation section shall be increased by 73, and the number of aviation enlisted men shall be increased by 26 master signal electricians, 50 first-class sergeants, 93 sergeants, 171 corporals, 36 cooks, 250 first-class privates, 94 privates organized into an aviation-school detachment, and such number of aero squadrons as the Secretary of War may direct, not to exceed 7; and each aero squadron shall consist of such numbers of officers and enlisted men of the aviation section as the Secretary of War shall prescribe: *Provided further*, That hereafter married officers of the line of the Army shall be eligible for detail to aviation duty upon the same conditions that unmarried officers are now eligible for said duty; and the Secretary of War is authorized to have instructed in the art of flying as many enlisted men of the aviation section as he may deem necessary.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise for the purpose of calling

the attention of the committee to the very peculiar provisions of this section in a very important respect. Under this section the officers of the Signal Corps are not increased at all. By virtue of this provision there is an increase in the noncommissioned officers and the enlisted men of the Signal Corps proper of something over 1,000 men, but it was not seen fit to increase the officers at all. Now, I undertake to say, Mr. Chairman, that there is no corps of the Army, no division of the Army, that is so underofficered at the present time as the Signal Corps proper. I will go further and say that the General Staff and members of the War College have called attention to this particular matter, and I want to say there is not a department that needs more officers now or will need them in the future as much as the Signal Corps, and yet for some reason that I can not understand the officers of this corps are not increased at all. Mr. Chairman, I think there are few who understand or consider—it seems as if there must have been few who considered when this provision was written in this form—the manifold duties cast upon both the officers and men of the Signal Corps, and they need highly skilled men of the highest character of technical knowledge in order to properly manage this department. They carry on not only the telegraph but the telephone operations, the wireless telegraph, and the cable service, which means all the service which furnishes information to the Army. They are to a large extent the eyes of the Army and to a complete extent the ears of the Army. Information can only be obtained through the Signal Corps, and how are these enlisted men to be added to be trained? I suppose gentlemen will say by officers detailed from some other department, but an officer from some other department can not understand as fully and completely the duties which they would then be called upon to do as officers who had been trained in this particular division.

Mr. HULBERT. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. HULBERT. I would like to call the gentleman's attention to the provision on line 21, page 17, down to and including line 22; and I ask the gentleman if he can tell us what is meant there by the increase in aviation officers by 73?

Mr. GREEN of Iowa. The gentleman does not understand that that does not apply to the Signal Corps proper? That is an increase in the aviation section, and the aviation section alone. Now, there is another very peculiar part of it. I understand there has been some critcism directed against the aviation section. How well founded that criticism may be I am not able to state, but there never has been, so far as I can ascertain, any criticism directed against the Signal Corps proper. On the contrary, in report after report made by the highest officers of the Army their services have been commended as efficient and in the highest degree skillful; and what can be more necessary than officers in this department? As I understand, the Senate bill complies with the recommendations which were prepared by the General Staff. It adds some 51 officers altogether. This Signal Corps is detailed all over the country—detailed for service in Alaska, in the cable service; they are detailed not only down on the border, but different parts of the country, in Hawaii and the Philippines, Guam, Porto Rico, and other places, and in Panama there is a special division, and other places that might be mentioned. There are several details in the Philippines; still, for some reason I can not understand, and which has not been explained to the committee, there is no increase in the number of officers. I hope when the Senate bill comes over here and the question of concurring with the Senate bill arises that this House will agree to the Senate provision in this respect.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment for the purpose of obtaining some information. I think it is rather singular that the committee has failed to make any recommendation for an increase in the officers of the Signal Corps. I was expecting some explanation would be made. Only a moment ago a committee amendment was offered by the chairman of the committee increasing the officers in the Medical Department. The Medical Department now has a corps of officers ratioing some five and some tenths to a thousand, and it has been increased to seven. I should think that the committee at least owed some explanation as to why in this instance no increase of officers was provided in the bill. There is an increase of noncommissioned officers. If it has been considered that they now have more officers than needed at present, then well and good; but to increase the noncommissioned men without increasing the officers requires an explanation. What is the purpose of not providing a full corps of officers?

Mr. HAY. Does the gentleman wish me to answer?

Mr. STAFFORD. I think the committee would be very glad to hear from the gentleman on the subject.

Mr. HAY. Mr. Chairman, I will state to the gentleman that the Signal Corps proper ought to be increased, but the Signal Corps at present is under a cloud, and the committee in considering that proposition thought that they would wait until they got through with this investigation before they would make any recommendation about the increase of that corps. I will state to the gentleman that the Senate has passed a concurrent resolution providing for an investigation of this corps, and the Committee on Military Affairs of the House has reported it to the House, and as soon as this bill passes we hope that the Speaker will recognize us to pass that resolution.

I do not know whether the gentleman is acquainted or not with the circumstances surrounding the Signal Corps and the aviation part of it.

Mr. STAFFORD. I have no knowledge whatever of the subject referred to; only in reading the bill I notice the committee has reported increases in officers in all other branches, but has failed to make any increase here. I understand from the statement of the gentleman that it is purposed before this bill becomes a law to increase the permanent force of the officers of the Signal Corps?

Mr. HAY. Yes. And we have increased the enlisted men by 1,476.

Mr. STAFFORD. And naturally it would require an additional officer force to meet that increase?

Mr. HAY. Yes. And we propose to do that.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words for the purpose of saying that the figures I gave this morning as to the peace strength of the Swiss Army and the Turkish Army were taken from the report of the Secretary of War November 15, 1914. I noticed he used the words "peace strength," when I used the words "standing army." He says that the peace strength of the Turkish Army is 420,000 and the war strength 1,200,000, and the peace strength of the Swiss Army is 140,000, and the total trained war strength is 275,000.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I am not at all satisfied with the explanation which has been given by the chairman of the committee, which really, it seems to me, does not amount to any explanation whatever as to why these officers are not increased. Therefore I offer the amendment I send to the Clerk's desk, which would be in accordance with the recommendations of the General Staff.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 19, lines 14 and 15, strike out the words "the commissioned officers now allowed by law, and insert in lieu thereof the words:
"One chief signal officer with the rank of brigadier general, 4 colonels, 6 lieutenant colonels, 13 majors, 26 captains, 47 lieutenants."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Chairman, the chairman of the committee has stated that the reason these officers are not increased is that the aviation service is under a cloud. I deny that the Signal Corps proper is under a cloud. It is not under a cloud and has not been under one. There never have been any charges made or any complaints made of any kind whatever of the services rendered by the Signal Corps. On the contrary, as I stated before, their services have been recommended by officer after officer of the highest rank, and an examination of the report with reference to it will show that this has been done.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. GREEN of Iowa. With pleasure.

Mr. TOWNER. As I understand it, there have been practically 1,000 aviators added by this bill to the Signal Corps?

Mr. GREEN of Iowa. There has been an addition of something like 1,400 enlisted men and a certain number of noncommissioned officers.

Mr. HAY. Fourteen hundred and seventy-six enlisted men added to the Signal Corps proper; 710 enlisted men added to the aviation section.

Mr. TOWNER. But no provision for any additional officers in the Signal Corps?

Mr. GREEN of Iowa. To the Signal Corps proper—none whatever.

Mr. TOWNER. But only to the aviation branch?

Mr. GREEN of Iowa. Now, Mr. Chairman, there is a call every day upon the Signal Corps proper for officers. They are wanted in Mexico; they are wanted in various parts of the coun-

try for use in these instruction schools. They are needed to actually meet a very important work, and they are simply compelled to refuse these demands that are made upon them, and we have to get along as best we can.

Mr. POWERS. If there are no charges against the Signal Corps, why is it that there was a resolution introduced in the Senate to investigate the Signal Corps?

Mr. GREEN of Iowa. It is not to be made of the Signal Corps, but only a branch of the service. There never has been any complaint, I am sure, of the Signal Corps proper.

Mr. HAY. Mr. Chairman, I hope the committee will not adopt the amendment offered by the gentleman from Iowa. He proposes to increase the Signal Corps by 60 officers. There are 46 now, and he asks for 106. That is an increase of 60. As I said a minute ago, the committee has had this matter under advisement, and, while the gentleman says that the Signal Corps is not under a cloud, the aviation service of the Army is under the Signal Corps, and the aviation service has been attacked in the newspapers, and statements have been circulated to such an extent that it is absolutely necessary that that corps should be investigated. Now, until that is done I do not believe we ought to increase this corps to any appreciable extent. I think when this bill gets to conference we will increase the Signal Corps proper, but I do not think we can do it on the floor of the House without any knowledge on the part of the committee as to the extent it ought to be increased. I therefore hope that the amendment will be rejected.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr GREEN of Iowa. The gentleman will not say, I think, that the proportion which I have given in this amendment and the number of officers which I have stated in this amendment are not in proportion to the additions that have been made in the enlisted men and in the noncommissioned officers?

Mr. HAY. Unquestionably so.

Mr. GREEN of Iowa. That it is?

Mr. HAY. Yes.

Mr. GREEN of Iowa. The gentleman will not say, either, that it is not in the proportion that would be given in the systems asked for by the War Department?

Mr. HAY. The gentleman misunderstood me. I say that the gentleman's figures are out of proportion to what we ought to have.

Mr. GREEN of Iowa. I beg the gentleman's pardon; but I will say that I got my figures from an officer, a member of the war staff.

Mr. HAY. I have no doubt of that.

Mr. GREEN of Iowa. I was giving the figures as originally presented by the War Department.

Mr. HAY. If the gentleman had my experience, he would know that he can always get from some officer or some member of the General Staff figures to increase the number of officers in the Army.

Mr. GREEN of Iowa. No; I got the correct proportionate figures. Now, one question further: If the reason for not increasing the officers was because the Aviation Section was under a cloud, why increase the officers in the Aviation Section?

Mr. HAY. Because they are detailed from the line. They do not come from the Signal Corps at all.

Mr. GREEN of Iowa. Therefore the Signal Corps is not responsible for it.

Mr. HAY. Oh, yes; a member of the Signal Corps proper is at the head of the Aviation Section.

Mr. GREEN of Iowa. But he has officers detailed from some other corps.

Mr. HAY. It is not the officers of the line that are affected by this unfortunate situation. It is the Signal Corps itself, which has charge of aviation.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield there?

Mr. HAY. Yes.

Mr. SLAYDEN. I would like to ask the gentleman what was the strength of the Signal Corps before this increase was made?

Mr. HAY. It was 1,212 enlisted men.

Mr. SLAYDEN. To what do you propose to increase it?

Mr. HAY. We propose to increase it to 2,538 enlisted men.

Mr. SLAYDEN. You propose to increase it about 40 per cent, and the gentleman from Iowa [Mr. GREEN] proposes to increase it about 160 per cent; is that it?

Mr. HAY. Yes; that is about it.

Mr. SLAYDEN. That is out of proportion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That the Ordnance Department shall, in addition to the commissioned officers and the enlisted men now allowed by law, consist of 2 colonels, 3 lieutenant colonels, 6 majors, 15 captains, and 15 first lieutenants: *Provided*, That the Secretary of War is authorized to detail not to exceed 30 lieutenants from the Army at large for duty as student officers in the establishments of the Ordnance Department for a period of two years; and the completion of the prescribed course of instruction shall constitute the examination for detail in the Ordnance Department.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HULL of Iowa: Page 20, line 16, after the word "of," strike out the word "two" and insert the word "four," and after the word "colonels" strike out the word "three" and insert the word "six"; also in line 17, after the word "colonels," strike out the word "six" and insert the word "thirteen"; after the word "majors" strike out the word "fifteen" and insert the word "seventeen"; after the word "and" strike out the word "fifteen" and insert the word "seventeen."

Mr. HULL of Iowa. Mr. Chairman, I do hope that the committee will pass this amendment. It is a moderate increase in the Ordnance Department. They ask for 87, and under this amendment we give them 57. In the bill we are only giving them 41, which is not enough.

We are all finding fault to some extent with our arsenals for not supplying the Army with the things to make war with. We should not find fault with them if we do not give them the men to do the work with. These ordnance officers, as you must understand, are simply the superintendents on which the Chief of Ordnance must depend for his work.

There are a great number of things that our arsenals might be furnishing us with for a great deal less than they cost us now if we would only give them the officers they ask for. We might be furnishing aeroplanes; and we are short to-day of machine guns, and we are short of rifles.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. SHALLENBERGER. Does the gentleman mean to inform the committee that the reason why we are not making machine guns is that we have not got enough officers?

Mr. HULL of Iowa. I say if you are going to make machine guns in the future you must furnish the officers that the ordnance officers ask for. I do admit that they say that there is some other reason; but I say that the Chief of Ordnance says that every arsenal is undermanned to-day in its officers.

Now, my friends, I hope that this little increase, which, to my notion, is a very big improvement, will be passed without any question.

Mr. SHERLEY. Mr. Chairman, I desire to support the amendment that has been offered by the gentleman from Iowa [Mr. HULL].

We are proposing to very greatly increase the supply of reserve ammunition and of field guns and of all other war matériel. It is also contemplated to have a great deal of it manufactured in Government arsenals. But whether manufactured in Government arsenals or bought from private manufacturers, it requires considerably more work on the part of ordnance officers in designing and preparing plans for this matériel, and for the inspection of it during the various processes of the work.

Now, I have had perhaps more direct contact with the Ordnance Department in connection with the fortification bill than any other man in the House. I know that there is no corps that is more in demand, considering the work that is now at hand to be done, and I know that much of the criticism that has been aimed at that corps has not been warranted, because of the fact that it was not sufficiently manned.

A statement was made on Saturday, and while I am on my feet it may be well to refer to it. The gentleman from Illinois [Mr. MANN] asked a question of the chairman of the committee touching the Lewis gun, and the chairman, in a hurried reply, made the statement that it had been rejected by the Ordnance Department, and that we were in a measure without machine guns, because they had not seen fit to adopt a gun that had subsequently been taken up abroad.

The facts in connection with the Lewis gun are these: That Mr. Lewis, a retired Army officer, submitted a gun to the Board of Ordnance and Fortifications for test; the gun was manufactured out of faulty material, and during the test a part of it broke, and Mr. Lewis's agents suggested that the gun be withdrawn in order that they might supply a gun better manufac-

tured, in order that the test might be an adequate one. Tests were arranged for and the gun was being built in England, but about the time they were to deliver the second gun for test the war broke out abroad, and that gun, as well as all other guns that the English could get hold of, was taken possession of, and the representatives of the Lewis gun have not yet been able to present to the Ordnance Department for test any gun, although efforts are being made and have been made to get such a gun for proper test.

The reports that we get from abroad touching that gun are both favorable and unfavorable, and only a test can show whether it is the most desirable type. At present the Ordnance Department have in a measure indorsed the Vickers machine gun, and are preparing to supply the service with some of these guns.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MONTAGUE. The gentleman is speaking of what is known as the Lewis gun?

Mr. SHERLEY. Yes.

Mr. MONTAGUE. What was the type of gun furnished to the troops at Columbus on the Mexican line?

Mr. SHERLEY. I am not certain, but I know that it was one of the older type of machine gun. I am also advised, but informally, that the trouble was not at all with the gun. I presume that the question the gentleman was going to ask was why it was that that gun apparently was useless when the emergency arose. I have made inquiry as to that, and the matter is being fully investigated. From what I can hear, there was no fault in the gun itself. The trouble probably came through the jamming of a cartridge in the haste of loading, which is liable to happen with almost any gun, but more liable to happen with guns of the earlier types. One of the things that they try to arrive at in getting the very best model is to prevent the possibility of just such things as that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent for two minutes more.

The CHAIRMAN. If there be no objection, the request of the gentleman from Kentucky will be granted.

Mr. SHERLEY. I want, however, to conclude by again calling attention to the merit of this amendment. There is going to be brought in a fortifications bill that will provide for the accumulation of very much more matériel for the Army than has been provided for by any previous bill or several previous bills. You are going to have, and properly, a constantly increasing demand upon this corps. It is not fair to expect them to do this very greatly enlarged work unless you supply the men and the facilities.

Another thing: When the supreme test comes for which all of this preparation is made—the test of actual war—you can not then go out and get ordnance officers for love or money. They can not be made overnight. When the European war broke out there was hardly an ordnance officer who could not name his own price to private manufacturers in America, in order to carry to such manufacturers the skill that only the ordnance men possess touching the manufacture of munitions of war; and the corps lost some of its very best men, because of salaries that were offered them, that were not only double, but 10 and 20 times what they were receiving from the Government of the United States. Now, if you are going to have an efficient ordnance department, you have got to prepare for it in advance. These men can not be qualified by a month or six weeks or a year of work. It takes several years of work to transform an ordinary army officer into a proper ordnance officer; and I hope the committee will see the wisdom of agreeing to the amendment.

Mr. TILSON. Mr. Chairman, I rise to favor the amendment offered by the gentleman from Iowa [Mr. HULL]. My reason for doing so is that, in addition to the reasons indicated by the gentleman from Kentucky [Mr. SHERLEY], there is another great work that ought to be done, and it ought to be done now. We ought to have to-day a dozen ordnance officers, if possible, in Europe studying the designs of guns, caissons, carriages, and other things of this character, where they are being actually used, in order to bring back their knowledge to this country for our own use. We ought to have a dozen additional ordnance officers in the Ordnance Department right here in Washington working out designs for such guns as we need for our coast protection—what I the other day called a semimobile artillery.

Mr. BENNET. Will the gentleman yield for a question?

Mr. TILSON. I yield to the gentleman.

Mr. BENNET. Would any of the contending armies in Europe permit our observers to be with their armies, to study their ordnance, at present?

Mr. TILSON. They might not get very close to the front, but they could get close enough to gather some very valuable information which we ought to have; and certainly we ought to have ordnance officers here working on these things. Instead of using high-class skilled experts practically as clerks in conducting the Ordnance Department here in Washington we ought to have more of them doing real scientific work, more technical work along the lines for which they have received a highly technical and scientific education. The Ordnance Department itself is eager to do more of this kind of work, but is handicapped by lack of officers.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. MOORE of Pennsylvania. I understand we have been appropriating from $9,000,000 to $12,000,000 annually heretofore for ammunition, and that last year the appropriation ran up to $19,000,000, and that in the forthcoming year we will probably appropriate $35,000,000, which would be three times as much as formerly. The proposition in the Hay bill is to increase the number of ordnance officers about 50 per cent. Does not the gentleman think we ought to increase the number of officers in proportion as we increase the ammunition supply?

Mr. TILSON. I do; and there is going to be more work, if an amendment which I shall offer to this bill when we reach section 21 is adopted, providing for special appliances in the way of gauges, jigs, and so forth, that are absolutely necessary in the production of arms and ammunition by the repetitive process. If that amendment is adopted it will require the attention of a number of ordnance officers in the proper preparation of these necessary appliances that we must have if we intend to produce arms and ammunition in quantities sufficient for war purposes. In my judgment, we shall not make a mistake in giving the full number of officers asked for by the Ordnance Department, and I believe that is just what the amendment of the gentleman from Iowa covers.

Mr. SHALLENBERGER. Mr. Chairman, I rise to support this amendment, and I believe in improving our Ordnance Department. I can not, however, entirely agree with those who attempt to excuse the condition of our Army as to machine guns. I wish to read from the testimony of Gen. Crozier, Chief of the Ordnance Department, upon the machine-gun question.

The gentleman from Iowa [Mr. HULL], who introduced this amendment, referring to the fact that Europe was buying our output of guns, asked him if in case war should come to us at the close of the European war we would not be without machine guns, and they would have them all; that is, if we depended upon our private manufacturers.

Gen. Crozier replied:

If we should let the present course go on until the close of the war, we would only have a thousand in the event war broke out.

Mr. SHALLENBERGER. You are not manufacturing at all now?

Gen. CROZIER. Not manufacturing at all now, because we have recently adopted a new model which we are not equipped to make. We had intended to manufacture them in small quantities. We were manufacturing them.

Mr. SHALLENBERGER. How long since you abandoned manufacturing them?

Gen. CROZIER. Something over a year ago.

Mr. SHALLENBERGER. The European war has been going on for 16 months?

Gen. CROZIER. Yes, sir.

Mr. SHALLENBERGER. Don't you think that we should be making them?

Gen. CROZIER. I think we ought to be. There is a reason, however, why we are not now making even the small number we could make in our own factory.

Now, we have heard much discussion upon the question of the efficiency of the Army and about adding a few thousand men to the Regular Establishment. My idea is that the first thing needed to promote its efficiency is to see that it is equipped with those things which the European war has shown are essential to make an army effective, and the machine gun is one of those essentials. In referring to the surprises of the war in Europe Gen. Crozier said:

Another point is the use of the machine gun, in regard to which we have some startling statements. The minister of munitions of the British Government, in making a speech on the subject of supplies the other day, and alluding to the question of machine guns, stated that for weeks a portion of the German front in western Europe was held by 45 machine guns manned by 90 men, against a whole French Army, which had been repulsed in repeated assaults.

In other words, 90 men armed with 45 machine guns have stood off an army. If we really mean to make our Army efficient, we have here testimony from a high authority that a hundred thousand men equipped with plenty of effective machine guns can defy an army of a million men without them.

The machine guns at Columbus did not work, and we have just listened to an explanation of the disaster. I saw in the public press the other day where men high in authority in the Government said that no complaint had been made before as to the reliability of these guns or their efficiency in battle. Here is what Gen. Crozier stated to the committee upon that matter in response to a question from Mr. KAHN:

> Now, as I stated yesterday, there has been a good deal of complaint about the operation of the machine guns. Of course, like every other machine, the machine gun has troubles of its own, and I dare say that some of the complaints which have been made are justified. But under the circumstances of detail, as I have mentioned, it is very difficult to give competent instruction to these extra statutory organizations, and it is very difficult to retain instructed men and officers in such organizations.

Now, somewhere down there in Mexico are 5,000 American boys with their lives depending upon the efficiency of the arms that the Government furnishes them. I, for one, want to see this corps enlarged so that we may have no apologies to make in the future as to the arms that we furnish to these men who fight the battles of the country. [Applause.]

Mr. HAY. Mr. Chairman, the committee will accept the amendment.

Mr. MOORE of Pennsylvania. Does the gentleman from Virginia say that the committee will accept the amendment?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. Then there is no use of discussing it further. I intended to advocate it, but that settles it.

Mr. HULBERT. Mr. Chairman, I arose to ask a question of the gentleman from Nebraska and he yielded to me, but I think the Chair did not hear him. I would like to have him answer the question.

Mr. SHALLENBERGER. I will answer the gentleman if I can.

Mr. HULBERT. What I would like to ask is as to the length of time necessary to educate an officer for the Ordnance Department?

Mr. SHALLENBERGER. I do not know that I am informed, but I am told that it requires a long period and requires great technical skill.

Mr. MOORE of Pennsylvania. There are a number of officers now acting in the arsenals in this country who have been in service only six months. That service is regarded as inefficient to equip a man for the work he has to do. For instance, the inspection of technical work, going into a private factory to inspect work made under contract, and so forth. It is believed that they ought to have two or three years' experience.

Mr. SHALLENBERGER. Mr. Chairman, I think that the amendment should be adopted.

Mr. HULBERT. I am not quite through. Can the gentleman tell me the cost to the Government of the education of one of these officers in order that they may serve in the Ordnance Department?

Mr. SHALLENBERGER. The graduates of West Point cost something like $12,000 to the Government, and these men are supposed to be fitted for ordnance work.

Mr. SHERLEY. Oh, the gentleman from Nebraska is mistaken in that. The man who graduates from West Point is not in a position to take up ordnance work.

Mr. HAY. Well, it does not cost the Government anything more.

Mr. SHERLEY. I understand that, but the gentleman from Nebraska was giving the impression that the course at West Point was sufficient to educate a man in the Ordnance Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULBERT. Mr. Chairman, I ask that the time of the gentleman be extended two minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Nebraska be extended two minutes. Is there objection?

There was no objection.

Mr. HULBERT. I would like to ask, after the cadet graduates from West Point, how long it is necessary for him to serve in the Ordnance Department before he is qualified?

Mr. SHALLENBERGER. About three years, I think.

Mr. MOORE of Pennsylvania. Suppose you put a man with a West Point education in the optical department of an arsenal, does not the gentleman think he must have some experience before he can be put into a technical business—for instance, we are making submarines, and they were not known when Annapolis was created.

Mr. HULBERT. I would like to ask how long it is necessary that a man shall serve in the Ordnance Department before he shall be permitted to resign from the service?

Mr. HILL. Will the gentleman permit me a question?

Mr. HULBERT. Yes; I will permit a question from anybody who can give any information.

Mr. HILL. A West Point graduate is not like a machine, and as to how long it will take him to get a certain education depends on the man after he graduates.

Mr. HAY. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The time of the gentleman from Nebraska has expired and all time has expired.

Mr. O'SHAUNESSY. Mr. Chairman, I ask that the time be extended five minutes in order to enlighten us on this question of how long a man has to serve before he can relinquish his services to the Government and go out to a private employer.

The CHAIRMAN. For whom does the gentleman ask an extension of time?

Mr. O'SHAUNESSY. Any member of the committee.

Mr. HULBERT. Mr. Chairman, I will ask that the chairman of the committee be given five minutes to answer this supplemental question propounded by the gentleman from Rhode Island.

Mr. HAY. All I can say is that under the law when a man goes to West Point he binds himself to remain in the Army for eight years, I believe, after graduation. It does not make any difference whether he goes into the Ordnance Department or the Cavalry. If the President would accept his resignation, he could resign at any time thereafter.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. SHERLEY. Evidently the gentleman from New York is somewhat concerned in the statement that I made about these men resigning out of the Ordnance Corps.

Mr. HULBERT. That is the point.

Mr. SHERLEY. It is not now clear whether an officer could or could not resign, but no one has ever insisted that you could compel him after his contract period entered into when admitted to West Point to stay in the service. Certainly you would not want him in there if you had to keep him in, and in each instance of these ordnance officers who have resigned the officer has requested permission to resign and that permission has been given. One of the reasons why it was given is because it is believed it would be very greatly to the interest of the people of America that private plants should be enabled to engage in the kind of work that they would need to do for us in case of war, and that these men are the only men possessed of the technical knowledge to enable these plants to engage in such work. In each instance the request to be relieved was put up to the Secretary of War and I think to the President, and permission granted before the officer left the service. In some instances the request was not granted until a time that would be convenient to the Ordnance Department. I think there is now an application pending to permit an officer to resign which has not yet been acted upon.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent to proceed for half a minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULBERT. Mr. Chairman, the purpose of my questioning was merely to bring out and to illustrate the expense to which the Federal Government is put in order to educate men at West Point that they may enter into the service of private industries for the purpose of carrying out the work of munition plants and to emphasize that some adequate provision to recompense the Government be considered and adopted.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. The gentleman from Nebraska [Mr. SHALLENBERGER] says that no more machine guns are being constructed?

Mr. SHALLENBERGER. By the Army.

Mr. GARDNER. I do not understand that to be the fact. The 1,077 machine guns which we are supposed to have, as a matter of fact have not all been constructed. I think it is correct to say that no new machine guns have been begun in the last year or two, but I think there are still about 125 of those 1,077 machine guns which have not been completed. I just wish to remove the misapprehension in this House that we have 1,077 machine guns in the Army, because I am sure we have not.

Mr. SHALLENBERGER. They are not all of the same type.

Mr. HAY. There have been no machine guns manufactured by the War Department for the last three years, and the Chief of Ordnance, Gen. Crozier, stated in the hearings that we had on hand 1,077 machine guns.

Mr. GARDNER. I know what he stated, and I wrote to the War Department, and I will publish the answer to-morrow morning, because I have it at home. I may be mistaken, but to the best of my knowledge and belief the gentleman from Virginia is incorrect.

Mr. HAY. I can only say that I wish the War Department or its officers when they go before a committee would tell the same story before the committee that they tell afterwards, because otherwise it creates confusion.

Mr. GARDNER. There are several occasions on which I think that the chairman and the Chief of Ordnance may have misunderstood each other in the hearings. There are a number of matters upon which I have a somewhat different report from the department.

Mr. POWERS. Mr. Chairman, I want to ask the gentleman from Nebraska [Mr. SHALLENBERGER] a question. Did I understand him to say awhile ago that it took about $2,000 or $12,000 to educate one of these ordnance men?

Mr. SHALLENBERGER. My reply was that the cost of a cadet four years at West Point was about $12,000.

Mr. POWERS. Is not the gentleman mistaken in that? Is it not just a little over $2,000?

Mr. SHALLENBERGER. I am sure it is as much as $12,000 for the four years.

Mr. POWERS. They pay them only $45 a month, and that is $540 a year, and for four years the amount would be a little over $2,000.

Mr. SHALLENBERGER. But I meant to include the entire cost of maintenance of the school, and the chairman of the committee informs me that it is more than I have stated; that the War Department has reported something like $18,000.

Mr. KAHN. Mr. Chairman, on page 486 of volume 1 of the hearings there is a statement as to how many machine guns we have. The chairman of the committee was questioning Gen. Crozier, and the following occurred:

The CHAIRMAN. How many machine guns have you? My recollection is that the number is something like 1,200?

Gen. CROZIER. We have built and under construction, Mr. Chairman, 1,077.

The CHAIRMAN. How many of those are in reserve and how many are in the hands of the troops? In other words, how many machine guns are in the hands of the troops?

Gen CROZIER. We have with the troops about five per regiment. The regularly authorized number is four per regiment, but we supply them with one spare gun.

The CHAIRMAN. Without objection, the pro forma amendments are withdrawn and the question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 11. That a list of not to exceed 986 officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service, of grades from first lieutenant to colonel, inclusive, lawfully detached from their proper commands for duty with the National Guard, or other duty, the usual period of which exceeds one year, said list to include the 200 detached officers provided for by the act of Congress approved March 3, 1911, shall, on and after July 1, 1916, be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, with reference to details to the staff corps. The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this act for all of the said four arms combined, exclusive of second lieutenants and of the 200 extra officers authorized by the act of Congress approved March 3, 1911, and exclusive also of the additional officers authorized by said act in order to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law for such grade and arm to the total number of officers now authorized by law other than this act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded: *Provided*, That any vacancy created or caused in any of the said arms of the service by the assignment of an officer of any grade to said list of detached officers shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the senior officer eligible to promotion in the next lower grade in the arm in which such vacancy shall occur: *Provided further*, That no officer of any of said arms of the service shall be permitted to remain on said list of detached officers for more than 30 days unless he shall have been actually present for duty for at least two years out of the last preceding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong: *Provided further*, That after the apportionment of officers to said list of detached officers shall have been made as authorized by this act, whenever any vacancy shall have been caused in said list by the separation of an officer of any grade therefrom, such vacancy shall be filled by the detail and assignment to said list of an officer of the corresponding grade in that arm in which there shall be found the officer of the next lower grade who at that time shall be the senior in rank of all the officers of the said lower grade in all of the four arms hereinbefore specified; if two or more officers of different arms shall be found to have equal seniority in rank in said lower grade, the officer having the longest commissioned service shall be regarded as the senior, and, this failing to decide, the question shall be decided by lot: *And provided further*, That if under the operation of the foregoing provisions of this section the number of officers returned to any particular arm of the service shall at any time exceed the number authorized by law for any grade in such arm, promotion to such grade shall cease until the number of officers therein shall have been reduced below the number authorized by law: *Provided further*, That retired officers under assignment to active duty who have or shall have, as such officers, been continuously under assignment to such duty for 10 years or more, and who have or shall have rendered exceptionally valuable service during that period, may, in the discretion of the President and by and with the advice and consent of the Senate, be advanced on the retired list to the grades, not above that of major, that they would have attained in due course of promotion, respectively, if they had remained on the active list; and for the purposes of this proviso any officer retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery: *Provided further*, That those captains of the Porto Rico Regiment of Infantry whom the act of Congress approved March 4, 1915, required to be recommissioned as captains of Infantry of the United States Army and to take rank on the lineal list of officers of Infantry immediately after the junior officers of the same grade, whose total commissioned service equals or exceeds theirs, shall be transferred forthwith to the places so prescribed for them on said list, and said captains shall not thereafter be available for duty as captains in the Porto Rico Regiment: *Provided further*, That not exceeding one commissioned officer, of rank not higher than grade of captain, of each regiment of the National Guard or major portion of a regiment shall be detailed each year for instruction in the various service schools maintained for instruction of officers of the Regular Army, and that while under such instruction shall receive the same pay and allowances of officers of the Regular Army.

Mr. HAY. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 21, line 24, after the word "law," insert the words "other than this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Also the following committee amendment.

The Clerk read as follows:

Page 22, line 8, strike out the word "senior" and insert, after the word "officers," in same line, the words "who shall be the senior in rank of those."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Page 23, line 14, strike out the word "ten" and insert the word "eight."

Mr. KAHN. Will the gentleman permit a suggestion? I want to call his attention to a little matter. The last amendment the gentleman submitted, as I heard it, in line 8, page 22, reads, "senior in rank to those"; the word "officer" following in the same line should read "officers."

Mr. HAY. It should be to those officers.

Mr. KAHN. Then the gentleman desires to add the letter "s" to the word "officer"?

Mr. HAY. Yes.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. HAY. Mr. Chairman, I have an amendment to strike out the word "ten" and insert the word "eight" in line 14, committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, page 23, line 14, by striking out "ten" and inserting "eight."

Mr. CHIPERFIELD. Mr. Chairman, I desire to offer the following amendment as a substitute for the amendment offered by the gentleman from Virginia.

Mr. ANTHONY. Mr. Chairman, I should like to be recognized.

Mr. CHIPERFIELD. I will yield to the gentleman at any time; I merely want to keep the proper order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHIPERFIELD: Page 23, line 12, strike out lines 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and in line 24 the words "Field Artillery," and insert in lieu thereof the following:

"*Provided further*, That retired officers under assignment to active duty who have, or shall have, as such officers, been continuously under assignment to such duty for three years or more, and who have, or shall have, rendered exceptionally valuable service during that period, or during their service on the active list, may, in the discretion of the President and by and with the advice and consent of the Senate, be advanced on the retired list to the grades, not above major, that they would have attained in due course of promotion, respectively, if they had remained on the active list for a period beyond the date of their retirement equal to the total amount of time during which each of them, at the time of such advancement, had been detailed on active duty since retirement; and for the purposes of this proviso any officer of Artillery retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery."

The CHAIRMAN. Does the gentleman from Kansas desire recognition on this amendment?

Mr. CHIPERFIELD. I would be very glad to yield to the gentleman from Kansas, if he desires it.

The CHAIRMAN. Does the gentleman from Kansas desire recognition?

Mr. ANTHONY. No; it was for the purpose of offering another amendment to perfect the section, and after that I desire to be recognized if the gentleman from Illinois is agreeable.

The CHAIRMAN. Does the gentleman from Illinois desire to discuss the amendment?

Mr. CHIPERFIELD. I would be very glad to yield to Mr. ANTHONY. I merely wanted to save the order of amendment.

Mr. ANTHONY. I would like to ask the gentleman how much time he expects to occupy?

Mr. CHIPERFIELD. I should not occupy over five minutes under the rule.

Mr. ANTHONY. I would be very glad for the gentleman to proceed now.

Mr. CHIPERFIELD. Mr. Chairman, I do not wish to take precedence of the gentleman from Kansas [Mr. ANTHONY] in any way, for as a member of the committee he is entitled to recognition.

I desire to urge this amendment as appealing to the reason and fairness of this House, and not merely to clamor for its adoption. It seems to me that it commends itself to the judgment of members of this committee, and also to the honorable chairman of this committee.

The object and purpose of the language used in this section of the bill between lines 12 and 24 is evidently for the purpose of obtaining and attracting the service of retired officers for active duty and to enable the Army to bring to its aid the services of these retired officers.

However, it seems to me this bill fails of its purpose to fairly do this for this reason, and I will give a concrete illustration of what I have in mind in a minute. It fails of its purpose because it simply authorizes the appointing power—in this case the President—to take into consideration the services of a retired officer for a period of 10 years—or 8 years if the amendment prevails—that he has performed after his retirement and closes the door to and forbids a consideration of his services, no matter how valuable and distinguished they may have been while he was upon the active list.

Although he may have served the greater part of the time that would be required to be served to enable him to have a promotion and is for some reason retired a brief time before that time arrives, he must be put precisely upon the same terms as the officer who served but a few months actively and then was retired, and who immediately after was detailed to active duty.

Now, let me give a concrete illustration.

We will suppose that Jones and Smith were both commissioned lieutenants of Infantry in July, 1892.

Jones is retired as a second lieutenant in June, 1903, and detailed for active duty in July, 1906. He would be eligible under this bill for appointment as major in 1916 after 1 year's active service and 10 years' duty on the retired list.

Now, let us take the case of Smith who is commissioned at the same time. He is promoted to first lieutenant in 1898, is promoted to captain in 1908, he is retired as captain seven years after, in 1915. He is detailed for active duty in July, 1915, and he would be eligible for appointment as major in 1925.

Now, the situation is this: Jones, after active service of 1 year and 10 years on the retired list, but detailed to active duty, would be eligible for appointment as major, while Smith, after an active service of 23 years, would still require 10 years' active detail on the retired list, or 33 years, as against the 11 years of the other officer.

In other words, the officer with the longer service loses all the benefit of his active service, and when put on the retired list, although detailed to active duty, has no advantage over the other officer with practically no active service.

Now, under the amendment of the bill that has been offered as a substitute, it simply means that each of these men would have a right to have taken into consideration their service, both active and while retired, and it means one would be eligible to appointment as major after 23½ years and the other in 26 years.

The purpose of it is simply this, gentlemen: It equalizes the services of the men and takes into consideration what each has accomplished, and it says that the appointing power may not only consider their term of service and the manner in which it was performed but also the further question of performance of duty while they were retired and on active duty.

Thus the officer who has been retired after long years of service will have the benefit of his active service as well as the benefit of his service while retired.

I do not wish to clamor for this amendment nor weary the House with a lengthy presentation of it, but it simply looks to me to be an act of ordinary justice to the different men, and allows each to stand upon his merits as to active service and honorable service while upon the retired list.

I sincerely hope the chairman of this committee and the committee itself will see that the proposed substitute is a fair measure, because it does injustice to no man and it does equal justice to all.

It does not put the man who has had that long service and who was not so fortunate as to be so speedily detailed to active duty upon the same plane as the officer with the much shorter service, and it does equal fairness to all.

Mr. HAY. Mr. Chairman, I think the amendment offered by the gentleman from Illinois ought not to be adopted, because it would create an invidious distinction between the officers on the retired list. This provision is intended to take care of certain officers on the retired list who have rendered distinguished service. Now, if you are going back and take the services of some man on the retired list rendered when he was on the active list and add that to this, you are not doing what the provision of the bill proposes to do, and that is to give an inducement to men on the retired list to postpone active duty. Therefore I hope the amendment will not prevail.

Mr. CHIPERFIELD. Will the distinguished gentleman yield for a question.

Mr. HAY. Yes.

Mr. CHIPERFIELD. Perhaps you will observe by the terms of the amendment that it only applies to those officers who have also rendered distinguished and exceptional services while they were on the active list of the Army, and it gives them the benefit of that service.

The amendment also allows consideration for their services as officers on the retired list, or, in other words, when they are detailed to active duty.

Mr. HAY. I realize what the gentleman says, but, as I say, you are giving to the men on the retired list who have had distinguished service on the active list a benefit which you do not give other men on the retired list. Now, the purpose of this amendment is to induce men on the retired list——

Mr. CHIPERFIELD. I quite agree with your statement.

Mr. HAY. And also cutting down the time to three years.

Mr. CHIPERFIELD. Let me ask your opinion of this, if you will yield just a moment further, and then I will not press for further answer.

Suppose an officer has served in the Army until he would almost be entitled to his appointment, say, as a major, and for some reason for which he is not responsible, he is retired; and suppose another officer was commissioned second lieutenant and retired a year after; now, then, when those officers are detailed to active duty it requires precisely the same time for both to be eligible to the appointment of a grade not higher than major, does it not?

Mr. HAY. No; the man who was put on the retired list as second lieutenant never could reach the rank of major.

Mr. CHIPERFIELD. Let us say that he has been appointed to the place where he could have the benefit of the promotion.

Mr. HAY. He could not. When a man goes on the retired list he can not be promoted.

Mr. CHIPERFIELD. Except after he has been, under the provisions of your bill, detailed to active duty for a period of 10 years, then he is eligible—or eight years, with your amendment.

Mr. HAY. Yes.

Mr. CHIPERFIELD. Now, then, you do away with and forget absolutely, so far as promotion is concerned, the long years of honorable service of the first officer, and you put the man with no considerable service precisely upon the same basis as he.

Mr. HAY. Oh, no; we do not do that at all. We do not give him any promotion until he has rendered the service.

Mr. CHIPERFIELD. Until he has rendered 10 years. But in one case when he is detailed for active duty he may have many years of service, and in the other case but one year, and they have the same promotion. It seems to me manifestly unfair.

Mr. HAY. In any event, under this provision he can not be promoted beyond the rank of major.

Mr. CHIPERFIELD. The evil I want to have corrected by this amendment is this: An officer may have had a total service of only one or two years actively, and then retired, and another officer may have a service of 10 or 15 years actively, with distinguished and honorable service, and is then retired, and they stand precisely upon the same basis as far as their eligibility to this appointment is concerned.

Mr. HAY. I would call the attention of the gentleman to the fact that only a man who is a captain on the retired list can get the benefit of this provision. Now, the second lieutenant or first lieutenant can not. Only a captain can get the benefit of the provision in the bill.

Mr. CHIPERFIELD. I take sharp issue with the gentleman there, as I construe this bill. Any commissioned officer on the retired list is eligible to promotion under its terms. Now, if I am in error, I certainly will thank the gentleman to correct me.

Mr. CRAGO. I can give the gentleman a little explanation of it if he desires it. I want to ask one question: Do you understand the men we are seeking to provide for in this amendment are doing active duty now?

Mr. CHIPERFIELD. It would not have to be necessary.

Mr. CRAGO. That is the whole purpose of this, I will say to the gentleman, namely, to take care of the men on the retired list by reason of some disability over which they have no control, and who are rendering exceptional service to the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. I ask that the gentlemen have more time if they desire it.

Mr. CHIPERFIELD. I just want to have the point settled. Would not this bill apply in the future just the same as it does to officers now on the active list and who may be subsequently retired?

Mr. CRAGO. It would.

Mr. CHIPERFIELD. But somewhere now——

Mr. CRAGO. Any officer who has been retired and who has done eight years' continuous active service for his country under that retired rank can take advantage of this in the future.

Mr. CHIPERFIELD. Tell me, if you will be kind enough, why should an officer with many years of good service to his credit lose the benefit of those years of service and be put on the same plane as an officer of only a few years' service?

Mr. CRAGO. He is not understood to be. He will get just what he is entitled to. We are adding to the men on the retired list, who have been on active duty for eight years on the retired list, and who have been rendering such valuable service that they have been particularly mentioned on account of that service.

Mr. CHIPERFIELD. Let us not consider the question of eligibility with reference to the grade, but suppose a captain was serving, for purposes of illustration, for eight years of the time that would eventually have entitled him to a majority; and suppose another captain had served only a few days and each was retired. Should not the time that the first officer had rendered faithful and distinguished service, added to the active service, while on the retired list make for his promotion after he has been restored to active duty?

Mr. CRAGO. I will say to the gentleman that this provision applies only to men who are on the retired list and who to-day are doing active service.

Mr. CHIPERFIELD. To be sure; but I am referring to all the cases that the bill will affect, just as in the case that the gentleman cites.

Mr CRAGO. In this bill the application is made to the man who is now serving on active duty for the country.

Mr. CHIPERFIELD. I do not catch the point which the gentleman is making. Take, in one instance, a man who has not quite served the time that will entitle him to promotion, although he had served nearly the entire period that would entitle him to promotion, but if he were retired at the time when he was almost entitled to his promotion, he would have to serve 10 years more as a retired officer before he could be appointed and confirmed by and with the advice and consent of the Senate, and manifestly it is unfair, and it is these injustices that are bringing promotions in the Army into discredit. The officer ought to have the benefit of all the duty both on the active and the retired lists he has performed.

Mr. GREENE of Vermont. Of course you do not measure the value of the service rendered by an officer on the active list by the time he serves?

Mr. CHIPERFIELD. Yes.

Mr. GREENE of Vermont. So that a man who had been in active service only a year, and in that year he might have made some great sacrifice that would necessitate his being put on the retired list, and which would be equivalent to many years of active duty, and——

Mr. CHIPERFIELD. Why do you deny the possibility of great sacrifice to the man with the long service and only give it to the man with the short service? You say the officer with the much longer service must serve 10 years while on the retired list before receiving the benefit of this act.

Mr. GREENE of Vermont. They both begin on even conditions.

Mr. CHIPERFIELD. Do you think that is right? Most certainly, I do not.

Mr. GREENE of Vermont. I do, under the circumstances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I demand the regular order, unless somebody wants to continue the discussion further.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. One moment. Does the amendment of the gentleman from Kansas [Mr. ANTHONY] go to the section that is proposed to be stricken out?

Mr. ANTHONY. It goes to the entire section.

Mr. HAY. Mr. Chairman, I would like to ask the gentleman from Kansas to let me perfect the amendment by offering an amendment, and then I will yield to him. The question now is, as I understand, Mr. Chairman, on agreeing to the amendment offered by the gentleman from Illinois.

The CHAIRMAN. It is this way: The amendment of the gentleman from Illinois proposes to strike out the entire paragraph here. The amendment of the gentleman from Virginia, perfecting that paragraph, should be voted on first, and then the Chair will put the amendment offered by the gentleman from Illinois. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The CHAIRMAN. Does the gentleman from Texas [Mr. SLAYDEN] desire time?

Mr. SLAYDEN. Yes, Mr. Chairman. It is so long a time since I was retired from service on this honorable Committee on Military Affairs that I am very slow in catching on, but a number of remarks were uttered here this afternoon which indicate to me that behind this phrasing there is an intent to pass personal legislation. I do not believe in it. I believe that when we provide laws for retirement and laws for promotion and laws for recognition of distinguished service they ought to be general in their application.

I would like to ask some of the gentlemen interested in this particular matter how many men there are that they are now seeking to provide for? I would like to ask the gentleman from Pennsylvania [Mr. CRAGO] who it is that he is seeking to protect or advance in this legislation?

Mr. CRAGO. I am very glad that the gentleman asked that question, and if I have time I am perfectly willing to make this short statement. It was a matter that was brought to the attention of the committee in this way: We had a young man in the Tenth Pennsylvania who served as an enlisted man. He was a newspaper reporter. He served in the Philippines and came back with the regiment and took an examination for promotion as second lieutenant in the Regular Army. When he was advanced to first lieutenant he had attracted the attention of the Army by his work in the department, but, unfortunately, in the course of a maneuver he was thrown from his horse and the drum of his ear was injured. He was retired as a first lieutenant. He was immediately detailed to the recruiting service, and for two full terms of recruiting duty he has served in the city of Chicago and has received special mention from the War Department by reason of his efficiency in that service.

Mr. SLAYDEN. May I ask the gentleman a question in my time? [Laughter.]

Mr. CRAGO. Yes; surely.

Mr. SLAYDEN. Is he not drawing full pay, as though he were on the active list?

Mr. CRAGO. I presume he is drawing the pay of first lieutenant.

Mr. SLAYDEN. He is drawing the pay of the rank that he has. That is the law, is it not?

Mr. CRAGO. He has furnished, according to the statistics of the War Department, a sixth of all the recruits of the Army in the last few years. He has furnished the largest per cent of the men authorized the other day, and I noticed an editorial in one of the papers commending him. He is doing the duty ordinarily performed by a captain or a major.

Mr. SLAYDEN. The gentleman's statement is absolutely illuminating, but a trifle too long, because I have only 5 minutes. [Laughter.]

Mr. CRAGO. I will ask for time in my own right a little later.

Mr. SLAYDEN. It is precisely as I thought. It is legislation for one man.

Mr. CRAGO. Not necessarily.

Mr. SLAYDEN. Oh, yes. It is made to appear general in terms, to make it more seductive; but in fact it is for one man only. Now, that young man is drawing pretty good pay—three-fourths pay of a first lieutenant on the retired list, and when doing active service the full, or active, pay of his rank.

Mr. CRAGO. And he has performed the duties of a captain or major at full pay.

Mr. SLAYDEN. Then he is drawing full pay. While he is detailed to an active officer's duty he is drawing the full pay.

Mr. CRAGO. Of a first lieutenant.

Mr. SLAYDEN. Of the rank that he held, of course—not the rank of a major general or the rank of a sergeant, but the rank that he held.

Mr. CRAGO. And he is performing the duty of a captain or a major.

Mr. SLAYDEN. My impression is that not only should the amendment be rejected, but that the whole paragraph should be knocked out.

Mr. HAY. The gentleman from Texas [Mr. SLAYDEN] says he has just retired from this committee. I can remember when he served on the committee with me, and I can remember when he favored just such a proposition as this. [Laughter.]

Mr. SLAYDEN. I apologize, if I did.

Mr. HAY. I do not think there is anything wrong about taking care of a man who deserves it, and I think this is a deserving case. I want to say in explanation that I was wrong and the gentleman from Illinois was right when he stated that the officers on the retired list provided for in this section could be promoted from second lieutenant up to captain or major.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. CHIPERFIELD] to strike out the lines indicated and insert the language contained in his substitute.

The amendment was rejected.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 23, line 16, after the word "period," insert the following: "shall have such period counted in computing their length of service."

The amendment was agreed to.

Mr. HAY. I offer the following committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 24, line 11, strike out the word "grade" and insert the word "that."

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 24, line 16, after the word "receive," insert the following: "out of any National Guard funds available for the purpose."

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer an amendment, to come in at the end of the section.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of section 11 insert:

"*Provided*, That the President may, after ascertaining that they are qualified and fitted for service, both as to age and military fitness, recommission officers who have heretofore held a commission in the Regular Army."

Mr. STAFFORD. Mr. Chairman, I should like to ask the gentleman from Virginia what is the purpose of this amendment.

Mr. HAY. I will state to the gentleman that this amendment was drawn for two reasons. One is to have men who have resigned from the Army restored, if the President sees fit to do it, after requiring that they take the proper examination to show their fitness. The other reason is to relieve this House of constant applications for the restoration to the Army of officers who have resigned.

Mr. STAFFORD. In listening to the reading of the amendment I noticed the word "age," and the query arose in my mind whether it would permit the restoration to the service for detail to colleges and the National Guard of those who had retired by reason of age.

Mr. HAY. We have now in the law a provision which permits men who have been retired for disability, upon their own application, to be examined again and restored to the Army if they stand the proper examination and if they are not too old.

Mr. STAFFORD. But this amendment will not cover those who retire on account of age and who still wish to perform duty by assignment to the National Guard or to military schools.

Mr. HAY. Those who retire for age are not generally detailed for such service. They are 64 years of age when they are retired.

Mr. STAFFORD. Then the gentleman does not propose to provide for retired officers of that character performing the work of instruction to the National Guard and in military schools by detailing officers who have been retired on account of age?

Mr. HAY. No.

Mr. STAFFORD. Why should not officers retired for age be permitted to do this work of instruction at colleges and military schools?

Mr. HAY. They do it now, some few of them.

Mr. STAFFORD. Officers who have been retired on account of age?

Mr. HAY. Some, but very few, because when a man retires on account of age he has reached the age of 64.

Mr. SLAYDEN. I will say to the gentleman that I know of one or two officers retired for age who are serving in colleges.

Mr. HAY. Yes; but this amendment is applicable to young officers who have resigned for the purpose of going into business, but who in time of emergency or in time of war might want to come back or who may want to come back at any time.

Mr. STAFFORD. This will also cover those men who have been connected with the Ordnance Department who have resigned because of the allurements offered by private establishments.

Mr. HAY. Yes; that is correct.

Mr. SLEMP. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. SLEMP. What rank will such an officer take when he comes back?

Mr. HAY. The rank he held when he went out.

Mr. SLEMP. Would or would he not be entitled to the promotion that he would have received if he had remained in the service?

Mr. HAY. I do not think so. I do not think a man who goes out of the service and stays out for seven or eight years ought to come back and take the rank which he might have attained if he had remained in the service.

Mr. SLEMP. Would this amendment involve that sort of promotion?

Mr. HAY. It does not involve it. It leaves that in the discretion of the President.

Mr. KAHN. As I understand it, the purpose of the amendment is to provide by law for the readmission to the Army of officers who have gone out for some reason or other. At the present time the Committee on Military Affairs has before it a large number of private bills, for this individual and that individual, and if this amendment is adopted it will not be necessary hereafter to introduce special bills for any individual. He can go to the War Department and get his rights.

Mr. HAY. The gentleman is correct.

Mr. MANN. Mr. Chairman, we have a great many private bills at different times, as suggested by the gentleman from California [Mr. KAHN], for the restoration of officers to the Army where they have resigned or gone on the retired list, or something else has happened. I think it is quite wise, where we are making considerable increase in the officers of the Army, and where we may need the services of anyone who is perfectly competent and has had training, to authorize the President to reinstate these men upon their own application. I am not quite sure of the effect of the amendment, however, and I do not suppose the gentleman from Virginia is.

Mr. HAY. The amendment was drawn and handed to me by the gentleman from Texas [Mr. GARNER] on the floor.

Mr. MANN. It is one of those things that I think we are all fairly well in accord upon—the general purpose to be accomplished. I am not quite sure what the effect will be as to the age limit at which men may be restored.

Mr. HAY. I think it ought to be safeguarded.

Mr. MANN. I am not sure but that it is safeguarded so far now that no one can get in. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was considered and agreed to.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, and I ask unanimous consent to proceed for 15 minutes in explanation of it, because it is an important part of the bill.

The CHAIRMAN. The Chair will suggest that the amendment be first reported.

The Clerk read as follows:

Amendments by Mr. ANTHONY:

Page 21, line 15, strike out "all of the said four arms combined" and insert in lieu thereof the words "the whole Army."

Page 21, on line 21, to include line 2, page 22:

Strike out the words "and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law for such grade and arm to the total number of officers now authorized by

law other than this act for the corresponding grade in all of the said arms combined, exclusive of the extra and additional officers hereinbefore specified and excluded."

Page 22, line 16, to page 23, line 5:

Strike out entire proviso beginning "That after the apportionment," to include "decided by lot," and insert in lieu thereof: "Every detail to fill any original or subsequent vacancy in the list of detached officers shall be made in such manner as shall tend most effectively to equalize promotion in the Cavalry, Field Artillery, Coast Artillery, and Infantry, except that when a particular detached service can be performed by an officer of only one of the four arms above specified, the detail shall be made from that particular arm, but in such manner and from such grade as shall least tend to defeat the intent of this proviso, which is to utilize the detached-officers list as a means of equalizing promotion in the four arms above specified in so far as this may be done without prejudice to military efficiency: *Provided further*, That nothing in this section shall be so construed as to reduce any officer below the grade he now occupies or to change the relative position of any officer on the lineal list of his own arm or to transfer any officer from his own arm to another arm of the service or to separate any officer from the military service."

On page 23, line 5, after the word "*further*," strike out all up to line 12 and insert: "That if under the operation of the foregoing provisions of this section the number of officers in any grade of any arm of the service shall at any time exceed the number authorized by law for such grade in such arm, promotion to such grade in such arm shall close until the number of officers therein shall have been reduced below the number authorized by law."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas, and the gentleman from Kansas asks unanimous consent that he may proceed for not exceeding 15 minutes. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, this section of the bill is one that provides for nine hundred and some odd additional officers who shall be detached from the four branches of the service for the purpose of providing a sufficient number of officers to train the increased National Guard we are creating by this bill and to furnish officers for instruction in the various institutions of learning which have military organizations.

Now, it is proposed that we shall make use of these 900 extra officers when they are detached for the purpose of remedying an evil which exists in the Army to-day in reference to the inequalities of promotion in past years, and inequalities of promotion which will be further accentuated if the provisions of the present bill are enacted into law.

When the matter came before the committee nearly every Member admitted that the language it was necessary to use to frame an amendment which would provide a fair equalization was so technical that none of us thoroughly understood it. It was decided to pass the matter up until it came before the House. In the meantime the War Department has been working on some fair solution of the problem of helping equalize by means of this provision and the Secretary of War on Saturday sent to the Military Committee the substance of the amendment which I have offered and which has been read from the desk and which will go far toward remedying the inequalities which I have spoken of.

Now, this chart is not an infernal machine, although it looks like one. I am going to use it to try and illustrate in a simple manner just where the inequalities exist it is proposed to remedy.

This represents the proposed detached list of officers, such as we are going to create, and I am going to explain to you how the War Department desires to use it. The evils that we want to try and remove are due to the fact that in the four branches of the service at present inequalities of promotion exist, as shown by these tacks in the diagram. For instance, yellow represents Cavalry, the blue Infantry, the light red the Field Artillery, and the dark red the Coast Artillery.

These varying ratios illustrate, for instance, the condition existing in the Cavalry arm of the service, where the officers above captain, major, lieutenant colonel, and colonel, taking it over a series of years, say back 25 years, due entirely to inequalities of legislation, not the fault of the officers themselves, that the Cavalry arm, which is now in such demand on the Mexican border, are 6 years or more behind in promotion as compared with the officers of the Coast Artillery which have had exactly the same length of service. It means that cadets graduated from the Military Academy 25 years ago went into the Army with the same education, the same ability, and that these men, who happened to get into the Cavalry, are 6 years behind the cadets of the same class who went into the Coast Artillery. Some of the Cavalry officers are still majors, while their brother cadets who went into the Coast Artillery are now lieutenant colonels and colonels, and all due to the fact that one branch has been expanded by legislation faster than the other.

The Infantry is in nearly as bad a condition for the same reason. The officers of the Infantry are five years behind the Coast Artillery of the same length of service. The officers of the Field Artillery are two years behind the Coast Artillery. Now, take these series of ranks above, and this illustrates the percentage of the increased promotion which will result, due to the increase of the various arms which are made in this bill. For instance, we provide a total of 108 batteries of Field Artillery, an increase of 150 per cent in that branch, and we make an increase of 52 companies of Coast Artillery, giving an increase of about 35 per cent in that branch. And the Infantry gets an increase of 33⅓ per cent, while the Cavalry gets none at all in this bill and consequently no legislative promotion for its officers. That means that the senior officers of those three branches—Field Artillery, Coast Artillery, and Infantry—will be boosted substantially beyond the rank now held by their more unfortunate brethren of the Cavalry. The average Coast Artillery promotion would be 37½ per cent over his brother in the Cavalry; and in the Field Artillery, which branch we have vastly increased in this bill, there will be an advantage of 150 per cent over his less favored brother of the Cavalry and almost as great a boost over his equally unfortunate brother of the Infantry.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARDNER. Just what does the gentleman mean by a "boost" of 150 per cent?

Mr. ANTHONY. It means an average increase of promotion. That also illustrates the amount of increase which has been made in the branch by this bill, and every increase in any branch of the service made by Congress shoves every officer in that branch just that much further up toward the top in the promotion which follows.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SHERLEY. Does the gentleman consider these Cavalry officers are injured by virtue of the promotion of men in other branches of the service?

Mr. ANTHONY. Absolutely injured by giving one set of officers an advantage of legislation not shared by others.

Mr. SHERLEY. Does he not simply mean that they do not get, because their corps is not increased, what the other people get?

Mr. ANTHONY. Yes.

Mr. SHERLEY. Where is the injury about that?

Mr. ANTHONY. The injury is that you deny them that equality of opportunity that we ought to afford to every man who enters the United States Army or its service.

Mr. SHERLEY. Is not this the situation: That it so happens that there is more need for one branch of the service and as a result of that men go up faster; but is that any reason why you should undertake to help the other branch?

Mr. ANTHONY. Just the same as it would be unfair to give the gentleman from Kentucky [Mr. SHERLEY], with his great ability, one-third of the salary that is given to some of us who perform a much less service.

Mr. SHERLEY. But that is not what is occurring. The gentleman is not showing a situation whereby the Cavalry officer is penalized; he is simply showing a situation where there is not enough increase in the Cavalry to grant these promotions.

Mr. ANTHONY. So that his brother officers, many of them, draw much more pay and have much more allowance and have increased rank.

Mr. SHERLEY. But we are not concerned primarily in what an individual draws in pay.

Mr. ANTHONY. Oh, yes; we are.

Mr. SHERLEY. We are concerned in what he does.

Mr. ANTHONY. We are concerned in absolute justice to these men.

Mr. SHERLEY. But the justice lies in the fact that one man has under him a certain number of men which gives him a certain rank, and if the Cavalry have not enough men to make that rank, that does not matter.

Mr. ANTHONY. The Cavalry man would perform exactly the same service if he had the opportunity. These more fortunate gentlemen in the Field Artillery are favored by reason of fortunate legislation, not through any merit of their own.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MADDEN. Is it possible for a man in the Cavalry to be transferred to the Coast Artillery?

Mr. ANTHONY. It is not possible for him to be transferred, for instance, to the Field Artillery by the provisions of this bill if he were above the grade of lieutenant, and it would not be further permitted under the provisions of this amendment. It is not the intention of this amendment to transfer from one branch of the service to another, although I think that up to

the grade of field officer it is entirely feasible to interchange officers among the various branches of the service.

Mr. MADDEN. In the present circumstances the man in the Field Artillery would have 150 opportunities for promotion to 1 in the Cavalry?

Mr. ANTHONY. That is the percentage of increase of the Field Artillery in the bill under consideration. He would have about that much advantage over a Cavalry man who started even with him 20 or 30 years ago, whatever it may be.

Mr. GARDNER. Mr. Chairman, let me see if I get the idea. Does that mean that in a service of 15 years a Cavalry man would only get as far as a Field Artillery man would get in 10 years? Is that the idea?

Mr. ANTHONY. That is exactly it. Even the ratio is greater than the gentleman states, if the proposed inequality is maintained. For instance, a man who left West Point 15 years ago—I think, in 1900—may be now a captain of the Cavalry, while his classmate who went into the Coast Artillery is generally a major and frequently a lieutenant colonel.

Mr. GARDNER. I entirely sympathize with the purpose of the amendment, but I do not quite understand it yet.

Mr. ANTHONY. I will say to the gentleman that I have not yet developed my argument to show the way in which we are going to use this detached list of 900 extra officers to partially remedy this distressing situation.

Mr. SANFORD. Mr. Chairman, if the gentleman will permit, along the line of what he just said, I desire to say that in 1901, the year he speaks of, a young man went from Albany into the Cavalry and has been in the service ever since. As a matter of fact, he entered the academy in 1897, and he is only a lieutenant of Cavalry. That is still worse than what the gentleman said, but I wanted to present the injustice of that proposition in a concrete case.

Mr. MILLER of Minnesota. In partial reply to the statement made by the gentleman from Kentucky, suppose a Cavalry officer graduated 20 years ago and had now attained the rank of major——

Mr. ANTHONY. I fear it would not be possible——

Mr. MILLER of Minnesota. And say he would be upon the field of action and be joined to another branch of troops commanded by a man who graduated 15 years ago who is a colonel. Who would be in command?

Mr. ANTHONY. He would be dominated by a man who graduated years after and his junior by years of service and experience.

Mr. MILLER of Minnesota. Is there any possible consistency or efficiency in that thing?

Mr. ANTHONY. No.

Mr. SHERLEY. Was not just the converse true many years ago in regard to the Cavalry?

Mr. ANTHONY. I do not know.

Mr. SHERLEY. I do.

Mr. ANTHONY. Possibly it was; but what we want to avoid is the possibility of a recurrence of such a condition.

Mr. FITZGERALD. Is it possible to have a single list?

Mr. ANTHONY. The gentleman has struck it. That is the ideal solution of the question. Until we can get the single list, which, I am informed, is the system adopted by France and by Germany up to the grade of field officer; after that it is selection; but until we can go that far I think we will have to adopt temporarily——

Mr. FITZGERALD. Does the gentleman intend to discuss the single-list idea?

Mr. ANTHONY. Because of the fact that it brought in so many complicated questions it was not deemed advisable by some of the committee to encumber the bill with it.

Mr. FITZGERALD. But does the gentleman himself intend to discuss it?

Mr. ANTHONY. No. I will not be able to do so. Now, in this list of 900 extra officers which we have created the pending amendment authorizes the Secretary of War to make such use of them as he shall deem wise to bring about an equitable equalization of promotions in the different branches of the service as far as possible. We do not go to the point of exactly telling him how to do that, because there are some intricate individual situations to deal with, but we simply declare it to be the policy of Congress that he shall use this list of detached officers to remedy this condition as far as possible and leave it to his sense of justice to work out the method of so doing. I believe, and you can safely say that 90 per cent of the officers of all branches of the service believe, in the justice of equalization, and the only thing is for Congress to adopt some method of working it out. That suggested by the gentleman from New York would be the real way to reach the trouble if we could work it out, but in the absence of that I am asking the committee to adopt the recommendation of the Secretary of War as made to our committee on Saturday and whose language I am incorporating in this amendment. Of these 900 extra officers under this system of detailing them, the Cavalry would largely be the first officers to be detached in making up this list until we brought them up level with the promotion conditions in the Infantry. Then by increasing the list further and by the redetails which would follow we would endeavor to bring the Infantry up to the level of promotions in the Field Artillery, and then in further carrying out the idea we would bring up the Field Artillery to the level of the Coast Artillery until they are all materially equalized, although it would be impossible to bring about an absolute equity of promotion by the means at hand.

Mr. ROGERS. Will not the practical effect of this arrangement, if worked out, be that a major may perhaps command a company or conceivably a lieutenant colonel command a company, or troop, as the case may be?

Mr. ANTHONY. No; I think not. I will say to the gentleman that the extra officers created by this paragraph will not be used for the purpose of commanding troops. These officers will be used for the purpose of instructing the National Guard and detailed on recruiting duty and to educational institutions.

Mr. SHERLEY. Would not the result of what the gentleman seeks give to a branch of the service a great deal more detached service than it would to the other branches, and would it not follow therefore that the department might be embarrassed in having to send cavalry officers for work or serving upon boards where there should be other representatives from other branches of the service, and does the gentleman not in curing one evil create another?

Mr. ANTHONY. The argument of the gentlemen would be correct if that is the only situation we were going to be confronted with, but what the gentleman says accentuates also that in increasing the Field Artillery, as provided in the bill, there will be ten times the vacancies in that branch to be filled from the bottom just the same as any vacancies made in the Cavalry in equalizing promotions by use of the detached officers' list would also have to be filled in by new appointments in the lowest grades.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I would ask unanimous consent that I may have 10 minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRY. I would like to ask why there is not one officers' roll in the Army, the same as there is in the Navy—why there are so many rolls. In the Navy they have one officers' roll for promotion. Why have they not the same in the Army?

Mr. ANTHONY. I can not say why they have not, but they simply have not.

Mr. CURRY. Would it not be the easiest way to reach this?

Mr. ANTHONY. It undoubtedly would, up to the grade of major. But I think the ideal solution would be promotion by selection above the grade of major on the merit system, and that we have not got.

Mr. KEATING. Will the gentleman yield for a question?

Mr. ANTHONY. I will be very glad to do so.

Mr. KEATING. The gentleman has said that this single-list system would be the correct system. If it is a correct system, why does not the gentleman offer it here and let us vote on it? What is the influence that prevents Congress from adopting this ideal system at this time?

Mr. ANTHONY. The objection to it is on account of the great number of individual cases, or constructive cases, that would have to be considered in framing the bill. In the report that was made to the committee at my request there were over 100 closely typewritten pages relisting the officers which would all have to be incorporated in a bill. And we threw up our hands.

Mr. SHALLENBERGER. Is not also another reason why you did not consider the advisability, that the information given to the committee was that the different lines of the service required such additional information and duties that it would be injurious to the service to transfer these men at this time?

Mr. ANTHONY. That is exactly the position some of the officials at the department take.

Mr. SLEMP. If there is a vacancy in the position of a captain and a lieutenant is to be appointed, how would he under your system be selected?

Mr. ANTHONY. All from the bottom. Men are promoted and vacancies are filled from the bottom.

Mr. SLEMP. Does the length of service of the various lieutenants eligible to fill the vacancy have anything to do with the selection?

Mr. ANTHONY. They go according to their position on the list—according to the dates of their commission, and not according to the length of service.

Mr. BARKLEY. As to these men that come out of West Point, are they entitled to choose as to whether they shall go into the Cavalry, the Coast Artillery, or any other branch of the service?

Mr. ANTHONY. I understand a certain portion of the highest ranking men—that is, those who have shown the greatest proficiency in mathematics—are assigned to the Engineers. After that they are allowed more or less to express their preferences.

Mr. BARKLEY. And your theory is that if a graduate at West Point expresses preferences for the Cavalry he ought to be artificially boosted a little bit, because in the line of promotion he is placed behind his comrades?

Mr. ANTHONY. Congress has neglected the Cavalry in past years. All we ask is that an officer in the Cavalry be not penalized for serving in a branch of the service which we do not increase by legislation.

Mr. BARKLEY. Now let me ask you this: These officers of the Cavalry service are promoted as vacancies occur?

Mr. ANTHONY. In their branch.

Mr. BARKLEY. Then the result is that there are not as many vacancies occurring from year to year in the Cavalry as in the other branches?

Mr. ANTHONY. The same percentage of vacancies occur from natural causes probably, but here we are by wholesale legislation going to advance the Artillery branch vastly ahead of the other three branches, and this is simply a small effort to preserve some equality among officers of the same length of service and put them on a more equal footing.

Mr. BARKLEY. Is the number comparatively the same?

Mr. ANTHONY. The different branches are officered proportionately about the same.

Mr. TAGGART. Will the gentleman yield?

Mr. ANTHONY. I will be glad to do so.

Mr. TAGGART. It is the proportion of the officers mentioned in section 11, is it not?

Mr. ANTHONY. It is by use of the 900 extra officers which we create in that section that we wish to remove so far as possible this inequality which has crept into the service through the unequal additions that have been made there purely by legislation.

Mr. TAGGART. And your proposition is, regardless of what branch of the service a graduate of West Point may be assigned to, it has little or nothing to do with apportioning the men under section 11 of this bill?

Mr. ANTHONY. Not so far as I can see.

Mr. TILSON. What would the gentleman think of taking the so-called "time" plan and letting a man serve so many years in a grade and then promoting him, providing he takes and passes a certain examination?

Mr. ANTHONY. The gentleman means that he should go to a certain grade after a certain number of years have passed?

Mr. TILSON. Yes.

Mr. ANTHONY. That is an adequate remedy for the situation; but until we can get that my idea is to adopt the plan recommended by the department.

Mr. KREIDER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. KREIDER. I would like to know, as to these officers detached to this special service to teach the National Guard and to give instruction at the various colleges, whether the National Guard will be taught in cavalry, in infantry, field artillery, and coast artillery, and drilled and practiced so as to become efficient in that service?

Mr. ANTHONY. I think the gentleman can rest assured that the War Department will seek to adapt its instruction for all arms of the service in the National Guard, as far as possible, in proper proportion.

Mr. KREIDER. I take it that a captain taken from the Cavalry is competent to teach in all the departments.

Mr. ANTHONY. Absolutely. One of the ideas of this amendment is that a situation may arise for the detail of a Cavalry or Infantry officer where an Artillery officer is thought necessary. That situation is provided for by a clause in my amendment which enables the Secretary of War to select the man who is best adapted for the service he is expected to perform, and to select him from the proper arm, as the duty may require.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Kentucky?

Mr. ANTHONY. Yes.

Mr. SHERLEY. If you do not disregard the special fitness of officers, you will not get the full benefit for the Cavalry that you seek. The only way to get equalization is to detail more Cavalry than any other branch, and that results in one of two things—either your amendment fails or it gives to the Cavalry practically a monopoly of detail—and that would tend to lead to favoritism by the General Staff such as has not been heard of before.

Mr. ANTHONY. It would give a greater number of Cavalry officers on the detached list; but whenever it is necessary to detail a man from another branch of the service the Secretary of War is empowered to do that. This plan has the approval of the War Department, and is sent to the committee with the approval of the Secretary of War. I think it provides adequate relief for the evils which the gentleman knows to exist and which I know to exist. It does this in every grade, from that of second lieutenant to that of lieutenant colonel. Here, in a nutshell, is a statement of the case:

In every grade from second lieutenant to lieutenant colonel the Cavalry and Infantry officers next for promotion to the respective grade above are now years behind their contemporaries in either Artillery arm. This condition is due solely to legislation of recent years.

If the vacancies created by the present bill are filled in the manner provided in sections 11 and 14, the two retarded arms will be even farther behind in 1919 than at present. The provisos at the bottom of page 22 and top of page 23, section 11, not only do not equalize promotion but effectively prevent equalization in the future.

The proposed amendment tends toward an equitable equalization of promotion:

(a) It does not deprive any Artillery officer of the rapid promotion he has enjoyed to date, or of liberal further advancement under the present bill.

(b) It does not transfer any officer to an arm other than his own.

(c) It does not change the relative positions of officers in their own arms.

(d) It makes proper provision for details to the detached list from a special arm whenever such a course is necessary for the efficiency of the service.

(e) It does injustice to no one while materially lessening a condition of hardship that would otherwise handicap the careers of several hundred officers.

Those are the assertions of the board of officers that prepared the amendment, and I hope the House will adopt it.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. SHERLEY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 56, noes 20.

So the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

Mr. TILSON. It is a substitute for the section.

The Clerk read as follows:

Mr. TILSON offers the following amendment: Strike out section 11 and insert a new section, as follows:

"SEC. 11. Subject to the examinations provided by law, the requirements of this act as to provisional appointments, and the exceptions provided by this act as to chaplains, dental surgeons, and officers of the Medical Corps, promotions among commissioned officers of the Regular Army shall take place on the completion of the following total years of service as a commissioned officer of the United States, to include service in the Regular Army, the Volunteers, the Navy, and the Marine Corps: Four years to the grade of first lieutenant, 12 years to the grade of captain, 21 years to the grade of major, 26 years to the grade of lieutenant colonel, and 30 years to the grade of general: *Provided*, That officers of the Medical Corps shall be credited with four years' constructive service for promotion to grades above that of captain: *Provided further*, That no credit shall be given time lost through failure on examination for promotion or through sentence of a court-martial. Those now holding an anomalous position through failure on examination for promotion shall lose one year for each such failure; those holding an anomalous position through sentence of a court-martial shall be given the constructive service of the officer whom they now follow on the lineal list. Those hereafter failing on examination for promotion shall lose one year for each such failure: *Provided further*, That rank in grade shall be according to total length of commissioned service, subject to the reduction for loss due to failure on examination for promotion or through sentence of a court-martial: *Provided further*, That the President may assign officers to command and duties in such manner as the exigencies of the service demand, subject to the rules of seniority provided by this act and the laws affecting detached service: *Provided further*, That hereafter all original appointments of commissioned officers of the Regular Army shall be to the grade of second lieutenant, except in the Medical Corps, Dental Corps, and chaplains, where original appointments shall be to the grade of first lieutenant: *Provided further*, That dental surgeons

shall not be promoted beyond the grade of captain, nor chaplains beyond the grade of major: *Provided further*, That the original appointments of officers of the Medical Corps, the Dental Corps, and of chaplains shall be provisional, as hereinafter provided for second lieutenants: *And provided further*, That the President may, at his discretion and under such regulations as he may prescribe, retire any officer above the grade of lieutenant colonel after four years' service in his then grade, and no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for, nor shall the provisions of this act be so construed as to reduce any officer in grade.

Mr. TILSON. Mr. Chairman, this is the "time plan," so called, the "fixed-years-of-service plan." Before beginning debate I would like to ask the chairman of the Committee on Military Affairs if he is going to move to rise at 5 o'clock?

Mr. HAY. I shall not move to rise until we get through this section.

Mr. TILSON. The gentleman desires to finish this section to-night?

Mr. HAY. Yes.

Mr. TILSON. I will say, Mr. Chairman, very briefly, that this amendment simply provides that a man shall serve four years as second lieutenant before he can be promoted to first lieutenant; that he must serve 12 years altogether before he can be a captain; that he must serve 21 years before he can be a major; that he must serve 26 years before he can be a lieutenant colonel and 30 years before he can be a colonel. This would cure all the existing defects, so far as promotion is concerned. Hereafter there would need be no occasion for fights between the different arms of the service, and I am quite sure the combined arms would be in better situation to fight the enemy.

We have had this situation presented to the Committee on Military Affairs: We have had one arm of the service come to us, presenting their case and showing how necessary it was that their arm should be increased, incidentally giving them a considerable promotion when the increase was granted. The next Congress would see another arm of the service come in presenting their case and using the better situation of the increased arm as an instance of injustice to them unless a corresponding increase should also be given them, thereby securing an increase of their own arm and incidental promotion. Army officers are human, like the rest of us, with all the weaknesses and frailties of human nature. You can not blame a man for having an exalted opinion of the importance of his own arm, especially if that opinion will aid in giving him promotion.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. KEATING. May I ask the gentleman whether the Committee on Military Affairs ever received a deputation from the enlisted men clamoring for additional pay and greater privileges?

Mr. TILSON. I do not know; but I know that the committee would be glad to receive them in case they presented themselves.

Mr. KEATING. The only applications for promotion and increased pay that were made to the committee came from the officers, did they not?

Mr. TILSON. I may say that the pressure has not come from officers for promotion, but for an increase in their particular arm of the service. The fact is, however, that increases make vacancies, and, of course, vacancies make promotions. By the plan I have proposed here they will not be looking for dead men's shoes or vacancies at all. An officer will be required to serve a fixed number of years faithfully and then pass the required examination before he can be promoted. By the terms of either the House bill or the Senate bill, unless some such provision as this is made, there will be men not yet in the service who within two years time will be promoted. In the Field Artillery arm of the service men will be promoted to high rank after very short service, whereas in the Infantry, and especially so in the Cavalry, men of long service will still be serving in the lower grade.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. TAGGART. Has the gentleman reference to the peace conditions at this time, or would he deny the officer of the Army who performed particular service in time of war or time of military activity in the Army, such as we now have in Mexico, promotion for brilliant service rendered?

Mr. TILSON. I think those promotions ought to be made, perhaps, by selection. We are not proceeding in that manner now, however. It is now entirely by seniority. A man gets his promotion, not because of any special fitness for it but because there is a vacancy above him. If he is ambitious, as he properly should be, he will be eagerly looking for the vacancy above him, which means promotion for him.

Mr. TAGGART. You can make no distinction, then, between conspicuous service, rendered perhaps under fire, which we may have any day in Mexico, and the ordinary humdrum of routine service.

Mr. TILSON. If I could have my way, I would make a great deal of distinction; but we do not under our present law and we do not in this bill.

Mr. TAGGART. There would be no exception, then, under your amendment?

Mr. TILSON. This amendment would not change that feature of the law at all. It would still be by length of service, whereas now it is simply by seniority and a vacancy. It would promote a few extra officers, especially in the Infantry and Cavalry, who have not received very much promotion recently. It would promote a few extra officers, who, of course, could be put on the extra list of officers and be assigned to schools, the National Guard, and so forth.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Minnesota.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman have three minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Kentucky have three minutes more. Is there objection?

There was no objection.

Mr. TILSON. I thank the gentleman.

Mr. MILLER of Minnesota. Can the gentleman state what advantage there is in the proposition he advances over a lineal list?

Mr. TILSON. This practically serves the same purpose as a single lineal list, except that a single list necessitates, perhaps, a transfer from one arm of the service to another, especially in the lower grades, while it is believed that under this plan, using our detached officers' list, or extra list, there need be no occasion for transferring a man from one arm of the service to the other.

Mr. MILLER of Minnesota. Except that if a branch of the service like the Cavalry be not increased for a period of time, the troops may all be commanded by majors and officers of higher rank.

Mr. TILSON. There is a proviso to this amendment that the President can assign officers to commands as the exigencies of the service may demand. In other words, there might be a case where a regiment would be commanded by a major, and there might be occasions when a company would be commanded by a major, but there would be nothing very strange or objectionable in that. Other armies do practically the same thing, and have no trouble in regard to it.

So, gentlemen of the House, this is my proposition. By it we shall get rid of this troublesome question of promotion once and for all. It simply takes the average time in which an officer reaches the several grades from second lieutenant to the rank of colonel, and makes all officers conform to it. By doing so no officer of short service will outrank one of longer service. Vacancies in the grade above will lose their importance, greater satisfaction will prevail throughout the Army, and in the future when officers come before us to ask for an increase we shall not need to discount their recommendations by consideration of the degree of promotion such a change will bring about.

Mr. MILLER of Minnesota. Mr. Chairman, for the last two or three years I have been thrown with all branches of the service in many sections of our country and abroad where our troops are serving. I have been with the Infantry, with the Coast Artillery, with the Field Artillery, with the Mountain Artillery, with the machine-gun branches of the various organizations, and with the Cavalry just incidentally. I have found that there is a widespread and universal dissatisfaction with the present method of promotion. The reason is that a man entering one branch of the service does not have the same chance for advancement that a man may have who enters another branch of the service; contingent not upon efficiency, not upon experience, not upon the value of officers to the military establishment, but dependent entirely upon some congressional action that will create advancement in one branch over that in another. From what I have been able to learn of the facts, which is not a tremendous amount, I am strong for a lineal list, and I do not believe you will ever get the matter successfully and satisfactorily settled until you adopt a lineal list.

Mr. KAHN. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. KAHN. Does the gentleman mean a single list?

Mr. MILLER of Minnesota. A single list.

Mr. KAHN. I understand that the War College has been trying to work out that problem for several years, and although they are all experienced soldiers they have not been able to agree on a plan,

Mr. MILLER of Minnesota. I was about to add, but the time when we can have such a list apparently is not here. In the meantime—and I confess it is rather a mean time—I am in favor of the amendment offered by the gentleman from Connecticut. From what I can learn, the feeling that naturally exists in the minds of the layman, like myself, that the Cavalry officer can not be put in command of Infantry troops, is without foundation. The cavalryman is really a mounted infantryman, and he needs to know practically all the things that the Infantry officer needs to know, and the transfer from one to the other can be made without loss of efficiency and can be made successfully.

It is not quite so simple a matter, perhaps, but it is generally true of the ordinary cavalryman being transferred to the Field Artillery. At all events, changes from one branch to another could be successfully made if the law provided for it.

As we can not have the lineal list, and I say we can not have it, based on the statements made here to-day and other statements that I have heard during the last year or two, which we must accept, let us have something that will tend to equalize the opportunity of every man who gets a commission in the Army.

Mr. KEATING. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. KEATING. The gentleman from Minnesota, like other Members, has stated that we can not have it for some mysterious reason. Why can not we have it if it is a good thing?

Mr. MILLER of Minnesota. I wish I could answer the gentleman, for I have been wondering about that myself.

Mr. KEATING. Is it because the officers will not permit us to have it?

Mr. MILLER of Minnesota. I do not think that is it, if the gentleman will permit me. I think it is due to the fact that there have been so many men on detached service, under the system we have had so long, that if it should be changed the sweep would result in numerous injustices to individual officers; and, pending the time they are getting this thing straightened out, and it seems to be pending a long time, we will have to let the matter remain in abeyance. I would be in favor, as far as I am concerned, of voting as many times as I could for a lineal list.

Mr. KEATING. Mr. Chairman, I move to strike out the last word. I came here to-day to listen to this debate under the impression that the bill was intended to provide for the national defense. After listening to the debate I have become convinced that one of the main objects of the bill—if not the main object—is to provide promotions for officers in the United States Army.

Apparently from the intimations thrown out by the members of the committee and the allusions by Members of the House there is some mysterious power which will not give us the kind of law we should have—an influence which is potent with members of the committee and Members of the House.

I think it is very significant, Mr. Chairman, that in all the speeches made here it has never been shown that the enlisted men of the United States Army have sought in any way to embarrass the members of this committee with suggestions as to what should be done for them. They seem to be quite satisfied to go on and do the fighting. There is no proposition that their pay shall be increased, no proposition that their allowance shall be increased, no worry about promotions for them; "Tommy Atkins" can take care of himself. But there seems to be a tremendous potter around here for fear some second lieutenant of Cavalry will not be promoted when some second lieutenant in the Coast Artillery gets an increase in pay.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. KEATING. Certainly.

Mr. GREENE of Vermont. Does the gentleman realize that the average enlisted man has a more frequent and abundant opportunity for promotion than the officers do, because there is a change in the personnel in the enlisted ranks every four years whereas the officers go into the service for a lifetime.

Mr. KEATING. Mr. Chairman, the enlisted men of the United States Army will be delighted to learn from the distinguished gentleman from Vermont that their position is so much more fortunate and desirable than that of the officers of the United States Army. I think you will find, if you consult the enlisted men of the Army, that they would be very glad to exchange places with these unfortunate officers who have not the same chances for promotion that the enlisted men have.

Mr. CANNON. Will the gentleman yield?

Mr. KEATING. I will.

Mr. CANNON. Would the gentleman be in favor of paying every man in the ranks to begin with the pay of a second lieutenant?

Mr. KEATING. No.

Mr. CANNON. Then my friend is not the friend of the people that he claims to be. [Laughter.]

Mr. KEATING. I am not a friend of the people to the same extent as the distinguished gentleman from Illinois [Mr. CANNON]. Mr. Chairman, the point to which I wanted to attract the attention of the House was the great amount of time we devote to taking care of the interests of the officers and the very small amount of time we devote to taking care of the interests of the privates in this Army of ours.

Mr. GREENE of Vermont. Mr. Chairman, I have had some knowledge of human beings who were always "looking for the man under the bed," but as a general thing they wore petticoats. It seems to me, Mr. Chairman, adverting to the practical side of this proposition, without any attempt at demagogy, without any attempt at arraigning two classes in the same service in antagonistic relation toward one another, the fact is that the enlisted man and the officers supplement and complement each other. They are each useless without the other, but each by reason of the special character and nature of the service that he performs is placed on different lines, related particularly to that special service and the best means of obtaining it. The officer gives up his lifetime to the service of his country in the Army. He disavows any other profession, and under the law is not eligible to have any other occupation while he is in the military service. That is the reason that when he arrives at the age of 64 years he is eligible to be retired, because he has lost his opportunity to be in any other gainful occupation through all the greater part of the years of his active life. On the other hand, the enlisted man is only enlisted for a short period. It may be with him purely an experiment. He may come in and go out, come in and go out, just as he pleases; and it follows as the night the day that with the Army, as with all other interests of men generally, there are a great many changes. Young boys go into the service, find it is not to their liking, and go out. Some men stay in for a short period and find they have had enough, and go out. There are constant vacancies and opportunities for change and advancement in the enlisted personnel that do not exist in a corps where all the men go into it for the purpose of making it a life occupation and where most of them do. That is the simple thing. It is not a question of favoritism one way or the other.

Mr. KEATING. Mr. Chairman, the gentleman does not wish to convey to the House or the country the impression that when a man graduates from West Point he must remain in the Army until he is 64 years of age?

Mr. GREENE of Vermont. I mean to convey this suggestion, which everyone knows, that if a man goes to West Point for four years to fit himself for the Army it is obvious that he intends to make the Army his life occupation.

Mr. KEATING. But it is not the fact; it does not result in that.

Mr. GREENE of Vermont. Practically it does; yes.

Mr. KEATING. Whenever he sees an opportunity to better himself he resigns and gets out.

Mr. GREENE of Vermont. He can not get out until the end of eight years.

Mr. KEATING. Does the gentleman mean that he can not resign with the approval of the Secretary of War?

Mr. GREENE of Vermont. If the Secretary of War approves, he may.

Mr. KEATING. And those requests have not been denied?

Mr. GREENE of Vermont. They have been denied many times. Would the gentleman undertake to convey by innuendo and inference that instead of men on the average staying in the service after graduation, the tendency is to go out?

Mr. KEATING. No.

Mr. GREENE of Vermont. He is then only referring to individual instances. Ninety-five per cent at least stay in.

Mr. KEATING. I think the gentleman's percentage is entirely too high.

Mr. GREENE of Vermont. It is an obligation required by law, and it is an obligation required by the splendid standard of honor which is taught at that academy and at every fireside in the land. [Applause.] All I care to protest against, Mr. Chairman—and with all good nature toward my friend from Colorado [Mr. KEATING]—is simply the innuendo and insinuation that a committee of men who endeavor in their efforts to improve the Army to be as honorable as the Army is toward the country in its high and exalted standards of service should labor under the suspicion that because they present here something that the gentleman from Colorado can not quite see through there must be a "nigger in the woodpile."

Mr. HAY. Mr. Chairman, I ask unanimous consent that at the end of 10 minutes all debate on this section and all amendments thereto close.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that at the end of 10 minutes all debate on this section and all amendments thereto close. Is there objection?

Mr. BENNET. Mr. Chairman, reserving the right to object, will the gentleman make that 15 minutes? I would like to have about 7 minutes.

Mr. HAY. All right; I will make it 15 minutes.

Mr. ANTHONY. Mr. Chairman, I have a couple of amendments I would like to offer which will take very little time to debate, and I would like to get them in within that time.

Mr. HAY. Mr. Chairman, I withdraw the request; but I will give notice that I am going to stay until we finish this section.

Mr. BENNET. Mr. Chairman, possibly I shall make myself the target for some verbal attack by audibly wondering whether the present system of promotion is responsible for what apparently is a somewhat total lack of inventive genius on the part of Army officers. I have been more or less acquainted with congressional matters for 10 years and I have listened to debates on Army bills, read periodicals, and things of that sort, and I do not recall any statement on the floor of this House—and I think it would have been made if facts had justified it—that Army officers have made any very valuable or material inventions to add to the efficiency of our Army. Now, I read a good deal in the newspapers about the French 75-centimeter gun, the Italian 76 and the "Busy Berthas," and everything of that sort, but, as far as I can recall, I do not remember that officers of our Army have added very much to the efficiency of our Army in the way of inventions.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. I will.

Mr. GARDNER. The gentleman should not overlook the Crozier disappearing gun carriage.

Mr. BENNET. I am glad to hear of that carriage. I am frank to admit my ignorance on the subject, and I am glad to have it brought to the attention of the House.

Mr. CANNON. Will the gentleman allow me?

Mr. BENNET. Certainly.

Mr. CANNON. These men are not educated to become inventors but to become fighters.

Mr. BENNET. Ah, yes; but, Mr. Chairman, the gentleman from Illinois was responsible for something of far more merit to the Army than any Army officer. I refer to the aeroplane, because we forget that for 10 years the gentleman from Illinois faced the ridicule of the united press of the whole United States, year after year, when chairman of the Committee on Appropriations, in reporting an item to the House to give $25,000 each year to Prof. Langley to perfect the aeroplane.

Mr. KAHN. Will the gentleman yield?

Mr. BENNET. Certainly, in just one moment. That was the result of the efforts of the gentleman from Illinois, who was not educated to be an inventor but was educated to be a statesman and a friend of us all. His efforts have given us this most marvelous military arm which has gotten to the point of an almost perfect system.

Mr. CANNON. If the gentleman will allow me. I could not make a hoe handle, and yet I was acquainted with Prof. Langley and believed in him——

Mr. BENNET. Yes.

Mr. CANNON. And he did make the invention.

Mr. BENNET. But the gentleman had, what we called in New York when I was a boy, the "guts" to report out an appropriation year after year, and stand the ridicule of the Nation, and as a result we have got the airship.

Mr. KAHN. Will the gentleman yield?

Mr. BENNET. I will yield.

Mr. KAHN. Does the gentleman recall the fact that Col. Ormond Lissak, who was an officer of the Army, invented the machinery for making cartridges?

Mr. BENNET. I am perfectly willing to stand and say that I am ignorant of those things, and that I am seeking information and have already obtained information of two inventions within the recollection of the gentleman from California, who has been on the Committee on Military Affairs—how long?

Mr. KAHN. Twelve years.

Mr. BENNET. Twelve years.

Mr. TAGGART. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. TAGGART. Granting the fact that the gentleman from Illinois, who has served here longer than any other man in the House, has done the greatest service to his country in aiding the development of the aeroplane, is not it a fact that there is not a military or naval weapon, with the exception of the Zeppelin and the asphyxiating gas, that has not been invented by an American, and that one of the things that shocks civilization at this hour is the dreadful efficiency of military weapons. I think our Army officers have got enough to do without adding to the horrors of the present efficiency of the means of destruction, and they should not be criticized because they have not provided us with a great many new weapons with which to kill folks.

Mr. BENNET. Mr. Chairman——

Mr. TAGGART. And they should not be criticized because they have not found something new to kill folks with.

Mr. BENNET. I disagree entirely with the gentleman from Kansas. The business of war is to kill people, and kill them as fast as they can in time of war.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. The gentleman has overlooked the Lewis machine gun, has he not?

Mr. BENNET. Was that the gun they talked about this afternoon, and the gentleman from Kentucky [Mr. SHERLEY] said that they had tested and it had not worked?

Mr. GARDNER. But it is working in the British Army. It is probably the best machine gun in the world.

The CHAIRMAN (Mr. SAUNDERS). The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from New York asks ananimous consent for three minutes more. Is there objection?

There was no objection.

Mr. BENNET. Just to revert to the Navy for a minute. When Ericsson invented the *Monitor*, it took a civilian, Abraham Lincoln, to have it even used, and the Navy tied such red tape around it that men, also civilians, had to give a bond not only that the *Monitor* would be built but that the *Monitor* would succeed. And a gentleman who served with us here for years, Mr. Sperry, of New Haven, was one of the five or six men that risked his personal fortune because of that objection on the part of experts.

Just one more thing, and I will yield to my colleague. After the close of the war of 1812 we developed the modern one-gun ship, and yet the Navy let it rot at the wharves and persisted in the old system. I am not particularly criticizing, but I am wondering whether the system of promotion, which puts a man in as a midshipman and runs him up to admiral, and puts him in as a cadet and runs him up to major general, and where he knows that a certain amount of money will go to his credit on the books, does not deaden the efficiency?

Mr. PLATT. Our colleague from New York [Mr. SNYDER] said that there was a factory in his district making 300 of these Lewis machine guns a day.

Mr. BENNET. If we are making 300 Lewis machine guns in New York to-day for the British Army and we need machine guns for work in Texas and Mexico, why can we not get them?

Mr. COX. The gentleman is making an interesting statement, and, I think, in a measure a true statement. There is a gentleman named Simmons living in his district, in the city of New York, who, in my judgment—and I am not an expert by any means—has worked out a torpedo that will carry 23,000 yards. He submitted it to the Navy Department, and they turned their backs on him.

Mr. BENNET. Not only that, but they called him crazy.

Mr. COX. And there is another thing, they will take it in Germany unless he is too late in getting there.

Mr. BENNET. That is about the sum and substance of what I wanted to say, and the gentleman from Indiana [Mr. Cox] has put what you might call a cap on it.

Mr. HILLIARD. I would like to ask the gentleman if he had heard of the French "75" and the "Busy Lizzies" before this war?

Mr. BENNET. I had heard of the French "75s," but I did not hear of the "Busy Berthas" until after the war had commenced. I will ask the gentleman a question. Let him name one invention made by the officers of the Regular Army during the period between 1861 and 1865, when we did have a war.

Mr. HILLIARD. May I also refer to the fact that I am a Yankee, and ask another question? Has there been any opportunity to develop anything of that kind since that time?

Mr. BENNET. I was talking about the time between 1861 and 1865.

Mr. HAY. Mr. Chairman, coming back to the matter before the House, I trust the House will not agree to the amendment of the gentleman from Connecticut [Mr. TILSON], because it will, without going further into the merits, swell the retired list of the Army to an enormous proportion, and everyone knows that the retired list is large enough now. I think for that reason, if for no other, the amendment ought to be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. TILSON].

The question was taken, and the amendment was rejected.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Strike out the proviso beginning on line 24, page 23, ending on line 9, page 24, referring to the Porto Rico regiment, and insert, after the word "relieved," on line 14, page 25, the following: "The lieutenant colonel and three majors of said regiment shall be appointed from the senior captains in regimental rank of the Porto Rico regiment mentioned in the act of March 4, 1915, and the captains of the Porto Rico regiment mentioned in said act shall also be eligible for such detached service or transfer as may be directed by the Secretary of War."

Mr. HAY. Mr. Chairman, does not that apply to the two sections of the bill?

Mr. ANTHONY. It applies to the two provisions of the same section. It strikes out the first provision in reference to the Porto Rico regiment, which is in direct conflict with the second provision, and it amplifies the second provision in relaton to the same subject.

Mr. HAY. As the Clerk read it, I understood it referred to line 14, page 25, which is in section 12 of the bill.

The CHAIRMAN. That is the way it reads.

Mr. ANTHONY. Then I will ask, Mr. Chairman, that the Clerk read the first part of the amendment, which strikes out the provision in relation to the Porto Rico regiment, in section 11.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Strike out the proviso, beginning on line 24, page 23, and ending on line 9, page 24, referring to the Porto Rico regiment.

Mr. ANTHONY. That is correct.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

Mr. HAY. I have no objection to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read section 12.

Mr. HAY. Read section 12, and then I will move to rise.

The Clerk read as follows:

SEC. 12. That the Porto Rico regiment of Infantry of the United States Army shall hereafter have the same organization and the same grades and numbers of commissioned officers and enlisted men as are by this act or shall hereafter be prescribed by law for other regiments of Infantry of the Army. All vacancies created by this act or occurring hereafter in commissioned offices of said regiment above the grade of second lieutenant and below the grade of colonel shall be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section 3 of the act of Congress approved October 1, 1890, and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico regiment of Infantry, except that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable. The colonel of said regiment shall be detailed by the President, from among officers of Infantry of the Army not below the grade of lieutenant colonel, for a period of four years unless sooner relieved. Vacancies created by this act or occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy during that year, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between 21 and 27 years of age.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

Mr. GREENE of Massachusetts. Mr. Chairman, pending that, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech by the Hon. HENRY CABOT LODGE in Lynn, Mass., March 16, 1916.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] asks unanimous consent to extend his remarks in the RECORD by inserting a speech by Senator LODGE, made in Lynn, Mass., on March 16.

Mr. FOSTER. What is this request—for publishing what?

The CHAIRMAN. A speech made by Senator LODGE, of Massachusetts, in Lynn, Mass., on March 16.

Mr. FOSTER. What is the subject?

Mr. GREENE of Massachusetts. The general subject, politics.

Mr. BORLAND. The mistakes of the Democratic Party.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12766, the Army reorganization bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LITTLEPAGE, indefinitely, on account of important business.

To Mr. GRIFFIN, indefinitely, on account of illness.

To Mr. KENNEDY of Iowa (on request of Mr. TOWNER), indefinitely, on account of illness.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 21, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV a letter from the Secretary of War submitting a draft of an item of legislation to authorize the Secretary of War to agree with the adjoining owner upon a boundary line at the southeast corner of the military reservation of Fort Adams, R. I., and to execute deeds to establish such lines (H. Doc. No. 907), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HADLEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, reported the same without amendment, accompanied by a report (No. 379), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKINLEY, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 104) granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington, D. C., reported the same with amendment, accompanied by a report (No. 380), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 24) authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge, reported the same without amendment, accompanied by a report (No. 381), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 9323) to regulate and control the manufacture, sale, and use of weights and measures, and to be known as the weights and measures act, reported the same with amendment, accompanied by a report (No. 394), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 145) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, reported the same with amendment, accompanied by a report (No. 395), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 9783) for the relief of the heir of Josephus Wallace, reported the same with amendment, accompanied by a report (No. 382), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9175) for the relief of the heirs of Victor T. Landry, reported the same with amendment, accompanied by a report (No. 383), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 5416) for the relief of Ro. N. Northen, sole heir of the late Robert F. Northen, reported the same with amendment, accompanied by a report (No. 384), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9455) for the relief of the heirs of James H. Gardner, reported the same with amendment, accompanied by a report (No. 385), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13100) for the relief of the estate of W. H. Edmonson, reported the same with amendment, accompanied by a report (No. 386), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9463) for the relief of the heirs of Richard Norwood, reported the same with amendment, accompanied by a report (No. 387), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3835) for the relief of the heirs of William H. Brown, reported the same with amendment, accompanied by a report (No. 388), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 136) for the relief of Eva M. Bowman, reported the same with amendment, accompanied by a report (No. 390), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10054) for the relief of the estate of R. W. Elsom, reported the same with amendment, accompanied by a report (No. 391), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 142) for the relief of Mrs. George A. Miller, reported the same without amendment, accompanied by a report (No. 392), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 67) for the relief of Mathilda P. Hansen, reported the same without amendment, accompanied by a report (No. 393), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6633) to reimburse Gaetona de Luca & Co. for damages sustained by them by reason of the failure of the United States post office to transmit certain moneys delivered to it for transmission, reported the same adversely, accompanied by a report (No. 389), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12622) granting an increase of pension to John E. Packard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13199) granting a pension to Howard I. Cornelius; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COOPER of West Virginia: A bill (H. R. 13418) to amend the act of Congress approved March 4, 1913 (37 Stats.); to the Committee on Public Buildings and Grounds.

By Mr. WALSH: A bill (H. R. 13419) authorizing the sale of the lighthouse reservation at Scituate, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR (by request): A bill (H. R. 13420) granting an award for any discovery, device, invention, attachment, fixture, or applied principles whereby the speed of any battleship, battle cruiser, or vessel of the United States Navy, or in the service of the United States, now being propelled by power, may be increased without the additional use of fuel or increased power, and providing for the payment of said award; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 13421) to provide for the purchase of a site and for the establishment of a military and aviation academy in the Mississippi Valley of the United States within 100 miles of the city of St. Louis, State of Missouri, and making appropriation therefor; to the Committee on Military Affairs.

Mr. RODENBERG: A bill (H. R. 13422) to authorize the Secretary of War to furnish one condemned cannon to the village park of Marine, Ill., for use at said village; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 13423) to place on the retired list of the Army the names of the surviving officers who were mustered out under the provisions of the act of Congress approved July 15, 1870; to the Committee on Military Affairs.

By Mr. RAINEY (by request): A bill (H. R. 13424) to establish and maintain the American school army and to organize and equip the American reserve army; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 13425) to acquire a site for a public building at Cuthbert, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13426) to acquire a site for a public building at Ashburn, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 13427) granting 30 days' leave of absence in each year without forfeiture of pay during such leave, to employees at United Stats navy yards, gun factories, naval stations, proving grounds, and arsenals; to the Committee on Naval Affairs.

By Mr. HILLIARD: A bill (H. R. 13428) to amend section 224 of the Revised Statutes of the United States relating to certificates of discharge; to the Committee on Military Affairs.

By Mr. GARDNER: Resolution (H. Res. 179) requesting the Secretary of War to send to the House of Representatives a statement showing the number of persons in the United States who have received a military training within the last 10 years; to the Committee on Military Affairs.

By Mr. CARY: Resolution (H. Res. 180) authorizing and directing the Committee on Interstate and Foreign Commerce to investigate the conditions of transportation to Mount Vernon, Va.; to the Committee on Interstate and Foreign Commerce.

Also, joint resolution (H. J. Res. 185) providing for an increase of pay to the custodian employees of the Treasury Department; to the Committee on Expenditures in the Treasury Department.

Also, joint resolution (H. J. Res. 186) to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 13429) granting an increase of pension to Hannah Stoudnour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13430) granting an increase of pension to Arah Ann Bussard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13431) granting an increase of pension to Anna R. Burket; to the Committee on Pensions.

Also, a bill (H. R. 13432) granting an increase of pension to Sara Gates; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 13433) granting an increase of pension to John N. Jennings, late of Company D, Eighth United States Cavalry, and the Hospital Corps, United States Army; to the Committee on Pensions.

By Mr. CAREW: A bill (H. R. 13434) granting a pension to George F. Quinlan; to the Committee on Invalid Pensions.

By Mr. CHIPERFIELD: A bill (H. R. 13435) granting an increase of pension to John Brough; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 13436) granting an increase of pension to Iredell B. Rush; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 13437) granting an increase of pension to Mary Jane McKee; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 13438) granting an increase of pension to John E. Clark; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13439) granting an increase of pension to Mary Redman; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 13440) granting a pension to Shadworth L. Smith; to the Committee on Pensions.

By Mr. HINDS: A bill (H. R. 13441) to reimburse the owners of the schooner *Thomas W. H. White;* to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 13442) granting an increase of pension to William B. Corley; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 13443) for the relief of the estate of William A. Crawford and the heirs of Henry H. Beavers; to the Committee on Claims.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13444) for the relief of Frank Olson; to the Committee on the Public Lands.

By Mr. KEARNS: A bill (H. R. 13445) granting a pension to Mary C. Parsons; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 13446) granting a pension to John W. Langford; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 13447) granting an increase of pension to Henry Heckler; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13448) for the relief of Patrick Henry Bridgewater; to the Committee on War Claims.

Also, a bill (H. R. 13449) for the relief of Mary Speak; to the Committee on War Claims.

Also, a bill (H. R. 13450) for the relief of Ella J. Vermillion and others; to the Committee on War Claims.

Also, a bill (H. R. 13451) for the relief of Harriet N. Lair; to the Committee on War Claims.

Also, a bill (H. R. 13452) for the relief of William B. Kelly; to the Committee on War Claims.

Also, a bill (H. R. 13453) for the relief of Robert Hardwick; to the Committee on War Claims.

Also, a bill (H. R. 13454) for the relief of Sarah Ann Dobbs; to the Committee on War Claims.

Also, a bill (H. R. 13455) for the relief of U. S. Denny; to the Committee on War Claims.

Also, a bill (H. R. 13456) for the relief of Valentine S. Brewer; to the Committee on War Claims.

Also, a bill (H. R. 13457) for the relief of Thomas P. Colwell; to the Committee on War Claims.

Also, a bill (H. R. 13458) for the benefit of the Presbyterian Church at Somerset, Ky.; to the Committee on War Claims.

Also, a bill (H. R. 13459) for the benefit of the Baptist Church at Somerset, Ky.; to the Committee on War Claims.

By Mr. RICKETTS: A bill (H. R. 13460) granting an increase of pension to Joseph B. Hanawalt; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13461) granting an increase of pension to Catherine Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13462) granting an increase of pension to William R. Spears; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 13463) granting a pension to Mary M. Heath-Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13464) granting an increase of pension to Sarah Wright; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 13465) granting an increase of pension to Theodore Link; to the Committee on Pensions.

Also, a bill (H. R. 13466) granting a pension to William W. Williamson; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 13467) granting an increase of pension to Thomas M. Johnson; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 13468) authorizing the President to transfer J. A. Simpson, now on active duty, from the Medical Reserve Corps of the United States Army to the Medical Corps, with the rank of major; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 13469) granting a pension to Jerry J. Hayman; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 13470) granting a pension to Chester E. Green; to the Committee on Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 13471) granting an increase of pension to Ida C. Emerson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Resolutions of Knox County (Ohio) Pomona Grange, No. 31, and Morris Grange, No. 256, opposing Madden rider limiting weight of parcel-post packages; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Petition of First Methodist Episcopal Church, 800 people, and First United Presbyterian Church, 115 people, both of Newton, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of Woman's Christian Temperance Union and Y. P. B., 100 people, of Maspette, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Conference of Mayors and Mayors' Committees, at St. Louis, March 4, 1916, with reference to national defense; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of A. R. Lochey and other residents of Walworth, Wis., urging enactment of House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Willis M. Edwards, of Buffalo, N. Y., indorsing the President's stand for preparedness; to the Committee on Military Affairs.

Also, memorial of International Association of Machinists, of Brooklyn, indorsing House bill 11168; to the Committee on Naval Affairs.

Also, memorial of Mayors and Mayors' Committees Conference, at St. Louis, in re preparedness; to the Committee on Military Affairs.

Also, petition of Motion Picture Board of Trade of America, in re House bill 9521; to the Committee on Education.

Also, memorial of department of superintendence, National Education Association, in re vocational education; to the Committee on Education.

By Mr. DARROW: Petition of 110 citizens of Philadelphia, Pa., protesting against passage of House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Master House Painters and Decorators' Association, of Philadelphia, Pa., favoring House bill 11250, for the promotion of vocational education; to the Committee on Education.

Also, petitions of 42 citizens of Philadelphia, Pa., and Blockley Baptist Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petition of sundry citizens of St. Louis, Mo., favoring passage of House bill 10845, for Federal legislation for extension and improvement of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of St. Louis (Mo.) Dental Manufacturing Co., favoring passage of House bill 9671; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of St. Louis, Mo., favoring the passage of the Kahn amendment to the Hay bill; to the Committee on Military Affairs.

Also, petitions of officers and members of National Guard of Missouri, favoring passage of the Hay bill; to the Committee on Military Affairs.

Also, memorial of Political Equality League, of Kansas City, Mo., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of M. L. Wilkinson, of St. Louis, favoring the Kahn amendment; to the Committee on Military Affairs.

By Mr. ESCH: Memorial of Department of Superintendence, National Education Association, in re Federal aid to vocational education; to the Committee on Education.

Also, memorial of Lutheran Minnesota Conference of the Augustan Synod, favoring an embargo on munitions; to the Committee on Military Affairs.

By Mr. ELLSWORTH: Petition of Swedish Baptist Church of Worthington; Baptist Church, 100 people, of Vernon Center; and 125 young people of Lake Crystal, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Willis M. Edwards, of Buffalo, N. Y., indorsing the President's stand on preparedness; to the Committee on Military Affairs.

Also, memorial of Conference of Mayors and Mayors' Committee at St. Louis, Mo., in re preparedness; to the Committee on Military Affairs.

Also, petition of Rob. W. Hinds, of Buffalo, N. Y., in re preparedness; to the Committee on Military Affairs.

Also, memorial of Department of Superintendence, National Education Association, in re vocational education; to the Committee on Education.

Also, memorial of Farmers' Educational and Cooperative Union of America and National Grange in re legislation; to the Committee on Agriculture.

By Mr. GALLIVAN: Memorial of Department of Superintendence, National Education Association, in re vocational education; to the Committee on Education.

By Mr. GARDNER: Petition of Baptist Christian Endeavor Society of Georgetown, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Groveland, Mass., relative to duty on gasoline; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petition of sundry citizens of Enfield, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of 50 voters of Blanchard, Wash., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petitions of citizens of Manfred, Harvey, Westhope, Robinson, Bowesmont, Drayton, McClusky, Alta, Lincoln Valley, Denhoff, Bowdon, Bowbells, Crosby, Devils Lake, Heaton, Kulm, Sykeston, Wheelock, Heart, Carl, Lark, Carson, Sarles, Minot, Deering, Willa, Heaton, Upham, Hurd, Fargo, Epping, Williston, Spring Brook, White Earth, all in the State of North Dakota, protesting against the enactment of House bill 652; to the Committee on the District of Columbia.

Also, resolutions adopted by the Congregational Christian Endeavor Society and by the Woman's Christian Temperance Union of Hillsboro, N. Dak., urging the adoption of the Sheppard-Webb House joint resolution, providing for national constitutional prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petition of Woman's Christian Temperance Union of Belleville and Gypsum and members of the Methodist Episcopal Sunday School of Miltonvale, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Petition of Frederic R. Kellogg, of New York, protesting against passage of House bill 94110, requiring the numbering of motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Christian Endeavor Society of Yarmouth, Church of South Portland, Methodist congregation of Berwick, voting citizens of Berwick, and nonvoting citizens of Berwick, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULL of Tennessee: Petition of citizens of Wilson County, Tenn., favoring passage of House bill 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: Petition of merchants of Little Rock, Ark., in support of House bills 270 and 712; to the Committee on Ways and Means.

Also, petition of E. D. Cornish and others, of Vilonia, Ark., against House bills 6468 and 491, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of Iron Mountain, Mich., regarding the gasoline situation; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Memorials of Brighton Park Grange, No. 163, of Tumwater, Wash., favoring the postalization of the telephone and telegraph systems of the United States; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Clarke County, Wash., opposing House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Kelso and Clarke County, Wash., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Old Soldiers' Home, 100 people, of Orting; Methodist Episcopal Sunday School, 305 people, of Olympia; 60 people of Vancouver; 95 people of Vancouver; Woman's Christian Temperance Union, 269 people, of Vancouver; Woman's Christian Temperance Union, 17 people, of Tacoma; Woman's Christian Temperance Union, 30 people, of Cowlitz; people of Castlerock; Methodist Episcopal Church of Castlerock; School Board of Castlerock; Patrons of Husbandry, of Sunnyside, Castlerock; and 153 citizens of Orting, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 30 citizens of Shelton; Woman's Christian Temperance Union, 35 people, of Tacoma; Woman's Christian Temperance Union, 75 people, of Centralia; Woman's Christian Temperance Union, 50 people, of Centralia; 50 people of Hoquiam; Woman's Christian Temperance Union, 52 people, of Hoquiam; First Methodist Episcopal Church, 100 people, of Hoquiam; and 104 people of Hoquiam, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, memorials of Brighton Park Grange, No. 163, of Tumwater, Wash., opposing increases in the Military and Naval Establishments; to the Committee on Military Affairs.

Also, memorial of Camas Commercial Club, of Camas, Wash., supporting the Hawley bill (H. R. 10752), to establish a naval base at the mouth of the Columbia River; to the Committee on Naval Affairs.

By Mr. JOHNSON of South Dakota: Papers to accompany bill for relief of Frank Olson; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Petition of Union Grange, No. 13, Patrons of Husbandry, of North Smithfield, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Union Grange, No. 13, Patrons of Husbandry, of North Smithfield, R. I., favoring postalization of telegraph and telephone; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petition of Plains Woman's Christian Temperance Union, 41 members, Evans City; citizens of West Newton; Friday Afternoon Reading Club, 30 members, West Newton; Baptist Church, 200 members, West Newton; Woman's Christian Temperance Union, 100 members, West Newton; Madison United Baptist Church, Madison; voters of Madison; 51 citizens of Westmoreland County; voters of Bruin; 31 citizens of New Kensington; Presbyterian Sunday School of West Newton, 225 members, all of the State of Pennsylvania, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. KONOP: Petition of Wisconsin band of Pottawatomies favoring an appropriation by Congress for training said Indians in the use of money; to the Committee on Indian Affairs.

By Mr. LONDON: Petition indorsing House bill 11168, granting 30 days' leave of absence with pay to certain Government employees, from Columbus Lodge 401, International Association of Machinists, Brooklyn, N. Y.; to the Committee on Naval Affairs.

Also, petition indorsing the Keating-Owen child-labor bill, from Workmen's Circle, Branch 214, New York City; to the Committee on Labor.

By Mr. LOUD: Petition of Marine Engineers' Association, of Bay City, Mich., relative to improvement in conditions of marine mail carriers at Detroit, Mich; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of members of the Women's Christian Temperance Union, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. McCRACKEN: Petition of sundry citizens of Orofino, Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry voters of Kellogg, Idaho, favoring passage of House bill 10845, for military training in civil educational institutions; to the Committee on Military Affairs.

By Mr. McKENZIE: Petition of United Workers, Second Presbyterian Church, Freeport, Ill., favoring a national prohibition constitutional admendment; to the Committee on the Judiciary.

Also, petition of citizens of Freeport, Ill., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. MAPES: Petition of Cornelius Moll and 43 others, of Grand Rapids Mich., against passage of House bill 6488, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOORES of Indiana: Petition of citizens of Indianapolis, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Edward A. Diederich, of Cleveland, Ohio, in favor of House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

Also, petition of Grant B. Shipley, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10846; to the Committee on Military Affairs.

Also, petition of A. J. Schroth, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10846; to the Committee on Military Affairs.

Also, petition of W. H. Connell, jr., of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of Thomas Fleming, jr., of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of George P. Thomas, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of A. J. Beymer, cashier Keystone National Bank of Pittsburgh, Pa., in favor of House bill 11533; to the Committee on the Judiciary.

Also, petition of D. E. Jackman, of McKeesport, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of Frank W. Boyle, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of E. M. Herr, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of James C. Lindsay Hardware Co., of Pittsburgh, Pa., in opposition to Senate bill 3598; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Museum and School of Industrial Art, of Philadelphia, Pa., in favor of Senate joint resolution 92; to the Committee on the District of Columbia.

By Mr. MURRAY: Petitions of Christian Church of Holdeville, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of Bertha E. Frazer and 46 others, of Lancaster, Mass., against House bills 491 and 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

Also, petition of Bertha E. Frazer and 46 others, of Lancaster, Mass., against House bill 652, relative to Sunday work in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PRATT: Petition of the Pollyanna Club, of Brookton, N. Y., Margaret E. Roe, secretary, favoring the establishment of a Federal motion-picture commission; to the Committee on Education.

Also, petition of Woman's Temperance Union of Avoca, N. Y., E. Belle Merritt, secretary, favoring the establishment of a Federal motion-picture commission; to the Committee on Education.

Also, petition of sundry citizens of Avoca, N. Y., favoring the establishment of a Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Campbell, N. Y., opposing the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, petition of 110 citizens of Horseheads, N. Y., favoring the passage of the Sisson resolution providing for an amendment of our National Constitution, prohibiting all appropriations of Government money for sectarian purposes, especially such as is now provided in the Indian appropriation bill for Catholic Indian schools; to the Committee on Indian Affairs.

By Mr. RANDALL: Memorial of the Ebell Society, of Oakland, Cal., favoring an appropriation for improvement in Yosemite National Park; to the Committee on Appropriations.

Also, petition of Clarence Carr and 30 others, of Lodi, Wis., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Sarah H. Morris, of Santa Monica, Cal., and 46 others, against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of San Diego (Cal.) Society for Study and Prevention of Tuberculosis, favoring House bill 8352; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWLAND: Memorial of a mass meeting of Bellefonte, Pa., favoring adoption of an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of Pennsylvania, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Ohio: Petition of C. O. Bell and others, of Darke County, Ohio, against changing their mail routes into motor-vehicle routes; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of Louis Pavlowsky, protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Mary Annie Robbins, Delia McDowell, Annie Perrine, Tillie Soden, Estella Lewis, Etta Sutphens, Ada M. Robbins, Mary Rhodes, Ella M. Christie, Gussie Conover, Fannie Bedle, Lizzie Burtt, Lottie Davison, Kate Gibbs, Amanda Burke, and Maggie McElvaine, all of the State of New Jersey, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Board of Commissioners of the city of Asbury Park, N. J., favoring investigation of dairy conditions; to the Committee on Agriculture.

By Mr. STINESS: Petition of Messrs. Butman & Tucker and Hemersey Lemely Co., of Providence, R. I., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Centerville and 26 citizens of Westerly and Charlestown, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petitions of citizens of Padroni, Peetz, and Niwot, all in the State of Colorado protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Niwot, Padroni, and Peetz, all in the State of Colorado, protesting against passage of House bill 652; to the Committee on the District of Columbia.

Also, memorial of Wednesday Current Events Club, of Denver, Colo., Clara A. Arnold, secretary, indorsing the resolution of the California Club of San Francisco favoring the adoption of Senate joint resolution 101; to the Committee on Insular Affairs.

Also, memorial of Federated Trades Council, Colorado Springs, Colo., H. P. Thompson, secretary, favoring passage of House bill 10398, to provide for retirement of employees in the classified service; to the Committee on Reform in the Civil Service.

By Mr. TINKHAM: Memorial of department of superintendence, National Education Association, in re Federal aid to vocational education; to the Committee on Education.

Also, memorial of National Society for the Promotion of Education, in re vocational education; to the Committee on Education.

SENATE.

TUESDAY, *March 21, 1916.*

(Legislative day of Monday, March 20, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum. There are six Senators in the Chamber.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Owen	Sterling
Bankhead	Jones	Page	Sutherland
Beckham	Kenyon	Poindexter	Swanson
Chamberlain	Kern	Pomerene	Thomas
Clapp	Lane	Reed	Thompson
Gallinger	Lee, Md.	Robinson	Tillman
Gore	McCumber	Saulsbury	Townsend
Gronna	McLean	Shafroth	Underwood
Harding	Martin, Va.	Sheppard	Vardaman
Hitchcock	Martine, N. J.	Simmons	Wadsworth
Hughes	Norris	Smith, Ga.	Works
Husting	O'Gorman	Smith, Mich.	
James	Oliver	Smith, S. C.	
Johnson, Me.	Overman	Smoot	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business and is paired with the Senator from Idaho [Mr. BRADY]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

MANUFACTURE OF ARMOR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. OLIVER. Mr. President, in all the seven years since I came to the Senate I do not think that a measure has been seriously proposed, and a great measure at that, which has as little reason behind it as the present proposition that the United States Government shall enter upon the business of manufacturing armor. For nearly a quarter of a century the armor-plate manufacturers of the country have been the targets of abuse from the seats of Senators and Representatives in Congress, of demagogues upon the hustings, and almost universally from the press of the country. The charges have been made and the impression created that they have been in a systematic way taking advantage of their position to rob the Government; that their charges have been exorbitant, their methods base; that they have

sold continuously—and the word "continuously" has been repeated over and over again—to other Governments at greatly less prices than they have charged to their own country. So widespread, Mr. President, have been these charges that it is impossible that they should not have had a great effect upon public opinion.

All the armor plate produced in this country is manufactured in the great State which I have the honor in part to represent, and I will confess that until it became my duty to investigate the matter in connection with this very proposition I myself was under the impression that there must be some foundation at least for some of these charges. I simply reasoned from the old adage that where there was so much smoke there must be some fire.

The result of my investigation has been most astounding to me, and I am prepared to lay down the proposition and to stand by it, and I think I can prove it beyond cavil, that there is not one particle of proof for any of the charges, and, as I firmly believe, that there is no foundation in fact for any of them. I think I will prove that from the very beginning of this industry the United States Government has purchased its armor, all things considered, at fair and reasonable prices. At all events, I defy anyone to prove to the contrary, except upon suppositions and nothing more.

I can dismiss in a few words the charge that they have been defrauding our Government by selling to other countries at greatly lower prices. To begin with, it seems to me, Mr. President, that instead of this industry being selected as something that ought to be abolished and ruined, it should receive, if not charitable, at least fair and reasonable consideration at the hands of the Government.

There are three manufacturers of armor plate in this country. One of them came in of late years of its own accord. The other two did not want to manufacture armor. They entered the business and invested their money not only at the request but at the insistence of the Navy Department.

On this proposition, as on all others, I will rely for my argument upon recorded facts and not upon suppositious theories. In the report of the Senate Committee on Naval Affairs of this Congress, headed by the Senator from South Carolina [Mr. TILLMAN], on page 2 there occurs the following:

Secretary Whitney induced the Bethlehem Co. to enter upon the manufacture of armor, it having one of the largest iron plants in the country; and the price agreed on varied from five to six hundred dollars per ton. The Bethlehem Co. and the Cleveland Rolling Mill Co. were the only two concerns that bid at all. Whitney did not make a close or tight bargain, as he knew the company must necessarily be put to large expense, and he was willing to allow a liberal price on that account. He felt that it was desirable, if not absolutely necessary, that we should have armor manufacturers in the United States; and his successor, Mr. Tracy, felt that there should be more than one concern in the business, and he induced the Carnegie Steel Co. to enter it. There was a dispute with the Carnegie Co. about the price. Mr. Carnegie insisted he must receive the same price the Bethlehem people were getting or he would not touch it.

Then, again, in the Senate hearings Mr. Grace, the president of the Bethlehem Steel Co., testifies:

The armor-plate capacity of the country at that time—

This was after his company had entered the business—

The armor-plate capacity of the country at that time was not sufficient to meet the needs and requirements of the new naval program. We were specially requested—almost commanded—to increase, or to double, rather, our producing capacity at that time. That was in 1902.

Then, again, in the course of the same hearings—

The chairman—

The Senator from South Carolina [Mr. TILLMAN]—

The CHAIRMAN. How came the Bethlehem Co. to go into the manufacture of armor?

Mr. GRACE. In cooperation with the United States Government. The Government needed armor, and the Bethlehem Steel Co. thought it would be a profitable industry to enter. I presume that was what was in their minds.

Again, in the course of the same hearings:

Senator PENROSE. Of course, when the Bethlehem Co. went into this enterprise they were taking a risk, because there was no assurance of a Government policy?

Mr. GRACE. Other than the representations given to us by the then existing officers of the Government, and which were given us continuously up to the present administration; that they desired the industry development; that they desired to develop it with us.

Again, in the course of the same hearings Mr. Grace says:

We entered this business expecting the cooperation of the United States Government in its development; we increased our investment in the business on request from the United States Government; we have passed through more than one investigation to determine whether or not the business was being conducted on a basis fair to the Government, and I submit that in no case have these investigations shown anything but the most liberal treatment of the Government by all of the companies engaged in making armor.

In the report of the investigating committee appointed under the act of June 30, 1914, I find this in the hearings:

The CHAIRMAN. There was no place in the United States that could make armor at all—

This comes from the Senator from South Carolina, who I am sorry is not here—

The CHAIRMAN. There was no place in the United States that could make armor at all—that was equipped to make it. The Secretary of the Navy, in looking around, picked out Bethlehem as the most likely company to engage in the making of armor, and after talking it over the Secretary induced the superintendent or the manager at that time to enter upon the construction or the manufacture of armor plate, and they agreed on a price.

Again:

The CHAIRMAN. Digging down in my memory for some other ancient history, I recall very distinctly that the Carnegie Co. were induced by a subsequent Secretary, or the next Secretary of the Navy, to enter into the manufacture of armor plate, too, because the Government felt that it would be better to have two competing companies than to be subject to the exactions of one.

Mr. President, in 1905 an act of Congress directed an investigation on the part of the officers of the Navy as to the prices charged for armor plate; a board was appointed, headed by Admiral Niles, of the Navy, and that board made a thorough and searching investigation into the subject. In the report filed by that board, called the Niles report, we find the following—and this comes from Admiral Niles himself:

Despite this anticipatory preparation, and the vigor with which the work was pushed, it was not until the summer of 1891 that the Bethlehem Co. was able to forge its first armor plate, nor did it make its first delivery under the contract until the autumn of that year. In the meantime the naval building program continued to expand, and the summer of 1890 found the department confronted with a prospective early need for some 14,000 tons of armor plate and but one plant, partly prepared, to produce it. In this emergency negotiations were entered into with Carnegie, Phipps & Co. (now the Carnegie Steel Co.), looking toward the establishment of a second source of domestic armor supply. It was not until November, 1890, that Carnegie, Phipps & Co. finally consented to enter into this new field.

Further along in the Niles report the admiral said:

The establishment of the armor plant of the Carnegie Steel Co. was hesitatingly undertaken at the instigation of the Navy Department in 1890, as part of its Homestead Steel Works, then, as now, but one of a number of works embraced in this company, that is itself to-day a subsidiary company of the United States Steel Corporation. In 1902–3 the capacity of this plant was practically doubled to meet the then urgent need of the department for more rapid deliveries, but even with its present output of something over 10,000 tons per year it forms only a small part of the Homestead Steel Works, having a total yearly output of some 2,000,000 tons.

So, Mr. President, I argue from this that this industry having been created and the enormous capital invested in it having been invested at the urgency of the United States Government, and the plants being practically, to a large extent, useless for any other purpose, and the armor manufacturers having no other market for their product, it ill becomes the Government to lightly turn all these things aside and to enter, not into competition, as is charged, but into extirpation of those plants which are objects of the Government's own creation.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. OLIVER. I yield.

Mr. REED. I merely wish to get a bit of information from the Senator, who is very well posted on this question.

Mr. OLIVER. I shall be very glad to give it.

Mr. REED. Is the Carnegie Co. a branch of the United States Steel Corporation?

Mr. OLIVER. Oh, yes; that is well known.

Mr. REED. They are practically one, but have two corporate existences?

Mr. OLIVER. The Carnegie Steel Co. is one of the many subsidiaries of the United States Steel Corporation.

Mr. REED. It is the United States Steel Corporation that makes the armor plate. Is that correct, or is it the Carnegie Co.?

Mr. OLIVER. It is the Carnegie Steel Co. which does that.

Mr. REED. It is the Carnegie Steel Co., a subsidiary of the United States Steel Corporation, which makes the armor plate?

Mr. OLIVER. It is the Carnegie Steel Co. which does that. In this connection, I would say, Mr. President, that in all of these hearings neither the Carnegie Steel Co. nor the United States Steel Corporation was in any way represented. The two corporations which have been combating this measure—if I may use that term—are the Bethlehem Steel Co. and the Midvale Steel Co. Neither of these companies, the Bethlehem nor the Midvale, is as is well known by those who are familiar with the subject, in any way connected with the United States Steel Corporation, or with each other.

Mr. REED. While the Senator has been so kind as to yield to me——

Mr. OLIVER. I shall be glad to yield at any time.

Mr. REED. The Senator made a statement a few moments ago that there had been but one company engaged in the manufacture of armor plate, and that, at the solicitation of the Government, two other companies entered that business, one of them being the Midvale and the other being the Bethlehem Co.

Mr. OLIVER. The other was the Carnegie Co.

Mr. REED. Was not that company in the business at the beginning?

Mr. OLIVER. The Senator from Missouri evidently did not understand my basic statement. I will endeavor to make it more clear to him. It was not that one company was in the business and that at the request of the Government two other companies came in, but it was that no company was in the business, and that not alone at the request but at the insistence of the Government the Bethlehem Co. entered into this branch of manufacture and invested its money. Some years later the Government, feeling that it was better to have more than one supply, not only induced the Bethlehem Co. to double its plant, but after a long course of argument it induced Mr. Carnegie to allow his company also to enter upon the manufacture of armor plate. So that there is no corporation engaged in this business except the Midvale Steel Co., which entered into the business of its own accord. The Midvale Co., 15 years after the Bethlehem Co. had engaged in the manufacture of armor, entered into the business of its own accord as a competitor of the two companies already engaged in it.

Mr. REED. So it entered upon the business voluntarily?

Mr. OLIVER. It entered upon it voluntarily.

Mr. REED. And we do not owe any moral obligation to them?

Mr. OLIVER. No; I do not contend that we owe a moral obligation to them.

Mr. PENROSE. Mr. President, on that point, if the Senator will allow me to interrupt him, I think that the Government advertised for bids and that the Midvale Co. responded to the advertisement.

Mr. OLIVER. Yes, of course; but they entered the business of their own accord.

Mr. REED. What was the reason the Government desired another competitor? Was it because the Government felt that it was being charged too great prices, or was it simply because the companies which then existed were not capable of producing a sufficient amount of armor, or was it both?

Mr. OLIVER. The impression that I gain, Mr. President, from my examination of the records is that the object of the Government in inducing the Carnegie Steel Co. to enter into the manufacture was not because of the question of prices at all; it was because the then Secretary of the Navy, Mr. Tracy, saw that, with the growth of the Navy, it was better to have more than one source of supply, even if the one concern then manufacturing armor plate would expand its works. So at that time he not only induced the Bethlehem Steel Co. to double its capacity, but he also induced the Carnegie Steel Co. to engage in the manufacture of armor. I do not find—at least I do not now recollect of seeing anything up to that time, which was about 1890, in the shape of a complaint of the prices charged.

Mr. REED. I thank the Senator.

Mr. OLIVER. Mr. President, another charge that is flaunted all over the country is that the companies producing armor plate have been selling to other nations at lower prices than those at which they were furnishing armor plate to their own Government. This charge has as little foundation—I might say less foundation than the charge of extortionate prices, because what I would say about the charge that they were exacting exorbitant prices from the Government is that it certainly is not proven, while the charge that they have consistently sold to other Governments at less prices than they have sold to our own is conclusively disproven.

Mr. WORKS. Mr. President——

Mr. OLIVER. I yield to the Senator.

Mr. WORKS. Before the Senator gets too far away from the other subject, I should like to ask him a question or two. As I understood the Senator, in the beginning the Government induced the one company to enter upon the manufacture of armor plate and the price was agreed upon. How long did that condition of things exist without bids being called for?

Mr. OLIVER. Well, of course, as long as there was only one producer. As I understand, the Government has asked bids ever since there were two competitors. As soon as the Carnegie Steel Co. was able to manufacture armor, from that time forward, as I understand, the Government has asked for bids.

Mr. WORKS. Does the Senator think, from his own examination, that one of the objects of the Government in asking that somebody else should manufacture armor was in order that there might be competition?

Mr. OLIVER. I have no doubt that that was in the mind of the officials of the Government.

Mr. WORKS. At how early a time did the complaints about high prices commence to be made?

Mr. OLIVER. My recollection is that they commenced along in the early nineties.

Mr. WORKS. That was about the time when the other company was induced to enter into the manufacture of armor plate?

Mr. OLIVER. My recollection, I will say to the Senator, is that there was not much complaint of the price as long as there was only one producer. I am relying now more on my recollection than I am on an examination of the records. I have been somewhat familiar with conditions in this industry ever since it started, having lived right at the seat of the industry, and my impression is that the complaint of high prices began along in 1892 or 1893 or 1894, when the steel business was at an extremely low ebb. Out of deference to my friends on the other side of the Chamber, I will not state what I think was the cause of that condition; but when it was found that the Government was paying between $500 and $600 per ton for armor plate when steel billets were selling at $15 a ton, it naturally aroused inquiry, and it was taken for granted that such a price must be an exorbitant one, not considering the fact that the same investment and the same power that was behind the armor-plate plant that would make at that time about 3,000 tons of armor a year would make more than 300,000 tons of steel billets.

Mr. WORKS. I should like to ask the Senator how the prices which he has mentioned and which were complained of compared with the original prices agreed upon between the Government and the Bethlehem Co.?

Mr. OLIVER. I think they were about the same.

Mr. WORKS. About the same. If the Senator will pardon me a moment further, I may be anticipating what he is going to say, but this occurred to my mind——

Mr. OLIVER. If the Senator will permit me, while we are on that subject, I will state that I have a table here which will give the information, but which I did not intend to use directly in that connection.

Mr. WORKS. Very well. The Senator may pass that for the present. When did the question first arise as to whether there was really any bona fide competition between these three companies?

Mr. OLIVER. I think that has been a moot question ever since. It arose in this way: The Midvale Steel Co. began the manufacture of armor plate in the year 1904, I think. They had bid a lower price than the other two companies, about three years before that. Their bid was rejected because they had no plant. They then went to work and constructed a plant, and while that plant was under construction they put in another bid which was lower than the others, I think something about $398. At any rate, it was lower than the other two had been furnishing the armor plate for. The Government accepted their bid, gave them a part of the contract, and informed the other two manufacturers that they would have to come in at the same price.

Mr. REED. What year was that?

Mr. OLIVER. I think that was in October, 1903.

Mr. WORKS. I have gathered, from some things that have been said here—and I am asking these questions for information——

Mr. OLIVER. I realize that.

Mr. WORKS. For I have very little knowledge on the subject—it has been claimed here, as I understand, that these companies must cooperate in order to produce what the Government desires; that some part of the work is done by one, and some by another. Is that so?

Mr. OLIVER. No; that is not so. I think that in the case of the work that is now going on—I am not certain that this is exactly the case—my impression is that in the case of the large contract for the battleships now being constructed, the bid of the Carnegie Steel Co. was higher, and it received no part of the contract; but the award being greater than the capacity of the other two, that they had taken a part of it as subcontractors.

Mr. WORKS. Then it is simply a question of capacity and not the construction of one part of what is needed by one, and another part by the other?

Mr. OLIVER. Any one of these three concerns can make armor plate from the very beginning to the end.

Mr. HUGHES. Mr. President, will the Senator say right there how the combined capacity of the three plants compares with the ordinary requirements of the Government?

Mr. OLIVER. The combined capacity of the three plants is about 25,000 tons a year. The ordinary requirements of the Government have been something like one-third of that.

Mr. HUGHES. Does the Senator know how these plants dispose of the balance of their product?

Mr. OLIVER. They do not dispose of it. They do not have any balance.

Mr. HUGHES. They do not run to their full capacity, then?

Mr. OLIVER. They do not run to their full capacity. That is the reason why their cost runs up so high. I will say to the Senator that I shall allude to that further along.

Mr. HUGHES. Somebody brought out a situation here yesterday which was a little bit of a surprise to me, although I am fairly familiar with the way in which the average Government officials operate. Under that, it seems difficult to see how they could avoid a certain amount of cooperation between these competing plants. As I understood the situation, whether the bid of a given plant was high or low, the work was divided in any event.

Mr. OLIVER. I will say to the Senator that it has been the policy of the Navy Department to divide up the work between these three plants, and on that account the prices paid to them have been substantially the same.

Mr. PITTMAN and Mr. POMERENE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield, and to whom?

Mr. OLIVER. I yield to the Senator from Nevada.

Mr. PITTMAN. In 1915 the amount of tonnage was 16,256 tons. There was no one plant that could take that contract, was there?

Mr. OLIVER. No; no one plant is large enough to take that.

Mr. PITTMAN. And if one plant had bid for it and obtained the contract, it would have been necessary for it to divide it with either one of the other two, or with both of them?

Mr. OLIVER. Yes.

Mr. PITTMAN. That is the position we are now in, is it not?

Mr. OLIVER. Surely.

Mr. PITTMAN. There are 26,000 tons each year required, I believe, and there are only three plants in the United States, and the Senator says they have a combined capacity of 25,000 tons. Consequently it would make no difference which one of those plants bid; the work would have to be divided up between all of them, would it not?

Mr. OLIVER. I will state to the Senator that, although a contract for 26,000 tons is being awarded this year, it is not the expectation of the Government that 26,000 tons will be manufactured this year. The keels of the battleships for which this armor is intended are not laid yet.

Mr. PITTMAN. No; but there is no one plant that could take that order now and build it, with the present capacity of the plants?

Mr. OLIVER. Not within a year.

Mr. PITTMAN. They would have to enlarge the plants?

Mr. OLIVER. Furthermore, it is not intended that one plant shall do this work. These people were invited by the Government to go into this business. They were not only invited, but they were almost forced into it. The Government, therefore, has followed the policy of keeping all of them busy as nearly as it could, and from that policy has arisen the similarity, the almost identity, of the bids that have been received. It is universally charged that it is the result of collusion. There is no evidence whatever of collusion between them. It is simply the result of the policy that has been followed by the Government for 25 years.

Mr. PITTMAN. Mr. President, is there any object in competitive bidding between these companies when the amount of the order would have to be divided between them to be carried out in any event?

Mr. OLIVER. It has not always been so. As a rule, the requirements of the Government have not come up to more than one-third of the capacity of these three plants. Consequently there would be a great object in one of the plants bidding much lower than the others, because they could make 10,000 tons of armor a year very much cheaper than they could make 3,000 tons, and as a result of that they would bid much lower for 10,000 tons if they knew they were going to get all of it. But they knew they were not going to get all of it, as a matter of fact.

Mr. PITTMAN. Take the year 1915. What would be the incentive for competitive bidding on 16,000 tons?

Mr. OLIVER. To keep their plant busy.

Mr. PITTMAN. I understand, though, that they would have to give a part of that order to the other plants.

Mr. OLIVER. They would have to give them what they could not make, and that is just what they are doing.

Mr. PITTMAN. Then the other plants would be assured of having their part of that order?

Mr. OLIVER. Not their share. They would have as much of that order as the successful competitor might see fit to give them, which would be just exactly what he could spare and no more.

Mr. PITTMAN. Under the present order of 26,000 tons how would it be divided?

Mr. OLIVER. That is a question which the Senator ought to ask of somebody who knows more about the subject than I do.

Mr. REED and Mr. WORKS addressed the Chair.

Mr. OLIVER. I yield to the Senator from California.

Mr. WORKS. The Senator has said that it has been the policy of the Navy Department to divide up this work between the different companies. If that be so, it seems to me there would be very little advantage in competitive bids. Now, however, I understand the Senator to say, in answer to the Senator from Nevada, that the division is made by the company that is successful in the bidding. That makes quite a different case.

Mr. OLIVER. That only applies to this one large contract. The contract, as I understand, was awarded part to the Bethlehem Co. and part to the Midvale Co. One of these companies found that the part of it that was awarded to them was greater than their capacity within the time in which it would have to be delivered, and they sublet that part of the contract to the Carnegie Steel Co.

Mr. WORKS. What I should like to be assured about is whether it was the general policy of the Navy Department to make this division itself, giving a part of it to one and a part of it to another?

Mr. OLIVER. My impression is, but I am not sure, that this is the first instance in which the division has been made other than by the Navy Department.

Mr. WORKS. Of course, the companies themselves are aware of this policy of the Government. Does the Senator think that under those circumstances competitive bidding amounts to very much?

Mr. OLIVER. I am free to say that I do not think it does; and I am not here to defend the Navy Department, although I have no doubt in the world that the different Secretaries of the Navy did what was best for the country according to the best information they had. What I am here for is to defend these business men from the rank and unfounded charges that have been made against them.

Mr. WORKS. I hope the Senator will not assume that I am taking any such position as that, because I do not know anything about whether these charges are reasonable or unreasonable. I was only trying to get at the facts respecting the competitive bidding that took place.

Mr. OLIVER. The tenor of the questions asked by the Senator from California shows that he is simply after information, and nothing more, and I am very willing to give it to him as far as I have it.

Mr. REED. Mr. President, just in order to clear up a matter, the Senator has stated the policy of the Navy Department to have been to parcel out the work among the various factories, the result being that by virtue of that policy competition was partially, if not totally, killed. I desire to ask the Senator if he claims that that has been the policy of the present Secretary of the Navy?

Mr. OLIVER. It has not been. The policy of the present Secretary of the Navy has been to induce competition.

Mr. REED. Is it not true that with that policy of the present Secretary of the Navy existing these three companies came in and bid on the same day, at the same hour, the same amount to the exact cent?

Mr. OLIVER. I have no doubt it is.

Mr. REED. Then can the Senator fairly say that the lack of competitive bidding now is the result of a policy of the Navy Department; but, on the other hand, is it not perfectly manifest that it is the result of combination?

Mr. OLIVER. I see no evidence of combination in that, except what might naturally arise from the identity of the bids.

Mr. REED. But is not that sufficient?

Mr. POMERENE. Mr. President——

Mr. OLIVER. I am willing to yield to the Senators, but the Senators must yield to me the right to finish what I started to say.

Mr. REED. I beg the Senator's pardon.

Mr. OLIVER. It must be remembered that this was the result of close and careful figuring, and that they were figuring down to the lowest price at which they thought they could afford to do the work. I will say, from my examination of this record, that considering the fact that they would not have suf-

ficient work to run their plants full, I believe it was the lowest price at which they could do the work at a profit.

Mr. REED. Mr. President, if the Senator will pardon me, I will ask him if he does not know that after this remarkable display of accuracy of figuring, by which three separate concerns figured each the same amount to a penny, when the Secretary rejected these remarkably accurate bids, thereupon there was a reduction made, amounting on the contracts let to $111,000?

Mr. OLIVER. It may be.

Mr. REED. Indicating that the figures were not quite so close and accurate as they might have been?

Mr. OLIVER. It is very natural that if a man does not get a contract at one price he will try to figure his price down.

Mr. POMERENE and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. OLIVER. I yield to the Senator from Ohio.

Mr. POMERENE. Following along the lines the discussion has taken, does not the Senator think that there ought to be real competition in the manufacture of armor plate, the same as in any other supply of the Government?

Mr. OLIVER. In answer to that question, Mr. President, considering the nature of this business, premising the reply by saying that of course I am in favor of competition in all things if possible, I will say that in this business I think it would be better for the Government and better for everybody if the business could be done not on the basis of competition but on the basis of calculation as to cost and profit. Further along I shall go into that subject.

Mr. POMERENE. In each of the large countries of the world they are manufacturing armor plate. Here in this country we have, according to the statement of the Senator, three plants engaged in the manufacture of armor plate. When they come in here with their bids, the same to a penny, it does look to me as if it is almost a farce to call it competition. The sameness of these prices must result either from collusion or from combination of some kind or from sheer accident. With three different companies with a very large investment, with the difference that there must be in the manufacture, somewhat, I can not conceive how they could arrive at the same figure unless there was some sort of an understanding between them. It seems to me, further, that we must either determine that we have been mistaken when we asked for bids for Government supplies, or we have been right. If we are right, we ought to have legitimate competition, or we ought to get away from that proposition and let some one fix the prices, and do away with the mere pretense of asking for bids for this work.

Mr. OLIVER. Mr. President, in reply to the Senator from Ohio I will say that there is a great deal of sense and a great deal of force in what he says; but while this armor plate has been ostensibly let upon the basis of bids for years past, it has been really let upon the basis of consultation between the department and the manufacturers.

Mr. SMOOT. Mr. President——

Mr. OLIVER. And the proposition which I expect to prove, if I have time between now and 4 o'clock, is that the prices charged are reasonable, in opposition to the accusations that have been made that the armor-plate manufacturers are exacting an unreasonable price.

Mr. POMERENE and Mr. SMOOT addressed the Chair.

Mr. OLIVER. I think, Mr. President, I will have to yield to the Senator from Utah. I have a good deal to go through with, and there are three other speeches which are announced after mine.

Mr. SMOOT. In connection with what the Senator from Ohio stated, and also the question asked by the Senator from Missouri, I want to say that it is not at all surprising, when you consider the conditions existing, that the bids were the same; and I say that for this reason——

Mr. REED. Without consultation?

Mr. SMOOT. I will give the Senator the reason. I say it for this reason: There is not one of the plants that can manufacture the amount required for the year 1915. Each company, if it bid, would bid upon the full amount required, and if the company knew it could not make the amount required it necessarily would have to find out from the other companies whether they would furnish the amount they could not make themselves. They necessarily would have to consult their competitors to find out whether they would make it or not. We must remember that the three companies have only one customer, and that being the case, each under the conditions existing, knew what they were going to bid. It is entirely different from a case where there is competition in an article, where the manufacturer has a hundred purchasers, and where the manufacturer could make a hundred times the amount of any one purchase.

Mr. REED and Mr. POMERENE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. OLIVER. I wish to be courteous to my brother Senators.

Mr. POMERENE. The Senator could not be otherwise.

Mr. OLIVER. I will further say that when I am talking on any subject I rather invite interruptions, because they sometimes serve to stimulate me; but I have already been talking nearly an hour. We must start to vote at 4 o'clock, and, out of deference to the three other Senators who are to speak before 4 o'clock, I think I must go on. I have exhausted only one branch of my subject, and I have already spoken as long as I thought I would have to occupy the floor.

Mr. GALLINGER. Mr. President, possibly some other Senators might claim the indulgence of saying a word who have not had an opportunity as yet.

Mr. OLIVER. Now, I will hurry on to the other branches of the subject.

It is charged that these manufacturers have been selling armor plate to other countries at a lower price than they sold to the United States. With one small exception of three sample plates that were sold to Japan in 1912, no armor plate has been sold to any foreign Government, since 1895, at a lower price than was at the same time being charged to the United States Government. In 1894 and 1895 the Bethlehem Steel Co. sold to the Government of Russia 1,339 tons of armor plate at $249 per ton. They were then charging the United States Government $520 a ton for the same armor plate. That is the only instance in which that thing occurred, with the exception of one small case which I will allude to later on.

Mr. THOMPSON. Mr. President——

Mr. OLIVER. Let me finish and then I will yield to the Senator from Kansas. In the Niles report, to which I have before referred, Admiral Niles alludes to this instance in the language which I shall read, and I want to call attention to the absolute vindication that is contained in this report. Admiral Niles says in 1906:

> The board's information indicated that the manufacturers of this country are practically alone in demanding of the home Government no greater or even lesser prices for armor than those charged to foreign purchasers. Very generally abroad home prices rule higher than those to foreign customers. In 1894 the Bethlehem Iron Co. made a contract with the Russian Government for about 1,500 tons of armor at a very greatly less price than was then charged this Government. It was claimed that this contract was taken without regard to cost, for the purpose of gaining a foothold and recognition in the European market. This contention is borne out by the prices made by this company and by the Carnegie Co. in later contracts with the same Government. In every instance the prices under these later contracts have been from $100 to $150 per ton above those at that time charged this Government. In all, some 15,000 tons of armor have been supplied the Russian Government by our manufacturers. No other foreign contracts have as yet been entered into, but with the present slack demand for armor in this country, the entry of our makers into the European field may be again looked for.

Now, there was a sale in 1912 of 25 tons, being only 3 plates, to the Empire of Japan, at about $390 a ton, which was slightly below the price then charged to the United States Government. It was never followed up, it being evident that the Japanese Government thought it a safer thing to manufacture armor in its own country and not be dependent upon a foreign supply.

The hearings developed quite a lot of information with regard to these foreign contracts, but it all goes to fortify and to justify what I have said. I will not stop now to read it in detail, but I want to get a chance to do it as soon as possible.

Mr. THOMPSON. Will the Senator yield to me for a moment?

Mr. OLIVER. I yield to the Senator.

Mr. THOMPSON. I have here the hearings, and I find the answer of Secretary Daniels on page 151, with which I presume the Senator is familiar. He states there that in 1911 these armor-plate companies sold to Italy at $395 a ton while charging this Government $420 a ton. Does the Senator know anything about that?

Mr. OLIVER. That sale to Italy was reinforced by a bonus of $15,000, which brought the price to a figure slightly over that which was charged to the United States.

Mr. THOMPSON. The statement there of the Secretary is practically correct as to those contracts with foreign countries—three different contracts, one from the Bethlehem Co. to Russia, one to Italy, and one to Japan—is it not?

Mr. OLIVER. Yes; but the net price to the Italian Government was higher than the price then charged the United States. I will read Mr. Grace's answer to that. He said:

> In 1911 we sold to Italy a little over 2,000 tons at $438.85 a ton. In October of the same year we sold to Italy 780 tons at $426.50 a ton.

That was in 1911. In 1911 the Bethlehem Steel Co. was selling to the United States Government at $420 per ton, which was a lower price than they received from the Italian Government.

Mr. President, I will ask to have inserted in the RECORD a table showing the prices at which the Bethlehem Steel Co. sold to the various foreign Governments.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Foreign armor plate contracts received by Bethlehem Steel Co.

Name of Government.	Date of contract.	Tonnage of armor.	Price per ton.
Russia	Dec. 16-28, 1894	1,115	$249 per ton for nickel steel or harveyized.
Do	May 15, 1895	224	Do.
Do	Nov. 27-Dec. 9, 1895	1,137	£107 per ton—approximately $524.
Italy [1]	July, 1911	2,050	$438.85 per ton.
Do [1]	Oct., 1911	780	$426.50 per ton.
Japan [1]	May, 1912	25	£80 per ton—approximately $390. Comprising 3 plates only, to be tested with a view of securing an order if tests proved satisfactory.

[1] Foreign armor not manufactured under 8-hour law.

Mr. POMERENE. May I ask the Senator just one other question as a matter of information?

Mr. OLIVER. Surely.

Mr. POMERENE. And I will not then interrupt the Senator further. Can the Senator state to what extent these three companies have been engaged in the manufacture and sale of armor plate to other countries? Several instances have been referred to here, but, so far as I have observed, there has been nothing in the debate indicating to what extent the sales have been carried on.

Mr. OLIVER. I am sorry I can not furnish that information in regard to all the companies, as the statistics in the record refer only to the Bethlehem Steel Co. Those that I have given are of the Bethlehem Steel Co. alone. I have not been able to find the extent to which the other companies sold abroad, but my impression is, and I think I am justified in saying, that it was very meager compared to other business. It was only what manufacturers call a fill-up.

Mr. President, on the question of profit in manufacturing armor plate, it is not so much charged as it has been assumed that these manufacturers in the prices charged to the Government have been making extortionate profits. I have not the figures relating to the Midvale and the Carnegie Steel Cos., but the Bethlehem Steel Co. has submitted to the committee very full statements regarding its business with the Government ever since the beginning of the industry. I find from their statement that the Bethlehem Steel Co. has furnished to the Government in the 29 years in which it has been engaged in this business 95,072 tons of armor plate. They received for this an average of $432.62 a ton, which would give them during the 29 years of their existence as a manufacturer of armor plate an average yearly gross income from their armor plate of $1,418,993.60.

Mr. Grace, the president of that company, has testified here under oath that their investment in the armor-plate plant, not taking depreciation into consideration at all, is $7,100,000. So the average gross yearly revenue from this investment during 29 years would be $1,418,993.60, being a little less than 20 per cent on the actual investment in the plant, to say nothing of the working capital that it would take to run it.

Now, remember that this 20 per cent is gross receipts. Out of it must be paid whatever is paid for raw material, labor, supplies, interest, taxes, administration expenses, and everything that goes into the manufacture of armor plate, and whatever little is left may be called profit. It is absolutely impossible that with an investment of $7,100,000 a gross revenue of $1,418,993.60 is going to yield anything more than a reasonable profit, and I do not believe that it will yield any profit at all.

Mr. WORKS. If the Senator will pardon another interruption, is there anything to show what their operating expenses were? That should be taken out of this 20 per cent.

Mr. OLIVER. Yes, for instance——

Mr. WORKS. I mean the amount and not the particulars, so that we may determine what was the actual profit.

Mr. OLIVER. You can not determine it. I am only endeavoring to demonstrate, and it will be very plain to one who has had experience in manufacturing operations that with a total gross revenue of 20 per cent on the investment you can not make any money.

Mr. WORKS. The Senator will have to remember that he is talking to people who have not been in the manufacturing business.

Mr. OLIVER. I understand that, but suppose a man would come to the Senator, or to any other man with business sense, and lay a prospectus before him asking him to invest—I will say $7,000 instead of $7,000,000—and would say: "Here, I want you to put $7,000 into this business." "What will the business amount to?" the Senator might ask. "We will do a business of $1,400 a year." I think that would be enough, and would make the proposition ridiculous.

The question may be asked, "Must they not then have been losing money?" I do not say they have been, because, while during some years this plant lay idle, during other years they secured enough business to run it pretty full. During those years I have no doubt they made some money.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. OLIVER. I will yield first to the Senator from California, who is still on his feet.

Mr. WORKS. I hope the Senator will not think that my question was ridiculous.

Mr. OLIVER. Not at all. The Senator's question was very apt.

Mr. WORKS. I think the Senator is doing very well with what he is trying to demonstrate, but it seems to me if we can have the whole amount of money that has been expended by these people in operating and in carrying on the plant it would help me at least to decide whether they are making a profit or not.

Mr. OLIVER. There is a great deal of information of that kind contained in these hearings, and some of it I will allude to as I go along.

Mr. REED and Mr. OVERMAN addressed the Chair.

Mr. OLIVER. I yield to the Senator from Missouri.

Mr. REED. The Senator has stated the gross income of the Midvale Co.——

Mr. OLIVER. The Bethlehem Co.

Mr. REED. The Bethlehem Co. What company is it down there that has just declared 112 per cent dividend for three months?

Mr. OLIVER. I have not heard that any company has declared a dividend of 112 per cent. I believe the Bethlehem Co.'s last report did show a large profit on their war business.

Mr. REED. That is the point.

Mr. PENROSE. That was not on armor plate, but on war orders.

Mr. OLIVER. The Senator from Missouri knows very well that it was not on armor plate, and so does everyone.

Mr. REED. I thought possibly if they were doing so well one need not grow tearful over their hard situation.

Mr. MYERS. Will the Senator yield to me for just one minute for something that will not interfere with him?

Mr. OLIVER. I can not yield for other matters.

Mr. MYERS. I have a right to make this request, Mr. President.

Mr. OLIVER. If the Senator has a right to make it he can raise a question of personal privilege, but I can not allow other business to be injected into my remarks at this time, and I will not do it.

Mr. MYERS. I am not going to inject any business into the Senator's remarks. I ask the privilege of stating my business to the Chair.

Mr. PENROSE. I raise the point of order that the Senator from Pennsylvania [Mr. OLIVER] has the floor.

The VICE PRESIDENT. The Senator from Pennsylvania has the floor unless the Senator from Montana rises to a question of privilege.

Mr. MYERS. Will the Senator from Pennsylvania permit me the humble privilege of addressing himself for a second to state what I want? I crave that privilege of him.

Mr. OLIVER. Mr. President, I must yield to a request like that.

Mr. MYERS. I am now addressing the Senator from Pennsylvania and not the Chair. I will state to the Senator from Pennsylvania that there having been a recess taken yesterday, and this being the same legislative day as yesterday, and knowing that it must be done sooner or later, some time during the day, I would now like to ask unanimous consent that the unfinished business of the Senate, which is the power bill, be temporarily laid aside.

Mr. OLIVER. I yield to the Senator for that purpose.

Mr. MYERS. Mr. President, having the floor with the permission of the Senator from Pennsylvania to make that request I now make the request.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. It is against the rules, Mr. President, even to do that.

Mr. PENROSE. I object, Mr. President, to any further interruption.

Mr. OLIVER. I myself ask unanimous consent that as of the beginning of to-day's business the armor-plate bill be laid before the Senate.

Mr. MYERS. Is my request first granted, Mr. President?

Mr. OLIVER. I insist on going on, Mr. President.

Mr. Grace, president of the Bethlehem Steel Co., has submitted some figures showing what that company might have made out of the same money invested in other branches of the iron and steel business rather than in armor plate. I ask leave to have his statement printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

Comparison of armor-plate business and a standard steel manufacturing business.

The $7,100,000 invested by Bethlehem Steel Co. in its armor-plate plant and appurtenances would be sufficient for the building of a rolling mill with an annual capacity of ——— tons	400,000
During the 29 years the armor-plate plant has been in operation this mill would have produced ——— tons	11,600,000
Where the armor-plate plant produced ——— tons	95,072
The product of the mill would sell at about $35 per ton, on which a moderate profit would be 10 per cent, or $3.50, per ton.	
The mill would, therefore, earn per year ———	$1,400,000.00
The average total selling price of armor produced in a year was only 3,280 tons, at $432.62 ———	1,418,993.60

So the armor plate would have had to cost absolutely nothing to manufacture to produce the same profit as an equivalent investment in an ordinary rolling mill.

Mr. GRACE. The first exhibit (see Exhibit "A," p. 7) we place before you is a record of the armor-plate business which the Bethlehem Steel Co. has enjoyed from the United States Government, showing the year, the price, and the amount of tonnage contracted for.

You will note that for a period of 29 years, from 1887 to 1915, inclusive, our company has manufactured 95,000 tons of armor plate, or an average of 3,280 tons per year. During that period we have enjoyed prices ranging from $346 a ton to $520 a ton. The average deducted from these figures gives us an average selling price of $432 a ton. To-day's selling price is $425 a ton.

Mr. OLIVER. I now ask to have inserted in the RECORD the report of the Tillman Board as to the cost of the proposed armor plant, showing that an armor plant with a productive capacity of 10,000 tons per annum could be built for $6,635,107, and that an armor plant with a capacity of 20,000 tons per annum could be built for $10,331,906.

The VICE PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows:

Summary of cost of armor plant.

	10,000-ton capacity.	20,000-ton capacity.
Site, grading and clearing, fence	$28,000	$34,000
Office	53,750	74,000
Physical and chemical laboratory	46,875	71,062
Miscellaneous shops and buildings	169,397	247,636
Locomotive house and rolling stock	124,200	169,300
Boiler plant	285,000	457,000
Hydraulic system	35,500	55,000
Electric power house and transmission lines	216,600	351,525
Gas producer house	246,650	442,250
Coal storage and crushing plant	34,800	47,200
Open-hearth plant	682,950	1,057,800
Forging and bending shop	1,777,800	2,728,500
Cementing and tempering shop	1,105,800	1,912,500
Machine shop	1,224,594	1,744,869
Total	6,031,916	9,392,642
10 per cent incidentals, engineering expenses, unforeseen contingencies	603,191	939,264
Grand total	6,635,107	10,331,906

Mr. OLIVER. Mr. President, so far as the cost of the proposed Government armor plant is concerned, and assuming that the figures were correct at the time they were made, I am willing just now to essay the rôle of a prophet, and I ask some of my friends in the Senate who will be here at the time of the completion of this proposed plant—if it is ever completed—to call my prophecy to the attention of the Senate in my absence. A plant for producing 10,000 tons of armor plate per annum could not now be built for the amount stated in the Tillman board report, and a plant producing 20,000 tons will never be completed at an expense of less than $20,000,000.

Mr. President, that report was drawn up more than a year ago. I want to give you a few concrete facts as showing the difference between conditions now and then. About the middle of last July the city of Pittsburgh and the county of Allegheny awarded a contract for the steel for a large new building which they are now constructing, and of which the corner stone was laid last Saturday. The steel for that building was purchased last July at $33.80 a ton—fabricated structural steel.

In December last I had occasion to take bids for a building which I am proposing to erect, and I had to pay $45.60 a ton for the same character of steel. I was in the city of Pittsburgh last week, and I made some inquiries in regard to the matter, and I ascertained that such steel can not now be obtained for $60 a ton. So figures obtained over a year ago with regard to this proposed armor plant are to-day absolutely worthless as showing what it will cost.

It is little less than criminal to propose to the people of the United States to enter upon this enterprise facing an acknowledged expenditure of $11,000,000 and a probable one of double that sum. I say, therefore, that the present time is not propitious—if any time should be—for entering upon an enterprise of this magnitude.

Now, as to the cost of making armor. Mr. President, I ask to insert in the RECORD Exhibit C, which is contained in the report of the hearings, and I will say a few words in explanation.

The Tillman board reported as the cost in an armor-plate plant with a capacity of 20,000 tons per annum, running at full capacity, that the cost of operation, the manufacturing cost, would be $262.79 per ton. Following that up, and taking the figures of the Niles board as to what ought to be estimated as additional charges for a plant that would run only two-thirds of capacity and a plant that would run at one-third of capacity, Admiral Niles estimated that if a plant were to be run at two-thirds of its capacity there should be $26.28 per ton added, and if it were to be run at only one-third capacity there should be $79.60 added. So the total manufacturing cost with the plant running at full capacity would be $262.79; running at one-third of capacity it would be $342.39; and running at two-thirds capacity it would be $289.07.

That is the manufacturing cost alone. To that must be added taxes, insurance, administrative expenses, interest on working capital, and all the other charges that a private operator would have to pay. It is contended the Government would not have to pay these other charges; but, Mr. President, somebody must pay them. If the Government locates its armor plant in the city of Pittsburgh and occupies 20 acres of ground, it immediately takes that 20 acres of ground and places it outside the pale of local taxation, and I, as a property holder in Pittsburgh, must pay my share of the additional taxes which will be imposed on that account; and, of course, every resident, whether a property owner or not, must pay, either directly or indirectly, some part of these additional taxes. It is idle to say that simply because the Government does not insure its buildings insurance should not be added as a part of the cost to the Government. If the Government is not to be charged with administration expenses, for what are they keeping up all the administrative buildings and all the immense machinery of administration which is necessary to carry on this great enterprise, the center of which is in Washington? I ask to have inserted now, Mr. President, the extract from the report to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

EXHIBIT C.

COST OF PRODUCING ARMOR PLATE UNDER VARIOUS CONDITIONS.

The production cost of armor with shop operating at full capacity has been determined as follows:

Report of Niles Board, House Document No. 193, Fifty-ninth Congress, second session, $244.27 per ton.

Report of Tillman Board, House Document No. 1620, Sixty-third Congress, third session, $262.79 per ton.

(The later report reflects advances in cost of labor and material and is quite consistent with the earlier report considering the differences in the dates at which they were made.)

With plant operating at less than full capacity the Niles Board found that the cost would be increased as follows:

Plant operating at half capacity, cost would be increased 20 per cent.

Plant operating at one-third capacity, cost would be increased 30 per cent.

These reports give merc shop cost and do not contain many items that enter into the actual total cost, such as administrative and general expense, insurance and taxes, interest on plant investment and working capital, etc., and in the following tabulation is shown the effect of the addition of some of these very real and important items. The depreciation of the plant, although a real addition to cost, is not included below, as it is shown that prices actually received by the manufacturers have not been sufficient to allow anything for this purpose.

1	2	3	4
	Cost per ton with plant provided with sufficient contract tonnage to operate at full capacity (10,000 tons). (This is a condition that has never been maintained.)	Cost per ton with plant provided with only sufficient tonnage to operate at one-third capacity. (This approximately represents actual average conditions that have obtained.)	Cost per ton with plant provided with sufficient tonnage to operate at two-thirds capacity. (This condition might obtain as a result of the proposed 5-year program.)
Production cost, plant operating at full capacity (Tillman report)	$262.79	$262.79	$262.79
Add for plant operating one-third capacity, 30 per cent (Niles report)	.....	79.60	.....
Add for plant operating two-thirds capacity, 10 per cent (taken proportionately from Niles report figures)	.....	.....	26.28
Total production cost	262.79	342.39	289.07
Administrative and general expense ($100,000 per year)	10.00	30.00	15.00
Taxes and insurance ($45,000 per year)	4.50	13.50	6.75
Interest at only 5 per cent on $7,100,000 plant ($355,000 per year)	35.50	106.50	53.25
Interest at only 5 per cent on $500,000 working capital ($25,000 per year)	2.50	7.50	3.75
Total	315.29	499.89	367.82

If the contracts awarded in the future should be in the same average quantities as in the past (namely, 3,280 tons per year, or about one-third our plant capacity) the present price of $425 per ton would provide as follows:

		Per ton.
Contract price		$425.00
Less—		
Production cost (column No. 3)	$342.39	
Administrative and general (column No. 3)	30.00	
Taxes and insurance (column No. 3)	13.50	
		385.89
Leaving for interest on investment		39.11

With contracts for 3,280 tons, this would provide only $128,280.80 per year, or less than 1¾ per cent on the investment, without any provision whatever for repayment of the capital invested in the plant when it may have to be abandoned, owing to the building of a Government plant or some radical change in the method of manufacture.

Mr. OLIVER. In the Niles report some very pertinent statements are made with regard to the cost of armor. For instance, I quote the following:

The board again invites attention that the full cost of armor herein estimated includes only such actual charges against armor making as must be considered by any private manufacturer in fixing a selling price that will provide for interest on any bonded indebtedness and a fair profit for the whole money invested.

The board desires also to emphasize the fact that its estimates herein have been made on an assumption of an output about equal to the full capacity of the supposed producing plant—the most economical condition of production.

The costs per ton of armor making in any plant vary markedly with the percentage of its capacity that is produced, increasing rapidly as that percentage is decreased. Many of the charges entering into the cost of armor plate remain practically fixed, whatever the relation of output to capacity.

In the manufacture of so special a product much of the labor employed is specially trained, and this labor must, to a large degree, be kept intact under whatever conditions the plant may be running.

In an armor plant that is an adjunct to other works profitable employment for a certain part of this labor may be found, but provision for only a small percentage can thus be made.

The equipment installed can be employed on other work only to a very limited degree, and in no step of manufacture does the amount of labor employed decrease proportionately with the decrease of output. Only in the preparation of molds, transportation, and machining does even an approximation to such a proportionate decrease occur. In all other steps the labor employed can not be greatly decreased, however the output may be reduced. Nor do the materials consumed, excepting those actually entering the plate, decrease proportionately with the amount of armor made. Neither does a decrease of output proportionately decrease the amount of working capital needed or the allowance for maintenance of plant that must be made.

As an illustration of the uncertainties involved in armor making, and of the effect on the cost of it of a deficiency in the amount demanded, the latest contracts with the Bethlehem and Carnegie Steel companies may be quoted. Prior to 1902, the combined full yearly capacities of these two plants was rather less than 10,000 tons. During that year an urgent but temporary demand for armor delivery made it necessary that both plants be greatly extended, and their combined capacities was then increased to, and now is, something over 20,000 tons.

The total award of armor under the latest contracts with these companies is approximately 3,600 tons, and this represents the entire Government armor work these companies will have in hand during the next calendar year. The expenses of the plants during this year must, in consequence, be distributed over an amount of armor that is no more than a normal two-months' output of these two plants, and its cost to each per ton must therefore be out of all proportion to what it would be were these plants working continuously at full capacity.

Thus, in the discussion of the cost of armor-plate production from a given plant, it is most important that due consideration be given to this question of economy of manufacture, as determined by the percentage of its full capacity that the current demand for armor permits it to produce. This board believes that when a demanded output is but one-half the economical capacity of a plant the cost of production will be increased 20 per cent. Should the demand require but one-third the capacity, the increase in cost will be not far from 30 per cent.

Because of the fluctuation of this factor in the cost of armor making, as well as the great variations in the price of the materials entering therein, no estimate of cost may be considered as accurately representative of future conditions.

There are tabulated below the various estimates of the cost of armor-plate production that have been before the board in its consideration of this subject, together with its own estimates. That a proper comparison of these various estimates may be had each has been modified to show the production and full costs as designated by this board. To arrive at these costs each estimate has been analyzed and all items of labor and material selected therefrom, and in the earlier estimates the costs of these items have been revised to bring them into approximate accord with present-day prices. To the totals of the cost of labor and material in each case there has been added the same percentages of working capital and cost of plant as were used in the board's own estimates. The cost of plant taken in each case is that estimated at the time. The working capitals assumed have been made to accord with that used by the board, giving proper consideration to the variation in assumed outputs.

In comparing these estimates it should be borne in mind that although those of 1896 concern only the less-costly class B, while those of 1906 refer to class A armor, the smaller outputs assumed in the earlier estimates greatly increases the fixed charges per ton that must be added to the material and labor items to obtain the production and full costs.

Year.	Estimator.	Cost.	
		Production.	Full.
1896	Lieut. Commander Rodgers	$297.54	$391.84
	Ensign McVay	243.73	337.29
	Rohrer Board	223.43	324.33
	Secretary of the Navy	224.41	324.41
	Average	247.28	344.48
1906	Commander Rohrbacher	193.08	223.16
	Commander Dieffenbach	241.76	277.73
	Lieut. Galbraith	242.33	298.77
	This board	244.27	295.89
	Average	230.36	273.89
	General average	238.82	309.18
	This board	244.27	295.89

Respectfully submitted.

KOSSUTH NILES,
Captain, U. S. Navy, Senior Member of Board.
WALTER MCLEAN,
Commander, U. S. Navy, Member.
EDWARD SIMPSON,
Lieutenant Commander, U. S. Navy, Member.

THE SECRETARY OF THE NAVY,
Navy Department.

On this question of the cost of making armor I ask to have inserted a colloquy between Mr. PADGETT, chairman of the Committee on Naval Affairs of the House of Representatives, and Mr. Barba, of the Midvale Steel Co. It is somewhat lengthy, and I will not now take the time of the Senate to read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. PADGETT. May I ask you a question? If you could take a contract in 1903 at $398 base price on the basis of 5,000 tons, I will ask you to state if the different companies could not afford to take a contract for 16,000 tons (the Bethlehem Co. has 16,000 tons), at less than $425 per ton at the present time.

Mr. BARBA. Mr. Padgett, the answer to your question is a very simple one. The character of armor manufactured in 1903 in no way compares with the character of armor manufactured now, either in size, weight, or bulk of the individual pieces, the ballistic requirements, the character of projectiles used in testing armor, or even the cost of raw material and wages, both of which have very materially increased in the 10 years that have elapsed in that period, and wages in particular have increased approximately 50 per cent through the necessity of manufacturing armor on the eight-hour law. You know most of our processes in manufacturing require operations both day and night. We therefore have divided our gangs into three shifts of 8 hours each, and we have found it absolutely necessary to pay for 8 hours' work exactly what we formerly paid for 10 hours' work, so that the company gets absolutely no increase of production from most of these processes and is obliged to pay a very much larger sum in wages. At the same time the rate of wages has materially increased during the 10 years that have elapsed. The character of the armor is very different, as your own technical men will affirm. The requirements are more severe. The difficulties of manufacture have been multiplied. I will not say that the percentage of rejections has increased, because I believe that the capacity of the makers to manufacture this newer type of armor has also advanced.

The CHAIRMAN. You mean their skill and knowledge?

Mr. BARBA. Their skill and knowledge have advanced. I think it would be quite an interesting study to look up the relative percentages of failing plates in 1903 and 1913. Possibly Mr. Bloch knows offhand

what this amounts to. I must say I do not, but I am going to look it up through plain interest in the subject. So that, with the advancing requirements for the production of armor and the increasing difficulties, I believe that the price of armor to-day is too low as compared with the present-day cost of manufacture. As an illustration of that I do not mind telling you, Senator, this much from our books. We should really consider the manufacture of modern armor as represented only by the *Pennsylvania* armor or the *Arizona* armor because the specifications took a wide advance about that time. The cost of producing the *Arizona* armor is approximately $20 per ton more than the cost of producing the *Pennsylvania* armor at this plant. [Further answer to question:] For the *Mississippi* and *Idaho*, which was our initial contract, there were 11 ballistic tests and no failures. These being the first groups of armor ever submitted by this company. In the most recently completed contracts, namely, the *Arizona* and *Pennsylvania*, there were four groups of armor, each requiring ordinarily four test plates for the acceptance of the four groups; to pass these four groups it was necessary to present eight plates, four of which failed on ballistic test, requiring substitution or further test plates to the number of an additional four plates, with the consequent loss to the manufacturer. Thus, the increased severity of specifications and difficulty of meeting them resulted in reducing the effective price per ton received by us by the amount of $33 per ton on the contracts of 5,737 tons—$190,000 for the *Arizona* and *Pennsylvania*.

Mr. OLIVER. Mr. President, I had expected to go into some detail on the question of the agreement of manufacturers as to the price, but that subject has been pretty well ventilated in the colloquies which have taken place between my fellow Senators and myself, and I will leave that question for the present. I ask, however, to insert as a part of my remarks a statement of Mr. Barba giving a history of the different bids which were made from the time the Midvale Steel Co. entered the business.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

THE ARMOR CONTRACTS OF THE MIDVALE STEEL CO. AND DATA RELATING TO ARMOR.

The Midvale Steel Co., of Philadelphia, made its initial bid for an armor contract on August 10, 1900. (See Appendix A for data regarding company.) (Note by committee: The committee is informed that on this date the Midvale Co. had no armor plant.)

The United States Navy Department opened on that date bids for about 36,000 tons of armor. Midvale bid, net (no royalties demanded), $438 per ton; the Carnegie and Bethlehem Steel companies bid, net (including royalties), $490 for class "A" armor. Midvale received no award. (See Appendix B for details.)

In October, 1903, Midvale was a second time the lowest bidder ($398 per ton, net, was bid on class A, as against $453.60, net, by Carnegie and Bethlehem) on about 16,000 tons of armor. Midvale received a little over one-third of the order. (See Appendix C for details.)

In January, 1905, Midvale was a third time the lowest, bidding $398 net for class A, against the Carnegie and Bethlehem bids of $453.60, net. A contingent order for 1,000 tons out of 8,000 tons was all Midvale received. (See Appendix D.)

In July, 1906, Midvale was a fourth time the lowest bidder, and received 3,660 tons out of 7,319 tons. Midvale bid for class A armor $346, and Carnegie and Bethlehem $381 per ton. (See Appendix E.)

In the summer of 1907 Midvale was a fifth time the lowest, bidding $410 per ton, as against the Carnegie and Bethlehem bids of $420 for class A armor. (See Appendix F, containing important Government letter and details.)

To restrain the Midvale Co. from proceeding with its manufacture of armor, in 1907 three suits were brought against it in the name of Fred. Krupp, Aktien-Gesellschaft. Although these suits were bitterly fought, they were lost in every court; the Supreme Court of the United States also deciding in favor of the Midvale Steel Co. (See Appendix G.)

On November 9, 1908, Midvale was a sixth time the lowest bidder on the total amount of armor of all classes for the *Utah* and *Florida*. Midvale was awarded one-third of the tonnage required. (See Appendix H.)

On August 18, 1909, bids for the armor for the *Arkansas* and *Wyoming* were opened. Midvale was slightly lower on the total of all classes. (See Appendix I.)

On October 7, 1910, the armor makers were invited to a conference by the Government on account of the increasing difficulties and expense in the manufacture of armor. (Appendix J.)

On December 1, 1910, the bids for the armor for the *Texas* and *New York* were opened. Each manufacturer received practically one-third of the order for the *Texas* armor. (See Appendix K.)

On November 16, 1911, the Government invited the armor makers to a conference in reference to the armor for the *Oklahoma* and *Nevada*.

On January 4, 1912, bids were opened for the *Oklahoma* and *Nevada* armor. The amount was divided into thirds as nearly as possible. (See Appendix L.)

On December 18, 1912, the Government invited the armor makers to a conference in reference to the armor for the *Pennsylvania*.

Bids for the *Pennsylvania* armor were opened February 18, 1913. Midvale made the best bid on every class of armor and received one-third of the total. (See Appendix M.)

Mr. OLIVER. Mr. President, on the question of the time which will be consumed in the construction of the proposed armor plant I am willing to say from my experience and observation of such matters that if the Government ever gets a plant like this into successful operation it will take a period of very little less than five years. It will not only be impossible in the present congested condition of our industries to have the work hurried to any great extent but, in addition to that, excessive prices will have to be paid for materials and labor. It must also be remembered, Mr. President, that at the beginning of operations in any new plant there is always a period of trial—and a very sore trial it is to those having charge of such operations, as I can testify from actual experience. When the Government first begins to make armor plate at the proposed Government plant it will be found that most of the product, or much of it, will have to be scrapped, and they will have all sorts of trouble. I gave them a year to get over that, and a year is really a very short time, in my opinion.

I wish to read now a part of the hearings with regard to this point. On page 138 of the hearings the Senator from West Virginia [Mr. CHILTON] asked Admiral Strauss this question:

Senator CHILTON. Have you made any estimate or investigation to enlighten the committee as to how soon with this expenditure we could begin the production of armor?

Admiral STRAUSS. We estimated we would have the plant completed in three years from the time that we were authorized to construct it. That estimate was made about a year ago, and undoubtedly now the time would have to be increased and the cost would have to be increased if the present prices and demand for all these materials remains as at present.

Subsequently the chairman, the Senator from South Carolina [Mr. TILLMAN] said:

The CHAIRMAN. Along that line I want to say, for the information Docks, a man recently appointed, Mr. Harris, who is considered one of the most accomplished civil engineers in the Navy, has, at my request, made a reconnoissance, as much as they would allow him to make, both at Bethlehem and at Midvale, and his report to me, through the Secretary of the Navy, is that if the red tape in the Navy Department is cut and he is authorized to construct this armor factory he believes he can complete it in a year and a half, depending, of course, on the possibility of getting the machinery. [Laughter.]

Now, I leave the question of time as a matter for controversy between Admiral Strauss, with the experience he has had, and this Mr. Harris, whom I do not know.

With regard to the success of the United States in running an armor-plate plant, in the Senate hearings Senator PENROSE asked this question:

Senator PENROSE. Mr. Grace, if the Government went into this business, and the private concerns abandoned the work, is it likely that the Government could obtain the trained people, like yourself, who have started from the earliest beginning in armors, and would there be any assurance that the art would develop like it does in private hands? Do you think it would develop in the hands of the Government?

Mr. GRACE. It is my thorough belief that any process in the hands of one person does not get the competitive features essential to the development of the quality of that process that does exist when it is in the hands of more than one party.

Here I will say, Mr. President, that, while the Secretary of the Navy appears to rely upon competition in prices as the great factor that should be considered by the Government, there is the point of competition in manufacture, which, to my mind, is even more important than competition in prices; because where one man or one combination of men have entire control of any branch of manufacture there will not be the amount of research work, there will not be the close attention to detail, there will not be the careful consideration of new methods that there will be if one manufacturer knows that he has to keep pace with his competitor in another city, who is daily making use of all the scientific information of the age in the development of his business.

I resume:

Senator PENROSE. But could the Government get the trained ironmasters—metallurgists—to participate in this work for the salaries the Government pays?

Mr. GRACE. I should not imagine so, judging from the salaries paid throughout the service, if that is what you mean?

Then Mr. Grace further says:

Mr. GRACE. I can not imagine that they have in their organization to-day sufficiently trained steel metallurgical experts to make armor, and, bear in mind, that every armor-plate plant in existence in this country is combined with a large steel manufacturing plant, which brings that armor-plate industry immediately in possession of all knowledge—metallurgical knowledge and otherwise—in the art of making all grades of steel.

* * * * * * *

And it occurred to me along the line that if this industry was controlled absolutely by the United States Government you would have the purchaser inspecting its own products and accepting it for use. I can not quite conceive that they would be as rigid with themselves in making condemnations as they are with the private manufacturer.

I think if you will refer and ascertain about some other processes and the manufacture of some other commodities for the Government you will find that it has transpired where specifications have been practically ignored.

* * * * * * *

Senator SWANSON. I would like to ask you another question, Mr. Grace, if it will not embarrass you: Do you think, from your experience with the men in the Navy who are supervising this work, that they are sufficiently equipped to run an armor-plate factory?

Mr. GRACE. Not by any means; I certainly do not.

* * * * * * *

The CHAIRMAN. Mr. Grace, if the Government should unfortunately, from your point of view, decide that it will go into the manufacture of its own armor and establish a plant, do you think it might be possible that the Steel Trust has already acquired and tied up all the raw material—I mean the ore, and everything else, such as limestone; what do you say as to that?

Mr. GRACE. I believe the Government would be able to obtain the necessary raw materials to make armor with.

Mr. President, the Senator from South Carolina [Mr. TILLMAN] is on record as saying that he knows more about the

armor-plate business than any man in the Senate, or, I believe, he said any man on the committee. If he knows that, he certainly knows that this armor-plate factory as projected has nothing whatever to do with ore, has nothing whatever to do with limestone. The ore and the limestone are used in the manufacture of pig iron. The first step in the manufacturing of armor plate is the melting of pig iron into open-hearth steel, and the open-hearth furnace is therefore the first step; and the raw material which the Government would have to purchase would be pig iron, which is manufactured by so many concerns, controlled by no trust, that the market is open to all the world. I am rather astonished that the Senator from South Carolina did not manifest as wide a scope of information in that respect as he seems to think he is possessed of.

Mr. PENROSE. Mr. President——

Mr. OLIVER. I yield to my colleague.

Mr. PENROSE. Perhaps my colleague is a little hard on the Senator from South Carolina, because he doubtless contemplates having the Government go into the manufacture of pig iron in the course of time.

Mr. TILLMAN. Mr. President——

Mr. OLIVER. I yield to the Senator from South Carolina.

Mr. TILLMAN. The Senator from Pennsylvania knows that I know nothing about the manufacture of armor plate except what I have seen. I have been to the armor factories two or three times. When I went to the Bethlehem plant I noticed that they were making their own pig iron, then taking the pig and carrying it to another furnace and mixing it with nickel and chromium and all that—chromium was not then used, but it has since been used—to make ingots, and those ingots were then carried to a large furnace and heated, and all that sort of thing. I do not claim to be an expert in the manufacture of armor. I thought limestone was necessary as a flux; that is all.

Mr. OLIVER. Mr. President, I perhaps should not have made the remark that I did about the Senator; but the reason why I referred to it was because the table which is submitted by the committee of which the Senator is chairman, and which I have had printed as a part of my remarks, in estimating the cost of the proposed plant begins with the open-hearth furnace, and says nothing whatever about the manufacture of pig iron.

Mr. TILLMAN. But pig you have to have.

Mr. OLIVER. Pig you must have; but I will say to the Senator that if he proposes to make pig iron he will have to double this $11,000,000, because he will have to put up blast furnaces, which will involve an expenditure, I will say, of at least three or four million dollars more.

Mr. TILLMAN. We do not propose to manufacture pig iron.

Mr. OLIVER. The Senator's own table mentions nothing whatever about manufacturing pig iron. It commences with the manufacture of open-hearth steel.

Mr. BRANDEGEE. Mr. President——

Mr. OLIVER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Do these armor-plate manufacturing plants control their own sources of iron ore or coal or raw material?

Mr. OLIVER. Of course, as everybody understands, the Carnegie Steel Co., which is a part of the United States Steel Corporation, has its own sources of supply in everything. The Bethlehem Steel Co. is largely in the same position, except, I think, that it purchases its coal. I am not sufficiently familiar with the Midvale Steel Co. to know, but all of these different companies manufacture their own pig iron. I should say, however, that I know from the table submitted that it is not contemplated by the board that this new enterprise of the Government shall extend back as far as pig iron. It is to begin with the melting of pig iron and the manufacture of open-hearth steel.

Mr. BRANDEGEE. Does the Senator know whether this bill, which appropriates $11,000,000, I believe——

Mr. OLIVER. Eleven million dollars, to begin on.

Mr. BRANDEGEE. Does that contemplate the completed plant or is that simply the first installment of the cost of it?

Mr. OLIVER. It contemplates the completed plant, because the figures which I have submitted show that they expect to complete the plant for $10,331,906. I will say, in the nature of a prophecy, that they will never complete a 20,000-ton plant for less than $20,000,000.

Mr. BRANDEGEE. The reason why I asked the question was because I had heard somewhere—I did not know whether there was any truth to it or not—that an armor-plate plant to produce 20,000 tons of armor plate per annum could not possibly be built for anything like $11,000,000; that it would cost more than double that.

Mr. OLIVER. It would be only a starter.

Further along in the hearings—and I shall not occupy very much more time—Mr. Barba, vice president of the Midvale Steel Co., says:

To show how much waste there is in this plate, this parallelogram in this photograph (see Exhibit J) represents the plate with which we start, and the inscribed line represents the plate that we ship, being only about 55 per cent of the plate that we present. The rest of it, even after all the prescribed scrap discards are made, the sinkhead 30 per cent, etc., must be sent back to the furnace and remelted. And to-day, after having melted no armor since September 28, we have practically 11,000 tons of this scrap piled up in our works, with which we can do nothing except wait for another armor contract, or sell it in the form of bar steel to the automobile trade, with which we really do have a large business. We are melting up this scrap as fast as we can and sending it out into the country as remade steel, using it in the place of new raw materials.

That, I submit, is a feature of the business which the Government is not in a position to undertake. They can not go into the bar-steel business after they have acquired this accumulation of scrap as a residuum from the material they manufacture.

Admiral Strauss's report last year showed that the average shipment of finished plate to the shipping points is from 30 to 33 per cent of the ingot weight that is produced. The other 66 per cent must be remelted and used in other forms.

* * * * * * *

Then, at the hearings before the investigating committee which reported to the Sixty-third Congress, the following colloquy occurred:

Admiral STRAUSS. Why is it that the French have failed to manufacture armor in their own shop? Why could not they succeed in manufacturing armor if they choose to do so?

Mr. BARBA. You can not get, either in France, whose political system rather nearly approaches ours, or in this country, can you get a staff or personnel to enter into the manufacture of a business like this and succeed with it under conditions such as this Government imposes upon its employees. You take the staff of the Midvale Steel Co., the men who are in charge of it and have been managing the affairs of the company; they started here as boys and have grown up with a sure tenure of office, depending upon good behavior and efficiency and ability and straight living; and we have all succeeded in drawing larger salaries than the Government pays almost any of its employees.

Mr. President, I send to the desk and ask to have read a newspaper report of a part of the annual report of the president of the Bethlehem Steel Co., made to its stockholders at the annual meeting on Saturday last, in which he refers to this controversy and states what that company is willing to do.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The armor-plate proposition to the Government is announced by Messrs. Schwab and Grace in the following:

"Bethlehem Steel Co. has practically completed deliveries to the Government on all pending armor contracts. Contracts for the current year have not been awarded.

"Your attention is called to the fact that a bill is pending in Congress, and has, with the support of the Secretary of the Navy, been recommended for passage by the Senate Committee on Naval Affairs, providing for the building by the Government, at an expense of $11,000,000, of an armor-plate plant, with a capacity of 20,000 tons a year.

"This capacity provides for more than double what have been the average actual requirements of the United States for armor over the past 20 years, and if such a bill is passed the value of existing armor plants in this country will be virtually destroyed. Bethlehem Steel Co. has more than $7,000,000 now invested in its plant, devoted to this use, and useless for any other purpose.

"OFFER TO GOVERNMENT.

"Your officers have appeared before the Senate Committee on Naval Affairs and urged the defeat of the pending measure. As it is frankly declared that the sole purpose of the proposed enterprise is that the Government may secure its armor at a lower price, your officers have submitted the following proposition to the Federal Government:

"We will agree to permit any well-known firm of chartered public accountants to inventory our plant and make careful estimates of the cost of manufacture. With that data in hand we will meet with the Secretary of the Navy and agree to manufacture armor at a price which will be entirely satisfactory to the Secretary of the Navy as being quite as low as the price at which the Government could possibly manufacture armor on its own account, after taking into account all proper charges. As a concrete working basis for such negotiations Bethlehem Steel Co. has offered to manufacture one-third of the armor plate required for the contemplated five-year naval program (estimated at approximately 120,000 tons) for a price of $395 per ton for side armor, as compared with the price of $425 per ton now obtaining.

"LOWER PRICES THAN EUROPE.

"It may be added that while all other steel prices have greatly increased the foregoing figure at which we now offer to make armor for the United States is not only a lower price than has been paid by the Government for more than 10 years, but it is also a substantially lower price than is paid for armor by Japan, Austria, Germany, France, or England.

"Altogether aside from the financial interests of your corporation, we, as citizens, and in the light of our experience, should regard it as extremely unfortunate if the United States should enter upon a policy which should prevent there being placed continuously at its disposal in this important detail of national defense the experience, the enterprise, and the initiative of the steel manufacturing industry of the country.

"Assuming that manufacturers are willing to accept as low a price as the Government may properly exact, we earnestly hope that Congress will not feel it necessary to embark upon the proposed policy."

Mr. OLIVER. In the Senate hearings (page 171) Mr. Grace made a very appropriate statement, which I am perfectly willing to adopt as my own. He said:

It would seem to me that this country could not afford to ignore the policy pursued by countries with much larger navies than our own, and consequently much more experience than we have had in creating same. In every instance we see it the policy of such countries as England, France, Germany, Austria, Italy, etc., to encourage the investment of private capital, not only in armor-plate plants, but in plants for the constructing and manufacturing of all classes of war materials. It has apparently been the policy of these countries to recognize such investments as important to their naval and military upbuilding to the end of self-protection. The proposed legislation which you are considering is to the end of destroying the strongest asset this Government can have in the event of its having to battle for its existence.

Mr. President, in the past we have discouraged private manufacturers by hostile investigations, recriminations, and suspicions, whose baselessness could be proved beyond doubt if our disposition were to treat these interests fairly. Of all the naval powers in the world Japan alone has attempted a Government armor plant. The query is: "Why has she done so?" The answer is so simple that even the Secretary of the Navy can understand it; and to the Senator from South Carolina, with his knowledge of all branches of the armor-plate business, it must be as plain as daylight. Private capital refused to invest in armor plants because of the uncertain character of Government business. Japan aspires to one of the greatest navies afloat; and enormous sums, out of all proportion to any reasonable return upon investment, would have been required to build the plant she needed. Exactly the same reasons that have impelled the American manufacturers to confess they must go out of the armor-plate business if the Government goes in have actuated Japanese capitalists in declining to look upon armor-plate making as an attractive business proposition. As a result of this the Japanese Government was compelled perforce to build its own plant; and now, with the only Government-owned plant in the world, it is paying $65 a ton more than the United States is paying for armor plate and $95 a ton above the figure at which the American manufacturers have offered to supply the building program laid down by the Secretary of the Navy. Germany to-day, with her world-famed Krupp Works, is paying for side armor exactly the same price that it costs Japan in its Government-owned plant. I doubt if the Senate or the country realizes that these American manufacturers will sell to the United States Government $95 a ton cheaper than the Krupps sell to Germany. This fact is of great significance if the Senate is disposed to be fair. Mr. President, I will ask to have inserted in the RECORD a table showing the prices for armor prevailing in certain foreign countries. It is compiled from the Navy Year Book for 1915, the last issue, which is entitled "Navy Year Book," containing statistics relating to the American and foreign navies, "Compiled by B. R. Tillman, Jr."

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

EXHIBIT B.

Prices which different Governments pay for armor plate as shown by the Naval Yearbook compiled in the office of the Naval Affairs Committee of the Senate.

PRICES PAID FOR ARMOR BY PRINCIPAL NAVAL POWERS.

	Turret armor.	Krupp side armor.
Japan	[1]$490	[1]$490
Austria	[1]729	[1]511
Italy	[1]444	[1]405
Germany		490
France	[1]598	[1]460
England	[1]691	[1]503
Russia	[1]510	[1]368
United States	496	425

[1]Same as in last Yearbook; no new information.

Mr. OLIVER. Mr. President, when it is considered that never before has the steel business been so prosperous as it is now, and even for ordnance, which Europe is ordering here in staggering quantities and regardless of cost, the prices to the United States Government have not been raised, but on the contrary, show a downward tendency, a ludicrous aspect is given to the proposal of the Secretary of the Navy that the United States shall plunge into an experiment of huge cost and extreme doubt in an ill-considered attempt to depress prices, when the official record shows that the United States Government has been treated more liberally by the American steel men than any other in the world.

What is the real object of this bill? We have the testimony of Admiral Strauss, the star expert of the Tillman special committee, that it is to reduce the prices the Government is paying for armor. The declarations of Admiral Strauss upon this point are so important that I prefer to repeat them in his own words. The admiral already had informed the committee that he regarded the existence of munition plants in actual operation in this country as "a valuable asset," and that he conceded the military advantages of having several plants in the event that one should be captured or injured. But this distinguished officer, upon whose opinion the majority of the committee have based their armor-plate scheme, was compelled to admit that notwithstanding the desire of the Navy Department to reduce the profits of the steel makers, he did not know what a fair profit for making armor is. "I can not estimate—I do not know what a fair profit in this manufacture is"; these are the exact words of Admiral Strauss.

Let me ask you this question—

Inquired the Senator from West Virginia [Mr. CHILTON], who is now in the chair—

Would it be on the whole better for the Government to have privately run plants, if they would furnish armor at a fair profit?

Admiral STRAUSS. If the private firms will furnish armor at a fair profit and will continue to do so under all conditions I see no especial advantage to the Government in going into the business. It all depends on what a fair profit is.

In this connection I will say that I think I have demonstrated that the armor-plate manufacturers not only have been furnishing, but are willing to continue to furnish armor plate to the Government at a fair profit.

Further, I want to call your attention to this most important fact in connection with what Admiral Strauss said. The tenor of his report seems favorable to the construction of this plant, but no officer of the Navy—I want to call the attention of Senators to this statement—no officer of the Navy during the entire 29 years in which the Government has been buying armor plate has ever recommended that the Government go into the armor-plate business, and this statement includes Admiral Strauss as well as all others. Not a single representation or recommendation from a naval officer is upon the record showing that it would be wise, and Admiral Strauss, notwithstanding his report, says that if the Government can obtain armor at a fair profit it is much better to leave it with private industry and private incentive.

Mr. GALLINGER. Mr. President, will the Senator yield?

Mr. OLIVER. I yield to the Senator.

Mr. GALLINGER. On the other hand, Mr. President, I should like to ask the Senator if there are not numerous instances of naval officers who have carefully investigated this subject and advised against an armor-plate factory?

Mr. OLIVER. The trend of all the reports that have been signed by naval officers is against such an enterprise as this.

For many years past the press of the country has been picturing the steel magnates as selling to the Government at outrageous prices and concealing the figures of cost, and since the advent of the present administration these charges have been so constantly reiterated that the public, unaware of the slight basis of fact on which they are founded, have pretty generally come to believe them. Is the Secretary of the Navy fair enough, is the Senator from South Carolina brave enough, to accept the businesslike challenge of the steel companies upon this grossly misrepresented question of fair profits? These companies proposed to the Committee on Naval Affairs, before a vote was taken in that committee on this bill, not only to the committee but to the Secretary of the Navy, that they would submit their books, all their books containing the records of armor-plate manufacture to any firm of regularly chartered independent accountants that might be engaged. It would be idiotic to ascertain the truth regarding the costs of production and then go on making unreasonable bids for Government business. I feel sure enough to warrant my so stating to the Senate, that if the Navy Department should accept this frank offer, the steel companies would agree to abide by the decision of a responsible board of arbitrators as to what constitutes a fair price for armor plate. Could anything be fairer? Could anything be more intelligent? Could anything be more decisive in relation to this theoretical dream of a Government armor plant?

Mr. NEWLANDS. Mr. President——

Mr. OLIVER. I will yield to the Senator.

Mr. NEWLANDS. I should like to ask the Senator from Pennsylvania whether the offer to disclose the secrets of armor-plate manufacture was not conditioned upon its being regarded as confidential? I remember seeing some such statement, and it produced an unfavorable impression upon my mind. It seems to me that in matters relating to the Government everything should be published and nothing concealed. I observed in the statement I saw regarding it that the committee seemed to

resent the suggestion that this communication should be made to them alone in confidence.

Mr. OLIVER. With all deference to the majority of the committee, for each one of whom I have the highest personal regard, I rather think that the committee was disposed to resent any proposition coming from these armor-plate manufacturers, whether fair or unfair. The armor-plate manufacturers offered to allow a firm of accountants, to be selected by the Secretary of the Navy, to go into their works and dig down through their entire establishments to find out what it would cost; and, taking that information as a basis, they are willing to leave it to a board of arbitration as to what should constitute a reasonable profit, and to accept the sum of these two—cost and profit—as the price for the armor. But that a manufacturer should have the records of the inside of his business turned loose in a Senate report for public inspection is a proposition so ridiculous that I do not think it merits discussion.

Mr. LIPPITT. Will the Senator allow me?

Mr. OLIVER. I yield to the Senator from Rhode Island.

Mr. LIPPITT. I should like to say to the Senator from Nevada on the question of not making public all the affairs of these companies, as I understand it they do not object at all to presenting to the Senate the results of their cost; they have done it in this report, but there are secrets of manufacture that they do not want to have made public because they are the property of each individual concern.

I wish to illustrate it by a condition which now exists in connection with shells for the 14-inch guns. The requirements for those shells were considerably increased here in 1913, and an order was placed with those three factories—the Midvale, the Bethlehem, and Carnegie factories. Mr. Grace, representing the Bethlehem factory, testified before the committee that he is under a penalty of $25,000 a month for failure to deliver an order. That order was shells for the 14-inch guns. The Bethlehem has not been able as yet to produce a shell that will conform with the requirements of the order that was placed with them and which they agreed to accept.

I am mistaken as to the order having been placed with the Carnegie Co. It was the Midvale factory and the Crucible people. On the other hand, the Midvale factory and the Crucible people have both been able to make small deliveries on their contract. Now, there is the situation. It has been shown here that there is combination and collusion between these people, and yet the situation at this moment is that one of them is under an enormous penalty of $25,000 a month because they are not able to fulfill their part of the contract, while the other two engaged in it are enabled to make these shells. There are secrets in this business, and I think it is perfectly fair that each one should be able to keep the secrets of their own trade in that way with themselves.

As to the final result of what it costs to make this armor plate, the testimony in the hearing is ample to inform everyone on the subject.

Mr. NEWLANDS. I can quite understand——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Pennsylvania yield further to the Senator from Nevada?

Mr. OLIVER. If any Senator has any other question to ask me, I will be very glad to answer it before I take my seat; otherwise I yield the floor.

Mr. SWANSON obtained the floor.

Mr. NEWLANDS. If the Senator will permit me, I wish to say, with reference to the statement made by the Senator from Rhode Island, I can well understand why an impression should prevail in regard to making public its secret process, because that is really a part of its valuable capital. If it should disclose such a process it might give its rivals an advantage. But as I understood it, the steel companies insist upon it that the information they would give as to cost should be regarded as confidential between them and the committee.

Mr. OLIVER. Certainly they do.

Mr. NEWLANDS. I do not see how the committee could accept a confidence of that kind.

Mr. OLIVER. I have no doubt that they will continue to do so; but they are willing to submit that information to the Secretary of the Navy and let him, in conjunction with a board of arbitrators, after ascertaining the correctness of the figures, find out what is a fair profit, and they are willing to make the armor plate at the sum of those figures.

Mr. NEWLANDS. An inquiry regarding the cost does not necessarily involve a disclosure as to the processes. They are quite distinct.

Mr. OLIVER. To a certain extent it must, but the Senator and I evidently disagree as to the propriety of keeping those things secret. I see no reason in the world why the Secretary of the Navy should not receive this information and treat it as confidential. If the Senator thinks otherwise, it marks a wide difference between him and me. I may be right and he may be right, but I think I am right.

Mr. CHILTON. Mr. President——

Mr. OLIVER. I yield to the Senator from West Virginia.

Mr. CHILTON. I did not exactly catch the significance of the Senator's criticism of the Senate committee regarding the demand of the manufacturers of this product to keep certain information secret. That appears in part on pages 114 and 115 and the following pages of the hearings before the Committee on Naval Affairs. I wish to ask the Senator this question: Does he not think that the position of the committee was a correct one, to wit, that the committee has no power to make a secret agreement with a witness that it should have information as a committee, which it could not report to the Senate? Does not the Senator think that is a proper position? Under what law or authority could we have a right to accept private information and keep it to ourselves?

Mr. OLIVER. That is plausible, but I think the Senator is carrying it to too great an extreme. However, I referred more particularly to the Secretary of the Navy. I do not see why he should not receive information as he does every day on any subject that comes before him in the administration of his office, and treat it as confidential. While, as I said, the argument in regard to the committee receiving this is plausible, still it is not unknown with the Committee on Foreign Relations. They receive information at almost every meeting which the committee does not disclose even to other Members of the Senate. I do not see why the Committee on Naval Affairs, in executive session, should not do the same thing if they see fit. However, there is no doubt that the Government now has the opportunity, if it wants to do so, to investigate to the limit the operations of these companies and see what it costs them to make armor plate, which will at all events settle the mooted question as to whether they are overcharging the Government or not.

Mr. CLAPP. Will the Senator pardon me?

Mr. OLIVER. Certainly.

Mr. CLAPP. The Senator is a business man of wide experience and great success. What would he say to the proposition if he had an agent representing him somewhere involving negotiations concerning his affairs, and it was proposed by the other party to give that agent information but the agent was not to communicate it to his principal? That is the position the committee was placed in, negotiating for the public and offered information provided we would keep it to ourselves and not communicate it to our principal. I may be absolutely wrong in this, but I can not see how an agent could accept information under those circumstances.

Mr. OLIVER. Mr. President, the Senator having done me the honor to rather embellish my accomplishments as a business man——

Mr. CLAPP. Not at all.

Mr. OLIVER. I will answer his question with the utmost frankness. If I had confidence in that agent I would tell him to let no grass grow under his feet, but to get that information just as fast as he possibly could—not to disclose it to me, but to use it for my advantage. A business man would be crazy who would not take advantage of such an offer.

Mr. CLAPP. I do not believe many business men would submit to a proposition that their agent could receive information affecting the principal's business and not be at liberty to communicate it to the principal. I may be mistaken——

Mr. LIPPITT. Such cases arise over and over again in connection with business. A salesman of a concern in intercourse with the customers is told many things in confidence, and if he is an honorable man he keeps them in confidence, but he uses the knowledge to such an extent as he is at liberty to do in connection with the affairs that he represents. That situation is not at all uncommon. In this particular case, the Senator from Pennsylvania has very properly referred to the Committee on Foreign Relations, which receive numerous communications in confidence, and not only that but come in here and almost imply at times that the other Members shall vote as they have been instructed to vote, because they have certain private information.

Mr. CLAPP. The Committee on Foreign Relations——

Mr. OLIVER. In deference to the Senator from Virginia [Mr. SWANSON] I must yield the floor.

Mr. LIPPITT. Not only that, I will say to the Senator from Minnesota, but when Senators here try to get the information it is refused to them.

Mr. CLAPP. Dealing with foreign relations is one thing and dealing with the business of a principal, and this is a busi-

ness proposition, is another thing. I understand that in the old days when they were working rebates railroad freight agents were allowed to have understandings that the principals for obvious reasons did not care to have communicated to them.

Mr. OLIVER. I will have to insist on yielding the floor.

Mr. CLAPP. I am on the time of the Senator from Virginia.

Mr. SWANSON. Certainly I yield to the Senator from Minnesota.

Mr. CLAPP. With all due deference, and I had just about finished, while that is true, I still repeat that I do not believe there are many business men who have that absolute confidence in their agents—their servants—that they would permit them to receive information affecting the principal's business with the understanding that the agent was under an obligation not to communicate it to the principal.

Mr. TILLMAN. Will the Senator from Virginia yield to me?

Mr. SWANSON. I yield to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, yesterday afternoon while the Senator from Rhode Island [Mr. LIPPITT] was speaking I asked permission to put into the RECORD the facts about the threat of the armor makers to raise their prices $200 per ton if the Government dared to exercise its right to build its own armor factory. He peremptorily refused to allow it to be done, and I told him I would do it later in my own time. Therefore I am doing it now, and ask to have it printed in the RECORD in large type.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the Manufacturers' Record, Baltimore, Feb. 7, 1916.]

THE ARMOR-PLATE QUESTION AND THE RELATION OF THE GOVERNMENT AND THE ARMOR-PLATE MAKERS.

"The official announcement of the Bethlehem Steel Co., through its Washington representative to the Manufacturers' Record, that this company will, with a view to the amortization of the investment in its armor plant, advance its price for armor plate if the Government builds an armor-plate plant is one of the most unfortunate statements ever issued in this country by any great business organization dealing with the Government.

"It is a statement of fact rather than a threat, but the statement necessarily becomes a threat.

"It is an effort to prevent the National Government from building an armor-plate plant.

"We trust that other armor-plate concerns do not propose to take such a step, but if they do they will be in every respect equally as deserving of criticism.

"The Bethlehem Co. is the only one from which we have an official statement as to its intention.

"From every point of view this action is, we believe, unwise, and shows a lack of judgment which few people in this country would have been willing to charge to the men who have created the great Bethlehem Co.

"In this case they have shown a narrowness of vision and a disregard of public sentiment lamentable in the extreme. They have illustrated in this case how great concerns sometimes, viewing matters only from one standpoint, make blunders in dealing with the public so bad that one wonders at their lack of understanding of public sentiment and appreciation of the value of public good will.

"It is to such blunders as this that much of the hostility in this country to great corporations is due. Such blunders have cost great corporations far more than they can ever understand or realize. Blunders such as this have been responsible for much of the anarchistic and socialistic sentiment which has found expression in legislation, State and National, antagonistic to corporations.

"They are on a par with that fatal blunder made by the Pennsylvania Railroad some years ago, when, because of its fight with the Gould interests, it ruthlessly cut down the poles of the Western Union Telegraph Co. along its lines. The excuse of the Pennsylvania Co. was that it was within its legal rights, but that road and others paid a fearful penalty for its unwise act.

"The armor-plate companies will be within their legal rights if they follow the plan given to the Manufacturers Record by the Washington representative of the Bethlehem Co., but legal rights and sound business sense may sometimes be millions of miles apart, as in this case. We trust that other armor-plate-making concerns will not follow the unwise lead of the Bethlehem Co. If they do, they will be freely entitled to the same criticism which we are now, much to our regret, extending to our good personal friends of the Bethlehem Co. The men at the head of that company are too big, too broad as constructive upbuilders, to have made such a mistake. They should have been wise enough to know that nothing that they could do would create greater hostility to their work than this statement, and that any action such as they propose of advancing the price of armor plate would in itself be regarded as a threat which the Government would be pusillanimous in the extreme if it did not meet by building an armor plant and thus demonstrate that individual corporations, however great, can not and should not be permitted to dominate the National Government.

"The Bethlehem Co. could not have taken any stand whatever which would have more surely aroused a determination on the part of the Government to build an armor-plate plant than this statement as to its proposed increase of prices. It is scarcely conceivable that men at the head of this great organization could have intelligently considered the subject in all of its bearings before they decided on a plan such as this. And the statement which we publish is, we are advised, officially authorized by the company itself.

"This situation developed by this action practically compels the Government to build an armor-plate plant or to exercise its right to commandeer one. It can not permit itself to be browbeaten. It would cease to be worthy of public respect if it did. But in considering the building of a plant it would be worse than folly for the Government to build it in any portion of the country dependent upon foreign or Lake Superior ores, upon which all our armor-plate concerns now rely."

—

[From the Manufacturers' Record, Baltimore, Feb. 17, 1916.]

BETHLEHEM STEEL CO. EXPLAINS ITS PURPOSE TO ADVANCE PRICES OF ARMOR PLATE TO GOVERNMENT—AUTHORIZED STATEMENT OF THE WASHINGTON MANAGER OF THE COMPANY TO THE MANUFACTURERS' RECORD.

[Special Correspondence Manufacturers' Record.]

"WASHINGTON, D. C., *February 14.*

"There is every prospect that the bill of Senator TILLMAN, of South Carolina, to establish a Government armor-plate factory will be passed by the Senate.

"Republican members of the Naval Affairs Committee who voted against the report of the majority of the Senate Naval Affairs Committee admit that there is already a majority of the Senate in favor of the bill.

"While the favorable report of the Senate committee does not indicate a definite site for the proposed armor-plate plant, should the Government build one of its own instead of buying the property of the Midvale Steel Co. just outside Philadelphia, the Tillman bill suggests that a site be selected on Government land.

"This indicates that Senator TILLMAN's attitude is the same now as it was when the congressional committee, composed of Rear Admiral Strauss, Senator TILLMAN, and Representative PADGETT, who is chairman of the House Naval Affairs Committee, made its report a year ago.

"In that report the only reference to a location was the statement that there was adequate ground at the League Island Navy Yard in Philadelphia, and that by utilizing such a site the Government would be able to save the cost of purchasing new land.

"That the Bethlehem Co. really contemplates an increase in its prices to the Government if the Navy Department enters the armor-plate field itself is admitted frankly in a statement by E. R. Leonard, the Washington representative of the Bethlehem Steel Co., in response to a request from the correspondent of the Manufacturers' Record for a definite statement of the company's policy. The admission that prices will be raised was contained in the following paragraph of the formal statement prepared as an answer to the questions of the Manufacturers' Record:

"'It must be remembered that the board of directors are responsible to the stockholders for this great loss, and that it is their duty to do everything in their power to make up as much of this loss as possible before the plant is completely useless.'

"The intimation that prices might be raised during the period when the Government was establishing its own armor plant was previously made in an indirect manner and apparently without a sponsor. The Bethlehem Steel Co., with $7,100,000 invested in its armor-plate manufacturing plant, and the Midvale Steel Co., with its investment of $6,500,000, had made a definite offer of compromise to the Government with the frank purpose of preventing their own destruction. The terms of the offer were substantially as follows:

"'If the Government will agree to permit the existing armor-plate companies of Pennsylvania to manufacture all the armor plate needed for a five-year building program, the manufacturers, in return, will agree to turn out armor, the Bethlehem Co. reducing its price to $395 a ton for side armor and for all other class of armor in the same relation, while the Midvale will lower to $402.50 per ton for the same kind of armor. Assurance must be given by the Government, however, that

there will be enough work to keep the existing plants at work for five years if these favorable terms are to be accorded.

"'If, on the other hand, Secretary Daniels insists upon a Government armor-plate factory turning out 20,000 tons annually, in accordance with the terms of the bill introduced in the Senate, and on which the Senate Naval Affairs Committee has been holding hearings, the armor-plate companies will feel it necessary to adopt the ordinary business methods of self-preservation, and while the Government is building its own plant they will charge prices in accordance with the ordinary law of supply and demand.

"'In other words, the armor-plate factories will meet their prospective great loss by a system of amortization, carrying the ultimate loss over a period of years by the simple process of raising their prices while they are still free from Government competition.'

"In making the majority report to the Senate advocating the Government's entry into the armor-plate business, Senator TILLMAN denounced the Carnegie, Bethlehem, and Midvale steel and ordnance companies as a monopoly of the worst type. In the statement issued in conjunction with the report Senator TILLMAN expressed himself in favor of the Government purchasing the property of the Midvale Co., which would give Philadelphia the Government-owned establishment. Senator TILLMAN said:

"'I have no earthly doubt that the Government can run its plant as well as the present makers of armor do theirs. If the Midvale Co., which seems to be under the control of a sensible man, Mr. Barba, will sell its plant at anything like its real value, I should favor the Government buying it and expanding it to the necessary size and supply all the armor we need. Mr. Barba testified that when the company went into the business they did not have any factory, but expected to build one within 26 months. I have no doubt that the Government could build a plant in 18 months.

"'There are only three manufacturers of armor in this country, and the result is either a monopoly or a combine of the worst type. None of the conditions that tend to check monopoly are present. The number of manufacturers is necessarily limited, and the Government is compelled to buy their product, regardless of the price charged, because the law does not allow the Secretary of the Navy to go outside of this country to buy it.

"'The manufacturers have no fear of private competition for there is not sufficient demand for armor to justify the entrance of other parties. It is plain that Congress can pass as many laws as it chooses and give the Secretary of the Navy as much discretion as he may ask without remedying the situation. As long as present conditions continue the armor manufacturers of the United States are in a position to force the Government, in the language of the highwayman, to "stand and deliver."

"'The committee has no desire to criticize unjustly the manufacturers of armor plate. They have done no more than most other men would have done under similar circumstances. It suffices to say that the committee is of the opinion that the Government has been charged unreasonable prices for its armor plate, and that the only remedies are in the Government owning and operating a plant. Should the Government build it and then lock it up and it never be used it would be wise to erect it, as it would serve as a warning to private manufacturers that there is a point beyond which the Government will not be driven and where patience ceases to be a virtue.

"The statement made by the Bethlehem Co. was prepared by E. R. Leonard, Washington representative of the Bethlehem Co. This statement obtained exclusively by the Manufacturers Record, explains authoritatively for the first time the exact position of the Bethlehem Co. with reference to the proposed Government venture. It is as follows:

FRANK AVOWAL OF AN ARMOR-PLATE MAKER.

[By E. R. Leonard, Washington representative, Bethlehem Steel Co.]

"'From previous experience manufacturers know that if the United States Government erects an armor-plate plant of 20,000 tons capacity, this plant will be worked to full capacity, resulting in a complete Government monopoly in the manufacture of armor plate. There are several examples of this, such as the Government cartridge-case plant. No cartridge cases have been manufactured for the United States Navy by private concerns in recent years. Next, the Naval Gun Factory. This plant has been given all the work it has been possible to take, the plant running full three eight-hour shifts, the private plants receiving only what was left over, which has been little or nothing.

"'The most glaring example is the shipbuilding plant at the New York Navy Yard. This plant has been given more work than can be handled. This is readily shown by the report issued by the Bureau of Construction and Repair, dated December 10, 1915. The percentage of completion of the U. S. S. *Idaho*, being built by the New York Shipbuilding Co., is 40.5 per cent, and the percentage of completion of the U. S. S. *California*, being built by the New York Navy Yard, is 6.5 per cent. Contracts were awarded to both places at the same time.

"'The Navy Department undoubtedly knows that this situation will occur as soon as the armor-plate plant is completed; in fact, Senator TILLMAN stated during the hearing of the committee appointed to investigate the costs of an armor plant for the United States as follows, his remarks being addressed to Mr. Barba, then manager of the Midvale Steel Co.: "You will realize that if the Government enters into the manufacture of armor itself, it will destroy your business in that respect. That is, you will make no more armor, and it will be very unfortunate for the company as well as ourselves if we (meaning the Government) were to manufacture our own armor, because it would be much better if we should have the manufacturers supply the Government at a reasonable price."

"'The situation simply results in this: That as soon as the Government plant is constructed the Bethlehem Steel Co. will have on its hands a plant of no monetary value whatever. This plant consists in an investment at present valued at $7,100,000, but does not include money expended on improvements, which makes it considerably greater. It is stated that this plant will have no monetary value simply because it is absolutely useless for the manufacture of any other product.

"'The deduction of $7,100,000 from a capitalization of only $30,000,000 is a great question to be considered by the board of directors of this company. It must be remembered that the board of directors are responsible to the stockholders for this great loss, and that it is their duty to do everything in their power to make up as much of this loss as possible before the plant is completely useless.

"'The fact should also be kept in mind that the Bethlehem Steel Co. entered in this business, spending millions of dollars in investment, upon the urgent request of the United States Government. When the Government first desired armor plate it sent advertisements to all concerns throughout the country to bid on it. Only one company in this whole country responded, and that was the Bethlehem Steel Co. If it had not been willing to undertake this hazardous business, our Government would have been forced to purchase armor plate from Europe.'"

Mr. THOMPSON. Will the Senator from Virginia yield to me?

Mr. SWANSON. I will yield to the Senator.

Mr. THOMPSON. Mr. President, I did not want to interrupt the junior Senator from Pennsylvania [Mr. OLIVER] during his address, but if the Senator from Virginia [Mr. SWANSON] will yield to me for a moment, I would like to insert in the RECORD now, in answer to the argument of the Senator that no armor plate has been sold by the armor-plate companies for a less price than sold to the United States Government, the statement of the Secretary of the Navy, Mr. Daniels, on this point, on page 151 of the hearings, as follows:

Secretary DANIELS. Well, in 1894 there was some international business. The Bethlehem Co. sold armor plate to Russia in 1894 at $249 a ton; at the same time, under the contract of March, 1893, they sold armor plate to the American Government for $616.14 per ton. In 1911 they sold to Italy at $395 a ton, while they were charging this Government $420 a ton. Later they sold it to Japan for $406.35 a ton, as against prices ranging from $540 to $440 a ton to this country.

In answer to the argument that there has been no combination or collusion in the bidding by these armor-plate companies, I wish to insert the statement of the Secretary of the Navy, Mr. Daniels, appearing on page 154 of the hearings, as follows:

Secretary DANIELS. The first contract we offered, in 1913, was the armor plate for the *Arizona*, I think.

Mr. BARBA. Yes; No. 39.

Secretary DANIELS. When the bids came in from Carnegie, Bethlehem, and Midvale they were identically the same figure, $454 per ton.

The CHAIRMAN. You mean to say that these three competitors all happened to hit on the same price?

Secretary DANIELS. To a cent.

Senator POINDEXTER. What year was that?

Secretary DANIELS. 1913. I rejected all these bids on the ground that there had been no competition. Later I had a talk with the gentlemen representing these three companies and told them that we wished competition, and that I could not understand how they could hit upon identically the same figure to a cent. Their answer was this: The Midvale people said that some years before that, when bids were offered, they had made the lowest bid but were not awarded the contract, and that the department adopted the policy of dividing the contract between the three concerns; and they said, of course, "Why should we bid a lower figure if it is going to be awarded one-third to each of us at the same price?" But I advertised again, and they came down to $440 per ton, enabling the department to effect a saving of $111,000 on that contract.

For these reasons, showing that the prices charged this Government are exorbitant and the result of combination and that these companies have shown a disposition to sell foreign countries armor plate for a less price than this Government, I shall

take pleasure in voting for this bill. It seems to be the only practical way for the Government to safely protect itself in this important matter.

Mr. MYERS. Will the Senator from Virginia yield to me?

Mr. SWANSON. Certainly.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SWANSON. I yield for that purpose.

Mr. MYERS. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. BRANDEGEE. What is the request?

Mr. HUGHES. To lay aside temporarily the unfinished business.

Mr. PENROSE. Regular order, Mr. President.

Mr. MYERS. Is my request granted?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Several Senators addressed the Chair.

Mr. SWANSON. I can not yield further. There are several Senators who wish to follow me and have asked me how long I would speak, so that they would be able to speak on this question. I will ask Senators not to interrupt me until I have concluded my remarks, and then I will be very glad to answer every question that any Senator may desire to ask me.

The PRESIDING OFFICER. Before the Senator from Virginia proceeds, so that there will be something before the Senate for discussion, the Chair will lay Senate bill 1417 before the Senate.

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate bill 1417.

The PRESIDING OFFICER. The Chair will treat the motion as a request for unanimous consent. Is there objection? The Chair hears none and lays the bill before the Senate.

The SECRETARY. A bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. SWANSON. Mr. President, the pending bill proposes that the Government should either erect or purchase, or do both, a plant for the purpose of manufacturing armor plate needed for naval purposes. The bill appropriates $11,000,000 for this purpose, and it is expected that the Government will be able to manufacture not less than 20,000 tons of armor plate annually. It is believed that this will be sufficient to fill the present needs of the Government for armor. If a larger quantity is needed in the future the plant or plants can be sufficiently enlarged to supply the new demand.

The first question to consider in this matter is what will be the savings to the Government by this proposed undertaking. This conclusion can be reached by ascertaining what it will cost the Government to manufacture its own armor, what it would otherwise have to pay outside manufacturers for these purchases, and the amount of armor required by the Government. If the present naval program is adopted, which seems probable, the Government will need for its battleships in the next five years 113,200 tons of armor plate. This is a sufficiently large quantity to justify the Government in taking decisive steps to obtain armor at a fair and reasonable price. For the last 20 years persons in Congress and out of Congress have been satisfied that the Government was paying an exorbitant price for its armor, and that the three manufacturers of armor in this country were making undue and extravagant profits.

Few subjects of legislation have been investigated by Congress as has this one. Committees of the House and Senate and expert boards have repeatedly looked into this matter and reported on the subject. Every available source of information has been exhausted to obtain full and accurate information with regard to this matter, with the exception of the books of these companies, which books have been inaccessible to the Government. These companies have refused to permit their books to be examined unless the information obtained be held as strictly confidential. These companies have refused to state the cost of their armor plate or the amount of profit derived from sales to the Government unless it should be treated as strictly confidential. This has been their policy in every investigation for the last 20 years.

The excuse offered by these companies for not permitting an examination of their books or to furnish any information as to the cost of manufacturing armor or the profits made is that they do not wish to disclose the secrets of their business. Secretary of the Navy Herbert, in a report made by him under direction of Congress, and Admiral Strauss and other experts testifying before committees stated distinctly that there were no secrets in connection with the making of armor plate not known and that none would be disclosed by an examination of the books of these companies. In seeking information from these companies as to the cost of producing armor and their profits, the companies have been repeatedly informed they were not expected to disclose any secrets of manufacture, but that the only information desired was the cost of armor and the profits made by them in its manufacture and sale. This information, which could not involve any secrets of manufacture, has not been given. Vague statements and estimates have been given, based on conditions which it was impossible to ascertain the correctness of.

The conclusion has been reached by many that the difference between the cost of armor plate and the selling price to the Government is very great and exorbitant and that the companies' refusal to give this information is because to do so would be prejudicial to the continuance of the present system of securing armor plate. It is difficult to realize that these companies would refuse to furnish information as to the cost of armor and the profits derived from sales to the Government if they were as small as has been claimed by some. The Government, as their only customer, is entitled to know whether the prices charged are fair and reasonable or not. I am satisfied that if either of these companies had a private customer as large and situated as the Government is they would have promptly furnished full information as desired. Being refused this information by these companies, the Government has proceeded to make a thorough investigation to ascertain, as far as can be, the facts with reference to the manufacture of armor plate and its cost. Time will not permit me to discuss the many examinations and investigations that have been made, and I shall confine my remarks to those which have been the most thorough and by the most experienced experts.

In June, 1896, Congress directed the Secretary of the Navy to examine into the matter of the actual cost of armor plate. Hon. Hilary Herbert, who had formerly been a Member of Congress with long service and experience on the Naval Committee of the House, was Secretary of the Navy, and made the investigation. He had associated with him in this investigation Capt. W. T. Sampson, Chief of Ordnance, and Chief Constructor Philip Hichborn, Chief of the Bureau of Construction and Repair. These two distinguished naval officers, whose patriotism and ability and love of the Navy could not be excelled, were experienced experts on this subject and aided throughout the investigation. The naval officers stationed at the works of the armor-plate manufacturers, also experts, as inspectors, also aided and made full examinations and reports. Investigations were also being made in England and France. Every agency possessed by the Navy Department was used to ascertain what was a just and fair cost of the manufacture of armor plate. The examination and report of the Secretary of the Navy, and the many experts engaged with him, clearly disclose to an impartial mind that their investigation was fair, conscientious, and unprejudiced. Everything indicates a disposition on their part to treat the manufacturers with fairness.

After making an extensive examination of the cost of labor, cost of material, and allowing 10 per cent for the maintenance of the plants, Secretary Herbert reached the conclusion that the cost of a ton of armor plate to the Bethlehem Steel Co., having a fair amount of work at that time, was $248 per ton. He states that this conclusion of $248 as the cost of a ton of armor plate was further strengthened by the fact that the Bethlehem Co. was at that time furnishing the Russian Government armor plate at $249 per ton. It is presumed that this company was not selling armor plate to the Russian Government at less than cost, but probably at about cost. Secretary Herbert, in his report, gives in full the various elements of cost that aggregate the $248. At this time the Bethlehem Co. was furnishing armor plate of various kinds to the United States Government at a base price of $515.40 per ton. This will give us some conception of the immense profits made by this company and explains their unwillingness to furnish the Government with any information at this time with regard to the cost of armor plate and the profits made. The Carnegie Steel Co., at practically the same cost of manufacturing, had a contract and was furnishing armor plate at the same price.

By act of March, 1897, Congress fixed the price of armor plate at a limit not to exceed $300 per ton. The Carnegie and Bethlehem Cos. refused to bid for this armor plate, amounting to more than 8,000 tons, because of the fixed limit of cost. No contracts were made until Congress had increased the limit from $300 to $400 for the armor purchased at that time, and contracts were made with the Carnegie and Bethlehem Cos. at this price. This investigation and action by Congress resulted in great savings of money to the Government and still left a large margin of profit for the companies. This limit of $400 per ton expired.

In 1900 bids were asked for on about 37,000 tons of armor plate. There were three bidders—the Carnegie and Bethlehem Cos., as usual, bidding the same price on one-half each, and the Midvale Co. bidding on all at a greatly reduced price. The Midvale Co. at that time had no plant, but offered to contract and give ample security to erect a plant and deliver the armor bid for at the time specified in the contract, with the exception of 7,000 tons needed within 12 months. The department rejected all of these bids, refusing to consider the bid of the Midvale Co. After negotiating with the Carnegie and Bethlehem Cos., one-half of the armor plate desired was awarded to each of these two companies at $420 per ton, this award at this price giving to these two companies an immense profit. In 1903 bids were asked for on about 17,000 tons of armor plate. The Carnegie and Bethlehem Cos., evidently working in combination, offered to furnish one-half of this armor plate each at the previous price of $420 per ton. The Midvale Co., having constructed a plant, bid to supply this armor plate at $398 per ton, being the lowest bidder by $22 per ton. If the bid of the Midvale Co. had been accepted, the Government would have saved more than $340,000. The Government awarded a little more than one-third of this contract to the Midvale Co. at $398 per ton and awarded the remainder to the Carnegie and Bethlehem Cos. at $420 per ton. It has never been satisfactorily explained why the lowest bid was not accepted for the entire amount. It is still more difficult to explain why more than two-thirds was awarded the Carnegie and Bethlehem Cos. at $22 per ton more than the bid of the Midvale Co.

In 1905 bids were asked for on about 8,000 tons of armor plate. The Carnegie and Bethlehem Cos. again bid for one-half each, at $420 per ton, the Midvale Co. bidding on the entire amount at $398 per ton. Again the awards were made, a small part to the Midvale Co. and the residue to the Carnegie and Bethlehem Cos. at $420 per ton, the Bethlehem Co. getting the larger part. In 1906 bids were asked for on about 8,000 tons of armor plate, and again there were three bidders—the Carnegie, Bethlehem, and Midvale Cos. For the first time the bids of the Carnegie and Bethlehem Cos. differed, the bid of the Carnegie Co. being $370 and the Bethlehem Co. $381 per ton. The bid of the Midvale Co. was $346 per ton. This was the first time there was active competition between the three companies, and there was a great reduction in the price. These contracts were awarded about one-half to the Midvale Co. at $346 per ton and one-fourth each to the Carnegie and Bethlehem Cos. at $346, being the lowest price bid. This time the Navy Department reversed its policy and divided the awards between the different companies, not at their bid price, as heretofore, but at the lowest price bid. The Midvale Co., realizing that if it bid for all the armor plate at the lowest price it would only get a part of it at the price bid, and that there was no genuine competition, ceased making genuine competitive bids.

Until 1913 the bids of the Carnegie, Bethlehem, and Midvale Cos. were the same, and the contracts for armor plate were divided among these three companies at $420 per ton. In 1913, the last award under the Taft administration, the price was increased to $454 per ton and the amount divided among the three companies. All competition has absolutely ceased. The contracts were awarded about equally between the members of this combine. How equally the department divided its awards among the members of this monopoly and how equally they profited at the expense of this unjust combination is shown by the awards made from 1907 to February, 1913.

During these years the Bethlehem Co. received contracts for 23,588 tons, the Carnegie Co. for 23,641 tons, and the Midvale Co. for 21,571 tons. It might be truly stated here that all Gaul was divided in three parts. What is still more remarkable is that, during all of these years, the Government did everything it could to prevent competition between these three companies and to encourage them to enter into a combination and destroy all competition. While pretending to assail monopoly in the courts and the legislative hall, those in control of the Government during these years were exerting their influences to suppress competition and to encourage combination. During all of these years there was only one year when there was competitive bidding among the three companies, and that was in 1906, when the Government, on account of this competition, obtained its armor plate for $346 per ton.

The loss the Government sustained on account of the suppression of competition in the manufacture of armor plate was astounding. The Government purchased 233,400 tons of armor plate at an average of $439 per ton. If it could have obtained this armor at $346 per ton, the price paid in 1906, the one year in which there was competition between the three companies, it would have saved $93 per ton, which aggregates on the amount purchased $21,706,200. This is the amount paid by this Government on account of its officials fostering monopoly in the production of armor plate.

This was the condition existing when Secretary Daniels took charge of the Navy Department. Monopoly by combinations had been installed and sustained completely in this matter. The first bid submitted to Secretary Daniels for armor plate was for the battleship *Arizona*. The bids of each of the three companies engaged in the manufacture of armor plate were identical to the penny and similar to the bids previously submitted to the outgoing administration. The magic spell which had for 16 years protected them with unerring foresight and the harmonious agreement which distinguished this combination had not been dissipated. Secretary Daniels promptly rejected all of the bids and vigorously protested against the system, and by his earnest and energetic efforts reduced the price of the armor plate for the battleship *Arizona* and other ships. By refusing to submit to the demands of this combination he has saved the Government on the armor plate purchased by him $1,110,084. This is an indication of what an efficient and vigorous Secretary, looking after the interests of the Government, can save on one item in a very short time.

Realizing that in the purchasing of armor plate the Government was completely at the mercy of this combination, he has recommended to Congress the passage of the pending bill, so that the Government can erect or purchase an armor plant and manufacture at least a part of the armor plate used, and be saved from paying the extravagant and unreasonable prices heretofore bid. He has stated that in purchasing armor plate the Government is completely at the mercy of a long-established and well-organized combination. Having for years enjoyed the benefits and profits derived from combination, he does not think that these three companies can ever again be induced to enter into competition.

The extent to which this country is at the mercy of this combination was strikingly illustrated not many weeks ago. While this bill was pending in the Committee on Naval Affairs of the Senate we were informed that if this bill should pass and the Government manufacture its own armor, in part or in whole, all armor sold to the Government by these companies would be at a price of $200 per ton in excess of what is now being charged. This was evidently intended as a threat to prevent the passage of this bill. It was recognized that it would be at least two years, if not more, before a plant could be erected. During this period the Government could obtain its armor from no one else except the present manufacturers. If they have the power to extort any price they think proper, and this threat is carried into execution, the armor needed during the next three years for naval program would cost the Government nearly $12,000,000 in excess of the price paid at the present time. This condition gives us some conception of the pitiable condition to which this great country is reduced in preparing for national defense and protection. If these companies are able to enforce this exaction now, they will in the future, unless this bill passes, be able to make any demands their greed and self-interest may dictate.

Our Navy constitutes our chief defense. Upon it depends national honor, national security, and national greatness. The great battleships using armor plate constitute the chief source of naval strength and power. This great Republic is, indeed, in a deplorable condition if the construction of these battleships is dependent on the caprice or self-interest of private concerns. We are now in a situation where the more urgent our needs for armor plate the greater the price exacted by this combination. The Secretary of the Navy is right in demanding that this Government in its most important armament should be unfettered by selfish private interests. The vast interests involved make it dangerous to be dependent upon private enterprises and private control.

Responding to the recommendations of the Secretary of the Navy, Congress, by act of June 30, 1913, appointed a committee, consisting of the chairman of the Committee on Naval Affairs of the Senate, the chairman on Naval Affairs of the House of Representatives, and a naval officer to be appointed by the Secretary of the Navy, to investigate and report at the next session of Congress upon the cost of erecting an armor-plate plant and the cost of manufacturing armor plate, and also the cost of manufacturing armor plate by the Government. The Secretary of the Navy appointed Rear Admiral Joseph Strauss, Chief of the Bureau of Ordnance, as a member of this committee.

A more efficient and capable committee could not have been selected. The senior Senator from South Carolina, chairman of the Committee on Naval Affairs of the Senate, has for

20 years devoted his great ability and energy to the study of the manufacture of armor plate. He unquestionably knows more about this subject than any other Member of either branch of Congress. Mr. PADGETT, chairman of the Naval Committee of the House, also a member of this committee, is a man of industry and great ability and has a thorough acquaintance with naval affairs. The House of Representatives has rarely ever possessed a more efficient and capable chairman for its Naval Committee. Rear Admiral Strauss, Chief of the Bureau of Ordnance of the Navy Department, is acknowledged to be one of the greatest experts on this subject in this or possibly any other country. He is an officer of unusual ability.

This committee made a most thorough investigation, having the assistance of the Government inspectors at the armor plants and other experts. A perusal of the report of this joint committee will disclose that the committee was painstaking, careful, and thorough, and that this report can be relied on as the best source of information obtainable on this subject. This bill carries out the recommendations of this committee.

The Committee reported that an armor-plate plant could be erected to manufacture not less than 20,000 tons of armor a year for the sum of $10,331,906. The report gives in the fullest details what is needed and the estimated costs. A more complete and thorough report could not be made. The very smallest items needed in the manufacture of armor plate are enumerated and estimated for. The services of the best experts were obtained in the making of the plans and estimating the costs. Congress can not obtain better or more complete information on this subject. Although the committee included in their estimate 10 per cent for possible contingencies that might arise, the Naval Committee of the Senate increased the estimate by more than $600,000, making the total amount required $11,000,000, as provided for in the bill, to certainly cover every possible cost.

The Naval Committee believes that a plant with a capacity of at least 20,000 tons per year can be erected for the sum of $11,000,000, and we feel fully justified in reaching this conclusion from the accurate information furnished by this joint committee. A careful perusal of the plans will show they are well conceived and the costs carefully estimated.

This joint committee also made a most thorough investigation as to what it would cost the Government per ton to manufacture armor plate. It goes into detail as to the cost of material, labor, and all the various processes used in the manufacture of armor plate. It enumerates the various items of cost, so that if any omission or mistake was made it could be corrected. In estimating the cost of making armor plate by the Government, it provides for expert officials at fair and reasonable salaries. It provides for getting the plant well equipped and being kept in good repair. It allows for the upkeep of the plant or plants 2 per cent a year on the cost of the plant. The committee estimates that the probable cost of armor plate in a plant of 20,000 tons' capacity operating at full capacity will be as follows:

Labor (per ton)	$71.92
Material (per ton)	107.14
Repairs and maintenance	40.72
Maintenance of plant	10.33
Aggregating per ton	230.11

Thus the committee estimates that the Government can manufacture armor plate in a plant of 20,000 tons' capacity, working at full capacity, at $230.11 per ton. Experts testifying in behalf of the companies engaged in the manufacture of armor plate stated that this was a fair and reasonable estimate of what it would cost the Government to manufacture its own armor plate, except they pointed out some items which they insisted should be included in this estimate of cost. They insisted that interest on the cost of the plant should be included and that the charge for upkeep and depreciation should be greater.

If interest is charged on the plant at 3 per cent, the price at which the Government can sell its bonds, and an additional charge made for upkeep and depreciation, it would not exceed $20 per ton additional. Thus it is practically conceded that the Government, in a plant of 20,000 tons' capacity, working at full capacity, can make its armor plate for at least $250 per ton. If the Government should erect a plant of this capacity and manufacture the 113,200 tons of armor it will need for its contemplated naval program during the next five years, instead of paying, as at present, $425 per ton, it would save $9,810,000, which would almost pay for the plant.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. Yes.

Mr. KENYON. May I ask the Senator, at that point, how long the committee estimated it would require to erect the proposed armor plant?

Mr. SWANSON. One engineer estimated it could be done in 18 months, but from 2 to 3 years was about the conclusion the committee reached. They thought that it could be erected in not less than 2 years and would not take over 3 years.

Mr. LIPPITT. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. SWANSON. Yes.

Mr. LIPPITT. The Senator says one engineer estimated that this plant could be constructed in 18 months. Was not the statement of that engineer, if he was an engineer, qualified by saying it could be constructed in that time if the red tape of the Government could be eliminated?

Mr. SWANSON. That is correct.

Mr. LIPPITT. As a matter of fact, the testimony was that it would require four years?

Mr. SWANSON. That is the testimony, as I understand, of those who do not wish the plant to be erected.

Mr. LIPPITT. Admiral Strauss testified that it would require three years under the conditions that existed a year ago, and now that time would have to be extended.

Mr. SWANSON. Of course, business is so prosperous and such a great wave of prosperity is sweeping all over the country it might be difficult to get the work done, and no strictly accurate estimate perhaps can be made as to the time it would require to construct the plant; but Admiral Strauss is satisfied that in ordinary times, with a normal price for materials, it could be constructed in from two to three years.

Mr. LIPPITT. Admiral Strauss testified that under such conditions it would take three years.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nevada?

Mr. SWANSON. I yield to the Senator from Nevada.

Mr. NEWLANDS. I understood the Senator to say that the estimate is that the proposed Government plant will be able to make armor plate at a cost of $230 a ton.

Mr. LIPPITT. Running full.

Mr. SWANSON. Running full capacity.

Mr. NEWLANDS. Does that include interest upon the plant and depreciation?

Mr. SWANSON. If the Senator had listened to me——

Mr. NEWLANDS. I regret that I have not heard all of the Senator's remarks.

Mr. SWANSON. He would have known that it included interest at 3 per cent and every possible charge that could be made for maintenance and upkeep.

Mr. NEWLANDS. And it provides for depreciation?

Mr. SWANSON. Yes.

The Naval Committee, believing that the best interests of the country would be promoted by its owning and operating an armor plant, and that this vast sum of money should be saved, reported favorably by a very large majority the pending bill and urged its passage by Congress. Even if the construction of this plant should not result in this great saving to the Government the committee believe it would be better for the Government to manufacture at least a part of the armor needed in its own plant. Those engaged in the manufacture of armor plate stated that if the Government should commence the manufacturing of a part of its armor plate it should provide for the manufacturing of it all, as they would abandon the business as soon as the Government entered it. As the Government could manufacture 20,000 tons cheaper per ton than 10,000 tons it was decided by the committee to report a bill providing for the erection of a plant of 20,000 tons capacity to meet the present needs of the Government.

If the Government can enter into the manufacture of any of its armament, it can certainly enter with more propriety into the manufacture of armor plate than anything else. The Government is the sole purchaser of armor plate. The manufacturers of armor plate have no customers outside of the United States Government and a few foreign Governments. Thus the Government can enter into the manufacture of armor plate without disturbing any individual business except this one branch of the steel business. It simply proceeds to provide in the most economical way for its own needs. It does not contemplate manufacturing anything for sale in competition with anyone.

At present the Government is compelled to keep at each one of these armor plants an inspector to see that the manufacturers comply with the processes of manufacture, that the specifi-

cations are fulfilled, and that the armor plate measures up to the proper requirements. It is compelled to do this to prevent inferior armor plate being furnished. Despite the great vigilance inferior armor plate has been furnished to and used by the Government. It is to the interest of the Government that the armor should be as hard as it is possible to make it, and hence the necessity of this vigilance. The harder the armor the greater the cost, and hence it is to the interest of the manufacturers that the armor should go through as few processes as possible in hardening since it greatly reduces the cost. Complaint is frequently made that the requirements of the Government are severe in requiring the utmost hardness in its armor. Thus there is a continual conflict between the manufacturers of armor and the Government.

If the Government manufactures its own armor, this conflict of interest disappears. It becomes the interest of the Government, both as a manufacturer and owner of ships, to produce the best possible armor. This favorable condition can only be obtained by the Government owning its own plant. Besides, if the Government should discover any new processes in the making of armor, while the armor is being made by private concerns, the secret or secrets would have to be given these private concerns. These manufacturers insist they can not disclose to the Government any of their secrets without great detriment, yet they think the Government should give them all of its secrets. The Government should manufacture its own armor and be able to develop new processes and keep them secret and not allow them to be used by other Governments with whom we might at some time be in conflict. Only last year the Government was compelled to institute suit and obtain an injunction to prevent a private concern engaged in the manufacture of torpedoes from using some of its secret processes in making torpedoes for a foreign Government. This clearly discloses the dangers to which we will be subjected in permitting the manufacture of armor plate to be absolutely in the hands of private concerns.

The contention is made that if the Government enters into the manufacture of armor the corporations now engaged in it would cease making it, and the Government would be at a great disadvantage in case of war. This contention is true in so far as it relates to the manufacture of guns, other armament, and powder. The Government should give a part of its business to those engaged in such ventures, as they are of great strength in time of war, and we can not afford to do without them. It is vastly different in the matter of armor. A nation must have its naval supremacy at the beginning of war and can not obtain it during the continuance of the war. It takes from two to three years to construct a battleship, and hence the armor plate for battleships is mostly produced in times of peace, to be ready for war. The increase in the demand for armor plate does not amount to as much in time of war as does the increase in the demand for arms and munitions. The wise course for the Government to pursue is to own an armor plant sufficiently large to manufacture for its needs in time of peace and carry out its naval programs, with facilities for enlarging the plant in time of war, if necessary.

The experience of the Government in the manufacture of guns, mines, powder, and torpedoes has been most satisfactory, and I do not believe there is anyone who would favor the Government retracing its steps in these directions. In 1897 the Government paid $1 a pound for smokeless powder of the general character at present in use. This price was gradually reduced until in 1912 the Government paid 60 cents per pound. That year the price was fixed by Congress at 53 cents per pound, which is the price the Government has since paid for the powder it purchased outside. The Government now manufactures much of its powder, which, including overhead charges, costs it about 38 cents a pound. During the past three years the Government has manufactured 7,263,409 pounds of powder, costing it in all, including everything, $2,680,000. If the Government had purchased this powder outside, at the present price of 53 cents per pound, it would have cost about $1,169,000 more. The Government has saved this amount in three years on its powder purchases.

Three years ago we had no satisfactory naval mines; and Secretary Daniels, to get the type approved by the ordnance authorities, had to go to England. In his contract with the Vickers Co. he made arrangements for the manufacture of their mine by this Government upon the payment of a royalty, and it has been proved that these mines can and have been manufactured for $145 apiece less than the Vickers price, as Vickers were unable to deliver them on account of the war. Already we have 31 mines for every 9 mines we had three years ago. The department is now asking for approximately $3,700,000 for the manufacture of mines. By manufacturing them, the department will be able with this sum of money to obtain about 1,800 more mines than it could obtain by purchase with the same money.

The Navy is now having great success in the manufacture of torpedoes. Three years ago its factories could manufacture only about 75 torpedoes a year, a number totally inadequate for its demands. It was dependent, therefore, upon private manufacturers for the bulk of its supply. Several years previous it had been necessary to make purchases in Europe, and within the last year the department has been obliged to invoke the aid of the courts to prevent the sale to foreign Governments of torpedoes manufactured by private concerns in this country and which embodied improvements suggested by American naval officers. Through good management and the employment of additional manufacturing facilities already existing, the Navy Department has been able not only to increase its output of torpedoes but to reduce the cost of manufacture. Congress in 1914, at the request of Secretary Daniels, authorized an expenditure of $260,000 to enlarge the department's facilities for manufacturing torpedoes.

When these extensions are completed the Navy itself will be able to manufacture about 400 torpedoes a year instead of a meager 75; and as they are being manufactured for about $1,100 less than they can be bought, the Navy will, by manufacturing torpedoes instead of buying them, save to the Government about $400,000 a year. Incidentally, it may be stated as evidence of the Navy's activities during the last three years that it has been accumulating torpedoes as well as mines. For every 100 torpedoes on hand or ordered March 1, 1913, 158 additional torpedoes have been ordered since that date.

The Government has had a most favorable experience in the manufacturing of guns. Secretary Daniels, in testifying before the Naval Committee of the House last year, stated that the Navy desired ten 14-inch guns, and asked the United States Army, the Midvale Co., and the Bethlehem Co. to submit bids for the construction of these guns. The Midvale and Bethlehem Cos. bid $79,000 each for these guns, and the Army bid $61,000. The award was made to the Army for the construction of these guns, saving the Government $18,000 on each gun, or $180,000 in all. I am told also that the guns, mines, and torpedoes manufactured by the Government are superior to those manufactured by private concerns.

Mr. THOMAS. Mr. President, may I ask the Senator a question?

Mr. SWANSON. Certainly.

Mr. THOMAS. Were the bids of the two companies, the Bethlehem Co. and the Midvale Co., identical?

Mr. SWANSON. They were identical; so stated by the Secretary.

The success that has attended the efforts of the Government in the manufacture of powder, guns, mines, and torpedoes fully justifies it in proceeding to manufacture its armor, where its success is more fully assured and the savings greater.

It is said in opposition to this bill that the Government is treating with gross injustice the three concerns that undertook the manufacture of armor at the suggestion of the Government and are now confronted with the possibility of a great loss if the Government should proceed to manufacture its own armor plate. Let us examine fairly and justly the transactions between the Government and these three companies and ascertain whether these concerns have not been treated fairly and generously by the Government. I am frank to say I would not favor this Government dealing unfairly, unjustly, or niggardly with any concern. The Government should be a fair and reasonable customer. If the Government of the United States in its transactions with these concerns has been liberal, and these companies have made large profits on account of these business transactions with the Government, then they can have no cause of complaint if the Government in the future should erect for its own use an armor-plate plant and manufacture armor in the best and most economical way.

Secretary Herbert, when he made his investigation and report to Congress, likewise took this position, and made an investigation as to what the profits of the Carnegie and Bethlehem companies had been through their transactions with the Government up to 1897. He did this with a view of ascertaining whether the Government has fairly and fully discharged its obligations to these two concerns on account of their undertaking the manufacture of armor plate. He examined the reports made by these concerns to the State authorities regarding their profits, the amount of business done with the Government, and the amount of business they had with others, and allowed a most liberal percentage of profit on business with private concerns. He thus reached a conclusion as to the profits made by these two companies in their transactions with the Government up to 1897. His examination of this subject was exhaustive and thorough.

He reported to Congress with regard to the Bethlehem Co. as follows:

> Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or patents, whatever may have been the interest on working capital, all those and other charges were paid from the gross earnings of the company. Only net earnings have been considered, and the results show that the company's investment in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

This was in 1897. Up to that time the Bethlehem Co. had only manufactured about 17,000 tons of armor for the Government, and since that time it has made and sold to the Government about 78,000 tons of armor, more than four times as much. Its sales to the Government of projectiles and other munitions since that time have increased in equally great proportion, and I doubt not with equal profits. I have a statement from the Navy Department showing me that since 1905 the Bethlehem Co. has received in payment for projectiles and gun forgings over $11,577,000. I have no doubt the purchases from 1897 to 1905 would equal if not exceed this.

There can be no question but that the United States Government has been one of the most profitable customers these companies have had, and that a large measure of their great prosperity has been due to their transactions with the United States Government. There is no question but that one of their chief sources of profit has been their transactions with the Government. Any obligation that this Government may be under to these companies has long since been fully discharged by the large and liberal profits made by them in their transaction with the Government.

In examining the transactions of the Carnegie Co. in the same manner, Secretary Herbert stated:

> These estimates show that this company's business, done entirely by its armor plant, has netted to it 10 per cent profit after the amortization of its plant.

This was in 1897. Up to that time the Carnegie Co. had furnished to the Government 12,650 tons of armor. Since that time it has furnished the Government 77,283 tons, more than six times as much, it is presumed with equal profit. It can be readily understood from these figures why these companies are not willing for the Government to examine their books to ascertain the profits they have derived from their transactions with the Government.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. SWANSON. I do.

Mr. OLIVER. The Senator must acknowledge that these companies have offered to allow the Government to examine their books.

Mr. SWANSON. I have so stated—if it is treated as confidential.

The Midvale Co., since it began manufacturing armor, has furnished the Government 48,399 tons of armor plate, at an average price of $420 per ton. This is about four times the amount furnished by the Carnegie Co., on which Secretary Herbert estimated this company had made 10 per cent and paid for its plant. Since 1905 the Midvale Co. has also furnished the Government over $7,916,000 worth of projectiles and gun forgings. In addition the Bethlehem, Carnegie, and Midvale Cos. have supplied large quantities of iron and steel in all of its varied forms. All three of these companies have derived immense profits from their transactions with the Government, and are not justified in making any complaint of unfair treatment by the Government should it see fit to manufacture its own armor. The Government has been the best customer of these three concerns and the best source of profit. There is no reason in the contention that the Government would act unfairly if it should pass this bill as recommended by the committee.

Desirous of encouraging these plants in order to have munition plants in this country, the Government has acted toward them with the utmost generosity and liberality. Desirous of treating these concerns with the utmost consideration, the committee has authorized the Secretary of the Navy to erect or purchase an armor plant, or do both. If the owners of these plants desire, they can sell their plants to the Government at a fair and reasonable price and sustain no loss in this respect. If they do not desire to sell their plants, they can, under the terms of this bill, dispose of their machinery and tools and other equipment. In 1897 the Bethlehem and Carnegie Cos., through their officers, offered to sell their plants to the Government at a fair and reasonable price, and it is presumed they are willing to do so at this time.

Thus, Mr. President, from whatever standpoint it may be viewed, the pending measure is just, fair, and reasonable. It proposes that the large profits arising from the manufacture of armor plate shall remain with the Government and no longer go to private individuals. It proposes to have a plant where the secrets of the Government in connection with the construction of armor can be protected and used alone by this Government. The manufacturers of armor in their testimony clearly indicated that they are unable to manufacture armor as cheaply and economically as the Government. The bill proposes to prevent this economic waste, and to permit these concerns to go into other profitable undertakings. It gives an opportunity to the owners of these plants to dispose of them to the Government at a fair and reasonable price. The bill will place one of the chief elements of our defense and security in the hands of the Government, where it can safely rest, and not make it dependent upon the self-interests of individuals.

The passage of this bill will mark the end of the domination of the notorious Armor Plate Trust, which for more than 16 years has levied immense exactions upon the Government of the United States. It indicates no intention on the part of the Government to engage in private business and commerce, but its desire is to obtain its own armor in the best and most economical way and in a manner that preserves its valuable secrets and new discoveries.

This bill is fair and just to the Government, fair and just to those engaged in manufacturing armor, and should be promptly passed by Congress. Every delay in this matter is attended with dangers, and Congress should act promptly and decisively upon a matter of such vast and far-reaching importance.

Mr. PENROSE. Mr. President, before making the brief address which I intend to make upon this subject, I will say that I shall be glad to be interrupted at any time by any Senator who may desire to do so.

I approach this matter from an entirely different point of view, I think, from that of the Senator from Virginia [Mr. SWANSON] or any of the other Senators who have spoken in support of this bill. I can claim some familiarity with the subject. These three concerns are located in Pennsylvania. For 25 years I have had opportunities to visit them and to familiarize myself, so far as a layman can, with the intricacies of their manufacture and the details of their management. I do not claim any particular originality for what I am going to say now, because the facts are found in the hearings before the Senate Naval Committee and in the various circular forms of information which have been submitted to Senators. I want to say now that in the many hearings which have been held before the committees of both branches of Congress on the question of armor plate during the last 20 years I know of no hearings more concise or more illuminating than those held by the Naval Committee in the present instance.

In the first place, Mr. President, much has been said regarding the absence of competition in connection with the manufacture of armor plate. I make the statement fearlessly that there is no real competition in the manufacture of this article, and there can not be, from its very nature. There is only one customer, the United States Government, and that one customer is without an assured program or a definite policy; so that at no time have these establishments been worked to their full capacity, and frequently they have been lying idle.

The first concern to go into this business was the Bethlehem concern, I suppose in a spirit of enterprise, as an addition to an ordnance factory, and perhaps, some of us may conceive, with an element of patriotism among enterprising metallurgists and steel manufacturers to have armor plate made in America. Anyhow, they went into the business on the invitation of the American Government, conveyed not only personally by the heads of the Navy Department and the other departments of the Government, but in response to advertisements published in different newspapers. A little later on the Carnegie Co. went into the business in the same way, and finally the Midvale concern, almost entirely at the request of the United States Government to have as many private concerns as possible manufacture armor plate.

Until the last three or four years it always has been the policy of the American Government and of all Governments to encourage initiative and individual enterprise in the manufacture of the munitions of war. One of the first resolutions passed by the American Congress was addressed to Alexander Hamilton, asking him to report to Congress how individual manufacture of the munitions of war could be encouraged; and it has been only at this late day, in the last two or three years, that the doctrine has grown up in the United States that the Government should manufacture all or a large part of the munitions of war. For the previous one hundred and forty-odd years of our national existence it had been the definite policy of the Government to do nothing itself that the individual could do for the Government; and it was the policy of the Government to en-

courage the individual in every way, so that these great establishments in time of war or in case of necessity might be mobilized for the national needs. Up to the present time I do not know of a single civilized nation, with the exception of Japan—which has been compelled to do so—which manufactures armor plate itself, or, to any extent, any of the munitions of war. Many of these Governments are paternal in their character, and yet there is not one of them but that has done all in its power to encourage the manufacturers of armor and of other munitions.

It has been the policy of the United States Government during the last twenty-odd years, in dealing with these manufacturers of armor, to distribute the contracts so that they all would have work and be able to remain in existence in case the Government should have to fall back upon them in time of war. Much criticism is made because all of the contract is not given to one concern at a lowest figure. It is true that it has not been so given, Mr. President; but in dividing these contracts it has been done deliberately, with a statesmanlike foresight, to keep them all maintained and operated.

The Senator from Virginia [Mr. SWANSON] has referred to this fact. He overlooks the fact—and he is one of the most persistent advocates of it in the naval appropriation bill—that when we authorize two or more battleships we often provide that not more than one shall be built in any one yard, or not more than one shall be built upon the Atlantic seaboard, or that at least one shall be built upon the Pacific seaboard. If the Navy Department or the Congress pursued the policy which the Senator from Virginia insists upon in connection with armor plate, he ought logically to demand that all the battleships should be awarded to the lowest bidder in one navy yard, if it has the capacity to construct them; but the American Congress, without criticism, has followed the other policy, and, in my opinion, it has been a wise one. The same policy has been adopted in connection with the distribution of the work for armor plate.

The business is not, and can not be, competitive. The test is not whether the Government is getting a competitive price, but whether the Government is getting the armor plate for a reasonable price. No Senator can dispute the fact that when we are getting armor plate at a very much lower figure than that paid by any other nation in the world we are getting it at a reasonable price, because what is reasonable must necessarily be comparative. Other nations do not even exact, as we do, the lowest reasonable price, but are willing to pay very liberal amounts to the manufacturers of armor in order to have these great establishments to fall back upon in case of national need. It is not a strictly commercial business, but is a proposition involving the maintenance of munition factories to be mobilized in case of war. So when the Senator from Virginia and other Senators talk about competition and talk about the lowest price, they seem to me to have an entire misconception of the problem involved.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. PENROSE. Certainly.

Mr. POMERENE. It is conceded, I understand, that in this country there is only one customer for the product of these armor-plate factories.

Mr. PENROSE. I so stated.

Mr. POMERENE. If there are three factories, separate and distinct concerns, under separate and distinct management, will the Senator tell me why three different prices can not be given by these three different concerns? That, if I understand it, is competition.

Mr. PENROSE. Mr. President, even conceding for the sake of argument that there were different prices, supposing that by reason of geographical situation—being nearer the seaboard, perhaps, or for any other reason—the Midvale Co. could bid lower upon armor plate than the Carnegie Co., I for one would advocate giving part of this armor plate to the Carnegie Co. in order to keep that establishment alive, just as I advocate building a battleship on the Pacific seaboard, costing more than it would cost upon the Atlantic seaboard. I believe it to be a wise and a statesmanlike policy for the Government to have these great munition factories to fall back upon; and rather than award the whole contract to any one concern because it was the lowest bidder, I say here fearlessly before the Senate that I would advocate giving part of the contract at a higher price to one of the other concerns.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. PENROSE. Yes.

Mr. HITCHCOCK. I should like to ask the Senator from Pennsylvania whether he does not think the United States is now in a better position with regard to powder than it was before it began the manufacture of powder? Now when war comes we will have our own powder factory at Indianhead and our own powder factory in New Jersey, besides the private powder manufactories. Meanwhile, we have demonstrated the price at which powder can be manufactured. We have compelled the powder factories to reduce the price of their powder to the United States year by year, and in case of war we have two strings to our bow. We have the Government powder factories and the private powder factories. Are we not now in a better position because we have undertaken the manufacturing of powder in Government factories, and would not a similar result follow in the case of making armor plate?

Mr. PENROSE. Mr. President, I am glad the Senator from Nebraska has addressed the inquiry to me. I had intended to touch upon the subject to which he refers. The analogy between the manufacture of armor plate and that of powder is to my mind entirely fallacious. In the first place, the Government is one of the smallest customers for powder. The independent and individual powder concerns do the vast amount of their business with the mining industry, and with arms companies that are not military companies, and in other directions. In the case of armor plate, only one customer exists, and when that customer ceases to order these plants go out of existence.

In addition to that, the formula for making powder is comparatively simple, whereas the process for making armor plate represents the highest point to which the art of metallurgy has reached, requiring the longest experience, the highest talent, and the rarest kind, I may say, of genius in metallurgy.

Further, Admiral Strauss himself says:

> We have been very successful in manufacturing powder profitably, and we had one advantage in the manufacture of powder, and that is that we took all of our output, and ever since the plant has been built we have worked day and night and took every pound of powder that we could make, and that has contributed to the success of the plant, undoubtedly.

Whereas in the case of armor with the plant contemplated in this bill, we have no assurance that it would ever in any program the Government is likely to adopt beyond the present and immediate needs employ more than 50 per cent or much less of its capacity.

Admiral Strauss before the Naval Committee further said—I do not have it at hand; it is in the hearings somewhere—that the French Government manufactured all the powder it has used, and he did not consider it a desirable or a good thing for the Government to do all of it, and that he did not believe it had worked well in the case of France.

Mr. HITCHCOCK. I should like to dispute that proposition right now. If we may judge by the course of the present war, France has been in an infinitely better condition manufacturing her own powder than Great Britain has, which was compelled to depend on private manufacturers.

Mr. PENROSE. Perhaps the Senator and I are not warriors of the experience of Admiral Strauss. I will read what Admiral Strauss said:

> I think it is well for the Government to have competition in producing munitions as well as anyone else. We have an example in France of the Government monopolizing the manufacture of powder, and it has not worked particularly well. I think the Government factories need competition, in order to stir them on both as to quality and price, just as well as we need competition among private manufacturers.

Mr. HITCHCOCK. It seems to me the testimony of Admiral Strauss hardly bears out the argument the Senator is now making. Admiral Strauss seemed to think that competition between the Government and the private individuals is desirable, yet the Senator is arguing that there should be no Government competition in the manufacture of armor.

Mr. PENROSE. There would be no competition if this bill passes, because the three private establishments would be immediately extinguished.

Mr. HITCHCOCK. That will be only upon one theory, that the three private establishments will find that the Government will be able to manufacture the armor cheaper than they can afford to sell it.

Mr. PENROSE. The Senator, with all due respect to him, seems to be entirely misinformed as to the situation. As I understand it, the law requires, where the Government establishes a manufacturing plant of this kind, that it shall be given the preference and do the work to its full capacity before any contract or purchase is made of private individuals. This governmental armor-plate factory would produce all and more than all the armor plate that the Government will ever need. So how can private concerns continue in the business when there is only one customer?

Mr. HITCHCOCK. I do not know the law the Senator refers to, but I know this to be true: We have been paying 53 cents a pound to private concerns to manufacture our powder when we were making it in Government plants at less than 40 cents a pound. I know that for some years the Government has been manufacturing its powder at less cost than it was paying to the manufacturers; yet it continued to buy from the manufacturers and to restrain the development of the Government plant in order to keep the factories going. So I think the Senator is hardly warranted in saying that there is any law which discriminates very seriously against private manufactures.

Mr. OLIVER. If my colleague will yield, I suggest that the history of governmental experience in powder is not carried out when it comes to the experience of the Government in building its own warships, because I think I am right in saying that never yet has the Government constructed in its navy yard a ship that was built at the same cost as its sister ship built in a private shipyard. Notwithstanding this experience, the Government is still going on keeping the ways in the Government yards filled with ships and only giving to the private yards what may be termed the excess.

Mr. HUGHES. Will the Senator from Pennsylvania permit me?

Mr. PENROSE. Yes.

Mr. HUGHES. The Senator is so good-natured that I dislike to impose upon him; but occasionally some one rises here in this and the other body and states what the Senator from Pennsylvania [Mr. OLIVER] has just said. It is a controversy that has been raging for a number of years, and I do not think it ever will be settled. When a Senator makes that statement it becomes necessary for some one of the other school of thought to interpolate an objection.

My understanding of the true situation with reference to the test which the Senator spoke of a little while ago, is that a Government-built ship showed to advantage over the private-built ship in the famous case of the *Louisiana* and *Connecticut*. It is true on the surface the figures would seem to indicate that the *Louisiana* was built for less money than the *Connecticut;* but the Scientific American, at the time the two ships were built, instituted a pretty complete, thorough, and comprehensive system of observation, and gave it as its opinion that the *Connecticut*, considering the character of the work that was put upon it—the Government yard beat the private yard, both as to quality and quantity, and the *Connecticut*, the Government-built ship coming from the Brooklyn Navy Yard, was made the flagship of the fleet.

It was stated subsequently that it cost more for repairing the *Connecticut*. The same authority demonstrated that the character of the changes that were made—not important changes, but changes in her armament and changes in her equipment—became necessary because she was made the flagship of the fleet. Ship for ship, she was superior in every way. She emerged triumphant from that contest. According to the authority I quote, the Government-built ship was the best ship. But that is not all. Government competition has speeded up the building of ships two or three years. Government competition has reduced the price of ships.

I am sorry to have injected this interruption.

Mr. PENROSE. No; we are not discussing ships now.

Mr. HUGHES. But the Senator was so good-natured and extended the invitation at the beginning of his remarks that I ventured to take advantage of it.

Mr. OLIVER. If my colleague will allow me, I will merely say that the records of those ships are better than the opinion of the Scientific American, and you will find that of those two ships the *Louisiana* was infinitely superior and was built for three or four hundred thousand dollars less than the *Connecticut*. You will also find that the *Utah* was a better ship, built by contract for $2,265,000 less than the *Florida*, and so on down all along the line.

Mr. HUGHES. Of course, if the Senator will permit me, it ought to be stated in all fairness to the Government employees of the navy yards that the ship *Connecticut* was built under absolutely ideal labor conditions. It was built by men working eight hours a day and receiving the highest pay paid by the community in which they operated, who are receiving 30 days' leave a year, and in every other way operating and working as we would like to see all American citizens operate and work. That necessarily ran the cost of the ship up; but I still believe and maintain it to be true that under any fair and proper system of cost accounting and charges the Government-built ship will compare favorably with any private-built ship that ever has been constructed.

Mr. PENROSE. A total misconception seems to exist with relation to these armor-plate plants to the general business of the steel companies which own them. In the case of the Carnegie Co. the armor-plate department is the most insignificant part of their enormous business, as must be obvious to anyone familiar with the annual business of the United States Steel Corporation. In the case of the Bethlehem Steel Co. I have here a newspaper clipping stating that their net earnings for 1915 were nearly $25,000,000, and that during the time when the armor-plate plant was idle and not making anything. The million and a half the armor-plate plant might have received on their share of the distribution of the contract for armor plate, allowing all of it as gross profit, and assuming that the armor was manufactured for nothing or out of revenues applied from other parts of the establishment, would have only given a gross profit of 20 per cent. All sides seem to agree—the Tillman committee, Mr. Grace, the president of the Bethlehem Co., and others who have testified—that, taking the Senate committee's own figures, the profit at the best was between 7 and 8 per cent.

Therefore it can be shown without going into any great amount of accounting that not only has it never been a profitable business, but that it is a comparatively small part of the affairs of these great establishments.

These gentlemen, as I have said, have gone into this industry in a spirit of enterprise, I suppose, in a spirit of patriotism, certainly on the invitation of the American Government. They are in it, and they naturally resent the treatment which they are receiving, and are opposed to a Government plant that would absolutely render valueless the comparatively small investment which they have therein.

Much comment has been made upon the fact that on numerous occasions armor plate has been sold to foreign countries at a lower price than that furnished the American Government. Mr. President, there is not an armor-plate manufacturing concern in England or Germany or France that has not sold armor plate to other nations cheaper than they are furnishing it to their own Government, and in the case of the American manufacturers, the instances referred to were for very small amounts and occurred many years ago. But it is the policy of England, France, and Germany, who are certainly as civilized countries as America and who undoubtedly carry military efficiency far beyond anything we have any conception of, to pay liberal prices for armor plate, and keep up these vast concerns as a military proposition and not to treat them as if they were selling mules and hats and shoes and other articles that can be sold anywhere throughout the country.

Mr. POMERENE. Mr. President——

Mr. PENROSE. I yield to the Senator.

Mr. POMERENE. The Senator has just stated that in other countries the armor-plate factories sell more cheaply to foreign countries than they do to their own Government.

Mr. PENROSE. Yes.

Mr. POMERENE. Can the Senator tell us how much cheaper these sales are made to foreign Governments than to their own several home Governments?

Mr. PENROSE. No; I have not those figures. The statement was made before the Naval Committee, but it was not considered of sufficient importance to go into that feature of it. The difference is no greater than $15 a ton, I think, in the American instance, and it is not a very large matter to be concerned about. These transactions occurred as they do in commerce of all kinds in order to secure a market or perhaps to compete with other foreign manufacturers, and it may be at a loss. Anyhow they are but few and far between and occurred so long ago that it is hardly worth while to take up my limited time to pursue this matter further.

Mr. GALLINGER. Will the Senator permit me?

Mr. PENROSE. I yield to the Senator.

Mr. GALLINGER. Some years ago, I have forgotten the exact date, I submitted a resolution to the Senate asking the Secretary of State to make inquiry through our ministers and consuls abroad as to what the custom was in other countries of selling at certain times their products more cheaply abroad than at home. It was ascertained and communicated to the Senate that it was almost a universal custom that accumulated goods, not finding a ready home market, were disposed of to people in other countries at a less rate than the domestic price.

I know that a great many manufacturing establishments of this country in textile industries and woolen industries often find a surplus on hand that they have got to dispose of or perhaps close their factories for a time, not finding any home market, and they are sent abroad and disposed of for what they will bring. I apprehend that this transaction was of that character.

Mr. PENROSE. I assume that owing to the uncertain policy of the American Government these concerns were not working to their full capacity at the time, and were glad to sell at cost or probably at less to foreign countries a small amount of armor in order to possibly secure a market.

Mr. President, there is no activity in the arts and sciences that has made the extraordinary progress that has been made in the iron and steel industry. In the last 30 years it has developed many men of extraordinary genius for metallurgy and mechanical development and invention and for business expansion. The names of many of these men are known all over the United States and known all over the world. They have transformed the industry; they have raised it to a height which was never dreamt of by the pioneers who first developed it in western Pennsylvania and in other parts of the country. In no branch of the industry has the development been more extraordinary than in the art of making armor plate.

It is perhaps a process requiring as prolonged and delicate and as careful manipulation and attention and skilled knowledge as any other process in metallurgy. How can we expect the graduates of Annapolis to ever cope with those men who have the supply of extraordinary talented men to draw upon, who are developed in the industrial affairs of the country?

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from West Virginia?

Mr. PENROSE. I do.

Mr. CHILTON. I should like to call the attention of the Senator to one phase of this matter which I do not think has been discussed, and that is the testimony of Admiral Strauss to the effect that the Government hopes by having a Government plant to improve the quality of the armor and to get this advantage.

Mr. PENROSE. I was coming to that point, if the Senator will permit me.

Mr. CHILTON. Will the Senator let me state it? I did not know that the Senator was going to state it.

Mr. PENROSE. I am just coming to what the Senator has in mind. I am approaching it now.

Mr. CHILTON. I do not know that the Senator can tell what is in my mind.

Mr. PENROSE. I am a kind of mind reader.

Mr. CHILTON. I will state it, however, and if the Senator has read my thought it will not hurt. My thought was that the testimony of Admiral Strauss was to the effect that many of the improvements, in fact a majority of the improvements in armor plate, have been suggested by the Government officers for the reason that they do the testing of armor plate. There is a large percentage of the armor plate bought which is used for testing purposes, and they make the tests and by those tests they determine what is needed in the armor plate to meet the improvement in projectiles.

Mr. PENROSE. I understand the Senator's question. I anticipated it and I was just going to approach that subject. I speak with the greatest respect for the graduates of the Naval Academy and for the officers of the Navy, and in the same way of the officers of the Army. They receive an extraordinary discipline and education in the two academies, they represent a fine type of American intelligence and manhood, and it is no criticism of them to say that skill in metallurgy is no more to be expected to be found among them than it is to be found among any other profession—lawyers, or doctors, or ministers, or I care not what—whose education and time has not been applied to the study of that subject.

Mr. HITCHCOCK. Mr. President——

Mr. PENROSE. If the Senator will wait one minute, until I get through answering the Senator from West Virginia, I will state that this is a most complicated metallurgical process, as I have said, requiring the genius of men who have been brought up in the business and developed it. If Government ownership had prevailed in the time of Alexander Hamilton and we had relied on any such novel doctrine as is now promulgated in the American Congress, and naval officers and civilians in the Navy Department had been placed in charge of the protection of the old wooden frigates, we would not have gotten very far from the wooden frigate to-day.

The inventions, the processes, the progress made in the development of armor plate have been almost exclusively the result of individual enterprise, individual financial expenditures, individual courage in going into the business at a possible loss and carrying it through to a success. I will now yield to the Senator from Nebraska.

Mr. HITCHCOCK. I was going to ask the Senator from Pennsylvania whether it had not been very well demonstrated in a number of other departments of the Government that the United States is capable of securing the very highest scientific talent. I refer, for instance, to the Department of Agriculture, where——

Mr. PENROSE. The Senator will let me answer without elaborating, because my time is very limited.

Mr. HITCHCOCK. In the Department of Agriculture—in the Bureau of Standards——

Mr. PENROSE. Mr. President, I decline to be interrupted for a speech.

The PRESIDING OFFICER. The Senator from Pennsylvania declines to yield further.

Mr. PENROSE. With all desire to be courteous, having only a few minutes more, as two Senators follow me and we are to vote at 4 o'clock, I will answer the Senator's inquiry, but I do not want to wait for a speech. It is not the business of these Navy officers to be on shore manufacturing. Their profession calls them to be upon the ocean and to be upon battleships and to familiarize themselves and exercise their profession as navigators, as men in charge of cruisers and dreadnaughts and submarines, and to have them in Philadelphia or at Bethlehem, on shore all their lives, or to be removed just as soon as they are beginning to learn the art is, I say, so ridiculous that I can not conceive how it can appeal to a man of intelligence. The Government has not paid the salaries which would ever induce men, fit and competent, to go into a Government armor-plant factory, men with ability and industry to be successful manufacturers of armor. A man with the ability and the industry to be a successful manufacturer of armor can advance himself and do better in his profession by remaining with private enterprise rather than drag his days along in a Government position on a Government salary.

With the exception, Mr. President, of the comparatively small and simple manufacture of gunpowder the Government has never gone into manufacturing in the strict acceptation of the word. The Government has assembled materials which to the ordinary civilian may appear like manufacturing, but it is not. In that case the Government has not covered the operations of manufacturing, because, as it was observed here this morning, the Government will have to buy pig iron which these concerns now manufacture, and it will not have the coal mines and the iron ore and the other sources of supply which these concerns now own.

When the Government makes a so-called gun it gets the forgings from Bethlehem. When the Government builds a battleship it buys the propeller and the plates and the masts and almost everything that enters into the battleship from individuals, and it takes them to the Government navy yard and assembles them and puts them together. It is not a manufacturing business in the sense that armor plate is manufactured. This proposition is as radical a departure from anything the United States Government or any Government has ever attempted to do as it is possible to imagine.

With the passage of this bill these concerns will go out of business. No other civilized Government in the world would contemplate for a moment extinguishing three plants of this kind in the ruthless way which we now contemplate.

We talk about preparedness and at the same time we are deliberately destroying one of the most important elements in the problem. Where would England be to-day without her four or five armor-plate establishments to fall back upon to supply her pressing needs? Where would Germany be? Where would any of the Governments now engaged in this dreadful struggle be to-day if they did not have some private individual concerns to mobilize and fall back upon? Certainly government plants only built to supply government routine necessities do not constitute a great reliance in time of war when we may want a thousand-fold capacity of any government plant.

Here is what Hudson Maxim says:

Government encouragement should be given to the private munitions factories, but they should not be put under governmental ownership, according to a pamphlet written by Hudson Maxim and circulated among Members of Congress by the American Defense Society. Mr. Maxim is a member of the advisory board of the Navy Department and of the advisory board of the Defense Society.

"As a result of the European war American industries have largely been enlisted for the production of munitions of war for the allies," according to the pamphlet. "They have largely been financed with foreign capital. Old munitions works have been enlarged, many of them fiftyfold, some a hundredfold. Many new works have been built all over the country, and the high prices that have been paid by the allies under the stress of their necessities will make all of the new works velvet for the manufacturers, with a large profit besides.

"It is estimated by the most reliable authorities that the capacity of the United States at this writing to make war munitions of all kinds as a whole is between four hundred and five hundred times as great as it was at the time the European war broke out. Should war come to-day, private manufacturers would be able to make more than a thousand times as large a quantity of munitions as would the Government.

"If we should have war with any of the great powers, we should need not only all of these great private plants, but also more."

Admiral Strauss admits that it would take several years to complete this plant. He also declares in his testimony before the Naval Committee that more or less failure would follow. So the whole question of preparedness is being deliberately jeopardized and imperiled, if not entirely destroyed, on account of this uncalled-for attempt at this most unpropitious time for Government ownership. To-day materials are more expensive than ever before known in the iron and steel business, on account of the war in Europe.

Some of the equipment necessary for an armor-plate manufacturing plant may be entirely unobtainable. In the meanwhile, with the passage of this measure, the Government pledges itself to Government ownership of armor-plate manufacturing and the private concerns are compelled to go out of business and proceed to the amortization of their plants. The outlook, to my mind, is so deplorable and so distressing from every point of view that I can only utter the sincere hope that before this bill completes its final parliamentary course it will fail of passage.

I should like, Mr. President, to discuss other phases of this question, but they have been so fully covered that I do not believe it is necessary for me to do so. I have preferred to confine my remarks to a few of the leading features of the situation which have always appealed to me from my practical knowledge of the industry. I am informed that other Senators are to follow me and, as we proceed to vote upon this bill at 4 o'clock, I shall detain the Senate but a moment longer.

The manufacturers of armor plate have made every offer to the Government that they could. They have presented the auditor's or accountant's report on the cost of armor for the battleship *Pennsylvania* to the Naval Committee and submitted it to the Secretary of the Navy, with the offer that they should examine all the details of the cost and profit to satisfy them just what the profits were upon that particular battleship. They have been at all times willing to furnish the Secretary of the Navy with information as to their business. That they are not willing to have it published to the world is no more a cause for criticism of them than it is a subject of criticism of the hundreds of thousands of corporations and individuals who make income-tax reports to the Commissioner of Internal Revenue that they are unwilling that their affairs should be published to the world, and it is wisely made a penal offense to disclose them.

Notwithstanding the fact that the price charged the Government for the manufacture of armor plate by these three concerns is about the same, they are separate entities; they have their separate and distinct organizations and their own competition. That was illustrated by the statement of my colleague [Mr. OLIVER] this morning when he showed how some of the concerns are able to furnish certain munitions, while the Midvale is paying a fine of $25,000 a month and is unable to come up to the specifications.

Every year the cost of armor plate has been added to by legislation in Congress. The eight-hour law imposed great burdens upon the manufacture of this article. Wages have been steadily going up ever since the art of armor manufacturing was first instituted and established in the United States; and yet, notwithstanding all that, the price of armor has been steadily going down until the last price was $425 a ton. This year, in view of the large program which was contemplated by the Government, an offer was made, in case the program was carried through, to furnish armor for $390 a ton. The armor-plate manufacturers even went to the Secretary of the Navy and offered to sit down with him, as the executive head of the department, and discuss the matter and try to arrive at a price which might be satisfactory to him; but their representations fell upon deaf ears, because the administration appears to be determined to have this bill passed and to launch the Government upon the perilous and doubtful course of Government ownership of the very last thing which the Government should undertake to own.

Mr. HARDING. Mr. President, I do not flatter myself that I shall change the opinion of any Member of the Senate on the pending measure, nor do I assume to be the sponsor for the mental processes of anyone in reaching a conclusion as to how he shall vote; but I must speak for myself, because when I first learned of the pending measure to erect a Government armor plant, I confess I felt myself inclined to favor it, notwithstanding the fact that I maintain a feeling of opposition to the broadening of Government operations to a trespass in the field of private enterprise in any and every field. I think I had gathered, concerning the manufacture of armor plate, the impression which is popular, that is, that armor-plate making has been the source of enormous gain to the few engaged therein. Moreover, it has seemed very reasonable to me that if there is any line of production which the Government might reasonably enter it is in the line of armor plate, arms, and ammunition—any or all the agencies of war.

I recognize the popularity of the proposition embodied in the pending bill. More, it is easy to see the effectiveness of such a policy in disarming the opposition to preparedness, because a very large part of the hostility to preparedness is fixed on the assumption that producers of munitions and builders of war vessels are inspiring the preparedness campaign for their own selfish gain. Senators must dismiss this last assumption as unworthy, else they will impugn their own motives and question the honor and patriotism of everyone in responsible position who stands for any considerable program of preparedness.

Let us dismiss for all time the suspicion that any action of Congress relating to the national defense is influenced by selfish, private motives and move along in devotion to duty, confident of such public approval and support as the merit of our ultimate action commands.

A study of the report of the hearings on which the committee's recommendation is founded, aloof from the acerbity of the distinguished chairman, reveals that a governmental plant is not proposed because of unsatisfactory service, not because of a lack of capacity, but because of a lack of knowledge of the exact profits of the large concerns engaged in serving the Government. I have studied the hearings very carefully, Mr. President, and I can reach no other conclusion than that this whole movement is inspired by the suspicion or conviction that somebody has been making enormous profits in serving the Government. Expressed in plain English, there is a fear or a conviction that those who make armor plate for the Navy are inordinately profiting through their operations; that there is essentially no competition; that the Government is excessively charged, and it is more or less of a crime to make money.

I know something of the popularity of inveighing against enormous money-making, honest or otherwise. It is a great "hit," not peculiar to any State or section, to swat the great captains of industry, particularly the wizards of the world of iron and steel, because they have developed stupendously and made great fortunes in that development. They have made a million dollars look "like 30 cents," so to speak, but in doing so they have made these United States the greatest iron and steel producing nation on the earth, and iron and steel prices make a more dependable business barometer than wheat and cotton, and the glow of the furnaces make a beacon of American material good fortune.

I will assume that there has been some good ground for suspecting greed in not a few instances; doubtless there has been "hoggishness," as the able chairman of the Naval Committee expresses it, but that need not becloud our vision or make us hostile to the great body of wonder-workers who have wrought the marvel of iron and steel. Great compensation itself involves no crime. Any Senator's mail will certify to the friendship for the people of a noted lawyer whose name is very familiar to this body, yet I read in the Senate hearings concerning this same eminent lawyer that he received a fee of $220,000 in one case. I assume our vision is influenced by the viewpoint, but I have never expected to earn that much money in the 50 years ordinarily allotted to the average man for his business or professional activities.

The point I am aiming at is that large profits and high compensations are only relative, after all, and we may all deplore the day when talent and genius and industry turned to money-making become a crime in this country. At any rate, the armor-plate problem is not to be best solved in a prejudice against the men who have succeeded. For myself—and Senators will agree, I hope—we ought to settle this question on one explicit issue—what is best for the American Republic?

Let us put aside the immediately popular thing. I know what that is. Nine men in 10 would say, "Down with monopoly, up with the Federal armor plant." I have confessed to my own inclination to favor that policy. I know why I felt that way, and it is not unreasonable to believe the popular mind has been fixed by the same impressions. The people have heard only one side. The hearings were a revelation to me. The public has little heard the side of the armor plants. It is rare that a newspaper and rarer that a politician will disseminate their story. It would sound too much like a boost for the business rather than a swat at the barons. There is no popularity in that.

Few people know that armor plants are given over exclusively to making armor for the Government and are fit for little or nothing else. Few people understand that these special plants have been developed at the instance of the Government to meet a Government need. Few people realize that the undertaking is so enormous that only immense capital and highly organized enterprise may safely venture upon the manufacture of armor. Rarely anybody has thought, much less spoken, of the enormous

losses in investment due to obsolescense. Not very many have ever stopped to think—I know I had not—that Federal assumption of the manufacture of armor plate will put out of business and render little more than scrap these great plants, representing approximately $20,000,000 of investments, though these investments were made exclusively to serve the United States Government. Of course it was expected to profit in the serving. It is not a governmental policy to ask something for nothing. If the truth were told in the hearings, and there is no contradiction, the business has not been half so profitable in these monopolistic dealings with the Government as the steel business has been in the commercial world of competition.

I ought to add in passing that I had not thought to discuss the question of prices, which has been so thoroughly covered, but I have been able to learn, quite unexpectedly, a few things that have not been introduced in this discussion. For example, Mr. President, not so very long ago a naval attaché, who was employed for a number of years in the work of inspection on behalf of the Government in the armor plants, told me that on more than one occasion in one day he had directed the destruction of $40,000 worth of unsatisfactory armor, which, of course, becomes in large part a loss to the producer. The same trustworthy informant told me that on one occasion, while he was inspecting the process of armor making at the Midvale plant, there came a run of steel that was unsatisfactory, and that plant spent $50,000 investigating the cause of that unsatisfactory steel. These things are seldom spoken of, and there has been no reckoning in any of the debate that I have thus far heard of these excessive sources of cost.

While I am referring to the question of cost, I want to take up another phase for a moment. I know a little something of business myself, in a very small way. I speak of one form of business where the competition is unceasing, and it is a rule of that business—and if any Senator becomes curious I will tell him what it is—when you find the cost of labor and material, to add 33⅓ per cent for various factory and proprietorship expenses. When that 33⅓ per cent has been added, that becomes the basic cost, and, by universal rule throughout this country, 25 per cent is then added for profit. If you will apply these figures to any of the statements made in the hearings as to the factory cost of armor plate, you will see that armor at $421 per ton as the cost of armor is a very reasonable figure, and that the calculation I have related contemplates no extraordinary loss like those to which I have just referred.

Mr. President, there are two questions pressing in my own mind to answer when I vote on the pending bill. First, Is the Government being supplied with armor plate at a fair and reasonable price at the hands of private enterprise? Second, Will the Government be helped or hindered by the operation of a Federal plant? We may reasonably put aside all others.

Much of, nay all of, the agitation had its beginning in the first question. It is highly commendable to safeguard the Government as a purchaser, but it is quite as worthy to treat fairly the producer. There has been a persistent endeavor to dig out the detailed information about profits on the contracts of the past, since modern naval construction made the demand for armor. There have been investigations and reports, and the makers confirm the reports. It is not disputed that every opportunity was given Government agents to inquire into cost. The makers went so far as to tender their own confidential figures, with one stipulation—they were not to be made public—and I think that one stipulation is the stone in the path of many who would like to deal fairly with the makers of armor plate.

I can understand that request. It is not mysterious; it does not imply a hidden greed. Any business man has a right to feel that way about the business which is the creation of his talent, courage, and industry. If I had been Secretary of the Navy I should have examined those confidential reports, and I should have said to the public I believed either that the Government was fairly treated or that it was unfairly treated. A high public official committed to a trust could allay the public apprehension or confirm it, whereas the official recommendation for a Federal plant confirms the popular suspicion after a refusal to render these factors in our commercial life the hearing which the most ordinary offender might expect. I regret the declination, not because I believe it lacking in justification, but because I believe it would have disarmed every opponent of the purchase of armor from the private producer.

However, the actual process cost is not in marked dispute. The uncertainties lie in the additions for profits, for interest on capital, for overhead charges, for obsolescence, and for loss in meeting tests. The Government will have these costs, in fact or theory, but they will never be noted. The private producers must count risks and losses; in a Government undertaking they are swallowed up in deficiencies or obscurities, and no note is ever taken.

Comparative price is a reasonably safe guide to the fair price of any article. If I get a suit of clothes at a like cost to that which my neighbor pays, I have suffered no glaring extortion. If this Government secures armor at a price similar to that paid by the other great naval powers, the American cost can not be far from a reasonable one. Exhibit B, carried in the report of the hearings, giving figures taken from the Naval Yearbook, quotes the following prices per ton paid by European nations for Krupp side armor: Austria, $511; Italy, $405; Germany, $490; France, $460; England, $503; Russia, $368; Japan, $490; United States, $425. Quotations submitted to this Government for the ensuing five years vary from $395 to $525 per ton. Whatever the profits may have been, or are now, no one who knows the slightest thing of the relative cost of American and European labor can question the reasonableness of the American price. It is a wonderful tribute to American management and production that the higher cost of labor can be absorbed and this Government can be served at less than its great competitors for naval influence and power.

The other question; Will the country be helped or hindered by establishing its own plant?—concerns me more than price. There can be no impressive dispute about the advantages or disadvantages of price under the present proposals. But what about the needed armor? Preparedness is the big question of the hour, not of next year, or the next decade, but of this very day. The proposed naval program is more important than the military plan now pressing for adoption. The most ardent supporters of the Government entering into the armor business testify that two years will be required to build and develop a plant. The testimony of the experts in armor making places the time required at three or four years. We do not know that in five years it will be made an effective plant. I quite agree that everything is possible to this Government with its limitless resources and abundance of genius and talent, in the course of time, but the present situation demands the economy of time rather than the waste thereof. An incident will illustrate my thought. Several years ago, after the Government launched its enterprise of making ammunition, there was a great target-shooting match on the shores of New Jersey. Infantrymen from the Regular Army and from the National Guard competed in that test of marksmanship. A number of the best teams from the Ohio Guard, confident of their training, entered from my own State. They shot their best and made a miserable showing. They used Federal-made cartridges, unsuspecting of their inferior qualities. Annoyed at their failure, but still confident of their training, they made an investigation and found their missiles did not carry. They said little, and on their return to Ohio they resolved that they would try again on the succeeding year. The wise heads figured out a plan to make their own cartridges, and they bought privately made shells and privately made powder and loaded an ample supply in good time for the next target contest. Then they amazed everybody. They outshot their National Guard competitors; they outshot the Regulars. Then inquiries were made and, with Ohio generosity, the guardsmen from that State furnished shells to the Regulars whom they had beaten. Immediately the skilled marksmanship of the Regulars was proven anew. The equality of equipment made a new mark, and more important than that, there was a shake-up in the Government powder plant and Government shell making of which there is no official record, but which developed an improvement that was vital to the efficiency of American arms.

This is a poor time, Mr. President, to risk the development of Government armor-plate making when we mean to expend hundreds of millions on superdreadnaughts and battle cruisers, and want them not only the best but want them without delay. The hearings do not reveal a reliable source of armor supply if this Congress votes to take this step toward Government monopoly in armor manufacture. If the pending measure contemplated the purchase of an established plant or plants, with furnaces and forges ready for the great ingots, with a ready force of trained workmen and skilled specialists for this highly specialized work, we might have less concern. But this measure is designed to put the private factories out of business.

I have listened to the debate very carefully, and in one or two instances, in support of this administrative measure, there has been an apologetic attitude, a contention that it is designed only to create Government competition; but those of you who have followed the debate closely will find a spirit of determination to put these great armor makers out of business. There is a spirit of punitive legislation involved. I want to say in this connection that, while I favor punitive expeditions, I am opposed to punitive legislation. I had rather be in the attitude

of encouraging great industry. In the hearings there developed a species of rejoicing that what is called private greed is to be put out of business. If that purpose succeeds we shall be without our source of private supply and no Government creation to take up the work.

I have listened to the suggestions made that there is business for these three participants in Government armor orders for the next five years. I can only speak for myself, Senators, but if I had capital invested in a great enterprise and saw going into the business this great Government, with its limitless resources, in view of the present attitude of the party in power in this country, I would discontinue the private enterprise tomorrow. I do not hesitate to say that if the makers of armor plate put up the price after the passage of such a bill as this they would, in the minds of the American people, be justified in putting it up. No one could blame the private producers for adopting a course of dismantling and turning their plant to other production. It would require a loftier consideration to maintain idle plants to serve an unfriendly Government in emergency than the Government spokesmen have sometimes shown for private industry in the hearings on this important question. Knowing that the great powers of Europe have encouraged private enterprise in armor making, and very wisely, as the great war has proven, it appears to me little less than the height of folly to abandon our encouragement in this important day. But this measure is aimed to do more—it is designed to put them out of business. Not to all thinking minds supporting the Government venture, perhaps, for I note that Admiral Strauss says, "I think it would be well for the Government to have competition." But it is inconceivable to me that any sane private producer will think of attempting to compete with the Federal Government in a product where that Government is the only consumer, and Government capital counts neither profit nor loss, and so many Government spokesmen rate profit as synonymous with greed. There are laws to regulate private enterprise which no Congress can repeal. Plants representing private capital can not lie idle, nor can they long be maintained without profit, no matter what Congress may choose to say on that question. We may invest public funds as no private capital would dare give a moment's thought. We may conduct Federal enterprises at a loss and an easy contempt for delays or unmet specifications, for the public seldom knows of either. Our capital is uncounted and our credit unlimited, and our stockholders—the American people—pay in and do not expect cash return. There have been ten thousand blunders, but seldom is one recited.

Perhaps I may relate one that is timely. There were newspaper accounts relating the failure of the machine guns at Columbus, N. Mex., where the Mexican outlaws made the surprise attack on that village and the Army camp, which has since sped our armed forces in pursuit of Villa.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. HARDING. I do.

Mr. REED. Does the Senator state as a fact that there was a failure of the guns at Columbus to work?

Mr. HARDING. I have just said, if the Senator from Missouri will allow me, that there were newspaper reports to that effect.

Mr. REED. I saw a statement in a paper—the only one I did see—that some private had said the guns did not work. There was no evidence to substantiate the statement.

Mr. HARDING. I assure the Senator that I was careful not to say the newspaper reports settled it. What I may add may interest him, although it is not highly important. These accounts said the machine guns would not work when the great need came. I am told by very reliable authority, I believe, that the machine guns which failed were of Federal adoption and manufacture, displacing similar arms of private production, with which we had experimented, as we propose to do now, and these guns which failed have since been superseded by more dependable weapons. These costly experiments are seldom recited to the great American Republic.

In passing, it may not be uninteresting to have me say that the judgment of Federal Army and Navy experts is not so dependable in these important matters as that of efficient specialists in their respective lines. I suppose many of you are familiar with the fact that some years ago a resident of this Capital City invented what is known as the Gathmann gun. A Senator from my own State persuaded Congress to appropriate $50,000 for the manufacture and testing of that gun. It is related that it stood a most exceptional test, and the board which had the matter in hand made a report to that effect, but added that indefinite phrase, "but we are doubtful about its adoption." This expenditure had been made. The discouraged inventor went to the late Senator from Ohio who had encouraged him, and asked him what course he should pursue. Mr. Hanna said, "You have done your share. You have done all that a patriot could. You have submitted the product of your genius and it has been proven. If this Government is no longer interested in you, take your invention to a foreign power." And it is a matter of current history, Senators, that the amplified invention of that resident of the city of Washington is the pattern of the great guns employed by Germany to-day in making obsolete all the defense fortifications of the past and enables the central powers to hold the allies at bay.

It is not important, but I venture to offer it in passing, to say that sometimes we get the most effective development from those who are outside the Government forces employed in this line of work.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. HARDING. Certainly.

Mr. WARREN. I did not quite understand whether the Senator said the Gatling gun or the Gathmann gun.

Mr. HARDING. The Gathmann gun.

The thought I am trying to emphasize is that the present is a poor time to discourage or discredit such American activities in private pursuit as we must rely upon not only in great crucial moments but whose heartiest cooperation we need just now in preparing for naval defense. Our matchless wealth does not make us able to ignore the experiences of the Old World nor wise to attempt it, because our very wealth is the direct result of the incomparable development of private enterprise.

Mr. President, I prefer the judgment of Admiral Strauss, who testified, "There is no advantage to the Government to establish this costly plant if the price of the private producer is fairly right," and I prefer the spirit of encouraged private enterprise to its deliberate destruction. I prefer to rely for our needs in armor on the great captains of the steel industry, who have been schooled amid the triumph of American iron and steel, than the captains and admirals of the Navy, who have been trained for war. I prefer the dependable industry of business and its specialized toilers to the bureaucratic paternalized industry which wastes the public funds and adds to the flow of the political waters.

There is one more thought I very much wish to add, more concerned with the prosperity of peace than preparedness for war. We have heard not a little lately about policies which shall destroy no American industry. I think the sober thought of the country favors giving business a square deal. It was once popular to bait big business, without an inquiry as to the conscience that must run true in every permanently successful enterprise, but the reflective judgment to-day favors giving business its fair chance. The enactment of this measure is a declared policy to kill the very enterprise that the Government asked for and encouraged. It is an added step toward Government occupation of the field of private enterprise, which made us what we are. It is a menace to our greater development in peace, and it may prove a dangerous experiment amid the pressing needs of preparedness for war.

Mr. REED. Mr. President, a moment ago I ventured to interrupt the Senator from Ohio [Mr. HARDING] to ask him if he vouched for the statement that the machine guns on the Mexican border at Columbus had failed to work, and if he vouched for the further statement that these Government-manufactured guns have since been superseded by the Government. It developed that the Senator was trusting to a newspaper account. It also developed that the newspaper account was based upon the statement of one man, or the alleged statement of one man, a private. Since that colloquy I have telephoned the Secretary of War, who informs me that the machine guns worked perfectly; that there was no trouble whatever with the guns, but that in the dark and in the haste the men handling the gun did not get the ammunition in just right, and there was a little trouble on that account.

So much for that illustration of the bad workmanship in Government plants.

It is astonishing how readily special pleaders for private monopoly can seize upon a single failure by a Government or a municipality, and entirely overlook the failures of the captains of industry.

Mr. HARDING. Mr. President, will the Senator allow me to interrupt him?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I yield; certainly.

Mr. HARDING. I had no desire to magnify the incident I related, and I only did it to show that the judgment of naval

and Army experts is not infallible; but if the Senator from Missouri desires to enlarge upon that particular incident, I beg to remind him that the type of guns to which I referred, which were adopted on the recommendation of the Army and Navy officers, has been entirely abandoned.

Mr. REED. And others adopted in their place. And if that has taken place, what of it? In the course of time every sort of machine that is the best of its day is abandoned for a new and improved machine; all of which only demonstrates that the Army and Navy keep up with the progress of the times. But I was commenting on the fact that it is so easy for certain gentlemen to find a difficulty and to magnify it if the Government has done anything, but that when private individuals, especially the much-loved captains of industry, are in command, all of their mistakes and shortcomings are speedily forgotten.

My distinguished friend from Ohio commented on the fact that some expert shots engaged in shooting matches with Army officers discovered somewhere a kind of powder a little superior to that used by the Regular Army officers, and that the Regular Army officers got their powder from a Government factory, and he uses that to illustrate the inferiority of Government manufacture. I might remark, in the first place, that it is always true that if you will pay any price whatsoever for an article that is manufactured for a special occasion you can generally get something a little better than the ordinary commercial article; but I remark, in the second place, that the distinguished Senator entirely overlooks not the incident of a few men shooting at a mark out in a field, but the great fact that confronted us when war was upon us, when we were trusting entirely to the private manufacturers of powder, and when the American Navy, supplied by those powder manufacturers in the Spanish War did not have a pound of smokeless powder, but went out with the old black powder that had for many years been abandoned by every first-class nation of the world.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. REED. I do; but I can not yield very often, for the clock admonishes that the time fixed to vote will arrive very soon.

Mr. WADSWORTH. Does not the Senator know that every soldier of the Regular Army in the Spanish War used smokeless powder in his rifle?

Mr. REED. I know that. I was speaking of the artillery. Our artillery powder was black powder. I know that we got that inferior black powder from the captains of industry, and I know that the captains of the Navy would have liked to have the smokeless powder, and I know that when we built our own factories we got smokeless powder, and we got it at a reduced price.

The Senator states that he prefers the captains of industry to the captains of the Army and Navy. That depends, of course, upon the man's viewpoint. It depends, of course, upon a man's disposition. It depends, of course, upon a man's school of thought. There are no doubt plenty of men in this world who prefer to enjoy the good graces and the support of captains of industry to having the confidence of the men who must defend this Nation in the hour of its peril; but I am a little curious to know why the welfare of a captain of industry should be preferred to the safety of a captain of our Army or Navy. My curiosity is accentuated by the fact that the chief institution that makes armor plate is the United States Steel Corporation, through its subsidiaries, and that the captain of industry who is still at the head of that concern is the same captain of industry who was in command at the time when the investigation was had to which the Senator from Nebraska [Mr. HITCHCOCK] called attention on yesterday. The result of the investigation is thus stated in the report:

> It has been conclusively shown that the inspectors have been satisfied, and the armor plates passed by the most notorious frauds. The efforts of the company, and of its superintendents, Cline, Corey, and Schwab, have been to satisfy your committee that the armor is up to the requirements of the contract, notwithstanding the false reports to inspectors, doctoring of specimens, plugging of plates, fraudulent re-treating of test plates, and "jockeying" of the testing machine. The unblushing character of the frauds to which these men have been parties, and the disregard of truth and honesty which they have shown in testifying before your committee render them unworthy of credence.

Mr. OVERMAN. I should like to ask the Senator what report that is?

Mr. REED. I will give the Senator the year. It is the report of the Committee on Naval Affairs submitted August 23, 1894, and the selection I read is found on page 17.

Any man has the full right, as an American Senator, to stand in his place and to say that he prefers that kind of a captain of industry to a captain of the Navy of the United States. It is a constitutional privilege that ought not to be taken away from him.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. HARDING. I want to call the attention of the Senator from Missouri to the fact that I made no such statement. I have not had occasion in the course of this debate to go back through the records of the country to hunt out some criminal captain of industry. There are, of course, such men; but I make the statement, and I challenge its contradiction, that there runs through the ranks of the great captains of American industry as high a type of conscience as can be found even on the floor of the United States Senate.

Mr. REED. The Senator and I need not quarrel about that. The particular captain of industry who is to be trusted in this particular case is the head of the Steel Trust—the same captain of industry who is characterized in this report in the manner and form set forth in the report.

I do not know what particular captains of industry the Senator refers to as so highly honorable. I am making no attack upon a man because he has money, but I am saying that when this country comes to the hard grip of war I will prefer putting my confidence in the Army and Navy of the United States, composed of Regulars and Volunteers, and its captains, than to put it in the gentlemen who advise us that if we dare establish an armor-plate factory they will raise the price on us $200. If they dare do that in a time of profound peace, when we are just beginning to make preparations for an emergency which may confront us—if they are that kind of patriotic citizens, I want to have the Government in a position where it does not have to rely upon them in time of war.

Mr. President, the Senator from Ohio made another statement. He said that the gentlemen running the armor-plate factories had the right to retain the secrets of their profits. I grant you that any man running a private busines has a right to retain the secrets of his profits, but if a man refuses to disclose his profits it follows that the profits are so large that he does not want to lay the facts before the public. If the profits had been small there would have been no request that the Secretary of the Treasury should keep the fact silent. I am wondering, however, what becomes of that argument when you lay it alongside of another argument we have been having, which, in effect, is that these gentlemen who keep their profits secret do not make any profits. In one breath gentlemen tell us that they make no profits at all——

Mr. OLIVER. Mr. President——

Mr. REED. In the next breath they tell us that the profits should be kept secret. Certainly both of those statements can not be accurate.

Mr. OLIVER. Mr. President——

Mr. REED. Just one moment.

Mr. OLIVER. Mr. President, I want to ask the Senator a question just there.

Mr. REED. Just wait until I conclude my statement on this point, and I will yield. I call attention, further, to the fact that the same gentlemen who made this argument in favor of this monopoly tell us that the way we are to know whether we are getting reasonable prices or not is to compare the prices we pay with the prices paid by other Governments, but almost at the same moment another special advocate of the armor-plate monopoly tells us that all other Governments pay excessive prices. So that we are asked to satisfy ourselves that our prices are fair by comparing them with other prices, which these gentlemen admit are excessive, and thereupon to be content if we are not robbed quite as badly as other Governments. That is the kind of argument we have been listening to all day.

Mr. OLIVER. We are listening to a little of it now, Mr. President. The Senator says that it is claimed here that these people are working without profit. I challenge the Senator right here to show where, in any part of this record, in the hearings, or in the argument of the case, that claim has been made.

Mr. REED. Oh, the claim was substantially made that their profits were very small.

Mr. OLIVER. That word "substantially" is a very fine word—a very good word.

Mr. REED. It is not difficult to understand why gentlemen should get excited over this question—not at all difficult. There is not anything remarkable about it. I remember asking the Senator the question whether it was true that the Bethlehem Co. was a subsidiary of the United States Steel Corporation, and he admitted it was. I want to read the Senate some testimony:

> I own 1,000 shares of the preferred stock of the United States Steel Corporation. I do not regard that ownership as being menaced in any way by this proposed legislation—

That is, the tariff legislation.

I am reading from the testimony given before the lobby investigating committee by the Senator from Pennsylvania, who just interrupted me.

Mr. OLIVER. Mr. President, the Senator well knows that the argument ad hominem is about as weak an argument as can be presented on behalf of any case, and the fact that he has presented it shows how weak his case is now.

Mr. REED. Oh, Mr. President, there is an old line which may be paraphrased so that it will run—

How sweet the watch dog's honest bark
Loud baying when we draw near home.

[Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries are again admonished that they must not show approval or disapproval of the proceedings on the floor of the Senate.

Mr. REED. I say, since the Senator wants to make it pointed, that if I owned $117,000 worth of the stock of any company engaged in Government contracts I would not plead for a continuance of those contracts.

Mr. OLIVER. Mr. President, I think, as a matter of personal privilege, I have a right to say something here.

Mr. REED. Not in my time.

Mr. OLIVER. If the Senator wants to crowd me out on a question of personal privilege——

Mr. REED. I do not object, if I can have the time deducted from the three minutes that elapse between now and 4 o'clock, when, as all know, the gavel will fall, and we must proceed to vote.

The VICE PRESIDENT. The Chair is not deducting time. It is not the Chair's business.

Mr. REED. There will be plenty of time for the Senator to make reply before the debate closes.

Mr. President, there was something said here this morning about demagogues. Whenever a man dares say anything in favor of lifting a burden from the back of the American people he is, in the minds of certain gentlemen, a demagogue. It does not make any difference what that appeal may be; he is a demagogue.

Of course I can understand why a Senator who thinks that the opinion of a captain of industry is to be preferred over that of a captain in the Army and Navy on matters relating to the national defense should also entertain the opinion that any man who proposes to do anything for the purpose of enabling this Government to escape from the grip of a monopoly is a demagogue. I for one count it an honor to be classed as that sort of a demagogue who believes in protecting this Government against and its people from the exactions of monopoly. I count it as a credit to be classed as that sort of a demagogue who, when he finds that three concerns who are called upon to bid for public work come with bids which tally to the exact cent, has sense enough to know that there has been a combination between those bidders; and I count it as a thing not to be ashamed of that I have read enough law to know that when men bid that way they are guilty of a fraud denounced by every writer on the law and by every authority upon equity, and yet I am not astounded to find the monopolies which have perpetrated such frauds on our Government have their stout defenders upon the other side of this Chamber.

My time has elapsed and I am compelled to close, although I have barely touched upon the monstrous pleas in behalf of the monopoly which has so long plundered the Government of the United States.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement heretofore entered into, the Senate will now proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1417) to erect a factory for the manufacture of armor, through the regular parliamentary stages to its final disposition. The bill has been amended as in Committee of the Whole and will now be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. WADSWORTH. I desire to offer an amendment to the bill, and would inquire of the Chair whether the offering of such an amendment is in order at this time.

The VICE PRESIDENT. The Chair believes that it is now in order, the bill being in the Senate.

Mr. WADSWORTH. I desire to offer the following amendment, and ask that the Secretary may read it.

The VICE PRESIDENT. The Senator from New York offers an amendment, which will be stated.

The SECRETARY. On page 2, line 13, after the semicolon following the word "armor," insert:

To be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war.

So that if amended it will read:

That the Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor, to be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war; and the sum of $11,000,000 is hereby appropriated—

And so forth.

Mr. WADSWORTH. Mr. President, Senators, I think, will immediately see that the amendment is exceedingly simple and speaks for itself. In listening to the discussion which has taken place upon the bill it has become more and more apparent to me that the thought lives in the minds of a number of Senators that if the bill shall pass and the Government erect an armor-plate factory it will be but the beginning, if they have their way, of the establishment of a general policy on the part of the Government looking to the manufacture by the Government of the United States of all its munitions of war. That thought has been uttered on more than one occasion in the debate upon the merits of the bill itself.

In view of the tendency of this measure and that thought which is in the mind of a good many Senators, it occurred to me that if such a policy was to be embarked upon the Congress of the United States should set forth in the first statute which marks the beginning of such a policy, a policy which has especial importance with respect to the national defense.

In this connection I may comment very briefly upon the situation of the country with respect to munition plants. I have not the figures at hand, but I think I shall not be contradicted in the statement when I say that a very large proportion of all the manufacturing establishments in the United States upon which this country will have to rely in time of war to furnish it with the weapons with which to fight are situated upon the Atlantic coast east of the Appalachian Mountains. That is true not only with respect to private plants, but also Government plants. There is a Government arsenal at Watertown, in Massachusetts, at a point which might be reached by an expeditionary raiding force and by such a force destroyed. All the rifles of the United States Army are made at Springfield, Mass., conceivably within the reach of a hostile expeditionary force. A vast industry in the manufacture of munitions in private hands has grown up at New Haven and Bridgeport, upon Long Island Sound. Every one of those places is vulnerable in the highest degree.

There is an Army arsenal at Philadelphia, the Frankford Arsenal, which manufactures some of the equipment of the Army. That, in the judgment of any military expert, is also a vulnerable point. There is a powder plant engaged in the making of powder for the Army at a point in New Jersey, also a vulnerable point, so far as a hostile expeditionary force is concerned. The Navy has a powder plant at Indianhead, also a vulnerable point. All the guns of the Navy are made here at Washington, and history has shown that Washington is a vulnerable point. It was once captured by a force of 2,000 expeditionary soldiers.

The object of this amendment must be perfectly plain. It is that in the event the Government embarks upon the policy of manufacturing its own weapons, Congress shall declare it as a policy that the location of these plants shall be left to the expert judgment of the men who have made a study of tactics and strategy and the possibilities of our situation in a military sense.

It is therefore my desire and hope, Mr. President, that in this respect, at least, if this bill is bound to pass—and I very much regret it if it will—that the location of this plant be left with the General Board of the Navy, that it shall be with especial consideration to the elements of safety in time of war.

Mr. TILLMAN. Mr. President, I agree entirely with the Senator from New York and for the committee I accept the amendment so far as I am allowed to do so.

Mr. PHELAN. Mr. President, I am well aware that military authorities, so far as they have expressed themselves, concur generally in the view of the Senator from New York [Mr. WADSWORTH]. I am informed by the Senator from Mississippi [Mr. WILLIAMS] that the chairman of the Naval Committee has accepted the amendment. Is that correct?

The VICE PRESIDENT. The Chair does not think the Senator from South Carolina can accept it. It must be put to a vote of the Senate.

Mr. PHELAN. I desire, therefore, simply to enter this protest at this time that it is a debatable question whether all the munition factories should be located in the interior of the country for military and strategic reasons. I do not know why the policy of the Government, without debate here, should

be emphasized at this time concerning the location of munition plants; and, certainly, the armor-plate plant can not be in the same category, subject to the same objections, as a plant for the manufacture of powder or small arms, because if we were in the condition of being invaded and an expeditionary force did destroy the armor-plate plant—inasmuch as the use of armor is solely for the construction of warships—the interruption would be of no consequence. If we were not in a position at that moment to repel the foe, we would not be in any better position were we able to preserve our armor-plate establishment.

If the enemy can come upon our shores, cutting its way through the first line and principal defense, the Navy of the United States, then, indeed, all our property, all our manufacturing plants, mostly located upon the eastern seaboard, whether public or private, would be exposed to destruction.

Our simple duty is to prepare our Government with efficient ships and men, on sea and shore, to make invasion an absolute impossibility, because in that lies our only security.

On the Pacific coast there has been for 60 years a Government arsenal, at Benecia, a point 40 miles north of San Francisco at the head of the navigation of the San Francisco Bay, most eligibly located, where the two great rivers, the Sacramento and the San Joaquin, debouch into the bay. There are hard by pipe lines carrying oil, there are smelting works of the first importance; and yet it has been intimated, following necessarily from the argument of the Senator from New York, that a site of 300 acres owned by the Government, far from the range of any guns mounted upon any ship at sea, the limit of which range is about 25,000 yards, should be rendered by the adoption of such an amendment as unfit for further service.

I contend that the wonderful facilities enjoyed by such a plant can not be set aside by fear of invasion. If a landing party comes upon our coasts and destroys that arsenal, then, as I have said before, our country is, indeed, imperiled, and every private interest as well as every public interest is exposed to destruction. If that plant supplying the necessary munitions of war is located beyond the Appalachian or beyond the Sierras we would have a still more difficult problem to contend with—of getting munitions to the battle front, because doubtless most military and all naval action will be on the coast. An enemy could destroy the railway passes and bridges beyond immediate repair and leave our forces without the means of defense. It is easier to defend a plant than to protect the mountain passes.

The VICE PRESIDENT. The time of the Senator from California has expired. The question is on the amendment of the Senator from New York.

Mr. HUGHES. Mr. President, I do not know that I altogether caught the purport of the amendment, but does it deal with the possibility that the Government may purchase rather than construct a plant? Under the provisions of the original bill it was contemplated that perhaps the Government might purchase a plant.

Mr. WADSWORTH. The amendment makes no change in that respect, I will say to the Senator from New Jersey.

Mr. HUGHES. Of course, if the Government should purchase an existing plant, it could not give anybody the right to locate it.

Mr. WADSWORTH. The amendment simply provides that in any plant erected by the Government or purchased by the Government, the situation shall be approved by the General Board of the Navy.

Mr. HUGHES. The Senator understands that there would be no choice if it comes to the question of purchasing a plant. There are only three plants in existence.

Mr. PENROSE. Will the Senator permit me?

Mr. HUGHES. Certainly.

Mr. PENROSE. For his information I will state, if the Government bought one of these plants they would have to take it up and move it away. I think it is generally conceded, at least that was the testimony before the Naval Committee—I can not lay my hand on it in the brief time I have—that the purchase would involve the removal of some sites selected by the Government; that it would not be practical to run the Government plant in conjunction with the vast establishments engaged in the general business. That was the testimony before the committee anyhow.

Mr. SMITH of Georgia. Please let the Secretary read the amendment.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. In the original print of the bill, page 2, line 13, after the word "armor" and the semicolon, insert the words:

To be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York [Mr. WADSWORTH].

The amendment was agreed to.

Mr. WEEKS. Mr. President, I send a substitute to the desk, which I ask the Secretary to read.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the Secretary of the Navy shall enter into negotiations with those who are now equipped to manufacture armor plate and shall, if possible, make an agreement with them, severally, which shall, in effect, apportion among them the requirements of the Government for a period not to exceed five years in proportion to their respective capacities, the price to be paid for armor plate thus contracted for to be the cost of manufacture, including all items which are ordinarily charged to a manufacturing business of a similar character under a scientific system of accounting, which shall include interest actually paid upon money borrowed, and to which shall be added 6 per cent per annum upon the capital employed in the business, including the replacement value of so much of the plants as are applicable to this production, less any bonded or other indebtedness thereon.

Mr. WEEKS. Mr. President, the purpose of the substitute which I offer is to take advantage of the capital which is now invested in this industry and not add to that capital, when it is apparent that there is quite sufficient now in order to produce all the armor plate which the Government may need.

Let me recall to the Senate the real facts in this case. There has been $30,000,000, in round numbers, first and last, put into these plants. The replacement value is said to be about $25,000,000. I think the plants are carried on the books of the companies at about $20,000,000. They have a combined capacity of about 30,000 tons of armor annually. The needs of the Government have only been in the past an average of about 12,000 tons a year. So they have only been worked at two-fifths of their capacity. Even under the proposed plans of the Government there will not be over 24,000 tons a year, so that the 30,000 tons' capacity is ample to provide for all the armor which the Government may need.

There is another reason for not destroying these plants. If they are destroyed, and the Government is the sole manufacturer of armor, our possibility of selling to European and South American countries at once disappears. We have already sold some armor to Russia, a little, I believe, to Italy, and we provided the armor used in the construction of a battleship built for the Argentine Government at the Fore River Works.

There are great possibilities in connection with this industry for manufacturing armor for other countries, and especially those in South America, in case our arrangements for developing our trade with South America mature. Therefore, if we are going to construct this armor at a Government plant, we shall at once lose all possibility of furnishing other countries with that product.

That is another reason why we should not destroy these plants. Why should we invest ten or eleven or twelve or fifteen million dollars, from the standpoint of the American people, in another armor plant when there is capital enough already invested in this business for the purposes of the Government under any circumstances?

I suggested the other day in some remarks which I submitted to the Senate that it seemed to me the proper way to do would be for the Secretary of the Navy to enter into a contract with these manufacturers, they agreeing to supply a maximum amount of armor, the Government agreeing to take a minimum amount at a fixed price, that price to be based upon the actual cost of manufacture plus 6 per cent on the amount of money involved in the business. How could there be a fairer proposition than the actual cost of manufacture plus 6 per cent on the cost of manufacture? Any proposition which votes down that demand is simply a proposition to confiscate the property which now exists and to substitute some other in its place.

I do not believe that Senators, when they come to consider that proposition, will want to establish the precedent of putting the Government into business in competition with its own citizens and at the same time involving in the manufacture connected with that business an amount of capital which is unnecessary for the purposes of government.

Mr. STONE. Before the Senator from Massachusetts sits down, I should like to ask him this question: If the establishment of a Government armor plant would have the effect of closing the armor plants now in operation, so that the Government would be the sole manufacturer of armor in the United States, would there be any objection, constitutional or otherwise, to the Government in time of peace selling armor to another nation?

Mr. WEEKS. I do not think there would be any constitutional objection, Mr. President; but I have not any idea that any other nation would purchase armor manufactured by a plant run by a rival Government. That would be an unheard of procedure, so far as I know, in connection with military supplies.

Mr. STONE. We do sell them guns and battleships.

Mr. WEEKS. But those are constructed by private concerns, and not at a Government plant.

Mr. STONE. But we also sell them guns which we own. That has been done by the Government.

Mr. WEEKS. We have never sold any guns to foreign nations except the guns that were on two battleships, which we sold to the Greek Nation last year.

Mr. STONE. We have sold them battleships which we have owned.

Mr. WEEKS. We sold two battleships which we owned to a small country in Europe; but I do not know of any other instance where one country has purchased, especially new supplies of munitions or arms, of another country where they were manufactured in a government plant.

Mr. POMERENE. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. WEEKS. Yes.

The VICE PRESIDENT. Just a moment. The Chair desires to intervene here. The Chair is under an order to limit the time of each Senator in debate to five minutes.

Mr. WEEKS. I suggest to the Senator from Ohio that he can ask the question in his own time, and I can answer it in his time.

Mr. POMERENE. I did not intend to discuss the question at all.

The VICE PRESIDENT. The Chair is going to rule from this time forward that when a Senator yields to a question the time consumed shall be taken out of his five minutes.

Mr. POMERENE. Very well. Assuming that the substitute proposed by the Senator from Massachusetts [Mr. WEEKS] were adopted and became the law, what assurance has the Senator from Massachusetts that the propositon would be accepted by these three armor-plate factories which are now in existence?

Mr. WEEKS. Mr. President, I have not any other assurance than that of an article which I saw in a newspaper this morning, which I shall not take the time to read, but which seemed to me a sufficient basis for preparing the substitute which I have sent to the desk.

Furthermore, Mr. President, I will say that the testimony shows that if the manufacturers of armor plate had invested their money in 4 per cent bonds when they constructed their plants they would be better off than they now are. That being the case, I assume, of course, that they would be willing to accept a proposition which would pay them 6 per cent on their investment.

Mr. POMERENE. That is one of the statements which we are expected to accept on faith, without any investigation.

Mr. WEEKS. The Senator from Ohio has all the information I have on that point. It is sworn testimony.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts.

Mr. WEEKS. I ask for the yeas and nays, Mr. President.

Mr. THOMAS. Mr. President, it is my intention to vote for the bill as amended on the motion of the Senator from New York [Mr. WADSWORTH]. I believe that it is good business for this Government to engage, in part, in the manufacture of all the necessary supplies for its administration and of munitions and implements for defense. By so doing it will have the opportunity and the power to equalize prices and to prevent those combinations against it which are inevitably made in these modern business times, and which, of course, are made for the purpose of dictating and fixing prices to the consumer—governmental and otherwise. Certainly that practice will be modified and beneficially influenced by a Government which has the power, by partial manufacture, to influence the operation of such possible combinations against it.

I shall support the bill also because I believe that the present situation has been largely responsible for a one-sided development of our Navy, by which I mean a preponderance of armored vessels as compared with others equally necessary for a well-balanced fleet. It is history that when under the administration of President Roosevelt our fleet of battleships went around the world the Government was obliged to hire 52 transports—I think that was the number—from foreign countries to accompany the fleet because of the lack of sufficient transport supplies of our own. In the event war had been declared by any other nation upon ours or by ours upon any other nation during the absence of our fleet, the strange anomaly would have been presented of a fleet of battleships away from home with 52 transports every one of which would have belonged to a belligerent or to a neutral. The effect of such a situation upon our naval arm can be easily imagined.

This condition must be remedied if we are to have a well-balanced Navy. It will most likely be remedied if this influence, which unquestionably makes tremendous profits out of the supply of armor to the Government of the United States, is modified in the manner which this bill proposes.

Nor have I any fear whatever, Mr. President, that either of these institutions will go out of business, as some Senators so seriously apprehend. If it be true that they are manufacturing armor more cheaply than any other institution of the sort in the world, then it is equally true that unless they are in combination with foreign manufacturers of armor, by which they are excluded from other countries, they will undoubtedly command the markets of the world. The inevitable operation of the law of supply and demand will surely produce that consequence. To say, therefore, that three great institutions, capable to-day, notwithstanding the supposed handicap of higher labor and more expensive material, of producing armor cheaper than any other institution in the world, will go out of business because the Government proposes to manufacture armor plate of its own is to make a statement that is overthrown by the common business experience of every man in the country. But, Mr. President, I think there is no question that such a combination exists and has existed for some time. And the effect of this bill will be to undermine it.

I shall ask leave to insert as a part of my remarks and bearing upon this subject an article by David Starr Jordan upon the subject of "War trusts," which was inspired by the exposé of Dr. Liebknecht in the German Reichstag, in April, 1912, of the Krupp Munitions Trust.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The article referred to is as follows:

WAR TRUSTS.

[By David Starr Jordan.]

Under the head of "The war traders," Mr. George H. Perris, of London, has given a very interesting analysis of the interlocking-directorate system, as applied to the most greedy and dangerous of all corporations—those who deal in the munitions of war.

He shows that the several British firms are for the most part not real competitors, but joined in a general trust, and that this trust is by no means confined to one country. The scandals in the case of the Krupp Co. and the Deutsche Waffens & Munitions Fabrik have their parallels in every country. The Nobel Dynamite Trust affords an illustration of the "cosmopolitan character which the modern war trade is assuming." "This British company, with its capital of £3,285,400, its net profits for 1911–12 of £3,819,000, and its regular 10 per cent dividends, is a shareholding rather than a manufacturing concern. It is, in brief, an Anglo-German dynamite alliance." It holds the entire capital of the Nobel Explosive Co. (Ltd.), and it has large holdings in the British South African Explosive Co., the Birmingham Metal & Munitions Co., the Chilworth Gunpowder Co., as well as in the Dynamite Actien Gesellschaft, of Hamburg, the Dresdner Dynamit Fabrik, and two other German firms.

With the extension of the great navies, the smaller nations have patriotically established armor-plate industries and shipbuilding of their own, but this is only in appearance. Most or all of these in Russia, in Canada, in Spain, in Portugal, in Italy, in Japan are but tentacles of the great British trust, the subsidiary being formed by the Vickers, Armstrongs, and Browns to meet the feelings of the people they rob or serve. "Time was when England bled for Portugal; now our old ally must bleed for us."

A most remarkable combination is that of the Harvey United Steel Co. "Although a dividend of 7½ per cent had been paid in 1911, it was decided last year to wind the concern up. Why, it does not appear. The managing director was Mr. Albert Vickers, chairman of Vickers (Ltd.), with a holding of 2,697 shares. Other directors were Mr. Beardmore, of William Beardmore & Co., Mr. J. M. Falkner, of Armstrong-Whitworth, and Mr. C. E. Ellis, with a holding of 7,438 shares, representing John Brown & Co., Coventry Co., and Thomas Firth & Co. The chief American partner was the Bethlehem Steel Co., holding 4,301 shares. The chief French partner was the Schneider Co., with 9,862 shares. The combine had four French directors; two of these held 2,000 shares each. This did not in any way prevent the collaboration of the two German armament firms condemned in the Reichstag by Herr Liebknecht—the Essen Co., holding 4,731 shares, and having two representatives on the board, and the Ellilinen Co., having one representative and holding 2,731 shares. Finally the Italian Terne Steel Co. held 8,000 shares. Behind the managers stood the bankers, the same extraordinary amity prevailing. The house of Ernest Ruffer, with 6,169 shares, linked hands with the Bougeres Frères of Paris (3,000) on the one side and the Deutsche Bank of Berlin (1,350) on the other.

"In 40 years all the peace societies have not succeeded in effecting such a Franco-German reconciliation as this. In the share list Mr. Newbold found the names of one British general and two major generals, and behind these were the shadowy figures of a vast host of princes, peers, ministers of the crown, soldiers, sailors, and clerics. A veritable brotherhood in arms. I can not believe that the Harvey United Steel Co. was really dead. Somewhere it has surely had a glorious resurrection. It surely lives and works to prove the pettiness of national prejudice, with ease of forgetting such sores as Alsace-Lorraine, when men have learned the golden wisdom of good business."

Mr. THOMAS. Mr. President, we have now no competition in the manufacture of armor plate. Shortly after I came to the Senate the Senator from Arizona [Mr. ASHURST] addressed this body concerning that subject and called attention to the fact that, instead of competition in the furnishing of this very necessary article to the Government, those representing these three great institutions were accustomed, when the occasions arose, to come to this city together, to go to the same hotel, and from their rooms submit identical bids for each plant to the Government for the armor needed for ships about to be constructed.

That practice, Mr. President, I hope and believe will disappear when this bill has become a law.

The VICE PRESIDENT. The Senator's time has expired.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, while I have drafted an amendment very similar to the one introduced by the Senator from Massachusetts, as that may possibly be adopted, I will direct my remarks to that particular amendment.

Mr. McCUMBER addressed the Senate. After speaking for five minutes,

The VICE PRESIDENT. The Senator's time has expired.

[Mr. McCUMBER's remarks will be found on page 4546.]

Mr. PITTMAN. I desire to make a parliamentary inquiry. Is this amendment offered as a substitute for the bill?

The VICE PRESIDENT. It is.

Mr. PITTMAN. In other words, the adoption of this amendment, as I understand, will absolutely destroy this bill?

Mr. GALLINGER. It will improve it.

Mr. PITTMAN. The Senator from Massachusetts proposes to instruct the Secretary of the Navy to divide the 24,000-ton program for this year between the three plants. If he were not instructed, where would he obtain the armor except from these three plants? No two of the plants has sufficient capacity to make the 24,000 tons required under the program for this year. Consequently, the Secretary of the Navy would be compelled to go to those plants, and to all of them, unless he went abroad, to obtain this armor. Then, why does the Senator desire to instruct the Secretary to enter into negotiations, unless——

Mr. WEEKS. Mr. President——

Mr. PITTMAN. Just a second, please—unless the latter part of that amendment has a meaning which is not apparent on its face. He states that the Secretary shall enter into a contract, which shall take into consideration all of the costs which are generally considered as costs in such enterprises. What does that include? All manufacturing costs are only $262 a ton, while the costs, including management, are $315 a ton, running at full capacity. The general expenses include salaries of presidents, vice presidents, secretaries, and treasurers, and they include pay to those officers as bonuses. The Senator from Massachusetts desires this body to instruct the Secretary of the Navy to do what? To enter into a contract which will take into consideration the highest salaries of those officers and those bonuses. That is the only object that I can see in the amendment, because if that amendment has not the purpose of tying the Secretary's hands to an unconscionable contract, then no amendment is needed, because in the nature of things he would have to go to those very people to buy. I contend that the object of this amendment, apparently, is not only to destroy this bill, but it is to compel the Secretary of the Navy to enter into a contract on a basis which we consider unconscionable.

Mr. WEEKS. Mr. President, will the Senator permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. PITTMAN. Yes.

Mr. WEEKS. The Senator believes that the Government is paying more for armor than is necessary, does he not?

Mr. PITTMAN. I do.

Mr. WEEKS. Does the Senator object to the Government paying the actual cost of manufacture and 6 per cent on the capital involved?

Mr. PITTMAN. Not the actual cost of manufacture.

Mr. WEEKS. The amendment provides——

Mr. PITTMAN. But I object to the amendment, which includes the cost—general expenses—which embrace the high salaries of officers, which this Government would not have to pay if it were manufacturing its own product.

Mr. WEEKS. Mr. President, the amendment provides that the cost shall be ascertained as is usually done in matters relating to similar manufacturing.

Mr. PITTMAN. But the managers of those plants, in giving to the committee the costs, have not only included the actual manufacturing costs, but they have included what they term "general expenses." Those general expenses, according to the testimony of those witnesses, include the salaries of officers and the expenses of those officers in obtaining contracts. The facts concerning how much those salaries were and what those bonuses were we were unable to obtain.

Mr. WEEKS. Mr. President, the amendment provides that expert public accountants shall determine what the costs are, and then 6 per cent interest shall be added to those costs.

Mr. PITTMAN. They shall determine what the costs are in accordance with this amendment, which requires them to take into consideration general expenses,

Mr. WEEKS. Mr. President, it requires nothing that is unusual in connection with a manufacturing business similar to the manufacture of armor plate.

Mr. PITTMAN. Yes; but——

The VICE PRESIDENT. The time of the Senator from Nevada has expired.

Mr. HITCHCOCK. Mr. President, the trouble with the amendment offered by the Senator from Massachusetts is that it comes too late. For 18 years Congress has been endeavoring to secure from the armor-plate manufacturer of the United States armor at a fair cost. One year, as I recall, we fixed the price in the law, and the armor-plate factories refused to bid. In another year—1900—we adopted a proviso in the naval appropriation bill authorizing an additional appropriation of $4,000,000 for the construction of an armor-plate factory, that sum to be used by the Secretary of the Navy in case satisfactory contracts could not be made. The Secretary of the Navy considered the contracts satisfactory, and yet the fact is that the prices for armor charged after that proviso was inserted were greater than they had been before that time.

Mr. President, I want to refer to a statement—it seemed to me a very reckless statement—made this afternoon by the Senator from Pennsylvania [Mr. PENROSE]. As he closed his remarks, he said:

> Every year the cost of armor plate has been added to by legislation in Congress. The eight-hour law imposed great burdens on the manufacturer of this article. Wages have been steadily going up ever since the art was first instituted and established in the United States; and yet, notwithstanding all that, the price has been steadily going down until the last figure was $425 a ton.

That statement I must characterize as a reckless one, because since the year 1896 there have been only two years in which the prices charged by the Bethlehem Steel Co. were higher than the price they charged during the last year. For many years the price ranged from $400 to $420 per ton; and only on two occasions, during the year 1913, were the prices of the Bethlehem Steel Co. above that figure.

So I say, Mr. President, the price has not been "steadily going down." The efforts of Congress to limit these prices, the efforts of Congress to procure armor under competition, the efforts of Congress to require these companies really to compete, have failed, and patience has become exhausted. Now, the time has come for the sovereignty of the United States to assert itself, and to make for itself the armor which it requires for its vessels in its program of preparedness. The amendment comes too late.

Mr. SWANSON. Mr. President, I hope the Senate will not vote for the amendment offered by the Senator from Massachusetts. If it is passed as a substitute for this bill, nothing will be accomplished. We have no assurance whatever that armor plate can be obtained on the conditions therein mentioned. It is a very nice way to destroy the bill. If this is substituted and the bill passes in that form, Congress will adjourn without action. Then, if it adjourns without action, this Government will still be at the mercy of this combination.

I hope those who favor the Government providing for the erection of its own plant, or the purchase of its plant—which is optional in this bill—will vote against the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

Mr. WEEKS. On that I ask for the yeas and nays.

Mr. JONES. Mr. President, I wish to speak for a few moments on this amendment. If I am not quite through when the five minutes are up, I desire to use the time that I am allowed on the bill itself.

The VICE PRESIDENT. The Chair can not rule in that way. The Chair would have no way of knowing when the Senator got off the amendment and on the bill.

Mr. JONES. I will very soon tell the Chair.

The VICE PRESIDENT. The Chair will be obliged to hold the Senator down to five minutes.

Mr. JONES. Mr. President, I have had considerable trouble in making up my mind as to how I ought to vote on this bill. Under ordinary and normal conditions I would heartily support the bill and cheerfully vote for it, but if we are to have battleships we must have armor plate. Three private companies have furnished and produce now all the armor plate that is necessary. No question is made as to the quality of this armor plate. No claim is made that the existing companies can not meet the needs of the Government. It is not shown—at least, not to my satisfaction—that the price charged the Government is exorbitant. The Government by this bill proposes to go into the business and erect a plant to construct all the armor plate necessary. No matter what we may say, the result will be to drive these people out of business,

We contemplate a largely increased naval program. This may require much more armor plate; but when we decide to go into the business these companies will decide to go out. In my judgment, this is not the time to put them out of business.

A great fear has been created that we may face a great danger at or near the close of the war now raging. Because of this we are urged to increase our Army and our Navy. If we are to have trouble, we will need these armor plants. If we are not, we will lose very little, if anything, by waiting a short time. No one knows what the condition will be when the war closes. We may not then have so much need for armor plate as heretofore. We may turn to smaller naval vessels instead of great battleships. We may not deem it necessary to go into this business. We may find that we do not need this plant.

This bill is said to be an administration measure as a part of its preparedness program. I am against it in behalf of real, genuine preparedness. Pass this bill, drive these plants out of business, and you take away the very foundation from efficient naval preparedness. This is in line with your entire preparedness policy—not with your program, but with the policy that you follow. You would create an army and not supply it with guns and ammunition. You would supply ships without crews or docking facilities. You would authorize battleships without any assurance that you would get the armor with which to protect them. I may not be so strong for so-called preparedness as some others, but I am in favor of doing whatever we do fully, completely, and efficiently.

Under ordinary conditions I would be for this bill. When the war closes, when peace comes, when conditions become normal, let us then take up the matter calmly, and act advisedly, and with a due regard for the safety of the country as well as for justice to these people, who have largely been induced to go into the business by the Government itself.

Mr. President, we lose nothing by waiting until next year to decide what is wise to do in this matter. The consequences of acting now may be most disastrous as well as very expensive. For these reasons, I deem it my patriotic duty to vote against this bill.

Mr. MARTINE of New Jersey. Mr. President, I will say for myself that I am utterly opposed to the amendment proffered by the Senator from Massachusetts. I feel that I can see in it a clever method of defeating the original proposition. I am in favor of a Government-owned armor-plate factory and many other Government-owned utilities; but I feel that if there is any one thing that the Government should and could with propriety maintain and manufacture, it is with reference to arms and munitions of war. I shall support the original bill.

I want to say at the same time, Mr. President, that a few days ago, when the junior Senator from Massachusetts [Mr. WEEKS] was addressing the Senate on the subject of Government ownership, I sought recognition to ask a question of the Senator as to whether he considered former Senator Beveridge an authority. "No," said he, "I do not"; and he hesitated and absolutely refused to listen, and brushed all inquiry aside. But yesterday, when the senior Senator from Massachusetts [Mr. LODGE] was addressing the Senate in the same strain, and speaking of Krupp's, I ventured to interject an inquiry in what I thought a perfectly proper manner. The distinguished Senator from Massachusetts brushed me away as he would a fly, saying that "everybody knows all about Krupp's"; and yet at the same time the distinguished Senator was clearly making an erroneous statement as to the question of Krupp's being a government or a private plant. I should have hesitated in my inquiry; and had I done so I would have learned that these two distinguished gentleman came from Massachusetts, from Boston, the hub of the universe, and the very center of all wisdom. [Laughter.]

The VICE PRESIDENT. The Chair has for the second time to-day admonished the occupants of the galleries. If the rules of the Senate are not observed, the galleries will be cleared.

Mr. TOWNSEND. Mr. President, perhaps it would have been better for me to have allowed a little time to intervene between the remarks of the Senator from Washington [Mr. JONES] and myself, because it appears that, as has frequently been the case, I have been thinking along the same lines that he has.

Mr. President, this is a practical question, to be settled at a time most unusual. Our Government is practically committed to an extraordinary and expensive plan of preparedness. The President has passed through the land sounding in clarion tones the dangers which he says imminently threaten. The House of Representatives is now about to vote upon an enlarged military bill. The Senate will be considering that question immediately. Both Houses agree that a large naval program must be followed. Under existing conditions, every resource of the country should be utilized. Germany during the last two years has taught the world its greatest lesson in efficient preparedness. She has mobilized both private enterprise and public resources. Any program, even the smallest proposed, if adopted, will draw heavily upon the financial ability of our Government. Taxes far in excess of any that have ever been levied upon the people will be laid. Is it wise for Congress at this time to raise by taxes $11,000,000, which, of course, everybody knows is not more than half the amount that will actually be required? The original estimate of cost was $10,000,000 for a 10,000-ton plant, and now it is proposed to double the size or capacity of the plant by this bill, and yet only a million dollars additional is added to the appropriation. Is it wise to invest this amount in an enterprise for the construction and equipment of a factory to produce armor plate, but which can not turn out a pound of that material for at least three years? Is it not wiser to utilize the industries already in existence during this time of stress and emergency and devote the people's money to efficient and speedy preparedness? Why, $11,000,000 would build a whole fleet of submarines and destroyers, and yet that amount and more is to be invested in a Government factory, while the expenditures for warcraft will not be reduced.

It is admitted that when this proposed factory is constructed the independent plants will be forced out of business. Indeed, the chairman of the committee admits that that is one of the objects of the measure. A majority of the proponents of the bill admit this. Will not this impending doom, then, affect their production between the passage of this bill and the time when the Government shall have established its own plant? Will it not properly and speedily turn to other lines of production? Is it safe for Congress, at a time when it is preparing for an emergency defense, to destroy an existing and necessary facility for that purpose?

I can not think anyone believes that the Government can produce armor plate as cheaply as it can be produced by private enterprise. But even if it were known that it could be produced more cheaply by the Government, it is not the part of wisdom for the United States to embark upon the project now. I am not convinced that the Government is paying more than it ought to pay for armor plate. There is no conclusive proof to that effect. It is, however, uncontradicted that the Government is now getting as good armor plate as is made, and at a price lower than that paid by any naval power in the world. If neither quality nor economy demand this measure, is it not the height of folly to destroy plants already equipped, and at the same time increase the present enormous public expense by at least $15,000,000, from which no returns will be possible under three years?

I do not like the history of the manufacturers of armor plate in their dealings with the United States; but that history has not been worse than the conduct of our Navy Department in its failure to secure the rights of the Government from these manufacturers. Lower prices could have been obtained than those paid, in many instances, if the department had looked after the public interests as a private citizen would have looked after his own interests. If too high prices have been paid the fault was not so much the greed of manufacturers as it was the neglect of Government officials. I will not at this time vote to enter upon any experiment which may weaken my country or impair its resources or impose additional unnecessary burdens upon the people already groaning beneath the load of extravagance and gross inefficiency.

I may be optimistic, but somehow or other I feel that out of the European war will come a world condition which will not require so much armor plate. The sentiment for peace is overspreading the civilized world. Practical disarmament may be a dream, but it must come true. Maybe it will be after this nightmare of war. It is possible that we may never have great use for this proposed plant. I hope we never shall. That question may be favorably settled before this factory can be completed. So long as the national defense can be better served under existing conditions, I believe it is wiser to wait for saner and more normal times to embark upon this experiment.

Mr. CUMMINS. Mr. President, I shall vote for the pending measure, but not for the reasons which have, in the main, been advanced in its behalf. I shall not vote for it in order to revenge the United States upon the existing armor-plate establishments. I shall not vote for it because I believe that the United States has paid more than it ought to have paid for armor plate in the past. It may be that the cost has been excessive, but I do not know it. I shall not vote for it in order to create competition between a plant owned by the United States and plants owned by private corporations. I shall vote for it because it is my profoundest conviction that the manufacture of armor plate for battleships is a governmental function. It is

not only an appropriate governmental function, but it ought to be exclusively a governmental function; and I shall vote for it hoping that private enterprise will, in the course of time, be entirely eliminated from the business, not only in the United States but in every country in the world.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I can not yield, Mr. President.

I shall vote for the bill because it is my hope that sometime profit may be taken out of war so far as it is possible to take profit from human conflict.

I understand the position of my friend from Washington [Mr. JONES], and it is sound if the consequences would follow that he suggests; but they would not. Until the Government has established its plant, and is ready for the manufacture of armor plate, it is inconceivable to me that the plants now in existence will refuse to operate and refuse to produce the armor which the Government so much needs in the enlargement of its Navy. I can not conceive men so resentful against their Government as to be unwilling to operate these plants at a profit until the time comes when they can no longer operate them at a profit. I agree that looking to the speedy cessation—within five years or so—of the manufacture of armor plate in this country as a private business, we will be compelled to pay more for the plate than we otherwise would be compelled to pay. It would be just to pay more, and I am willing to pay more. Some time we must make this change, and the transition will never be easy; it will never be without obstacles; and we can make it now, when the sentiment of the whole world is aroused by the horrors of war, better than we can make it at any other time.

Mr. LEWIS. Mr. President, I wish to call attention to what appears to be the legal effect of the amendment tendered by the junior Senator from Massachusetts [Mr. WEEKS]. It may be that the Senator from Nevada correctly interpreted the motive of the Senator from Massachusetts, but I pay my tribute to the skilled hand of the artful master and the eminent legal attainments of the professional skilled advocate, to whom I send my congratulations and for which I express my envy.

If the amendment of the distinguished Senator from Massachusetts shall be adopted it imposes upon the Secretary of the Navy the duty of contracting for all the armor plate manufactured, and that for five years the armor plate shall be bought from these makers. Thus you will have a contract that insures them five years of patronage by the Government without regard to how short a time from now, should this bill pass, the factory itself may be constructed.

It is my opinion, with great respect to the Senator, that it was his object in that amendment to insure these manufacturers that five years' security, and that all the remaining portion of the amendment was interesting matter that merely weaved its embroidery around the main point in hand.

Should we adopt the amendment that calls for the Secretary of the Navy to divide the armor-plate contracts into three parts for five years with the only three concerns making armor, they alone will furnish it, and then if in a short time we should complete the factory and succeed in equipping it and putting it in a position where we may effectually manufacture and deliver, and then the United States attempt to take the armor plate from its own factory contrary to the five-year contract, these three independent concerns could jointly or independently enjoin the United States upon the ground that this was a contract to take their armor plate for five years, and because of such that it lessened their privilege guaranteed for five years; that the taking of armor from the Government factory in violation of the contract, upon the faith of which they had continued their investments, was taking their property in violation of contract and imposing losses upon them within the five years contrary to express legislative enactment.

In support of that I call the eminent Senator's attention to the Supreme Court of the United States in a case in which I was defeated, consequently it is not unknown to me. It is one the Senator from Washington can recall, the city of Walla Walla *v.* the Walla Walla Waterworks (172 U. S.), beginning on page 1.

The Supreme Court of the United States there held that the contract on the part of the municipality to take its water for a certain length of time only from the private company prohibited the municipality from building its own plants and put in operation a plant at a loss of the company during the length of time the city had contracted to take water from the company.

I invite the Senator's attention to the fact that this amendment, having for its object, no doubt, the purpose to serve these companies as a guaranty to them against loss for five years, defeats the use of the Government factory for five years. Give them a contract of five years and a right to draw from the Treasury of the Government the price of armor plate without regard to the United States having equipped its own factory, and we are for five years right where we are now.

That being true, Mr. President, I respectfully insist that legally this Government should enter into no such contracts.

Without reading the opinion, I tender the volume to the Senator for his consideration. Therefore I must object to his amendment on the ground that it would bind the Government, making utterly ineffectual the purpose of the bill, and rendering wholly helpless the Government within the limits of five years.

Mr. PHELAN. Mr. President, I intend to vote for the measure providing for the construction or acquisition by purchase by the Government of an armor-plate factory for the reasons which have been set forth in this discussion. I will not traverse the subject proper, but I desire to make the amendment, if possible, of the Senator from Massachusetts innocuous, at least to a certain and an authorized extent.

On January 27, 1916, the Bethlehem Steel Co. proposed to supply the armor plate for the new program of construction at a rate considerably lower than the prevailing rate. The proposed rate was $395 per ton. Therefore I move to amend so as to read: "That the Secretary of the Navy," and so forth, "shall be directed to enter into a contract for armor plate" on the basis proposed in the amendment, and then add the proviso "that such price shall not exceed $395 per ton."

The VICE PRESIDENT. The question is on the amendment of the Senator from California to the amendment of the Senator from Massachusetts.

Mr. SHERMAN. Mr. President, the five-minute rule is a sufficient assurance to Senators, so I feel justified in submitting my reasons for voting against the bill and favoring the amendment.

The measure, taking it in its entirety, is another prostitution of the power of the Government under the guise of economy. The economy is confined to the proclamation made and never reaches the Treasury. It is like a number of others of a like kind.

There seems to be an incurable propensity of the human mind to be afflicted with a series of hallucinations that a Government can do anything cheaper than private enterprise. It never has been justified by tangible evidence. There is no experience of this or any other country to show it. The more the Government undertakes to do, the greater the drain upon the Treasury and the more signal the obstacles in the way of any genuine preparedness of either our military or naval forces of the country.

The amendment offered by the Senator from Massachusetts furnished a complete protection to the Government against an excess in price for the merchandise. If it were an enterprise in which no private capital was embarked, if private undertakings did not furnish an adequate armor-plate supply at reasonable prices, it might be well enough to encourage it by some governmental help. But it is essentially a private undertaking. In its nature it requires the expenditure at the outset of $11,000,000, according to the terms of the bill. When that is done the Government will have on its hands an enterprise the product of which will cost, based upon all other Government experience, where the undertaking is of a private nature, as in every other country save one, at least 33⅓ per cent more than private enterprise can produce the same article of merchandise by the application of ordinary economy that belongs to private undertakings.

For my part I believe that this measure and others of a like kind contain in them no principle of preparedness. I believe they are obstacles put in the way in that they discourage the embarking of private capital upon such an undertaking.

At no time nor place, Mr. President, do I believe the Government can in what is essentially a private undertaking exceed private enterprise in the production of the same article. The Government has no assets, the Government has no property, the Government has no money nor munitions. It is only when it draws upon the inexhaustible resources of the taxpayer and takes property gained by private enterprise that the Government has any power to protect itself in either peace or war.

There is no justification in thinking that a navy will be the sooner built by starting a private undertaking of this character. It, like all others, will call for the expenditure of money with no commensurate return in the merchandise to be used.

I have no sympathy with an undertaking that would make all munitions of war manufactured by the Government and a Government monopoly. In the end instead of building up our Army and Navy and supplying our Treasury and advancing the cause of preparedness, about which there is a good deal

said, it will result inevitably in weakening that cause and in taking away from private pursuits that asset on which the Government may draw by the exercise of the powers of taxation.

As we weaken the resources of private life we weaken the ability of every citizen, corporate or individual, to pay taxes in either peace or war, and ultimately that is the source of our defense.

Mr. WEEKS. Mr. President, have I a right to speak on the amendment offered by the Senator from California [Mr. PHELAN] to my amendment?

The VICE PRESIDENT. The Senator has that right.

Mr. WEEKS. Mr. President, I want to say that I see no reason why that amendment should not be adopted. I have not any malign or hidden purpose in offering the proposition which I have submitted. I have done so because I am opposed to the confiscation of private property, and I believe this bill is nothing more and nothing less.

I have no brief for the manufacturers of armor plate; I have had no consultation with them; but I want them to receive, as long as they are doing business with the Government, a fair return on their investment. That was my reason for using the phraseology which I did in the substitute which I offered.

One of the companies has offered to furnish armor at $395 a ton. We certainly do not want the Government to pay any more for armor than is necessary, and as far as I am concerned I will vote for the amendment of the Senator from California. I accept the amendment to the amendment.

The VICE PRESIDENT. The Senator from Massachusetts has a right to accept the amendment to the amendment.

Mr. TILLMAN. Mr. President, I think I ought to say a word. It has never been my intention or the intention of any member of the Naval Committee to destroy the armor plants or injure them in any way. If they go out of business and scrap their plants, as they have threatened to do, we can not help that. That is for them to decide. I feel sure the National Government will be sorry to see it done. Because they can not have their own sweet will, as they have heretofore had, is no reason for them to grow pettish and insolent and make threats. With the Government factory and those three factories all running we could turn out armor more rapidly than any nation in the world—far more than our navy yards and shipbuilding plants can build ships to put the armor on. Our efforts should be turned in that direction—the provision and equipment for shipbuilding.

I sincerely hope when this dire conflict in Europe is ended the civilized nations of the world will come to some agreement which is workable that will make the necessity for large battleship fleets a thing of the past, and that the fleets of the future will consist of merchantmen and ships for passengers only—I am sure all right-thinking men will agree with me in this—and the necessity for battle fleets will have disappeared by the time those now afloat become useless because of there being no more war and their being unfit for freight.

The billions and billions of dollars that have been wasted in the last three years could have provided in comfort for millions upon millions of poor people who are now struggling for existence and going from the cradle to the grave with little more than a bare living.

I move to lay all the amendments on the table, and on that motion I call for the yeas and nays.

Mr. GALLINGER. Mr. President, I rise to a point of order. The unanimous-consent agreement provides that debate shall proceed under the five-minute rule.

The VICE PRESIDENT. The Chair sustains the point of order. The unanimous agreement provides for a five-minute debate, if desired. The question is on the amendment of the Senator from Massachusetts as modified.

Mr. SMOOT. On that I ask for the yeas and nays.

Mr. THOMAS. Mr. President, a parliamentary inquiry. Is the proposition of the Senator from Massachusetts a substitute or an amendment?

The VICE PRESIDENT. It is a substitute.

Mr. GALLINGER. I ask that it be again read as amended before it is voted upon.

The VICE PRESIDENT. The Secretary will state it.

The SECRETARY. Strike out all after the enacting clause and insert:

That the Secretary of the Navy shall enter into negotiations with those who are now equipped to manufacture armor plate and shall, if possible, make an agreement with them, severally, which shall, in effect, apportion among them the requirements of the Government for a period not to exceed five years in proportion to their respective capacities; the price to be paid for armor plate thus contracted for to be the cost of manufacture, including all items which are ordinarily charged to a manufacturing business of a similar character under a scientific system of accounting which shall include interest actually paid upon money borrowed and to which shall be added 6 per cent per annum upon the capital employed in the business, including the replacement value of so much of the plants as are applicable to this production less any bonded or other indebtedness thereon: *Provided*, That such price shall not exceed $395 per ton.

The VICE PRESIDENT. The yeas and nays have been called for.

The yeas and nays were ordered.

Mr. LIPPITT. Inasmuch as the distinguished Senator from California has already declared that this amendment would be entirely innocuous, I hope the gentlemen on the other side will vote for it, as I have no doubt the Senator from California also will.

Mr. PHELAN. I desire distinctly to say that in announcing the proposal of the amendment to the amendment I said I was in favor of the original bill, that the Government should own its own armor-plate factory. I wish no misunderstanding on that score. It will render, I trust, the amendment of the Senator from Massachusetts less harmful in the event of its passage, but I am going to vote against the substitute amendment of the Senator from Massachusetts and vote for the original bill.

The Secretary proceeded to call the roll.

Mr. BORAH (when Mr. BRADY'S name was called). I desire to announce the absence of my colleague [Mr. BRADY] on account of illness. He is paired with the Senator from Florida [Mr. FLETCHER].

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL]. The Senator from Utah [Mr. SUTHERLAND] has a pair with the Senator from Arkansas [Mr. CLARKE]. We have made an arrangement to transfer our pairs, so that both of us can vote. I therefore vote "nay."

Mr. KERN (when Mr. FLETCHER'S name was called). I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER], and to state that he is paired with the Senator from Idaho [Mr. BRADY]. I am authorized to state that if the Senator from Florida were here, he would vote "nay."

Mr. CHILTON (when Mr. GOFF'S name was called). I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. By a transfer he is paired with the Senator from Florida [Mr. BRYAN]. I will let this announcement stand for the day.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. NELSON]. If I were at liberty to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. Under the statement made by the Senator from West Virginia [Mr. CHILTON], the Senator from Arkansas will stand paired with the Senator from New Mexico [Mr. FALL], so that I am at liberty to vote. I vote "yea."

Mr. TILLMAN (when his name was called). The Senator from Michigan [Mr. TOWNSEND] and myself both have pairs, he with a Democrat and I with a Republican. We have agreed to transfer those pairs and to vote. These pairs stand against each other, and we vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], who is unavoidably absent. As stated by the senior Senator from South Carolina [Mr. TILLMAN], we have transferred our pairs. I have transferred my pair with the Senator from Florida to the Senator from West Virginia [Mr. GOFF], so that I am at liberty to vote. I vote "yea."

Mr. WARREN (when his name was called). On this particular measure I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If the Senator from Wisconsin were present, he would vote "nay," and if I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. KERN. I desire to transfer my pair heretofore announced to the Senator from Arizona [Mr. SMITH] and will vote. I vote "nay."

The result was announced—yeas 25, nays 60, as follows:

YEAS—25.

Brandegee	du Pont	McLean	Sutherland
Burleigh	Gallinger	Oliver	Townsend
Catron	Harding	Page	Wadsworth
Clark, Wyo.	Jones	Penrose	Weeks
Colt	Lippitt	Sherman	
Curtis	Lodge	Smith, Mich.	
Dillingham	McCumber	Smoot	

NAYS—60.

Ashurst	Hughes	Norris	Simmons
Bankhead	Husting	O'Gorman	Smith, Ga.
Beckham	James	Overman	Smith, Md.
Borah	Johnson, Me.	Owen	Smith, S. C.
Broussard	Johnson, S. Dak.	Phelan	Sterling
Chamberlain	Kenyon	Pittman	Stone
Chilton	Kern	Poindexter	Swanson
Clapp	Lane	Pomerene	Thomas
Culberson	Lea, Tenn.	Ransdell	Thompson
Cummins	Lee, Md.	Reed	Tillman
Gore	Lewis	Robinson	Underwood
Gronna	Martin, Va.	Saulsbury	Vardaman
Hardwick	Martine, N. J.	Shafroth	Walsh
Hitchcock	Myers	Sheppard	Williams
Hollis	Newlands	Shields	Works

NOT VOTING—10.

Brady	Fall	La Follette	Warren
Bryan	Fletcher	Nelson	
Clarke, Ark.	Goff	Smith, Ariz.	

So the amendment of Mr. WEEKS was rejected.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. At the end of the bill it is proposed to add:

The Secretary of the Navy shall not proceed with the construction or purchase of the factory or factories provided for in this act provided within 60 days after the passage of this act he shall be able to contract with responsible parties for the furnishing to the Government of not less than 15,000 or more than 25,000 tons of armor plate annually for a period of five years from the 1st day of July, 1917, at a price not exceeding $280 per ton; and the Secretary of the Navy is hereby authorized to make such contract.

Mr. NEWLANDS. Mr. President, as I understand the report of the committee, they estimate that armor plate can be manufactured with a fair profit at $250 per ton. The lowest price at which armor has ever been secured by the Government has been about $346 a ton. That was some time ago. Since then the Government has been compelled to pay, I believe, over $400 per ton.

The armor-plate manufacturers contend that if their factories are run at full capacity they will be able to furnish armor plate at a lower price. This amendment fixes the price at not exceeding $280 per ton, a price about $30 per ton above that which the committee estimates to be the cost, and from $130 to $150 per ton below the price usually charged the Government by the armor-plate manufacturers.

The amendment provides for a contract running over a period of five years for not less than 15,000 tons annually, and not more than 25,000 tons annually, the latter being, I believe, the maximum requirement of the Government during the period of five years. When this bill goes into operation, under this amendment the Secretary of the Navy will be called upon to make the purchase or construction provided by it, unless within 60 days after its passage he is able to make a contract for five years upon the terms named.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

Mr. BRANDEGEE and Mr. NEWLANDS called for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the amendment.

The amendment was rejected.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

Provided, however, That before any steps hereunder are taken by the Secretary of the Navy he shall enter into negotiations with the several manufacturers of armor plate in the United States for the construction of 123,000 tons of armor plate, or so much as may be required within the next five years, for the use of the Government; and if he shall be able to secure the armor plate required at such price as shall not exceed 10 per cent above the cost of production, which cost shall take into consideration the capital employed, repairs, waste, depreciation, and all other elements and items of expense which enter into the cost of production, and not exceeding $395 per ton, he shall make contract with said companies accordingly, and shall take no further steps for the construction or purchase of the factory herein provided for; but if he shall fail to secure such agreement, he shall proceed forthwith to carry into effect the provisions of this act.

Mr. McCUMBER. Mr. President, in all ordinary industrial pursuits that which can be done just as well by the citizen as by the Government should not be absorbed by the Government. Just to the extent that the Government projects itself into the industrial field just to that extent does it limit the opportunity for its people. And if there would be justification for entering into any purely private industry there would be the same justification for taking possession of all and conducting a purely paternalistic Government, with one employer and hundreds of millions of dependents, hopeless, ambitionless.

But while this may be true in respect to all of the ordinary industrial activities, there are certain lines of production which it seems to me should always be conducted, at least in part, by the Government. The Government must at every moment of its life be able to protect itself. It must have warships, guns, ammunition, armor plate, and those things which are the primary weapons of offense and defense. It ought to be able to secure these upon fair and reasonable terms. It ought not to be in a position whereby it can be held up by any private manufacturing establishment and exorbitant prices charged. It is because of this that we have our Government shipyards, our arsenals, our navy yard for the manufacture of naval guns, and so forth. And the same reason, Mr. President, which would justify or render necessary the production of these instrumentalities of warfare by the Government would justify the manufacture of its armor plate used on our war vessels.

I go further than this, and assert that where the Government is the only consumer of an article of production the Government might well be the only producer of such article. The fact that the Government is the only purchaser limits the number of producers. And that makes combination against the Government not only extremely easy but quite natural. It would probably have been much better for the manufacturers of armor plate if they had left the matter in the first instance to the Government itself. But it was the Government that induced them to invest about $30,000,000 so as to be able to furnish the Government its armor plate. From all the evidence produced I draw the conclusion that, measured by the investment in plants and machinery, and the expense of maintaining such plants, the profits have scarcely justified the project.

But we are met to-day with a condition rather than a theory. This is the condition: We now have armor-plate plants ready this minute to do business, and capable of producing 30,000 tons of armor plate annually, which it would cost to duplicate about $25,000,000. It would take from three to four years to build and equip a Government armor-plate plant. It would probably be five years before this plant would be turning out armor plate. This year we propose to, and undoubtedly will, vote for such increase in battleships and armored cruisers as will necessitate, according to program, 123,000 tons of armor plate. Now, we must buy this armor plate from the companies now in existence. The Government can not produce any part of this plate. The particular exigency which calls for an abnormally larger output of armor plate will have passed before the Government can begin its operations. Now, let us look at this situation squarely in the face.

The bill introduced calls for an armor-plate plant capable of producing 20,000 tons per year. This 20,000 tons per year is settled upon in the belief that after the present exigency has passed we may probably need that much per annum. And it is proposed that the Government shall produce all of the armor plate after about five years. But these 123,000 tons must be purchased from these private companies, whose plants are to be made worthless by the act of the Government at the expiration of five years. In other words, during these five years the capital invested purely in armor-plate factories and which can not be used, to any material extent, for any other purpose, will be destroyed by the act of the Government.

Now, what may we naturally expect from these private concerns? We can not get our armor plate anywhere else. We must pay their prices. Will they not charge us such prices for this plate as will not only afford them a good profit on their investment but which will assist them to get back a goodly proportion of the capital which is destroyed by the act of the Government? I know one of the concerns, the smallest, and which will produce only a very small proportion of the amount required, authorizes the statement on the floor that it will not permit that fact to become a factor in fixing the prices which it will make to the Government. I believe that we will pay at least 50 per cent more for this 123,000 tons of armor plate if this bill becomes a law than we would pay without it. Of all times this is the wrong time to change from private to Government production, and a bill designed to do all the manufacturing, and not a fair proportion of it, as this bill proposes, is in my opinion the wrong kind of a bill.

Now, I should like to see the Government put itself in a position where it can manufacture a portion of the armor plate it may need after its establishment shall be in working order. I am morally certain that it would cost the Government very much more, considering capital invested and every other proper element, to manufacture its armor plate than it would cost the private concerns. I know that even though we should erect a

plant and keep it in operation these private plants could furnish at a reasonable profit armor plate cheaper than the Government could manufacture it. And so long as they should do that I would purchase it from them, operating the Government establishment only slightly, if at all. We would thus prevent any combination against the Government and would secure our armor plate at lowest reasonable rates.

With the present appropriation of $11,000,000, the Government will never build a plant that will be capable of producing 20,000 tons per year. If it would cost private parties $25,000,000 to duplicate their present structures, which are capable, in running at their full capacity, of producing 30,000 tons per annum, it is folly to talk about $11,000,000 appropriated by the Government being sufficient to build a plant that will produce 20,000 tons, remembering always that it costs the Government enormously more to build than it would cost a private individual.

With the appropriation provided for in the bill I do not believe that we could erect a plant that would be capable of producing over 10,000 tons; but of course, Mr. President, it is not expected that this $11,000,000 will be anything but a starter. We will draw our plans for a plant to produce 20,000 tons per year, and then we will be compelled, probably, to vote $20,000,000 more for it before we get through.

Now, what ought to be done under these circumstances is this: There ought to be a provision in the bill authorizing the Secretary of the Navy to negotiate with the present armor-plate manufacturers for the manufacture of this 123,000 tons of armor plate. And if the Secretary of the Navy can secure from these private concerns the manufactured armor plate for such a price as would be a reasonable return upon investment, including in the computation capital employed, deterioration, repairs, waste, and all other matters that enter into the question of cost, then he shall make a contract with them for the entire amount needed. If he fails to secure such a contract, he shall proceed with the construction of the Federal plant.

The testimony shows that these plants have offered, if they can secure the entire contract, to produce these armor plates for $395 per ton. Now, I do not know whether that is higher than it should be. If I were to base my judgment on what other nations are paying, I would think we were securing the product very cheap, indeed. A table of prices paid in other countries shows that for turret armor the prices range from $729 down to $444 per ton; the United States, $496 per ton; that Krupp side armor ranges from $511 per ton to $368, the United States price being $425 per ton. Of course, I do not know just what the quality furnished to other Governments may be. It is claimed that our armor plate is superior to that of any other country.

But those figures are not conclusive. It may be that notwithstanding the very much higher prices paid by the Governments of the Old World for their armor plate, the American manufacturer can afford to furnish the Government with plate at reasonable profit much lower than he is now doing.

But here, I understand, another proposition has been put up to the Government, and I have not the slightest doubt but that the proffer is in good faith, because the owner of these plants, which can be used for no other purpose than the manufacture of armor plate, would desire to keep the plants in operation at a very reasonable profit rather than have them idle and their capital invested charged to loss. I have no doubt but that the Government could enter into an agreement with any of these concerns; that if it would give them a profit, say, of 8 per cent in the production of armor plate, the company would allow the Government accountants and experts to scrutinize and pass upon every item of expense.

So, Mr. President, whatever may have been the profits to manufacturers in the past, it is quite certain that the Government to-day is in a position to guard itself against extortionate charges and to secure its armor plate vastly cheaper than any other nation in the world and much cheaper than the Government could produce it. It is estimated that this armor plate can be produced to-day for $367.82 per ton. Suppose we should add 8 per cent to that for profit. That would make a cost of $397.24 per ton. These companies offer to produce it for $395 per ton, or $2.24 lower than an 8 per cent profit. And this cost of $367.82 is based on running at two-thirds capacity. As a matter of fact, so far, the companies have been able to run a little over half their capacity.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota.

Mr. McCUMBER. I ask for a yea-and-nay vote upon that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as on a previous roll call, I vote "nay."

Mr. KERN (when his name was called). As announced before, I have a general pair with the Senator from Minnesota [Mr. NELSON]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). Repeating the same announcement about the transfer of my pair, I vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement I did a little while ago, so that the pairs of the Senator from Michigan [Mr. TOWNSEND] and myself will stand paired with each other, I vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as before as to my pair, if I were at liberty to vote, I should vote "yea," and the Senator from Wisconsin [Mr. LA FOLLETTE] would vote "nay." I withhold my vote.

The roll call was concluded.

The result was announced—yeas 25, nays 60, as follows:

YEAS—25.

Brandegee	du Pont	McLean	Sutherland
Burleigh	Gallinger	Oliver	Townsend
Catron	Harding	Page	Wadsworth
Clark, Wyo.	Jones	Penrose	Weeks
Colt	Lippitt	Sherman	
Curtis	Lodge	Smith, Mich.	
Dillingham	McCumber	Smoot	

NAYS—60.

Ashurst	Hughes	Norris	Simmons
Bankhead	Husting	O'Gorman	Smith, Ga.
Beckham	James	Overman	Smith, Md.
Borah	Johnson, Me.	Owen	Smith, S. C.
Broussard	Johnson, S. Dak.	Phelan	Sterling
Chamberlain	Kenyon	Pittman	Stone
Chilton	Kern	Poindexter	Swanson
Clapp	Lane	Pomerene	Thomas
Culberson	Lea, Tenn.	Ransdell	Thompson
Cummins	Lee, Md.	Reed	Tillman
Gore	Lewis	Robinson	Underwood
Gronna	Martin, Va.	Saulsbury	Vardaman
Hardwick	Martine, N. J.	Shafroth	Walsh
Hitchcock	Myers	Sheppard	Williams
Hollis	Newlands	Shields	Works

NOT VOTING—10.

Brady	Fall	La Follette	Warren
Bryan	Fletcher	Nelson	
Clarke, Ark.	Goff	Smith, Ariz	

So Mr. McCUMBER's amendment was rejected.

Mr. WEEKS. Mr. President, I offer an amendment, which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add the following as a new section:

That expert chartered public accountants shall be employed to open a set of books, which shall exhibit every item of expense, direct and collateral, which may properly be charged against the preparation of the plans, the selection and purchase of a site, the construction and equipment of the proposed plant, and the cost per ton of the output for each month of the operation of the plant.

Mr. WEEKS. Mr. President, I hope there will be no objection to that proposition. It is simply a bookkeeping one, to determine the cost of the construction of the plant and the manufacture of armor in the plant.

I assume that there is an honest difference of opinion among Senators as to whether the Government should manufacture its own supplies of this kind or should purchase them from private manufacturers. I think here is an opportunity to determine absolutely whether the Government can manufacture as cheaply as it can buy in the market; and all that this suggestion I have made amounts to is that a set of books shall be kept which will furnish Congress with the absolute information as to the cost of the enterprise and the cost of the manufacture of armor.

Mr. PENROSE. Mr. President, may I make an inquiry of the Senator?

Mr. WEEKS. I yield to the Senator from Pennsylvania.

Mr. PENROSE. His amendment says "that expert chartered public accountants" shall be employed. The word "chartered" means licensed by some State, does it not, under State laws?

Mr. WEEKS. That is what I understand. I think that is the usual phraseology.

Mr. PENROSE. I did not know whether it was or not.

Mr. SWANSON. Mr. President, the Navy Department at present, pursuant to law passed several years ago, keeps its own books. Every item of cost is included. I do not know to what extent this might change the entire keeping of books by the Navy Department. Senators will be able to ascertain the cost of this armor plant and its product. I hope the amendment will not be agreed to.

Mr. PENROSE. I suspect that is just what we want to avoid, so that the Government may have independent authority as to the expense of this enterprise, and not have the Navy Department keep its own accounts and do the work itself. Certainly no legitimate enterprise can object to having a chartered accountant keep books and keep an account of the expenses.

Mr. REED. Mr. President, that is a remarkable argument to come from the lips of gentlemen who have been justifying these private monopolies in refusing to tell the Government their costs or expenses. It appears that they are quite willing to protect the private institution from exposing its business to the world, but are very anxious that the Government shall do that which they say the private party should not be required to do.

Mr. PENROSE. Mr. President, there has been no time when such chartered accountants would not have been welcomed into any of the armor plants affected by this bill.

Mr. REED. Why, Mr. President, the sworn testimony is to the effect that these gentlemen refused to disclose their business except under a seal of confidence.

Mr. PENROSE. They did object to giving it to a public committee and having it spread broadcast throughout the land, but they never objected to having a chartered accountant look through their books and report confidentially to the Secretary of the Navy.

Mr. REED. But now the Senator would like to have it reported to Congress, which, of course, would be entirely confidential.

Mr. PENROSE. Yes; and if the laxity of administration and the extravagance of the matter is such as to shock the American people I for one will endeavor to keep it as confidential as possible for the sake of the majority who are now putting through this bill.

Mr. REED. To that end the Senator would have it reported to Congress and the country, of course.

Mr. LIPPITT. Mr. President, I hope this amendment will prevail. I am sure the Members of the Senate can see a radical difference between a report that is made to the Congress of the United States about an industry in which all of the people are stockholders, because it is built and run with the money which is derived from the taxes they pay, and a private industry in which the general public are not stockholders, and whose reports properly are made to the people whose investments have built and run the establishment.

But that is not the real reason why I should like to see this amendment added to the bill. I believe that if the Government of the United States is going into the construction and the operation of manufacturing plants of various kinds, it is of vital importance to us at the very beginning of that policy that some proper, scientific method should be established of informing the public with regard to the benefit that accrues to them from such operations.

The charge is continually being made that the information given of the operations of Government-owned plants is not complete and thorough. I am quite sure that the people who are intrusted with the operation of those plants are always under a little inducement to make their reports as favorable as they can to the enterprises for which they are responsible. It is only human nature that they should. But in all properly run private enterprises of any considerable size to-day the policy of employing outside accountants to check the figures of the officers of those institutions is adopted. It is a revolution that has come about within the last few years, within, perhaps, a dozen years, in the management of those establishments. It is very proper that the Government, in the management of similar establishments, should adopt the best precedents of business operations.

I am not speaking about this amendment because it applies to this particular suggestion of an armor plant. I believe it should be applied generally to all departments of the Government; and I think very valuable information can be secured, and very great economy would result from it. It should be a policy of the Government with respect to all its manufacturing or businesslike operations.

I am very strongly in favor of the amendment of the Senator from Massachusetts as a general policy.

Mr. PENROSE. Mr. President, I should like to say, for the information of the Senator from Rhode Island and the Senate, that this is not without precedent in the American Government. A good many years ago I was chairman of a joint committee consisting of the members of the Senate and House Committees on Post Offices and Post Roads. We hired two firms of chartered accountants, the biggest we could get in the city of New York, who had records for investigating some of the public offices in Australia and Canada and many large corporations, and we put them on the Post Office Department. We expended many thousands of dollars—I think fifty or seventy-five thousand dollars—on the work, and acquired a vast amount of information which has been from time to time embodied in legislation in appropriation bills for the Post Office Department. The report made by those accountants is, I think, looked upon by everyone who has read it as of a monumental character.

I entirely agree with the Senator from Rhode Island that it would be well if this chartered-accountant proposition could be applied to other departments; but certainly when the Government is going into this unique program of industrial manufacture it is preeminently proper.

Mr. NEWLANDS. Mr. President, I favor the amendment offered by the Senator from Massachusetts. It is an amendment which, it seems to me, ought to be supported by any man who has experience in business or who is at all familiar with business matters.

I have been connected with various enterprises during my lifetime, and I have always insisted upon the employment of chartered accountants with reference to such matters. These chartered accountants are professionals, without interest, without bias. They have their reputations to maintain, and they are noted for their exactness and for their integrity. I see no reason why the Government, when it enters upon a business, should not pursue business methods.

The argument that has been presented, that because the manufacturers insist upon secrecy with reference to their costs and their processes the Government should pursue similar methods, has no weight with me. The Congress of the United States by this very proceeding is indicting the private manufacturers of the country for refusing to disclose these costs. Therefore when it proposes to enter upon this business it can not with consistency refuse to disclose to the people of the entire country, who are really conducting this business, the cost of its operation. And, in my judgment, it can not refuse to permit the methods that are pursued by business men and corporations throughout the country to be put into force with a view to ascertaining such costs.

I hope the amendment of the Senator from Massachusetts will prevail.

Mr. WORKS. Mr. President, I expect to vote for the pending bill, but not on the ground of economy. Of course, the Government should construct armor plate as cheaply as it can be reasonably done. I am voting as I expect to do upon principle. I am not proposing to vote for the bill, because I believe that prices have been kept up by a monopoly. I do not know whether they have been or not. My own judgment is that the Government of the United States should manufacture not only its armor plate but the arms and munitions that are used, whether in offensive or defensive warfare. I believe that anything that is manufactured for the purpose of killing human beings should not be left to the speculation of profit on the part of individuals or corporations.

Mr. NORRIS. Mr. President, if I thought that all the information that is sought to be obtained by this amendment would not be obtained without it, and if the amendment were limited to the output of the factory instead of its construction as well, I would very gladly support the amendment. In my judgment, it provides a different method of obtaining the cost than the Government would have already, and would necessarily put onto the Government a new bureau that would be entirely unnecessary, and would have a different law applied to this construction than applies to everything else that the Government constructs, and all other departments where it is using appropriations of Congress for various purposes.

Mr. WEEKS. Mr. President——

Mr. NORRIS. This amendment provides that expert chartered public accountants shall be employed. If the Government, under the civil-service law or any other law, has in its employ now accountants, bookkeepers, and a sufficient number of other employees to provide for obtaining the information that would be obtained through the operation of this amendment, it is unnecessary to duplicate it; and if you are going to add this to it you will simply add, as I look at it, the necessary machinery that is provided here that perhaps the Government already has.

As far as the construction of the plant is concerned and the machinery that is purchased out of this appropriation, the appropriation and the use of it and the vouchers for it will of themselves show every penny—what it was for and who got it. When the plant is completed and we go into the manufacture of armor plate, then we ought not to put upon this law a different system than we probably have in the various departments of the Government now.

I should like to get this information; and if the amendment simply said that it should be the duty of the Secretary of the Navy or some other official having charge of this expenditure to keep an accurate account of the cost of armor plate—although I think it would be done anyway, without any such amendment—I would cheerfully vote for it myself. But it does not seem to me the proper thing to add on here a lot of machinery and create really a new bureau that will of itself be expensive, when probably we are already properly equipped for doing all the work that would be done under this amendment.

Mr. WEEKS. Mr. President——

Mr. NORRIS. I yield to the Senator, if he desires to ask a question.

Mr. WEEKS. I simply want to call attention to the fact that all that these expert public accountants do is to prepare a set of books which would show these costs.

Mr. NORRIS. If that be so, we ought not to have a different set of books or a different set of bookkeeping for this business than we have for any other. If the amendment simply provided that the Secretary of the Navy should keep accurate accounts of the cost of the manufacture of armor plate, and report to Congress, then certainly it could do no harm, and even though it would be a duplicate law I would gladly support it. But I do not believe, as it stands now, it ought to be added to the bill.

Mr. BORAH. Mr. President, it seems to me that this is a very proper amendment. In my judgment, if such a provision were arranged for all the departments we would run the Government about $100,000,000 a year cheaper than we are running it now. There is no part of the Government that is quite so expensive and extravagant as those departments which pass upon their own accounts and which make their own reports. If we could have this arrangement so that there would be a checking in the proposition I think we would more than save the expense that the special accountant would cost.

Mr. SMITH of Georgia. Mr. President, I ask that the proposed amendment be again read.

The VICE PRESIDENT. It will be again read.

The SECRETARY. Add a new section to the bill as follows:

SEC. 2. That expert, chartered, public accountants shall be employed to open a set of books, which shall exhibit every item of expense, direct and collateral, which may properly be charged against the preparation of the plans, the selection and purchase of a site, the construction and equipment of the proposed plant, and the cost per ton of the output for each month of the operation of the plant.

Mr. SMITH of Georgia. Does that mean that the accountants are to continue to keep the books or to simply outline a plan by which the Treasury Department shall keep them? If it means that the expert accountants are to indicate the way in which the books are to be kept and thereafter perhaps once a year the accountants shall have the privilege of examining them and checking them up as is done in large business enterprises, I would very cordially vote for the amendment.

Mr. WEEKS. Mr. President, this is simply a proposition to keep a set of books which will show every possible cost connected with this enterprise. It has nothing whatever to do with the continuation of the keeping of books or the auditing of books. I think it answers the Senator's desire exactly.

Mr. SMITH of Georgia. It is simply to open the books and not to continue to keep them, but to outline the plan in which the books shall be kept?

Mr. WEEKS. That is it exactly.

Mr. SUTHERLAND. Mr. President, I am rather at a loss to understand what rule the Senate is operating under, whether Senators are proceeding without recognition or not, the Senator from Georgia having proceeded to address the Senate without having been recognized by the Chair after I was on my feet.

Mr. SMITH of Georgia. I thought the Chair recognized me.

Mr. SUTHERLAND. Mr. President, why should there be any objection to an amendment of this character? Certainly it is desirable and important that Congress should understand what the cost of this armor plate is to the Government. I venture to say that there is not a department of the Government operated in such a way or its accounts kept in such a way that anyone can tell what the cost of operating that department is. I know that is so with reference to the Post Office Department. No one can tell anything about it. It is reported sometimes that the Post Office Department is making $10,000,000 a year over and above expenditures. It is again reported that the Post Office Department is losing money, and nobody can arrive at the exact facts with reference to it, because the accounts are kept in such a way that it is impossible to do it.

For example, the amount of salary paid to the Postmaster General, the amounts paid to the various general offices of the Post Office Department, are not kept in the accounts of that department, but they are kept in the Treasury Department. The salaries are paid out of the general fund. No account is kept, so far as the Post Office Department is concerned, with reference to the buildings which are erected in which the business of the Post Office Department is conducted; no account is kept of the upkeep of those buildings, so that we know absolutely nothing about these items. Certainly a method by which we will be able to determine accurately what the Government of the United States will be paying for its armor plate will be of the utmost value and that is all the amendment seeks to establish.

Mr. CUMMINS. Mr. President, I sincerely hope the amendment will be adopted. Those of us who favor the Government manufacture of arms and munitions are constantly met with this difficulty: When the Secretary of War or the Secretary of the Navy reports the cost of the articles which are now being made by the Government, it is said that certain elements of cost have been omitted, and these reports are not received with that confidence and conclusiveness which they ought to have.

I therefore believe that those of us who favor the policy which the bill initiates ought to favor the examination of the accounts by those whose business it is to ascertain the cost, in order that we may confidently rest upon the information we receive respecting the cost of manufacture.

Mr. NORRIS. I offer the following as a substitute for the amendment offered by the Senator from Massachusetts.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from Massachusetts insert the following:

The Secretary of the Navy shall keep an accurate and itemized account of the cost per ton of the product of such factory or factories and report the same to Congress in his annual report.

Mr. SWANSON. I have no objection to that.

Mr. WEEKS. I have.

Mr. OLIVER. Is not that done already?

Mr. WEEKS. That does not answer the purpose at all.

Mr. PENROSE. It does not mean anything.

Mr. WEEKS. What is desirable is for us to know absolutely what this armor-making plant costs and how much it costs to make armor. How any one can object to that information being furnished the stockholders of the Government, who are the American people, is something that I can not understand. There is nothing else in my amendment except a businesslike proposition. It seems to me that it should appeal to everyone.

Mr. HUGHES. Mr. President, the difficulty about the proposition of the Senator from Massachusetts lies, as I understand it, in the fact that it clothes the accountant with the power to say what is and what is not cost. One of the great controversies now raging with reference to production of various articles by various departments of the Government is over what shall be charged to the particular article that is produced. I listened to an argument one day in a learned body where it was demonstrated absolutely in that case that an article which might be purchased in the market for $85 cost something like $3,500. That resulted from a difference in the charge of the overhead expenses of the article which was produced.

We are not going to settle that controvery by a public accountant who does not know anything about what constitutes cost. You can hire a man to open a set of books, but here you propose to clothe him with authority to fix costs. I would welcome the opportunity, as the Senator from Iowa [Mr. CUMMINS] says, to have it established once for all whether or not a plant of this kind can be operated by the Government on something like the basis that it has heretofore been operated on in private hands. But there are difficulties about bringing about a comparison that are insuperable it seems to me. The private corporations have their own difficulties with reference to what should or should not be charged to overhead charges.

Reference has been made in the debate here to-day about great bonuses paid to certain employees of the corporation, and the salaries that are paid to the president and vice president and secretary, and the question has been raised whether or not they should be properly charged up to the armor plate or charged up to generosity on the part of the controlling officers of the corporation. That is a debatable question.

The question immediately arises whether or not the salaries of officers who hitherto have been engaged in the operation of inspecting armor plate is to be charged now as a part of the costs. If those are charged as part of the cost, then the salaries that they receive now comes off the cost of some other governmental department, because you can not charge an officer's salary to two departments. If Congress is going into this matter it should decide this question for itself, and it does not seem to me a proper place to do a thing of that kind in the closing hours of the debate on the floor of the Senate under the five-minute rule, I am not prepared to pass upon it.

I listened twice to the reading of the amendment offered by the Senator from Massachusetts and I find myself unable to altogether grasp or visualize what it will bring about. The Senator from Massachusetts knows a good deal more about the language he has employed than I ever hope to learn. I do not want this plant to go into operation handicapped by an artificial system of cost which is going to make the armor appear a good deal dearer than it really is, and then have a report to this body of this accountant or an unfriendly official of some sort cited to us on every occasion when we attempt to have the Government engage in what we regard as a proper governmental activity.

Mr. SWANSON. Mr. President, the committee has no desire not to let Congress by proper legislation obtain all the information necessary that is just and fair, without entirely displacing the entire bookkeeping system that might exist in the Navy Department. It has no objection whatever to the amendment offered by the Senator from Nebraska. That provides what? That the Secretary of the Navy shall furnish Congress an itemized account and a full statement of every item of the cost of production in the question of armor.

Mr. BORAH. Mr. President——

Mr. SWANSON. If the Senator will permit me, it directs that to be done, and we shall have a report here itemizing the cost in every respect. If that is not satisfactory to Congress when the report comes in, Congress has power to employ a chartered accountant. Congress has power to appoint experts. Congress has power to summon him before a committee and ascertain whether he has given an accurate account.

This proposes to start in the Navy Department an entirely new set of bookkeeping. There is no item of expenditure that is not passed on by the Comptroller of the Treasury on vouchers from the Navy Department. They have a complete set of books that shows every item of cost. If there is a dispute and the Senator wants to know the cost every item of it is given, and then he can determine it for himself.

If the Senator from Idaho desires to interrupt me I shall be glad to yield to him.

Mr. BORAH. I was simply going to say that the amendment of the Senator from Nebraska [Mr. NORRIS] does not add anything to the situation, because we can call for information. That is provided for without any amendment.

Mr. SWANSON. But it directs him to report to Congress.

Mr. BORAH. We can direct him.

Mr. SWANSON. It directs him when he makes a report to start with the books at the beginning, so that when he makes report to Congress we can have a full, accurate, and complete statement of whatever items enter into the cost of the armor. If Congress is not satisfied with that, it has full opportunity to employ expert accountants, and then to summon them before Congress to ascertain whether their account is accurate or not.

It seems to me the amendment offered by the Senator from Nebraska is all that can be expected, and we will get all the information we desire without entirely changing the system of bookkeeping in the Navy Department.

Mr. GRONNA. Mr. President, I am in favor of the pending measure, and I would not vote for any amendment that, in my opinion, would jeopardize the bill, but I can not see that the amendment offered by the Senator from Massachusetts would in any way embarrass or endanger the measure.

It is true, Mr. President, that it is difficult to say what the cost of armor plate will be. The senior Senator from Pennsylvania [Mr. PENROSE] well illustrated that. He said the Government of the United States would still have to buy its material from the steel plant, and that is true; and the cost of steel ingots and other material entering into the manufacture of armor plate would, of course, be factors in determining the price of armor.

Mr. President, I am in favor of the bill because I believe the American people are in favor of it. I believe the American people are in favor of the Government of the United States manufacturing not only armor plate but all munitions of war, as the Senator from California so well said. But we are taking the people's money to build these armor factories. The people of the country are the stockholders, and they have a right to know what it is going to cost.

I am one who will be numbered among those Senators who will be held responsible for this legislation, because I intend to vote for the bill.

For that reason, Mr. President, I want to vote for the amendment offered by the Senator from Massachusetts, because I believe the public has a right to know what the officials of the Government are doing, and for what purpose and how the money is being expended.

Mr. PAGE. Mr. President, I shall occupy the floor for just one minute. Every man who has passed through the experience of manufacturing knows that it is quite easy to keep your books so that you can make yourself appear rich or appear poor. You can make the cost of the article that you are manufacturing seem small or large. It depends always on how you separate the running expenses.

It seems to me if we are going to undertake this expense at all, we ought at the very beginning to have chartered accountants and we ought to have a system that will enable us to detect at once whether the department is trying to make the expense of armor more or less than it ought to be.

I certainly believe that the amendment of the Senator from Massachusetts ought to prevail if we are going to act in a businesslike way in regard to the measure.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Chair is uncertain, but will leave it to the Senator from Nebraska whether he has already spoken.

Mr. NORRIS. Not on my amendment.

The VICE PRESIDENT. The Senator from Nebraska will proceed.

Mr. NORRIS. Mr. President, the object of the amendment, as explained by the Senator from Massachusetts and those who favor the amendment, is to ascertain the cost of armor plate. That is the object of the substitute I have offered. They would probably either one accomplish the same purpose if it would not be already accomplished without the adoption of either one. The difference is that the amendment of the Senator from Massachusetts will engraft upon the Government practically a new bureau. It will make it necessary to go out and employ a public chartered, licensed accountant, and it will probably result in the adoption of a new system of bookkeeping for this one particular business different from every other public business.

If the Secretary carries out in good faith the substitute that I have offered, it will be necessary for him to do whatever is requisite to get the actual cost of every item that enters into the construction of armor plate. That is all we want, that is all we ought to want, and that is all we can get under any amendment; but he will do that through the instrumentalities of his office as they exist now, without a new bureau and without additional expense.

If we want the Government to make armor plate, we are all interested in having it made just as cheaply as it can be done. Therefore it seems to me we ought to pause now before ingrafting upon the bill something which we all know will necessarily bring expense and add to the cost of armor plate.

It has been well stated by some Senator here in the course of the debate this afternoon that there is always a great difference of opinion as to what should be included as a matter of cost. That difference may exist, no matter what system we adopt. We have the power when the report comes in, if we are not satisfied with the items, to appoint a committee of this body to investigate and to employ experts, if we desire to do so, to examine the figures; but we have been arguing this bill all the way through, for instance, on the theory that it costs the Government for armor plate only what we actually pay to those who manufacture the armor plate, yet it has developed that every piece of armor plate that has ever been made has been inspected by Government inspectors, the expense for whom is not included in the cost.

It will probably develop, when we go into the manufacture of armor plate, that similar occurrences may take place. For instance, if we buy of the steel company to-day a ton of armor plate that we have inspected, we ordinarily speak of its cost at the appropriation price—what we have paid to the men who make it—but, as a matter of fact, we have our experts, employees of the Government, who are devoting all their time to the inspection of armor plate as it is made, and who watch it through every process of manufacture. The expense for that could properly be added to the cost, perhaps. When the Secretary brings in his itemized account—and if the substitute which I have offered should be adopted, the Secretary will have to itemize the account—we shall know upon its face what each charge is for; and if there is anything that is not plain, we shall have our remedy.

It would be the same if the other method were adopted and the itemized expenditures come in, except that it would cost us more to get the information. Believing in the manufacture of armor plate by the Government, I want it manufactured as cheaply as it can be done, and we all do so, whether we are in favor of going into the business in a governmental way or not. Therefore, it seems to me, if we are going to get the same information, that we ought to cut out the unnecessary expense and not adopt the amendment offered by the Senator from Massachusetts [Mr. WEEKS], but should adopt the substitute, which will bring the same information.

Mr. VARDAMAN and others. Question!

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment proposed by the Senator from Massachusetts [Mr. WEEKS].

Mr. PENROSE and Mr. VARDAMAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement which I did on the former ballot, I vote "yea."

Mr. KERN (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. LEA of Tennessee (when his name was called). On this vote I have a pair with the junior Senator from Maine [Mr. BURLEIGH]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same statement that I did upon the preceding vote, I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who has been obliged to leave the Chamber. I therefore withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement as I did on the former roll call, I vote "yea."

Mr. WARREN (when his name was called). Again announcing my pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], I desire to say that, if present, he would vote "yea," and I should vote "nay" if I were at liberty to vote.

The roll call having been concluded, the result was announced—yeas 47, nays 33, as follows:

YEAS—47.

Ashurst	Johnson, Me.	Owen	Simmons
Bankhead	Johnson, S. Dak.	Phelan	Smith, Md.
Beckham	Kern	Pittman	Smith, S. C.
Broussard	Lane	Poindexter	Stone
Chamberlain	Lee, Md.	Pomerene	Swanson
Chilton	Lewis	Ransdell	Thompson
Culberson	Martin, Va.	Reed	Tillman
Hitchcock	Martine, N. J.	Robinson	Underwood
Hollis	Myers	Saulsbury	Vardaman
Hughes	Norris	Shafroth	Walsh
Husting	O'Gorman	Sheppard	Williams
James	Overman	Shields	

NAYS—33.

Borah	du Pont	McLean	Sterling
Brandegee	Gallinger	Newlands	Sutherland
Catron	Gronna	Oliver	Townsend
Clapp	Harding	Page	Wadsworth
Clark, Wyo.	Hardwick	Penrose	Weeks
Colt	Jones	Sherman	Works
Cummins	Kenyon	Smith, Ga.	
Curtis	Lippitt	Smith, Mich.	
Dillingham	Lodge	Smoot	

NOT VOTING—15.

Brady	Fall	La Follette	Smith, Ariz.
Bryan	Fletcher	Lea, Tenn.	Thomas
Burleigh	Goff	McCumber	Warren
Clarke, Ark.	Gore	Nelson	

So the substitute of Mr. NORRIS for the amendment of Mr. WEEKS was agreed to.

The VICE PRESIDENT. Are there further amendments?

Mr. LIPPITT. Mr. President, the vote which has just been taken resulted, as I understand, in the substitution of the amendment of the Senator from Nebraska for the amendment of the Senator from Massachusetts? I understand the question of the adoption of the amendment proposed by the Senator from Massachusetts still has to be voted on by the Senate.

The VICE PRESIDENT. What question?

Mr. LIPPITT. The amendment as amended has still to be acted on by the Senate, as I understand.

Mr. LODGE. The amendment to the bill has not yet been acted upon.

Mr. LIPPITT. Was it an amendment or a substitute?

The VICE PRESIDENT. It was proposed as a substitute.

Mr. LIPPITT. Then, it takes the place of the amendment.

The VICE PRESIDENT. It takes the place of the amendment.

Mr. LIPPITT. Then, is not the question on the amendment? The amendment to the bill has not yet been voted on, as I understand.

The VICE PRESIDENT. Of course, it has not yet been voted on.

Mr. LIPPITT. I ask to have the amendment, as it is now before the Senate, read.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read as follows:

SEC. 2. The Secretary of the Navy shall keep accurate and itemized account of the cost per ton of the product of such factory or factories and report the same to Congress in his annual report.

Mr. LIPPITT. Mr. President, while I was very much in favor of the amendment of the Senator from Massachusetts [Mr. WEEKS], I see no benefit to be derived from adding to the bill that amendment as it now stands. The method of arriving at the cost of producing the armor suggested by the Senator from Massachusetts was an efficient, businesslike one, while the method now proposed by the amendment of the Senator from Nebraska is flabby and meaningless. It simply provides that the Secretary of the Navy, under watch of himself, is to furnish to the public the information which in the ordinary course of the performance of the duties of his department he is now under obligation to furnish. I am very sorry that the Senators responsible for this measure, who for the last two weeks have been condemning the armor-plate manufacturers of this country for refusal to make public the details of their business, and have been complaining that they refused to present the information to the Congress in a proper and businesslike form should now, by the adoption of this substitute, nullify the proposition of the Senator from Massachusetts, and go on record here as being willing to start the Government manufacture of armor under exactly the same conditions as to the publication of information which they have for weeks been condemning on the part of the armor-plate manufacturers of this country. It is a most inconsistent and unbusinesslike proceeding, and I venture to say it will come back to plague them.

Mr. GALLINGER. Mr. President, I have taken no part in this rather long and interesting debate, but I will avail myself of the five minutes accorded to me to say that my views on the question of Government ownership are so well known that I will not take any time either to repeat or to elaborate them, beyond saying that, if the Government invades the domain of private enterprise in the matter of manufacturing armor plate, there is no reason why the Government shall not enlarge its activities and engage in other business enterprises, private as well as public. This is the adoption of a policy which, in my judgment, will halt individual enterprise, paralyze individual energy, discourage individual capital, and relegate our people to the tender mercies of governmental activity and governmental control. It is a dangerous experiment from every point of view.

Mr. President, I have heard lurid denunciations of men who are captains of industry, and I have listened time and time again to a denunciation of Mr. Schwab because of the fact that in the long ago he was penalized because some material which he furnished to the Government was not up to standard. Why, Mr. President, if that incident, which has long ago passed out of sight, is an indictment against the men who are manufacturing armor plate for this Government, we might just as well cite as an indictment of the Engineer Corps of the Army the case of Capt. Oberlin Carter, who, while an officer of the Army, expending the money of the Government, defrauded the Government and robbed it of hundreds of thousands of dollars, for which he was imprisoned in a penitentiary of the United States. It is not a sufficient argument to say that if one man has done wrong the men whom he represents or the class to which he belongs should be denominated, as they have been in this debate, as robbers and men unworthy of the confidence of the American people.

Mr. President, the Senator from South Carolina [Mr. TILLMAN] on the 8th day of February reported the bill which is now under consideration. Eight days later the Senator from South Carolina, to show how tenderly he feels toward the men who are engaged in these enterprises and who are manufacturing armor, introduced a bill, Senate bill 4493, in which it is provided that the Government may summarily take possession of any one of those plants, and then the Government, instead of paying the price of those plants, shall compel these men to go to the Court of Claims to establish the fact that the Government is indebted to them. After the plant has been seized and the Government has taken possession of it, then it is provided that its owners may bring suit in the Court of Claims of the United States and recover such compensation as may be legally and justly due to said companies, or either of them, and said Court of Claims shall hear and determine such suit as other suits against the United States are heard and determined.

And then, Mr. President, it is provided that if the Court of Claims finds the sum for which the Government ought to be held responsible, those whose property has been taken may come to Congress and ask us to make an appropriation to compensate them. It is a most remarkable bill, and it shows, Mr. President, the animus which has governed those who are advocating the measure which is now under consideration.

Mr. OLIVER. Mr. President, if the Senator will allow me, I want to say that before that could be done they would have to get the consent of the State of Pennsylvania, and that would give them some little trouble.

Mr. GALLINGER. I think so.

Mr. President, I assume that this bill is to pass the Senate, but I have confidence to believe that it may be halted elsewhere. It will pass this body because the President of the United States has ordained that it shall pass; it will pass this body because the Democratic majority has so ordered; and the minority is powerless to prevent it.

The legislation is a part of the Democratic policy that has already alarmed the business interests of the country, and will doubtless continue until after the next national election, when the party of conservatism and sound economic views will be restored to power. Until then we must content ourselves with "watchful waiting," and struggle along as best we can under the burden of bad legislation, such as we are now considering.

Mr. President, I was astounded that the majority of this body did not accept the amendment offered by the Senator from Massachusetts [Mr. WEEKS]. During the hearings the Senator from Virginia [Mr. SWANSON], who has taken so active a part in this controversy, asked Mr. Grace, president of the Bethlehem Co., this question:

> Have you any objection to having a public accountant going through your books, and thus enabling this committee to see what your books show as to the cost of armor plate from 1887 to the present time?
>
> Mr. GRACE. I have no objection to a public accountant, properly authorized, and in whom we would both have confidence, being allowed to go over the situation.

And yet the Senator from Virginia voted against the amendment of the Senator from Massachusetts!

The VICE PRESIDENT rapped with his gavel.

Mr. GALLINGER. I am glad I got that in before my five minutes expired.

The VICE PRESIDENT. The Chair gave the Senator a half minute extra.

Mr. SMITH of Michigan. Mr. President, it is very evident, of course, that this bill is going to pass. Since I have been a Member of Congress I have at times felt that the Government would be justified in making its own armor plate, opposed as I am to the Government entering the field of individual enterprize. I do not, however, believe that this is the time to experiment in that direction, burdened as we are with taxation and Treasury deficits. I think that if we are in danger, as the President intimates, it would be very shortsighted indeed to weaken our arm by damming up the ordinary sources of supply and crippling our supply of armor plate for immediate use.

I do not know how many Senators are familiar with the fact that we have now in process of construction in the navy yards of this country a program aggregating nearly $200,000,000. The President, in his recent trip through the West, stated that we are in great danger, and that he will not be responsible for what a day may bring forth. Yet, Mr. President, so far as my information goes, the navy yards are proceeding in the same leisurely way to complete work authorized years ago, when if an emergency exists they could easily double the productive capacity of our yards. Indeed, this administration has signalized its entry into international complications by selling two of our ships of war to foreign Governments for approximately the amount which it is now proposed to invest in an armor-plate factory.

I can not conceive it to be the part of prudence for us now to undertake to make an appropriation for a Government armor-plate plant which will be of no avail to the American people for three or four years at least. If we are in danger and it is threatening, we should buy our armor plate from any source which will give us an appropriate and speedy supply, and not enter upon a plan at such a juncture which will have a strong tendency to curtail the supply and expose us to danger.

So far as my information goes, present prices are not exorbitant. They are at least lower, much lower, than those afforded to the people of other lands, and the proposition of one of the big companies to make our armor plate this year on a basis which shall include only a fair return upon actual cost seems to me to invite the serious consideration of the Senate.

I do not understand how we can be in great danger and yet give out contracts for the completion of our ships of war two and three years hence and start an ambitious program of supplying our own armor plate which will not become effective until all present danger is past.

I know it is perfectly fruitless for me to undertake to arrest the Senate in its purpose to try out this experiment, costly and immature as it is. It is an old plan. It is not new. We have all been familiar with it for years; and perhaps there may be some wisdom in it, but for present purposes it is far from wise, when our Treasury is so depleted that we must resort to extraordinary taxation to meet the ordinary expenses of the Government, and yet we now propose to put $11,000,000 into a plant which will not be available for at least three or four years. So far as I am concerned this does not appeal to me as a necessary part of your ambitious program of immediate preparedness.

Mr. ASHURST. Mr. President, we have been regaled very much this afternoon by the lamentations of Senators upon the other side. When it was apparent a year or two ago that the Republican Party was, as we thought, on its deathbed, it repented, or said it did; but, like most deathbed repentances, when a recovery was had it resumed its old, sinful ways; and here to-day we find eminent Republicans, who are considered to be presidential timber, standing on the floor of the Senate of the United States openly and defiantly championing the cause of the most odious monopoly that ever disgraced the United States. This deathbed repentance of the Republican Party proves to be just like most other deathbed repentances. If it recovers, the repentance "does not go."

Odious monopoly? Mr. President, in 1913 the representatives of the three companies manufacturing armor plate came to Washington, registered at the same hotel, held conferences, and submitted bids for armor plate for the battleship *Pennsylvania*, and when the bids were opened they did not vary a single dollar. All three were identical, and were $34 a ton higher than any bids ever before submitted.

It is suggested that this is because of "scientific cost accounting."

Patriotism? Why, the distinguished Senator from Massachusetts [Mr. LODGE] yesterday in his speech said: "Of course, we can not buy armor plate from Japan or other countries, because their patriotism would prevent them from selling it to us." I am giving the substance only of the Senator's statement. How about the patriotism of the armor-plate makers here in our country? Mr. President, while we are talking of patriotism let us not forget that in 1894 the Bethlehem Co. sold armor plate to Russia at $249 a ton, and at the same time it was under a contract, made in 1893, to sell armor plate to our Government at $616.14 a ton. In 1911 this same company sold armor plate to Italy at $395 a ton and were charging the United States $420 per ton. Later this company sold it to Japan for $406.35 a ton as against $504 a ton to this country.

Yes, Mr. President—patriots!—p-a-y-t-r-i-o-t-s instead of p-a-t-r-i-o-t-s! [Laughter.]

Mr. JOHNSON of South Dakota. Mr. President, I have not taken up any time in this discussion, believing it wise to leave it to the older heads; but it has not been because I have not been deeply interested. I believe in the Government ownership of any or all factories producing munitions of war if it so desires; and I do not believe that under this bill the factories now operating would lose any money that they should justly have, because I believe that satisfactory arrangements would be made under this bill whereby their factories, or some of them, might be purchased. Occasions might arise, Mr. President, when we would have use for much more of the armor-plate product than we can manufacture at this time or some future time, and any delay in the passage of the bill under consideration might defeat its real object. As for myself, I think conditions might arise when we might all conclude that the investment was a good one, if we never did anything more than to store away a good supply of this and other war munitions for the future; and I shall certainly vote for this bill, believing that I am doing my duty to my convictions and our Government.

Mr. NEWLANDS. Mr. President, the conditions of the armor-plate industry are such, in my judgment, as to require the construction of an armor plant by the Government unless a reasonable price can be assured. The existence of three organizations which have the exclusive manufacture of armor plate indicates that at any time they can, by a combination or understanding, fix the price, and we all feel assured that in the past the price has been too high.

I have also thought it might be well to have an armor plant, as my colleague has suggested, as a reserve against conditions of emergency in the future; but I was unwilling to cast my vote for an armor plant until every assurance of a reasonable price was hopeless. I offered an amendment to this bill providing that if within 60 days after the passage of this act the Secretary of the Navy should be able to make a contract for five years for all the Government requirements at the price of $280 per ton, then the purchase or construction of a plant by the Government should not be undertaken. I regret that that amendment was not adopted. I assume that it was not adopted because the Senators on this side of the Chamber thought that

the price was too high and the Senators on the other side of the Chamber thought it was too low. I fixed that price after surveying the various prices that had been charged by these organizations, running from over $500 per ton down to about $346, and upon the statement of the committee that the cost as ascertained by the committee was about $252 per ton, and the admission, as I understand, of the corporations interested in this manufacture that that was within 10 per cent of the cost. I therefore added 10 per cent to the $250 and made the price about $280 per ton.

I regret that that amendment was not agreed to. I also regret that the amendment offered by the Senator from Massachusetts [Mr. WEEKS] was not agreed to. It seemed to me only reasonable and proper that the method of ascertaining the cost suggested by this committee to the manufacturers should be adopted by the Government itself and that the well-known and established practice of opening up books of cost to the action of expert accountants should be followed by the Government, as it has been by almost all business enterprises.

Notwithstanding the failure of these amendments, I feel that the condition of the industry is such as to require the construction of a Government plant, for the reason that I have given, and I shall vote for it.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I made on a former ballot as to my pair and its transfer, I vote "yea."

Mr. KERN (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. LEA of Tennessee (when his name was called). Again announcing my pair with the junior Senator from Maine [Mr. BURLEIGH] I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). Repeating the announcement I made on the former roll calls, I vote "nay."

Mr. THOMAS (when his name was called). On account of the absence of my pair, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. TILLMAN (when his name was called). Announcing the same pair and transfer as already announced, I vote "yea."

Mr. TOWNSEND (when his name was called). To make the RECORD clear, I desire to announce that I have a pair with the junior Senator from Florida [Mr. BRYAN], and the senior Senator from South Carolina [Mr. TILLMAN] has a pair with the junior Senator from West Virginia [Mr. GOFF]. We have transferred those pairs, so that the Senator from South Carolina and I can vote. I vote "nay."

Mr. WARREN (when his name was called). On this measure I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who, if here, would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. KERN. I desire to announce again the absence of the senior Senator from Florida [Mr. FLETCHER]. He is paired with the junior Senator from Idaho [Mr. BRADY]. If the Senator from Florida were present, he would vote "yea."

The result was announced—yeas 58, nays 23, as follows:

YEAS—58.

Ashurst	Hughes	O'Gorman	Smith, Ga.
Bankhead	Husting	Overman	Smith, Md.
Beckham	James	Owen	Smith, S. C.
Borah	Johnson, Me.	Phelan	Sterling
Broussard	Johnson, S. Dak.	Pittman	Stone
Chamberlain	Kenyon	Poindexter	Swanson
Chilton	Kern	Pomerene	Thompson
Clapp	Lane	Ransdell	Tillman
Culberson	Lee, Md.	Reed	Underwood
Cummins	Lewis	Robinson	Vardaman
Gore	Martin, Va.	Saulsbury	Walsh
Gronna	Martine, N. J.	Shafroth	Williams
Hardwick	Myers	Sheppard	Works
Hitchcock	Newlands	Shields	
Hollis	Norris	Simmons	

NAYS—23.

Brandegee	du Pont	McLean	Smoot
Catron	Gallinger	Oliver	Sutherland
Clark, Wyo.	Harding	Page	Townsend
Colt	Jones	Penrose	Wadsworth
Curtis	Lippitt	Sherman	Weeks
Dillingham	Lodge	Smith, Mich.	

NOT VOTING—14.

Brady	Fall	Lea, Tenn.	Thomas
Bryan	Fletcher	McCumber	Warren
Burleigh	Goff	Nelson	
Clarke, Ark.	La Follette	Smith, Ariz.	

So the bill was passed.

On motion of Mr. TILLMAN, the title was amended so as to read: "A bill to erect or purchase, or both, a factory for the manufacture of armor."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 65. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto; and

H. R. 3042. An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto.

COMMITTEE SERVICE.

On motion of Mr. O'GORMAN, it was

Ordered, That Mr. KERN, a Senator from Indiana, be appointed to fill the vacancy in the membership of the Committee on Finance caused by the death of Mr. SHIVELY.

HEARINGS BEFORE THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 123, submitted by Mr. BANKHEAD on the 9th instant, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-fourth Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

Mr. TILLMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 2 minutes p. m., Tuesday, March 21, 1916) the Senate adjourned until to-morrow, Wednesday, March 22, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 21, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast been our refuge and our strength, a very present help in trouble, from the beginning of our national life down to the present hour, be Thou still our strength, our support, our guide. The sky is overcast with dark and ominous clouds, the atmosphere is charged with electric currents which threaten to break in thunderbolts upon us. "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain." Help us to realize, therefore, that if our work lives and bears acceptable fruit, it must be in accordance with the laws which Thou hast established. Inspire us with wisdom, courage, fortitude, that we may be actuated by the highest and purest motives, assured that Thy benediction shall follow us as a people evermore. For Thou art the God of peace and of power, of wisdom and justice, of liberty and righteousness. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE MILITARY ESTABLISHMENT.

On motion of Mr. HAY, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, with Mr. GARRETT in the chair.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN Does the gentleman desire to withdraw the amendment which was pending last evening?

Mr. ANTHONY. I did not understand that there was any amendment pending last evening. We adopted part of the amendment which was pending, and this is a new amendment which is offered.

The CHAIRMAN. Without objection, the other will be withdrawn, and the Clerk will report the new amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Insert after the word "relieved," in lines 13 and 14, page 25, the following:

"The lieutenant colonel and three majors of said regiment shall be appointed from the senior captains in regimental rank of the Porto Rico regiment mentioned in the act of March 4, 1915, and captains of the Porto Rico regiment mentioned in said act shall also be eligible to such detached service, transfer, or assignment to duty with other organizations as may be approved by the Secretary of War."

Mr. SLAYDEN. Will the gentleman explain that in just a word?

Mr. ANTHONY. Mr. Chairman, I will say for the benefit of the House that this amendment makes no vital change in the intent of the provision in the bill, except that it gives authority to the Secretary of War to transfer certain officers of that regiment to duty with other organizations.

Mr. SLAYDEN. The gentleman means to other regiments in our continental Army?

Mr. ANTHONY. In the balance of the Army, or makes them eligible for special detail. We tried last year to so provide for them by special legislation, but the Judge Advocate General ruled that under the language of the legislation he would be unable to do that, and this is an effort to confer that authority.

Mr. SLAYDEN. It has been some time since I have given special attention to the status of that Porto Rican regiment. What about the subordinate officers below the rank of captain? How are they appointed?

Mr. ANTHONY. It is the intent of the language of the bill to withdraw the lieutenant colonel and the two majors who are detailed there from the Regular Establishment and to allow those places to be filled by promotions——

Mr. SLAYDEN. From the natives?

Mr. ANTHONY. From the regimental captains. That in turn will promote the Porto Ricans from the lower ranks, from lieutenants to captains, the places made vacant by promoting some of these American officers to the positions of major and lieutenant colonel. And ultimately the Porto Rican officers would also be promoted to be field officers.

Mr. SLAYDEN. As the gentleman's party believes in equality and fraternity, why not give those higher places to natives?

Mr. ANTHONY. I will say to the gentleman that the paragraph we struck out last night would have done that at once. It was a paragraph that I offered in committee, but I found on looking at it further that it would have permitted an officer recently promoted from lieutenant to captain to be immediately jumped to lieutenant colonel, and that was thought to be rather too sudden promotion and would deprive some of the present officers of an opportunity for advancement they have earned by long service.

Mr. SLAYDEN. Rapid promotion is not thought to be extraordinary or revolutionary in other branches of the service, is it?

Mr. ANTHONY. It would be a little radical in this instance, in my opinion.

Mr. SLAYDEN. But not objectionable to the beneficiaries.

Mr. MANN. May we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TOWNER: Page 25, line 22, after the word "age," insert a new section as follows:

"That one additional Infantry regiment, with organization as prescribed in section 6 of this act, and subject to the provisions of sections 11 and 12 of this act regarding the officers of said regiment, shall be enlisted and enrolled under the general provisions of this act from among the citizens of Porto Rico for service in the Canal Zone or elsewhere as directed by the President."

Mr. TOWNER. Mr. Chairman, this is a proposition to add one regiment, to be recruited from the citizens of Porto Rico, to the additions to the Army provided in this bill.

We have had in Porto Rico for quite a number of years a regiment consisting of two battalions. They have rendered effective service and have repeatedly received the commendations of the War Department and the Bureau of Insular Affairs. Under the terms of this bill this regiment is increased to full three battalion strength, so that there is a small increase provided for in this bill in the Porto Rican force. However, it is understood and expected that this regiment shall remain stationed in Porto Rico. It is, in fact, a garrison regiment for that island. The proposition contained in this amendment of mine is to recruit from Porto Ricans an entire regiment, with the full organization, such as is provided in this bill, for service in the Canal Zone or elsewhere, as may be directed by the President.

It is the testimony of all of the Army officers that Porto Ricans are perhaps more easily enlisted than any other body of men subject to American jurisdiction. Porto Rico is a small island. It has a very congested population. It is smaller in area than the State of Connecticut, but it has a population of more than 1,250,000 people. The island is poor. The people there very readily enlist. They make good soldiers, as the testimony shows. It would be a benefit to them, with their congested population, to allow their citizens to enlist in a regiment in the United States Army.

They would be peculiarly qualified for service in the Canal Zone or elsewhere in the Tropics. It would be, Mr. Chairman, as I view it, of immense service and economy to the United States to do this. All of the Army officers in their official reports have repeatedly said that, in their judgment, it was bad policy to send minimized or skeleton regiments from the United States forces to service in the Tropics or to serve elsewhere without the continental territory of the United States; that it is bad from the standpoint of economy and bad also from the standpoint of efficiency. In other words, they believe that, as nearly as possible, when service is to be had outside of the territory of the United States it should be by full-strength regiments. If we should, as we easily might and ought to, under the amendment I suggest, enlist a full-strength regiment of 1,900 men in Porto Rico, we would be able to send that regiment to the Canal Zone for service, and in lieu of that withdrawal from the Canal Zone two regiments of minimum strength of soldiers from the United States. It would be of immense benefit to us, both from the standpoint of economy and from the standpoint of efficiency.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman.

Mr. EMERSON. Since I have been in Washington I have received some papers from Porto Rico stating that the Porto Ricans did not wish to remain under the authority of the United States and that they were not loyal to the country, but wanted independence.

Mr. TOWNER. I think that is not the fact. Generally Porto Rico has been very loyal to the United States. They desire very much closer relations with the United States, and there is a bill now reported and made privileged by which we give them a very much larger degree of self-government, and also make them citizens of the United States.

Mr. EMERSON. Is that feeling general in the island, or is it that some fellow wants to stir up trouble?

Mr. TOWNER. I do not think it is general in the island. There has been very little feeling of disloyalty, only now and then is there a sporadic attempt to stir up independence and separate government sentiment.

Mr. BAILEY. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. BAILEY. Did I understand the gentleman to say that this increased regiment will be a charge on the Porto Rican people?

Mr. TOWNER. No; it will be economy for us, however, because we can send that regiment to the Tropics instead of our own.

Mr. ANTHONY. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. ANTHONY. The gentleman by reason of his position on the Insular Affairs Committee is familiar with the political affairs in the island. Is it not true that the prominent politicians of the island, the members of the house of delegates, and even the Delegate to this body, take the position that the island should be independent and that they are not in favor of American sovereignty?

Mr. TOWNER. No; I will say——

Mr. ANTHONY. What is the meaning of the resolution?

Mr. TOWNER. The gentleman could not have received a resolution of that kind because the last resolution passed by the party to which the Delegate belongs said that they withdrew their immediate demand for independence, and approved a bill granting closer relations with the Government of the United

States. They all desire a larger measure of self-government. Of course from time to time there are sporadic breakings out in the island of the independent sentiment, and especially when they see the tendency toward giving the Philippines independence evidenced here in the United States somebody stirs up that proposition down there. I think it is entirely safe to say that the great body of Porto Rico citizens, and particularly the most intelligent, those capable of judging what is for their advantage, have seen in their experience connected with the United States that their connection with us has been greatly to their advantage. They desire, and I think justly so, a larger measure of self-government and a more autonomous form of self-government, and I think we ought to give it to them.

Mr. GORDON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GORDON. What is the size of the standing army that we have down there?

Mr. TOWNER. We have one short regiment.

Mr. GORDON. How many men?

Mr. TOWNER. Seven or eight hundred men.

Mr. GORDON. And the gentleman thinks it ought to be increased 1,900 more?

Mr. TOWNER. Oh, no; I do not think they ought to be kept there. I think they ought to be sent to service in the Canal Zone or somewhere where they can best serve, so that American boys may not be required to go there.

Mr. GORDON. This amendment proposes to add a regiment of 1,900 men to be sent down there?

Mr. TOWNER. Oh, no; it does not propose to send any troops from the United States down there, but to recruit a regiment from the citizens of Porto Rico to be used when required.

Mr. GORDON. The gentleman says that the sentiment for independence down there seems to be growing.

Mr. TOWNER. No; I did not say so, and I think that is not true.

Mr. SLAYDEN. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SLAYDEN. I want to ask the gentleman if the degree of discontent in the island does not depend somewhat on the price of sugar?

Mr. TOWNER. That I think has some influence on it. People are discontented when they are not in good financial condition.

Mr. SLAYDEN. The gentleman from Iowa is a scholar and a philosopher. Is it not a fact that when one race is subject to another that there is always protest and discontent?

Mr. TOWNER. I am neither a scholar nor a philosopher, but I think that is very often the tendency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. HAY. Mr. Chairman, if I understand the amendment it is to recruit an additional regiment in Porto Rico. We have heretofore had two battalions there, and we now make it a full regiment. I think that is as far as we ought to go. It does not seem to me that the committee ought to act on a proposition of this kind without having some definite information in regard to it, and I hope the amendment will not be agreed to.

Mr. MILLER of Minnesota. Will the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. MILLER of Minnesota. The gentleman stated that we now have in Porto Rico two battalions.

Mr. HAY. Yes.

Mr. MILLER of Minnesota. Any of them natives?

Mr. HAY. They are all natives, and an additional battalion which is provided for in this bill will be composed of natives.

Mr. MILLER of Minnesota. That is what I understood, but some remarks were made here about taking that regiment away and sending it elsewhere.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to a matter of which I spoke yesterday. I do so without any apology, because it is the experience of all of us in this House that when we pass a bill of a general character it is always followed within the next two or three Congresses by attempts to amend either in the way of perfecting it or not perfecting. I desire at this time to call attention, as I did yesterday, to the influence of inertia on our Military and Naval Establishments. This Porto Rican regiment is an old friend of all of us who have served here any length of time. It has been ordered abolished once or twice in my experience, and now, apparently, it is being put into the law in permanent form. I have such confidence in the committee that I assume that is correct, and I have always had a feeling that that was the proper thing to do. It illustrates, however, that if a thing just simply walks along with the Army it stays with it.

Yesterday I called attention to the lack of inventiveness among the Army officers. I am afraid I was somewhat too broad in those statements, because I recall myself two inventions that ought to be put in the RECORD in connection with that criticism. The first is the Army service rifle, invented entirely by Army officers, and the best Army service rifle that any army in the world has.

The second is a recent invention by Admiral Fiske, of our own Navy, of the most sanguinary instrument of naval warfare that has yet been invented. It has been perfected since Admiral Fiske invented it by an Italian inventor, and provides a means by which there can be dropped from aeroplanes torpedoes carrying 600 pounds of guncotton in their heads, which can be dropped from a height of a mile and a half, not directly on the ship, which would be very coarse work, but dropped so as to strike the sea a quarter of a mile or more from the ship, yet with an aim so that they hit the target eight out of ten times, and when they take the water they proceed toward the warship or the target at the rate of 90 miles an hour. That invention of Admiral Fiske, of our Navy, as perfected by the Italian, may absolutely revolutionize naval warfare. Imagine what might happen if, when the two great fleets abroad meet, as they probably will meet some time, either one of them is equipped with an attendant fleet of 600 aeroplanes, which is quite possible under modern conditions, each of those aeroplanes equipped, as they can be, with from two to five of these torpedoes, which in the aggregate would mean from twelve hundred to 3,000 torpedoes, threatening the absolutely helpless ships on the other side. The aim of war, as I said yesterday, is to kill people. It is a grim, grizzly aim, and our officers, now that war has become no longer a matter of personal prowess, but of mechanics, when they do make an invention of a character like that, deserve to have it called to the attention of the House. Inasmuch as I brought up the subject yesterday and elicited some information as to other inventions, it occurred to me that in all fairness I ought to call the attention of the House to these two inventions—the Army service rifle, which is unsurpassed in its way, and this latest perfectly terriffic instrument of warfare. I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 13. That so much of section 2 of the act of Congress approved August 24, 1912, except the first paragraph thereof, as relates to enlistment and reenlistment in the Army, be, and is hereby, amended and reenacted so as to read as follows:

"That on and after November 1, 1916, all enlistments in the Regular Army shall be for the term of seven years, the first three years in the service with the organizations of which those enlisting shall form a part, and, except as otherwise provided herein, the last four years on furlough and attached to the Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That for all enlistments hereafter accomplished under the provisions of this act, three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That hereafter the Army Reserve shall consist of all enlisted men who, after having served not less than three years with the organizations of which they form a part, shall receive furloughs without pay or allowances until the expiration of their terms of enlistment, together with transportation in kind and subsistence as provided for by this law in the case of discharged soldiers, but when any soldier is furloughed to the Reserve his accounts shall be closed and he shall be paid in full to the date such furlough becomes effective: *Provided further*, That any enlisted man, subject to good conduct and physical fitness for duty, upon his written application to that effect, shall have the right of remaining with the organization to which he belongs until the completion of his whole enlistment, without passing into the Reserve: *Provided further*, That, except upon reenlistment after three years' service or as now otherwise provided for by law, no enlisted man shall receive a final discharge until the expiration of his seven-year term of enlistment, including his term of service in the Army Reserve, but any such enlisted man may be reenlisted for a further term of seven years under the same conditions in the Army at large, or, in the discretion of the Secretary of War, for a term of four years in the Army Reserve; and any person who may have been discharged honorably from the Regular Army, with character reported as at least good, and who has been found physically qualified for the duties of a soldier, if not over 45 years of age, may be enlisted in the Army Reserve for a similar term of three years: *And provided further*, That in the event of actual or threatened hostilities the President, when so authorized by Congress, may summon all furloughed soldiers who belong to the Army Reserve to rejoin their respective organizations, and during the continuance of their service with such organizations they shall receive the pay and allowances authorized by law for soldiers serving therein, and any enlisted man who shall have reenlisted in the Army Reserve shall receive during such service the additional pay now provided by law for the soldiers of his arm of the service in their second enlistment period. Upon reporting for duty, and being found physically fit for service, they shall receive a sum equal to $5 per month for each month during which they shall have belonged

to the Reserve, as well as the actual cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons."

Mr. HAY. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, line 18, after the word "hereafter," insert the following: "except as otherwise provided by law."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, line 22, after the letters "dent;" strike out the words "when so authorized by Congress," and, in lines 23 and 24, strike out the words "rejoin their respective organizations" and insert in lieu thereof the following: "report for duty wherever ordered."

Mr. HAY. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, line 14, after the word "enlistment," insert the following: "After the expiration of two years' service in a first or subsequent enlistment enlisted men serving within the continental limits of the United States may be furloughed to the Army reserve in the grade in which then serving, or may, in the discretion of the Secretary of War, be reenlisted for a period of seven years: *Provided, however*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Army reserve, under such regulations as the Secretary of War may prescribe, in which event he shall not be eligible to reenlist in the service until the expiration of his term of seven years.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. KAHN. Mr. Chairman, the purpose of this amendment is to reduce the enlistment period in certain cases. Under existing law that period is four years with the colors and three years with the reserves. The pending bill fixes a period of three years with the colors and four years with the reserves. The intent of the amendment is to allow an enlisted man who has served faithfully and satisfactorily for a period of one year and who, during that year, has shown proficiency as a soldier, and who is recommended by his commanding officer for a furlough into the reserves, to be furloughed into the reserves at the expiration of that one year. It is believed by those who favor the reduction of the period of enlistment that such a provision would bring to the Army a large number of splendid young men who would be willing to serve for one year for the purpose of the experience such service would give them. We believe, too, that it would materially reduce desertions. Most of these desertions in the Army come during the first year of service, and principally during the first six months of service. Many young men enlist just after they have had some little quarrel at home, or through pique, and then, after they have been in the Regular Army for a few months they get homesick. Every Regular Army officer testifies that homesickness is a prolific cause of desertion. We feel that where a man could get out of the Army in a year by close attention to duty he would be inclined to give his undivided attention to the work of the Army for the sake of getting an honorable discharge at the end of that year. He would say, "I will stick it out and get my honorable discharge rather than desert."

There is another provision in the amendment to the effect that at the end of two years a soldier could be furloughed to the reserves without any recommendation of his superior officer. In other words, if the soldier at the end of two years wants to go into the reserves he should be allowed to do so. That, too, in my judgment, would help to prevent desertions.

The testimony before the Committee on Military Affairs——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. The preponderance of testimony before the committee was to the effect that, generally speaking, you can turn out a good soldier at the end of two years. The trouble with our Army is that it seeks to provide a life's career for the enlisted man.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. LONGWORTH. I could not hear the amendment very well when read. Is there a provision in it that the soldier must be serving on the American Continent?

Mr. KAHN. Yes.

Mr. LONGWORTH. He could not be in the Philippines?

Mr. KAHN. There is a provision that he must be in continental United States. The preponderance of testimony is that a good soldier can be turned out in two years. Now, the conditions in Europe to-day show that two years' service is sufficient to make a soldier. We ought not, in my judgment, to encourage young men to remain constantly in the Army of the United States. [Applause.] I think they should have the benefit of the drill, the discipline, and the training, and then they ought to be encouraged to go out into the body of the citizenship of the country. It would be better for them and it would be infinitely better, in my judgment, for the country. Of course, you must always reenlist a certain number of men in order to have good noncommissioned officers.

The latter, in the final analysis, are the very backbone of the Army, but the provisions of the bill provide for that. They provide for reenlistments, so that we will get our noncommissioned officers.

We have heard on this floor, on several occasions, of the situation that occurred in Prussia in 1808. At that time Napoleon forced upon that Kingdom a provision in the treaty of Tilsit that the total strength of the army of Prussia should be 42,000 men. It was intended to prevent a large military force in that country. Scharnhorst, who was minister of war, and Stein, who was premier, held that that provision in the treaty did not contemplate the same 42,000 men until they died, but that they could enlist constantly new men who, having received a satisfactory military training, would be a great reserve force in case the state should ever become involved in war. They carried out that provision; they drilled men for three months, for six months, for a year, and turned them back into the body of the citizens. And finally, when the Battle of Leipzig was fought, the Prussians helped to defeat the invincible Napoleon in the first great setback he encountered. They also saved the day for the allies at Waterloo on June 18, 1815. We can well afford to profit by the experience of Prussia. In our own country we ought to turn out as a reserve force as many trained men as we possibly can.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

Mr. HAY. How much times does the gentleman want?

Mr. KAHN. Five minutes. I will try, if I can, to finish within that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. KAHN. What this country needs to-day is a force of reserves. This amendment will give us reserves. This amendment will give us trained men. By passing enlisted men into the reserves as speedily as possible they will become a fighting force that can be used to fill up the ranks of our organizations in case the country should become involved in war.

Objection is made to this amendment principally on the ground that it will hurt the efficiency of the Army. I do not believe it will. In Germany and in countries where they have conscription one-half the men in the army come in every year as new, untried men. It does not break up their systems. On the contrary, it is helpful to them. All their reserves have had from one to two years' service. The force of men that could be turned out in our own country in the course of five or six years under a system of the kind that would be inaugurated in the United States if this amendment carries, would give us, in my judgment, over a hundred thousand men in the reserves.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. KAHN. I will.

Mr. PARKER of New Jersey. I am thoroughly in favor of this amendment, but will we not have to add to it the proposition that the half that come in new every year shall come in at a certain period of the year so that they can have company drill for the first three months, regimental drill for the second three months, brigade drill for the third three months, and full campaign for the fourth three months, so as to make it a real army by putting these men at work?

Mr. KAHN. I do not think such a provision is necessary in the law; that can be fixed by regulation, and not only that; this very bill provides for recruiting stations where they could be drilled in the first instance.

Mr. KONOP. Will the gentleman yield?

Mr. KAHN. I will.

Mr. KONOP. I understand it is pretty hard now to get 140,000 men under our volunteer system. If we let these men go out and do not permit them to reenlist, how does the gentleman expect to get them under the volunteer system?

Mr. KAHN. The men will not enlist at present because the law ties them up for four years. A young man just starting out in life might be willing to be tied up for one year to get the benefit of the training, but he will not tie himself up for a term of four years.

Mr. HAY. This law provides a three-year enlistment.

Mr. KAHN. He will not even tie himself up for three years. I have had young men tell me that themselves. We can get, in my judgment, if this amendment is adopted, thousands of young men who are working their way through college who will take a year's training. They feel that $15 a month pay will enable them at the end of the year to have saved approximately $150 of their salary. The Government furnishes food, clothing, and shelter. With that amount of savings they can start out on their life work with a small nest egg to tide them over the rough places for a few months. But they will not tie themselves up for three years. They will not take the chance of losing so much time at the beginning of their careers; but they will go for one year for the advantage of the training and discipline. I sincerely hope the amendment will be adopted.

Mr. CANNON. Mr. Chairman, I have paid as much attention to this bill touching the Army, for some little time, as a tenderfoot could. Frankly, what I do not know about what this bill will do when it is enacted in detail would make a book. Necessarily we must depend upon the committees having these important bills in charge for information, and they have not much time to inform us even under the five-minute rule.

I am going to vote for this bill, following the committee. I apprehend that when it passes it will pass substantially as reported, and as it may be amended upon the floor with the assent of the committee.

The remarks which the gentleman from California [Mr. KAHN] has made appealed to me, because I feel that I substantially indorse what he has said. This is a peace bill, as we understand, from the report of the committee. All will agree, however, that the bill would not have been reported, and if reported would have no chance of being enacted, if it were not for the war in Europe and the Mexican situation. Now, as I listened to first one side and then the other, I concluded that I would make inquiry as to how the Union Army was constituted during the Civil War. I went to the Pension Office, and I hold in my hand a report based on a report of The Adjutant General of the ages of the people who enlisted in that great struggle on the Union side, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, March 20, 1916.

Hon. JOSEPH G. CANNON,
House of Representatives, Washington, D. C.

MY DEAR MR. CANNON: In compliance with your verbal request of to-day, I have the honor to hand you herewith what is believed to be a correct statement of the relative ages of the men who enlisted in the Union Army during the Civil War.

Trusting that this will serve your purpose, I am,
Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

Age at enlistment—1861–1865.

The records of the office of The Adjutant General, United States Army, show that in the War of the Rebellion the enlisted men consisted as follows:

Those 10 years and under	25
Those 11 years and under	38
Those 12 years and under	225
Those 13 years and under	300
Those 14 years and under	1,523
Those 15 years and under	104,987
Those 16 years and under	231,051
Those 17 years and under	844,891
Those 18 years and under	1,151,438
Those 21 years and under (these two classes make the total number of enlistments)	2,159,798
Those 22 years and over (these two classes make the total number of enlistments)	618,511
Those 25 years and over	46,626
Those 44 years and over	16,071

Total men enlisted 2,778,304. The estimated number of individuals in service is given as 2,213,365.

There were 1,151,000 persons under the age of 18; there were 2,159,000 under the age of 21, with the total enlistment of 2,215,000. Patriotic were those 18-year-old boys, and those under 18, and the 21-year-old boys.

I had the privilege shortly after I came to Congress as a Member of the House to dine one evening when Gen. Sheridan, Gen. Sherman, Gen. Logan, and quite a number of others were present. I did not do any talking, but I did a good job of listening. I never shall forget that Gen. Sheridan made the statement that if it had not been for the boys under 21 years of age we could not have succeeded in that great struggle. [Applause.] Some one asked him why. He said that the man of 27, 28, and 30 and 35 ordinarily had a wife and children and would not take the chances that the unmarried young man would take—who took all the chances.

Now, this bill is better than nothing, as to the National Guard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman's time be continued for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KONOP. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KONOP. If it is a fact that during the Civil War young men under 21 years, or around the age of 18, enlisted, if you have a two-year enlistment now and these young boys get out of the Army and go into private life, should war come, would they then reenlist and go into the Army after they got to be 26 or 27 years old?

Mr. CANNON. They would go in from the reserves. They would be in the reserve seven years, as it is stated, and six or seven years, I think, would be a proper term of enlistment. If I had my way, I would recommit this bill with a suggestion—and I am not criticizing the committee when I say that, for I have not knowledge enough to do it—to enlist by volunteering between the ages of 18 and 23, 50,000 young men, most of them just out of high school, just out of college, for six or seven years, one year with the colors, and then go into the reserve. [Applause.] But they say that would cost a heap of money. Yes. Granting that it is $1,000 to the soldier, it would be $50,000,000, but from the cream of the country, from the farm and factory, and high school and college, would come that 50,000 young men, the best young men we have in the country, and I take it for granted that such men at the end of 12 months would be fairly well drilled soldiers. These 50,000 would be enlisted, and after a year's service, would constitute the first reserve, and the first reserve would become the second reserve. Continuing this policy, the country would soon have a thoroughly well equipped reserve force for the public defense.

Now, I have been told, and I apprehend that it is true, that when the Civil War ended there marched down Pennsylvania Avenue the greatest Army up to that time and the most efficient Army that had ever existed, perhaps, in the history of the world. They came from the country; they came from the city. But I was told also, and I have tried to verify it, and it is not far out of the way, that with the hasty enlistment of those men, raw, uninstructed, the best raw material on earth for an army, they had to be taught; and it is more difficult to teach a man now to be a soldier than it was then. And I am told that more men, because of insanitary surroundings while being assembled and prepared for war, died from disease than were killed in actual conflict on the field of battle. And more have been pensioned for that cause than from any other.

Mr. HUMPHREYS of Mississippi. Three to one.

Mr. CANNON. Three to one, says my friend from Mississippi. I think he is correct, but I wanted to put it mildly. So I favor this proposition from every standpoint. First, from the standpoint of all the great burdens that this country has to bear in the future, with Monroe doctrine, and the taking possession of San Domingo, Haiti, and Nicaragua, and other portions of this continent, we must be prepared for the work. And then there are the Sandwich Islands, the Panama Canal, and the Philippines. Oh, the Philippines. We have them. By the treaty made by President McKinley and ratified by the Senate and the help of Mr. William Jennings Bryan, we have the Philippines, and will have the Philippines longer than any of us live; having put our hands to the plow, we will not look back. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. Mr. Chairman, I believe that there are two principal reasons why we do not get enlistments. One is that we do not pay our soldiers enough and the other is the term of enlistment is too long. I am perfectly well aware that the experts of the War Department do not agree with me in that last proposition at all. I have formed my opinion by talking to a good many enlisted men and to a few reservists.

Now, Mr. Chairman, we have heard all these stories about the enormous number of men being enlisted in Chicago and elsewhere in consequence of the resolution which we passed the other day increasing the Regular Army by 20,000 men. What are the facts? The Adjutant General has prepared for me a statement showing the actual number of enlistments up to noon yesterday; the actual number of acceptances since we increased the Army by 20,000 the other day, four working-days of en-

listing and one Sunday having intervened. He gave me complete figures of what had actually been accomplished up to noon yesterday. How many recruits do you suppose had actually been accepted? Five hundred and fifty-five men, and all the rest who had applied had been rejected. That is what has actually happened.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. BARKLEY. How many had applied?

Mr. GARDNER. I do not know exactly how many have applied. I believe that they were less than 2,700, but the gentleman can get the exact number by calling up Col. P. C. March, of The Adjutant General's Office. The figure which I have given, however, does not include recruits secured at the Los Angeles station. There is no report from that station. There are, however, reports from 53 out of our 54 recruiting stations, so that the figures are substantially complete. There are 54 recruiting stations in the United States. Some have branches opened from time to time. The opening of 170 branches has been authorized, but the order has not yet been carried out from lack of time to do it. However, recruiting parties have been sent out in the territory covered by those branches, and 555 accepted recruits has been the net result for the whole country, leaving out Los Angeles.

Just bear that in mind that in this country, in this flurry going on over the Mexican situation, men are so reluctant to enlist that only 555 have been accepted, leaving out what has been done at Los Angeles.

Mr. SLOAN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Nebraska?

Mr. GARDNER. Yes.

Mr. SLOAN. I would like to ask the gentleman this question: Do we understand from that statement that all the rest had been rejected?

Mr. GARDNER. Yes. That is what Col. March told me in the last 15 minutes over the telephone; that is, of those who had applied up to noon yesterday.

Now, Mr. Chairman, the amendment of the gentleman from California [Mr. KAHN] does just this: It says that if the commanding officer of any young man makes up his mind after a year that that young man has learned all that is necessary for him to learn as a soldier, he may say, "We release you from the Regular Army if you want to go, and you can remain in the reserve. You have got to be in the reserve six years, however."

Now, then, the Kahn amendment goes further. Supposing the commanding officer says, "Young man, I shall not recommend you for the reserve. You are enlisted for three years with the colors and I do not think you know enough for me to consider your military education satisfactory." In that case, what does this amendment do? It provides that at the end of two years the young man can come forward and claim the right to be transferred into the reserve. In the reserve he must stay five years if he has been discharged from the colors at the end of two years. That is precisely what is proposed by the Kahn amendment.

Mr. KEATING. Mr. Chairman——

Mr. HAY. One moment. Mr. Chairman, if there is any more debate desired on this proposition—how much does the gentleman want?

Mr. KEATING. Five minutes.

Mr. HAY. I will ask, Mr. Chairman, that debate on this paragraph and amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 25 minutes——

Mr. HAY. Of which I ask to control 10 minutes.

The CHAIRMAN. Of which the gentleman from Virginia asks to control 10 minutes. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Chairman, I ask that it be made 30 minutes.

The CHAIRMAN. The gentleman is too late. The Chair put the question, and it has been agreed to. The gentleman from Colorado [Mr. KEATING] is recognized.

Mr. KEATING. Mr. Chairman, I intend to vote for the amendment of the gentleman from California [Mr. KAHN].

I was very much impressed by what the gentleman from Massachusetts [Mr. GARDNER] said as to why we failed to get men in the Army. He stated that, first of all, we did not pay our soldiers enough, and then he stated that the term of enlistment was too long. Perhaps both reasons are good, but there is a third reason, in my judgment, which the gentleman did not refer to, and that is the feeling with a great many of the red-blooded American boys that they can not join the Regular Army without sacrificing their self-respect.

In that connection I want to read briefly to the House an article that I consider the sanest article on this question of national defense that has appeared in any magazine. It is from the pen of Will Irwin, who by many is regarded as the greatest journalist in this country. He has had experience on the battle fronts of Europe. This article was contributed to the issue of January 1, 1916, of the Saturday Evening Post and is entitled: "Common sense about preparedness." I quote from Mr. Irwin's article:

Now, our Army system, in so far as discipline is concerned, has been studied from the British and Germans rather than from the French. It seems to my superficial civilian viewpoint that it approaches nearest to the British. No one needs to be told of the social gulf that separates our officers from our privates. A West Point diploma confers on an officer a brand of Army aristocracy. It is, of course, an artificial aristocracy. Congressmen have grown so tired of the jealousies arising from West Point and Annapolis appointments that in most districts the matter is left to a competitive examination, wherein the son of the humblest laborer is as likely to "get in" as the son of the proudest aristocrat. Four years of West Point, and the ditch-digger's son stands a wide gulf apart from the wheat-shoveler's son, brought up next door, who has happened to enlist as a private. It is true that the trained and experienced West Pointer who has kept garrison in the far West, hunted Igorots in the Philippines, and governed towns in the Southern Islands gets over a deal of that. Veterans of our Philippine war testify that the recent Volunteer appointment was often far more an aristocrat than the old Regular. Parvenus become everywhere more insistent on their position than the established. But the rule holds, nevertheless, and for proof consider the furor just before this war when a son of a post tailor got an appointment to West Point. He had served as a common soldier—that was the trouble. And yet the present head of the French Army is the son of a cooper and a vinedresser!

Without question much of our trouble in getting enlistments for the Regular Army is due to this system. The Briton of humble occupation has been brought up to regard himself as "lower class." He accepts cheerfully a position of social inferiority—he even expects it, and feels lost unless some gentleman is exalted above him. When he enters the army he needs no change of attitude at all.

CASTE IN THE ARMY.

The average American of humble occupation has been brought up to regard himself as the equal of anyone. He hates any position in life which marks him off as socially inferior. How many native white Americans are working at domestic service? For an American to enter the Army—it is a big change. Tell him that he will do better on the whole at soldiering than at common labor, and he will answer in effect that he is no man's lackey. To create real enthusiasm for the Army we need to study the French system. It is true that conscription, as practiced by the French, has been a great leveler. There, of recent years, no able-bodied young man has been exempt. The son of the richest or the noblest man in France, if he has not chosen the profession of officer, has had to do his two years of service in the ranks with the son of his butler, his butcher, or his tenant. But even without this, the French, having a passion for equality, would probably have found some other way to keep the system democratic. It is true also that the French are a homogeneous people, all much alike in their ways and the cut of their ideas, while we are of all sorts. But I am not advocating the adoption of the French system in toto, only an adaptation suited to our national character, which is still democratic.

Now, Mr. Chairman, time will not permit me to quote further that portion of the article which bears directly upon this issue, but I want to say to the Members of this House that if you want an Army in this country, you must make it such an organization as the American boy can enter with self-respect. You must democratize your Army.

The CHAIRMAN (Mr. PADGETT). The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask permission to insert in the RECORD a further quotation from this article.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Following is the extract referred to:

Most of the present agitation centers round the Army; and this is sensible. We have already a fleet ranked from fourth to second among the navies of the world. Though it has probably a great many flaws, it is quite a simple matter to increase it at the will of the people and the Government. The Army is quite another matter. The little British force which held the left of the allied line at the retreat from the Belgian border is mentioned often as insignificant in this war of great numbers. Yet, as the best we could do, we could muster no more trained troops than that to resist a sudden invasion. Perhaps it is as well. Warfare has changed in the past two years, as it had not changed for a century before; and we have so much the less antiquated machinery and method to scrap. In West Point, with its thorough and businesslike training, we have a fine nucleus for an efficient new Army; and sometimes I think that is all we have—except a Nation that has known no war for a generation, and is therefore hard and strong.

Almost a new start—if our military experts can be made to see it that way. The soldier clan, however, is everywhere conservative; war brings a kind of vermiform appendix in the body politic. The European officers have been close up against competition of the fiercest kind. Whenever Germany introduced an improvement, France, in peril of invasion any month, was forced to follow; and wherever France introduced an improvement, Germany followed. Here, however, there has been no such competition. I may be mistaken, but I think that the average officer in the American Army tends to view the present Army scheme as the only feasible scheme, just because it is the thing he has known all his life.

There is, for example, the important question of discipline. The Canadian troops are very largely westerners, and indistinguishable,

except for their uniforms, from our own western cattlemen and miners. When they first appeared in England the Little British held up their hands in horror at the Canadian "lack of discipline." These colonials were familiar with their officers—personally familiar. Officers and privates were caught drinking together at bars, and reprimanded therefor. They were careless about salutes. It was commonly, although perhaps erroneously, reported that they were kept from the line for fear they would ruin discipline among the native troops. However, a few brigades of them got to the line at last; and two weeks later, while they were still "raw troops," fate called upon them to plug a broken line after the gas attack at second Ypres. What they did, what magnificent efficiency and valor they showed, the world knows. Their main body went into action 12,000 strong. They emerged 6,000 strong. They saved the day. The only criticism the Little British had to offer was that they were too brave.

"They've made amends for their lack of discipline," said a rather hidebound British captain one day in Boulogne. I was about to take him up when a staff officer of wide experience and observation answered for me.

"They do have discipline," he said, "only we haven't seen it, because it isn't our kind. Every nation must work out its own system, and your system won't suit the other fellow. Do you suppose we could make a go of it on French lines? And what would a Frenchman do under our system? Most likely tell his officer to go to—Berlin. They have discipline, I tell you, but not our kind."

There was a sermon for us—every nation must find its own characteristic way with its troops. The German has been bred to a love of absolute authority. It is right and reasonable to act without question and on the instant. It is good to "respect the uniform." There is, to the German, a patriotic thrill in making way for a group of officers as they stride down the sidewalk The German system, in short, fits the German character.

Just so British methods fit the British character. The idea of class is inherent with most Englishmen. The middle-class Briton has a way of saying that the class system is broken. It is for him, perhaps, but with the upper class and the lower it still keeps its force. Now it has been taken as axiomatic that the British Army must be officered only by gentlemen—in the English sense of the word. Lower-class privates, as a general rule, will follow none other. They want a gentleman for a leader, and they expect him to live up to the canons of his class. Should he grow too familiar with them, then he is no gentleman, and unfit for leadership. It has many subtleties, this class system. For example, the officer must lead, he must take his risks with the men. It is true that the class system is breaking down a little under the terrible pressure of Armageddon. Men of all classes are coming up from the ranks and are getting obeyed. But what I have just described is probably still the general rule.

FRENCH DISCIPLINE A TRIUMPH OF DEMOCRACY.

The French method is totally different. We have a great deal to learn from the French about democracy. For all that they still have a monarchist party and a few unrecognized and unprivileged titles, they are probably the finest flower of democracy the world ever saw. And in France there is no social gulf between man and officer. To-night, if one should drop into the cafés of the French towns held by the reserve, he would find officers drinking sour wine and playing dominoes with private soldiers. Nothing in rules or custom prevents the French captain from asking one of his privates to dinner. The officer is a kind of shift boss, whom the men follow in action because he has been chosen to lead, and it is all for the Republic. "A private soldier," said an American officer recently, "must obey instantly and without thinking." That is not the theory of the French Army. The private is encouraged to think. Before action the colonel gets the general plan of battle along with his own orders. He passes it on to the company officers. The company officer calls his men about him. "Now, mes enfants," he says, "such and such is what our corps is going to do to-day. Thus and so is our part." Then he explains in detail. "Keep your heads, my children," he finishes; "remember—and think. Allons—pour la Patrie!"

Promotion in war time goes absolutely on a basis of merit. No one asks what Jean was in civil life. There is but one question: Can Jean command? I know of butchers, small clerks, vintners, and carpenters who entered this war as privates and have already risen as high as the rank of captain or even of major.

This system would be impossible with the Germans, but it works with the French as none other would. Not that they have no formal discipline. Read the rules printed in that little army record book which every Frenchman carries as a passport, and you find the words "punishment—death" staring at you from section after section. But they need no race of superior beings to hold them to the job. "La Patrie"—that is enough.

The French and the Germans are admittedly the big leaguers of this army game. The British may get into their class in time, for the British human material is fine, but that time has not yet arrived. Given an equal number of Frenchmen and Germans, with equal equipment and resources, and it would be hard to pick a winner. Each of these nations has worked out its discipline on lines suited to the national character. With the Germans it is a triumph of autocracy and bureaucracy; with the French it is a great triumph of democracy.

Mr. GREEN of Iowa. Mr. Chairman, as this bill now stands, it ought to be termed "A bill to reduce enlistments and prevent the formation of a reserve."

We have tried this system. We have tried it for years. Year after year it has proved a failure. It will prove a failure still.

You talk about increasing the Army by this bill. Where are you going to get the men? How are you going to get them? What is there in the experience of the past that would lead any man to believe that you are going to get the men provided for under the terms of this bill? Will they join the Army even under the encouragement of some kind of expedition or war, whichever you call it, now going on down in Mexico? The remarks of the gentleman from Massachusetts [Mr. GARDNER] indicate that they will not enlist.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Nebraska?

Mr. GREEN of Iowa. Yes.

Mr. SHALLENBERGER. The term of enlistment now is four years. Under the terms of this bill we propose to reduce it to three years. In the face of the conditions now existing in the country, does not the gentleman think it well to draw it out for one or two years?

Mr. GREEN of Iowa. No. If the gentleman will let me proceed, I will attempt to point out why I do not think so.

Mr. GARDNER. Can not the fourth year be served in the reserve?

Mr. GREEN of Iowa. Yes; it can; but under the terms of this amendment, as I understand it, that is not obligatory.

What young man is there who wants to put in three of the best years of his life absolutely and unconditionally with the Army? What will he be good for after he has put in those three years in the Army? We all know that he will be good for nothing else except to continue in the Army; and how many young men have we got who want to make $15 a month, and service under the conditions which the gentleman who last spoke before me [Mr. KEATING] described, their chief ambition in life? Those that we have are fit for nothing else, and there are very few of them. How many of the Members of this House, advising any young men of their acquaintance, would say to them, "Under this bill as it now stands I would advise you to enlist in the Regular Army and take three years of experience"? But if that term is shortened, as it is in the amendment offered by the gentleman from California [Mr. KAHN], so that only one year need necessarily be passed in the service, we are not only building up our reserves, but we are encouraging young men to enlist, because there are a great many of them who would like to take a short course in military instruction, and the experience that they would get in traveling around, and there are other hopes that would induce them to enlist for a short period; but when they are absolutely compelled to serve for three years, they will not enter the Army under such conditions.

Mr. PLATT. Will the gentleman yield for a question?

Mr. GREEN of Iowa. If I have the time.

Mr. PLATT. I agree with the gentleman thoroughly as to this amendment and expect to vote for it; but it seems to me an extreme statement that a man who serves three or four years in the United States Army is fit for nothing else. There are 250,000 men who have passed through the Regular Army in 10 years, and certainly they are all working, and probably better off because they have served in it.

Mr. GREEN of Iowa. I did not mean that in the strictly literal sense. I meant that a young man who had spent that time in the Army could not hope to reach any very advanced position in life afterwards.

Mr. PLATT. I do not think that is true.

Mr. GREEN of Iowa. I think it is.

Mr. GORDON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GORDON. Does not the gentleman know that more than 50 per cent of the desertions are in the first six months?

Mr. GREEN of Iowa. Yes; I do; and I know it is because they have got three years or more ahead of them. That is the reason why they desert.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I am very heartily in favor of this amendment. I think everyone who has read the statements of the officers of the Army who were before both the House and Senate committees has wondered at the somewhat singular position which those officers have taken. Most of them believe in a seven-year term of enlistment. Most of them believe in three or four years of service with the colors; and yet such men as Gen. Wood, the ex-Chief of Staff, and Gen. Scott, the present Chief of Staff of the Army, admit that with intensive service a man may become an efficient soldier within six months' time; that any man with one year's service with the colors may become an efficient soldier. Yet most of them say that he must be kept two or three years more in active service with the colors.

What we need, Mr. Chairman, is not so much a large standing army, as a large, efficient, and always ready reserve in cases of emergency. It is that which will bring about the condition of preparedness that this country needs and that the people demand. It is that which we should endeavor first of all to provide. If we retain, as we do in this bill, the old long-term enlistment system, our reserves will be as difficult to obtain as they have been in the past.

The figures given by the gentleman from Massachusetts [Mr. GARDNER] show that under our present form of enlistment it

will be practically impossible for us to enlist 40,000 volunteers for the service. We all know that the longer the service with the colors, the more disinclined is the young man of character and ambition to enter voluntarily into it. It may be that the gentlemen of the Army, believing in compulsory service, desire to show that under the conditions that exist volunteering will not be brought about, and therefore it will be easy for them to secure a system of compulsory military service. Compulsory military service has the approval of but few of our people. It is obnoxious to our institutions. It is not in harmony with our traditions or ideals. It is our duty to create as rapidly as possible an effective reserve for use in cases of emergency. This can not be done, in my judgment, under the provisions of this bill. I shall support any proposition that will bring about this enlargement of the reserve just as soon as possible. I shall be glad to vote for any provision that will make enlistments attractive to the youth of the Nation, so that they will be prompt in offering their services under this enlargement plan. I shall be glad to vote for any proposition that will give to us now, when we most need it and when the people most demand it, a large and efficient reserve for use in emergencies. In my judgment, the adoption of this amendment will help materially to that. [Applause.]

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] is recognized for 10 minutes.

Mr. HAY. Mr. Chairman, if the committee desires to destroy the efficiency of the United States Army it will adopt the amendment proposed by the gentleman from California [Mr. KAHN]. If this amendment is adopted, it means a two-year term of enlistment, and it therefore means that you will have in the Army, when you need an Army, not men who are trained and fit for service and fit to meet the enemy, but men who, more than half of them, have been in the Army only from one day to one year. What are you going to do with the 13,000 or 15,000 men whom you send to the Philippines every year? By the time you get those men recruited and get them over to the Philippines they will not have been there six months before they will have to turn around and come back.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. This amendment especially excludes the men in the insular possessions. It refers to those in continental United States.

Mr. HAY. But you can not exclude the men in the insular possessions, for the reason that you do not propose to enlist men for service in the insular possessions. You propose to apply this to all of the Army; and where is your force of men to send to the insular possessions with a longer enlistment than two years under this amendment? You will not have them. The result, as I say, will be that you will be sending men to the Philippines and to Hawaii and to Panama whom you will have to bring back about as soon as they have fairly reached there and begun their service.

This is an offshoot of the ideas of gentlemen who believe in the German system. They forget that we have not compulsory military service in this country. We can not turn the Army of this country into a training school. We can not have men brought into the Army for the sole purpose of training them. We propose under this bill to have an efficient Army, and you will not have an efficient Army unless you have a longer term of enlistment than two years. Three years is a term as short as it ought to be. Carry out your argument—what is the use of having officers in the Army from the time they graduate until they are 64 years of age? Why not say these officers shall only remain a certain length of time in the Army? You say you want a school for officers; you could not get a better school than the Army of the United States. Why not, therefore, pass them through just like you want to do these men and turn them out into the reserve? You will not do it, for when the time comes for action and when you need efficient officers you would not have them.

More than that, I do not suppose anybody now cares anything about the cost, but it would cost twice as much to have a two-year enlistment as the present law and one-third more under the law that we propose, which is to cut down the enlistment service from four years to three years. It seems to me to be enough to meet all the demands as to a proper reserve.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. MILLER of Minnesota. What is the reason that induced the committee to reduce the period of enlistment from four years to three years?

Mr. HAY. It reduced the period of enlistment upon the suggestion that it would be better to have three years than four years, because they vainly believe, in my opinion, that they can get more men. I do not believe you will get a single man more under the two-year enlistment than you do under the three-year, or more under the three-year than under the four-year enlistment. Under the four-year enlistment you got all the men you wanted. Recruiting was going on all right. There was no trouble about it. The Chief of Staff and the Assistant Chief of Staff and the late Secretary of War, every one of them, opposed the short-term enlistment for the Regular Army. The Chief of Staff and the Assistant Chief of Staff are men who have served for a long time in the Army and are opposing this proposition. They know, as soldiers, that you can not have an efficient Army with a short-term enlistment; and, as I say, you are not going to get any more men, you are not going to get a single man more by the two-year enlistment than you do under the three-year term. They talk about young men just out of college who would be glad to go into the Army to serve two years. Where are the young men just coming out of the college who will be glad to do this? I have never heard of them. I have heard people talk about them, but I have never known anything of them. We provide in this bill two methods which will provide for the training of the graduates from the colleges of the country. We provide for a summer camp and we provide for the National Guard. These are the two agencies which will take in the young men who come from the colleges of the country, and the class of men that you get for the Regular Army will be the same class that you get now, I do not care whether you have one, two, or three years as the term of enlistment.

Mr. GORDON. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GORDON. How about the noncommissioned officers in the Army, and how essential are they to the efficiency of the Army?

Mr. HAY. I am very glad that the gentleman asked me that question. Every officer you ask will tell you that the noncommissioned officers are the backbone of the Army; that upon them depends the efficiency of the Army. Under the two-year plan you will never have an efficient noncommissioned force.

Mr. SHERLEY. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. SHERLEY. Are not the most of the noncommissioned officers reenlisted men who make it their life business, and whom a two or three year term would not affect one way or the other?

Mr. HAY. No; if you have a two-year term of enlistment and carry out the theory of it, you are going to discourage reenlistment. That is the argument that is used by Gen. Wood, who is in favor of this proposition. His argument is that there should be no reenlistment except for noncommissioned officers, but how are you going to frame a law by which you can say that a man can reenlist if he reaches the position of a corporal or sergeant?

Mr. KAHN. In the body of the section he is permitted to reenlist if he so desires.

Mr. HAY. If he so desires, but after you have a man in two years he must go out into the reserve.

Mr. SHERLEY. Not "must go."

Mr. HAY. Yes; that is the term of the amendment.

Mr. KAHN. If he desires to go into the reserve at the end of two years, he is furloughed into the reserve.

Mr. HAY. There is no way for a man to enlist as a noncommissioned officer. If he reenlists, he would have to enlist as a private and take his chance for promotion.

Mr. MANN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MANN. Under the amendment and the provisions of the bill, would it be possible for a man to enlist and remain in the service three years and at the end of that time reenlist?

Mr. HAY. Not under the amendment.

Mr. MANN. I think the gentleman is mistaken.

Mr. HAY. I will read the amendment.

Provided, however, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States—

And I want to call attention there that you are discriminating against a man serving in the insular possessions. You are holding men in who are serving in the insular possessions and doing the hardest work of the Army—

whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Army Reserve under such regulations as the Secretary of War may prescribe, in which event he shall not be eligible to reenlist in the service until the expiration of his term of seven years.

They may be furloughed, of course. The word "may" will be construed as "shall."

Mr. MANN. Oh, no.

Mr. HAY. What do you do with them; suppose that the Secretary of War says that he will not furlough a man at the end of two years?

Mr. MANN. He is required to.

Mr. HAY. That is what I say; he is required to furlough them; he is required to terminate it at the end of two years.

Mr. MANN. No; unless the man applies for it.

Mr. HAY. Oh, yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. KAHN), there were—ayes 87, noes 102.

Mr. KAHN. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. KAHN and Mr. HAY were appointed to act as tellers.

The committee again divided and the tellers reported—ayes 108, noes 113.

So the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The committee will be in order. As all debate upon this section and all amendments thereto has been concluded, naturally the committee will want to hear any amendments that may be offered.

Mr. WOOD of Indiana. Mr. Chairman, it was my understanding that debate was simply concluded upon the amendment that has just been rejected.

The CHAIRMAN. The gentleman is mistaken about that. The order of the committee was that all debate on the section and all amendments thereto shall be closed. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by striking out the period after the word "summons," in line 11, page 28, and inserting in lieu thereof a colon, and adding after said colon the following:

"*And provided further*, That any person who served at any time in the Volunteer Army in the Civil War and has heretofore served as captain in the Philippine Scouts and has since been retired as an enlisted man and whose time of actual service in the Regular and Volunteer forces of the United States shall aggregate more than 40 years and whose aggregate of services, together with certificates of merit and honorable service, when computed as provided by existing law for the retirement of enlisted men, shall amount to not less than 50 years, may, upon nomination by the President and by and with the advice and consent of the Senate, be placed upon the retired list of the Army as a captain of Infantry in recognition of his long and efficient service in the Army."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 26, by inserting, after the word "for," in line 9, the following:

"*Provided*, That after the expiration of one year's honorable service any enlisted man of the Regular Army, whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve, under such regulations as the Secretary of War may prescribe, in which event he shall not be eligible to reenlist in the service until the expiration of his term of seven years."

Mr. HAY. Mr. Chairman, on that I make the point of order that the proposition has already been voted upon by the committee.

Mr. GARDNER. Mr. Chairman, I will ask the Chair to compare the two amendments.

Mr. MANN. Mr. Chairman, the point of order clearly is not well taken. The amendment offered by the gentleman from California [Mr. KAHN] was to amend the provision in the section itself covering several questions, and the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] is a proviso to the section covering a portion of the amendment offered by the gentleman from California and providing something in addition thereto. While the two amendments are along the same line, those who vote for one in the main may well vote for the other and still one might vote against one of the amendments and in favor of the other, preferring the language of the other. It is not for the Chair or the gentleman from Virginia [Mr. HAY] to determine just how the committee may perfect a section which is under consideration.

Mr. GARDNER. Mr. Chairman, this amendment differs so essentially from the other in one respect that under that other amendment enlisted men could be furloughed to the reserves, whether their captains approved or not, at the end of two years. This entirely omits that provision and makes it absolutely essential that in any event there shall be the approval of the commanding officer.

Mr. HAY. Mr. Chairman, I have not been able to obtain the amendment offered by the gentleman from California [Mr. KAHN], and I am therefore not in a position to point out to the Chair wherein the two are the same, or the same in substance. I can say, however, that in the amendment offered by the gentleman from California the same provision for the furlough of a soldier at the end of one year was provided for as is provided for by the amendment of the gentleman from Massachusetts. There may be some difference in terms, but the substance is practically the same.

Mr. BENNET. Mr. Chairman, if the Chair will take the House Manual and turn to page 192 he will see that under the decisions of the House if there is a change of even a single word, following the ruling of Mr. Speaker Blaine, it is not for the Chair to pass upon the competence of the amendment, but that is for the House. So long as the amendment is not identical, then the House has the right to say whether it will accept or reject, and, with all due respect, it is not within the province of the Chair. That has been held time and time again in the provisions cited under section 459 of the House Manual.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GARDNER) there were—ayes 87, noes 88.

Mr. KAHN. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. KAHN and Mr. HAY were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 128, noes 117.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 14. That, except as otherwise specifically provided by this act, the increases in the commissioned and enlisted personnel of the Regular Army provided for by said act shall be made in four annual increments, beginning July 1, 1916, which shall be, for each branch of the service concerned, as nearly equal as practicable. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July 1, 1916, and those promoted to vacancies created or caused by the addition of the second increment to rank from July 1, 1917, and those promoted to vacancies created or caused by the addition of the third increment to rank from July 1, 1918, and those promoted to vacancies created or caused by the addition of the fourth increment to rank from July 1, 1919.

Vacancies in the grade of second lieutenant created or caused by this act shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy; (2) of commissioned officers of the National Guard between the ages of 21 and 30 years; (3) of enlisted men whose fitness for promotion shall have been determined by competitive examination; (4) of members of the officers' reserve corps who shall have been commissioned therein from the cadet companies hereinafter provided for; and (5) of candidates from civil life between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointee shall have demonstrated, under such regulations as the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment, but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional appointment in such higher grade, which shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify: *Provided further*, That appointments to the grade of second lieutenant in the Corps of Engineers shall continue to be made as now provided by law, including this act: *And provided further*, That the laws applicable to officers of the Regular Army and relating to examinations for promotion and to retirement on account of incapacity for active service shall be applicable to officers serving under temporary appointments as herein provided.

Officers appointed to original vacancies in the grade of second lieutenant created or caused by this act shall take lineal and relative rank according to dates of appointment: *Provided*, That the lineal and relative rank of second lieutenants appointed on the same date shall be determined under such regulations as the Secretary of War may prescribe: *Provided further*, That The Adjutant General of the Army shall, under the direction and supervision of the Secretary of War, obtain, compile, and keep continually up to date all obtainable information as to the names, ages, addresses, occupations, and qualifications for appointment as commissioned officers of the Army, in time of war or other emergency, of men of suitable ages who, by reason of having received military training in civilian educational institutions or elsewhere, or for other sufficient reasons, may be regarded as qualified and available for appointment as such commissioned officers.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, line 10, after the figure "4," strike out the words "of members of the officers' reserve corps who shall have been commissioned therein from the cadet companies hereinafter provided for" and insert in lieu thereof the following:

"Such honor graduates of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, line 2, after the word "nineteen," insert:
"*Provided*, That when, in his judgment, war becomes imminent, the President is authorized to organize immediately the entire increase authorized by this act, or so much of said increase as he may deem necessary."

Mr. HAY. Mr. Chairman, I have no objection to that amendment except that it is provided for in section 1 of the bill.

Mr. KAHN. I read section 1 of the bill pretty closely, and I am inclined to think that it does not cover the situation.

Mr. HAY. Very well.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. MILLER of Minnesota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 8, after the figure "3" following the word "years," insert the words "or commissioned officer of the Philippine Constabulary and Philippine Scouts between the ages of 21 and 35 years."

Mr. MILLER of Minnesota. Mr. Chairman, the object of this amendment is to make available in this enlarged army some of the most capable young men America has produced; men who not only have actual capability, who not only have been educated, but who have been thoroughly trained in the practical experience of Army life. I have had compiled a few figures relative to the personnel of the constabulary and scouts; and while there is, of course, no time now to give a full account of these men, as to where they come from, yet a suggestion may be helpful. The Philippine Constabulary is a native organization for military and police purposes, officered in great part by American youth. I find that the system under which these officers have been selected is as follows: Each of the military departments of the leading institutions of learning in the United States has recommended about three of their best and most efficient graduates as regards their military proficiency of the graduating class of that year. From these parties thus recommended over the country the best have been picked out; later they are subjected to examination and the cream of them commissioned as Philippine Constabulary. I believe that the institutions from which these young men have come cover the United States pretty thoroughly. They come particularly from the South, for instance, the University of Georgia, Gordon College, the University of Louisiana, the University of Florida. Nearly every great institution of the South has sent a quota of these men. Also the leading universities of the North likewise have sent their men.

Now, it is not for us to determine at this particular hour what is going to be the future of the Philippine Islands, but one thing before us is, where we are going to get the best young men for officers in the enlarged Army. Therefore, after we have filled these vacancies by utilizing the graduates of West Point and the commissioned officers of the National Guard, I ask you to give to these men, these splendid young men who know the business, who are capable and trained in it, who, provided they pass the required examination, be given a commission. [Applause.] Now, what has been said of the constabulary can in a measure be said of the scout officers. The scouts, of course, form an organization of the United States. The enlisted men are enlisted as a part of the Regular Army of the United States. The officers are nearly all taken from the United States Regular Army. Most of the men, and I find there are 133 of this class who have commissions of captain or under, were noncommissioned officers in the Regular Army at the outset. That is they apply to this class which is provided for later on in this bill, a class of men who by their proficiency, by their earnestness, by their study, showed their proficiency to the extent they were allowed to take the required examination, and having passed the same, received commissions as lieutenants or captains in the Philippine Scouts. Now, I think this class of men who during the years past demonstrated their efficiency and by their own application thereafter achieved the position of commissioned officer, ought to have the right as American citizens to take this examination and if possible secure commissions. I believe, Mr. Chairman, that by adopting this amendment and granting to these two classes of officers, tried, trained, and splendid, we will place in the American Army a small group of officers of the very first class.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. O'SHAUNESSY. I merely want to ask the gentleman as to the personnel of the Philippine Scouts. The gentleman has just told us about their being graduates of certain universities.

Mr. MILLER of Minnesota. Not the scouts; I spoke of the constabulary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask that I may have five minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. I desire to ask the gentleman if he met the personnel of the Philippine Scouts?

Mr. MILLER of Minnesota. Does the gentleman mean the enlisted men or the officers?

Mr. O'SHAUNESSY. The officers.

Mr. MILLER of Minnesota. I met practically all of the officers of the Philippine Scouts in the actual field; yes.

Mr. O'SHAUNESSY. The gentleman spoke of their being graduates of the universities of the South?

Mr. MILLER of Minnesota. Not of the scouts, although some of them are.

Mr. O'SHAUNESSY. The information I am after is this, and perhaps the gentleman may know: Had any of these men in either of those branches served in our Military or Naval Academies?

Mr. MILLER of Minnesota. I can answer that two or three in the constabulary have; none in the scouts.

Mr. O'SHAUNESSY. What was their history in the Military and Naval Academies? That is what I am trying to find out.

Mr. MILLER of Minnesota. Is it the purpose of the gentleman's inquiry to learn why they are not now in the Regular Army?

Mr. O'SHAUNESSY. That is about it.

Mr. MILLER of Minnesota. There are none in the scouts who ever were in either the Military Academy or the Naval Academy. In the constabulary I find there are two, but they were not Americans; they are both Filipinos, and by the term of their service in the Military Academy they went back to the constabulary. These men are not tin soldiers, they are not parlor soldiers. They are men who have performed as strenuous, as efficient, and as capable work as was ever performed by any officer or a soldier under the sun. They have not hesitated to go where the sun was hot, where the storms were mighty, where danger was thick, and they have been there most of the time, and, so far as my information goes, everyone now in the force is a selected, picked man.

Mr. MOORE of Pennsylvania. Mr. Chairman, as a rule these men come up from civil life, do they not?

Mr. MILLER of Minnesota. In the scouts and in the constabulary, too.

Mr. MOORE of Pennsylvania. I see that the gentleman fixes the age as between 21 and 35 years. Would not the limit of 35 years differentiate from other paragraphs of this bill, which fixes another limit?

Mr. MILLER of Minnesota. That is in part true, and yet I find the bill differentiates itself in different paragraphs. For instance, the commissioned officers of the National Guard can take an examination between the ages of 21 and 30, and in another paragraph of the bill it is between 21 and 28 years.

Mr. MOORE of Pennsylvania. Is it a legal hindrance, or is it remoteness from the place of examination?

Mr. MILLER of Minnesota. Not at all. I find quite a number of the men, some we would most want, can not quite come in under 30, but they can come in under 35. Now, they would number, I should assume, 50 or 60 or 70, maybe 100, all told, but they are splendid material. The officers of the constabulary, I think, would nearly all come under 30.

Mr. BRITTEN. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. BRITTEN. Is it not true that the service required of the officers of the scouts and the constabulary is the same character of service that is performed by the officers of the Regular Army in the Philippine Islands to-day?

Mr. MILLER of Minnesota. Precisely. That is absolutely true of the scouts. Now, it may be interesting to know that during the last two or three years the Regular Army of the United States—I mean that part of the Regular Army of the United States in the Philippines—has been concentrated almost entirely

in the central part of Luzon. There are no Regular Army troops in the Moro country to-day. All of the troops in the Moro country are scout troops and constabulary, but officered by these men. They are on duty 24 hours out of every day, pretty nearly. It is not quite true, perhaps, to say that the constabulary officers and men are doing exactly the same work as the Regular Army, but they are doing that which requires great capacity, discretion, and sound judgment, and, in my mind, would make exceedingly valuable officers in any army.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes. I want to ask a question.

Mr. HAY. Mr. Chairman, I have been generous as to time, and this is not a matter of enough importance to take the time of the House. I ask unanimous consent that all debate on this paragraph and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that general debate on this section and all amendments thereto be closed in 10 minutes. Is there objection?

Mr. YOUNG of North Dakota. I object, Mr. Chairman.

The CHAIRMAN. All debate is closed. The gentleman from Virginia [Mr. HAY] is recognized in opposition to the amendment.

Mr. HAY. Mr. Chairman, I move that all debate on this section and amendments thereto be closed in 10 minutes.

The motion was agreed to.

Mr. HAY. Now, Mr. Chairman, if anybody desires to be heard in favor of this proposition, I yield to him five minutes.

Mr. McLAUGHLIN. Mr. Chairman, I ask recognition only to ask a question.

Mr. HAY. All right. I shall be glad to answer it.

Mr. McLAUGHLIN. To page 29, line 10, the gentleman offered an amendment which was adopted, striking out all of that fourth provision and inserting something else. Was it the gentleman's idea to eliminate the officers of the reserve corps altogether from opportunity to be preferred and appointed to the position of second lieutenant?

Mr. HAY. That is the effect of the gentleman's amendment.

Mr. McLAUGHLIN. Was not that the amendment offered by the gentleman from Virginia himself?

Mr. HAY. No, sir. The amendment was offered by the gentleman from Minnesota [Mr. MILLER]. I have not offered any amendment.

Mr. McLAUGHLIN. Well, an amendment was offered here and voted on a few moments ago which did that very thing—to strike out No. 4. The amendment offered by the gentleman from Minnesota [Mr. MILLER] is to insert on line 8 and before No. 3.

Mr. HAY. That was to provide for the undergraduates of certain distinguished schools, and this fourth class now in the bill probably ought not to be there, because we are going to do away with the cadet companies, which are provided for later on.

Mr. Chairman, I hope the amendment offered by the gentleman from Minnesota [Mr. MILLER] will not be agreed to. That amendment was considered by the committee, and the committee thought that it was not a wise one.

Mr. MILLER of Minnesota. Will the gentleman yield there? I intended to state that by reason of my becoming interested in this so late I did not have opportunity to present it to the committee as fully as I desired; and was it not at the last meeting of the committee, and the committee did not occupy more than a moment or two?

Mr. HAY. The gentleman appeared before the committee and presented his case.

Mr. BRITTEN. Will the gentleman having in charge the bill tell the committee what the real objections are to this amendment, please?

Mr. HAY. In the first place, it raises the age. It puts a man in the Army who is 35 years of age as a second lieutenant, which is not good administration. The age limit now in all cases is 21 to 27, except in the case of enlisted men of the Army, who have had service in the Army. To put a man as a lieutenant in the Army at 35 years of age is not a good thing for the Army, and not a good thing for himself except for the purpose of drawing pay. And these people who are officers of the the Philippine Scouts are noncommissioned officers, generally speaking, in the Regular Army. A man who is a sergeant, for example, is made a lieutenant of the Philippine Scouts and remains in that position for some time. He is generally a man 30 years of age when he gets the appointment.

As to the constabulary, that can come in under the head of section 5. The constabulary of the Philippine Islands is not under the Government of the United States; they are under the island government, and not under our Government at all. And while some of them are college men, yet, so far as we are concerned, they are civilians, and they can come in under section 5, which provides that civilians may be examined for the position of second lieutenant.

Mr. BRITTEN. Provided, of course, their age does not interfere with their going into the service?

Mr. HAY. Yes.

Mr. BRITTEN. If the gentleman will permit just a very brief statement, I want to say that I know from personal observation that officers in the Philippine Scouts, whether they have come from the enlisted personnel of the United States Army or not, are doing very efficient work, and if it is possible to get them into the United States Army at this time, or within the next year or two, I should imagine it would be very advisable.

Now, with reference to the constabulary force in the Philippines, it is true they have no connection with the United States Army or Government, but the work they are doing under American officers is more hazardous than the work that our own officers and men are doing, because they are dealing with the Moro situation almost exclusively; and if we can get that type of men into our service it will be doing good, I should think.

Mr. HAY. There is nothing to prevent men in the constabularly of proper age from coming in, nor in the case of the scout officers, because they are really enlisted men in the Army. You do not want to get men who are too old to come in as commissioned officers. They do not perform the services as they ought.

Mr. BRITTEN. I agree with the gentleman; but a great many young American officers connected with the scouts and constabulary in the Philippine Islands have been in the service a number of years. They may be just above the age prescribed in the bill. Does not the gentleman think there might be some way by which these men could be admitted if it is desired?

Mr. HAY. I do not think you could arrange the age limit simply to suit individual cases. The gentleman's amendment proposes 35 years as the age limit. There might be a man of 35 years and 1 day, and yet under the gentleman's amendment he could not come in. Just because a man is efficient and because you want him is no reason why you should enact a general law to take care of individual cases.

Mr. BRITTEN. Does not the gentleman think some credit should be given to these Americans in the Philippines for their long services there?

Mr. HAY. I think so; but they get credit, too.

Mr. BRITTEN. I do not think they get credit in this bill.

Mr. HAY. Yes; I think they get all the necessary credit that they are entitled to.

Mr. BRITTEN. I hope the amendment will carry.

Mr. HAY. I hope the amendment will be voted down.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. MILLER of Minnesota. I understood the gentleman to say that, in his judgment, the captain and officers under him in the Philippine Scouts will be able to take the examination for enlisted men in the Army.

Mr. HAY. Yes.

Mr. MILLER of Minnesota. Are they in a position where they could be construed as officers and enlisted men in the Army?

Mr. HAY. Well, they are retired now as enlisted men of the Army; and if they can be retired as enlisted men of the Army they would certainly be given the privilege by the War Department of standing an examination for enlisted men.

Mr. MILLER of Minnesota. If they are there now, they could never comply with the provisions of this bill.

Mr. HAY. Officers in the scouts, when retired, are retired as enlisted men.

Mr. MILLER of Minnesota. That is true.

Mr. HAY. If one of these men wants to stand the examination, the War Department can give him that privilege, just as it can give him the privilege of retirement; and they would be given the preference as enlisted men over what the gentleman's amendment gives.

Mr. MILLER of Minnesota. I think the gentleman is mistaken in his legal construction.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MILLER of Minnesota. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 45, noes 65.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 15. That the monthly pay of enlisted men of the Army in the grades created by this act shall be as follows during their first enlistment: Band leader, quartermaster sergeant, senior grade, and master hospital sergeant, $75; hospital sergeant, $65; quartermaster sergeant, $50; regimental supply sergeant, quartermaster sergeant, and sergeant, first class, mountain battery, $45; assistant band leader and sergeant trumpeter, $40; battalion supply sergeant, squadron supply sergeant, mess sergeant and musician, first class, $36; horseshoer, mechanic of machine-gun company, musician, second class, sergeant orderly, stable sergeant, supply sergeant, and cook (Medical Corps), $30; musician, third class, $24; mechanic of Infantry or Cavalry, $21; private, first class, of Infantry, Cavalry, or Field Artillery, $15; trumpeter, orderly, and saddler, $15.

Mr. KAHN. Mr. Chairman, on page 31, line 14, I move to strike out the word "trumpeter" and insert in lieu thereof the word "bugler."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. KAHN].

The Clerk read as follows:

Amend, page 31, line 14, by striking out the word "trumpeter" and inserting in lieu thereof the word "bugler."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from California.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, on line 21, I move to strike out the word "trumpeter" and insert in lieu thereof the word "bugler."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amend, page 31, line 21, by striking out the word "trumpeter" and inserting in lieu thereof the word "bugler."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 31, line 7, strike out section 15 and insert in lieu thereof the following:

"SEC. 15. That the monthly pay of enlisted men of the Army in the grades created by this act shall be as follows during their first enlistment: Band leader, quartermaster sergeant, senior grade, and master hospital sergeant, $80; hospital sergeant, $70; quartermaster sergeant, $55; regimental supply sergeant, quartermaster sergeant, and sergeant, first class, mountain battery, $50; assistant band leader and sergeant bugler, $45; battalion supply sergeant, squadron supply sergeant, mess sergeant and musician, first class, $40; horseshoer, mechanic of machine-gun company, musician, second class, sergeant orderly, stable sergeant, supply sergeant, and cook (Medical Corps), $33; musician, third class, $27; mechanic of Infantry or Cavalry, $25; private, first class, of Infantry, Cavalry, or Field Artillery, $20; bugler, orderly, and saddler, $20."

Mr. GARDNER. Mr. Chairman, this amendment raises the pay of the various noncommissioned officers and noncommissioned staff officers. The most important point to consider is that the amendment makes $20 the basic pay for the private instead of $15.

I do not believe, Mr. Chairman, that you could get without long delay your Regular Army of 140,000 combatants of the line. It is going to be a long time before you can get any such number of men except in very hard times at $15 a month; even $15 a month and all expenses paid.

Now, Mr. Chairman, I think we ought to find out how many combatants we are going to have under this act. The chairman of the committee said yesterday that the bill provides for 207,000 enlisted men, maximum, and to support that figure he presented a table prepared in The Adjutant General's Office on March 2, 1916. I have an absolutely different table, transmitted to me by the Secretary of War. According to the Secretary of War, under the proposed House bill the minimum number of enlisted men, combatants, not staff, is 95,552—less than a hundred thousand combatants, and the maximum number of combatants is 150,765. Those figures do not include the Philippine Scouts.

I tried my best to find out where the figures of the gentleman from Virginia [Mr. HAY] and the figures supplied by the Secretary of War differ, and here are the principal items: The gentleman from Virginia includes 11,258 men who may be employed in ammunition batteries in case of war at the discretion of the President. He includes unassigned recruits, 7,813 of them. He includes the cadet companies, 3,150 of them, and then the chairman figures the Philippine Scouts at war strength as 12,000, whereas the Secretary of War gives the Philippine Scouts, war strength, at 5,733. I think the gentleman from Virginia is right and the Secretary of War is wrong.

But when all is said and done, after studying the figures to the best of my ability, there is a discrepancy of 9,000 or 10,000 men between the two estimates of the maximum force provided in this bill.

What I especially want the committee to understand is that according to the Secretary of War, leaving out the Philippine Scouts, we shall have only 150,765 combatants in time of war under the Hay bill; and again, leaving out the Philippine Scouts, only 95,552 combatants under the minimum proposed. Do not confuse "minimum" strength with "peace" strength. Our peace strength under this law may be as high, but no higher, than 140,000 enlisted men of the line of the Army. In times of peace, under this bill, if the President wishes to recruit the Army up to 140,000 he can do so if Congress chooses to appropriate the money.

Mr. HAY. Will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. HAY. Has the gentleman calculated how much his proposition would add to the annual expense of the Army?

Mr. GARDNER. I think it is about $10,000,000. Is that what the gentleman computes it at?

Mr. HAY. I do not know. I never heard of the amendment before.

Mr. GARDNER. That estimate is based on the numbers of the enlisted force provided in this bill. It adds $5 to the pay of each private. Now, suppose there are 140,000 enlisted men and that they are all privates. That would make an additional expense of $7,000,000. The whole bill would be considerably higher.

Mr. GREEN of Iowa. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word. I listened with interest to the statement of the gentleman from Massachusetts [Mr. GARDNER] as to the results of the first four days' enlistment in the attempt to secure the 19,000 men we voted for the other day, and it is evident that his proposition now to raise the pay of the Army is because gentlemen realize that we could not enlist into the Army the number of men proposed under the Kahn amendment yesterday at the present rate of pay. As I understood the gentleman's figures, he stated that in four days, under the inspiration of necessity and the need for men on the border, we have secured 500 enlistments, which would mean an average of 125 men a day.

Mr. GARDNER. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GARDNER. The exact figures are 2,426 men who applied and 555 men accepted. Perhaps there are a few of them who have not yet been examined.

Mr. SHALLENBERGER. The press states 507 in 5 days, but on that basis and according to the gentleman's own figures in 3 months we would raise 11,250 men, in 6 months 22,500 men, and in 12 months about 45,000 men. The report of The Adjutant General shows that last year they raised 48,813 men. With that enlistment we have not been able to maintain the combatant army at 100,000 men. To secure an army of 220,000 men, such as was contemplated in the Kahn amendment yesterday, would require the enlistment of more than double the number that were enlisted last year; that is, would require enlistments of more than 100,000 men a year, especially with the short term of enlistment now provided for in the amendment just adopted. Under the spur of necessity the figures just given us by the gentleman from Massachusetts to do so is an impossibility.

If these figures that have been submitted to us mean anything, they mean that if we had adopted the Kahn amendment yesterday, we would have put an army on the statute books and in the newspapers and not an army in the field, and that is the way the country is going to understand the whole proposition.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. There is a great deal of misunderstanding, by the way, in connection with this statement so often made that the Army of the line is not enlisted up to the full 100,000 authorized by law. Of course we are not enlisted up to our full 100,000, because under Executive order the War Department is permitted to enlist only 83,893 men in the line of the Army. The fact is that Congress has only appropriated money enough for that number. As a matter of fact, we have 82,952 enlisted men in the line of the Army; so that we are less than 1,000 short of the number limited by Executive order, and that is why so many of the recruiting stations have not been in full blast.

Mr. SHALLENBERGER. But the gentleman admits that even with all the inspiration of existing conditions we have not been able to get the full number.

Mr. GARDNER. As I said in debate the other day, it is absolutely impossible to think that men are going to enlist

to hunt Mexican murderers, where they get $15 a month and embalming fluid.

Mr. SHALLENBERGER. Do you think the $15 a month is what inspires men to enlist in the Army?

Mr. GARDNER. It does not inspire men to enlist in the Army, but the other day when we wanted to pension the Spanish War Regulars on the same basis as the Spanish War Volunteers, gentlemen said it was not patriotism which made Regulars enlist. In the Spanish War widows' pension bill which went through the other day you all voted down my amendment to put the Spanish War Regulars on the same basis as the Spanish War Volunteers in the matter of widows' pensions, because gentlemen said it was not patriotism which made Regulars enlist. Gentlemen, we ought to do either one thing or the other. You must pay them or pension them—both, I think.

The CHAIRMAN. The question is on the amendment.

Mr. HAY. I hope the amendment will not be adopted. The amount is not enough to get many more men, and according to the gentleman's own statement it adds $10,000,000 a year to the expense of the Army. I do not think it is necessary to say any more.

Mr. GARDNER. Will the gentleman answer a question?

Mr. HAY. Surely.

Mr. GARDNER. In 1907 we raised the pay from $13.50——

Mr. HAY. In 1908.

Mr. GARDNER. In 1908 we raised the pay from $13.50——

Mr. HAY. From $13.

Mr. GARDNER. Was it not in 1907?

Mr. HAY. No; in 1908 we raised the pay of the private soldier from $13 to $15.

Mr. GARDNER. And the enlistment jumped up how many per cent?

Mr. HAY. Oh, I do not know; but the times were bad then.

Mr. GARDNER. In 1908?

Mr. GORDON. Yes; everybody was out of work.

Mr. GARDNER. Times were bad in 1907, and I was coming to that, but the gentleman from Virginia says it was in 1908.

Mr. HAY. It was in 1908 that that bill was passed.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

SEC. 17. That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinary officers in service, 2 such officers for each regiment of Cavalry, 1 for every 3 batteries of Field Artillery, 17 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 7 as inspectors of meats for the Quartermaster Corps, and said veterinarians and assistant veterinarians shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.

That hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

That an assistant veterinarian appointed under this act shall, for the first 5 years of service as such, have the rank, pay, and allowances of second lieutenant; that after 5 years of service he shall have the rank, pay, and allowances of first lieutenant; that after 15 years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain: *Provided*, That any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.

That the veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this act shall have had less than 5 years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over 5 years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over 15 years of such service may be appointed in said corps as veterinarians with the rank, pay, and allowances of captain: *Provided*, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service: *Provided further*, That veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with 75 per cent of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.

That the Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer: *Provided*, That such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as hereinbefore required of assistant veterinarians; such reserve veterinarians shall constitute a list of eligibles for appointment as assistant veterinarians subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians.

That candidates for appointment as assistant veterinarians who shall have passed satisfactorily the examinations prescribed for that grade by this act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of one year, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service.

That the Secretary of War shall from time to time appoint boards of examiners to conduct the veterinary examinations hereinbefore prescribed, each of said boards to consist of three medical officers and two veterinarians.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. SHERLEY having taken the chair as Speaker pro tempore, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, and had directed him to report that the committee had come to no resolution thereon.

Mr. HAY. Mr. Speaker, I ask unanimous consent that this bill—H. R. 12766—may be in order to-morrow, and that the House meet to-morrow at 11 o'clock a. m.

Mr. MANN. Will the gentleman let me make a suggestion before the question is stated by the Speaker? While the bill might be in order to-morrow, the gentleman has not asked to dispense with the proceedings to-morrow under the rule.

Mr. HAY. Mr. Speaker, I ask to dispense with the business under the rule to-morrow, and that this bill may be in order, and that the House meet at 11 o'clock a. m.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that the rule for to-morrow's business be dispensed with, that H. R. 12766 be in order, and that the House when it adjourns to-day adjourn to meet at 11 o'clock a. m. to-morrow. It there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT in the chair.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. I notice on page 32, line 13, it is provided that these assistant veterinarians must each be a graduate of a recognized veterinary college or university. In the State which I represent that would work no hardship, because we have veterinary colleges; but I want to ask the gentleman if he thinks the language is absolutely necessary and if it might not work a hardship in some of the smaller States where they do not have veterinary colleges but where they produce good veterinary surgeons?

Mr. HAY. I think the language ought to be there, and I do not think it will work any hardship. They have veterinary colleges in almost every State in the Union. They have one in the District of Columbia. I think they ought to have the same requirement as in the Medical Corps. The veterinarians themselves are very anxious that this standard should be higher; they want this language in the bill.

Mr. BENNET. I think the whole provision is excellent; we ought to have veterinarians, and they ought to be graduates. If the gentleman thinks that that language is necessary, I have no further comment to make, and I ask unanimous consent to withdraw my pro forma amendment.

Mr. STAFFORD. I object, because I wish to be recognized in opposition to the amendment. I would like to ask the chairman of the committee what is the present method of appointmen of veterinaries and assistant veterinaries so far as qualifications for appointment are concerned?

Mr. HAY. Veterinarians are appointed now by the Secretary of War, and have to stand such examination as he prescribes. They have the pay and allowances of a second lieutenant.

Mr. STAFFORD. Both the veterinary and the assistant veterinary?

Mr. HAY. We do not have anything now but veterinarians; this law provides for assistants just as it provides for surgeons and assistant surgeons in the Army. They do not get the best men in the veterinary profession in the Army. There is no inducement for them to go in, no inducement for men standing high in the profession. Let me say that the House has passed the provisions of this bill twice, and the committee has reported it twice, both times unanimously, and the House took it up by unanimous consent.

Mr. STAFFORD. Then I will not press my inquiry further except to ask why the distinction as to allowances in the case of an assistant veterinarian who upon examination is found deficient, and you award him a year's pay, whereas for a veterinary you permit him to retire on three-fourths pay. I direct the gentleman's attention to the proviso at the bottom of page 32, which provides that if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.

Mr. HAY. That is because every veterinarian coming into the Army comes in as an assistant veterinarian.

Mr. STAFFORD. Is not an assistant veterinarian an officer?

Mr. HAY. Yes; but he comes in as an assistant, and does not get up to a veterinarian until he serves a certain number of years—five, I think—and then he becomes a veterinarian. So the provision to which the gentleman has called my attention can only apply to the assistant veterinarian.

Mr. STAFFORD. The assistant veterinarian may be in the service for 15 years and longer and obtain the grade and receive the pay of a captain. I direct the gentleman's attention to the bottom of page 32. It does not provide for compulsory promotion of assistant veterinarians; they are to be promoted only when there are vacancies.

Mr. HAY. It provides that "any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the military service." Then it provides that if he shall be found deficient in that examination he shall be discharged with one year's pay. That is the law applicable to the Medical Corps of the Army when the assistant surgeon stands an examination for the rank of captain. If he does not pass it satisfactorily he is discharged from the Army with one year's pay. We provide for the veterinarians just as we do for the Medical Corps.

Mr. STAFFORD. The Army surgeon, when he enters for the examination, if he is shown to be deficient he will be retired on three-quarters pay?

Mr. HAY. No; he has to pass an examination when he is promoted from captain to major, and if he fails on that examination he is discharged from the Army with one year's pay.

Mr. STAFFORD. Why do you give the veterinarian three-quarters pay when he is found to be deficient in the performance of his duties?

Mr. HAY. Where does the gentleman get that?

Mr. STAFFORD. At the bottom of page 33, and continuing on page 34. It says:

Provided further, That veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with 75 per cent of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.

Mr. HAY. Those are veterinarians that are now in the Army, and we are taking care of the veterinarians now in the Army in that provision. That does not apply to those who will come in the corps hereafter.

Mr. STAFFORD. Those who come in the corps hereafter when found deficient will be discharged with one year's pay?

Mr. HAY. Yes.

Mr. STAFFORD. But those now in the Army when found deficient will be taken care of for life on three-quarters pay?

Mr. HAY. Yes.

Mr. STAFFORD. Does not the gentleman think there is some injustice there? Why should those future veterinarians be eliminated with one year's pay?

Mr. HAY. The gentleman will see on page 33, line 17, that it is provided:

Provided, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service.

So that men now in the service can not get in under this law until they have passed that examination.

Mr. STAFFORD. To whom does this three-quarters pay apply?

Mr. HAY. It applies to those veterinarians now in the service who have some disability incident to the service.

Mr. STAFFORD. Then, not by reason of any mental deficiency?

Mr. HAY. It says here in so many words, because of disability incident to the service.

Mr. STAFFORD. And not because of lack of mental efficiency, unless due directly to disability incurred in the service?

Mr. HAY. Yes; disability incurred in the service.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. HAY. Mr. Chairman, I move to amend, on page 33, line 24, by inserting the word "and" after the word "service."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 24, after the word "service," insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word for the purpose of putting some information into the RECORD. I have in my hand a letter from the Secretary of War dated March 10, 1916, in which he says that we have 892 machine guns actually completed, and then goes on to say:

Of the 1,077 machine guns provided for, 228 are in use in the insular possessions and Panama Canal, and 276 in Continental United States for land defense of the coast fortifications, leaving 573 available for mobile troops.

He also says:

It is expected the 125 machine guns under manufacture will be completed about December 21, 1916.

Is that about the way the gentleman understands the situation?

Mr. HAY. I suppose that is the situation, and therefore I so understand it.

Mr. GARDNER. Did not Gen. Crozier testify that he had heard that each German regiment had 48 machine guns with it?

Mr. HAY. Yes.

Mr. GARDNER. Is not our basis 5 machine guns to a regiment?

Mr. HAY. I think those are the orders of the War Department.

Mr. GARDNER. So we have only 892 guns, of which 573 are available for the mobile troops. On the German basis that would not supply a great many. It is apparently expected that 125 more will be completed by the 1st of next January.

Mr. HAY. I take it that the German troops are supplied with 48 machine guns in time of war and not in time of peace.

Mr. GARDNER. I thought that an army was supposed to get ready for war, but it seems not.

Mr. HAY. And I suppose also that we will take care of the machine-gun proposition on the Army appropriation bill.

The Clerk read as follows:

SEC. 18. That the President is authorized to organize not to exceed 30 cadet companies of Cavalry, Field Artillery, Infantry, Engineers, Coast Artillery, and Signal troops, to be attached to and serve with regiments or other units of their respective branches of the Regular Army within the continental limits of the United States.

Each company shall consist of not less than 50 and not to exceed 100 cadets, who shall be between the ages of 20 and 27 years on the date of engagement and shall be recruited from among officers of the National Guard and graduates of educational institutions to which officers of the Regular Army are detailed and from enlisted men of the Regular Army and of the National Guard. Each cadet shall be engaged for a period of six years unless sooner discharged by competent authority, the first year of which period shall be in a cadet company and the remaining five years in the officers' reserve corps provided for in this act or in the National Guard.

Each cadet shall receive during his service in a cadet company the pay and allowances of a master signal electrician and shall during such service be subject to the laws and regulations for the government of the Army of the United States.

Each cadet company shall be organized as the President shall prescribe, and all duties in the various grades and positions therein, except as otherwise herein provided for, shall be performed by cadets of the company, but no cadet shall receive any extra pay or allowances for performing such duties. For the purpose of assignment to cadet companies for the conduct of their interior administration the President is authorized to increase the number of noncommissioned officers of any organization of the Regular Army to which a fully organized cadet company of not less than 50 men is attached by one first sergeant, one mess sergeant, and one supply sergeant, and the number of cooks by two.

Each cadet company shall be subjected to thorough training, which shall include instruction in the duties of privates, noncommissioned officers, and company officers of the arm, corps, or department of the service to which the company is attached, and shall be conducted under such rules and regulations as the President may prescribe.

Upon completion of one year's service with a company as herein prescribed each cadet shall, if found proficient, be commissioned in such grade in the officers' reserve corps as may be warranted by the degree of proficiency he may have attained, under such rules and regulations as the President may prescribe. Any cadet who, upon the completion

of one year's service, is not found proficient shall be discharged the service of the United States with such character of discharge as his services may have warranted.

Mr. GARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all of section 18, just read, and insert in lieu thereof the following:

"SEC. 18. That for the purpose of securing a sufficient reserve of officers for the military forces of the United States the President is hereby authorized to establish and maintain in civil educational institutions a reserve officers' training corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

"That the President may, upon the application of any State institution described in the first paragraph of this section, establish and maintain at such institution one or more units of the reserve officers' training corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics or until such institution shall maintain under military instruction at least 100 physically fit male students.

"That the President may, upon the application of any established educational institution in the United States, other than a State institution described in the first paragraph of this section, the authorities of which agree to establish and maintain a two-years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the reserve officers' training corps: *Provided*, That no such units shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics, or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

"That the Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the reserve officers' training corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training, and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division or to devote at least an average of three hours per week per academic year to such military training.

"That eligibility to membership in the reserve officers' training corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States or have legally declared their intention to become such, who are not less than 14 years of age, and whose bodily condition indicates that they are physically fit to perform military duty or will be so upon arrival at military age.

"That the President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the reserve officers' training corps are maintained, but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. Retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonels so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail under the provisions of this section shall extend for more than four years.

"That the President is hereby authorized to detail for duty at institutions where one or more units of the reserve officers' training corps are maintained such number of enlisted men, either active or retired, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men shall not be detailed under the provisions of this paragraph without their consent. While so detailed they shall receive active pay and allowances.

"That the Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the reserve officers' training corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof and for its return when required.

"That the Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the reserve officers' training corps, no such camps to be maintained for a period longer than six weeks in any one year except in time of war or when war is imminent; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps, and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

"That when any member of the senior division of the reserve officers' training corps has completed two academic years of service in that division and has been selected for further training by the president of the institution and by its professor of military science and tactics and has agreed in writing to continue in the reserve officers' training corps for the remaining two years of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished at the expense of the United States with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War during the remainder of his service in the reserve officers' training corps.

"That the President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer any graduate of the senior division of the reserve officers' training corps who shall have satisfactorily completed the further training provided for in the preceding paragraph hereof, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in the preceding paragraph hereof, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of 21 years, and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority, but the total number of reserve officers so appointed shall not exceed 50,000: *And provided*, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

"That any physically fit male citizen of the United States between the ages of 21 and 27 years, who shall have graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who while a student at such institution completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this section for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment as a reserve officer and as a temporary additional second lieutenant in accordance with the terms of this section.

"That the President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army for a period of at least six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to this section and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

"That no reserve officer or temporary second lieutenant appointed pursuant to this section shall be entitled to retirement or to retired pay, and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this section.

"That in time of war the President may order reserve officers appointed under the provisions of this section to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on active duty they shall be subject to the Rules and Articles of War."

Mr. McKELLAR. Mr. Chairman, I move as a substitute for the amendment just offered the substitute which I now send to the Clerk's desk.

The CHAIRMAN (Mr. PAGE of North Carolina). I understand the gentleman offers it as an amendment to the amendment?

Mr. McKELLAR. As an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment. Does the gentleman offer it as a substitute or an amendment?

Mr. McKELLAR. I offer it as a substitute for the amendment.

Mr. GARD. There is no amendment offered; a substitute is offered.

Mr. McKELLAR. I offer it as a substitute.

The CHAIRMAN. The amendment of the gentleman from Ohio was offered as a substitute.

Mr. McKELLAR. I will offer it as an amendment to the substitute.

The CHAIRMAN. The gentleman from Tennessee offers an amendment as an amendment to the substitute. The Clerk will report it.

The Clerk began the reading of the amendment.

Mr. STAFFORD. Mr. Chairman, a question of order; as I understand from the reading of the amendment it is offered as an entire new proposition for the proposition under consideration, not as an amendment but virtually as a substitute for the substitute, and therefore it can not be entertained at this time. The only way this proposition can be entertained is to vote down the substitute and consider this.

The CHAIRMAN. If the gentleman will allow, in the opinion of the Chair this is not an amendment to the substitute offered by the gentleman from Ohio, but is a substitute for section 18.

Mr. McKELLAR. Mr. Chairman, I move to amend by striking out everything in the amendment just offered after the word "that" and insert that amendment in lieu thereof.

The CHAIRMAN. If the gentleman will allow, if he desires consideration of the substitute he offered, if he will only bide his time, I think under the rules he can have it submitted. He could get action on his substitute in the event the present substitute is voted down, but in the event it was adopted——

Mr. McKELLAR. That is just it. Mr. Chairman, I submit it is proper to offer it as an amendment to the substitute striking out everything after the word "that" in the substitute that is offered and insert the amendment I have offered. Mr. Chairman, I call the attention of the Chair to page 349, section 804, rule 19.

The CHAIRMAN. The question of the substitute offered by the gentleman from Tennessee, in the opinion of the Chair, hinges upon the germaneness of the language. It is germane to the subject matter and therefore the gentleman's motion is in order and the Clerk will read.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. The motion of the gentleman from Tennessee is to strike out all of the amendment offered as a substitute by the gentleman from Ohio and substitute his amendment in its place. Is that right?

The CHAIRMAN. Yes. The motion of the gentleman from Tennessee offers an amendment in the nature of a substitute, which is germane and is in order. The Chair entertains the gentleman's motion, and the Clerk will read.

The Clerk read as follows:

SEC. 18. That in order more effectually to provide for organizing, arming, and disciplining troops for service in time of war and more quickly to raise and support an army in the event of war, and for the purpose of maintaining an efficient Army Officers' Reserve Corps, there is hereby designated or established in each State of the Union an educational and military training institution to be known as the military training college of such State. Said college after the second year of its opening shall have not less than an average number of 300 students, whose educational training shall at all times be under the direction and control of the board of trustees or faculty of such institution as hereinafter provided, and whose military training shall at all times be under the direction and control of the officer or officers to be designated for such duty by the President of the United States from the officers of the Regular Army and under the general control of the board of three hereinafter established. The limitation of the number of officers which may be detailed to military schools under section 1225 of the Revised Statutes is hereby abrogated, and the detail of officers for this purpose is left to the discretion of the President.

That after the passage of this act each State, by resolution or other enactment by its legislature, shall designate such college or other educational institution already established, or such institution as may be established, to receive the benefits of this act, and after the passage of such resolution or other enactment the same shall be duly certified to the Secretary of War by the executive officers of such institution.

That each State shall, by resolution or other enactment of its legislature, or, in the event of the failure or refusal of the legislature to act within a reasonable time from the passage of this act, then any institution may make the guarantee, if approved by the board of three hereinafter named, to the United States that there will not, at any time during the college year after the first year, be less than an average of 300 students at such institution who shall receive military training each year; that such institution has and will continue to have an annual net income of not less than $40,000 appropriated to it by such State, or by the institution itself, for the use of such military department; that out of this sum and the sum hereinafter appropriated in this act and allotted by the board hereinafter established such institution, free of charge to such students, will properly house, feed, and maintain said 300 students during their said terms, such students to be selected as hereinafter provided; that it will cause suitable dormitories and classrooms to be set apart or built for the use of military students; that it will cause a suitable campus or drill ground to be prepared and maintained for the use of said student corps; that it will furnish a full quota of efficient and trained teachers to give said students a thorough academic education, consisting of not less than three nor more than four years' course, fashioned as near as may be after the course of study now prescribed at the United States Military Academy at West Point, N. Y.: *Provided*, That the board hereinafter mentioned shall have the power to prescribe in said institutions, or such of them as it may designate, vocational training in addition to or in lieu of a portion of the training had at said United States Military Academy. The United States shall furnish, and the War Department is hereby authorized to issue, such arms, ammunition, equipment, stores, service uniforms, and the like as may be necessary for the use of such students and which may be furnished without injury to the military service.

That should some established institution of learning not already exclusively a military school be designated as beneficiary under this act, then the military feature must be separate from the remainder of such institution, in so far as the training, discipline, and course of study of such institution are concerned; but the same instructors, teachers, classrooms, grounds, and the like now used for other departments in such institution may be used in said military department upon approval of the board hereinafter established.

That the students herein provided for shall be boys, who at the date of their entrance shall not be under 16 or over 21 years of age; that they shall be selected by competitive examination and, as far as may be practicable, from each county in the State, at least one student from each county, by the county superintendent of public instruction or other officer fulfilling like duties in each county, where there is such officer, and where there is no such officer, then by the chief educational officer of the State, the remainder of such students to be selected as hereinafter provided: *Provided, however*, That the board hereinafter named is hereby empowered to make rules and regulations governing admission to said colleges in furtherance of the purposes of this act, which rules and regulations must be complied with by county superintendents or other educational officers designated herein. No boy will be entitled to admission to said academies unless he is of good moral character, sound of body, fit to be a soldier, of good mind and health, and is able to pass a reasonable examination to be made by said superintendents or other educational officers designated herein touching the following subjects: Reading, writing, English grammar, United States history, general geography, arithmetic, and the first principles of algebra. It is the intention of this act that the course of study at said institutions shall be such as that given at first-class colleges where degrees of bachelor of arts, bachelor of science, and such similar degrees are awarded upon graduation, and said institutions are hereby empowered to grant such degrees to graduating students. No boy shall be entitled to admission in such institution unless he is willing to agree, and does agree, in writing, that he will serve in said academy during the whole course unless sooner graduated, as hereinafter provided, and that after his graduation he will serve the United States at any time he may be called upon by the Secretary of War within a period of seven years after his graduation; that during the seven years after his graduation he will keep the War Department notified of his residence and his change of residence, if any, and during said period he will respond to any call made on him to enter the military service of the United States as an Army officer for any period for which his services may be needed not to exceed the seven years' period: *And provided further*, That he may be required to serve in times of peace in summer camps for a period not exceeding four weeks in any one year during said period: *Provided, however*, That no student coming under the provisions of this act shall be required to serve more than three such camp periods.

That the annual sum of $3,840,000, or so much thereof as may be necessary—$80,000 to each State—is hereby annually appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, for the said purpose of aiding in the education, military training, disciplining, housing, feeding, and clothing said boys in the various institutions herein provided for, said several sums to be paid to the board of trustees, or to the governing authorities of such institution, or such officer or officers as said trustees may designate in each institution, monthly upon the certificate of the board created by this act that the terms of this act have been complied with by such institution. No money appropriated under the provisions of this act shall be paid out to any beneficiary under it except upon the certificate of said board, or a majority thereof, that such institution has complied with the rules and regulations established by said board and the terms of this act.

That the course of training, the discipline, the organization of students into corps, and the rules governing the training, mental and physical, are all to be fashioned as closely after the course of instruction and discipline in vogue at the United States Military Academy at West Point, N. Y., as may be possible: *Provided*, That the board hereinafter mentioned shall have the power to prescribe in said institutions, or such of them as it may designate, vocational training in addition to or in lieu of a portion of the training had at said United States Military Academy: *Provided further*, That the War Department, the board hereinafter established, the commandant or other officer or officers detailed for duty hereunder, the faculty, and the executive officers of each institution acting in concert, all are required to carry out the purposes of this act, which are the higher and more complete education of boys coming within its provisions and their efficient military training, to equip them to defend their country in case of necessity.

That for the purpose of carrying this enactment into effect a board consisting of the Secretary of War, an officer of the Army to be designated by the President, and a civilian of high character and attainments, to be appointed by the President, by and with the advice and consent of the Senate, is hereby established. The duties of this board shall be to cooperate with the State authorities and with the board of trustees or governing authorities of the various institutions herein provided for to carry out the terms, provisions, and purposes of this act. Said board shall have power to make and enforce all needful rules and regulations governing the admission of students to said institution, the military discipline, number of hours given to military instruction and drills, the guarding of the barracks, the conduct of the students, their punishment or dismissal for infractions of rules, the granting of furloughs and vacations, the designation of uniforms, the calls to summer-camp service, calls to war service, recommendation of graduates suitable for reserve officers, the register of their names as required by acts of Congress, together with all such needful rules and regulations pertaining to the military features of such institution and calls to service during the contract period. The said board shall have the power to formulate rules and regulations under which such students may be selected from preparatory and other schools and colleges and from the State at large in those cases where each county does not furnish its quota of students as hereinbefore provided in this act, and if said students can not be obtained in this way in said institutions, then the said board is authorized to formulate rules and regulations by which students may be selected from the Nation at large, to the end that there may be a minimum of 300 students at all times in said institutions. The board shall further have the power to provide rules and regulations for the admission of students generally and from preparatory and other schools and colleges in all cases not hereinbefore provided for. All allotments of money to institutions shall be made by said board on the basis, as far as may be practicable, that the boys can be kept, maintained, and educated, including board in said institution, at $400 each per year. The Secretary of War and an officer of the Army designated by the President shall receive no compensation for their services on said board other than they now receive by law. The Secretary of War shall be president of said board. The civilian appointee provided for herein shall be secretary of the board and shall hold his office for a term of six years, and shall devote his entire time and attention to the work of the board herein provided for, and shall receive a yearly salary of $6,000, payable monthly, and such sum is hereby annually appropriated out of any moneys in the Treasury not otherwise appropriated.

That the board herein provide for and the faculty of each of such institutions are hereby empowered to make all needful rules in reference to dividing the students herein provided for into classes the first year with the object and purpose of graduating as near as may be practicable 100 students from each of said institutions each year from the beginning.

That upon their graduation from the several institutions set out in this bill such graduates shall be at once transferred to the Army Officers' Reserve Corps, as provided by law, under such rules and regulations as the President may prescribe.

Mr. HAY. Mr. Chairman, there will probably be some discussion of this, and I would like to know how much time the gentleman wants, so I can arrange for it. How much time does the gentleman from Ohio want?

Mr. GARD. A number of gentlemen have spoken to me on the subject, and if those gentlemen desire to speak I wish they would indicate.

Mr. KAHN. I have applications for 35 minutes over here.

Mr. HAY. How much time does the gentleman from Ohio want?

Mr. GARD. Personally?

Mr. HAY. Yes.

Mr. GARD. Not to exceed 15 minutes.

Mr. HAY. How much time does the gentleman from Tennessee desire?

Mr. McKELLAR. I will take the same.

Mr. HAY. Mr. Chairman, I ask unanimous consent that all debate on this section, the substitute, and all amendments thereto, be closed in one hour, to be divided—the Chair can parcel out the time.

Mr. KAHN. The gentlemen over here who have asked for time ought to be recognized, because I understand the gentleman is making division upon that basis.

Mr. HAY. I do not know how the gentlemen are; I do not know which one of these propositions they are for.

Mr. KAHN. They have simply asked for the right to discuss the proposition.

Mr. TILSON. Mr. Chairman, will it not resolve itself into a contest between the Gard bill and the McKellar bill? That is just what it will come down to in the end, a contest between those two bills. Now, any fair division of the time that will take care of that arrangement ought to be made.

Mr. HAY. How much time does the gentleman desire in favor of the Gard proposition?

Mr. KAHN. Twenty-seven minutes on the Gard proposition——

Mr. GARD. Forty-five minutes, I would suggest.

Mr. HAY. Well, Mr. Chairman, I ask unanimous consent that all debate on this section, on the substitute, and all amendments thereto be closed at 4 o'clock, one-half the time to be controlled by the gentleman from Tennessee and the other by the gentleman from Ohio.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on section 18 of the bill, the substitute, and all amendments thereto be closed at 4 o'clock——

Mr. HAY. And all amendments to the substitute.

The CHAIRMAN. And all amendments to the substitute; half of that time to be controlled by the gentleman from Ohio [Mr. GARD] and the other half by the gentleman from Tennessee [Mr. McKELLAR]. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. Mr. Chairman, the substitute as offered by me for section 18 of the pending bill is not one which deals in so-called mechanical preparedness, but is one which has very much to do, I am sure, with that preparedness—physical, mental, and moral—which is necessary to maintain us in our exalted rank as the very first nation in all the world. I am thoroughly appreciative of the great work of the Military Affairs Committee of the House of Representatives, and would not offer this substitute unless I had done as I have, when, on March 17, last Friday, I caused to be published in the RECORD the text of that which I would offer as a substitute for section 18. The House knows, and those who have had dealings with the Committee on Military Affairs know, but I feel that not alone should the House know and those who have had dealings with the Committee on Military Affairs know, but the whole country should know of the accurate and comprehensive knowledge possessed by and the patriotic application thereof by the chairman of that committee, the gentleman from Virginia, Mr. HAY. [Applause.]

Mr. Chairman, in the serious business of writing this bill we approach a very important paragraph. At least, it is made very important by the substitute first proposed. The substitute which I have offered, I can say very frankly to you, is brought to you unassociated with any hysteria of apprehension, and not with the closing of the eyes to existing possibilities of danger, but it is a proposition which has been very carefully matured, which has been thought over and given careful consideration by men who have the very best interests of the country at heart, and who are most competent to give expression to the very best methods of training in student life.

And therefore I propose during the greater part of what I have to say to acquaint you briefly with that which this bill seeks to incorporate in the pending Military Affairs bill in this House.

At the present time and for 50 years, under the so-called Morrill Act, the Government of the United States has been giving aid to agricultural and mechanical colleges throughout this country, with the idea of increasing the mental and physical supremacy of American young men. This proposed substitute can be comprehended in one statement, when I say to you that this is an extension of the so-called Morrill Act to cover existing conditions and existing needs. The proposition that we now have, as made by this substitute, is that in the so-called land-grant colleges and, indeed, in all such other colleges as may come within the purview of the educational qualifications of this act, there is to be instituted and carried on in educational institutions two divisions for military instruction—a junior and a senior division. I pause long enough to say that I am in entire accord with the proposition that the United States of America is not to be in time of peace converted into an armed camp. I am not of those who believe in a large standing army, but I am of those who believe in the training of the young men of our country. [Applause.] And therefore this bill has for its basis, has for its best continuation, the training of the young men of this country.

I read from a publication in a Washington newspaper very recently, with my approval, the following language:

> The experience of every other nation teaches that the proper time to give military training is when young men are just out of school or college. Better still, if military discipline could be worked into the general course at the large educational institutions, it would not be long before a large part of the population would be well trained and ready to join the Army in case of war.

If we start with that proposition, we start with it as an educational proposition. Two divisions are herein made, namely, a so-called junior division and a senior division, and without going particularly into the details of these divisions, I merely desire to say that before anyone can be assigned to active duty as a reserve officer the young man must have had a four years' military training under a course prescribed by the Secretary of War and under the immediate instruction of a competent Army officer. It carries a provision that before one can be appointed to the officer's reserve corps he must be of those selected by the president of the institution in which he is a student and have the recommendation of physical and mental fitness by the officer who has been assigned to afford military instruction at his institution. There is no increased expense beyond the expense of a probable addition in numbers to the boys already receiving military instruction in these educational institutions, and for the enlarged course of military instruction. It provides for no military burden, causes no erection of barracks, no change of course of study, but it provides for a mental and physical training in military affairs of the young men in these colleges, of three hours a week for the first two years and of five hours a week for the second two years. In addition to that, before there can be any assignment by the President, it provides that these selected students shall then have had a course of attachment to the Regular Army of six months, where they are to learn the actual and practical application of military affairs and of that which they have learned in the college or school. After this time, after graduation, these selected students enter into a written agreement to the effect that if there is a call in time of war they will respond. This agreement governs their conduct for the term of 10 years. There is no expense, there is no pay to these students except during the time when they are actually in the service of the United States.

In the event of a call to arms, of course they would receive the same salary as is paid to a second lieutenant of infantry at this time; but there is no expense, except the slight additional expense of affording them opportunity for instruction during the last two years of their course in these colleges. But no expense of assignment, no general military expense, is associated with this bill, and none can be until these young men are actually brought out on call to be second lieutenants of the Volunteer forces. The bill does not change the way in which officers may be selected. It merely supplements and increases the way in which officers may be selected, and the gist of the whole bill is that this substitute proposal picks out the very flower of the young men of our country, for we all know that the very flower of our young men are those who seek to educate themselves, who through their own abilities and own industries and efforts are seeking to educate themselves.

These boys, to a large degree, go into the educational institutions mentioned in this substitute and earnestly strive, with the addition of the course of study therein prescribed, to perfect themselves for the duties of civil life.

Now, this bill cleaves to that line. It is not exclusively a military bill, if by such language it might be said that it seeks to build up a spirit of militarism in the country or in our youth, but it is a bill of preparation; it is a bill of physical and of mental and of moral preparation, the preparation of patriotism. It is such a bill that allows these boys and young men to carry on their course of study, influenced only by what they are to be in after life in the civic side. It affords them every

educational opportunity to be good American citizens, and that is the very highest thing. It has to do and it deals with a body of young men, gentlemen of this committee, who through their school course and in their after years live the lives of good American citizens and carry out the ideals of American citizenship. You may be assured that if this body of splendid young men, the flower of the country, is actually called for service in time of war they will respond unafraid and without hesitation, even to the most supreme sacrifice.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. McKELLAR. Mr. Chairman and gentlemen of the committee, unfortunately I have not been here within the last few days, and my remarks on this bill will therefore be in a measure desultory. There are two plans. One is the plan offered by my friend from Ohio, Mr. GARD, which is known as the colleges' plan. It is the plan that has been agreed upon by the colleges and universities of our country, and is a mild continuation of the plan adopted in the Morrill Act.

Now, you gentlemen who are familiar with military education in this country know that the reason of the Morrill Act was to supplement in some respects West Point. It was enacted during the Civil War. It has never accomplished anything in the way of an effective plan of preparedness. Why? Because it has no coordinated plan. The Government has no control over the graduates. The United States Government, that furnishes the money to these institutions, has no way of getting service in return for the money, and while those colleges, by the expenditure of that money, may have been benefited—I have no doubt they have been—yet, so far as the millitry preparation of the country is concerned, the Government of the United States has got but small return for the outlay of money.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. In a moment I will. So it is with this college plan. Why, gentlemen of the House, the greatest need in time of trouble, as every sensible man knows, is Army officers. You can make a soldier or enlisted man in a reasonably short time, but you can not make an officer overnight. You have to train him. You have to train him in his youth, and if you want to make an effective force of Army officers, or a reserve force of Army officers, you must do it with a coordinated plan, where the Government holds the strings and holds, to some extent, at least, the control over the military education of the boys.

Now, let us take up the two plans just for a moment. Here we need, according to the report of our War College, some 25,000 or 30,000 reserve Army officers. Some of their estimates go even higher than that.

Mr. DAVIS of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. McKELLAR. If the gentleman will just wait for a few minutes, until I have indicated the two plans, I will yield to him. It is essential, Mr. Chairman, that we should have a thoroughly coordinated plan of education under the control of the Government, which furnishes the money to help them, if we want to have success in securing a well-trained force of officers in time of trouble. You have heard the plan submitted here by my friend from Ohio, Mr. GARD. It means nothing. It is far less than the present plan under the Morrill Act, and you know that has meant nothing to us from a military standpoint, comparatively speaking.

Now, what is the plan suggested in my bill? I want to say that my bill was not conceived since this war began. My bill was prepared by me and introduced into this House nearly two years before the European war began. It was recommended at one time by the War Department. Last year it was favorably reported to this House. It is now on the calendar with another favorable report. And what is that plan? Under my plan we have a board of three, appointed by the President, to have control of these State and National institutions.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield right at that point?

Mr. McKELLAR. If the gentleman will wait until I have stated it I will. I will be delighted to yield. Our country, when we had less than 5,000,000 people, had one West Point, and we now have 100,000,000 people and we have no other supplementary institution to that. The general plan of my bill is to establish in each State in the Union one of these institutions fashioned in part after West Point, providing for a course of vocational education, so that, if you please, if you want to teach young men how to make powder, how to make arms, how to make munitions of war, we can do it in these several institutions that are established throughout the country.

Now, on what plan? That the Government is to furnish two-thirds of the expense and the States are to furnish one-third of the expense. How are these boys to be selected? Each State and any established institution in a State may receive the benefits of the act by agreeing to put up that one-third. Established institutions as a rule will get the money. But what has the State got to do with it? It has to give a four-year course of military training fashioned after West Point to at least 300 boys a year. These boys are to be selected by county superintendents of education from each county in each State. In that way military training will be established throughout the confines of our land. No State-rights principle is involved, because the State has a part in the plan. It provides for no militarism, but for education and military discipline as well.

Now, how do we know we are going to get a trained force under the system that I propose?

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. In a moment. Is it left to conjecture? Not at all. By section 9 of the proposed act it is provided that a commission or committee shall be established, composed of the Secretary of War and an Army officer selected by the President, and one civilian, and they are to hold the purse strings; they are to say what nature the military discipline shall be, and unless these institutions furnish the quid pro quo they do not get the money. And that is the best way on earth to insure that the Government will get what it seeks in the way of an effective Army reserve.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. McKELLAR. In one moment. No; I will yield right here.

Mr. MADDEN. How many States have colleges of the kind that the gentleman proposes now?

Mr. McKELLAR. Nearly every State in the Union.

Mr. MADDEN. Would the Government of the United States be called upon to build colleges under this bill?

Mr. McKELLAR. Not at all. And I want to show you the essential difference between my bill and the bill proposed by my friend, Mr. GARD. My bill proposes to educate free of charge 15,000 worthy young men in the country each and every year. His bill provides that whatever is contributed by the Government goes to the colleges and universities of the country. The question is whether you are going to stand for the free education of the worthy young men of our country, or whether you want to pour more funds into the hands of the colleges and universities that are already established.

Mr. MADDEN. Mr. Chairman, will the gentleman yield further?

Mr. McKELLAR. Yes.

Mr. MADDEN. Will the gentleman state to the committee how many colleges there are that will be qualified to give the character of education proposed in this bill, and what States they are in, and how much it will cost the Government of the United States each year? And another question that I want to ask before I sit down is, Would it not be likely that if this bill were made a part of the military establishment the States would find themselves just as they do in the case of river and harbor work, in a pork-barrel scheme, to get appropriations?

Mr. McKELLAR. Not at all, because it is an entirely different proposition. You can not do it. The bill establishes a Federal commission, which has to pass on the military training secured, and the money is not paid to any State until the work is done. You have no such provision as that in the river and harbor bill?

The CHAIRMAN. The gentleman has occupied 10 minutes.

Mr. McKELLAR. Will the Chairman notify me at the end of five minutes more, please? I want to answer some questions that gentlemen have asked me.

Mr. MILLER of Minnesota. Will the gentleman yield for a question?

Mr. McKELLAR. Certainly.

Mr. MILLER of Minnesota. I understood the gentleman to say that he did not think the money now appropriated under the existing Morrill Act resulted in any miltary efficiency for the United States.

Mr. McKELLAR. You can not get any Army officer to say it does, or to say any more than this, that it furnishes a general military education, in a way, to a lot of boys; but the War Department has no control over them; that is what I mean. There is no coordination about it. There is no way under the Morrill Act to make the military training given in these institutions an available military asset.

Mr. MILLER of Minnesota. I do not think that is exactly and literally correct.

Mr. McKELLAR. If you know of any control that the Morrill Act gives over them, it is more than I can find or more than the War Department has been able to find.

Mr. MILLER of Minnesota. I received military training in one of these schools. That school to-day has a regiment of 1,200 men, and if you will read the report of the Army officers who inspected that school last year you will see that there is not a finer military organization in the United States.

Mr. McKELLAR. That may be true of your school.

Mr. MILLER of Minnesota. And the State of Illinois has 2,400 men in its regiment.

Mr. SLAYDEN. Is it the gentleman's idea that the agricultural and mechanical colleges which have had Government aid have not turned out good officers for the Army?

Mr. McKELLAR. Very few, in comparison with what we pay for them. They cost us somewhere in the neighborhood of $6,000,000, and you have not any power over them to make them act as reserve officers. You do not know what kind of training they receive. They receive, for instance, in the school to which the gentleman from Minnesota refers—I do not know which one that is——

Mr. MILLER of Minnesota. The University of Minnesota.

Mr. McKELLAR. In the University of Minnesota they receive a lot of the best kind of military training. In other institutions of the country they receive just enough to get the Federal appropriation, and that is all.

Mr. SLAYDEN. I wish to say to the gentleman that I know some very brilliant officers who have gone into the Army from agricultural and mechanical schools.

Mr. McKELLAR. Yes; and there are some very brilliant officers in the Army who never went to any military school until after they got into the Army, but that is no criterion. What we need to do by this bill is to build up a coordinated plan of military training for officers.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. McKELLAR. Yes.

Mr. MOORE of Pennsylvania. Does not the gentleman's amendment provide that the teachers shall be furnished by the institution, and in that way does he not lose the national connection?

Mr. McKELLAR. Why, not at all. The military training, under my bill, is given over to an Army officer selected by the Secretary of War, who has control over the military training of the boys at that institution. Now, gentlemen, as it seems to me, it is just a question whether you want to vote for the boys. Think of it—a free education to 15,000 boys every year. It is a question whether you want to vote for that or whether you want to vote in favor of established institutions that will not give the boys any free education.

Mr. MOORE of Pennsylvania. Does not the gentleman's bill provide that the institution shall furnish a full quota of thoroughly trained teachers?

Mr. McKELLAR. Of course it does. That is what is provided in the Gard bill.

Mr. MOORE of Pennsylvania. Does not the gentleman break away from the idea of the union between the Nation and the States?

Mr. McKELLAR. Not at all, as the gentleman will see if he will examine the whole bill instead of one section. He will find that it presents a very carefully developed plan.

Mr. BORLAND. Will the gentleman yield for a question?

Mr. McKELLAR. Certainly.

Mr. BORLAND. My understanding is that some such provision exists in Canada for Dominion aid to the colleges.

Mr. McKELLAR. A very similar provision; and, by the way, Canada has furnished a great many of the officers to the English Army.

Mr. REILLY. What is this bill going to cost?

Mr. McKELLAR. A little less than $4,000,000. And, by the way, let me say right here that the 30 cadet companies provided in the original section will cost nearly $6,000,000 a year. I do not know how much the Gard bill will cost, and nobody can tell. It provides for furnishing horses for cavalry, and various other things, to these institutions that want to be built up at the expense of the Government. I do not blame the institutions and colleges, but the question is whether you are going to vote here to contribute money to the colleges and universities of the country without getting any return for it, or whether you are going to vote for a coordinated plan to give military training, which will be a real training, under the control of the War Department, under the control of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Will the gentleman answer a question?

Mr. McKELLAR. I will take one minute more to answer the gentleman's question.

Mr. HOWARD. I should like to have the gentleman explain one of the very best features of his bill, and I say that because I have devoted some study to it myself.

Mr. McKELLAR. I will yield the gentleman five minutes to discuss it.

Mr. HOWARD. I should like to have the gentleman tell the committee what return the Government gets from these young men.

Mr. McKELLAR. I am very glad indeed that the gentleman has called my attention to that. Of course this is not to be given to the boys without some return. They are required to contract in writing that in return for this free education—and it will graduate somewhere in the neighborhood of 5,000 a year when all the institutions are running—they will serve their Government at any time called upon within seven years after graduation as Army officers. They are required to sign an agreement in writing to that effect. In that way, in the course of seven years, we will have an ever-continuing reserve of some 30,000 officers for less than $4,000,000 a year. By educating these boys we will have a continuing reserve of somewhere in the neighborhood of 30,000 Army officers, the number required by the War Department under the present plan.

Mr. GARD. I yield three minutes to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I trust this House will not pass the McKellar bill without giving it more consideration. This proposition has not been well considered. You are about to tie the hands of your State universities and agricultural colleges in every State without proper investigation, and the man who comes upon the floor of this House and cripples his State institutions, agricultural college and college of mechanical arts, makes a serious mistake, and he will find it out when he hears from his constituents interested in maintaining agricultural schools. You may deprive your agricultural school and university of your State of the Morrill fund, not realizing the full force of this bill, which has not been properly considered. I say to you, if you take the Morrill fund from the University of Georgia, the agricultural school of my State will suffer, and I beg you to think before you act unwisely on this bill. I hold a letter in my hand from Chancellor Borrow, of the University of Georgia. He is a wise and great man; he does not speak idle words; he does not talk much, but when he investigates a question and gives his opinion it means something. Chancellor Borrow protests against the passage of this bill, and one paragraph in his letter reads as follows:

> Any direct appropriation for higher education in Georgia has a constitutional limitation which places the institution to which the appropriation is made under the control of the trustees of the university. It seems to me that the bill of Mr. McKELLAR, which places the supreme control in a board of three, would require an amendment to our State constitution before its provisions could be met by the State.

That is a serious proposition for the University of Georgia and the agricultural department, where there are 400 or 500 students every year carefully drilled, trained, and prepared to take charge of any command in the United States. To require the University of Georgia or your State to get a constitutional amendment in order to retain the Morrill fund is absurd. Furthermore, the changes proposed by the McKellar bill would cause confusion in all the States using the land-scrip fund.

Mr. Chairman, such a bill as this should be on an appropriation bill to be considered in a few minutes, as an amendment.

Mr. McKELLAR. Will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. McKELLAR. In the first place, I want to say that this is not an appropriation bill, and, in the second place, there is no reason on earth why the University of Georgia can not accept the benefits of this bill if it wants to.

Mr. TRIBBLE. This bill provides for an expenditure of over $100,000,000. The gentleman comes from Tennessee and does not know anything about the condition of the University of Georgia. I have quoted from Chancellor Borrow of the university, and he knows the situation. The gentleman from Tennessee does not know anything about the constitution of Georgia or the constitution of other States in this Union. I grant he knows what is in the constitution of Tennessee. I do not doubt that. But I insist that the university of my State should not suffer on account of premature action on this bill. Let us not pass any kind of legislation relating to war measures without proper deliberation just because preparedness is popular. We should act with proper care and give the country what is needed.

Now, Mr. Chairman, I want to say that there is not a superior body of men and soldiers on the face of this earth to that body of boys at the University of Georgia. They are thoroughly

trained and are able to take charge of any command of soldiers in the United States. They enter the freshman class and take military training four years. You would be surprised to know the great number of brave, trained young men who wanted to go to the front with Capt. J. H. Busse's volunteer company at Athens in the Spanish-American War, but were rejected because this brave young volunteer officer could not accept more volunteers.

Mr. Chairman, I trust this House will not interfere with the great work done by the institutions using the Morill funds, and I appeal to you to defeat this bill. [Applause.]

Mr. McKELLAR. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

[Mr. HOWARD addressed the committee. See Appendix.]

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I hope I am not biased by the fact that I attended one of the land-grant colleges. I spent five years in what is now called the University of Illinois, then the Illinois Industrial University. During that time I took military training and military instruction—a course of three years in military instruction. I was captain of Company F for one year, captain of Company A for one year, and, I think, though I may be mistaken about it, that when I came out of the university, I was quite competent to instruct a company of raw recruits and to command a company with reasonable success under superior and wiser officers.

I do not think the University of Illinois gives quite as much attention to military matters now as it did in those days, which were not so long after the Civil War, but there is no reason why they should not give the same attention now if the Government encourages or requires it, and that university, having thousands of students at it, bright young men, if they are given military training under the instruction of Army officers, will furnish lots of good soldiers and good officers, and, in my opinion, it can be done faster in that way than in any other way. The Gard bill would do that. The McKellar bill would provide for certain students who were charity students. I remember when I came out of the University of Illinois, then called the Illinois Industrial University, that the word "industrial" afterward became attached to certain penal and reformatory institutions to such an extent that many of the old students, though they had not been these charity students, felt the ignominy of being compared with reformatory institutions and secured the change of the name. I do not believe it is feasible to say that in each State of the Union you shall have 300 students on the charity of the Government, when you can get thousands of students on the other side who earn, many of them, their own way through college, with a determination to have an education, and who are as patriotic as any students ever can be. I remember our regiment in the seventies, when trouble was threatened with Spain, had a meeting and wired to the President of the United States, tendering their services as enlisted men, and even so long after my own education at the University when the Spanish War broke out, while I was a Member of Congress, remembering that I had taken military instruction and drill through the expense of the United States, and its grant to the land-grant colleges, I offered to enlist out of this House into the Army as a private from Illinois. [Applause.] I do not think that I was at all exceptional in this regard. I think if you will make these land-grant colleges feel that they owe something to the Government, and make the students who go there feel that they have received some training through the benefit and aid of the Government and the Army officers, you can build up as fine a lot of young men as you will ever find in the world for the amount of instruction which is given to them. [Applause.]

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I think there may have been a misconception of the Gard bill through what was said by the gentleman from Tennessee [Mr. McKELLAR] when he stated that the Gard bill was the college bill. I fear some might think it would be limited to the land-grant colleges. That is not true. There are now 101 colleges in the United States to each of which is attached an Army officer or some one of rank detailed by the Army as an instructor of military tactics, and of that group there are only 51 that are land-grant colleges. The balance of them are either individually owned as private institutions or have some other designation. A statement by Supt. Jones before the committee showed 11 essentially military colleges, 27 essentially military schools, 53 land-grant colleges and other colleges, and 9 other institutions in which military training is now given. The wording of the bill says:

> Shall consist of a senior division organized at universities and colleges requiring four years of college study.

That is one designation. It refers to those schools which require four years as a requisite for an academic degree, and it—

> includes those State institutions that are required to provide instruction in military tactics as one of the conditions of original grant.

That phrase refers to the land-grant colleges. Then there is the second class:

> There shall be also a junior division organized at all other public or private educational institutions. This provision will extend to those schools which do not require four years for graduation.

So that it is a misconception to think that the Gard bill is limited to the land-grant colleges.

As I said a moment ago, there are at present 101 that give this instruction, and under this bill that number can be increased without limit, for the reason that any institution that maintains 100 students of healthy body will fall within the requirements of the Gard bill. If a million men were called for some time in the future we probably could easily get them, but we would not have the officers to command them; and it seems to me that one of the great requirements is for us to provide for these officers as speedily and as economically as we can. Volunteers we can get at any time, but officers to command them is the problem. Here is an opportunity under the utilization of the present existing educational institutions by which we can supply a very large number of officers who might be required. President James of the State University of Illinois said before the committee that his institution had 2,069 in the military department last year. I do not know how many it has this year, but it was stated there were over 2,000—2,400 this year. It was stated before the committee that the University of California has something like 2,500. I know that the State University of Ohio has a very large attendance of these military students. In Ohio there are four institutions to which are detailed Army officers; in Georgia I think there are four; in Illinois there are at least two; and in Indiana there are four, I think.

Mr. MOORE of Pennsylvania. Will the gentleman allow me to say that the Pennsylvania State College has 1,200 students trained in the science of military tactics, with one Army officer detailed?

Mr. FESS. I am aware of that, and the truth about the matter is there is not more than one Army officer to any of these institutions. This bill seeks to cure this defect in this work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The time is controlled by the gentleman from Ohio and the gentleman from Tennessee.

Mr. GARD. How much time does the gentleman wish?

Mr. FESS. Five minutes.

Mr. GARD. I am very much impoverished for time because I said I would take care of a number of gentlemen who asked for time. Possibly the gentleman from Tennessee will give some of his time.

Mr. McKELLAR. Mr. Chairman, I will yield the gentleman three minutes.

Mr. FESS. Mr. Chairman, I desire time enough to say that as a student in one of the institutions in Ohio I had the opportunity of a military training for four years. In that institution I was a professor for 15 years. During all of that time I saw the work of the military department of that institution and can testify to the splendid work of that particular college activity. When the war broke out with Spain there was a call made upon that institution and Capt. H. L. Price, now of the Regular Army, doing service down on the Mexican border, was one of the boys who had been drilled in that private institution, who had come there without money and worked his way through as suggested by the gentleman from Illinois [Mr. MANN], and he now holds an unusually distinguished place in the Regular Army. In Cuba he was present and on Gen. Shafter's staff when Santiago was surrendered. I wanted the three minutes to say that the training of these schools is not in competition with West Point or the established military institutions under the Government. It is simply to supplement the work of those institutions, and it seems to me that it is the most economical method by which we can supply what might be a great demand in the future. Why not utilize these institutions as they are now without very much added expenditures? Think of the value, not to the Nation alone but to

the individual student. No student has ever been harmed by military training. It is one of the finest mental disciplines of which I know. No boy can stand in company form and execute the manual of arms and be indifferent. He has to be on the qui vive every minute and is thereby wonderfully disciplined in mental training. Besides that the moral influence is wonderfully valuable. To be under discipline and to learn obedience is one of the moral lessons our youths most need to-day. Aside from this influence, military training has a very important influence on the health of the body. These are items of importance to the student, to say nothing of its value to the Nation.

Mr. Chairman, I append here a statement from Capt. Converse, commandant of cadets at the Ohio State University, Columbus, Ohio.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RALPH D. MERSHON,
80 Maiden Lane, New York.

DEAR SIR: Referring to the questionnaire submitted to me by you relative to the subject of military training in civil educational institutions and the bearing thereon of the Pomerene bill, S. 3946. In what follows I have repeated the questionnaire and under each question given the answer thereto.

(1) What legislation is there now in force providing for military education in civil educational institutions?

The Morrill Act of 1862 and subsequent amendments and extensions.

This act gave a grant of land to establish at least one college in each State where "the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe," etc.

To carry out the military part of this program supplemental legislation has been passed authorizing the detail of Army and Navy officers as instructors in institutions having the capacity to educate at one and the same time not less than 150 male students and authorizing the issuance of military equipment to colleges and universities.

The War Department has issued general orders for the execution of this work.

These acts have been amended from time to time increasing the number of officers available for teaching duty.

Under this legislation a great system of colleges and universities has been created, slowly at first, but with gathering momentum as the years have passed, in which military instruction is an important feature.

It is to be noted that the above-mentioned supplemental legislation, authorizing the detail of Army and Navy officers and the issuance of military equipment applies to any college or university meeting the prescribed requirements, but that it gives preference to the land-grant colleges.

(2) What is the total number of "land-grant colleges" established under the Morrill Act, and what is the total number of men under arms at these institutions?

At the present time there are 50 land-grant colleges, including 1 in Hawaii and 1 in Porto Rico. One of the land-grant calleges in the United States has no officer detailed to it. The total number of students under military instruction at these institutions in 1915 was 22,938. This figure is from reports made by the colleges to the War Department at the end of the school year and represents the minimum of attendance during the year. The average of attendance for the school year would approach 25,000.

(3) What is the total number of civil educational institutions of all kinds in which military training is now given, and of this number (A) how many require four years of collegiate work for a degree, and (B) how many require less than four years of collegiate work for graduation?

The following figures apply to the year 1915:

Class (A): Land grant	49	
Others	14	
		63
Class (B)		38
Total		101

(4) How many men are there under arms in each of the two classes of institutions mentioned in question (3)?

Class (A): Land grant	22,838	
Others	4,128	
		26,966
Class (B)		5,157
Total		32,123

The above figures are all minimum figures, as noted in the answer to question (2). The average total attendance would approach 35,000.

(5) If the bill is passed, how many of the institutions now giving military training are in a position to adopt the training proposed in the senior division, and what will be the probable annual output from these institutions of men who have taken the full training of the senior division?

If the bill is passed, 64 institutions now giving military instruction will be in a position to avail themselves of its provisons.

Estimates of the annual output in the immediate future made by several persons familiar with the subject vary from 3,000 to 5,000. My own view is that the figure can be conservatively put at 3,500. Undoubtedly as time goes on this annual output will be very considerably increased, not only because of the increased attendance at the various institutions but through the adoption of military training in other institutions as its advantages become more thoroughly appreciated.

(6) Under the plan proposed by the bill, what would be the probable total number of men available at the end of 10 years who had received the full training of the senior division?

Estimates made by those familiar with the situation vary from 38,000 to 50,000 or 100,000. My own opinion is that a conservative figure would be 45,000.

(7) What is the scope of military training at present given in civil educational institutions, and what is that proposed under the new bill?

Under the Morrill Act land-grant colleges are required to give military training. No specific legislation has been enacted defining what this military training shall be. Colleges in the different States have interpreted it differently. The War Department has tried to systematize the training by defining an acceptable minimum below which they will not assign Army officers as instructors. In this indirect manner some considerable degree of uniformity has been obtained. Some States go far beyond the required minimum which is as follows:

Close-order work of squad, company, and battalion; extended-order work for same; indoor target practice, including the use of sights and wind gauge; some advance, rear guard, and outpost practice; study of military tactics including some theoretical work covering the above ground; some instruction in map drawing and the theory of map making.

The training proposed under the plan of the new bill is the same as now given, but somewhat extended in the school, and supplemented by summer camps under the supervision of the War Department. The contemplated additional work is:

Theoretical and practical map making and road sketching; theory of field orders; theory of small problems, company and battalion. At the Army instruction camps under the supervision of the War Department there would be also long-range rifle practice, marches, construction of trenches, actual problems, camp life, and camp sanitation.

(8) What is the present equipment in the various schools now giving military training, and what assistance is given these schools by the United States Government?

The assistance given is of two kinds, military instructors and military materials and equipment.

Under the present laws only one officer may be detailed by the War Department for each college, university, or school regardless of the number of students to be taught. That is, no more officers may be detailed to an institution having 2,500 men under arms than to an institution having 150 men under arms. Retired officers may be detailed in addition, provided the institution will bear the cost of bringing the retired officers' pay up to the active rate. The total number of officers detailed in 1915 for teaching 32,123 students was 101. The distribution was such that some of the officers detailed had very light work, while others were completely overwhelmed.

The military materials and equipment consist of rifle, belt, and bayonet for each man; rifles and ammunition for gallery practice; a few institutions have a battery of field artillery. This equipment is all furnished by the War Department, but is taken from the more obsolete of the Army stores.

(9) What equipment would be required under the new bill, and what assistance is contemplated on the part of the United States Government?

In addition to a full infantry equipment for each man, a rifle, belt, bayonet, pack, etc., there would be, at each institution, a battery of artillery, a signal outfit, a first-aid outfit, and a motion-picture outfit for giving military instruction. It is contemplated also that there will be detailed at each institution as many United States officers, noncommissioned officers, and enlisted men, active or retired, as may, in the opinion of the President, be necessary to properly carry on the military instruction.

(10) Would the adoption of the plan provided for in the bill have any beneficial results other than those connected with military preparedness?

It is the conviction of those who have studied the question of military training and discipline from the educational standpoint that the effect of such training in character building and in promoting the efficiency and thoroughness of the individual has a value as great or greater than any other single study in the academic curriculum, and that its value to the country in this respect exceeds that from the standpoint of military preparedness. This conclusion is borne out by those who have had occasion to employ graduates of universities and colleges. There are certainly few thoughtful people who would not also agree that if there is any one thing of which the youth of the land at the present time stands in need in order to have a fuller appreciation of civic duty and a greater regard for law and authority it is discipline.

But there is a more immediate advantage which will accrue to the young man taking training under the provisions of the bill. He will receive an allowance of clothing, and, in addition to such allowance of clothing, he will, if taking the advance course of military training, receive a cash payment in lieu of and equivalent to the Army ration. This payment will amount to about $75 per year. These purely material advantages will be of very considerable moment to many students, especially those of limited means. In many cases such assistance toward defraying his expenses will constitute the determining factor with a young man of limited means as to whether or not he can take a college or university education.

(11) What is the cost of the plan proposed by the bill compared with others which have been proposed for the effective training of officers?

While not attempting to give exact figures, it is safe to say that the plan proposed under the bill is certainly by far the cheapest of any yet proposed, for the reason that it builds upon an existing system and therefore requires no new institutions and but comparatively slight increase in the number of instructors or military equipment, aside from that required by the summer camps.

(12) Has the European war demonstrated the fact that educated officers are necessary?

The European war has demonstrated the fact that educated officers are absolutely necessary. The greatest lack to-day amongst most, if not all, of the nations engaged in the European conflict is that of properly trained officers.

(13) What is the minimum length of time required to train a reasonably prepared soldier, and what that required to train a reasonably prepared officer?

One year of intensive training is necessary for the training of an enlisted man in the Infantry. A longer time is required in the Cavalry and Artillery.

To train an officer, starting with a college graduate over 21 years of age who has previously received no military training, would require two years of intensive training as a minimum in the particular branch of military work he took up. For a college graduate who has received the training contemplated for the senior division a year in the Army would make him a very excellent officer.

(14) How many officers are there in the Army and how many in the National Guard?

There are in the Army at the present time about 4,800 officers. In the National Guard about 8,800, most of whom can not be considered as properly trained for modern war. That is to say, in case of war there would be available a total of about 13,600 men presumably fitted for duty as officers, some of whom have not had adequate training.

(15) In view of the European conflict, what is the probable minimum Volunteer Army it would be necessary to raise in order to protect the

United States in case of an attempted invasion, and how many officers would be necessary to properly officer this army?

In case of an attempted invasion of the United States it would be necessary to raise a Volunteer Army of at least 1,000,000 men. The officers necessary to properly officer this army would be about 60,500, as follows:

Line officers	30,000
20 per cent attrition	6,000
General and personal staff supply department	500
Recruiting, instruction camps, etc	12,000
Aviation, engineers, judge advocate, pay, signal, medical	12,000
Total	60,500

It should be borne in mind that, in addition to the officers necessary to officer and provide for the Army itself, there must be others engaged in recruiting and training men and officers to make up for wastage, as well as a certain allowance for wastage before the training and recruiting camps begin turning out any product.

(16) What provision would it be necessary for the War Department to make to insure effective attainment of the objects aimed at by this bill?

The plan of the bill can be made effective through regulations of the War Department putting the bill into effect, such as the method of selecting the seniors on the approval of the commandant of cadets, unannounced inspections during the year, and reports of officers at summer camps as to the relative preparedness of the cadets in attendance from various institutions, etc.

Hoping the answers given above are sufficiently explicit for your purpose,

Very truly, yours, GEO. L. CONVERSE,
Captain, United States Army, Retired,
Commandant of Cadets.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, there are two things which seem to me to be most essential at this time. The first is to devise, if possible, some system for universal military training for young men without the feature of compulsory service. The second is to provide a very large number of trained officers available for service in the event the country should be involved in war. I favor the Gard amendment because I believe that it will accomplish more than any of the plans thus far proposed. Under the McKellar amendment but one college in each State is equipped and fitted for the training of young men to become reserve officers. Under the Gard amendment every educational institution in the United States can obtain the facilities to provide a course of military instruction for its students and to train and equip them to become officers. In educational institutions which have a collegiate course of four years a senior corps is organized, and at the end of the four years' course the student who has taken the course, with five hours a week in military training, when graduated serves six months as a temporary lieutenant assigned to a regular military organization of the Army. A corps of reserve officers of 50,000 of these graduates is created by appointment or selection by the President from such graduates; so that at the end of a very brief period 50,000 graduates of these colleges, who have had four years' instruction and six months' actual service in a military organization, have been trained and are available for use by the Government in time of necessity. Everyone of experience knows that a number of institutions would gladly avail themselves of the opportunity to establish a course and accept the services of a military officer detailed as an instructor under the proposed legislation. Not only in the land-grant colleges are young men found who because of lack of means are compelled to earn their way through college, but in every great institution of learning in the United States there are very many worthy young men who by grant of scholarships work their way through college and attain distinction both in their college career and in after life.

These young men can be given the opportunity to obtain with their studies thorough military training. Some of the large universities have already established courses and organized cadet corps, and we should give them an opportunity to benefit by the legislation to be enacted. [Applause.]

Mr. McKELLAR. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I am going to support the McKellar amendment. One of my reasons is that it has been given very careful and favorable consideration by the Committee on Military Affairs and the War Department, and it carries with it the strong indorsement of the late Secretary of War, Mr. Garrison.

It is proposed under the provisions of the Gard amendment to get something very valuable for nothing. In this general military preparation we are enacting for the benefit of the country we have to pay for everything which is important and necessary. If it is worth having, if it is essential, it is going to cost money. The McKellar proposition places these institutions under the direct control of the National Government and carries the necessary amount of money to insure success.

I know in the private military schools of the country, even under the Morrill Act, in some of the States there is thorough, efficient, and splendid work. In other sections the work does not measure up to the high standard of efficiency or good results. But under the McKellar amendment every institution affected will be under the direct control of the War Department, which means perfection and efficiency, not in one, but it means thorough military training and education of young officers in every State in this Union.

Under the McKellar proposition there is nothing in the way of a State agricultural college receiving the benefits of its provisions. Now, many of us, and I am in the lot, had a four-years' military training in the so-called agricultural college or university, receiving the benefit of Government aid under the Morrill Act. But there is or was no compulsion. The Government of the United States in case of stress or need can not demand the services of any of the young men who are educated in the State institutions having the benefit of the Morrill Act. But under the provisions of the McKellar amendment we have an ironclad contract, which can be enforced and can bring to the service of the military arm of this Government at the end of seven years 33,600 officers thoroughly trained under Regular Army officers.

Now, what did we find with reference to the European war? At a critical stage, so far as the Russian Army is concerned, they experienced a shortage in officers. There were so many killed, wounded, and missing that large sections of the Russian Army were without efficient officers to command and direct the men. Here is an absolute guarantee that our Government will have the necessary trained and experienced officers under contract, and that contract is worth, as a national investment, all the money carried in the proposed amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. Mr. Chairman, I yield one-half minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I am in favor of the Gard bill, and I ask unanimous consent to extend my remarks in the RECORD by printing a letter I have received from Dr. C. A. Duniway, president of the University of Wyoming, setting forth the advantages of the plan proposed by the Gard bill over the plan of the McKellar bill.

The letter in question is as follows:

THE UNIVERSITY OF WYOMING,
Laramie, March 16, 1916.

HON. FRANK W. MONDELL,
House of Representatives, Washington, D. C.

MY DEAR MR. MONDELL: I wish to thank you for your letter of March 10 with its inclosures. I had just recently seen a copy of the McKellar bill and my work on the executive committee of the National Association of State Universities had made me entirely familiar with the provisions of the Gard bill.

You ask me to give you my criticisms of the McKellar bill. These may be summarized as follows:

First, it looks to the creation of a new educational system rather than making use of existing institutions. Furthermore, the proposed McKellar system, with its combination of Federal and State control, the personnel of its governing boards, etc., seems to me distinctly a bad system.

The McKellar system of military schools would be one that must be definitely military, whereas, in my opinion, military preparedness should proceed along the line of giving people who are going into civil life enough of training so that they will be reasonably efficient when emergencies bring them into military service.

The McKellar system will be expensive both to the Federal Government and to the States if it can be carried out. The States will be obliged to vote large sums of money for buildings, equipment, grounds, and general maintenance.

The McKellar system, although it provides that existing land-grant colleges and universities might be utilized, contemplates definitely the creation of new institutions. The proposed system is at fault in ignoring work already done, institutions already created, whose grounds, buildings, equipment and faculties are available.

A wise policy would look to the improvement of the present system of military instruction in land-grant colleges and universities just enough to make their work thoroughly efficient. A small additional increment of expense and effort would make their graduates well-prepared material for service in a reserve army. In my opinion that is what the Nation now chiefly requires.

Let me commend to your particular attention the bill introduced by Senator CHAMBERLAIN, S. 4840. Sections 44 to 57, inclusive, of this bill are virtually the same thing as Mr. GARD'S bill. I hope sincerely that you and the other Members of the Wyoming delegation may give your support, at least, to the general principles and policy of the Gard bill, which is the same as the bill introduced by Senator POMERENE and likewise included as part of Senator CHAMBERLAIN'S bill.

Very truly,
C. A. DUNIWAY, *President.*

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, on the first day of the present session I introduced a bill providing that the Government should furnish the necessary arms, tentage, and other equipment for military training and summer encampments in high schools

which should maintain a voluntary cadet corps in accordance with regulations made by the Secretary of War. I shall vote for the amendment proposed by the gentleman from Ohio [Mr. GARD], because this amendment provides in large part for the same things provided by the bill which I introduced and is more in harmony with the provisions of the bill which we are now considering than my bill, and is in some respects more complete. In addition, the amendment proposed by the gentleman from Ohio has the indorsement of the War College Division, of the General Staff, of Gen. Scott, and of Gen. Wood.

Gentlemen must not get the idea that the amendment now under consideration limits the furnishing of arms, equipment, and tentage by the Federal Government to universities, land-grant and other colleges. As a matter of fact, the bill will make possible military training, including summer encampments, in 1,097 high schools in the country. It provides for furnishing such equipment to any school which has a male enrollment in excess of 100. There are 1,097 such high schools, in addition to numerous universities and colleges. These high schools have an enrollment of 399,234 young men who can, under the provisions of the amendment proposed, receive military training. Consequently the Gard amendment goes very much further than the McKellar amendment, and will reach approximately ten times as many young men annually.

If we are looking to the future, and this is the prerogative of statesmen, we must recognize that preparedness for national defense means more than merely providing for the hiring of some thousands of men to do our fighting for us. It means more than making soldiers. It means making men, men with sound bodies and sound minds, who have been taught the advantages of self-control and the necessity of decent restraints, who appreciate that patriotism requires the cheerful assumption of civic duties and responsibilities in time of peace as in time of war, men who have learned obedience, not the obedience of unthinking acquiescence but the thinking obedience of men who know the reason why. [Applause.]

Mr. Chairman, patriotism can not be taught by word of mouth, it must be felt. It comes from an association with those institutions and symbols of our national life which stand for Americanism. The amendment proposed will afford the machinery for making sound minds and sound bodies, and the environment and association which inculcate a sense of patriotism and loyalty to America and American ideals.

As I have previously stated, there is nothing new in the idea of military instruction in the schools of the country. Washington, D. C., has had it for 50 years, Boston for 32 years. It is now employed in practically all of the schools in the State of Wyoming. In an article for Everybody's Magazine for February, 1916, George Creel outlines the establishment of military training in the schools of Wyoming and its results. The article is worth the reading of every American. I wish I might incorporate it in its entirety, but I shall confine myself to quotations of some of its strong and pregnant sentences:

Service in the cadet corps of Wyoming is not compulsory, and there is no such thing as active recruiting, yet 90 per cent of the high-school population of the State has volunteered.

The essence of militarism is excessive armaments and a huge standing Army, while our purpose is no more than such training of youth during the school years as will permit them to devote their manhood to orderly civil pursuits. You can't cut militarism out with a moral precept; you've got to crowd it out with something better and finer.

The two types of military instruction—intelligent obedience and unthinking acquiescence—got a competitive test in the Boer War. The autocratic English system failed, and victory rested with the democratized, thinking citizen soldiers of Australia and Canada.

The lesson was not allowed to lose its vividness. In May, 1915, a second intercity tournament was held, this time with Rawlins added to the list, and again the Casper squad carried off first honors. Wall scaling calls for five trials, and three times that gallant little eight did the trick in six and one-fifth seconds, a fourth run in six and three-fifths, and the fifth run in six and four-fifths. Think of it! A 15-foot dash, a wall 8 feet 4 inches in height, each youngster with a heavy rifle in his hands, and the eight of them piling over in six and one-fifth seconds!

Is it any wonder that of the four-year boys in the Wyoming high schools only 5 out of every 25 have less than 40-inch chests?

Patriotism when unaccompanied by physical fitness is not the splendid and effective passion that the pacificist gentlemen would have us believe when they declare that America's call for defenders would find a million men in arms by nightfall. The records prove that 50 per cent of those who offer for enlistment can not be accepted, and that 50 per cent of those who are accepted die before the firing line is reached because they can not stand the hardships of the open.

The juvenile judges say: "We are the doctors, but Lieut. Steever is the sanitarian. We prescribe, but he prevents. There used to be about 8 per cent of delinquency among high-school boys, but the self-discipline and self-restraints of the cadets have wiped it out."

Another tremendous benefit lies in the complete elimination of class distinctions and caste lines. Snobbery finds it impossible to live in the democratic atmosphere of the Cadet Corps, for just as every squad has its weak and strong, so it is made up of the rich and poor, the Fauntleroys and the Smikes. A feature of the cadet year is the parties given by the sponsor or by the squad itself under the supervision of the sponsor, and it may be the case that the sponsor is a banker's daughter and the squad leader the son of a miner.

Another democratizing influence lies in the entertainment arrangements during the intercity tournaments. The boys and the sponsors are not sent to hotels, but are billeted on the members of the local corps. As a consequence the car conductor's son may be the guest in the home of the car conductor's president or the son of a magnate may be occupying the spare room in the cottage of a workman. The time to sow the seeds of democracy is in youth, before prejudices have had a chance to harden.

Mr. Creel quotes also a statement made by Maj. Gen. Wood, of the United States Army, in regard to the military value of training in the schools.

The statement of Maj. Gen. Wood is as follows:

Give these Steever cadets three months in a training camp for the purpose of coordinating what they have learned, and familiarizing them with the work in the mass, and you will have as fine and effective a body of troops as ever took arms in defense of a country. The high-school training gives the boys the sound physical base that is the first essential to any rational plan of national preparedness. It teaches the important lessons of abstinence and self-mastery, and forms the invaluable habits of discipline and cooperative effort. Above all, it grounds them in the fundamentals of military science and training, lifting them high above the raw volunteers who are the despair of officers in a crisis.

These quotations, as they express the purpose and the result of the Wyoming system, show more conclusively than anything that I could say the advantages both to the students and to the Government which would arise from a voluntary system of military training in the schools of the country.

I sincerely hope that the amendment may be adopted.

Mr. GARD. I yield three minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the Gard bill amendment provides virtually a military-extension course in our high schools, colleges, and universities. The main advantage of the bill is that the military instruction is optional. No student is obliged to undertake this military training unless it has his full approval, and no obligation is placed upon the National Government under this Gard bill other than the detail of Regular Army officers to instruct the youth in the junior and senior classes, and to furnish them with equipment. It extends military instruction to those institutions other than land-grant colleges and those receiving national aid under the Morrill Act. We all know that thousands of students at the leading colleges and universities of the country are only too willing to receive this instruction, and the bill provides the means for instructing these future reserve officers in the manual of arms.

There is one strong sentiment dominant in this House, and that is to provide by every practicable means for military training to all who wish to be equipped, in case of eventualities, to be efficient soldiers, and the other is to avail ourselves of every opportunity of training those who are qualified mentally and physically to be officers in case of need. These men who volunteer in these cadet regiments, if they see fit to enlist for a period of 10 years for appointment in the officers' reserve corps, will then have the option for a period not exceeding six weeks each summer to receive direct instruction in military tactics at encampments, and then be subject to call at any time in that period in the defense of country. [Applause.]

It is extending the policy that proved so popular and was so successful last summer at the citizen military training camps. Many of those who showed their willingness to respond to call were college graduates engaged in commercial, industrial, and professional work.

We should not deny to any student the possibility of such training which tends to his physical, mental, and patriotic development, and which will provide a large force of volunteer officers in case of war from those mentally trained to command and direct.

The bill provides military training to all high-grade students with patriotic fervor to prepare for the country's call when needed. It provides preparedness of the best kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKELLAR. Mr. Chairman and gentlemen of the House, I would like to have your attention just for a few moments. I want to correct an impression. There is nothing in this bill of mine that aims at land-grant colleges or takes anything from them in any manner, shape, or form. I do not know how the gentleman from Georgia [Mr. TRIBBLE] could have made a statement like the one made by him. He can not have read either bill. If he had read either one of them he would have known they do not refer to the land-grant colleges in any way.

The only possible effect it can have on the land-grant colleges is a beneficial one. It may be that his particular land-grant college can not accept the benefits of the act, but most of the other land-grant colleges can accept the benefits of the act.

Now, another thing: The distinguished gentleman from Illinois [Mr. MANN] says my bill will be a charity to the boys receiving the benefit of the act. It would be on exactly the same

principle upon which the boys at West Point are educated. That is not a charity. Those boys receive their education and are required in turn to give their services to the Government. That is exactly what these boys are required to do under my bill. My bill gives the worthy and deserving boy the opportunity for education.

Now, I want to say that if there is anything here that interferes with any institution of learning already in existence, I would not be for it. I know what it means to have to work for a college education. I know how much it would mean to the worthy boys in your districts—each one of you, my friends—if they could have the opportunity that is offered to them in the bill that I propose here to get an education, to get a splendid collegiate education, and one of the best forms of military training that could be given them. It would not be a charity. They would agree to serve their Government as Army officers at any time they are called upon within seven years after their graduation in return for their education. Is that charity? If that is charity, then we are charitable to West Pointers. The situation in principle is precisely the same.

Gentlemen of the committee, I would call your attention to this fact, that this Government of ours contributes comparatively nothing to the cause of education. The five or six million dollars that we give to the land-grant colleges of our country and the millions that we expend every year on West Point are all that we contribute to the cause of education, in substance. This plan of mine provides for only four millions more, and while it provides for only four millions more, it gives us reserve officers for the Army that we can count upon. Will any gentleman answer me from his seat, How many officers are you going to have under the Gard bill, if you insert it here? Will the gentleman who is the author of the Gard bill say how many reserve Army officers his bill will give the country? You gentlemen are insisting upon a larger enlisted force. What efforts are you making to secure a larger reserve of officers that we can count upon when our country is in trouble? Will any gentleman answer me that question, if you pass this miserable makeshift? I do not mean that in an offensive sense, but in this sense, that while it may be a good thing for the colleges and the universities, it means nothing except what you are getting right now.

Why, gentlemen say they graduated at certain land-grant institutions and that they furnished splendid military training. I myself was educated at a school of the same kind. I was captain of one of the companies at my college, just as was the gentleman from Illinois [Mr. MANN]. I believe I would have made a good soldier, because these institutions are doing a good work. But can the Government depend upon them now? You have no hold on them. You are contributing to them, but you can not utilize their services. That is the report of the War College. That is the report of the War Department. You have no effective force of officers. It all depends upon the willingness of these graduates to serve. Are they going to serve? Are they going to tie themselves up in a reserve after they graduate? They receive nothing at the hands of the Government themselves. Why should they do it?

Ah, but when the Government takes them and educates them and uses them from every county in the United States, selects them according to merit, not as charity students, but as students that the Government has chosen to do its work, giving them the best kind of an education, that the Government only can give, and requiring of them their services, you have a real preparedness plan—one is a coordinated plan. Under one you have a reserve list of officers that you can depend on and under the other one—I still pause for a reply.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. TRIBBLE. I will answer the gentleman. I will tell him that in the little village where I live when enlisted men were called for in the Spanish-American War they accepted and accepted, and finally there were 300 great, big, fine, stalwart students of the university standing there pleading to go in, and they were rejected because they had too many already.

Mr. McKELLAR. Oh, gentlemen, if you are going to depend on a little village like that where Brother TRIBBLE lives, well and good; but——

Mr. TRIBBLE. There are a great many of them throughout the country.

Mr. McKELLAR. I do not believe that we ought to depend on the village schools. We ought to educate our boys. We ought to pick them and choose them. We ought to educate them with the purpose of having them become reserve officers. And I will say right now you will find that if you pass the Gard measure all it means is that you are going to give certain perquisites to institutions that are already educating these boys.

My friend from Ohio, Mr. FESS, misunderstood me when I said it limited these benefits to agricultural colleges. It does not. It includes all schools that give military training. It gives certain perquisites to the colleges, but it does not give the boys anything, and it does not give the Government anything. In this time of trouble we are not so much interested in the boys as we ought to be, but we are interested, gentlemen, in building up a defense for our country, and the only way you can get an effective force for defense is to have well-trained officers.

As I understand now, one of the principal advantages that one of the belligerent nations in Europe enjoys is in the fact that it has splendidly trained and equipped army officers. Why, it sends them to another allied nation and puts them over foreign troops, and they do well. Why? Because those army officers are well trained. And if we ever have trouble in this country—which God grant we shall never have—we will find that the graduates of these schools over which the Government has no control whatsoever can not be depended on, and we are going to find ourselves in a woeful lurch. Have you any control over the institutions that are benefited by the Gard bill? What control have you? I remember what kind of control we had at our land-grant college. We had an Army officer, it is true, but he had no control over that institution, no control whatever over the military training or any other kind of training.

Mr. MANN. Will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. MANN. Just what does the gentleman mean by control over the institution?

Mr. McKELLAR. I mean that the commandant of cadets—the Army officer sent to the college—is in most cases a member of the faculty, but he does not shape the military policy or any other policy. He drills the cadets and teaches them on matters of drill, if he gets along with them.

Mr. MANN. Under the existing law?

Mr. McKELLAR. Under the existing law; but he has no possible control over the cadets other than that given him by the board of trustees. Under the plan that I have suggested, the Government holds the control over the military training. Why? It is because the Government will not give the amount of money that the institution would otherwise be entitled to, unless the students do the work.

Mr. GARD. I yield two minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Chairman, I am in favor of the Gard amendment for many reasons, chief among which is the fact that it revivifies the Morrill Act. There are now 67 colleges receiving benefits under that act where there is more or less military training. That military training now provided for in these institutions is extended by the Gard amendment. It has been said here that no good will come to the Government, because of the fact that the Government has no control over these young men. All the Government has to do—and this Gard amendment does that—is to give to the young men who have had the opportunity of graduating from these military institutions with this military training a chance to offer their services. This amendment gives them the opportunity to offer their services to this Government, and it is my prediction that the full quota will be offered all the time. Whenever the opportunity has been offered to these young men heretofore it has been accepted by many of them. Purdue University, in the State of Indiana, has furnished some of the brightest intellects in the Regular Army of the United States to-day. The young officer who first scaled the wall of Peking in the Boxer War was a man who received his military education at Purdue University under the Morrill Act. Half a dozen of these young men are now officers in the United States Army, and there are thousands more of them who will offer their services when needed, for these 67 institutions are turning out 25,000 graduates every year, and of that number a very great many of them would, if chance was afforded them, go into the Army and become a part of the officers of that Army. The Gard bill provides that they may have the opportunity, and with the opportunity afforded them they will avail themselves of that chance and go to the colors. [Applause.]

Mr. GARD. I yield one minute to the gentleman from Kansas [Mr. HELVERING].

Mr. HELVERING. Mr. Chairman, I hold in my hand a letter from Mr. H. J. Waters, president of the Kansas State Agricultural College, in which he sets forth his objections to the so-called McKellar bill under several heads. First, he says it is not practical; second, that it is too costly to the State; third, that it would create two groups of students on the campus; fourth, that it gives too much power to the governing board; fifth, that the entrance requirements are too limited; and sixth, that he objects to 48 West Points in the United States.

I will conclude my remarks by inserting his letter:

KANSAS STATE AGRICULTURAL COLLEGE,
Manhattan, March 9, 1916.

Hon. GUY T. HELVERING,
Washington, D. C.

MY DEAR MR. HELVERING: I think H. R. 11872 by Mr. McKellar, as contained in Report No. 243 on Military Training Schools, does not provide a practical plan for training military men in the colleges of the country. The bill grants more assistance to the student than is necessary.

The State is required to do more than it would willingly do. It must grant $40,000 a year and provide dormitories and a mess hall. In this State, at least, no such conveniences exist, and at any college it would take $150,000 or $200,000 to provide these facilities.

It is a bad plan to have two groups of students on the same campus. The students of one group would be paying their own way and yet be required to take military training along with the other subjects, and the other group would be pampered, fed, and coddled by the State and the Government.

One of the principal objections to the bill is that the governing board, consisting of the Secretary of War, an Army officer, and a civilian appointed by the President, would have too much power with respect to the entrance requirements to these educational institutions and to the conditions for graduation. The entrance requirements as laid down in the bill are absurd. They do not represent a half year of high-school work. In fact, in many of the better schools of the country all of the work prescribed for admission is done in the grades. The bill further provides that at the end of three years, a large part of which is military, a degree corresponding to the degree of bachelor of science or of bachelor of arts must be conferred upon these men. What would the other students of the school think when they are required to spend four years in an accredited high school and four years in college before they are granted a similar degree to that which the military students obtain in three years from the grade schools?

I do not think we need to multiply our West Points by 48.

A plan of scholarships amounting to, say, $100 a year for each of 300 students a year in each State college, and requiring these men to take a minimum amount of military science and tactics of one hour a day throughout their course, and to take a liberal amount of mathematics and certain courses in engineering corresponding somewhat to the course required in West Point, and then, in consideration of the assistance given these young men by the Government in procuring their education, require them to become a part of the Federal reserve army and require them to report for duty a month four of the seven years which they will be members of the reserve army, and you have met all the objects which would be accomplished by the McKellar bill and at less than half the expense, and with none of the confusion and objection and discriminations which are inherent in the McKellar bill.

Cordially, yours,

H. J. WATERS, *President.*

Mr. GARD. I yield one minute to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, like other Members I modestly admit having received my military training in a land-grant college, at Ames, Iowa. My sons have received their military training in the same way in another land-grant school, the University of Nebraska. These land-grant colleges are known by their fruits. They train the youth in the military art, and the youth in turn train the best officers in the country. Gen. John J. Pershing, the man selected by the military authorities of the United States to lead the punitive expedition into Mexico, obtained military training at West Point, but the best training that he obtained was in the several years that he occupied the position of military instructor at the University of Nebraska.

To-day, at the head of that expedition into Mexico, he is carrying out the will of the American people, buoyed up by their hope that he will be successful; and by his side is a gallant aid, a graduate of the University of Nebraska, Martin C. Shallenberger, the son of a member of the Military Committee of this House. [Applause.]

Mr. GARD. Mr. Chairman, I yield the balance of the time remaining to my allotment to the chairman of the Military Affairs Committee [Mr. HAY].

Mr. HAY. Mr. Chairman, the provision in the bill is known as the cadet companies provision. It was placed in the bill by somebody in the War Department, and the committee, being anxious to have something from which we could get officers, accepted that provision, at the same time not thinking that it was as good a provision as we ought to have.

I have carefully studied the proposition offered by the gentleman from Ohio [Mr. GARD]. He introduced the bill some time ago, and I am satisfied that that provision is the best that we can adopt for the purpose of obtaining young men well trained to perform the duties of officers of the Army. For that reason I shall support the proposition of the gentleman from Ohio [Mr. GARD], and I hope it will be the pleasure of the committee to do the same. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MCKELLAR] to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. MANN and Mr. GARD demanded a division.

The CHAIRMAN. A division is demanded.

Mr. MANN. Mr. Chairman, may we have the question stated, so that we will understand it?

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Tennessee; that is to say, the question is on the McKellar amendment.

Mr. MANN. The McKellar amendment to the Gard amendment?

The CHAIRMAN. To the Gard amendment.

The committee divided; and there were—ayes 8, noes 97.

Accordingly the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Capt. George L. Converse, commandant of the Ohio State University.

The CHAIRMAN. The gentleman already has that privilege.

The Clerk read as follows:

SEC. 19. That for the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this act and in section 8 of the act approved April 25, 1914, as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this act, an officers' reserve corps of the Regular Army. Except as otherwise herein provided, a member of the officers' reserve corps shall not be subject to call for service in time of peace, and whenever called upon for service shall not, without his consent, be so called in a lower grade than that held by him in said reserve corps.

The President is authorized to appoint and commission as reserve officers of the various arms, corps, and departments, in all grades up to and including that of major, such citizens of the United States as may have completed one year's satisfactory service in the cadet companies provided for in this act, and such other citizens as, upon examination prescribed by the President, are found physically, mentally, and morally qualified to hold such commissions: *Provided*, That after three years from the passage of this act original appointments as reserve officers of Cavalry, Field Artillery, Coast Artillery, and Infantry shall, if the President so direct, be made only from such citizens as shall have satisfactorily completed one year's service in cadet companies of the respective arms: *Provided further*, That the proportion of officers in any arm, corps, or department of the officers' reserve corps shall not exceed the proportion for the same grade in the same arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any arm, corps, or department of the officers' reserve corps shall not be limited.

All persons now carried as duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, shall, for a period of three years after the passage of this act, be eligible for appointment in the officers' reserve corps in the arm, corps, or department for which they have been found qualified without further examination, except a physical examination, subject to the limitations as to age and rank herein prescribed.

No person shall, except as hereinafter provided, be appointed or reappointed a second lieutenant in the officers' reserve corps after he has reached the age of 32 years, a first lieutenant after he has reached the age of 36 years, a captain after he has reached the age of 40 years, or a major after he has reached the age of 45 years. When an officer of the reserve corps reaches the age limit fixed for appointment or reappointment in the grade in which he is commissioned he shall be honorably discharged from the service of the United States and be entitled to retain his official title and, on occasions of ceremony, to wear the uniform of the highest grade he held in the officers' reserve corps: *Provided*, That nothing in the foregoing provisions as to the ages of officers shall apply to the appointment or reappointment of officers of the Quartermaster and Engineer Corps and Medical Department of said reserve corps.

To the extent provided for from time to time by appropriations for this specific purpose the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises or for instruction for periods not to exceed 15 days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their grade: *Provided*, That, with the consent of the reserve officers concerned, and within the limit of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct.

One year after the passage of this act the Medical Reserve Corps as now constituted by law shall cease to exist. Members thereof may be commissioned in the officers' reserve corps, subject to the provisions of this act, or may be honorably discharged from the service. The Secretary of War may, in time of peace, order first lieutenants of the officers' reserve corps, with their consent, to active duty in the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary.

The President alone is authorized to appoint and commission all officers of the officers' reserve corps, such commissions to be in force for a period of five years unless sooner terminated in the discretion of the President. Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein: *Provided*, That officers of the officers' reserve corps shall have rank therein in the various arms, corps, and departments of said reserve corps according to grades and to length of service in their grades.

Mr. HAY. Mr. Chairman, I offer the following committee amendment. On page 39, line 25, after the word "Engineers," strike out the word "Corps," and, on line 26, strike out the word "department" and insert the word "branches."

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I want to call the attention of the chairman of the committee to page 38, lines 4 to 17, down to

the proviso. The cadet corps has been stricken out, and the cadet companies has been stricken out.

Mr. HAY. Mr. Chairman, I move to strike out all on page 38, beginning with line 4, down to and including the word "*further*," on line 18.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, strike out all of lines 4 to 17, including the word "*further*" on line 18.

Mr. HAY. Mr. Chairman, on second thought that is not right. I ask unanimous consent to withdraw that amendment.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

Mr. HAY. I offer the following amendment: On line 8, page 38, strike out the words "in the cadet companies provided for in this act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, lines 8 and 9, strike out the words "in the cadet companies provided for in this act."

Mr. STAFFORD. Will the gentleman indicate if that amendment is adopted what is the meaning of the phraseology "has completed one year's satisfactory service"?

Mr. KAHN. I think the whole provision ought to go out.

Mr. HAY. Mr. Chairman, I ask unanimous consent to pass by this paragraph, and I will fix it up to-night.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to pass by the paragraph. Is there objection?

There was no objection.

Mr. BENNET. The section or the paragraph?

The CHAIRMAN. The paragraph.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman why the Medical Reserve Corps is abolished.

Mr. HAY. What does the gentleman want to know?

Mr. BENNET. In the latter part of this section, page 40, lines 11 to 21, it says:

One year after the passage of this act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the officers' reserve corps, subject to the provisions of this act, or may be honorably discharged from the service.

That abolishes the Medical Corps in which physicians and surgeons in the city which I have the honor to represent in part have taken a great deal of interest.

Mr. HAY. It provides for their going into the officers' reserve corps and gives them one year in which to do it; and they have this advantage, that in the reserve corps now they can only be appointed first lieutenants, while in the officers' reserve corps, provided for in this act, they can be promoted to the rank of major. I will say to the gentleman that the Surgeon General whose anxiety about this corps is very great approves of the provisions of this bill.

Mr. BENNET. The Medical Reserve Corps itself does not oppose it; there is no opposition from the Medical Reserve Corps?

Mr. HAY. Not that I know of; and the Surgeon General of the Army thinks that the medical profession in the country are better taken care of than they are under the present law.

Mr. BENNET. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Virginia a question or two.

Mr. HAY. I will yield to the gentleman.

Mr. MADDEN. Will there be as great an opportunity for the utilization of the experience of medical men in the case of an emergency under this bill as under the other?

Mr. HAY. Greater.

Mr. MADDEN. So in case of war we would be able to take advantage of the experience of all the men in the medical profession for taking care of the wounded soldiers.

Mr. HAY. All of those who would go into this corps.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. MOORE of Pennsylvania. I would like to find out how the ages came to be fixed as they are. On page 39 there is quite a difference between the ages here for the appointment of second lieutenants and the ages fixed elsewhere.

Mr. HAY. He wanted to be more liberal; wanted to get more people into the reserve corps.

Mr. MOORE of Pennsylvania. There are some very efficient young men past 27 who would not be accepted in the regular service.

Mr. HAY. No; but they could go into the reserve corps.

Mr. MOORE of Pennsylvania. There is a leeway given in the reserve corps which does not exist in the regular service? Is that in the law?

Mr. HAY. No; it was fixed by the committee.

Mr. MOORE of Pennsylvania. It is the committee's judgemnt; that is, the ages were fixed on the judgment of the committee?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. And it is more liberal in this reserve corps than in the regular service?

The CHAIRMAN. The Chair will take occasion to state that all of section 19 is agreed to now, except the paragraph beginning in line 4 on page 38, which has been passed over temporarily.

Mr. HAY. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. That when war is imminent or upon a declaration of war the President may order officers of the reserve corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, as officers in volunteer or such other organizations, as may be authorized by law, or as officers of recruit rendezvous and depots, in such numbers as may be authorized by law. While such reserve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they are assigned, and be entitled to the pay and allowances of the corresponding grades in the Regular Army with increase of pay for length of active service as now allowed by law for officers of the Regular Army, from the date upon which they are required by the terms of their order to obey the same: *Provided*, That officers so ordered to active service shall take temporary rank among themselves and in their grade in the organizations to which assigned according to the dates of orders placing them on active service; and may be promoted, in accordance with such rank, to vacancies in volunteer organizations or to temporary vacancies in the Regular Army, thereafter occurring in the organizations in which they are serving: *And provided further*, That officers of the reverse corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service.

Any officer of the reserve corps ordered to active service by the Secretary of War while holding a reserve commission shall, from the time he is required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated.

And there shall be eligible for enlistment in the Regular Army reserve any person who is a citizen of the United States or who has declared his intention of becoming a citizen thereof, who by the nature of his civil occupation or profession is thereby qualified for duty in the Quartermaster, Engineer, or Signal Corps, or in the Medical or Ordnance Departments, and who is physically qualified for the duties of a soldier and not over 35 years of age, who shall enlist for one of said corps or departments for a period of four years. That for the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of same grade or grades as are now, or as may hereafter be, authorized by law for the Regular Army reserve, or as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the 1st day of July, 1916.

That there may be enlisted in the grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. That for men enlisting in said grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificates and unless he shall be between the ages of 18 and 45 years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such active service, instruction, or training all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall have rank in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall rank next below all other enlisted men of like grades in the United States Army.

That to the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed 15 days in any one calendar year: *Provided*, That with the consent of such enlisted men and within the limits of funds available for such purposes such periods of active service may be extended for such number of enlisted men as may be deemed necessary.

That enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty.

That the uniform to be worn by enlisted men of the Enlisted Reserve Corps shall be the same as prescribed for enlisted men of the Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct: *Provided*, That any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article thereof

the articles so lost or destroyed shall be replaced by issues to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part: *Provided further*, That any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which has become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof; *And provided further*, That when enlisted men of the Enlisted Reserve Corps are discharged or otherwise separated from the service all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.

That any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States.

That the Secretary of War is authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services are no longer required, or when he has by misconduct unfitted himself for further service in the said corps: *Provided*, That any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate.

That when a volunteer force is authorized the President may order enlisted men of the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they are assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army: *Provided*, That upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army: *And provided further*, That enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 42, line 4, after the word "and," insert the word "they."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman, in connection with this amendment, about the language at the beginning of section 20, where the expression is used "when war is imminent." Is there any technical definition of that term well recognized?

Mr. HAY. I do not think there is.

Mr. MANN. Does the gentleman know whether there has been any determination of it at any time?

Mr. HAY. I do not.

Mr. MANN. Has not this language been in the law for many years?

Mr. HAY. It has.

Mr. MANN. Does the gentleman know whether it would require, in the opinion of the War Department, a proclamation by the President?

Mr. HAY. I think not.

Mr. MANN. Or an order?

Mr. HAY. Of course it would require an order from him to authorize the taking in of anyone into the active service of the United States Army; but, I take it, the language means that if in the judgment of the President, from the information that he may have from negotiations that he may be carrying on with some other country, he thinks war is imminent, then the Congress confers upon him the power to do this.

Mr. MANN. Would it not require him in an order to say so?

Mr. HAY. To issue a proclamation?

Mr. MANN. Not issue a proclamation, but say in an order to the War Department, "war being imminent," or something to that effect?

Mr. HAY. I do not think so.

Mr. MANN. It seems to me that it would, and it seems to me very desirable, if possible, where the President thinks that war is imminent, that he might act without making any declaration of that fact. Even a mobilization of troops in a country sometimes is a practical declaration of war. That is what started the war in Europe.

Mr. HAY. I think that after the word "when" we might insert the words "in the judgment of the President."

Mr. MANN. But he would have to express his judgment, and that would make it sure he would have to express his judgment.

Mr. HAY. I do not know how you are going to get at it.

Mr. MANN. I am not seeking to amend it. I am asking the gentleman, hoping that if there be a way to do it, so that the President may issue the order without any statement on his part that war is imminent, that way may be provided, so that he shall not be criticized for that thereafter.

Mr. HAY. I will say to the gentleman that we discussed this matter very fully in the committee in framing the first section of the bill, and we concluded that if we used the words "and when in the judgment of the President war becomes imminent," that that would confer upon him the power to use the discretion given him throughout the bill, to do anything that was necessary to get ready, and that it was not necessary to issue a proclamation or to issue any public order, that he should simply say to the Secretary of War, "Go ahead and do so-and-so," whatever he might think necessary.

Mr. MANN. I can not agree that he would have that power without expressing in some way his judgment or opinion that war was imminent, which I think ought to be avoided, if possible, because the President must protect himself under the language of the bill.

Mr. HAY. What would the gentleman suggest?

Mr. MANN. I give it up.

Mr. HAY. We have done the best we could.

Mr. MANN. I am not criticizing.

Mr. HAY. I know that.

Mr. MANN. I did not know but that there might be some settled construction of the language in the War Department.

Mr. HAY. No; there is not.

Mr. MANN. I have not made any inquiry. It has been in the law for a long time.

Mr. HAY. It has been in the law a long time, but it never has been passed upon by any court, so far as I know.

Mr. MANN. I think the President, when information comes to him in reference to matters which he thinks are very serious, ought to be able without publishing the fact to commence to add to the Army.

Mr. HAY. I think he can do so under this language.

Mr. MANN. I doubt whether he would feel protected in doing it without a statement in some way that war was imminent.

Mr. HAY. He might put it in an order directed to the Secretary of War, which order would not necessarily be published.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HULBERT. I wanted to ask the gentleman from Illinois if he does not think the substitution of the word "emergency" for the word "war" would answer the purpose—whenever an emergency exists which, in the judgment of the President should require, and so forth.

Mr. MANN. I do not think it would make any difference, because if the President said there was an emergency existing, the effect would be the same. I do not undertake to say what the language ought to be. I do not know. I do think, however, that when a situation is so delicate that the President thinks war is imminent, he ought not to make it public, he ought not to say so, so that anyone knows that that is his opinion, that he ought to be able to go ahead without saying so.

Mr. HAY. I do not think he would be required to say so under the terms of the bill.

Mr. MANN. I must confess I think he would be required to say so.

Mr. HAY. He might say so in an order to the Secretary of War, but it would not follow that that order would be a public order. He very often gives orders that are not public.

Mr. MANN. That might be. I do not know about that.

I hope the gentlemen up in the War Department will give attention to this discussion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 43, line 4, after the word "of," insert the following:
"The branches of the Army reserve corresponding to."

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 45, line 9, after the word "corps," insert the words "except corps insignia."

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 44, line 13, after the word "Army" insert the following:

"And the Secretary of War is hereby authorized to issue to members of the enlisted reserve corps and to persons who have participated in at least one encampment for the military instruction of citizens conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it is issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor. Any person who is not an enlisted man of the enlisted reserve corps or who shall not have participated in at least one encampment for the military instruction of citizens conducted under the auspices of the War Department who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300 or imprisonment not exceeding six months, or both."

Mr. HAY. Mr. Chairman, I have no objection to the rosettes, providing they are not yellow.

Mr. KAHN. Mr. Chairman, I move the adoption of the amendment. I desire to say that the purpose of the amendment is this: This enlisted reserve corps, in my opinion, is one of the most important features of this bill. It provides for the enlistment of men in a reserve force that will be invaluable in time of war. Men who are telegraph linemen and operators, telephone linemen, aviators, and men in that line of endeavor could be enlisted in the Signal Corps; men who are chauffeurs, railroad engineers, switchmen, and brakemen could be enlisted in the Quartermaster's Corps; men who are civil engineers and electrical engineers could be enlisted in the Engineering Corps; men who are employed in munition factories and factories for the manufacture of rifles, shotguns, and pistols can be enlisted in the Ordnance Department; drug clerks and men who have had experience in hospitals can be enlisted in the Medical Department. In that way, in case of war, we would have a very large reserve force of American citizens who could respond immediately to the call of the President and do signal service for the country. This amendment authorizes those citizens to wear in the lapel of their coats a little badge showing that they are in the reserve force of their country; that is the sole purpose of the amendment.

Mr. SLOAN. Will the gentleman yield?

Mr. KAHN. I will.

Mr. SLOAN. I notice what the gentleman says about these badges. Are we to understand that we are liable to have a renewal of the War of the Roses?

Mr. KAHN. There will not even be the scent of the roses.

Mr. SLOAN. One thing further. Might not the members of the Committee on Military Affairs be entitled to wear the rosettes among the others?

Mr. KAHN. If they enlist, they will be; yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced the noes appeared to have it.

Upon a division (demanded by Mr. KAHN), there were—ayes 82, noes 3.

So the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 41, line 8, after the word "that," strike out the words "when war is imminent or upon the declaration of war" and insert in lieu thereof the words "when in his judgment the public interests may require."

Mr. BENNET. Mr. Chairman, I am not afraid to trust the President of the United States and I do not think the President of the United States would exercise this power unless there was a necessity for it, but I do think that this House ought to hesitate a long while before we in words yield up one of our constitutional powers. I think if we leave the language in the bill, to which attention has been called by the gentleman from Illinois [Mr. MANN], we practically, so long as this law remains on the statute books, put it in the power of the President to force Congress to make a declaration of war, for if there is any consistency in legislation, if we confer upon the President by statute the power to determine when war is imminent, then it is incumbent upon the Congress of the United States to declare war.

This confers upon this President and succeeding Presidents, upon the office of President, a power to-day exercised only by the Czar of Russia and the Sultan of Turkey. Talk about the Kaiser! Talk about the King of England! Neither of them has the power to do it. The Kaiser could not do this without the Bundesrath, and the King of England could not do this without the Parliament; but now it is seriously proposed that the Congress of the United States shall abrogate one of its sacred constitutional powers by statute. Why, our predecessors here fought for these rights. When this Congress was Democratic once before, in the early seventies, they exercised their power to prevent, as they could under the Constitution, appropriations for the Army extending over a period longer than two years, and by exercising that constitutional power compelled then a course of action upon the then President of the United States.

Mr. FESS. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. FESS. Could Congress under the Constitution delegate to the President the power to declare war?

Mr. BENNET. Of course not; but there is such a thing as a moral obligation; and when the Congress of the United States so far forgets its high place in the triumvirate of government, its equal part amongst the three, as to turn over in advance—because that is what we are doing—to the President of the United States the power to declare war, why there would be a moral obligation upon this Congress, and it seems to me, as long as it remains unrepealed, upon every Congress, to back up the President whenever he issued a proclamation that a state of war was imminent.

Mr. FESS. A question that frequently has been in my mind is whether the President could, under the Constitution, do what might compel Congress to declare war.

Mr BENNET. I can say, Mr. Chairman, that President Polk, in connection with the Mexican War, as the gentleman from Ohio knows, took the Army of the United States into Mexico, and then notified Congress that a state of war existed by the action of Mexico. Of course, the President of the United States could go a long way, and, of course, there might occasion arise when Congress, even against its better judgment, would have to back him up. I am willing to trust this President and succeeding Presidents, occupants of the office, but I am not willing to sit quietly by as one Member of the House and to see us vote to abrogate as far as we can one of the constitutional privileges.

Mr. HULBERT. The gentleman's objection is in line with the inquiry I had in mind and which I propounded to the gentleman from Illinois [Mr. MANN]. Does the gentleman feel that the amendment he has offered will be effective unless there is an amendment also contemplated to line 7 on the first page of the bill, where the same language is again used?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. BENNET. Of course, my colleague may be entirely right, as he usually is, but there is no use crying over spilled milk. We are up to section 20 now, and we can not go back to section 1 except by unanimous consent. Possibly if we carry this amendment we can go back by unanimous consent. I did not notice the language in section 1, if it is there, but now that the attention of the House has been called by the gentleman from Illinois [Mr. MANN] to what we are doing, I hope that the Committee of the Whole House or the Committee on Military Affairs will do something to prevent us from taking this, as I regard it, humiliating step.

Mr. FESS. Will the gentleman yield further?

Mr. BENNET. Yes.

Mr. FESS. Referring to the Mexican situation, we had no declaration of war?

Mr. BENNET. No.

Mr. FESS. All Congress said was that "Whereas a state of war exists," and so forth. How did we get into that situation?

Mr. BENNET. The President took our Army into Mexico, and of course when it went there against the wishes of the Mexican Republic they resisted it, and the then President of the United States, Mr. Polk, notified Congress that a state of war existed. Congress had only two alternatives. It could order the troops back, which it had the right to do, or it could coincide with the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, may I ask that the gentleman's time be extended five minutes? I want to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SLOAN. I would like to ask the gentleman from New York who determines under this bill, as he understands it, the imminence of war?

Mr. BENNET. You mean under the language as it is in the act?

Mr. SLOAN. As it is in the act; yes.

Mr. BENNET. I think that is left absolutely vague, but I think if the President of the United States wanted to assume that Congress had given him the right to determine whether war was imminent he would be justified, under the language,

to do so. I do not know. The gentleman from Illinois [Mr. MANN] pointed out that there was no distinction at present, and that the language was vague and unsatisfactory. But there is a danger. There is nothing vague about this, that the Congress of the United States, if it permits this language to stay in, is, so far as it can, abrogating the constitutional power to declare war.

Mr. MILLER of Minnesota. I will say to the gentleman that, on page 1, the language is "when in the judgment of the President war becomes imminent."

Mr. BENNET. That is a little bit better; but even that, I think, could be improved upon.

Mr. SLOAN. I called attention to that by an interrogatory which I submitted to the chairman of the committee under section 1, raising practically the same question, and I will ask the gentleman from New York if his amendment makes this clear as to who determines the imminence of war, whether it be a declaration to be made by this country, or one through diplomatic means he has discovered as coming from abroad?

Mr. BENNET. My amendment does. It strikes the language out and substitutes this language: "Whenever in the judgment of the President the public interests require," without any word about war.

Mr. SLOAN. Does not the gentleman think that is giving the President of the United States, whoever he may be—having full confidence in the President—a great deal of power beyond what the Constitution gives him?

Mr. BENNET. It is giving him a great deal of power, but giving it in a proper way, without in words abrogating the power of Congress.

Mr. SLOAN. Can we in fact give him in a proper way more than the constitutional power does?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, the language contained in the bill is the language that has been in these bills for a very long time. I do not remember what language was carried in the first bill of this character, but I do know that the language of the amendment of the gentleman from New York [Mr. BENNET] would give unlimited power to the President to raise armies in time of peace whenever he might think he wanted an army raised. There can be no question about that construction of language. I do not imagine that we want to confer that power upon any President, and I hope therefore that the amendment will be voted down. I call for a vote.

Mr. BENNET. I want to ask, Mr. Chairman, unanimous consent for one moment, to call the attention of the committee to the fact that this amendment applies only to the reserve corps, so that the gentleman's observation that the President could increase the Army at any time he wanted does not seem to me to be justified.

Mr. HAY. If you do it in one particular, you should do so in another. You should not confine your language to one particular branch of the service.

Mr. BENNET. This exact language does not appear anywhere else in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 21. The Secretary of War is hereby authorized to appoint a board of five officers of the Army to investigate and report to him the feasibility and practicability of the Government manufacturing arms, munitions, and equipments, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants, and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January 1, 1917.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: "Page 48, on line 10, add a new paragraph as follows: 'SEC. 21½.'"——

Mr. HAY. The gentleman means a new section?

Mr. MOORE of Pennsylvania. Yes; a new section. I move, Mr. Chairman, to strike out the last word for the present.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, having moved to strike out the last word, and holding the floor, I will withhold my amendment for the present. I wish to say, however, that the paragraph just read is a very close approach to the entry of the Government into the business of manufacturing arms and munitions——

Mr. GORDON. Mr. Chairman, the Government has been in that business since the year 1795. That is not a very wide departure.

Mr. MOORE of Pennsylvania. I was about to say to a greater extent than it has heretofore. [Laughter.] I do not know whether I have any real objection to the appointment of this commission for making an inquiry as to whether the Government should continue to manufacture the arms and ammunition which it needs for Government purposes, but it encourages the very long step we have recently been taking toward governmental ownership and control. However, there is a vast difference between this and other kinds of business where the Government might enter into competition with private owners. There are many reasons why the Government should make its own arms and munitions. It has been demonstrated in several instances that this sort of work has been done with great profit to the Government, and that, giving it credit for the work it has done, it has had a leveling effect upon the prices that the Government has had to pay for these things which it has had to buy from outside manufacturers.

I have in mind at least one institution where, during the last three years, approximately $2,500,000 has been saved by reason of the Government being in business for itself, manufacturing what it needs for its own purposes. A part of this saving has been due to the use of surplus material and to the working over of scrap. Now, that is as far as I care to speak upon the subject of this present section.

The amendment that I have offered, which will be read in due course, pertains to the possible use by foreign or revolutionary forces of the munitions of the Government of the United States after they have been discarded or condemned. By the amendment that has been sent to the Clerk's desk, and which will shortly be read, I propose to raise the question whether condemned arms of the Government of the United States, surplus materials made in the arsenals of the Government of the United States, or arms and ammunition bought from private sources for the United States Government, and discarded, shall be sold, so that ultimately they fall into the hands of the enemies of the Government, to be turned upon the Army of the United States. When the time comes I shall ask for careful consideration of the amendment which I have offered.

Mr. GOOD. Mr. Chairman, I am a believer in our Government arsenals. In addition to the saving which they have effected on their output, they have also kept down the price of munitions of war when we buy. I am afraid that this provision in the bill will prevent any extension of Government manufacture in Government arsenals. It calls for practically the same information, and only the information, which we already have. It calls for comparative cost of arms and ammunition and equipment manufactured in Government plants and in private plants. In the hearings on the fortification bill for 1916 Gen. Crozier put in several pages giving comparative costs of the various classes of arms and ammunition purchased and manufactured. The commission will secure no different information. Again this year, and for several years, the hearings before that committee have contained detailed information not only as to comparative prices, but also a showing with regard to what the arsenals are doing at the present time.

This section would enact into permanent law a provision calling for information that we already have, with the exception of an investigation and report as to fensibility and practicability of Government manufacture. We have that information. We have it all. We have it from the very officer who will, no doubt, be chairman of this commission, Gen. Crozier. He has always taken the position that the Government should manufacture only a small portion of what we need; that it should not engage in the general manufacture of ammunition; that it was not good policy, because the giving of orders to private manufacturers would create in this country ammunition plants to which the Government could turn in time of war.

So I say there is not a thing in this section by which we will be able to get any information that is not already available. For instance, take the provision as to what the Government arsenals are doing in the way of manufacturing arms and ammunition. Who knows what the Government arsenals are doing? Why, Gen. Crozier, the Chief of Ordnance. It is his business to know, and if there is a Government officer who does actually know what is being done in his department it is Gen. Crozier, and all that would have been necessary to obtain that information would have been to ask Gen. Crozier when he was before the committee. What are the arsenals doing at

present in the way of producing arms and ammunition? What is the comparative cost? The information would have been forthcoming instantly. The subcommittee in charge of the fortifications bill has done this, and every bit of the information sought by this provision is already to be had in the hearings before that committee. I am sure the result of this provision will be to put to sleep the proposition of Government manufacture of ammunition in a larger way. It may also defeat the provision which has been written in the appropriation bills recently that 90 per cent of the appropriations for ammunition shall be used in the arsenals.

Mr. HULL of Iowa. Mr. Chairman, I am not at all afraid that the passage of this section will curtail Government manufacture at our arsenals. On the contrary, I believe that it will lead to more manufacturing being done in our arsenals. My colleague [Mr. GOOD] says that we already have the information. I question whether there is any Member of this House who can stand up and defend the present deplorable condition of this country in regard to our lack of matériel and appliances for making war. I will not take up very much of your time, but I want to read to you a few things which occurred in our committee. Since I came to Congress I have been asking questions with reference to Government manufacture, and I will confess to you that the more I ask the less I learn. [Laughter.]

On page 493 of the hearings Gen. Crozier says that—

The Government has two small-arm factories. The larger one is at Springfield Armory, in Massachusetts, and the smaller one is at the Rock Island Arsenal, in Illinois. The capacity of the Springfield Arsenal is about 500 rifles per day of eight hours.

Notice those figures. The capacity of the Rock Island Arsenal is about half that, and then he goes on to carry it out per year. I call your attention that in the same hearing Gen. Leonard Wood, whom we asked the same thing—and we have his statement in answer to the gentleman from Illinois [Mr. MCKENZIE]—Gen. Wood says in order to make a soldier in six months out of the average intelligent material we would have to have the officers first. Whoever told you that we could prepare equipment for 700,000 men in six months was greatly mistaken. Here we have been at it a year and a half, and we are only able to produce 3,400 rifles per day. Notice the comparative figures between Gen. Wood, at the head of the Army, and the Chief of Ordnance, and then stand up and tell me that you know. You do not know.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FITZGERALD. Gen. Crozier has charge of the manufacturing establishment of the Army and not only knows the needs and capacity of those arsenals but he has run them to their capacity. The figures that Gen. Wood gave of 3,000 rifles a day is not inconsistent with Gen Crozier's statement of 750 rifles a day. Gen. Crozier was speaking of the capacity of the two Government plants, on eight-hour shifts, while Gen. Wood may have been speaking of the capacity of all the plants—Government and private—to turn out rifles.

Mr. PARKER of New Jersey. I was going to call attention to the fact that Gen. Wood does not mean the arsenals alone.

Mr. FITZGERALD. Not only that, but the Committee on Appropriations during the present session has gone quite extensively into the question of the capacity of the Government manufacturing establishments, and, without attempting to prophesy as to what the committee will do, I can say that for myself, from information furnished the committee, I believe that by a reasonable expenditure on certain arsenals the Government capacity can be largely increased at a profit to the Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. KAHN. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. FITZGERALD. The only objection, I might add, that I would have to the provision is that my experience has been that the Army officer, as a general rule, believes that the private manufacturer should be encouraged regardless of cost, and he is not in favor of the manufacture by the Government on a scale that many of us have believed was desirable. For instance, I believe the statement was made that by an expenditure of $750,000 an enlargement of the powder establishment of the Army could be effected that in the next four years, upon the basis of this year's estimate for powder, would result in saving the Government about $4,000,000. I am in favor of putting that much money into additional facilities.

Mr. GOOD. Mr. Chairman, I want to ask the gentleman from Iowa a question, and that is if the report of the board is adverse to the Government manufacture, as unquestionably it will be, if that will not stop to a large extent the Government manufacture?

Mr. HULL of Iowa. Speaking for myself, I am not afraid of the report of the Army board. They will tell the truth or we will know that they have not done so. Your Military Committee has been holding sessions for a long time, and I call attention to the fact that it has been able to tell when men were telling the truth and when they were trying to shade their opinions to suit the prejudice of some other person.

I want to call attention to the fact that in this country to-day you have plenty of men for war. You have not enough equipment to furnish them to go to war with. You have not machine guns. You have in your arsenals factories equipped to turn out machine guns. You have not rifles enough to equip an army of 300,000 men.

Mr. FITZGERALD. Oh, the gentleman is mistaken; we have enough to fit out a million men on hand to-day.

Mr. ANTHONY. Possibly the gentleman from Iowa forgets that we have a million high-power rifles in reserve.

Mr. HULL of Iowa. And I call attention to the fact that 400,000 of those rifles are antiquated rifles—Krags. You have not but 700,000, or they think they have 700,000; but you are practically provided for an Army of 200,000 Regulars and something like 200,000 militiamen, and you have only about 700,000 rifles to-day. You all understand that these rifles go out of use very fast when they are once put in action. Now, the trouble is that we do not know, and no one seems to know, what is the trouble. We ought to be manufacturing rifles at these arsenals. You have had in this country for the last two years standing idle the most modern up-to-date factories for the manufacture of Springfield rifles, and yet to-day they are standing idle, and if war broke out to-morrow this thing would be brought home to you.

Mr. HAY. Did the gentleman from Iowa offer an amendment?

The CHAIRMAN. Only a pro forma amendment, and that is withdrawn. Now, the gentleman from Connecticut [Mr. TILSON] offers an amendment as a new section.

The Clerk read as follows:

On page 48, after line 10, insert a new section:

"SEC. 21a. That the Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, or to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture of arms, ammunition, and special equipment necessary to arm and equip the land forces of the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that this amendment is not germane to the bill.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. The bill is not a bill to provide for the manufacture or procurement of arms and munitions of war. It deals entirely with the organization, raising, and equipment of men. This is authority to acquire munitions of war. It is not germane to this bill.

Mr. TILSON. Mr. Chairman, this bill is entitled "A bill to increase the efficiency of the Military Establishment of the United States." The paragraph which we have just passed, paragraph 21, deals with the matter of the manufacture of ammunition, and if this is not an amendment to increase the efficiency of the Military Establishment of the United States, I do not know what it is. It seems to me that when we are dealing simply with the arming, equipping, and furnishing ammunition for the land forces of the United States, over which the Committee on Military Affairs has jurisdiction in this House, certainly I am offering a germane amendment when I offer one which will materially aid in the arming and equipping of those forces as this amendment surely will.

Mr. FITZGERALD. Mr. Chairman, the paragraph just read merely calls for information as to the capacity of the Government to do certain things. This amendment gives it authority not at all in connection with the purposes of the bill. The object of the bill must be taken not only from its title but from the provisions of the bill. There is nothing in the bill for the manufacture or procurement or acquisition of munitions, arms, and equipment.

Mr. PARKER of New Jersey. Mr. Chairman, I will ask the gentleman from Connecticut if he has noticed in that regard that in section 47, page 59, there is express provision that the Secretary of War can procure by purchase and manufacture and issue arms and ammunition and equipment.

Mr. TILSON. Certainly that is in the bill.

Mr. STAFFORD. Mr. Chairman, I would like to direct the attention of the Chair to section 82 which provides for the utilization of atmospheric nitrogen so as to provide an adequate supply of nitric acid for the ultimate manufacture of powder. The bill does more than provide for the personnel of the Army. If the bill in any provision relates to the manufacture of ammunition, naturally a proposition on the same line would be in order.

The CHAIRMAN. If this proposition be not in order on this bill, upon what bill would it be in order?

Mr. TILSON. I do not know what bill it would be in order upon.

Mr. STAFFORD. The Committee on Military Affairs has jurisdiction of this subject.

The CHAIRMAN. The Chair is of opinion that this bill, which is entitled "A bill to increase the efficiency of the Military Establishment of the United States," carries many matters besides the mere matter of personnel, and the subject matter of the amendment which is proposed by the gentleman from Connecticut being a matter which is within the jurisdiction of the Committee on Military Affairs, the Chair is unable to see why it is not germane. Will the gentleman from New York permit the Chair to ask him this question, Suppose this were brought in as an integral part of the bill, would a point of order then lie against it in the opinion of the gentleman from New York?

Mr. FITZGERALD. It makes a difference, the Chair will understand, whether the bill has provisions in it or whether they are proposed to it as to whether a matter is germane.

Mr. HAY. Mr. Chairman, I would call the attention of the Chair to the fact also that the jurisdiction is conferred on the Committee on Military Affairs not only with respect to the Military Establishment, but with respect to anything pertaining to the public defense under the rule.

The CHAIRMAN. The Chair so understands. The Chair thinks this matter is germane to this bill, and the Chair overrules the point of order.

Mr. HAY. Mr. Chairman, I would like to ask the gentleman from Connecticut [Mr. TILSON] how much time he desires?

Mr. TILSON. I had intended to ask that I might proceed for 10 minutes, but it is very late, and perhaps with the ocular demonstration that I can make with my exhibits here I can get through in 5 minutes.

Mr. HAY. Then, I will ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. TILSON. I will state that the gentleman from Iowa [Mr. GOOD] has an amendment.

Mr. SMITH of Minnesota. I shall object.

Mr. HAY. How much time do gentlemen on that side want?

Mr. GOOD. I want five minutes.

Mr. HAY. How much time does the gentleman from Massachusetts desire?

Mr. GARDNER. Every moment of time I might get I would rather give to the gentleman from Connecticut. If he takes 15 minutes, that is the least he ought to take.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to preserve the status of an amendment I have pending.

Mr. HAY. I do not see that this has anything to do with the status of an amendment.

Mr. SMITH of Minnesota. I would like to have five minutes.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. Will it be in order to offer an amendment that the Government shall establish and maintain plants for the manufacture of all arms, munitions, and equipment required for the purpose of maintaining the Military Establishment of the United States?

The CHAIRMAN. That might be in order, but not at this time.

Mr. LONDON. Not at this time?

The CHAIRMAN. Not at this time.

Mr. LONDON. When can such an amendment be offered?

The CHAIRMAN. After this amendment has been disposed of.

Mr. LONDON. I thank the Chair.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to offer an amendment in the nature of a new section, and I do not know whether the motion of the gentleman from Virginia will preclude me from offering that or not.

The CHAIRMAN. No; it will not.

Mr. HAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto end in 20 minutes. That gives 5 minutes to the gentleman from Iowa, 5 minutes to the gentleman from Minnesota, and 10 to the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon this section and all amendments thereto shall close in 20 minutes. Is there objection?

Mr. BENNET. Mr. Chairman, reserving the right to object, will the gentleman from Virginia be willing to allow the gentleman from Connecticut to have 15 minutes? This is a very interesting matter.

Mr. HAY. The gentleman said he did not want but 5 minutes and I agreed to give him 10.

Mr. BENNET. The gentleman came up the aisle and said he would like to have more time, and I think——

Mr. HAY. I think everybody is in favor of the amendment; nobody opposes it, and I do not see what is the use of taking a whole lot of time over something of which everybody is in favor.

Mr. BENNET. If everybody is in favor, why not vote?

Mr. HAY. Very well, let us do that.

Mr. TILSON. All right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut——

Mr. GOOD. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Add to the amendment the following:

"The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured, or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war is imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted."

Mr. HAY. Mr. Chairman, I have no objection to the amendment of the gentleman from Iowa. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Connecticut.

The question was taken, and the amendment as amended was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk to be read.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment as a new section, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 48, after line 10, add new paragraph, as follows:

"SEC. 20b. That all arms or war munitions of any kind condemned as obsolete or unfit for service by the United States, and not in use by military organizations or training schools in the United States, shall be broken up in the arsenals, or as the Secretary of War may direct, to the end that no such condemned or obsolete arms or munitions of war shall pass by sale or otherwise into the hands of foreign Governments or the revolutionary forces thereof, or of outlaws within or beyond the borders of the United States."

Mr. HAY. Mr. Chairman, I make a point of order on that. I do not think that can possibly have anything to do with the Military Establishment or the public defense.

Mr. MOORE of Pennsylvania. I wish the gentleman would reserve his point of order.

Mr. HAY. I reserve it for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have offered this amendment for the purpose of raising the moral question which it involves. For a number of years it has been the custom of the War Department to dispose of its condemned arms and munitions by sale. I recall a number of efforts that have been made during the pendency of military affairs bills to have some such provision as this inserted, the purpose of which, of course, is plain. The thought conveyed by this amendment is that whereas it may be entirely proper for the United States to remove from its arsenals arms for which it has no use, it may not be entirely proper for it to dispose of these discarded arms so that they may pass into the hands of an enemy country to be used against the soldiers of the United States.

It will be recalled that when the present trouble in Mexico broke out there was much discussion over the shipment of arms from the United States into Mexico. And it is pretty thor-

oughly understood that the continuance of the revolutionary troubles that have prevailed in Mexico has been due to the fact that the arms have been supplied from the United States.

The President at one time put an embargo upon the shipment of arms into Mexico, and then at another time changed his mind and raised that embargo. Now we are chasing bandits in Mexico, and it would seem to be a travesty upon legislation in the United States if we did not or could not stop the practice of passing United States arms over to them. We certainly should not hand them guns to use against the Army of the United States.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. You do not claim that the Government of the United States has been selling arms in Mexico or anywhere else since this war started?

Mr. MOORE of Pennsylvania. I mean to say that the Government of the United States has been in the habit of selling its old arms; that in times past they have been bought by speculators in arms; and that in turn they have gotten into the hands of revolutionists in Mexico, and, at other times, into the hands of the revolutionists in other South American countries. Such arms in the past have been an inspiration there for the people to rise up against their Governments, and, in the matter of their differences with the United States, to protect themselves against the soldiery of the United States. I do not think it is a good thing for the Government of the United to be engaged in——

Mr. GORDON. It never has been engaged in it.

Mr. MOORE of Pennsylvania (continuing). To permit arms they have no further use for to be sold to bandits in Mexico and used by those bandits to protect themselves from the soldiers of this country.

Mr. BORLAND. The gentleman is making a forcible statement, but I wanted to ask him if he voted for the sale of the battleships *Idaho* and *Mississippi?*

Mr. MOORE of Pennsylvania. I did, because of the very earnest importunity of the gentlemen upon the other side who needed that battleship money to restore the Treasury of the United States. [Laughter.]

Mr. GREENE of Vermont. Does your amendment contemplate in any way preventing the sale of individual pieces of discarded arms to individuals for target practice?

Mr. MOORE of Pennsylvania. Not if they are in the hands of training schools or other associations under the direction of the Secretary of War. But if there is no further use for them on the part of the War Department, and they are not loaned to schools or other associations, they should not be sold so that they would fall into the hands of revolutionists; they should be broken up. I have just indicated that, partly by using the scrap that has come from the use of discarded material, there has been saved in three years in one of the arsenals in this country a large part of a total saving of $2,500,000. And why, if we can use the scrap ourselves, should we sell it, to fall into the hands of Villa, or any other revolutionist or trouble maker who attacks the United States?

I do not want to take up any more time, Mr. Chairman, the matter has been explained, so far as I am concerned. I hope the gentleman from Virginia [Mr. HAY] will not insist upon his point of order, because it seems to me fair that some such limitation as this should go into the Army bill.

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. HAY. Yes; I insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to return to section 21. I was on my feet trying to get recognition when the new section was taken up. I understand I can not get recognition to offer my amendment now unless I get unanimous consent.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] asks unanimous consent to return to section 21 for the purpose of offering an amendment. Is there objection?

Mr. HAY. Reserving the right to object, Mr. Chairman, what is the gentleman's request?

Mr. SMITH of Minnesota. I ask unanimous consent to offer an amendment, that the board be composed of two Army officers and three civilians instead of five Army officers. The board will be appointed under my amendment, as it is in the bill, by the Secretary of War.

The CHAIRMAN. Is there objection?

Mr. HAY. If the gentleman will make it "three Army officers and two civilians," I will not object.

Mr. SMITH of Minnesota. I accept the gentleman's suggestion.

The CHAIRMAN. Is there objection to the gentleman's request to return to the section?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Minnesota: On page 47, line 20, after the word "five," insert the words "citizens, two of whom shall be civilians and three of whom shall be," so that the line as amended shall read:

"SEC. 21. The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army," etc.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentlemann from Minnesota.

Mr. HAY. I accept the amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 22. That the militia of the United States shall consist of all able-bodied male citizens of the United States and of all other able-bodied males who have declared their intention to become citizens of the United States who are not less than 18 years of age and not more than 45 years of age; and the militia shall be divided into two classes, to wit, the National Guard and the unorganized militia.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. TILSON. Mr. Chairman, when section 23 is read I want to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word. Section 23 has not yet been reached.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to have the gentleman from Virginia [Mr. HAY] indicate whether throughout this bill provision is made that those who enlist in the service of the Army of the United States shall be citizens. This paragraph raises that question.

Mr. HAY. I did not understand the gentleman's question.

Mr. MOORE of Pennsylvania. I want to know if any other than a citizen of the United States can enlist in the Army of the United States?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. Those who are not citizens can enlist in the Army of the United States?

Mr. HAY. They must either be citizens or must be men who have declared their purpose to become citizens.

Mr. MOORE of Pennsylvania. Then a declaration of intention is sufficient to enable a man to enlist?

Mr. HAY. I understand that the declaration provided by law when a man goes into court to get his citizenship papers is required.

Mr. MOORE of Pennsylvania. The matter of citizenship appears here in a number of paragraphs, but the question is raised whether a man who is neither a citizen nor has declared his intention to be a citizen is qualified to enlist in the Army of the United States.

Mr. HAY. He must have declared his intention to become a citizen.

Mr. MOORE of Pennsylvania. He must have declared his intent and have promised to abide by and serve under the Constitution of the United States?

Mr. HAY. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 23. That the National Guard shall consist of the regularly commissioned and enlisted militia between the ages of 18 and 64 years—

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman will wait until the Clerk concludes the reading of the section.

Mr. MANN. I understood we were to quit as soon as we got through the National Guard.

Mr. HAY. When the Clerk concludes the reading of this section we will do so. I will then move to rise. Only a line or two remain to be read.

The Clerk read as follows:

SEC. 23. That the National Guard shall consist of the regularly commissioned and enlisted militia between the ages of 18 and 64 years, organized, armed, and equipped as hereinafter provided.

Mr. EMERSON. Mr. Chairman, I want to offer an amendment to this section.

Mr. HAY. Mr. Chairman, I move that the committee do now rise. The gentleman from Ohio can offer his amendment to-morrow.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRITT, from Wednesday, March 22, to Saturday, March 25, on account of important business.

To Mr. EDWARDS, indefinitely, on account of illness in his family.

CHANGE OF REFERENCE.

Mr. CAREW. Mr. Speaker, I ask unanimous consent that the reference of H. R. 1434 be changed from the Committee on Invalid Pensions to the Committee on Pensions. I have spoken to the gentleman from Ohio [Mr. SHERWOOD], and he has no objection whatever.

The SPEAKER. That is a private bill, and the chairman of the committee can change the reference.

LEAVE TO EXTEND REMARKS.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks on the McLemore resolution.

Mr. SMITH of Minnesota. I make the same request.

Mr. FIELDS. I make the same request.

The SPEAKER. The gentleman from Minnesota [Mr. SCHALL], the gentleman from Minnesota [Mr. SMITH], and the gentleman from Kentucky [Mr. FIELDS] ask leave to extend remarks on the McLemore resolution. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 65. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto; and

H. R. 3042. An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory as herein amended, and amending the laws relating thereto.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 927. An act for the relief of Clarence Hazelbaker; to the Committee on Claims.

S. 138. An act for the relief of the Ottawa Indian Tribe, of Blanchards Fork and Roche de Bœuf; to the Committee on Claims.

S. 140. An act for the relief of the estate of Israel Folsom; to the Committee on Indian Affairs.

S. 585. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States; to the Committee on Claims.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 22, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1916, together with copy of a report from Maj. W. J. Barden, Corps of Engineers, dated June 17, 1915, on preliminary examination of Taylors Bayou, Tex., to Southern Pacific Bridge, act approved March 4, 1915 (H. Doc. No. 908); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles Sewell, administrator of the estate of Joseph F. Baugh, deceased, *v.* The United States (H. Doc. No. 909); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Herbert E. Madison *v.* The United State (H. Doc. No. 910); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary B. Van Petten, widow of John B. Van Petten, deceased, *v.* The United States (H. Doc. No. 911); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Francis X. Solean *v.* The United States (H. Doc. No. 912); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John J. Ramage *v.* The United States (H. Doc. No. 913); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rollin A. Pratt *v.* The United States (H. Doc. No. 914); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Dabney A. Phillips *v.* The United States (H. Doc. No. 915); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frederick W. Mitchell *v.* The United States (H. Doc. No. 916); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emory G. Melendy *v.* The United States (H. Doc. No. 917); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Jennings *v.* The United States (H. Doc. No. 918); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. James, widow of Thomas James, deceased, *v.* The United States (H. Doc. No. 919); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John A. Hurt *v.* The United States (H. Doc. No. 920); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John A. Evans *v.* The United States (H. Doc. No. 921); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John A. Thompson, jr., *v.* The United States (H. Doc. No. 922); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Leonard E. Acker *v.* The United States (H. Doc. No. 923); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eugene C. Wilson *v.* The United States (H. Doc. No. 924); to the Committee on War Claims and ordered to be printed.

18. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary A. Summers, widow (remarried) of James O'Mara, *v.* The United States (H. Doc. No. 925); to the Committee on War Claims and ordered to be printed.

19. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emma Meyers *v.* The United States (H. Doc. No. 926); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary Geath, widow (remarried) of Henry J. Luneberg, deceased, *v.* The United States (H. Doc. No. 927); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William

Davidson *v.* The United States (H. Doc. No. 928); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles H. Dalrymple *v.* The United States (H. Doc. No. 929); to the Committee on War Claims and ordered to be printed.

23. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Josiah Brown *v.* The United States (H. Doc. No. 930); to the Committee on War Claims and ordered to be printed.

24. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Kankakee River, Ill. and Ind., with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the State and other committees and interests in carrying out such plans, its share being based upon the value of protection to navigation (H. Doc. No. 931); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

25. A letter from the Acting Secretary of the Treasury, transmitting a copy of bill proposing to sell the old subtreasury building at San Francisco, Cal. (H. Doc. No. 932); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, reported the same with amendment, accompanied by a report (No. 404), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 6225) for the relief of the estate of William H. Moores, reported the same with amendment, accompanied by a report (No. 396), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 2720) for the relief of Frank Payne Selby, reported the same without amendment, accompanied by a report (No. 397), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 11696) for the relief of the heirs and legal representatives of A. M. Rayburn, deceased, reported the same with amendment, accompanied by a report (No. 398), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11293) for the relief of the Barkhausen Coal & Dock Co., of Green Bay, Wis., reported the same without amendment, accompanied by a report (No. 399), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8452) for the relief of Charles L. Moore, reported the same without amendment, accompanied by a report (No. 400), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11377) for the relief of Thomas J. Bye, reported the same without amendment, accompanied by a report (No. 401), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12742) for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch, reported the same with amendment, accompanied by a report (No. 403), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Missouri, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 405), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 6203) for the relief of Thomas Bingham, reported the same adversely, accompanied by a report (No. 402), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 13472) to make further and more effectual provision for the national defense, and for other purposes; to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 13473) providing for the erection of a suitable memorial to John Ericsson; to the Committee on the Library.

By Mr. GLASS: A bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911; to the Committee on Banking and Currency.

By Mr. MILLER of Pennsylvania: A bill (H. R. 13475) granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. SAUNDERS: A bill (H. R. 13476) for regulating and administering the functions now performed by the Steamboat-Inspection Service and the Bureau of Navigation, and for the promotion of commerce and safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. HELVERING: A bill (H. R. 13477) authorizing the replacement of a bridge across the Republican River near Fort Riley, Kans., under the direction of the Secretary of War; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: A bill (H. R. 13478) to provide for carrying into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 13479) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla.; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 13480) to establish the Cabinet National Park in the county of Lincoln, State of Montana; to the Committee on the Public Lands.

By Mr. CARY: A bill (H. R. 13481) to prevent the use of mails for certain purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 13482) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 13483) to provide for the retirement of employees in the Postal Service; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 13484) to amend section 4488, Revised Statutes, for the greater safety and protection of passengers on steam vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Minnesota: A bill (H. R. 13485) to create a national commission of public works and to provide for the development of water power on navigable streams and on the public lands and the use of the public lands in relation thereto, and for the orderly development of the rivers and harbors of the United States, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUSSELL of Missouri: A bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent

children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ALMON: A bill (H. R. 13487) to remove the charge of desertion against Cornelius C. Allison; to the Committee on Naval Affairs.

By Mr. ASHBROOK: A bill (H. R. 13488) granting an increase of pension to Henry A. Butts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13489) granting an increase of pension to Charles Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13490) granting an increase of pension to Henry Stover; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 13491) granting an increase of pension to George H. Holliday; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 13492) for the relief of Frank Pullem; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 13493) granting an increase of pension to Mrs. Sallie Jones Jagers; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 13494) granting an increase of pension to James Sillett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13495) granting an increase of pension to Elijah B. Reeves; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 13496) for the relief of the Moeur-Pafford Co.; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 13497) granting a pension to Lory H. Powell; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 13498) granting a pension to Susan E. Cline; to the Committee on Pensions.

Also, a bill (H. R. 13499) granting a pension to Rose Butcher; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 13500) granting an increase of pension to Caroline M. Kieraus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13501) granting an increase of pension to Catherine E. Fessler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13502) granting an increase of pension to Daniel Oyster; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 13503) granting an increase of pension to Selah D. Hall; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 13504) granting a pension to Sallie A. Grigg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13505) granting an increase of pension to Pauline Joseph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13506) granting an increase of pension to Mary E. Keller; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 13507) granting a pension to Julia Esther Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13508) granting an increase of pension to George F. Joynes; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 13509) granting an increase of pension to James R. Collins; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 13510) granting a pension to Bernhard Bolen; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 13511) granting a pension to C. B. Chamness; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13512) for the relief of Mrs. A. M. Phelps; to the Committee on War Claims.

Also, a bill (H. R. 13513) for the relief of William Taylor; to the Committee on War Claims.

Also, a bill (H. R. 13514) for the relief of G. W. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 13515) for the relief of John Lee; to the Committee on War Claims.

Also, a bill (H. R. 13516) for the relief of Joe Griffin; to the Committee on War Claims.

Also, a bill (H. R. 13517) for the relief of Hannah Gilbert; to the Committee on War Claims.

Also, a bill (H. R. 13518) for the relief of William Wells; to the Committee on War Claims.

Also, a bill (H. R. 13519) for the relief of Henry Frederick; to the Committee on War Claims.

Also, a bill (H. R. 13520) for the relief of Thomas J. Smith; to the Committee on War Claims.

Also, a bill (H. R. 13521) for the relief of Dutton Davis, administrator of the estate of John Davis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13522) for the relief of Eliza Sturgess; to the Committee on War Claims.

Also, a bill (H. R. 13523) for the relief of Green Fitzgerald; to the Committee on War Claims.

Also, a bill (H. R. 13524) for the relief of John S. Spurlock; to the Committee on War Claims.

Also, a bill (H. R. 13525) for the relief of C. C. Logan; to the Committee on War Claims.

Also, a bill (H. R. 13526) for the relief of G. B. Turner; to the Committee on War Claims.

Also, a bill (H. R. 13527) for the relief of Malinda Davis; to the Committee on War Claims.

Also, a bill (H. R. 13528) for the relief of the estate of Algenon S. Gray, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13529) for the relief of the estate of Emanuel Sandusky, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13530) for the relief of the estate of James W. Tucker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13531) for the relief of the heirs of John Davidson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13532) for the relief of the heirs of Parks D. Brittain; to the Committee on War Claims.

Also, a bill (H. R. 13533) for the relief of the heirs of Susannah Cadle, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13534) for the relief of the heirs of Samuel Shadoan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13535) for the relief of the heirs or estate of John Asher, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13536) for the relief of the heirs of Jesse Powers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13537) for the relief of the heirs of Hiram J. Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13538) for the relief of the heirs of William T. Long, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13539) for the relief of the heirs of Lewis M. Davenport, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13540) for the relief of the heirs of Enoch Rainwater, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13541) for the relief of the heirs of James T. Ashinhurst, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13542) for the relief of the heirs of George W. Saunders, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13543) for the relief of the heirs of Wash Well, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13544) for the relief of the heirs of John Ray, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13545) for the relief of the heirs of John Midcalfe, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13546) for the relief of the heirs of George Humphreys, deceased; to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 13547) granting a pension to Frances McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13548) granting an increase of pension to James D. Staley; to the Committee on Pensions.

By Mr. QUIN: A bill (H. R. 13549) for the relief of the heirs of James Franklin Ford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13550) for the relief of the heirs of Tobias Clark, deceased; to the Committee on War Claims.

By Mr. REILLY: A bill (H. R. 13551) granting an increase of pension to Grace E. Ash; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 13552) granting an increase of pension to Martha D. Strout; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13553) granting a pension to Benjamin S. Curd; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 13554) granting an increase of pension to Joseph E. Neargarder; to the Committee on Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 13555) granting a pension to Thomas B. Struble; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13556) for the relief of James Conway; to the Committee on Military Affairs.

Also, a bill (H. R. 13557) for the relief of Henry Storm; to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 13558) granting an increase of pension to Margaret E. Cullers; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 13559) granting an increase of pension to Clara A. Moody; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 13560) granting a pension to Edgar Travis; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 13561) granting a pension to J. W. Cooper; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 13562) granting an increase of pension to John W. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13563) granting an increase of pension to Miles Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13564) granting an increase of pension to Missouri L. Herron; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of citizens of Juniata; Presbyterian Sabbath School of Patton; Cowan Sabbath School of the Presbyterian Church; 20 citizens of Patton; citizens of Hyndman; members of the Lutheran Church of Rainsburg; Church of the Brethren Sunday School of Johnstown; citizens of Conemaugh; citizens of Cambria County; citizens of Rainsburg; 200 people of Hyndman; 41 citizens of Saxton; members of Presbyterian Church of Coleman; and citizens of Juniata; all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

Also, memorial of First Brethren Church of Washington, D. C., in re foreign relations; to the Committee on Foreign Affairs.

Also, petition of 250 people of Roaring Spring, Pa., favoring an amendment to the Constitution forbidding polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of sundry citizens and church organizations of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Memorial of National Defense Conference of Mayors' Committees, in favor of preparedness; to the Committee on Military Affairs.

Also, petition of Farmers' Educational and Cooperative Union of America, in re legislation; to the Committee on Agriculture.

By Mr. CURRY: Petitions of Methodist Episcopal Church of St. Helena and 27 citizens of Danville, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Farmers' Educational and Cooperative Union of America, favoring section 82 of the military preparedness bill relative to fertilizers at reduced cost; to the Committee on Military Affairs.

Also, petition of Frank G. Maurer, of Brooklyn, N. Y., and men of the Bushwick Avenue Congregational Church, of Brooklyn, N. Y., favoring national defense; to the Committee on Military Affairs.

By Mr. DALLINGER: Petition of citizens of the eighth Massachusetts district, against passage of bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Texas: Petition of American National Live Stock Association, favoring nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of sundry citizens of Texas, relative to embargo resolution; to the Committee on Foreign Affairs.

Also, memorial of Woman's Missionary Society of First Methodist Episcopal Church of Austin, Tex., favoring censorship of motion pictures; to the Committee on Education.

Also, petition of Eureka Lodge, No. 198, Independent Order B'nai B'rith, of Waco, Tex., against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of W. S. Coker, of Abilene, Tex., relative to returning money collected from South during Civil War, known as special cotton tax; to the Committee on War Claims.

Also, petition of the voting citizens of Mineral Wells, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of citizens of Minnehaha County, S. Dak., protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, memorial of Farmers' Elevator Co., of Ethan, S. Dak., against preparedness; to the Committee on Military Affairs.

By Mr. DRUKKER: Memorial of public meeting in Passaic, N. Y., and signed by Rev. James R. Morris and Rev. Edward Dawson, against polygamy; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of Ohio Association Volunteer Retired List, in re officers' retirement bill; to the Committee on Military Affairs.

Also, memorial of Ohio Association Volunteer Retired List, indorsing Senate bill 392 and House resolution 386; to the Committee on Military Affairs.

By Mr. ELLSWORTH: Petition of citizens of Lake Crystal, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of H. L. Davis, of Warrens, Wis., and 46 others, against House bills 6468 and 491, relative to amending the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Farmers' Educational and Cooperative Union of America, in re legislation; to the Committee on Agriculture.

By Mr. FITZGERALD: Memorial of Consumers' League of Easton, Pa., protesting against House bill 12207; to the Committee on Labor.

Also, memorial of Bronx Board of Trade, favoring rivers and harbors bill including an item covering the East River; to the Committee on Rivers and Harbors.

Also, memorial of Consumers' League of Western Pennsylvania, protesting against House bill 12207; to the Committee on Interstate and Foreign Commerce.

Also, memorial of mayors and members of mayors' committees upon national defense of cities of the United States, relative to national defense; to the Committee on Military Affairs.

Also, memorial of mayors and mayors' committee, relative to national defense; to the Committee on Military Affairs.

Also, memorial of Appalachian Mountain Club, favoring a bill introduced by Mr. KENT, of California, to establish a national-park service; to the Committee on the Public Lands.

Also, memorial of military committee of Merchants' Association of New York, Los Angeles Chamber of Commerce, mayors and mayors' committees, and the Kings County Republican Club, in re preparedness; to the Committee on Military Affairs.

Also, memorial of the Consumers' League of Delaware, protesting against House bill 1225; to the Committee on Labor.

Also, petition of 37 citizens of New York, protesting against a tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of American Federation of Labor, favoring the creation of an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Swedish Americans, of Iowa, favoring House bill No. 5, for erection of a monument to the memory of Capt. John Ericsson at Washington, D. C.; to the Committee on the Library.

Also, memorial of Holy Name Society of St. Charles Church, of Providence, R. I., favoring House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of American Institute of Consulting Engineers, of New York, protesting against the erection of a power station upon the proposed site on the waters of the Potomac at Washington, D. C.; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of Chicago Branch, National Security League, favoring the Kahn amendment to the Hay military bill; to the Committee on Military Affairs.

Also, petition of Admiral Cook Camp, United Spanish War Veterans, for House bill 463, to increase pensions of widows of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of citizens of Dorchester, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of sundry citizens of Mehama, Oreg., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Albany, Oreg., favoring embargo resolution; to the Committee on Foreign Affairs.

By Mr. HINDS: Petition of Christian Endeavor Society of Baptist Church of Portland; 48 citizens of Portland; 14 citizens of Old Orchard; 9 citizens of Ocean Park; First Congregational Church, of 300 people, of North Brookfield; School Congregational Church, of Ashby; and Congregational Church, of 50 people, of North Brookfield, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Bayside Yacht Club, of New York City, against the provision of House bill 9411 requiring numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOLLINGSWORTH: Memorial of H. D. Emerson and 35 others, of Bellaire, Ohio, against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Memorial of J. J. Harris, president, and J. S. Daniels, secretary, and 110 other members of the Merchants' Retail Association of Ogden, Utah, in favor of the Austin bill imposing a 2-cent internal-revenue stamp on each trading stamp used by any firm; to the Committee on Ways and Means.

Also, memorials of Union 382, Electric Railway Employees of America, of Salt Lake City, and Division 418, of Ogden, Utah,

Electric Employees of America, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HUSTED: Petition of sundry citizens of Haverstraw, N. Y., favoring passage of House bill 12779, relative to taxing all export gasoline; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota: Petition of sundry citizens of South Dakota, favoring Government ownership of telegraph and telephone; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petition of Frank F. Tingley, of Providence, R. I., favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, memorial of German Dramatic Society of Olneyville, R. I., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Williamsport, Pa.; Epworth League of Pine Street Methodist Episcopal Church; and Calvary Baptist Sunday School and Church, of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of George W. Anderson and 150 citizens of Andover and Cambridge, Ill., protesting against bill to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of George W. Anderson and 190 citizens of Andover and Cambridge, Ill., protesting against closing barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. LAFEAN: Memorial of department of superintendence of National Education Association, favoring Smith-Hughes bill, relative to Federal aid for vocational education; to the Committee on Agriculture.

Also, memorial of Civic Association of Ardmore, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. LEWIS: Petitions of sundry citizens of Cumberland, Frostburg, Sandy Springs, and Rockville, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Papers to accompany House bill 5412, to establish the military record of Marshall M. Pool; to the Committee on Military Affairs.

By Mr. MAPES: Petition of H. G. Karcher and other members of Odessa Grange, No. 1435, Lake Odessa, Mich., against any change in the parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petition of St. Louis (Mo.) Club, favoring bill for control of floods of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of 11 members of Company D of National Guard of Missouri and Machine Gun Company of First Infantry, National Guard of Missouri, favoring passage of the Hay bill; to the Committee on Military Affairs.

By Mr. MILLER of Pennsylvania: Petition of 13 citizens of Emlenton, Pa., against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry churches of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany a bill for the relief of James R. Collins; to the Committee on Invalid Pensions.

By Mr. MORIN: Memorial of Concord Quarterly Meeting of Friends, of Delaware and Chester Counties, Pa., in opposition to increase in military preparedness; to the Committee on Military Affairs.

By Mr. NOLAN: Petitions of John C. Medley and sundry citizens of San Francisco, Cal., favoring Griffin indefinite leave of absence bill—H. R. 6915; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Petition of the following citizens of Rimersburg, Pa., protesting against the enactment of House bills 491 and 6468: F. M. Arner, N. C. Cook, L. P. Arner, J. W. Arner, Ed. M. Kaster, Harry Brothen, Philip Mortimer, M. Barr, M. E. Rirber, E. O. Wyman, M. J. Stewart, W. R. Mortimer, Charles V. Slaugenhorpt, L. A. Hetrick, D. M. Ramsey, A. P. Wilson, F. H. Blair, W. G. Stitt, C. B. Stewart, C. E. Probasco, J. F. Bale, A. C. Wise, Harry F. Ramsey, Thomas Campbell, O. G. Latshaw, C. C. Mortimer, Earl Rankin, R. E. Arner, O. G. Walters, J. C. Burford, W. E. Summerville, J. L. Lawther, C. E. Kratzer, Frank Shaffer, W. A. Glenn, C. C. Cobbett, Russell M. Traister, Wayne Rankin, Ralph McKee, Clarence Mortimer, W. A. Traister, Frank Mohney, Gus Myers, Wilson Mitchell, F. R. Johnston, George Anderson, F. J. Graham, R. O. Rimer, Thomas Canan, C. A. Burford, Adam Boltz, T. L. Walters, W. F. Beckner, S. L. Shea, and Harry Bernstein; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Club of Kiskiminetas Valley, urging the investigation of the sanitary condition of creameries and dairies; to the Committee on Agriculture.

Also, petition of 46 citizens of Lickingville, 64 citizens of Cherry Tree and 450 citizens of Apollo, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 29 citizens of Lawsonham, Pa., protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Armstrong Grange, No. 1645, of Parkwood, Pa., on preparedness; to the Committee on Military Affairs.

Also, memorial of Armstrong Grange, No. 1645, of Parkwood, Pa., in favor of postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Petition of 53 people of East Bernstadt, 26 women of Bernstadt, and 135 people of Bernstadt, Ky., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. REILLY: Petitions of sundry citizens of sixth congressional district of Wisconsin, urging the House Committee on Foreign Affairs to report an embargo resolution in order that the entire membership of the House may have the opportunity of discussing and recording the sentiments of their constituents with regard to the same; to the Committee on Foreign Affairs.

By Mr. ROGERS: Petition of 288 people of the First Baptist Church of Reading, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Isabel Ely, head of Pratt Institute, Brooklyn, N. Y., indorsing House bill 11250; to the Committee on Education.

Also, petition of Wright Drug Co., of Brooklyn, N. Y., indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. P. Conrad, of New York, and Charles Ward Hall, of New York, favoring Senate bill 3946 and House bill 10845; to the Committee on Education.

Also, petition of sundry citizens of New York, indorsing House joint resolutions 14 and 81, and like bills; to the Committee on Foreign Affairs.

By Mr. SNYDER: Petition of sundry citizens of Utica, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petitions of 30 citizens of Kittson County and 149 citizens of Kennedy, Kittson County, Minn., against the passage of House bills 491 and 6462; to the Committee on the Post Office and Post Roads.

Also, petition of Lake Hazel Church, of Benson, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Union, of Portsmouth; 30 people of Derry; 200 people of Manchester; Woman's Christian Temperance Union, of Candia; Baptist and Congregational Churches of Gilmanton; Woman's Christian Temperance Union, of 14 people, of Gilmanton; citizens of Meredith; citizens of East Rochester; all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas: Petition of sundry citizens of Hot Springs, Ark., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petitions of citizens of Denver, Colo., against passage of House bill 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition signed by Alson M. Doak, New Brighton, Pa., in behalf of the First Methodist Episcopal Church, of New Brighton, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by members of the official board of the Grace Methodist Episcopal Church, of New Brighton, numbering 500 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by Methodist Episcopal Church, of Rochester, Pa., numbering 700 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution signed by Rev. A. E. Finn, in behalf of the First Baptist Church, of Rochester, Pa., numbering 450 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution signed by Mr. Frederick Cromer in behalf of the First Presbyterian Church of Rochester, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution signed by Mrs. E. W. Bentley in behalf of the Rochester (Pa.) Woman's Christian Temperance Union, rep-

resenting 95 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution signed by William H. Bade, of Rochester, Pa., in behalf of the Zion Evangelical Church, of Rochester, Pa., numbering 150 people, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of sundry citizens of Yuma, Colo., protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of National Security League, relative to national defense; to the Committee on Military Affairs.

By Mr. WATSON of Virginia: Petition of sundry citizens of Sussex County, Va., against House bill 6468, establishment of censorship of mails in the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Sussex County, Va., against House bill 652; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *March 22, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that we still feel the upper shrine of life. Out of the inspiration that comes from Thy name we gather force for the duties of our daily life. All our plans rest upon the certainty of our knowledge of Thee. Our most sacred contracts are sealed with the sacredness of Thy name. Help us, we pray Thee, in the daily performance of our task, to hold Thee in sacred reverence and awe that we may be guided by the God of our fathers in the discharge of the duties of this day and of every day, and that our life work may bring to the people, through our devotion to God, continued peace and prosperity, and honor to the name of our God. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, March 21, 1916, when, on request of Mr. LEA of Tennessee, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION.

Mr. OLIVER. Mr. President, I rise to ask for a correction in the RECORD of yesterday's proceedings.

In the discussion upon the armor-plate bill yesterday evening the Senator from Missouri [Mr. REED] was kind enough to refer to the fact that during the investigation conducted by a Senate committee a few years ago I had stated that I was the owner of a thousand shares of preferred stock of the United States Steel Corporation. In that connection the Senator used this language:

> Mr. REED. I say, since the Senator wants to make it pointed, that if I owned $500,000 worth of the stock of any company engaged in Government contracts I would not plead for a continuance of those contracts.

Mr. President, the par value of the preferred stock of the United States Steel Corporation is $100 per share. The par value of 1,000 shares, therefore, as can easily be seen, is $100,000. The market price yesterday, as I see from this morning's paper, was $117 a share, which would make the ultimate value of that stock $117,000. So the Senator from Missouri in placing its value at $500,000 evidently made an enormous mistake in calculation.

The attention of the Senator from Missouri was called to this statement this morning, and he informed my secretary that he would be here this morning and ask that the correction be made. He has not so appeared, and I now ask that "$500,000" in this place in the RECORD, on page 4539, be changed to read "$117,000."

In this connection I wish to say, as I stated to the committee when I stated that I was the owner of that stock, that I have never considered this security to be in any way affected by any measure that came before Congress since I have been a Senator. It is a preferred stock. It pays 7 per cent. It can not under any circumstances pay more, and in the improbable circumstances of the profits of the corporation being insufficient to pay 7 per cent in one year the dividend will be paid out of the profits of succeeding years.

Even if it were subject to this legislation, the amount is so small compared with the enormous capital of the corporation that of any money that might be made out of the armor-plate business my share would be so small as to be infinitesimal.

Those who know me, Mr. President, know well that any vote of mine in the Senate will never be controlled by my personal interests. I have on more than one occasion voted in direct opposition to my personal and financial interests on measures coming before the Senate. I shall never vote in accordance with my personal interest unless the interest of the public and of my constituents demands it.

If my interest in this corporation had been far larger or if I had been interested in the securities of any of the other companies engaged in this business, as I am not, I would have acted and voted just as I acted and voted yesterday, for the reason that I believe the measure to be inimical to the public interests and injurious to the constituency which I aim to represent.

I ask that this correction be made, Mr. President.

The VICE PRESIDENT. The Chair hardly sees how the Senator from Pennsylvania can change the language used by the Senator from Missouri. The Senator has made his statement, and when the Senator from Missouri comes in, in accordance with his promise to the Senator from Pennsylvania, the Chair assumes that the Senator from Missouri will make the change; but the Chair can not change the language of a Senator.

Mr. OLIVER. I think the ruling of the Chair is correct, and I made the request to call attention not only to the misstatement made by the Senator from Missouri but to his failure to respond to an invitation to correct that mistake.

Mr. REED subsequently said: Mr. President, I desire to make a statement to the Senate that has nothing to do with this debate, but which relates to a correction of a statement which I made on yesterday.

On yesterday I read the evidence to the effect that the Senator from Pennsylvania [Mr. OLIVER] owned 1,000 shares of stock in the United States Steel Corporation. A moment afterwards, in a colloquy with the Senator from Pennsylvania, I made this statement:

> I say, since the Senator wants to make it pointed, that if I owned $500,000 worth of the stock of any company engaged in Government contracts I would not plead for a continuance of those contracts.

This statement was made as to the value of the stock during the course of debate and without any time to look up values. When I used the figures "$500,000" I had in mind the figures quoted in the press as to the value of certain stocks. My attention was called this morning by the secretary of the Senator from Pennsylvania to the fact that this particular stock was not worth $500 a share, which it would have to be in order to make the aggregate $500,000, but that it was worth only $117 a share, which would make the aggregate amount $117,000. I stated to the Senator's secretary very readily that I would make the correction, but I left my office to come to the Senate just before 12 o'clock, and I was detained by a gentleman who called on me. Therefore, during my absence, the Senator from Pennsylvania asked to have the RECORD corrected on his own motion, so that the figures "$117,000" will be substituted for "$500,000." Had I been here, I would have asked that that be done myself. I arrived just a few moments after the Senator from Pennsylvania had made his statement.

I am entirely willing, and I ask that the statement be corrected, so that the figures "$117,000" shall be substituted for "$500,000." I am very glad to make this correction in the interest of accuracy.

All I have to say by way of condonation of my own mistake is to remark that it was quite a natural mistake for me to make, because I am not at all familiar with stock quotations and do not follow them. I am glad to make the correction.

The PRESIDING OFFICER (Mr. MYERS in the chair). Is there objection to the request of the Senator from Missouri being granted? There being none, it is so ordered.

SENATOR FROM INDIANA.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Hon. THOMAS TAGGART, a citizen of Indiana, appointed by the governor of that State a Senator from the State of Indiana to fill the vacancy caused by reason of the death of Hon. BENJAMIN FRANKLIN SHIVELY. The credentials will lie on the table and be printed in the RECORD.

The credentials are as follows:

THE STATE OF INDIANA,
EXECUTIVE DEPARTMENT.

To all who shall see these presents, greeting:

Whereas by reason of the death of BENJAMIN FRANKLIN SHIVELY, United States Senator from the State of Indiana, a vacancy now exists in the representation of the State of Indiana in the Senate of the United States;

Therefore know ye that I, Samuel M. Ralston, as the governor of the State of Indiana, by virtue of the power and authority vested in me by the Constitution of the United States and the constitution and laws of the State of Indiana, do hereby appoint and commission THOMAS TAGGART, a citizen of the State of Indiana, as United States Senator to fill said vacancy, to serve until the next general election and until his successor is elected and qualified.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana at the capitol, in the city

of Indianapolis, Ind., this 20th day of March, in the year of our Lord 1916 and of the independence of the United States one hundred and fortieth.

[SEAL.]

SAMUEL M. RALSTON,
Governor of the State of Indiana.

By the governor:

HOMER L. COOK.
Secretary of the State of Indiana.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey, Mr. MARTINE, and the Senator from Washington, Mr. JONES, the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointments thereof.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication in the nature of a petition from the secretary of the Brooklyn Civic Club, of New York, inviting attention to the shores of Jamaica Bay, N. Y., as an available site for the location of a naval research laboratory, which was referred to the Committee on Naval Affairs.

Mr. LODGE. I present resolutions adopted by the General Court of Massachusetts, in favor of uniform labor laws throughout the United States. I ask that the resolutions be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions in favor of a national law regulating the employment of labor.

Whereas the diversity of the labor laws in the several States causes unfair and unequal competition and results in much confusion and injustice: Therefore be it

Resolved, That the General Court of Massachusetts hereby expresses its belief that the Congress of the United States should take the steps necessary to provide for a national law regulating the employment of labor throughout the entire country.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted February 25, 1916.
In senate, adopted, in concurrence, March 1, 1916.
A true copy.
Attest.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE. I present the petition of Frederick Krone and 2,500 citizens, of Hampshire County, Mass., in favor of legislation to provide for adequate national defense. I ask that the prayer of the petitioners, which is very short, being only a paragraph, may be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Military Affairs, and the body of the petition was ordered to be printed in the RECORD, as follows:

We the undersigned citizens of Hampshire County, Mass., irrespective of party affiliations, recognizing the present inadequacy of our national defense and the possible dangers which may threaten the Nation in the present crisis of the world's history, hereby pledge ourselves to the principle of national preparedness. We urge our Representatives in Congress to secure the passage of a measure which shall strengthen the Military and Naval Establishment of the country sufficiently to insure an adequate protection against aggression. And we further urge our Representatives to take vigorous and immediate action in regard to this question, which we believe to be the most vital of those which now await the consideration and action of Congress.

Mr. LODGE presented a memorial of Local Branch No. 34, National Association of Letter Carriers, of Boston, Mass., remonstrating against the enactment of legislation authorizing the separation of the Cambridge (Mass.) postal station from the Boston (Mass.) post office, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Leominster and Fitchburg, in the State of Massachusetts, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. LEA of Tennessee presented petitions of sundry citizens of Columbia, Union City, Stantonville, Spring Creek, and Nashville, all in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to prohibit the use of the name of any church, religious denomination, etc., for purposes of trade and commerce, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called Moon bill, relating to compensation allowed railroads for transporting mail, as a "rider" on the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called ship-purchase bill, which was referred to the Committee on Commerce.

He also presented a petition of the Blank Book Manufacturers and Stationers Group of the Members Council of the Chamber of Commerce of Philadelphia, Pa., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. McCUMBER presented a petition of sundry citizens of La Moure, N. Dak., praying for Government ownership of munition plants and for an increase in armaments, etc., which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Ashley, N. Dak., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Club of Ashley, N. Dak., praying for an increase in armaments, which was ordered to lie on the table.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented petitions of Stark Lodge, No. 4, International Order of Good Templars, and of Stark Juvenile Temple, No. 1, of Manchester, in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Monadnock Shoe Co., of Keene, N. H., remonstrating against a stamp tax on documents, etc., which was referred to the Committee on Finance.

He also presented memorials of Harry L. Whipple and 24 other members of Claremont Grange, No. 9, Patrons of Husbandry, of Claremont; of Local Grange No. 8, Patrons of Husbandry, of Sullivan; of Local Grange No. 313, Patrons of Husbandry, of Effingham; of Byron P. Dearborn, of Salisbury; of Local Grange No. 200, Patrons of Husbandry, of Warren; of Local Grange No. 169, Patrons of Husbandry, of Chester; of Lake Grange, No. 221, Patrons of Husbandry, of Sunapee; of Howard S. Legallee, of Hudson; and of sundry citizens of Landaff, all in the State of New Hampshire, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA presented a petition of sundry citizens of North Dakota, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Edward W. Brown, of Robinson, N. Dak., praying for the creation of a system of rural credits, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Wheelock, N. Dak., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Association of Commerce, of Minot, N. Dak., remonstrating against the repeal of the so-called mixed-flour law, which was referred to the Committee on Agriculture and Forestry.

Mr. NORRIS presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Nebraska, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON. I present resolutions adopted by sundry women voters at a meeting of the Fifth District Branch of the Congressional Union of Kansas, held at Manhattan, Kans., on

March 10, relating to the suffrage amendment, which resolutions I ask may be printed in the RECORD.

The resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas we women voters of the State of Kansas believe that the right of suffrage must be granted to the women of the United States before any legislation can be passed with justice to the women of the Nation: Therefore be it

Resolved, That this meeting of the Fifth District Branch of the Congressional Union of Kansas, held at Manhattan on March 10, calls upon Congress to submit at once to the State legislatures for ratification an amendment to the United States Constitution enfranchising women; and be it further

Resolved, That a copy of this resolution be sent to United States Senator WILLIAM HOWARD THOMPSON, of Kansas, and to the Representative from this district, Hon. GUY T. HELVERING, with the request to have it read into the CONGRESSIONAL RECORD.

Mr. THOMPSON presented a petition of the Soldanella Club, of Oxford, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Lawrence, Kans., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Perth, Kans., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of South Dakota presented a memorial of the Society of Equity, of Wheatland, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Elk Point, S. Dak., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. MYERS. I present a petition of residents of the Flathead Reservation, in the State of Montana, praying for an adequate appropriation for work on the Flathead reclamation project in that State. I ask that it be received and referred to the Committee on Indian Affairs.

The VICE PRESIDENT. The petition will be referred to the Committee on Indian Affairs.

Mr. MYERS. I present a petition of citizens of the town of Eureka, Mont., and also a petition signed by a large number of citizens of the city of Missoula, Mont., favoring the submission of a national constitutional prohibition amendment to the States. I ask that the petitions be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions will be referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Washington, D. C., and Lebanon, Ill., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented petitions of sundry citizens of San Francisco, Oakland, and Alameda, all in the State of California, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation to provide an increase in the wage scale of Federal employees, which was referred to the Committee on Education and Labor.

He also presented a memorial of Greenfield Grange, No. 357, Patrons of Husbandry, of Greenfield, Cal., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented a petition of the Fraternal Defence Society, of Elizabeth, N. J., praying that the superintendent of insurance of the District of Columbia compile certain insurance statistics, which was referred to the Committee on the District of Columbia.

Mr. WEEKS. I present resolutions of the General Court of Massachusetts relative to the Harbor of Refuge at Sandy Bay, Cape Ann, Mass. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions relative to the Harbor of Refuge at Sandy Bay, Cape Ann.

Whereas the construction of a breakwater to form a harbor of refuge at Sandy Bay, Cape Ann, off the town of Rockport, was begun in the year 1885, and a large part of the breakwater has already been constructed but in its present state does not rise above the surface of the water; and

Whereas the Corps of Engineers of the United States Army have reported that "the work already done has resulted in the creation of a serious menace to navigation until the submerged structure is erected and made visible by a superstructure"; therefore, be it

Resolved, That the General Court of Massachusetts hereby expresses the opinion that the said breakwater should be completed for the double purpose of removing the present danger to navigation caused by the breakwater itself and of providing safe anchorage for vessels in Sandy Bay, and urges upon Congress the enactment of such legislation as will provide for constructing the superstructure and for extending the breakwater according to the original design; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the Senators and Representatives in Congress from Massachusetts and also to the presiding officers of both branches of Congress.

In house of representatives, adopted, February 24, 1916.
In senate, adopted, in concurrence, February 28, 1916.
A true copy.
Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Congregational Church, of Rockland, Mass., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Springfield, Mass., praying for the enactment of legislation to classify the employees of the Bureau of Animal Industry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Etaerio Club, of Attleboro, Mass., and a petition of the Woman's Club, of Melrose Highlands, Mass., praying for an investigation into conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Boston and Newton, in the State of Massachusetts, remonstrating against sectarian appropriations, which was ordered to lie on the table.

Mr. HOLLIS presented petitions of sundry citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Hastings, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Council of Lansing, Mich., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Commerce of Manistee, Mich., praying for the adoption of certain amendments to the so-called seaman's law, which was referred to the Committee on Commerce.

Mr. POINDEXTER presented a petition of sundry citizens of Seattle, Wash., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Espanola, Wash., praying for the repeal of the law providing for the free distribution of seed, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Aeneas Lake Grange, No. 423, Patrons of Husbandry, of Tonasket, Wash., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of Noble Grange, No. 494, Patrons of Husbandry, of Newport, Wash., remonstrating against the passage of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of invest-

ment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which was ordered to lie on the table.

Mr. DILLINGHAM presented memorials of sundry citizens of Vermont, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WADSWORTH presented petitions of sundry citizens of the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented the petition of Hon. William W. Heaton, mayor of Greenwich, Conn., praying for an increase in armaments, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Moosup, Danielson, Clinton, South Woodstock, Enfield, Bethel, Riverton, Naugatuck, New Britain, Lyme, and Waterbury, all in the State of Connecticut, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Civic League, of New Canaan, Conn., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Branch, Master Painters & Decorators' Association, of Hartford, Conn., praying for the enactment of legislation to prevent the manufacture and sale of adulterated paints, etc., which was referred to the Committee on Manufactures.

He also presented a petition of the Mule Spinners' Association, of Baltic, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. DU PONT presented petitions of sundry citizens of Smyrna and Gumboro, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Castle and Delmar, in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 5081) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

Mr. OWEN, from the Committee on Banking and Currency, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4256. A bill to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located (Rept. No. 287); and

S. 4432. A bill to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Rept. No. 288).

Mr. JOHNSON of Maine, of the Committee on Pensions, to which was referred the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, reported it with amendments and submitted a report (No. 286) thereon.

He also, from the same committee, to which was referred the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China, reported it without amendment and submitted a report (No. 285) thereon.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, without amendment, S. Res. 101 submitted by the Senator from Indiana [Mr. KERN] on the 9th instant, and at the request of that Senator I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections be authorized to employ an additional clerk, who shall be a stenographer, at a salary of $100 per month, the same to be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAMES:

A bill (S. 5182) granting an increase of pension to Sallie Rigney (with accompanying papers); to the Committee on Pensions.

By Mr. HARDWICK:

A bill (S. 5183) to amend the provision regarding newspapers in clause (b), of section 25, of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, as amended by an act approved August 24, 1912, and also to amend section 40 of said act; to the Committee on Patents.

By Mr. THOMPSON:

A bill (S. 5184) for the relief of Ephraim A. Brown (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5185) granting an increase of pension to Henry W. Crow (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5186) to provide for the erection of a pedestal and base for a monument to William Procter, jr., in the Smithsonian Grounds, at Washington, D. C.; to the Committee on the Library.

A bill (S. 5187) granting an honorable discharge to Esau Carson; and

A bill (S. 5188) granting an honorable discharge to George P. Sterling; to the Committee on Military Affairs.

A bill (S. 5189) granting an increase of pension to James C. Welsh; and

A bill (S. 5190) granting an increase of pension to Henry Gottman; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5191) granting an increase of pension to Arvil Harris (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5192) granting an increase of pension to George B. Van Pelt (with accompanying papers);

A bill (S. 5193) granting a pension to Joseph Grunenwald;

A bill (S. 5194) granting an increase of pension to John Allen; and

A bill (S. 5195) granting an increase of pension to Charles L. Wehe; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5196) to provide for the payment of drainage assessments on Indian Lands in Idaho; to the Committee on Indian Affairs.

A bill (S. 5197) granting an increase of pension to Sarah A. Maurer (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5198) to provide for the erection of a public building in the city of Hobart, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 5199) to confer upon the Superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled members of the Five Civilized Tribes and their individual moneys; to the Committee on Indian Affairs.

A bill (S. 5200) to further amend the act of Congress entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910; to extend the same to elections for United States Senators and for presidential electors, and to regulate, control, and limit campaign and other contributions and expenditures in connection with such elections; and to define corrupt practices in connection therewith, and for other purposes; to the Committee on Privileges and Elections.

A bill (S. 5201) granting a pension to Theodore S. Hook (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5202) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me.; to the Committee on Commerce.

A bill (S. 5203) for the relief of Gardner L. Eastman (with accompanying papers); and

A bill (S. 5204) for the relief of Stephen A. Winchell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5205) granting an increase of pension to Mary I. Bradbury (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5206) for the relief of mail contractors; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5207) granting an increase of pension to William A. Custer; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5208) granting an increase of pension to Georgianna G. Furey; and

A bill (S. 5209) granting a pension to Frances B. V. Kelly; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5210) for the relief of John Brodie; to the Committee on Claims.

A bill (S. 5211) for the relief of Arthur R. Aldworth (with accompanying papers); to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 5212) granting an increase of pension to Homer H. Throop (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5213) granting a pension to Caroline L. B. Childs (with accompanying papers);

A bill (S. 5214) granting a pension to Milton T. Benham (with accompanying papers); and

A bill (S. 5215) granting an increase of pension to Mary L. Jeffers (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 5216) to authorize the Secretary of Agriculture to establish, equip, and conduct a plant for the manufacture of potash salts from kelp; to the Committee on Agriculture and Forestry.

By Mr. LEWIS:

A bill (S. 5217) granting a pension to Eliza Leach;

A bill (S. 5218) granting an increase of pension to William J. Rosborough; and

A bill (S. 5219) granting a pension to Edward Loudon; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5220) for the relief of the heirs of Gordon H. Meek, deceased; to the Committee on Post Offices and Post Roads.

AFFAIRS IN MEXICO.

Mr. SHERMAN. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 117) authorizing the President to call for volunteers to protect lives and property of citizens of the United States in Mexico was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized and directed immediately to call for volunteers and to enlist in the service of the United States a force of 50,000, giving preference to the Organized Militia of the several States, the term of service to continue until peace is restored and civil government sufficient to protect life and property is established and definitely maintained in Mexico; and be it

Further resolved, That the use of such armed force is to be limited strictly to operating within the territorial limits of Mexico as an auxillary to the de facto government of Carranza, if it be so permitted, otherwise that such forces be used in the capture of Villa and his band, who lately committed outrages at Columbus, N. Mex., and to maintain order in the northern provinces of Mexico and safeguard and protect the Mexican borders of the United States; and be it

Further resolved, That after the foregoing purposes have been accomplished that the President shall withdraw all the military and naval forces of the United States from Mexican territory and Mexican waters.

Mr. SHERMAN. I ask that the joint resolution may lie on the table, and I further ask unanimous consent to make a short statement which will occupy about three minutes.

Mr. SMITH of Georgia. Mr. President, we could not hear in this part of the Chamber what the Senator's request is.

The VICE PRESIDENT. The request is that the joint resolution may lie on the table, and a further request is that the Senator from Illinois may be permitted to discuss the joint resolution by unanimous consent. Is there objection?

Mr. SMITH of Georgia. For what time?

The VICE PRESIDENT. Any time.

Mr. SMITH of Georgia. I think it would be better to do that when the joint resolution comes up.

Mr. SHERMAN. Do I understand that objection is made?

The VICE PRESIDENT. The Chair so understands.

Mr. SHERMAN. I will then ask the Secretary to read the statement in connection with the joint resolution I have introduced.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. What is the request?

The VICE PRESIDENT. That the Secretary read the following statement in connection with the joint resolution introduced by the Senator from Illinois. Is there objection?

Mr. SMITH of Georgia. I will not object.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

"Mr. President, the lack of military strength immediately available is apparent. The dispatch of a portion of the Regular Army into Mexico in pursuit of Villa has demonstrated the totally insufficient military force at the command of the President.

"I am apprehensive that Congress does not fully appreciate conditions on the Mexican border and in Mexico. We have a few thousand American soldiers with their officers in Mexico. They will soon be some hundreds of miles from our boundary. The railways of Mexico are demoralized in service and equipment. Tracks and bridges are easily destroyed. The communications of the forces in pursuit of Villa may be cut any hour. The press reports are not reassuring this morning. In case of an emergency, what military strength can be mobilized promptly and massed for the support or protection of our far-distant line advancing into unknown territory? Shall we wait until another Khartum has done for us in the annals of our history what it did for England in her neglect of Gordon? What will avail to wipe out the stain if we permit it? Will nothing but a massacre waken the dull routine of governmental action?

"I wish now to warn those in authority in the executive department that we are trifling with the lives of men, with the safety of our border States, and with our national honor more than some seem to appreciate.

"The men to be called under this resolution will respond, I believe. They will be ready for actual service if called now within a short time. If it be neglected, the delay, then, in a crisis will be a blunder, and the kind of blunder that is worse than a crime. The best method of redeeming ourselves from disaster is to be prepared before the disaster arrives. That is the purpose of this resolution."

ADJUDICATION OF PRIVATE CLAIMS.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on Claims and ordered to be printed.

WATER-POWER SITES.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which was ordered to lie on the table and be printed.

NATIONAL DEFENSE.

Mr. POMERENE submitted an amendment intended to be proposed by him to the bill (S. 4840) for making further and more effectual provision for the national defense, and for other purposes, which was ordered to lie on the table and be printed.

Mr. WADSWORTH submitted 10 amendments intended to be proposed by him to the bill (S. 4840) for making further and more effectual provision for the national defense, and for other purposes, which were ordered to lie on the table and be printed.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 4840) for making further and more effectual provision for the national defense, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment proposing to exempt weekly, semiweekly, and triweekly newspapers from the provisions of section 2, chapter 38, page 533, Thirty-seventh United States Statutes at Large, relative to the publication and filing of sworn statements containing the names and post-office addresses of the editor, managing editor, and publisher, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $2,250 for salary of a chief of division, Bureau of Navigation, Navy Department, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CONDITION OF LITHUANIANS IN COUNTRIES OF WAR.

Mr. LEWIS. I submit a resolution and ask that it be read.

The resolution (S. Res. 140) was read, as follows:

Whereas in the various countries now engaged in war there are 4,000,000 Lithuanians, the great majority of whom are destitute of food, shelter, and clothing; and

Whereas millions of them have been driven from their homes without warning, deprived of an opportunity to make provision for their most elementary wants, causing starvation, disease, and untold suffering; and

Whereas the people of the United States of America have learned with sorrow of this plight of millions of human beings and have most generously responded to the cry for help whenever such an opportunity has reached them: Therefore be it

Resolved, That in view of the misery, wretchedness, and hardships which these 4,000,000 Lithuanians are suffering, the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Lithuanians in the war zone.

The VICE PRESIDENT. The resolution will lie over and be printed.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN submitted the following resolution (S. Res. 141), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, be authorized during the Sixty-fourth Congress to administer oaths, and to employ a stenographer, at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

Mr. LEA of Tennessee subsequently said: At the request of the Senator from Oklahoma [Mr. OWEN], who is anxious to have a hearing before the Committee on Banking and Currency this afternoon, I report back favorably from the Committee to Audit and Control the Contingent Expenses of the Senate the resolution submitted by him to-day, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to.

AMENDMENT OF THE RULES.

Mr. OWEN. I desire to give notice of a proposed amendment to the standing rules of the Senate, which I ask may be read.

The Secretary read as follows:

That the standing rules of the Senate be, and they hereby are, amended as follows:

At the close of Rule XXII add:

"*Provided, however*, That when any 10 Senators, in writing, move that the debate should be brought to a close, the Chair shall, without permitting any debate thereon, put the question to the Senate—

"'Is it the sense of the Senate that the debate should be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then the pending question, bill, or resolution shall be in order to the exclusion of all other questions and business. And thereafter, the motion being so carried, no Senator shall be entitled to speak more than one hour in all on the question, bill, or resolution, or amendments thereto, or on any motion affecting the same.

"No dilatory motion shall be in order, and it shall be the duty of the presiding officer to declare such motion out of order when the question of order is raised by a Senator, or to immediately submit the question without debate to the Senate."

MILITARY TRAINING IN CIVIL LIFE.

Mr. LODGE. Mr. President, I desire to call up the resolution of inquiry which I offered several days ago.

The VICE PRESIDENT. At the request of the Senator from Massachusetts, the Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 139), which had been submitted by Mr. LODGE on the 20th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a statement, to be prepared by The Adjutant General of the Army, showing approximately the number of persons in the United States in civil life who have received a military training within the last 10 years, as follows:

First. Men who have served at least one full enlistment in the Regular Army.

Second. Men who have served at last one full enlistment in the National Guard.

Third. Graduates of educational institutions which provide an adequate military training.

The resolution was considered by unanimous consent and agreed to.

INCREASE IN NUMBER OF CADETS AT WEST POINT.

The VICE PRESIDENT. Are there further concurrent or other resolutions? If there be none, morning business is closed.

Mr. CHAMBERLAIN. I ask unanimous consent that the Senate proceed to the consideration of the bill which is known as the Military Academy bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. CHAMBERLAIN. Mr. President, the pending amendment is an amendment offered by the Senator from Missouri [Mr. REED], and I should like to have the Secretary state it.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The amendment offered by the Senator from Missouri [Mr. REED] is: On page 2, in section 2, line 14, where the word "one" occurs, being the second word in the line, it is proposed to insert "five," so that it will read—

At the rate of five for each regiment.

On line 17, where the words "one representative" occur, it is proposed to strike them out and to insert in lieu thereof "five representatives," so that it will read:

Hereby increased to the number necessary to provide for maintaining hereafter five representatives or each organization as herein prescribed.

And after the word "prescribed," at the end of the section, it is proposed to insert the following:

Provided, however, That the number of cadets at the United States Military Academy thus selected by the President from enlisted men in the Army and the National Guard shall not at any time exceed 300.

Mr. REED. Mr. President, I desire to perfect the amendment by changing its language, and I think the best way to do it is to move the whole amendment in the form of a substitute or new amendment.

After the word "Army," in the eighth line, I move to insert "and the National Guard"; after the word "prescribe," in the eleventh line, I move to strike out all the remainder of the section and to insert:

Provided, That the total number so selected shall not exceed 300 in any one year.

So that the section as proposed to be amended will read:

The President is hereby authorized to appoint cadets to the United States Military Academy from among the enlisted men of the Regular Army and the National Guard, between the ages of 19 and 22, who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed 300 in any one year.

Mr. HITCHCOCK. No; that can not be right. The Senator from Missouri is now providing for any one year. It means at any one time.

Mr. SMITH of Georgia. That is the total of 300.

Mr. JAMES. The number selected.

Mr. WARREN. Most assuredly; it must be not over 300 at any one time.

Mr. REED. Not over 300 at any one time. That is right.

Mr. CHAMBERLAIN. I am sure that is the way it would be construed in any event, because the last section of the bill provides that the cadets shall be admitted by increments.

I desire to state, very briefly, that this proposed amendment is much preferable to the original amendment as it was under consideration the other day in the Senate.

I have no particular objection to the plan for the admission to West Point of enlisted men in the National Guard and the Regular Army. As I said the other day, I feel that it would strengthen the Army and strengthen West Point, for that matter, if all the cadets of the Academy could be appointed from the enlisted strength of the Army and National Guard after serving a term of one year's enlistment; but I feel that the proposal as now made may defeat the very purpose the committee had in view, which was to recognize the enlisted strength.

In addition to that, in order that the matter may be in the RECORD and that Senators may know just what will be the effect of the adoption of this amendment, I desire to call the attention of the Senate to the number of cadets provided for under the law as it stands to-day. I did not make the statement the other day, but I desire to make it now.

The present law provides for cadets as follows: One for each congressional district, making 435; 1 for each Territory, making 2; 1 for Porto Rico; 2 from each State at large, making 96; 2 for the District of Columbia; and 40 by the President at large, making 576 in all.

In 1915 an act was passed which provided that successors to cadets might be admitted to the academy at the end of three years of the course, instead of at the end of four years, as it had originally been. So that increased the authorized strength of the academy to 770 instead of 576.

That total authorized strength is usually reduced from 150 to 200 every year because of failure of the young men to pass the examinations required and because of dismissals from the academy for various reasons. So the authorized strength is always in excess of the cadets actually in attendance.

If we practically double the number, as this bill provides, under the Army as at present organized the strength of the Cadet Corps would be as follows: Doubling the present number of cadets from 435 congressional districts would make 870; doubling the Territorial appointments would make 4; then there would be 4 from the District of Columbia; 2 from Porto Rico; from the States at large—the senatorial appointments—192; presidential appointments 60, making 1,132 in all, which this bill would authorize to be appointed.

Now, Mr. President, if, as this bill provides, 1 should be appointed from each regiment of the enlisted strength, it would add 64 to those appointed from the congressional districts, from the States at large, and otherwise, which would make 1,196 cadets altogether, and that is practically all that the Military Academy will accommodate.

Mr. REED. Is that according to the present strength of the Army?

Mr. CHAMBERLAIN. That is according to the present strength of the Army. If the present reorganization bill that is pending in the Senate becomes the law, we would have to add to that the difference between the number of regiments under existing law, 64, and the number of regiments which the reorganization bill will provide, 136, which is 72; so that it would make the strength 1,204.

Mr. SMITH of Michigan. Mr. President, will the Senator pardon an interruption?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Michigan. How will this last quota be appointed—by the President?

Mr. CHAMBERLAIN. By the President, under such rules and regulations as he might prescribe, from the enlisted strength of the Army.

Mr. SMITH of Michigan. This plan does not propose to take away from Senators and Representatives the power which they now have to designate cadets?

Mr. CHAMBERLAIN. Not at all.

Mr. LODGE. It increases it.

Mr. CHAMBERLAIN. It increases the number that are now permitted to be appointed by Members of Congress.

Mr. SMITH of Michigan. To what extent?

Mr. CHAMBERLAIN. It doubles the number.

Mr. JAMES. Mr. President, as a matter of fact, Senators and Representatives have no right to appoint cadets.

Mr. CHAMBERLAIN. No; the President appoints them all.

Mr. JAMES. The President appoints them, but he recognizes the long-standing custom of allowing the appointments to be made upon the recommendation of Senators and Representatives.

Mr. CHAMBERLAIN. The Senator is correct about that; the President appoints them all, but it has become almost an unwritten law for the President to recognize the designations of Senators and Representatives, and their recommendations are practically adopted by the President.

Now, Mr. President, what I want to call attention to is that the bill as originally prepared provided for about 1,132 cadets in the academy—in round numbers, 1,200. I wish to read what Gen. Scott said about the capacity of the academy to accommodate an additional number to the present corps.

Mr. SMITH of Georgia. Mr. President, before the Senator reads that, will he yield for a question?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Georgia. The Senator from Oregon suggests that of the quota of cadets now provided for the academy there are from 150 to 200 vacancies practically all the time, on account of failure to pass the examinations, and so forth. Suppose the limit on the number to be appointed from the enlisted strength of the Army should be placed at 200 instead of 300, so as to provide that 200 shall be named by the President from the privates in the Army or from the National Guard, does not the Senator think he could accept that?

Mr. CHAMBERLAIN. It would probably——

Mr. SMITH of Georgia. We are very anxious not to oppose what the committee proposes, but quite a number of us are also very anxious to have a formal recognition by the President of men in the ranks of the Army and in the National Guard, in order that they may feel the stimulus of the prospect of designation by the President to West Point. I believe the friends of this measure, if the chairman of the committee could agree to a limit of 200, would be willing to reduce the number from 300 to 200.

Mr. LODGE. Mr. President, I understand the section which is proposed to be amended by the Senator from Missouri provides for appointments from the National Guard and from the enlisted men of the Army.

Mr. SMITH of Georgia. It does. I am referring to the number of such appointments. The chairman of the committee is objecting to an increase beyond 60 or 90, but some of us are quite anxious to have at least as many more as it is possible to appoint from the ranks and from the National Guard; and if the Senator in charge of the bill thinks that 200 could be allowed—I have just spoken to the Senator from Missouri on the subject—I believe the advocates of this measure would modify it to 200, if that would meet the approval of the chairman of the committee.

Mr. CHAMBERLAIN. Mr. President, so far as I am personally concerned, I have no objection to that increase. I really think it would be beneficial to the Army and to the National Guard to admit young men to the Military Academy from the ranks of the Army and from the National Guard, but the number proposed was too large, and it might be too large even with an increase of 200.

Now, I want to call attention to Gen. Scott's testimony before the committee, so that the Senate may understand just exactly what the condition will be.

Mr. REED. Mr. President, before the Senator does that, and just for information, what would be the number added if we added one from each regiment under the new military bill, assuming it to go through?

Mr. CHAMBERLAIN. It is very difficult to estimate what the number would be.

Mr. REED. Can the Senator approximate it?

Mr. CHAMBERLAIN. I think it would add about 136 from the Regular Army.

Mr. REED. Then, if the Senator were to accept the proposition made by the Senator from Georgia [Mr. SMITH] of a total of 200, which, of course, would cut out the one from each regiment, which would aggregate about 130, it would only make a difference of 70 men.

Mr. CHAMBERLAIN. About 70.

Mr. REED. And there are some advantages in taking them from the Army and the National Guard at large, instead of taking them one from each regiment, as the bill provides. Can not the Senator accept that one amendment and let us get on to the bill?

Mr. CHAMBERLAIN. I am willing to accept it, so far as I am concerned, to the extent of 200, but even that may possibly make more than the academy will accommodate. That is what I want to call attention to now.

Mr. CUMMINS. Mr. President, I desire to ask the Senator from Oregon whether this would not be a better arrangement: The original bill contemplated about 1,132 cadets. The amendment proposed by the Senator from Missouri adds 300. I want to see the amendment of the Senator from Missouri prevail; that is, I want the cadets taken from that source; but why not deduct that number from the number who are to be appointed by the President from congressional districts and States? Then the total number will not be increased, and this further object will be served, which I pointed out the other day: There will be given to the enlisted men a better opportunity for promotion to commissioned rank without passing through West Point, inasmuch as the officers graduated at West Point have the first right of command.

I hope that for the two reasons the Senator from Oregon will look with favor upon keeping the number at 1,132, but appointing 300 of them, at least—and I should like to see more—from the ranks of the enlisted men in the Regular Army or in the National Guard.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that, under the suggestion which the Senator makes, it would not increase the number by 200, but would increase it by 200 less 136, assuming that Senate bill 4840 passed Congress as reported by the committee. That would only be 64. I am willing to accept that, so far as I am concerned.

Mr. CUMMINS. I did not understand that that was the proposal.

Mr. CHAMBERLAIN. Let me tell the Senator: The amendment of the Senator from Missouri provides for the appointment of not to exceed 200. In my estimate of 1,132 there is not included the number that the bill provides for, of 1 from each regiment of the Regular Army, and the appointment

would be the 200 in gross instead of figuring 1 from each regiment.

Mr. CUMMINS. I shall make no objection to that; but I still believe that the proposal to increase the Regular Army, and to secure a body of reserves, would be promoted if we would give the enlisted men a larger opportunity than they now have for entering the ranks of commissioned officers—men who can not pass the examination for West Point, men who are too old to be admitted to West Point.

I simply wanted to indicate my desire in that respect, for it is a point that will inevitably arise when we come to consider the general bill for the reorganization of the Army, which the Senator has in view.

Mr. CHAMBERLAIN. My opinion is that that would really imperil the opportunity to do anything, because there is great opposition to increasing the cadets from the enlisted strength, either of the guard or of the Army; so I think this tentative plan would work out all right, and possibly the policy might be enlarged a little later on. So far as I am concerned, I am willing to accept the proposition.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Oregon a question. If the total number provided for is 1,132 by accepting this amendment, we will only add how many to that number?

Mr. CHAMBERLAIN. Two hundred.

Mr. SMITH of South Carolina. So that in place of 1,100 it would be approximately 1,200?

Mr. CHAMBERLAIN. About 1,300.

Mr. SAULSBURY. Mr. President, I desire to suggest to the chairman of the Military Committee—with whom I shall vote on this bill, because I believe he has most carefully considered it—the possibility of arranging to give these young men who serve in the Army an opportunity to become officers by possibly greatly enlarging, in a way, the facilities for education which are now afforded at West Point.

The thought I had in my mind was that we could well afford to educate twice as many young men for military service as we have use for in the Regular Army and return possibly half of the graduates to civil life every year. My own opinion is that if we do that we will avoid any possibility of a military caste in this country, which a great many people fear. I do not fear it so much myself; but it seems to me that if at least half the young men who are graduated at our military academies are returned to civil life with a fine education the country will lose practically nothing and the young men will gain a great deal. By such a plan as that we might very greatly encourage the enlistment of young men in the Army for the sake of obtaining the education. I would not object, when they are retired to civil life, to paying them a bonus.

My suggestion as to how that may be done would be something of this character: That one of the Army posts which are not at present used might be selected for what might be called an auxiliary academy, or possibly for the education of young men in what are known as the third and fourth classes at West Point now. I do not know whether or not the suggestion is practicable; but I believe it contains an element of merit, in that you will not raise up any military caste in this country if you return to civil life from each graduating class as many young men as remain in the Regular Army.

I should be very glad, as I view it now, to vote for a provision of that kind; but I shall vote with the chairman of the committee on this matter.

Mr. WARREN. Mr. President, I think it would be well in considering this subject to know where we are at present, as to the sources from which we draw our Army commissioned force.

When the bill was up before I was asked what proportion of the commissioned officers of the Army were graduates of West Point, and I answered offhand that less than one-half of the present commissioned officers of the Army were graduates of West Point. I have before me now a report from The Adjutant General, which states that only 46 per cent of the present commissioned strength of the Army are graduates from West Point; that 10 per cent were raised directly from the ranks, plus all of the officers except two that are with the Philippine Scouts. They were all raised from the ranks. Forty-four per cent come from civil life. Appointments from civil life include those from the National Guard; and I take it for granted that Senators and Members of Congress, when they could do so, would do as I have done, and many others—select young men who are already in the National Guard. This 44 per cent takes boys from the schools, boys from the universities, especially boys from the military schools where Army officers are detailed to teach them, and in fact the deserving young men from all the ranks of life.

In the general reorganization bill, which we shall probably adopt, we enlarge the opening for men in the ranks, because now they must wait until West Point and the schools that are recognized as military schools are provided for before they can be considered. It is proposed that they shall stand next to West Point; that after the West Point graduates are provided for all those from Army ranks that have applied and that can pass the examination shall come from that source, so that we are already going in the direction of recognizing, to a greater extent than heretofore, the ranks of the Army. As to the National Guard, they should stand as well, of course; but they come in not only directly, because they are members of the National Guard, but they come in among the young men who are selected from the schools and from civil life.

Mr. JAMES. Mr. President, I send to the desk and ask to have read a telegram from Gen. O'Ryan, of the New York National Guard.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

NEW YORK, N. Y., *March 20, 1916.*

Hon. OLLIE JAMES, *Washington, D. C.:*

Your amendment to provide for appointment of cadets from National Guard regiments regarded here as most desirable. It will provide Federal Government with candidates from highest type of young men in the country and stimulate recruiting everywhere. This amendment is due the National Guard, which will be a Federal force after passage of present legislation.

JOHN F. O'RYAN, *Major General.*

Mr. JAMES. Mr. President, as I understand the parliamentary status of the bill at this time, the amendment I offered, providing that these cadets shall be selected from the enlisted men of the Army and the National Guard, was adopted on Saturday last, the words "and the National Guard" being substituted after the word "Army" where it appears in section 2 of the bill. I understand that the amendment as proposed by the Senator from Missouri, and accepted by the chairman of the committee, also provides that these enlisted men shall be selected from the Army and from the National Guard.

Mr. CHAMBERLAIN. It does.

Mr. POMERENE. Mr. President, I have not been able to follow the discussion on this bill fully; but, as I understand, some suggestion has been made with reference to the accommodations at the Academy in the event of the increase in the number of cadets is provided for.

Some weeks ago this matter was called to my attention by some friends who were interested in both military and naval matters, and at their suggestion I introduced Senate bill 4711, which was referred to the Military Affairs Committee. This bill, in substance, provides that after the appointment of cadets and midshipmen they shall both attend the same school during the first year of their studies, to be established by the War and Navy Departments. The school is to be located on the shores of the Great Lakes. The thought is that the course of study for the students at the Military Academy and at the Naval Academy is substantially the same, and that after the first year they could then proceed either to the Military Academy or to the Naval Academy to complete their studies, the completed course to extend over a period of four years, as now. As I understand, if there is a considerable increase either at West Point or at Annapolis, it will be necessary to have further accommodations, and these might as well be provided at some new institution.

I hope the committees will give that bill proper consideration, as I have no doubt they will.

Mr. CHAMBERLAIN. Mr. President, the committee will give the matter consideration.

Two or three times in the course of what I had to say I intended to give the accommodations of the academy, but I was interrupted and led away from it. I am going to ask to have Gen. Scott's statement, which is very brief, published in connection with what I have to say.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

I believe that, temporarily at least, the corps can be increased to 1,150 or 1,200 cadets without new building construction by the following expedients:

1. By putting 3 men in each room, 1,038 cadets can be accommodated in the present barracks.

By building a temporary barracks of cantonment type, at a cost of about $25,000, this number can be increased to 1,200.

2. By sending the Corps of Cadets to their meals in two reliefs the present mess hall will answer the needs of the corps at a strength of 1,200.

3. By making use of temporary buildings of the cantonment type for the slightly sick, the present cadet hospital can be made to accommodate the sick if the corps is increased to 1,200.

4. By increasing the number of instructors to the limit of the capacity of the present quarters, and by increasing the amount of work done by each instructor, it is believed that items for officers' quarters, new

roads, retaining walls, heating, lighting, etc., can be, for the present, dispensed with.

5. By increasing the number of hours work of the enlisted detachment at the academy, it is believed that the full amount of instruction can be given without the amounts asked for for stables, barracks, etc.

6. To make the necessary changes in the interior of the academic buildings to accommodate this increased number in the classrooms, to provide for temporary structures that may possibly be found necessary, to enlarge the camp ground, to provide arms and equipment for the new cadets, etc., it is probable that the sum of $260,000 will be necessary.

If the corps be increased to approximately 1,200, and the things done as I have suggested above, it will mean that the cadets and officers will not be so comfortably housed and cared for as at present, and that the work of the instructors will be very materially increased, but I believe that the work of the institution can still be conducted without lowering the present standards, and that the spirit which animated officers and men at the academy in former days, when the conveniences and plant were far inferior to what they are to-day, will not be found wanting, and that the results produced will be as good as they have ever been.

Mr. SIMMONS. Mr. President, I think it is of very much more importance that we should increase the number of cadets from the enlisted men and the National Guard than that we should increase them from appointments by Congressmen made from civil life. I hope the Senator from Oregon, the chairman of the committee, will see his way clear to accept the amendment originally offered by the Senator from Missouri. I would rather have 300 appointed from the service and have the number appointed by Congressmen from civil life reduced, if that is necessary on account of inadequate accommodations at the academy.

I wish the Senator from Oregon would give the Senate the information which once or twice, I think, he has started to give, and just as he was about to give it was interrupted and failed to give it, as to the number of cadets that can be accommodated at the academy now.

Mr. CHAMBERLAIN. Mr. President, Gen. Scott says that by crowding the academy somewhat the academy can be made to accommodate about 1,200.

Mr. SIMMONS. I understood the Senator to say a little while ago that with the additions proposed in his bill, and with 200 more added as proposed in the last amendment offered by the Senator from Missouri, the number would be 1,200.

Mr. CHAMBERLAIN. Yes; something like that.

Mr. SIMMONS. Something around 1,200. Now, the Senator says that the academy will accommodate 1,200; but the Senator has made another statement, which, I think, should be taken into consideration in this connection. The Senator said that at present, with an authorized number of about 770, on account of resignations, dismissals, failures to pass examinations, and so on, you might knock off about 150 annually, I think, from that number.

Mr. CHAMBERLAIN. On February 1 last there were 585 in the academy.

Mr. SIMMONS. If there were 585 and 770 were authorized, if you authorize 1,200 you must add to that list the number who will not attend, or who, if they should succeed in passing their examinations, may have to resign; so that instead of 150 falling out on account of their failure to pass the examinations, if you increased the number to 1,200 you would probably have at least 250 falling out for the same reasons. If you should deduct that number from the 1,200 which the Senator said the academy can now accommodate you would have less than 1,000 appointees to the academy.

If I am correct about this—I do not know whether I am or not, but it seems to me that that is a natural conclusion—it does not seem to me that there is very much force in the suggestion of the Senator from Oregon that there are not now sufficient facilities to accommodate 300 more men in addition to the number provided in his bill.

I should like to ask the Senator if I am correct about that. The Senator from Oregon said the academy would accommodate 1,200, and, with the 200 in addition, the number provided, the number at the academy would be 1,200.

Mr. CHAMBERLAIN. Of course, the larger the number authorized to be admitted, under the statement I have made, the greater the number in proportion who would not get in because of failures or dismissals. In other words, with an authorized strength of 770 only 585 are there now, a difference of 185. If we increase the number to 1,200 probably the deficiencies would be a little more than 185, increasing, of course, as the number authorized increases.

Mr. SIMMONS. It is apparent from that statement that from the authorized number you might deduct at least 200.

Mr. CHAMBERLAIN. I think it is wrong to estimate on that basis, because you might get the whole 1,200 in. There is no assurance that they will not pass the examination. Besides, if there were deficiencies and the President is authorized to appoint where they fail we may still keep the quota up to 1,200.

Mr. HITCHCOCK. I think the Senator from North Carolina has an erroneous impression.

Mr. SIMMONS. Probably I have. I am trying to get the matter straight.

Mr. HITCHCOCK. I think the figures are about as follows: There are, as I recall, 435 Members of the House and 96 Senators, making a total of 531. Multiplied by 2 it would be 1,062. Sixty the President appoints from civil life. Eleven hundred and twenty-two added to 200 would be 1,322, and now the academy has a possible capacity of 1,200.

Mr. SIMMONS. The Senator has made no deduction. The Senator from Oregon said——

Mr. HITCHCOCK. I am coming to that. The President is given power to appoint 200 from the Army and the guardsmen. The total that might be appointed to the academy from all sources would be 1,322. The academy has a capacity of 1,200. Therefore there will be a margin of 122 to allow for vacancies, which seems to me to be reasonable.

Mr. President, it seems to me that discussion is rather unnecessary from the fact that this is only an authority to the President to appoint 200, and he may not exercise that authority if he finds the academy already crowded. There is enough elasticity there.

Mr. SIMMONS. Mr. President, I do not believe in the adoption of the amendment of the Senator from Missouri adding 300. The probabilities are that with that number the academy would be overcrowded; but I think it is much to be regretted that we can not make the increase in the force at the academy, especially that part of it which will be selected from the enlisted men and from the National Guard, as large as the sentiment of the Senate seems to think it ought to be in the interest of the public because of lack of accommodations at the Military Academy. I think if that is the only trouble in the way the remedy is clearly to increase the accommodations at the academy, and we ought to have legislation right now. It is emergency legislation, and we ought to have legislation right now to increase the accommodations and not present to the country a situation where we can not do what we think the public interest of the country requires because there is a lack of quarters to accommodate the cadets at the Military Academy.

Mr. HARDING. Mr. President, I rise to indorse what the Senator from North Carolina [Mr. SIMMONS] has just said. This body ought not to oppose this proposition because of lack of accommodations at either the Military or Naval Academies. Modern war is largely a war of brain, and if this Nation is going into a line of preparedness for defense there is more need for trained officers than any other one thing in either the Army or Navy. If there are inadequate accommodations at the Military Academy or the Naval Academy it is the first duty of Congress to prepare ample accommodations for educating its officers.

I want to indorse at the same time the suggestion made by my colleague [Mr. POMERENE], who has introduced a measure for the establishment of a school which will educate the students intended for the Naval Academy and the Military Academy at the same time during the first year of their studies. I think that is a highly practical thing to do, and I believe it is important for the Senate to consider at once the enlargement of the facilities of these educational institutions.

I for one, Mr. President, wish to vote not only for the measure now pending but to immediately follow it with such steps as are necessary to make ample accommodations for these students.

Mr. WEEKS. Mr. President, I am in sympathy with the bill which is now before the Senate in the form in which it seems to meet with general approval. My only thought is possibly that the number might be increased somewhat over 200 because very many of the young men who are going to be appointed by the President from the Army or the National Guard will not be qualified to pass the entrance examination. So inevitably, in my opinion, there will be a very considerable number of vacancies.

I was going to suggest to the chairman of the committee that a compromise be made between 200 and 300 and to make the number provided for 250.

My desire, Mr. President, is that as many officers of the Army as possible shall be educated at West Point. Other things being equal, it is desirable that that shall be done.

As the Senator from Ohio [Mr. HARDING] has just said, the wars of the present and future are and will be wars of brain, and you can get better trained brain through a specified course at our Military Academy for that purpose than in any other way.

There are two sides to the question of appointing young men from the Army and National Guard, however. A very considerable number will enlist in those organizations for that

reason, and when they do not get the appointment or do not succeed in passing the examination they will lose their interest and will necessarily as a result be discharged.

Furthermore, I am not influenced in my advocacy of these appointments by the idea that it will give a democratic character to those who go into the Army, because to-day the character of the appointments to West Point represent more generally the occupations of the people of the country than do the students at any of our universities.

Between 1842 and 1899 the appointees or the parents of appointees at West Point represented 148 different occupations and professions. There were 4,887 such appointments, and of those 4,887, 128 were the sons of clergymen; 1,149 were the sons of farmers, substantially one-fourth of the appointees were sons of farmers; 645 were the sons of lawyers; 341 were the sons of mechanics; 367 were the sons of physicians; 362 were the sons of officers of the Army; and 722 were the sons of merchants of various degrees. As I have said, there were sons of parents in 148 different occupations.

That information was carefully prepared at the time of the hundredth anniversary of the founding of West Point, and I think it will be of interest to the Senate, and therefore I ask unanimous consent that it be included in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Summary showing occupations, and number engaged in each, of parents of candidates for admission to the Military Academy, 1842 to 1891, and of parents of cadets admitted to the academy, 1892 to 1899, inclusive.

Accountants	3
Agents	62
Architects	5
Artists	4
Auctioneer	1
Auditor	1
Author	1
Baggage-master	1
Bakers	4
Bankers and bank officers	90
Barbers	4
Bookkeepers	18
Brewers	3
Brokers	40
Builders	2
Butchers	2
Capitalist	1
Chief of police	1
City marshal	1
Clergymen	128
Clerks	90
Clerk of House of Representatives	1
Collectors	4
Commercial travelers	13
Cutlery commissioner	1
Conductors	2
Contractors	38
Cook	1
Cotton buyer	1
County officers	74
Dairymen	2
Detectives	2
Dentists	14
Distiller	1
Dock master	1
Dock commissioner	1
Draftsman	1
Druggists	13
Editors	62
Electroplater	1
Engineers:	
Civil	13
Mechanical	10
Locomotive	3
Stationary	1
Enlisted men	4
Express business	2
Farmers and planters	1,149
Fishing master	1
Foreman	1
Gardeners	3
General business	5
Hatter	1
Heads of corporations	10
Hotel keepers	55
Iceman	1
Importer	1
Inspectors of police	2
Inspectors of factories	2
Inspector of buildings	1
Insurance business	38
Inventor	1
Jewelers	3
Journalists	8
Justice of the peace	1
Laborers	29
Lawyers and judges	645
Letter carrier	1
Librarians	2
Lithographer	1
Liverymen	15
Lumbermen	20
Manager of engines and boilers	1
Manager of brewery	1
Manager of land company	1
Manager of factory	1
Manufacturers	151
Marble dealer	1
Mechanics	341
Member of city board	1
Members of Congress	32
Member of State legislature	1
Merchants	722
Merchant tailor	1
Messenger	1
Millers	11
Mining	26
Museum keeper	1
Musicians	2
Musician, band leader	1
Newspaper correspondent	1
Newspaper manager	1
No occupation	191
Nurserymen	6
Officers of the Army	362
Officers of the Navy	59
Officers of Volunteers	21
Oil business	2
Overseers	4
Photographers	6
Physicians	367
Pilot	1
Policemen	7
Police justices	2
Politicians	3
Postmasters	5
Presidents of colleges	4
Presidents of insurance companies	3
President of steam-heating company	1
President of manufacturing company	1
President of wire mill	1
Printers	12
Professors	27
Proprietor of elevator company	1
Publishers	8
Railroad employees	6
Railroad officers	13
Ranchmen	2
Real estate	37
Restaurant keeper	1
Salesmen	5
Saloon keeper	1
School-teachers	56
Secretaries	14
Ship captains	25
Speculators	10
State officers	27
Steamboat man	1
Steward	1
Stock dealers (cattle)	10
Stocks	1
Stock raisers	6
Superintendent of factory	1
Superintendent of coal and iron company	1
Superintendents of gas works	2
Superintendent of mine	1
Superintendent of prison	1
Superintendent of railroad	1
Superintendents of schools	4
Superintendent of iron work	1
Surveyors	5
Tanners	2
Teamster	1
Theater manager	1
Teacher of music	1
Teacher of garment cutting	1
Undertakers	5
Unknown	39
United States civil officers	85
Wagon master	1
Warden of prison	1

Civil occupations of graduates of the United States Military Academy to 1903.

President of the United States	1
President of the Confederate States	1
Presidential candidates	3
Vice presidential candidates	2
Members of the Cabinet of the United States	4
Ambassador	1
Ministers from the United States to foreign courts	14
Chargés d'affaires from the United States to foreign courts	2
United States consuls general and consuls	12
Members of the United States Senate and House of Representatives	24
United States civil officers of various kinds	171
Presidential electors	8
Governors of States and Territories	16
Bishop	1
Lieutenant governors of States	2
Judges	14
Members of State legislatures	77
Presiding officers of State senates and houses of representatives	8
Members of conventions to form State constitutions	13
State officers of various grades	81
Adjutants, inspectors, and quartermasters general and chief engineers of States and Territories	29
Officers of State militia	158
Mayors of cities	17
City officers	57
Presidents of universities, colleges, etc	46
Principals of academies and schools	32
Regents and chancellors of educational institutions	14
Professors and teachers	136
Superintendent of Coast Survey	1
Surveyors generals of States and Territories	11
Chief engineers of States	14
Presidents of railroads and other corporations	87
Chief engineers of railroads and other public works	63

Superintendents of railroads and other public works	62
Treasurers and receivers of railroads and other corporations	24
Civil engineers	228
Electrical engineers	5
Attorneys and counselors at law	200
Superior general of clerical order	1
Clergymen	20
Physicians	14
Merchants	122
Manufacturers	77
Artists	3
Architects	7
Farmers and planters	230
Bankers	18
Bank presidents	8
Bank officers	23
Editors	30
Authors	179
Total	2,371

Mr. WEEKS. Now, considering the fact that there is a probability that a very considerable number of these young men will not pass their examinations, without offering an amendment I suggest to the chairman of the committee that the number provided for under this provision of the law be made 250.

Mr. SIMMONS. I hope the chairman of the committee will accept that modification.

Mr. CHAMBERLAIN. Mr. President, I have given my reasons as strongly as I can for not wanting to increase the number beyond the limit the academy can accommodate, and I do not think it will be safe to increase it beyond the 200 limit. I think probably that stretches it somewhat.

Now, in order that Senators may understand that this is not my statement about it, I am going to insist upon reading Gen. Scott's statement, and I ask that I be not interrupted, because I have attempted two or three times to read it.

Mr. WARREN. Before starting to read it let me state that Gen. Scott was an able superintendent of the academy for a number of years and that he speaks with entire knowledge of the subject.

Mr. CHAMBERLAIN. As the Senator from Wyoming says, Gen. Scott was superintendent of the academy for a number of years and is now Chief of Staff of the Army and has been Acting Secretary of War. So I think he knows what he is talking about.

The superintendent of the academy says that to maintain 1,200 young men in the academy it will cost over $3,074,079. That is his estimate. That, I assume, is made up on the basis of the present luxurious quarters that the cadets have. Now, Gen. Scott, taking the figures of the superintendent of the academy, makes this statement:

In connection with the above estimate I believe that, temporarily at least, the corps can be increased to 1,150 or 1,200 cadets without new building construction by the following expedients.

The superintendent's estimate of cost, I think, was based upon the construction of new buildings. The general says:

1. By putting 3 men in each room 1,038 cadets can be accommodated in the present barracks.

By building a temporary barracks of cantonment type, at a cost of about $25,000, this number can be increased to 1,200.

So that to accommodate 1,200 you have got to expend $25,000 in a cheap type of structure.

2. By sending the Corps of Cadets to their meals in two reliefs the present mess hall will answer the needs of the corps at a strength of 1,200.

So that 1,200 will require the cadets to attend mess in two shifts.

3. By making use of temporary buildings of the cantonment type for the slightly sick, the present cadet hospital can be made to accommodate the sick if the corps is increased to 1,200.

4. By increasing the number of instructors to the limit of the capacity of the present quarters and by increasing the amount of work done by each instructor it is believed that items for officers' quarters, new roads, retaining walls, heating, lighting, etc., can be, for the present, dispensed with.

5. By increasing the number of hours' work of the enlisted detachment at the academy it is believed that the full amount of instruction can be given without the amounts asked for for stables, barracks, etc.

6. To make the necessary changes in the interior of the academic buildings to accommodate this increased number in the classrooms, to provide for temporary structures that may possibly be found necessary, to enlarge the camp ground, to provide arms and equipment for the new cadets, etc., it is probable that the sum of $260,000 will be necessary.

If the corps be increased to approximately 1,200, and the things done as I have suggested above, it will mean that the cadets and officers will not be so comfortably housed and cared for as at present, and that the work of the instructors will be very materially increased, but I believe that the work of the institution can still be conducted without lowering the present standards and that the spirit which animated officers and men at the academy in former days, when the conveniences and plant were far inferior to what they are to-day, will not be found wanting and that the results produced will be as good as they have ever been.

Mr. President, I think we have gone the limit when we increase by 200 from the enlisted strength of the Army and the National Guard.

Mr. REED. Mr. President, I do not want to prolong this debate. I hope the amendment as it is now framed making a very modest increase of 200 from the enlisted men of the Army and the National Guard will be passed. I feel very sure that when this bill gets into conference it is quite likely that a further increase will be made.

Mr. SIMMONS. Will the Senator let me interrupt him for a minute? How could there be an increase from the larger number?

Mr. REED. That may be true, but any way it may be taken care of later. The Senator from Kentucky [Mr. JAMES] suggests to me that it would give us a good start.

But it seems to me the objection that the quarters at West Point are not large enough to accommodate more than a certain number of men, if we are to limit our military to the size of the present buildings at West Point, is not a sound position to take. Beyond any question we will have to put up more buildings, not only at our Military Academy but the increase of the Army involves the increase of quarters for soldiers. It involves an increase all along the line, and we ought not to put a limit upon the officers of the Army simply because it is necessary to construct a new building. That is putting a limit for a reason that is so trivial and inconsequential that it is not worthy of serious consideration.

But I recognize the fact that all measures of legislation are compromises. While I do not think the increase to 200 is nearly as large as it ought to be, I think we ought to agree on it and let it go through at that and let the future take care of the additional number.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORE. Mr. President, I desire to offer an amendment to the bill. I presume it will be an additional section. At any rate I offer it for insertion at the proper place.

The VICE PRESIDENT. The amendment will be read.

The Secretary read as follows:

Whenever after the regular annual examinations there shall still be vacancies in the number of cadets authorized by law to be appointed to the West Point Military Academy, such vacancies may be filled by appointment on the part of the President, such appointments to be made from the senior classmen and graduates of those colleges to which officers of the Regular Army are now detailed as military instructors by the Secretary of War, the eligibility of such persons to be ascertained under rules and regulations to be prescribed by the Secretary of War.

Mr. GORE. Mr. President, I will merely say that I heartily indorse the amendment offered by the Senator from Missouri [Mr. REED] and the amendment of the Senator from Kentucky [Mr. JAMES], to which the Senate has just agreed.

I think that everything possible ought to be done to democratize the Army, especially to democratize officers of the Army. This is essential to the improvement of the Army and is essential to the protection of the country against the growing evil of militarism.

For my own part I wish the present system of senatorial and congressional appointments of cadets might be abolished. The truth is it is no system at all. The selections are made without any reference to military aptitude or to military fitness. There are to-day 100 educational institutions to which the Government of the United States details officers of the Regular Army as military instructors. There assemble annually in these hundred institutions 30,000 American youths. We have a right to assume that the military instinct, the military talent, and genius of this country gravitate toward these institutions where military instruction is available. The doors of West Point ought to stand ajar before the eyes of every one of these 30,000 youths, not merely for the benefit which it would bring to those who were successful in passing from these institutions to the Military Academy, but for the sake of the benefit that would inure to those who aspire to go to West Point, but who are unsuccessful in their efforts and their aspirations.

This would establish a system of natural selection, under which the Government could avail itself of the military talent and the military genius of the country. This is a most desirable object to be attained. It is not attained under the present system. According to the statement of the Senator from Oregon [Mr. CHAMBERLAIN], there are constantly vacancies of 180 or 190 in the West Point Military Academy. That is an enormous waste. That is a most expensive establishment. The quota ought to be filled at all times; the waste ought to be eliminated; the Government ought to realize the benefits which can come to it from keeping the quota constantly filled in that institution.

The amendment which I have proposed would not become operative until all the present systems had failed to supply the full quota. When they had failed the vacancies still remaining could be filled by the President by appointment or selection from the 100 institutions where military instruction is now available. That would afford an open door. The inducements, the stimulation to ambition, the possibilities of promotion would stand constantly in the eyes of every ambitious youth and every military genius in every one of these hundred institutions. I have no doubt the amendment ought to be adopted, and that it would contribute much to military efficiency in this country in the future. Of course, I hardly anticipate the adoption of the amendment at this time.

Mr. CHAMBERLAIN. Mr. President, I hope the amendment proposed by the Senator from Oklahoma will not be adopted. It seems to me we have sufficiently broadened the opportunity for young men to enter the Military Academy under the bill as it stands at present.

Further than that, Mr. President, when the Army reorganization bill comes up for consideration the Senator from Oklahoma will find that that bill has still further opened the opportunity for young men to prepare themselves for military life if they see fit to do so. We are including in it what is known here as the Pomerene bill, which applies to all of these educational institutions and provides for the training of officers from the schools which have military officers to train their students. So I think this bill ought to stand as it is, without further amendment, and that we should take up the subject for consideration when the reorganization bill is before the Senate.

Mr. GORE. Does the Senator from Oregon think there would be any possibility of adding to the Pomerene bill the opportunity to the boys who graduate from these institutions where military instruction is available to pass from those institutions, by reason of demonstrated military merit, to the West Point Academy?

Mr. CHAMBERLAIN. Mr. President, the Senator from Wyoming [Mr. WARREN] showed here a while ago that more than half of the commissioned strength of the Army comes from, if I may so speak, the humbler walks of life; it comes from the citizenry. Those officers are not graduates of any military academy, but they are taken from the enlisted strength and from civil life.

Further than that, the statement of the Senator from Massachusetts [Mr. WEEKS] shows the class of people from whom the selections are made. The fact is it opens the door to everybody in this country who wants to get there. The only question for the consideration of the Senate is that of increasing the number of admissions. We have sought to do that, and I do not think we ought to broaden it.

Mr. GORE. I will suggest to the Senator from Oregon that the amendment does not propose any increase whatever. It simply seeks to avoid 100, 200, or 300 vacancies in this expensive educational institution. It seeks to fill those vacancies, and to keep them filled, and it would not be operative until all the other methods of selection had failed to supply the full quota.

Mr. CATRON. Mr. President, the proposition submitted by the Senator from Oklahoma will do no good at all. The law already provides for filling the vacancies. When a vacancy occurs, that vacancy is to last until the next year; you can not fill it immediately, and the Member of Congress who has appointed a cadet who has failed to pass the examination has the right to fill the vacancy the next year. The only effect of this amendment would be to cut away from the Member of Congress the right to recommend the filling of the vacancy which had occurred in his previous appointment. It would not add a single number or fill up a single vacancy any quicker than it otherwise would be filled.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma [Mr. GORE].

The amendment was rejected.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk, to come in after the word "appointed," in line 1, on page 2.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 2, line 1, after the word "appointed," it is proposed to insert:

> Such appointments shall be made without regard to the political qualifications of the applicants, and the President is hereby authorized to provide, by rules and regulations, either through the Civil Service Commission or otherwise, for competitive examinations of applicants.

Mr. NORRIS. Mr. President, I have been moved to offer this amendment by the expression of various Senators to the effect that they thought it was desirable that the selection of appointees to West Point on behalf of Congressmen should be discarded, and that such appointments should be made without reference to the Senators and Members of the other House from the various States and Districts.

If I am correct, the law itself does not provide that appointees to Annapolis and West Point shall be made by Members of Congress. If I am wrong about that, I should be very glad to have the Senator from Oregon, the chairman of the Committee on Military Affairs, correct me.

Mr. DU PONT. Mr. President, I will say to the Senator from Nebraska that while such appointments are technically made by the President, they are really made by him on the recommendation of Members of Congress, though the absolute right of appointment is his.

Mr. NORRIS. Again, I should like to be corrected if my statement is wrong, that there is not any absolute right, as I understand, under the law, for a Senator or a Member of the House of Representatives to appoint anyone to West Point or to Annapolis. As I understand, it is a custom that has grown up, which has been in practice a great many years. I have heard quite a number of Senators to-day, and the other day when we had this bill under consideration, express the idea that the custom was not a good one—at least, that it was not the best one. I think it has worked fairly well, and I am not making any particular criticism with regard to it; but, it seems to me, if this courtesy, which has been extended through a great many years to such an extent that it is spoken of here now as a right, should be taken away and such appointments be made without regard to the wishes of Members of Congress, the system would be greatly improved.

Mr. CHAMBERLAIN. Mr. President, I desire to say very briefly, in answer to the Senator from Nebraska, that I do not think it is at all necessary in any legislation of this kind to refer to the question of a man's politics. I do not believe there is a Senator here who knows the politics of any young man whom he has recommended for appointment to the Military Academy during his term in the Senate. I have appointed quite a number, and I declare that I do not know the politics of a single young man whom I have appointed, nor do I know the politics of the fathers of such young men.

Further than that, Mr. President, I have gone to this extent in my State, with, however, not very favorable results: I have opened the door to every young man in the State by having the university of the State examine the young men for admission, and I have given the appointment to the young man who stood the best examination, but that practice has not worked out well. The fact is that these young men need some special preparation. While they may pass a splendid examination at the hands of the faculty of the university of the State, they do not seem to come up to the standards of the requirements of the academy. So I believe, leaving it as it is now, allowing Senators and Representatives to appoint bright, active young men who they think may be admitted, we will get a very much better result than any other system that could be adopted.

Mr. DU PONT. Mr. President, in the matter of these appointments, I desire to call the attention of the Senator from Nebraska to the fact that it is very valuable and necessary that all parts of the country should be represented. The ideal way probably would be to have general competition all over the country and that the men who have the highest marks should be admitted. That is the way they do in France, at the Polytechnique School; but obviously this country is so large and the conditions are so different, educationally and otherwise, that such a system would result in an undue proportion of cadets, both at the Military and Naval Academies, from certain parts of the country where they have exceptional educational advantages. Therefore it has been the custom from the very foundation of these national schools to apportion the students to all the different parts of the country, which is best done by congressional districts and by States.

It is evident that, if these appointments were left to the President, he would have great difficulty in making his selections. The Members of the House and Senate from the respective districts and States are better qualified to judge and to select young men; and I must say that I entirely agree with the Senator from Oregon in his view that the appointments are rarely, if ever, made solely for political considerations. I know that I have never made an appointment to West Point nor to the Naval Academy on those grounds since I have been in the Senate. I believe, as a matter of fact, that a number of appointments I have made have been of young men who were Democrats, although I did not know their politics at the time. However, that is not the point. The point is that the Senator or Representative, in my judgment, should select the best and most capable young man in his district or State and give him the chance. That is best for the State, best for the

country, and fair to all. I can see no advantage whatever to be gained by the adoption of the amendment of the Senator from Nebraska.

The VICE PRESIDENT. The question is on the adoption of the amendment proposed by the Senator from Nebraska.

Mr. VARDAMAN. I will ask that the amendment be again stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 1, after the word "appointed," it is proposed to insert:

Such appointments shall be made without regard to the political qualifications of the applicant, and the President is hereby authorized to provide, by rules and regulations, either through the Civil Service Commission or otherwise, for competitive examinations of applicants.

Mr. NORRIS. Mr. President, the argument made by the Senator from Delaware [Mr. DU PONT], whose opinion, especially on military affairs, is entitled to very great weight, does not apply in this case, because this amendment does not change the provisions of the bill which require these appointments to be made from the congressional districts. That part of the bill is left exactly as it is now. With this amendment or without it, the appointments will have to be made from the various congressional districts and from the States at large, as is provided in the bill. There is no attempt to amend that.

The Senator says that it would be difficult for the President to make these appointments and distribute them over the country. That is true; and yet the bill provides that the President shall make the appointments. There is not anything in the law which gives the Senator from Delaware the right to appoint a man to the Military Academy. If it is true, as the Senator from Oregon says, that the appointments can better be made by the Representatives and the Senators, then why not provide in the law that the appointments shall be made by the Representatives and by the Senators and not by the President?

Mr. JAMES. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. JAMES. The appointments made by the President, as I understand, are all made after competitive examination. The 200 cadets whom it is proposed the President shall appoint to the Military Academy would be selected by him upon competitive examination from the enlisted men of the Army and from the National Guard, as he now selects cadets to the academy under the appointments which he makes. They are required to stand an examination, and if more pass the examination than there are appointments allotted to him, the President selects the ones he desires to appoint, giving the preference to those having the best grade.

Mr. NORRIS. This amendment, I will say to the Senator, does not change that.

Mr. JAMES. I was merely pointing out to the Senator that this amendment, of course, does apply to those appointments made by the President.

Mr. NORRIS. Oh, yes; they are all made by the President; that is true.

Mr. JAMES. I understand they are all made by the President; but 200 appointments will be made directly by the President without regard to the recommendation of Senators or Representatives. I was merely pointing out to the Senator that the President would make the 200 appointments, as he suggests.

Mr. NORRIS. Yes.

Mr. JAMES. There is another suggestion I should like to make to the Senator. It is rather difficult to get a young man to take this examination who is able to stand it. He has to go to very considerable expense to prepare himself; he has to go to school and also equip himself. It takes an extraordinarily splendid education to stand this very hard examination. If you put it under the civil service, as the Senator suggests, there will be very few young men who would go to the trouble and expense of taking the examination if there was but little hope of being appointed, even if they passed it; in other words, there are very few young men who would go to school and equip themselves in the particular branches required to pass the examination without a hope that they would be appointed, more than would be given if they merely had to take their chances in a competitive examination.

Mr. NORRIS. Why, Mr. President, there is not anything in this amendment which compels the President to avail himself of the services of the Civil Service Commission.

Mr. SMITH of Georgia. Does the Senator——

Mr. NORRIS. Let me first answer the Senator from Kentucky, and then I will be glad to yield to the Senator from Georgia. The amendment which I propose does not require the President to do anything of the kind suggested. He makes his own regulations. The amendment would have the same effect, so far as that is concerned, and I would have no objection if the words "through the Civil Service Commission" were stricken out. The cadets will be appointed by the President under such regulations as he may make. It will give him full and complete authority; in other words, it does, as affecting the selection of the 200 cadets, just what the Senator from Kentucky has said the President now does, except that it applies the same rule to all the districts, and he must appoint them, of course, from the districts and from the States as the law provides.

I agree with the Senator from Kentucky that a young man does not want to, and often can not afford to, go to school and make special preparation for an examination, unless he has a pretty good assurance that he is going to be appointed. This amendment would not affect that. That same objection applies now. I know that when I have had a good many applications for appointments to Annapolis or to West Point I have called on the Civil Service Commission to hold an examination for me. They have held them, and I have borne the expense of it, and it has worked very satisfactorily; and I agreed in advance to appoint those who should pass the best examination.

The President could do that, if he wanted to, under this amendment, but there is nothing that compels him to do that. He can make any rule or regulation that he sees fit to make. I want the President to have all that authority. I am not seeking to take anything away from him. This amendment, for practical purposes, if it becomes a law, will give him more authority than he has now, because if this amendment were adopted he would not call on Senators and Members of the House of Representatives to nominate men to Annapolis and to West Point.

Mr. JAMES. Mr. President, the President really has the authority to do that now, if he so desires.

Mr. NORRIS. I know he does. I admit that.

Mr. JAMES. The recommendation of a Senator or of a Member of Congress is only advisory to the President.

Mr. NORRIS. I understand that.

Mr. JAMES. The President, if he desires, may make such regulations and rules as he thinks wise.

Mr. NORRIS. Yes; but this is what would happen to any President who wanted to do it: We have already heard it said in this debate, "Why, the President appoints these men, but it is the right of the Member of Congress to make the selection." It is regarded here as a right. It is regarded in the House of Representatives as a right, because it is a custom that has been in vogue so many, many years. I believe that if at present the President were to take the course outlined in this amendment he would be criticized very greatly by Members of Congress, many of whom, I presume, would believe that it was the law—I confess that I did until recently—that a Member of Congress had a right to make such an appointment. Yet there has never been any right. It has been nothing but a courtesy.

Members have been discussing the matter here, on the two occasions when we have had this question up, of Members of Congress making these appointments; and they have universally expressed the opinion that it would be better, both for the Member of Congress and for the academy, if they did not make those appointments.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The objection I have to the amendment offered by the Senator from Nebraska is that there is an implication that politics heretofore has cut some little figure in the selection of these applicants. Now, of course, that is not the case and has not been the case.

Mr. NORRIS. That has been the case a good many times.

Mr. VARDAMAN. Well, very rarely; and I will suggest to the Senator that if the appointees have any politics when they are appointed, after they get there it soon dies.

Mr. NORRIS. I believe that is true; but it does not help the poor fellow back home who wants to be appointed but who has not any political influence behind him.

Mr. VARDAMAN. The power which the Senator proposes to give the President by this amendment he has already and he has it inherently. He could prescribe any rules and regulations that he might see fit for the selection of these candidates, or for the nomination of them. He could prescribe rules. He could consult Congress, Representatives and Senators. He could call upon the Civil Service Commission if he saw fit. The law gives him the power. I do not see that this amendment will confer upon the President any right or authority which he does not already possess. The suggestion that politics has influenced the appointments to West Point, I think, is not justified by the facts of history.

Mr. NORRIS. Mr. President, I want to say, in reply to what the Senator has said—and the suggestion has also been made by other Senators—that politics does not enter into these appointments, that I believe it is getting less and less all the time, and there is less politics in it; but, Mr. President, there have often and often been appointments made when the political factor was the determining feature in making the appointment. I know of those instances. I remember that when I was a boy I wanted to go to West Point, and the teacher who had charge of the school I was attending thought—in fact, he made the suggestion to me—that I might be able to get into it, and there was even a competitive examination held; but I found out, or he did in looking it up for me, that it was useless for me to apply, because of politics.

Mr. VARDAMAN. Mr. President, the Senator's mentioning that fact but adds proof to my mind that it ought not to cut any figure, because if that had been the rule the American people and the United States Senate might have been deprived of the great service the Senator has rendered and is rendering here, and he probably would not have made as great a soldier as he has a Senator.

Mr. NORRIS. It might be that you spoiled a good soldier to make a poor Senator, but that does not make any difference. The fact is there just the same.

I have not offered this amendment in a spirit of criticism. I do not believe there is very much politics in any of the appointments that are made to either one of those places now, but there is some yet. If this amendment were adopted it would be eliminated, I think. It would be eliminated if that clause were taken out of it, I think. To satisfy the sensitive nature of some of the Senators who do not want to have that apply, I am going to modify the amendment by striking out the first sentence—the words "such appointments shall be made without regard to the political qualifications of the applicants, and." Then it will read:

The President is hereby authorized—

And so forth.

I suppose somebody will criticize that now because they will say he might make political appointments under that language; but I hope they will not. It reads in this way now:

The President is hereby authorized to provide, by rules and regulation, either through the Civil Service Commission or otherwise, for competitive examination of applicants.

Mr. STONE. Let us have a vote.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was rejected.

Mr. LEE of Maryland. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section:

No person who has reached the age of 20 years shall be appointed as a cadet at the United States Military Academy, and no person shall be commissioned from civil life as a line officer in the Army unless such person has served at least one year, with a good record, as an enlisted man in the Army or the National Guard, or has been a student, with a good scholastic and military record, for at least two years at some military school or school where military instruction is given, approved for this purpose by the Secretary of War.

Mr. LEE of Maryland. Mr. President, the object of this amendment is to make service of some kind the basis of appointment from civil life. That is the main object of it. Service either in the National Guard, or service in the Regular Army, or experience at some military school for at least two years, is the prerequisite under this amendment for appointment from civil life to any person and to all persons.

Mr. DU PONT. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Delaware?

Mr. LEE of Maryland. Certainly.

Mr. DU PONT. May I inquire whether the Senator from Maryland is talking about appointments to the Military Academy, which is the question under discussion, or appointments to the Regular Army?

Mr. LEE of Maryland. I am talking about both—appointments to the academy after 20 years of age and as line officers in the Army. This limits the appointments as line officers in the Army to persons who have had experience in the National Guard or in the Regular Army or at a military school—the latter for two years and the first two for one year—and also limits the power of appointment to West Point of persons over 20 years of age to persons who have had the same experience. They must have served either in the Army or in the National Guard, or must have been to a military school for two years. Under 20 they can be appointed to West Point as they now are; but under 20 presumably they have not had an opportunity for two years at a military school or to serve in the National Guard or to serve in the Army. I propose to leave the power of appointment to West Point under 20 as it is, to leave the wide scope of appointment open there; but the object of this amendment is, as far as reasonable, to make military service, military experience, somebody passing on the military character of the man, a basis for appointment as a line officer from civil life to the United States Army or to the Military Academy for a person over 20 years of age.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was rejected.

Mr. HUGHES. Mr. President, I desire to offer the following amendment: On page 2, line 11, strike out the words "twenty-two" and substitute therefor the words "twenty-five."

As the section now reads, as amended, the President is authorized to appoint cadets to the United States Military Academy from the enlisted men of the Regular Army or the National Guard between the ages of 19 and 22 years. The purpose of my amendment is to change that period so that he may appoint them between the ages of 19 and 25 years. My reason for offering the amendment is as follows:

We have just started out to do something for the National Guard and to offer some encouragement to the young men, the enlisted men of the Regular Army; and yet it is quite possible that on account of the character of the legislation by which we desire to do this nobody in the National Guard or in the Regular Army, or at least very few of those we desire to benefit, will have an opportunity to take advantage of this legislation. The legal age of enlisted men in the Regular Army is 21. The legal age of enlisted men in the National Guard is 21. This legislation provides that in addition a man must serve a year in either of the organizations. Therefore if he enlists at the legal age of 21 and serves a year he is 22, and becomes ineligible to appointment under this bill by the very terms of the measure itself.

Of course it is true that a great many men get into the Regular Army before they are 21 and a great many men get into the National Guard before they are 21; but no young man under the age of 21 living with his parents can, without their consent, enter either of these organizations.

I agree that the age limit should not be increased so far as the other classes are concerned. It perhaps would be a good thing to decrease the age limit; but certainly in this restricted class, where we can not hope to get very many men under the most favorable circumstances, it would be cruel to dangle this promise before their eyes when practically by our own language and in our own legislation we defeat their hope, and make it impossible for them to derive the benefits we would all like to see them derive from this legislation.

Mr. CHAMBERLAIN. Mr. President, I hope that amendment will not be adopted. If a man is admitted to the Naval Academy at 25 years of age, and remains there four years, he is getting pretty well along in years by the time he has fitted himself for the service. I think the limit is broad enough now.

Mr. LODGE. Oh, quite; too old, if anything.

Mr. HUGHES. I hope the Senators understand the situation here. I asked the chairman of the Military Affairs Committee what the average age of enlistment was.

Mr. CHAMBERLAIN. I inquired at the War Department since the Senator propounded that question to me, and they told me they could not tell just what it was.

Mr. HUGHES. I have also inquired from the War Department; but there is not the slightest doubt in my mind but that the average age of enlistment is over 21. What is the object of attempting to send men to the Military Academy at all if you are going to frame your legislation so that it can not be done? Why not abandon this idle pretense?

Mr. CHAMBERLAIN. Mr. President, I should like to say to the Senator that in my own State I have probably a dozen applications for appointment to the academy. I can not appoint them all; but under this bill the parents of those young men would say: "Here, there is a chance for you to get in there now. Enlist for a year, and you will be only 18 or 19 years old when you have completed your one year of enlistment, and you will have an opportunity then to be appointed." The very purpose of it was to stimulate an interest on the part of young men, and to get them to serve a year of enlistment.

Mr. HUGHES. That is very praiseworthy, of course, but it fails to take into account men who have already enlisted without that stimulus—men who have already been patriotic enough or have felt that they had sufficient aptitude for the military service to enter that service.

Mr. DU PONT. Mr. President——

Mr. HUGHES. I yield to the Senator from Delaware.

Mr. DU PONT. I appreciate the interest which the Senator from New Jersey takes in the enlisted men of the Army who would be benefited by this bill; but at the same time, desirable as it is to promote their interests in every proper way, it seems to me that if we are to do our duty here we should take some account as well of the interests of the Government.

Mr. HUGHES. Would not the Senator just as soon make his speech on this amendment after I have finished? I thought the Senator desired to ask me a question.

Mr. DU PONT. I will be through in one second. The provision as to age is designed to prevent the soldiers being too old, and for this reason not well adapted to become an officer. A civilian is not permitted to enter the Army if he is over 27, and this amendment practically sets this maximum aside.

Mr. HUGHES. The Senator is mistaken about that. They will enlist a man older than 27, I think.

Mr. DU PONT. I refer to a civilian appointee, to be examined for a commission.

Mr. HUGHES. Oh, yes.

Mr. DU PONT. He can not be older than 27. That is the maximum age. The Senator's provision would allow a man to come in there at 29.

Mr. HUGHES. Twenty-eight, perhaps, or 29; yes.

Mr. DU PONT. Twenty-eight or 29.

Mr. HUGHES. Yes; but we are making an exception.

Mr. DU PONT. That is not to the interest of the Government, though.

Mr. HUGHES. I do not know.

Mr. DU PONT. The interest of the Government is to get younger officers, so that when they arrive at responsible positions they will not be superannuated. That is the point I want to make.

Mr. HUGHES. Of course, we started out to do something abnormal. We started to depart from the ordinary method of getting these officers, and if we enter upon this path it seems to me we should clear away all obstructions from it. I have no particular interest in this matter, but it struck me, upon reading the terms of the legislation itself, that we are holding out the hope of appointment to the Military Academy to a large body of young men in this country, and at the same time we are saying to them, by the terms of our own legislation, that they have no chance.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from New Jersey a question.

Mr. HUGHES. Certainly; I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator says he has made some inquiry about this matter. I wish to ask him if it is not a fact that a small part of the enlistments are under the age of 21, because of the attitude of parents toward enlistment by their sons?

Mr. HUGHES. Oh, undoubtedly. The legal age is 21; yes.

Mr. SIMMONS. I know I have found in my experience, where some boy had by misrepresentation gotten upon the list and was appointed, that his parents have applied for his discharge upon the ground that his age had been misrepresented. I know it is a fact that there is, or there has been in the past—I do not know what the situation will be in the future—a very decided sentiment among parents against their sons enlisting in the Army before they have reached the age of 21.

Mr. HUGHES. Undoubtedly.

Mr. SIMMONS. I had assumed that that had reduced to a very small number the enlisted men now who are under 21 years of age, and who would or could get the benefit of this legislation.

Mr. HUGHES. I have not the figures. I applied to the War Department for them. I first asked the chairman of the Military Affairs Committee, and he estimated that the average enlisted age was about 21. I think he is correct in that, but I do not know. I communicated with the War Department, and they promised to have the information for me in 10 or 15 minutes. More than that time has elapsed, and I have not heard from them. They said they would telephone here.

Everyone is familiar with this situation. Parents come to the Representatives and Senators thinking that their boys have enlisted and were not 21 and that they were entitled to be discharged and entitled to be discharged at once. Of course, the Government officials threatened them with prosecution for a false oath, and the parents, wisely, in my judgment, abandon any attempt to get their children out of the service, but it is a question whether or not boys enlisted under those circumstances to get into the Army could properly take advantage of the provisions of the bill.

The VICE PRESIDENT. The morning hour having expired the Chair lays before the Senate the unfinished business, House bill 408, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power, and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SMITH of Georgia. Mr. President, I can not consent, so far as I am concerned, to that direction. This water-power bill has been before the Senate for over a week. We have heard it fully discussed. I think we ought to be ready to vote upon it.

Mr. ASHURST. Will the Senator yield to me? The Committee on Indian Affairs on March 9 directed me to report back the Indian appropriation bill. It will be remembered that the bill failed last year and the necessity for the passage of the Indian appropriation bill is obvious to all Senators, and it is urgent. I wish to give notice that as soon as I can get the floor, after the Military Academy bill is disposed of, I shall move that the Senate take up the Indian appropriation bill.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. There is objection to the request of the Senator from Montana.

Mr. MYERS. I should like to be heard.

Mr. SMITH of Georgia. I desire to state the reasons for my objection while I have the floor.

Mr. JAMES. I should like to ask the Senator from Georgia if he will not allow us to finish the Military Academy bill. It will take only a few moments more.

Mr. SMITH of Georgia. I do not want to object to proceeding to the conclusion of the bill the Senator from Oregon [Mr. CHAMBERLAIN] has in charge. I will vote to take it up, to displace the water-power bill. What I am objecting to is keeping the water-power bill as the unfinished business. I think it ought not to remain longer the unfinished business. The debate has been full about it; the issues between the Senators from the Western States on the subject are understood. If we are to have a vote upon it, well and good; but I am unwilling to see it kept here as the unfinished business with other matters coming in and it remaining the unfinished business. So I object to the unanimous consent asked.

Mr. MYERS. Mr. President, before this matter is ruled on I should like to be heard, when other Senators are through.

Mr. ASHURST. I beg pardon.

The VICE PRESIDENT. Let the Chair understand the matter. The request for unanimous consent is certainly not debatable for an hour or two. Is there objection to temporarily laying aside the unfinished business?

Mr. SMITH of Georgia. Mr. President——

Mr. ASHURST. I wish to make a motion.

Mr. MYERS. Mr. President, a point of order. A motion is not in order until this is disposed of. I make that point of order.

Mr. SMITH of Georgia. If the request to temporarily lay aside the unfinished business is limited to the bill the Senator from Oregon [Mr. CHAMBERLAIN] has charge of, I shall not object; but if it is generally to be temporarily laid aside, I object.

Mr. ASHURST. I object.

The VICE PRESIDENT. There is objection. The Chair recognizes the Senator from Arizona.

Mr. ASHURST. I move that the Senate proceed to the consideration of House bill 10385, being the Indian appropriation bill.

Mr. HUGHES. Pending that motion——

Mr. MYERS. I should like to be heard before the Senator makes that motion. I want to say that while the water-power bill has been technically the unfinished business of the Senate for about a week, it has been debated for a part of two afternoons—about one-half day all put together. Why has it been laid aside the rest of the time? To make room for appropriation bills and preparedness measures. That is the reason. I am anxious to see the water-power bill kept before the Senate as continuously as possible; I am anxious to have a vote taken on it as soon as possible; and I am anxious to see final action by this body; but I realize the higher and more pressing and immediate necessity of action on preparedness measures and appropriation bills.

It is my understanding that it is at least an unwritten rule, if not a written rule, of the Senate that appropriation bills have the right of way over other measures. That has been the practice at least ever since I have been here. Several times appropriation bills have been called up in the last week, and that caused delay in the consideration of the water-power bill. Then, at the solicitation of many Senators and with the full cognizance of the importance of preparedness measures, and knowing the

attitude of the President and the administration in regard to them, I have consented to lay aside the unfinished business several times for preparedness measures. I consider that the bill is entitled to consideration which has been before the Senate up to 2 o'clock, it being one of the preparedness measures.

Mr. CHAMBERLAIN. May I make a suggestion to the Senator?

Mr. MYERS. I yield with pleasure.

Mr. CHAMBERLAIN. I understood the Senator from Georgia would not object to laying the unfinished business aside for the purpose of proceeding with the Military Academy bill.

Mr. MYERS. I understand the same thing.

The VICE PRESIDENT. There has been an objection——

Mr. MYERS. I wish to finish my remarks, if the Chair please. As I said, my attitude has been a disposition to have the unfinished business temporarily laid aside for appropriation bills and preparedness measures, but otherwise to keep it as continuously as I might be able to do before the Senate. I think the motion of the Senator from Arizona is ill timed, at least, if not unparliamentary. If he wants——

The VICE PRESIDENT. Just a moment. By the rules of the Senate the question is not debatable. The Chair has been granting the Senator from Montana the right, without objection, to make a statement, but a motion to take up a bill after 2 o'clock is not debatable.

Mr. MYERS. It is not debatable before 2 o'clock.

The VICE PRESIDENT. No; it is not debatable after 2 o'clock.

Mr. MYERS. Rule VIII provides that it is.

The VICE PRESIDENT. The Chair will read Rule IX.

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order.

I shall not read all of it—

And in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill—

That is what this is—

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named and may be submitted as in the nature and with all the rights of questions of order.

Mr. MYERS. Mr. President, I crave permission to make a statement to the Senator from Arizona if he will withhold his motion.

Mr. HUGHES. Mr. President——

Mr. MYERS. I decline to yield, and I hold the floor.

Mr. HUGHES. On this ruling——

Mr. MYERS. Will the Senator permit me a word to the Senator from Arizona? If the Senator from Arizona will withhold his motion, I will ask to have the unfinished business temporarily laid aside. Then when the cadet bill is disposed of he can move to take up the appropriation bill, if he wishes, and I will not oppose it, and we will not in that way displace the unfinished business. I now renew my request.

Mr. ASHURST. Much as I love the Senator from Montana, I will not do a thing that will put me in the position in which I was placed last year. I yielded to this Senator and I yielded to that Senator, and I lost my bill. I will not consider such a proposition. I stand on my motion, as much as I love the Senator from Montana.

Mr. MYERS. It is no love to me. You are displacing the bill which the Senator from Oregon has in charge.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of House bill 10385, being the Indian appropriation bill? [Putting the question.] The ayes seem to have it.

Mr. MYERS. I ask for a division.

The VICE PRESIDENT (after a division). The motion prevails and the Chair lays before the Senate House bill 10385, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. ASHURST. I ask unanimous consent that the bill be laid aside for the purpose, and the purpose only, of disposing of the Military Academy bill.

The VICE PRESIDENT. Is there objection?

Mr. MYERS. I understood that the Senator from Arizona was not going to yield to anyone under any circumstances or conditions in relation to the Indian appropriation bill. What he meant apparently was that he would not yield to me.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. NORRIS. I object.

The VICE PRESIDENT. There is objection.

Mr. CHAMBERLAIN. I move, notwithstanding the objection, that the Senate proceed to the consideration of the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy. Mr. President, we have been working on this measure about four days——

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of Senate bill 4876?

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from New Jersey [Mr. HUGHES].

Mr. WEEKS. Mr. President, I rise to oppose the amendment offered by the Senator from New Jersey. Our first consideration is not some class of men or what will benefit some particular class, but what will be the greatest benefit to the Army itself. Anything which raises the age of entrance into the Army over and above the present limits, which I think are already too high, would be distinctly, in my judgment, harmful to the military service.

When I was a midshipman in the Naval Academy the maximum age of entrance to that institution was 18, the minimum age was 14, so that graduates could not under any circumstances be over 21 when they left the institution.

The age limit has been increased at the Naval Academy and it has been increased at West Point. I think it has been bad judgment to do so, because by raising the age limit a man reaches command rank very frequently at a time when he is too old to assume the responsibilities which come to him. It has been one of our greatest difficulties in the Navy that the command rank of commanders and captains has been so high, they have been so many years in subordinate places, that they really have not been competent to assume the great responsibilities which the commanding officer of a man-of-war must assume. To some degree that applies in the same way in the Army. For a man to reach the position where he is going to assume the occupation of his life at the age of 28 or 29 is to my mind without any excuse whatever. If he has not reached the primary stages of his life occupation by the time he is 23 or 24 years old, before he gets into places of responsibility, he is going to lose a large part of that initiative which must go to make up a successful career.

I hope, Mr. President, that the amendment of the Senator from New Jersey will not be given serious consideration.

The PRESIDING OFFICER (Mr. MYERS in the chair). The question is on the amendment of the Senator from New Jersey. [Putting the question.] The Chair is unable to determine it, and will put the question again.

Mr. NORRIS. Let us have a division.

The PRESIDING OFFICER. All in favor of the amendment will rise. [A pause.] All opposed to the amendment will rise. [A pause.] The amendment is carried.

Mr. CHAMBERLAIN. I suggest the absence of a quorum. There was no quorum present on the vote, and that is the reason why I suggest the absence of a quorum.

The PRESIDING OFFICER. That was not announced by the Chair. The Chair announced that the amendment was carried.

Mr. HUGHES. The amendment was carried.

Mr. CHAMBERLAIN. I think the Chair will take notice of the fact that not a quorum voted.

The PRESIDING OFFICER. The Chair has observed a practice of the kind he followed.

Mr. CHAMBERLAIN. I desire to have it entered of record that there was not a quorum present.

The PRESIDING OFFICER. The Senator from Oregon has suggested the absence of a quorum.

Mr. HUGHES. Mr. President, a parliamentary inquiry. That does not affect the adoption of the amendment?

The PRESIDING OFFICER. In the opinion of the Chair it does not. The Chair will pass on that when we get to it. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Colt	Hardwick	Lea, Tenn.
Bankhead	Cummins	Hitchcock	Lee, Md.
Beckham	Curtis	Hollis	Lewis
Brandegee	Dillingham	Hughes	Lodge
Catron	du Pont	Husting	McCumber
Chamberlain	Gallinger	James	Martine, N. J.
Chilton	Gore	Johnson, S. Dak.	Myers
Clapp	Gronna	Jones	Norris
Clark, Wyo.	Harding	Kenyon	O'Gorman

Oliver	Ransdell	Smith, Ga.	Thomas
Overman	Reed	Smith, Md.	Thompson
Owen	Robinson	Smith, S. C.	Underwood
Page	Saulsbury	Smoot	Vardaman
Phelan	Shafroth	Sterling	Wadsworth
Pittman	Sheppard	Stone	Warren
Poindexter	Sherman	Sutherland	Weeks
Pomerene	Simmons	Swanson	Williams

Mr. CHILTON. I wish to announce the absence of the Senator from Indiana [Mr. KERN] on account of official business of the Senate. I wish also to announce that my colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. LEA of Tennessee. I wish to announce the unavoidable absence of the senior Senator from Virginia [Mr. MARTIN] and the junior Senator from Virginia [Mr. SWANSON]. The senior Senator from Virginia is paired with the Senator from Maine [Mr. BURLEIGH]. The junior Senator from Virginia is paired with the Senator from Washington [Mr. JONES].

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. There is a quorum present.

Mr. CHAMBERLAIN. Do I understand that the Chair has declared the amendment of the Senator from New Jersey [Mr. HUGHES] was adopted?

The PRESIDING OFFICER. The Chair ruled that it had been adopted.

Mr. CHAMBERLAIN. I move that the vote by which the amendment was agreed to be reconsidered.

In this connection I wish to state to the Senate just what it is. The age limit placed upon the admission into the Academy of a cadet under the bill is between the ages of 19 and 22. The Senator from New Jersey moves to amend by raising the age limit to 25. Mr. President, I do not think the amendment ought to have been adopted, and, really, when it was adopted there were very few Senators present, and I desire to have the vote reconsidered.

Mr. HUGHES. Mr. President, as I recollect it, the Senator from Oregon voted against the amendment, and under the ordinary parliamentary procedure he has not a right to move to reconsider the vote.

The PRESIDING OFFICER. On that point of order the Chair will rule that no record vote—no yea-and-nay vote—having been taken any Senator can move to reconsider. That is the understanding of the Chair of the parliamentary practice. The point of order is overruled.

Mr. HUGHES. The motion made by the Senator from Oregon is debatable, I presume.

The PRESIDING OFFICER. The Chair so holds.

Mr. HUGHES. I will state that since the vote was taken I have received word from the War Department that some time ago they compiled a list with the idea of getting at the average age of first enlistments. They compiled a list of a thousand men, and the average age of first enlistments in the Regular Army, as shown by that list, is a little over or a little under, I am not certain, 23 years; which fully bears out the statement I made to the Senate that I thought the average age of the first enlistment was over 21 years of age.

Here we are put in the position of attempting to legislate for the benefit of men in the Regular Army and in the National Guard and at the same time we are fixing a limit which is two to three years below the age prescribed in the very legislation we are attempting.

Mr. GALLINGER. I will ask the Senator if his amendment applies generally or only to those coming from the National Guard and enlisted men.

Mr. HUGHES. Only to the National Guard and to the Regular Army. I am not proposing this legislation. I am not standing here as some one who desires to do something for the National Guard or to do something for the Regular Army. Other Senators originated this legislation. It is abnormal; it is out of the usual line; it is a new procedure. Surely if we are going to do it, we ought to make it complete and we ought to do it wholly. It can not to a great degree affect the average age of the graduates of either of these institutions.

Mr. WARREN. Will the Senator from New Jersey permit me?

Mr. HUGHES. Certainly.

Mr. WARREN. Does the Senator realize that those men who go into the academy at 25 graduate at 29 and are all the time at a disadvantage from that time on, because before they arrive at the higher grades age has provided for their retirement or they become superannuated.

Mr. HUGHES. I realize that.

Mr. WARREN. Whatever may be the Senator's idea as to what the age for the Army cadets is going to be, he should remember that with the few we provide for there will be thousands in the Army who went in at 18 and 19, and who can go in and it is better for the man, it is better for the United States, it is better for the Army that those who go to West Point should go early, mature early, and take their place in command accordingly.

Mr. HUGHES. I realize what the Senator says, but at the same time it does not make very much impression upon me for the reason that a man who succeeds in graduating at the age of 29 is a good deal better off than a man who never had any chance to graduate at all. A man who gets a commission at the age of 29 is better off than a man who never had a chance to get a commission at all. By the terms of this enactment we are shutting out obviously more than half of the enlisted men of the Army and of the National Guard, and I am unable to compute how many more than that. We are probably shutting out 80 per cent of the enlisted strength of these two organizations.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. HUGHES. I yield.

Mr. SHAFROTH. I should like to ask the Senator if he does not think that by keeping the age limit as it is it would encourage enlistments in the Army earlier than otherwise would take place?

Mr. HUGHES. The law provides that a man can not enlist in the Army without the consent of his parent or guardian until he is 21.

Mr. SHAFROTH. They do enlist by virtue of the consent of the parents at 18, and will it not have a tendency—keeping the age limit and having the inducement to go to a military academy—to gain the parents' consent that they should enter the Army at an earlier age?

Mr. HUGHES. It does not seem as though the Government wants them at a much earlier age, unless it changes the regulations in that direction, but as I have stated so often in the course of this discussion, we are here attempting to do something for two organizations—the National Guard and the Regular Army—and here is a provision shutting out perhaps 80 or 90 per cent of the members of both those organizations. It is true that the men who go to the academy by means of this legislation, graduating at the age of 29, will be handicapped, so far as their position and their rank is concerned, compared with men who go through in the regular way, but that is the vice of circumstances over which they have no control. We are trying to legislate for men who have such a handicap that they had no chance in the ordinary course of things to go to the Military Academy, men who feel a desire to enter it, men with military aptitude who have enlisted in the National Guard or in the Regular Army. There is no chance for them as the law now stands. We have set about doing something for them. Let us not frame the legislation so as to defeat our own purpose.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. HUGHES. Certainly.

Mr. VARDAMAN. I wish to ask the Senator if his amendment would in any way discourage anyone who wanted to join the Army through the National Guard or the standing army from going in earlier?

Mr. HUGHES. It would encourage them.

Mr. VARDAMAN. Of course, it would.

Mr. HUGHES. It offers this temptation or this inducement to a much larger class than would be offered under the legislation, as proposed by the chairman of the Committee on Military Affairs.

Mr. VARDAMAN. I suggest to the Senator that there are many men who join the Army after they attain a certain age and their parents do not want them to waste their lives there. They may go into the Army after they reach their majority. Such men who would take advantage of the provision offered by the Senator from New Jersey.

Mr. HUGHES. Mr. President, as the law stands to-day, there is no boy whose parents do not desire him to follow a military profession who can go into the Army until he is 21 years of age. Under the provisions of this proposed act he must serve one year. That will make him 22 years of age; and under the provisions of the existing act at 22 years of age he is automatically disqualified from participating in the benefits of this legislation. That is all there is to my amendment.

Mr. CHAMBERLAIN. Mr. President, I wish to say again that I hope the Senate will reconsider the vote by which the amendment offered by the Senator from New Jersey [Mr. HUGHES] was adopted. Figuring that the age of men in the enlisted strength of the Army is about 23 years, or a little less, as the Senator states, is like figuring the per capita wealth

of the United States. Figuring on that basis many men who have not a dollar in the world would appear to have a good deal of money. As a matter of fact, there is a very large number of men in the United States Army who are under 20 years of age; and the fact ought to be patent when you figure that the average age being 23 or under, and the admission to the Army being from 18 to 35, the greatest number of the men are young, upward of 25 or 26, or somewhere about that age. So there are many thousands of men in the Army who could be appointed under the provisions of this bill.

In talking about the effect this will have upon the enlisted strength, Mr. President, we ought not to forget the effect it will have upon the country. When a man gets to be about 29 years of age and has just left college he has pretty nearly reached middle life, and the Army is therefore deprived of the benefit of the service of a commissioned officer from the age of, say, 24 or 25 until he retires. If this amendment should be adopted it would make him graduate from the academy at 29 years of age, and I think that is too old.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon to reconsider the vote by which the amendment offered by the Senator from New Jersey was adopted.

Mr. HUGHES. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], and in his absence I withhold my vote.

Mr. JONES (when his name was called). I am paired for the day with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. SUTHERLAND. I have a general pair with the Senator from Arkansas [Mr. CLARKE]. On that account I will withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN], who is absent. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. TOWNSEND (after having voted in the affirmative). I have a general pair with the junior Senator from Florida [Mr. BRYAN] and the senior Senator from South Carolina [Mr. TILLMAN] has a pair with the Senator from West Virginia [Mr. GOFF]. We have transferred our pairs, so that we may both vote. I will allow my vote to stand.

Mr. JOHNSON of Maine. I inquire if the junior Senator from North Dakota [Mr. GRONNA] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. JOHNSON of Maine. I have a general pair with that Senator, which I transfer to the junior Senator from Louisiana [Mr. BROUSSARD] and vote. I vote "nay."

Mr. TILLMAN. Under the arrangement just announced by the Senator from Michigan [Mr. TOWNSEND] I vote "nay."

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Indiana [Mr. KERN].

The result was announced—yeas 43, nays 22, as follows:

YEAS—43.

Bankhead	Gallinger	O'Gorman	Smith, Md.
Beckham	Gore	Oliver	Smoot
Brandegee	Harding	Overman	Sterling
Chamberlain	Hardwick	Page	Stone
Clapp	Hitchcock	Phelan	Thomas
Clark, Wyo.	Kenyon	Poindexter	Townsend
Colt	Lea, Tenn.	Ransdell	Wadsworth
Cummins	Lodge	Robinson	Walsh
Curtis	McLean	Saulsbury	Warren
Dillingham	Myers	Shafroth	Weeks
du Pont	Newlands	Sherman	

NAYS—22.

Ashurst	Lane	Reed	Tillman
Hollis	Lee, Md.	Sheppard	Underwood
Hughes	McCumber	Simmons	Vardaman
Husting	Martine, N. J.	Smith, Ga.	Williams
James	Norris	Smith, S. C.	
Johnson, Me.	Pomerene	Thompson	

NOT VOTING—30.

Borah	Culberson	La Follette	Shields
Brady	Fall	Lewis	Smith, Ariz.
Broussard	Fletcher	Lippitt	Smith, Mich.
Bryan	Goff	Martin, Va.	Sutherland
Burleigh	Gronna	Nelson	Swanson
Catron	Johnson, S. Dak.	Owen	Works
Chilton	Jones	Penrose	
Clarke, Ark.	Kern	Pittman	

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from New Jersey [Mr. HUGHES].

Mr. NORRIS. Mr. President, I have no desire to discuss the matter now; I have discussed it before. I simply want to remark that those Senators who were present and heard the debate having carried this motion, it is now probable that those who were absent and did not hear the debate will defeat it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey.

The amendment was rejected.

Mr. HUGHES. Mr. President, I desire to substitute the word "twenty-four" for the word "twenty-five." I do not like to bore the Senate—at least that portion of the Senate which was here—with a repetition of the discussion. I feel certain, however, that if the Members of the Senate who have voted on this question had heard the discussion the amendment would probably have prevailed, and at the risk of trespassing upon the patience of those who were here I will say again that the object of the amendment is to enable the men whom we seek to benefit to really benefit by the provisions of this legislation. I will say once more that the legal age of enlistment in the United States Army and in the National Guard is 21 years, and that under the terms of this bill a man must serve one year before he can receive this benefit. That makes him 22 years of age; and at 22 years of age, automatically, by the terms of the legislation, he can not receive an appointment to West Point.

Further than that, I am not posing here as a friend of the Regular Army or as a friend of the National Guard; but the provision for the appointment to West Point of enlisted men of the Army and of the National Guard has been offered ostensibly in the interest of those two organizations, and I am trying to perfect it and make it possible for the members of the National Guard to benefit by it and to make it possible for the enlisted men of the Regular Army also to benefit by it. It is immaterial to me what the Senate does with it.

Mr. LODGE. Mr. President, will the Senator yield to me?

Mr. HUGHES. Certainly,

Mr. LODGE. Is not the Senator mistaken about the age limit? The age limit at West Point is 22, and at the Naval Academy, as I understand, 20.

Mr. HUGHES. I was speaking about the provision of the pending bill which purports to enable us to appoint men from the Regular Army to West Point, and which provides that they must serve one year in the Army, and yet they can not be appointed to West Point after they are 22.

Mr. LODGE. The Senator stated that the age limit at West Point was 21, as I understood.

Mr. HUGHES. No; I did not say that.

Mr. LODGE. I beg the Senator's pardon. I understood him to say so.

Mr. HUGHES. At least I did not intend to state that. What I attempted to state was that under the legislation which is now proposed and is before the Senate for action, and which purports to be an attempt to benefit the enlisted men of the Regular Army and the members of the National Guard, the legal age for enlistment in both bodies being 21 years, and enlisted men being required to serve one year, they will be 22 before they can become eligible for appointment, but after they attain the age of 22 they can not be appointed, under this legislation, to West Point. It is true that a great many men enlist before the age of 22. I do not want——

Mr. CLARK of Wyoming and Mr. DU PONT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield, and if so, to whom?

Mr. HUGHES. I yield to any Senator who desires to interrupt me.

Mr. CLARK of Wyoming. I want to ask the Senator a question. I do not agree with him entirely in his statement that this piece of legislation is intended solely for the benefit of the members of the Army. I think it is intended generally for the benefit of the whole country; but I wish to ask him whether this bill, as it now stands, with the age limit which the committee has fixed, does not benefit the National Guard and the Regular Army?

Mr. HUGHES. I am afraid not; that is all that is troubling me.

Mr. CLARK of Wyoming. Does it not give them more privileges than they have now?

Mr. HUGHES. I doubt if it does to any great extent. One would have to know the ages of the cadets.

Mr. CLARK of Wyoming. But what benefit of West Point have they now?

Mr. HUGHES. They have none, and they, perhaps, will have none after this legislation is enacted. I do not think we should stand here pretending to these men that we are giving them a benefit and giving them a privilege, when, as a matter of fact, perhaps we are giving them nothing of the sort.

Mr. CLARK of Wyoming. Is the Senator able to say how many under the age of 21 are now in the Army?

Mr. HUGHES. I have been unable to obtain that information; but I have learned that the average age on first enlistment—not the average age of the men who compose these organizations, but the average age at first enlistment in the Regular Army—is about 23 years.

Mr. CLARK of Wyoming. But the Senator must know how absolutely worthless the average age is in arriving at a conclusion as to how many are under 21.

Mr. HUGHES. I do not think it is worthless when it is the average age at first enlistment. I am not talking about the average age of the men in the Army but the average age of the men who present themselves to the officers of the Army to take the oath as enlisted men.

Mr. CLARK of Wyoming. There might be 10,000 men in the Army under the age of 19 and still the average age might be 23.

Mr. HUGHES. That might be so, and the converse of that might also be true.

Mr. WILLIAMS and Mr. DU PONT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield, and if so, to whom?

Mr. HUGHES. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I wish to ask a question of the Senator from New Jersey. I desire to ask the Senator whether, in his opinion, it is not true that the vast majority of young boys who enlist in the Army under the age of 21 belong to the undisciplined and uneducated classes, who, from the very nature of the case, from the very reasons which led them to enlist, could not pass the entrance examination to the academy?

Mr. HUGHES. I should say that that was probably true, and I should say that the highest type of men that we get——

Mr. DU PONT. Mr. President——

Mr. HUGHES. I should like to answer the Senator from Mississippi, and then I will yield to the Senator from Delaware gladly; I do not care to pursue the discussion any further than necessary. I say that the highest type of men we get, either in the naval or the military service, are men who override the objections of their parents, to do which they must wait until they are 21 years of age.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Delaware?

Mr. HUGHES. I will yield as soon as I have finished what I have to say in reply to the Senator from Mississippi. The very class of men to whom I have just alluded are absolutely prohibited from getting the benefits of this legislation. Now I yield to the Senator from Delaware.

Mr. DU PONT. Mr. President, I wish simply to suggest to the Senator from New Jersey that he make the age limit 23 years instead of 24. I think that would be logical. The maximum age at which appointees from civil life are allowed to enter the Army as commissioned officers is 27, it being deemed that that is the very oldest age at which it is to the interest of the service to allow men to enter as commissioned officers. If the Senator makes the limit in his amendment 23 and a cadet should enter at that age and spend four years at the Military Academy, he would on graduation have reached the maximum age at which civilians may now be appointed to commissions in the Army. That would coincide and conform with the practice so far as civil appointments are concerned, and there would be some logic in it.

Mr. HUGHES. I have no doubt that if we reduced the age limit, so that nobody could get into the service from either of these organizations, it would be eminently satisfactory to certain people. I realize that fully. I should like to have the limit 25; I should like to have it 26; but I am willing to take 24.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. HUGHES. Certainly.

Mr. WEEKS. I think the Senator from New Jersey will recognize the fact that with the consent of his parents or guardian a boy may enlist in the Army or in the militia at an age less than 21.

Mr. HUGHES. Yes.

Mr. WEEKS. At 18, 19, or 20.

Mr. HUGHES. I have stated that.

Mr. WEEKS. So that a very large percentage of those who enlist both in the militia and in the Regular Army might be given the privilege sought to be given to them.

Mr. HUGHES. I do not know how large that percentage is.

Mr. WEEKS. I do not know, except from my own experience in the militia, and that experience leads me to the conclusion that almost all first enlistments are under the age of 21. Mr. President, that being the case, and this privilege being held out to the young men to go to West Point and obtain a commission, I ask, Is it possible that a parent would refuse to give consent to a boy to enlist in the service before the boy was 21 or 20 or 19?

Mr. HUGHES. Mr. President, in reply to the Senator from Massachusetts I will say that I do not think this legislation is going to encourage enlistments to any great extent. The possibility of a boy getting into the Military Academy by means of this legislation is so remote that no parent who had a grain of sense would take it into consideration, in my opinion. But there is a chance to benefit a lot of men who have already enlisted without any hope of reward, without having had the aid of this stimulus; men who feel that they have military aptitude; men who would like to follow a military career; and they are the men we ought to seek to benefit, and they are the only men, in my opinion, who will be benefited, aside from the question of the general benefit of the country.

Mr. WARREN. Mr. President, if the Senator will yield to me, he said a few moments ago, as I understood, that a great many do not want enlisted men in the Army to get into West Point.

Mr. HUGHES. The Senator knows that as well as I do.

Mr. WARREN. Now, Mr. President, I think that remark was hardly called for. The situation is this: The Committee on Military Affairs have brought in here a proposition that, so far as I know, was never before spoken of by a single Member of the Senate outside of the committee. The Military Committee looked the matter over very carefully and initialed the move in favor of enlisted men. Under the amended bill it provides for about 66 a year to be admitted to West Point from the ranks of the Army. So if we confine this to 200 members altogether from the ranks of the Army, so far as age is concerned, the idea that, with 150,000 men or more in the Army, we can not pick out 66 per year, or 200 altogether, or 66 per year, is simply preposterous. We know that there are thousands and tens of thousands who go into the Army at the age of 18 or 19.

Now, we have to consider, in my judgment, the efficiency of the Army. We have to consider to some extent the United States. It costs a great deal of money to educate a man at West Point, and the United States is entitled to a long service rather than a short one. If a man enters the academy at the age which is now prescribed, he can complete 40 or more years of active service before he reaches the age of 64, which is the retiring age in the Army, thereby making a return to the United States for its expenditure. Not only that, but he begins his career as an officer early enough so that when he arrives at a position of importance, such as field officer, he is still young enough to possess the initiative which accompanies youth as compared to the older officer who may not possess the same initiative. If you fix the age at 25 or 24, you make another class at West Point; you make a class which goes hobbling along behind the others, arriving at positions of command at an older age, and therefore when they are probably less efficient. So that you entail more expense upon the Government and provide for less efficient service and you do not get any better officers. The idea of 66, or 75 even, a year at West Point from the Army out of 150,000 or more men is certainly not to be put off on the ground that they are all too old and have reached the age limit.

Mr. HUGHES. Mr. President, I hope the Senator does not desire a categorical answer to that question. I am not going to trespass further upon the time of the Senate except to say, what has already been said a dozen times in the presence of the Senator, that no matter how far behind one of these boys may be, he would be a good deal further advanced than if he remained an enlisted man in the Army and did not have this opportunity. That seems to me so self-evident that it hardly need be stated.

Now, as I have said, I am no more interested in this matter than are other Senators here. I wish, however, to disclaim any intention of reflecting upon any member of the committee or commenting upon any member of the committee in anything that I have said here. I said that there are certain people who would like to limit this bill so that no enlisted man, either of the Army

or of the National Guard, could be admitted to the Military Academy. I believe that to be true; I believe the members of the Committee on Military Affairs believe it to be true. I was not referring, however, to them. I ask for a vote.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. HUGHES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I again announce my pair for the day with the junior Senator from Virginia [Mr. SWANSON], and therefore withhold my vote. I will let this announcement stand on any other votes for the day.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Arkansas [Mr. CLARKE], which I transfer to the junior Senator from Pennsylvania [Mr. OLIVER], and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). Under the arrangement hitherto made with the Senator from Michigan, I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Texas [Mr. CULBERSON], I vote "yea."

The roll call was concluded.

Mr. CATRON. I inquire whether the senior Senator from Oklahoma [Mr. OWEN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. CATRON. I transfer my pair with him to the senior Senator from Michigan [Mr. SMITH] and will vote. I vote "nay."

Mr. WALSH. I have a pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. CHILTON. I announce my pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote. I also wish to announce the absence of the Senator from Indiana [Mr. KERN] on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Indiana [Mr. KERN].

The result was announced—yeas 28, nays 37, as follows:

YEAS—28.

Ashurst	Lee, Md.	Overman	Smith, S. C.
Hollis	Lewis	Reed	Thomas
Hughes	McCumber	Shafroth	Thompson
Husting	Martine, N. J.	Sheppard	Tillman
James	Myers	Shields	Underwood
Johnson, Me.	Norris	Simmons	Vardaman
Lane	O'Gorman	Smith, Ga.	Williams

NAYS—37.

Beckham	du Pont	McLean	Sterling
Brandegee	Gallinger	Newlands	Sutherland
Catron	Gore	Page	Townsend
Chamberlain	Gronna	Phelan	Wadsworth
Clapp	Harding	Ransdell	Walsh
Clark, Wyo.	Hardwick	Robinson	Warren
Colt	Hitchcock	Saulsbury	Weeks
Cummins	Kenyon	Sherman	
Curtis	Lea, Tenn.	Smith, Md.	
Dillingham	Lodge	Smoot	

NOT VOTING—30.

Bankhead	Culberson	Lippitt	Pomerene
Borah	Fall	Martin, Va.	Smith, Ariz.
Brady	Fletcher	Nelson	Smith, Mich.
Broussard	Goff	Oliver	Stone
Bryan	Johnson, S. Dak.	Owen	Swanson
Burleigh	Jones	Penrose	Works
Chilton	Kern	Pittman	
Clarke, Ark.	La Follette	Poindexter	

So Mr. HUGHES's amendment was rejected.

Mr. STERLING. Mr. President, I move that, in line 11, on page 2 of the bill, the word "twenty-two" be stricken out and the word "twenty-three" inserted in lieu thereof.

I appreciate the point made by the Senator from New Jersey [Mr. HUGHES], that the young man who is prevented by his parents or guardian from entering the service until he is 21 years of age would have no chance under this bill, he being required to serve for a period of one year either in the National Guard or in the Regular Army before he is eligible for appointment. I think that class of young men should be given a chance; and under this amendment there will be one year in which they will have that chance after they have served for a period of one year.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. VARDAMAN. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). Transferring my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Michigan [Mr. SMITH], I vote "yea."

Mr. CHILTON (when his name was called). I make the same announcement of my pair as on the former ballot and withhold my vote.

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the senior Senator from Arkansas [Mr. CLARKE], which I transfer to the junior Senator from Pennsylvania [Mr. OLIVER], I vote "yea."

Mr. THOMAS (when his name was called). I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I have a pair with that Senator, and I therefore withhold my vote.

Mr. TILLMAN (when his name was called). The same arrangement being made between the Senator from Michigan and myself, whereby we transfer our pairs and let the pairs stand against each other, I vote "yea."

Mr. WALSH (when his name was called). I make the same announcement and transfer as on the previous vote and vote "yea."

Mr. WILLIAMS (when his name was called). Making the same announcement that I made upon the previous roll call, I vote "yea."

The roll call was concluded.

Mr. JONES. I announce my pair with the junior Senator from Virginia [Mr. SWANSON]. If I were at liberty to vote, I would vote "yea."

Mr. GRONNA. I inquire whether the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. I have a pair with that Senator, and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CHILTON. I transfer the pair I have heretofore announced to the Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "yea." I also desire to announce the absence of the Senator from Indiana [Mr. KERN] and the fact that he is paired with the senior Senator from Minnesota [Mr. NELSON].

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 59, nays 2, as follows:

YEAS—59.

Ashurst	Gore	Newlands	Smith, Ga.
Beckham	Harding	O'Gorman	Smith, Md.
Brandegee	Hardwick	Overman	Smith, S. C.
Broussard	Hitchcock	Page	Smoot
Catron	Hollis	Poindexter	Sterling
Chamberlain	Hughes	Pomerene	Sutherland
Chilton	Husting	Ransdell	Thompson
Clapp	James	Reed	Tillman
Clark, Wyo.	Kenyon	Robinson	Townsend
Colt	Lane	Saulsbury	Underwood
Cummins	Lea, Tenn.	Shafroth	Wadsworth
Curtis	Lee, Md.	Sheppard	Walsh
Dillingham	Lewis	Sherman	Warren
du Pont	Lodge	Shields	Williams
Gallinger	Myers	Simmons	

NAYS—2.

Norris	Vardaman

NOT VOTING—34.

Bankhead	Clarke, Ark.	Gronna	La Follette
Borah	Culberson	Johnson, Me.	Lippitt
Brady	Fall	Johnson, S. Dak.	McCumber
Bryan	Fletcher	Jones	McLean
Burleigh	Goff	Kern	Martin, Va.

Martine, N. J.	Penrose	Smith, Mich.	Weeks
Nelson	Phelan	Stone	Works
Oliver	Pittman	Swanson	
Owen	Smith, Ariz.	Thomas	

So the bill passed.

Mr. CHAMBERLAIN. Mr. President, I desire to make a statement to the Senate on a matter about which I have been asked a good many times.

The Army reorganization bill has been reported from the Senate committee to the Senate and is now on the calendar. If we could have gotten the right of way on Monday, it had been the purpose of our committee to attempt to bring it up for consideration at that time. It has been postponed until this time, however, and the House bill, we understand, will probably pass to-night and reach the Senate to-morrow morning.

Our committee therefore thought it advisable, after conference about the matter, to take up the House bill in committee, and not undertake to dispose of the Senate bill without having the House bill before the Senate at the same time. So we will not be able to take up the subject until the House bill has been considered by the committee.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. I ask that the formal reading of the bill be dispensed with, and that the bill be read for committee amendments.

The PRESIDING OFFICER. Is there any objection to the request? There being none, it is so ordered.

The Secretary proceeded to read the bill.

Mr. TOWNSEND. Mr. President, do I understand that the bill is being read now for amendments? For what purpose is the bill being read now?

The PRESIDING OFFICER. For committee amendments.

The first amendment of the Committee on Indian Affairs was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, and so forth, on page 3, line 4, after the date "1914" to insert "and to remain available until expended," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, $235,000, reimbursable as provided in the act of August 1, 1914, and to remain available until expended.

Mr. SMOOT. Mr. President, may I ask the Senator in charge of the bill why that committee amendment was made? I know what the object is, but I would like to know the reasons why it was done.

Mr. ASHURST. The reason, as given, was that it would obviate the necessity for reappropriation of that amount. That amount being necessary, if at the end of the fiscal year there should be an unexpended balance, the committee is of the opinion that that would preclude the necessity of a reappropriation of it.

Mr. SMOOT. That is true, it would preclude that; but I rather think that is a bad policy to follow, unless it is an emergency matter and unless the amount appropriated is to be expended during the year.

Mr. ASHURST. If the Senator will pardon me, if I remember the statements of the commissioner correctly, this was in the nature of an emergency appropriation.

Mr. SMOOT. It would not be much of an emergency appropriation if it was going to be extended beyond the 30th of June, 1917.

Mr. LANE. Mr. President, the explanation that was given was that after beginning the work the season might be ended before its completion. By being able to continue the work in the spring without being prevented from doing so by the close of the fiscal year they could continue to a completion without having to reorganize their forces of workmen or storing their tools and supplies.

Mr. SMOOT. There may be wisdom in the amendment; but as a general thing a provision of that kind is not a good policy to follow.

Mr. LANE. I think the Senator is quite right.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, in page 4, line 2, after the word "sanatoria," to strike out "$350,000" and insert "$400,000," so as to read:

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, $400,000.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "purpose," to insert ": *And provided further*, That hereafter physicians regularly employed in the Indian Service may, in the discretion of the Secretary of the Interior, be allowed in addition to annual leave educational leave not to exceed 15 days per calendar year, such leave to be cumulative for two years for post-graduate work."

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). If there is no objection, the amendment will be agreed to.

Mr. GALLINGER. Mr. President, there is objection. I wish to inquire of the chairman of the committee how the physicians are employed in the Indian Service? Are they employed under civil service, or do they have to pass an examination?

Mr. ASHURST. They are employed under the direction of the civil service,

Mr. GALLINGER. They pass an examination?

Mr. ASHURST. Yes, sir.

Mr. GALLINGER. Does the Senator think that the physicians who are being employed in the Indian Service need to be educated after they get there?

Mr. ASHURST. No; the thought in the mind of the committee was, and it was suggested to the committee by the department, that there should be a post-graduate course, that physicians in attending a post-graduate course would be able to keep in touch with new discoveries in medical science, and it would be a very good thing. It is known that the most eminent physicians of the day do not hesitate to acquire knowledge through a post-graduate course.

Mr. GALLINGER. Certainly not; but does the Senator think it is more important that physicians in the Indian Service should be granted leave to qualify themselves than physicians in the Army and Navy?

Mr. ASHURST. No; I do not.

Mr. GALLINGER. No such leave is granted to those physicians.

Mr. ASHURST. That is true.

Mr. LANE. Will the Senator permit me? I think physicians on isolated reservations, where they do not come in contact with other physicians to exchange experiences, should be allowed to go once a year to brush up. The Senator himself knows that there are changes in methods, and quite frequently new discoveries in medicine and surgery are made, and therefore this is necessary.

Mr. GALLINGER. Most of these physicians are in the bounds of civilization.

Mr. LANE. A great many of them are not.

Mr. GALLINGER. A few of them.

Mr. LANE. Quite a number of them are isolated on the Pacific coast and in New Mexico and Arizona.

Mr. GALLINGER. I will inquire further what is the annual leave for these physicians?

Mr. ASHURST. One month. This simply gives them a month and a half.

Mr. GALLINGER. If they have to brush up, does not the Senator think that a month would be sufficient?

Mr. President, I hope the Senator will agree to have the proviso stricken out. It is extraordinary, and I see no reason whatever for it.

Mr. ASHURST. The view of the distinguished Senator from New Hampshire, of course, has great weight with me, but he must not forget that these physicians, to begin with, are underpaid, in my judgment, and, secondly, they go into isolated portions of our country.

Mr. GALLINGER. A few of them do.

Mr. ASHURST. A vast majority of them do; and, as the Senator from Oregon has well said, they frequently do not have an opportunity to consult other physicians for six, seven, or eight months at a time.

Mr. GALLINGER. They can take medical journals.

Mr. ASHURST. That is true.

Mr. GALLINGER. And get books.

Mr. ASHURST. If the Senator will pardon me, the view of the committee was that the health of the Indians should be considered above all things. What is the use to educate the Indian unless we take every precaution possible to preserve his health?

Disease among the Indians has been increasing at an alarming rate, and the committee took every possible precaution it could to see to it that every means possible to take care of the health of Indians should be used. That accounts for this provision.

Mr. GALLINGER. I suggest to the Senator that the health of the Indians and the life of the Indians is no more important than the health of our soldiers and sailors.

Mr. ASHURST. I cheerfully grant that.

Mr. GALLINGER. We do not educate the physicians at the expense of the Government who go into the Army and Navy after they get there.

Mr. ASHURST. Our committee have no jurisdiction over that question regarding the Army or the Navy, and I would not even by inference allow it to be understood that I thought the health of the Indians is more important than the health of soldiers or sailors, but it is equally important.

Mr. GALLINGER. I make a point of order against the proviso, that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is in relation to the first proviso?

Mr. GALLINGER. Beginning with the words "and provided further," commencing in line 9, and ending at line 14 with the word "work." It is general legislation. It provides that hereafter certain things shall be done.

The PRESIDING OFFICER. Does the Senator from Arizona desire to be heard on the point of order as to why it should not be sustained?

Mr. ASHURST. No; I do not. I am bound to confess that it is general legislation. I want to be fair enough to do that.

The PRESIDING OFFICER. The point of order is sustained.

The next amendment was, on page 4, line 14, after the word "each," to insert:

And provided further, That the proviso in the act of August 1, 1914 (38 Stat. L., p. 584), which limits the cost of erection and equipment of hospitals authorized therein to $15,000 each, is hereby amended so as to approve the expenditure of additional sums for the purposes named not exceeding $2,500 in any one case: *Provided,* That the total expenditures for erection and equipment of said hospitals shall not exceed $100,000, the aggregate amount authorized for that purpose by the act in question.

Mr. SMOOT. I understand that the act of August 1, 1914, appropriated $100,000 for the building and equipment of hospitals, and limiting the expenditure for any one hospital to $15,000.

Mr. ASHURST. That is correct.

Mr. SMOOT. And conditions have happened, I suppose, where one or more hospitals are intended to be built or are being built will cost more than $15,000.

Mr. ASHURST. The Senator is correct.

Mr. SMOOT. And the limit is to be, under this provision, $17,500?

Mr. ASHURST. The Senator is correct.

Mr. SMOOT. Then, in the same paragraph, in the proviso on page 4, beginning with line 2, it is provided that "not to exceed $90,000 of said amount"—that is, the $400,000 appropriated—"may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000." If $15,000 was too small an amount for a unit expenditure in 1914, it certainly seems to me that it must be too small an amount now.

Mr. ASHURST. The Senator is entirely correct about that.

Mr. SMOOT. I wanted to call the Senator's attention to that.

Mr. ASHURST. I thank the Senator.

Mr. SMOOT. If $17,500 is necessary in one case then "$15,000" should be changed to "$17,500" in line 5, page 4.

Mr. ASHURST. I hope that amendment will be made. I move, on line 5, page 4, to strike out "$15,000," where it occurs, and to insert in lieu "$17,500."

The PRESIDING OFFICER. The question is on the amendment to strike out the figures "$15,000" and insert in lieu thereof "$17,500," in line 5, on page 4.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee to insert the matter beginning on line 14, page 4.

The amendment was agreed to.

The next amendment was, on page 4, in line 24, after the words "appropriation of," to strike out "$350,000" and insert "$400,000," so as to read:

That out of the appropriation of $400,000 herein authorized, there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts.

The amendment was agreed to.

The reading of the bill was continued to line 6, on page 5.

Mr. SMOOT. I wish to call the Senator's attention to the omission of the dollar sign following the word "Nevada."

The PRESIDING OFFICER. That will be changed by the clerks at the desk without any action by the Senate.

The reading of the bill was resumed.

The next amendment was, on page 5, line 8, after the words "Choctaw and Chickasaw Hospital, Oklahoma, $20,000," to insert "to be immediately available."

Mr. GALLINGER. I will inquire of the chairman of the committee what the emergency is that requires this one appropriation to be made immediately available? Why differentiate, in other words, between that particular hospital and the others?

Mr. ASHURST. If the Senator will pardon me just a moment, I will refer to the Senate committee hearings. The showing before the committee was to the effect that this was necessary owing to the unfinished condition of the hospital and, further, that there is an immediate need for this hospital for the Chickasaws and Choctaws.

Mr. GALLINGER. Are the other hospitals completed and this hospital not completed?

Mr. SMOOT. It is not for the completion of the hospital; it is for maintenance.

Mr. ASHURST. For maintenance.

Mr. GALLINGER. Yes; for maintenance.

Mr. SMOOT. It seems to me that making this appropriation immediately available can only be justified, if justified at all, from the fact that they have spent all their appropriation of last year and now want the appropriation made to cover the expenditures for this fiscal year as well as the expenses for the coming year.

Mr. GALLINGER. And as a result there will probably be a deficit next year.

Mr. SMOOT. More than likely, because there certainly is this year.

Mr. ASHURST. Let it be stricken out.

Mr. GALLINGER. I think that is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 5, line 23, after the word "therewith," to insert "and for tuition of Indian children in public schools"; on page 6, line 1, before the word "blind," to strike out "and" and insert "or"; and, in line 2, after the word "children," to strike out "*Provided further,* That not more than $100,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, and for tuition of Indian children in public schools, $1,550,000: *Provided,* That not to exceed $40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children: *Provided further,* That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *And provided further,* That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

The amendment was agreed to.

The reading was continued to line 18, on page 7, the last paragraph read being as follows:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $72,000: *Provided,* That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

Mr. SMOOT. At the time this provision was first made in the Indian appropriation bill the question was discussed at some length. I want to ask the chairman of the committee what the result has been since the appropriation of this amount of money for obtaining employment for Indian youth. Is there any report showing what has been done under the past appropriation?

Mr. ASHURST. I can not give the Senator any official report, but I can give him a statement of my own information. About 5,000 Indians per year leave their tribal relations and assume the duties and burdens of American citizens. In every instance, I am advised, where it is possible or practicable to employ an Indian he is given preference in nearly all the positions in the Indian Service, and where the salary is under $800 an Indian is employed. I will say as a general proposition they are very largely employed, so far as it is practicable to do so. I have no detailed figures at hand to give the Senator.

Mr. SMOOT. I understood the original idea was not only to secure employment for the Indian youth in the Indian Service, but it was to go further and secure them employment outside the same as artisans and other classes of people. It goes so far as to provide for transportation expenses, and so forth. I wonder, now that this appropriation has been made for a number of years past, what results, if any, have been obtained from the appropriation in securing employment for Indian youth who have been educated outside of the Indian Service in communities——

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I gladly yield.

Mr. CURTIS. The graduates from nonreservation schools are furnished, wherever possible, employment, and the employment of the Indians attending the Carlisle School and the Haskell School has been very successful. They have been employed by farmers in that section of the country and some of them have been educated as blacksmiths and bakers and in other trades. They have been helped in securing employment. I understand from the commissioner that this is a very helpful provision, and I think it is money well expended.

Mr. SMOOT. I was very much in favor of the provision when it was first proposed in an Indian appropriation bill, and being interested in it at the time, I simply wanted to find out what the result had been.

Mr. CURTIS. I can not give the Senator the number, but I know of my own personal knowledge that a large number of students of nonreservation schools are being employed on farms and in private houses, and I know of some bakers and blacksmiths who have secured employment.

The next amendment was, on page 7, after line 18, to insert:

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

Mr. SUTHERLAND. I should like to ask the chairman of the committee what that means? It is very peculiarly phrased.

Mr. ASHURST. The language was furnished to the committee by the department. Prior to 1911 there was a law which limited the expenditure for pupils at reservation boarding schools to $167 per capita. The increased cost of living during the last few years has made it entirely impracticable to reduce the cost per capita to that amount. I read from page 26 of the Senate committee hearings:

Senator CURTIS. Does that not depend upon the number of pupils you have? It does not cost you that much in the larger schools, does it?

Mr. MERITT. No, sir; conditions vary in different schools. We are now able to keep the cost down in some of these larger reservation schools to $167, but where we have a small enrollment, and in some of the smaller boarding schools, it naturally costs a good deal more to keep the children in those schools.

Mr. SUTHERLAND. I will not trouble the Senator to read further, as far as I am concerned. I understand now what the purpose of it is. It is to remove the restriction which limits the per capita expenditure to $167 per year. It that right?

Mr. ASHURST. That is true. The trouble with it is——

Mr. SUTHERLAND. The trouble is the language does not accomplish that. It reads:

All moneys appropriated herein for school purposes among the Indians may be expended—

Then follows the parenthetical clause—

without restriction as to per capita expenditure—
for the annual support of any one pupil in any school.

Literally, therefore, it means that all moneys appropriated herein for school purposes may be expended for the annual support and education of any Indian pupil in any one school.

Mr. THOMAS. That is precisely what I rose to call attention to.

Mr. SUTHERLAND. The Senator does not want to accomplish that I know.

Mr. ASHURST. I am not as familiar with the resources of the English language as my friend the Senator from Utah, but I can see there is a defect in the provision and I cheerfully consent to any amendment that will effectuate the purpose.

Mr. SUTHERLAND. I suggest to the Senator to eliminate the last phrase "for the annual support and education of any one pupil in any school" so that it will be without restriction.

Mr. ASHURST. Permit me to say that it is not a continuing provision. It is necessary to include it in every bill and I think it has been in every bill. I think the language may be improved, however, and it ought to be improved.

Mr. THOMAS. It is not an apt expression as it now stands.

Mr. SMOOT. It may have been in the last appropriation bill but I doubt very much whether it has been in all the past bills. Is the language in the last appropriation bill the same as this?

Mr. ASHURST. Mr. Meritt says on page 59 of the House committee hearings in answer to a question propounded by the chairman:

Yes, sir; that has been in the Indian bill for a number of years, but you will notice that it is not continuing legislation.

Of course he does not say this identical language has been in the former bill.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SUTHERLAND. I yield.

Mr. CURTIS. The amendment suggested by the Senator from Utah covers the point. The only object was to remove the limitation on expenditures. There is a question whether or not it is wise to do so. I think Senators should be informed that at one school it is costing $319 a student and at another over $270. I have taken the position on the committee that where it costs as much as that it would be best to abolish the Indian school and send the children to public schools and pay the tuition. The assistant commissioner advised the committee that it is impossible now at the smaller schools to educate the children on $167 per capita.

Mr. SMOOT. I desire to ask the Senator if he will not allow this amendment to go over? Then we can look into it further.

Mr. ASHURST. I have no objection at all.

Mr. THOMAS. If the Senator will permit me, I venture to suggest that it might be a good way to reach the criticism of the Senator from Utah by merely providing for the repeal of the statute which contains the restriction. That would be much better than legislation designed to avoid and set aside for the purposes of the bill a restriction which was enacted as a piece of general legislation.

Mr. SMOOT. But the law as it was enacted not only covers this appropriation but other appropriations in the Indian appropriation bill, and the restrictions on other appropriations are necessary.

Mr. ASHURST. If the Senator will pardon me——

Mr. THOMAS. I understood the explanation given to be that the statute restricting the expenditure for school purposes to $167 per capita was found by experience to be too small, and it was the purpose of this proviso to do away with the difficulty in consequence of that fact. Of course my suggestion had reference only to that provision of the statute which imposes the restriction. I think it would be much better to set it aside by appropriate language than to provide, without any reference to it whatever, that this money can be expended practically with no limitation per capita upon the amount of expenditure.

Mr. SMOOT. I will say to the Senator the idea is to restrict it only to this particular appropriation.

Mr. THOMAS. The Senator means the appropriations in this bill?

Mr. SMOOT. No; this particular appropriation. There are other appropriations in the bill.

Mr. THOMAS. If that be so, then certainly the phraseology should be amended.

Mr. SMOOT. I agree with the Senator there.

Mr. THOMAS. The language is not, of course, appropriate here for that purpose.

Mr. ASHURST. If the Senator will pardon me, I am not seeking to defend the chastity of the particular language employed.

Mr. THOMAS. I understand that precisely.

Mr. ASHURST. Although in defense of the committee I ought to say that I have adverted to the bill passed in 1900 and the one before that. I read from the act approved August 1, 1914:

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

The commissioner has simply adopted the identical language which was in a prior law and which had been in Indian appropriation bills since 1911. A construction having been put on the language by the department, I presume for that reason this language was adopted.

Mr. THOMAS. I presume so; and that it is a good reason for it.

Mr. ASHURST. I agree to the language of the amendment, so far as I can accept it.

Mr. THOMAS. The language is, to my mind, remarkable for the accomplishment of the avowed purpose that is to be subserved by it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah to strike out all after the word "expenditure," on page 7, line 1, down to and including the end of the sentence in line 21.

Mr. GRONNA. Mr. President, I hope that language will not be stricken out. I ask that the amendment go over.

Mr. SUTHERLAND. The Senator from North Dakota certainly does not want to agree to the language in that provision, because, literally interpreted, it means that all moneys appropriated under this bill may be expended for the annual support of any one pupil. That is nonsense; nobody wants that. What you want to do is to remove the restriction upon the per capita expenditure.

Mr. GRONNA. That is correct.

Mr. SUTHERLAND. The criticism I make is that the language does not accomplish that. It ought to read:

All moneys appropriated herein for school purposes among the Indians may be expended without restriction as to per capita expenditure.

Put a period after the word "expenditure" and eliminate the remainder of the paragraph; omit the comma after the word "expended," and then you have expressed what you want to do.

Mr. ASHURST. Will the Senator yield to me?

Mr. SUTHERLAND. Yes.

Mr. ASHURST. Speaking only for myself, I will say that it seems to me that that amendment would fully meet the situation and obviate the difficulty. I hope it will be agreed to.

Mr. GRONNA. If the chairman of the committee is satisfied that it does so, I shall make no objection. Of course, all the committee intended to do was to remove the restriction. There are schools where it is necessary to expend more than $167 per capita.

Mr. ASHURST. That is true.

Mr. GRONNA. It is necessary to increase that expenditure at some schools on account of the heavy overhead charges; that is all; and that was the intention of the committee.

Mr. ASHURST. I think the suggestion made by the Senator from Utah [Mr. SUTHERLAND] and also the suggestion made by the senior Senator from Utah [Mr. SMOOT] fully covers the case, namely, to strike out all after the word "expenditure," in line 21.

Mr. GRONNA. I have no objection to that, if it is agreeable to the committee.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SUTHERLAND] to strike out all after the word "expenditure," in line 21, page 7, down to and including the word "school," in line 22, on the same page.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is now upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 8, line 14, after the word "Indians," to strike out "$425,000" and insert "$500,000," so as to read:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $500,000.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "Wisconsin," to insert:

Provided further, That, when practicable, no money appropriated herein shall be expended on or after January 1, 1917, for the employment of any farmer or expert farmer whose salary shall be in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency certifying that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture: *And provided further*, That this provision shall not apply to employees now in the Indian Service: *And provided further*, That it shall not apply to Indians employed or to be employed as farmers.

Mr. THOMAS. I should like to inquire of the Senator having the bill in charge from whom this "certificate of competency" is to be obtained? What is the authority to issue it? As the amendment now stands, a certificate signed by anyone, whether competent or otherwise, would seem to comply with the requirement of the amendment.

Mr. ASHURST. There is an obvious hiatus there. The intention of the committee was to insert the words, "certificate signed by the president of the university of the State, or an adjoining State, in which he seeks the employment," or, perhaps, it should be the president of the agricultural college.

Mr. THOMAS. I was going to suggest that it should be "agricultural college" to be appropriate.

Mr. ASHURST. It should be "agricultural college." That language has been left out of the print of the bill.

Mr. GALLINGER. Mr. President, after this matter is acted upon I wish to ask a question.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. STERLING. May we hear the amendment now stated, Mr. President? I supposed that the Senator from Arizona had the amendment at hand.

Mr. ASHURST. I will read it in just a moment, if the Senator will permit me. I move, after the words "practical agriculture," in line 24, to insert:

Such certificate to be certified and issued to him by the president of the State agricultural college or university of the State in which his services are to be rendered or by the president of the State agricultural college or university of an adjoining State.

I ask that that amendment be inserted merely to perfect the pending amendment.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. After the words "practical agriculture," in line 24, page 8, it is proposed to insert:

Such certificate to be certified and issued to him by the president of the State agricultural college or university of the State in which his services are to be rendered or by the president of the State agricultural college or university of an adjoining State.

Mr. STERLING. Mr. President, the one objection I should have to the amendment suggested by the chairman of the committee is that I do not see how the president of a State university would be qualified necessarily to give such a certificate as that. There would be some reason in the president of a State agricultural college giving such a certificate, but for the president of the State university to give such a certificate, it seems to me, might be a meaningless thing.

Mr. THOMAS. If the Senator will permit me, I think that what the committee had in mind was to use the word "university" where that is the designation of the agricultural institution of the State. The amendment might be improved, therefore, by providing that the certificate shall issue from the president of the State agricultural college or State agricultural university. I do not know of any State where the agricultural college is so designated, but it occurred to me that that might have been the purpose the committee had in view.

Mr. WALSH. Mr. President, I assume that what is intended is that in those States in which the institutions are consolidated the certification shall be made by the president of the university.

Mr. STERLING. I would so take it, I will say to the Senator from Montana, from the reading of the proposed amendment. I can not see how the president of the State university, unless that institution includes the State agricultural college, would be qualified to give such a certificate.

Mr. WALSH. I should assume that in those States in which the institutions are separate, the president of the university would decline to act, and would say to the applicant that he must make his application to the president of the agricultural college. Take the State of Wisconsin, for instance. The school of agriculture and mechanic arts is a school of the university, and there is no president of any agricultural college.

Mr. STERLING. Then, why might not the difficulty be entirely obviated and the intention be made plain by saying that the president or the dean of the State agricultural college—in Wisconsin, for example, there is an agricultural college, but it is under the supervision of the dean—let it be the president or the dean of the State agricultural college.

Mr. WALSH. I think that suggestion is a good one.

Mr. STERLING. Leaving out the word "university."

Mr. GRONNA. There is a misprint here. The amendment is not printed in the way suggested, and I therefore ask that it go over.

The VICE PRESIDENT. Is there objection to the amendment going over?

Mr. GALLINGER. Mr. President, before the amendment goes over, I want to interrogate the Senator in charge of the

bill as to the phraseology of the amendment. It is somewhat involved. In line 24 it is provided that this provision shall not apply to employees now in the Indian Service, nor shall it apply to Indian employees to be employed as farmers. The amendment reads:

No money appropriated herein shall be expended on or after January 1, 1917, for the employment of any farmer or expert farmer whose salary shall be in excess of $50 per month.

Then it exempts all those in the service, so that this can only apply, as I read it, to farmers who are to be employed hereafter and who are not now in the service. Manifestly, they have not any salary, and I would suggest to the Senator that the language would be better, as I look at it, if the words "whose salary shall be in excess of $50 per month" were changed so as to read "at a salary in excess of $50 a month." The salary will be established when they are employed.

Mr. ASHURST. I accept the suggestion, and I trust the amendment will be amended in that way.

Mr. GALLINGER. Then I suggest to the Senator, in line 22, on page 8, where it reads "a certificate of competency certifying," that the word "showing" would be better than the word "certifying," so that it would read:

A certificate of competency showing that he is a farmer.

Mr. ASHURST. There is no objection to that, and I hope the amendment will be amended to that extent.

Mr. GALLINGER. Then, I do not quite understand why an Indian employee, I presume at the same salary as a white man, should be exempted, as such employees are in lines 1 and 2, on page 9. If an Indian is employed at the same salary as a white man, it seems to me he ought to have the same qualifications.

Mr. ASHURST. As I said a moment ago, in this bill we are trying, or we hope we are trying, to incline in every instance on the side of the Indian. We do not feel that it is right or necessary to subject him at all times to the same rules that are applied to the white man, as that might work a hardship upon him. We want to open the door of opportunity as wide as possible that he may obtain employment.

Mr. GALLINGER. But would it be to the advantage of the Indian to have an incompetent Indian farmer trying to instruct him? Ought not the Indian instructor to be as competent as the white instructor?

Mr. CURTIS. Mr. President, it has been the rule of the department to give the Indian employment on Indian reservations without requiring him to take the civil-service examination. The Indians are employed, first, as assistants, and then, as they become qualified, they are promoted. The amendment was inserted so that Indians would not be deprived of positions held by them if they are qualified in the judgment of the Indian Bureau, and they should not be required to take a civil-service examination for the position of farmer, as they are not required to take a civil-service examination for other places.

Mr. GALLINGER. Well, Mr. President, it does not amount to very much anyway; only it strikes me that if we are going to require a certificate that the white man is competent to instruct the Indian, it is rather an anomaly to put Indians in that position without the same qualifications.

Mr. ASHURST. Mr. President, if the Senator will pardon me, I think I ought to give the Senate—and I will do it in a few words—one of the reasons that induced the committee to incorporate this language in the bill. A habit has grown up—and it is a very unfortunate one, but the present commissioner is not to blame for it; he found the situation already existing—under which men would be appointed as farmers and would be paid a salary to teach or to attempt to teach the art of agriculture to other people when they themselves had no knowledge of that art.

With reference to the matter of employing Indians, the committee felt that an Indian would be more amenable and would yield more quickly to the suggestions of an Indian farmer, who, perhaps, did not fully understand the art of agriculture, than he would to a white person who did understand it.

Mr. GALLINGER. I think the provision the committee has inserted in the bill requiring that these men shall show their competency is a very wise one, and I have no particular suggestion to the clause relating to the Indians, although it is anomalous.

Mr. SUTHERLAND. Mr. President, before the amendment is passed over I should like to ask the Senator with reference to the proviso in lines 24 and 25, which reads:

And provided further, That this provision shall not apply to employees now in the Indian Service.

Does the committee mean by that language that employees who are now in the Indian Service, whether they are employed as farmers or not, shall not be subject to the first proviso, namely, that they shall have a certificate of competency?

Mr. ASHURST. It refers, or was intended to refer, to farmers, because it would be pro tanto a repeal of the civil-service law if we attempted to exempt other persons now in the service. I have no objection to inserting, and I think it would more effectually carry out the purpose if we inserted, the word "farmers."

Mr. SUTHERLAND. If that is the purpose of the Senator, then he had better reframe the language——

Mr. ASHURST. Have the word "employees" changed to "farmers."

Mr. SUTHERLAND. So that it will read:

That this provision shall not apply to persons who are employed in the Indian Service as farmers or expert farmers.

Mr. ASHURST. I think that is a very valuable amendment, Mr. President, and I hope it will be adopted.

The VICE PRESIDENT. The Secretary will now state the amendment to the amendment.

The SECRETARY. On page 8, line 25, in the committee amendment it is proposed to strike out the word "employees" and to insert the word "persons," and after the word "now," in the same line, to insert the words "employed as farmers or expert farmers," so as to read:

This provision shall not apply to persons now employed in the Indian Service as farmers or expert farmers.

The VICE PRESIDENT. Is it desired now that the amendment go over?

Mr. GRONNA. Mr. President, on page 640 of the Senate hearings I find that the amendment as it was offered is printed in full. It reads as follows:

And provided further, That no money appropriated herein shall be expended on and after January 1, 1917, for the employment of any farmer or expert farmer whose salary shall be in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency, certifying that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president of the State agricultural college or university of the State in which his services are to be rendered, or by the president of the State agricultural college or university of an adjoining State: *Provided*, That this provision shall not apply to employees now in the Indian Service: *And provided further*, That this shall not apply to Indian employees in the service, etc.

I agree, Mr. President, that that ought to be amended, and I think that the last provision should be stricken out altogether. The complaint has been made that the men who are employed as expert farmers are in fact not farmers at all. They have been able to take the civil-service examination and they are given employment, but instead of being a benefit to the Indians they are really a detriment to them. They know absolutely nothing about practical agriculture. The amendment was designed to give the Indian Bureau the authority to go outside of the civil service when it was necessary to employ men who are really experienced in the art of agriculture. I agree that the amendments proposed by Senators should be adopted, but I also believe that the last proviso should be stricken out. If that is done I have no objection, and I shall not ask to have the amendment go over.

Mr. ASHURST. I see no objection to the suggested amendment being made, and, so far as I can, I will consent to it.

Mr. CURTIS. Mr. President, if the Senator means by the last proviso the one beginning in line 24, reading:

That this provision shall not apply to persons now employed as farmers or expert farmers—

And also to the other proviso, reading:

Provided further, That it shall not apply to Indians employed or to be employed as farmers—

I would object to those provisos going out.

Mr. GRONNA. I do not ask to have stricken out the provision relative to the Indians employed, but, beginning on page 9, line 1, and after the word "further," I think there should be stricken out the following proviso:

That it shall not apply to Indians employed or to be employed as farmers.

Mr. CURTIS. Does the Senator object to that provision?

Mr. GRONNA. I think it would be better if that were stricken out.

Mr. CURTIS. Mr. President, I think it would be a mistake to strike it out. We are trying to educate the Indians to be farmers. They are usually employed upon the agencies, where they understand the conditions. They are employed generally as assistant farmers. They know the Indians, and they can be of great service. Now, if you are going to let an Indian be employed in the civil service to fill a clerical position without taking the examination, and help him along in that way—if you

desire to make farmers of the Indians—then these positions should be given them without requiring them to take examinations. As has been well said by the chairman of the committee, many of the assistant farmers can do more with the Indians on the reservation than can the white experts whom you send there. It seems to me that you will be doing the Indian a very great injustice if you prevent him from being employed as a farmer unless he can secure a certificate, because very few, if any, of the Indians have gone through agricultural colleges, and, unless the exemption is made, you shut out every Indian from being employed upon a reservation as a farmer or as an assistant farmer if the salary is over $50 a month.

Mr. GRONNA. I ask that the amendment go over.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 9, line 18, after the word "exceed," to strike out "one" and insert "three," and, in the same line, after the word "permanent," to strike out "warehouse" and insert "warehouses," so as to read:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three permanent warehouses in the Indian Service: *Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of $50 each, and section 23 of the act of June 25, 1910 (36 Stat. L., p. 861), is hereby amended accordingly.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the word "exist," to strike out "$8,000" and insert "$10,000," so as to make the clause read:

For pay of judges of Indian courts where tribal relations now exist, $10,000.

The amendment was agreed to.

The next amendment was, on page 11, line 17, after the words "Secretary of the Interior," to strike out "$90,000" and insert "$100,000," so as to read:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, $100,000.

Mr. GALLINGER. Mr. President, at this point I will ask the Senator in charge of the bill what is the aggregate increase in the bill over the bill as it came from the House of Representatives?

Mr. ASHURST. The total appropriations carried in the bill as it passed the House were $8,961,437. The total increase made by the Senate committee is $2,994,249.

Mr. GALLINGER. I am not going to express any great solicitude in connection with this bill as to the revenues of the Government, but I notice to-day a pretty elaborate scheme is being considered for increasing the taxes which the American people will have to pay after we get through with the legislation of this session. In view of that fact and of the further fact that there is a very substantial deficit in the revenues of the Government at the present time, it seems to me that the committee in this case has been pretty liberal in adding to the appropriations. I presume the additions are wisely made; I am not going to object to that; only it occurred to me that if all the appropriation bills make an addition of about 30 per cent—and roughly that is about the amount that has been added to this bill—to the amount allowed by the House we will have a rather serious situation confronting us when we get around to the end of the session.

Mr. THOMAS. Mr. President——

Mr. ASHURST. If the Senator will pardon me, I just want to say, first, that nearly all, if not all, the increases are estimated for. Secondly, the Committee on Indians Affairs is dealing with property belonging to the Indians, in value of over $1,000,000,000. The annual expense for maintaining and taking care of that property is $10,000,000, which means that only 1 per cent of the total valuation is required to administer the property. I think that when a property in value of a billion dollars can be administered by the year for 1 per cent, it is a very creditable and a very satisfactory showing.

Mr. GALLINGER. I quite agree with the Senator in that proposition; and yet the increase of 33 per cent over the House bill is rather startling.

Mr. THOMAS. Mr. President, in connection with the suggestion of the Senator from New Hampshire, I think it is well to call attention to the fact that while we are considering a bill which appropriates nearly $12,000,000 there are but 18 Senators in the Chamber interested in the measure—10 upon this side and 8 upon the other side of the Chamber.

Mr. CLAPP. Mr. President, in answer to the suggestion of the Senator from New Hampshire, I think perhaps the statement ought to be put in the RECORD that the old system, under which we dealt with the Indians as a tribe, paying them annuities and giving them rations, required very much less labor and the employment of a very much smaller number of men; but as we begin to individualize the Indian and try to start him along lines of industry, it develops the necessity for the personal equation between those who are with him, and seek to guide and assist him, and the Indian himself. This has led to a very large increase in the cost of handling the Indian question. It is destined in the future, I think, to lead to even more cost.

Personally, I think the Indian problem is largely one of the character, the effort, and the personal equation of the man in the field who is side by side with the Indian. While his efforts have not always met with the success we wish for, I think the statistics show a very marked improvement. But of necessity the present system is bound to cost much more than the old system of dealing with them in their tribal relations.

I thought it was only proper to put this statement in the RECORD.

Mr. GALLINGER. Mr. President, I want to be recorded as a friend of the Indian and a friend of any reasonable and proper appropriation for the Indian Service; and I do not ask any questions in a captious spirit at all or in an antagonistic spirit. I have never served on this committee and have given the matter only casual examination.

Now, I desire to ask a question of the Senator from Arizona or the Senator from Minnesota as to the progress the Indian is making in the matter of agriculture and in other pursuits in which we have hoped he would make progress. I presume he is making some progress. Is it satisfactory to the Senators who know much more about this matter than I do?

Mr. CLAPP. Mr. President, personally, I have not the figures. About a year or so ago I did have the Indian Office furnish me with the figures of that time, showing the personal property that had come into the possession of the Indians and the extent of their stock operations. I think, as a general rule, they do better, perhaps, in dealing with stock, where the situation on the reservation will permit it, than they do in cultivating their lands.

Last summer it was my privilege to visit a reservation in northern Minnesota, known as the Red Lake Reservation, which perhaps is the least developed of any of the reservations. Many of the mixed bloods and more active members of the other reservations have gone to a sort of a central reservation, leaving the Red Lake perhaps the most aboriginal of any. It was their fair day, and of course I realized that they had on their best equipment; but it was really gratifying to go through the reservation, to go to their homes and see the progress they had made and to see the care they were taking, especially with their live stock and their horses. When we realize that a few years ago these people were all wearing blankets and living in tepees, without the slightest appreciation of the value of money, and not given to toil—in fact toil was rather regarded as a badge of servitude than otherwise—I can not help but feel that the progress has been remarkable.

This year some of the reservations have shipped large quantities of stock. Some years ago we adopted the plan of what we call a revolving fund, under which the department, instead of issuing them money, had the agents buy horses and feed and seed and take the Indian's obligations for them, and then in the fall, by attention to the matter, see to it that the Indian pays the debt. When you realize that a few years ago they had no concept whatever of commercial obligations, it is remarkable that in some of these cases nearly every dollar of indebtedness was paid the first year, although, of course, it must depend—and that is the point I emphasized a moment ago—largely upon the character and the activity of the man who is in personal contact with them. Upon this reservation which I visited last summer the Indians had certain funds coming to them, and the agent there adopted the plan of making advances and then in the fall, by attention, seeing to it that the Indian pays the obligation.

While I am on my feet, and not at all for the purpose of paying any compliment, I want to say that I think we should appreciate the efforts of the Senator from New Hampshire and other eastern Senators. Being vested with this work, it is quite natural that the committee, perhaps, would be inclined to be overzealous in the work and, viewing it as important in their relation to it, perhaps attach more importance to these appropriations than they otherwise should. I think it is very fortunate that there are Senators like the Senator from New

Hampshire, who is willing to devote his time to a very just and proper scrutiny of these appropriations; and yet I want to say that during the years when it was my privilege to be chairman of the Indian Affairs Committee I never found a more cordial supporter of any policy that I could make plain as to its merits than the Senator from New Hampshire and one of the Senators from Massachusetts.

For one—and I think in that respect I share the feeling of the entire committee—instead of feeling that these Senators are captious, I think we all share in the thought that it is very well that those who naturally are not so much inclined to enthusiasm for these appropriations should scrutinize them with the utmost care and check what otherwise might be, perhaps, a disposition on the part of those intrusted with the work rather to run in advance of the real necessities and merits of the case.

Mr. GALLINGER. Mr. President, the statement the Senator from Minnesota has made is very gratifying to me. While the question is not immediately before us, I want to ask one further question as to the education of these wards of the Nation.

I have been at Hampton and at Carlisle, and have taken a great deal of interest in what I have seen in those schools. I have been led to believe that great work was being done for the Indian youth in those schools, for which we appropriate money; but I have seen it stated over and over again that a very large proportion of the young men who graduate from those schools—sometimes it has been said almost all of them—go back to their former habits of life, many of them resorting to the blanket, as their fathers do, and as they did in childhood.

I know that there are remarkable exceptions—men like Dr. Eastman, who has made a great reputation for himself as a physician and teacher, and I have met a few others; but I should like to know from some Senator who comes in contact with the Indians whether or not this statement that is being made from time to time, largely I think in the East, is so, or whether it is, as I think it probably is, a great exaggeration?

Mr. LANE. Mr. President, I will say for the information of the Senator that I have made a little study of that subject, being troubled with the same curiosity that he is. The facts are about as follows, on the average:

The Indian boy or girl is taken from its home to an Indian school, far removed from the country and climate, perhaps, in which it has been raised. It remains in the school from the time, say, that it is 6 or 8 years old until it has finished its education or until for some other reason it returns home. The unfortunate part of the whole thing, and the pity of it, is this: That child, after having acquired a taste for better ways of living, for cleanliness, for better dress, after having acquired a knowledge of how white people live and a desire to live in that manner, returns home and in many cases goes back into the conditions and home in which its parents live, which consists of a one-room shack unfit in many cases for human habitation, without a bed, without any sheets or blankets, without anything to sleep on but rags, and then upon a board floor. In a little cabin, a little shack, which is of necessity overheated and stifling in winter, where its brothers, sisters, and friends huddle around it, with 60 per cent of them in many cases troubled with tuberculosis and 75 per cent with trachoma, perhaps, in dire poverty, without enough to eat, without a dollar to go out into the world or upon its allotment to earn anything by farming, without a hoe or a horse or a plow or a harrow, without a package of garden seed, and no opportunity to make a cent, what can that child do? What do those children do? They of necessity put on a blanket, glad and thankful unto high heaven that they can get a blanket to put around them. They are compelled to go back. They are not only compelled to go back, but the conditions are such that they can never hope to succeed in life or to rise above them; and they are forced into a life for the living of which they are criticized.

The result is disastrous, and it would be so with anyone. The percentage of failures is not greater among the Indians than it would be among the whites under like conditions; and that they do not succeeed, that the boy goes off and gets drunk once in a while, and the girl in lots of cases goes down to the devil, if you please, need not astonish anyone.

That is what we are doing to the Indian children. We are continuing this system. We have tried it for years. It is a failure. We have not sufficient school facilities on the reservations to teach them at home, as should be done. The first duty, and our bounden duty, to them is to begin at the other end of the road. We ought to go upon the reservation, not with $400,000 to send those children to school, or whatever it costs, but with $4,000,000 or $40,000,000 of their money, if necessary, and put them in a position where they can make themselves self-supporting, so that they could live a life of reasonable comfort and respectability, with some hope, after they return from these schools; where they could live under conditions that would permit of their living the term of existence allotted to other human beings in this country. Then many of them, instead of being picked off by infectious diseases or blighted in their youth and dying at a rate unknown among the white men from tuberculosis, and going blind, would develop into useful citizens.

I do not mean to cast any reflection upon this item or the motives of the men who have created it and brought it in here; but those are the cold-blooded, indisputable facts, which can be demonstrated. Now, that is what happens. Your boy from Carlisle, your girl from Carlisle, the little boy or the little girl from Chemawa, in the State of Oregon, where I live, as a rule meet the same fate.

Mr. GALLINGER. So the moral of the situation is that after educating these boys and girls we could well adopt a much more liberal policy toward providing something for them after leaving school. Is that so?

Mr. LANE. We fail totally in our duty if we do not do that. It will be a failure without that.

Mr. ASHURST. Mr. President, I am very glad the Senator from Oregon made the statement that he has made, and he has contributed much information.

Some moments ago the Senator from Utah asked me a specific question as to the number of farmers, but I was unable at that time to supply the information. I now quote the figures or data that obtained in 1915. Exclusive of the Five Civilized Tribes there were in 1915, so far as any accounts show, able-bodied male adults to the number of 42,239, of which number 30,277 were engaged in some kind of farming and the other 11,000 were more or less engaged in some kind of agriculture. Those were largely fishermen and huntsmen, but they were engaged in some branch of agriculture.

As to the schools and school facilities, I will premise by saying that although the committee has made liberal appropriations and Congress for 30 years past has used care to establish schools, there are now a large number of Indian children—10,000 Indian children—who are not attending school, simply because they do not have facilities; they do not have teachers and sufficient houses.

I will give a few data here that I think are somewhat illuminating. I read from the House hearings, on page 47:

From reports for the school years 1915 it is found that there are in all 84,929 Indian children of school age, of whom 6,596 are ineligible for school attendance, leaving 78,333 to be provided for in Government, public, or private schools.

The following enrollment is shown: In Government reservation boarding schools, 9,899; in nonreservation boarding schools, 10,791; in Government day schools, 7,290; making a total of 27,960 enrolled in Government schools.

There are also enrolled in private and mission schools 5,049 and in public schools 26,438, so far as information has been received. This makes a total of 59,447 Indian children in all schools of whatsoever character outside of the Five Civilized Tribes.

I will say that the committee of which I have the honor to be chairman has at all times used every effort to enlarge the appropriations and to increase the school facilities; and I thank the Senator from New Hampshire for his observation on the subject.

The VICE PRESIDENT. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 11, in line 19, after the word "exceed," to strike out "$20,000" and insert "$25,000"; in line 22, before the word "appropriated," to strike out "$90,000" and insert "$100,000"; on page 12, line 1, after the words "of the," to strike out "heir" and insert "heirs"; and in line 2, after the word "property," to insert "of the value of $250 or more, or to any allotment"; so as to read:

Provided, That the Secretary of the Interior is hereby authorized to use not to exceed $25,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the $100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more, or to any allotment, or after approval by the Secretary of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $15, which amount shall be accounted for and paid into the Treasury of the United States and a report shall be made annually to Congress by the Secretary of the Interior, on or before the first Monday of December, of all moneys collected and deposited, as herein provided.

Mr. SUTHERLAND. Mr. President, I should like to ask the chairman of the committee whether that is a new provision or whether it has been in former appropriation bills?

Mr. ASHURST. It has been carried in former bills.

Mr. SUTHERLAND. Just what is the purpose of it? Why should we require the $15 to be paid into the Treasury of the United States upon the determination of the question of heirship or in the other cases mentioned?

Mr. ASHURST. If the Senator will pardon me, I think the department has pending 8,000 heirship cases, and of course that involves and entails an enormous amount of work. I do not know of any Indian or the beneficiary of any Indian who has objected to the fee of $15 being paid into the Treasury of the Government as a fund to cover to some degree the expenses of handling these heirship cases.

Mr. SUTHERLAND. The service is all performed by an officer of the Government of the United States, is it not?

Mr. ASHURST. Yes, sir. The heirship fees collected during the last year amounted to $50,071.11. Fees erroneously collected and returned to the payers amounted to $885. The total amount collected was $49,186. I am reading from Document No. 120, Sixty-fourth Congress, first session. During the fiscal year ending June 30, 1915, 6,696 estates of deceased Indians were finally acted upon by the Secretary of the Interior.

Mr. SUTHERLAND. The matter struck me as peculiar, because I was at one time a member of the Committee on Indian Affairs, and I do not recall any such provision as this in the appropriation bills which were reported during the time I was a member of the committee.

Mr. CURTIS. Mr. President, the practice has grown up in the last two or three years. I know it was not in the last bill that was reported during my previous service. I understand from the department that last year they reported sixty-six hundred and odd estates, and they think that where the estates amount to over $250 the heirs can afford to contribute this $15 toward the expenses. In that way the Government is partly reimbursed. Then there are many thousand cases pending, and these men visit the various reservations, and settle titles, and settle up estates, and collect money due to the heirs, and report to the department who the heirs are that are entitled to inherit the property.

Mr. SUTHERLAND. Let me ask the Senator from Kansas—because I know how thoroughly well-informed he is about all of these matters—whether we have a statute of the United States which devolves upon the Secretary of the Interior the power to determine these matters of heirship?

Mr. CURTIS. Congress passed a general law a few years ago providing for the sale of inherited lands, and out of that provision grew the necessity of settling who the heirs were, and there was a great deal of trouble. For a time the department let the heirs go into the local courts and have a partition, and accepted that as final; but there was a good deal of complaint, and now the department undertakes to settle most of these estates.

In 1910 Congress passed an act which gave authority to the Secretary of the Interior, upon notice and hearing, to ascertain the legal heirs of deceased Indian allottees, and his decision thereon was made final. The act referred to became a law June 25, 1910.

Mr. SUTHERLAND. Do I understand the Senator from Kansas to say that the only authority the Secretary of the Interior has for passing upon these questions is that contained in this appropriation bill and preceding appropriation bills?

Mr. CURTIS. No; there is also the general act of Congress authorizing the sale of inherited Indian lands, and the general act of June 25, 1910, enables him to settle the question of heirship.

Mr. SUTHERLAND. Is it not rather an unusual thing to allow an executive officer to determine questions of that character, which are essentially judicial in their nature?

Mr. CURTIS. That is true; but the records are in the Indian Office, and the department was supposed to be the best qualified to pass upon the question. It was for the purpose of expediting the settlement of the question by the Indian Office.

Mr. STERLING. Mr. President, I think the general statute to which the Senator from Kansas refers is the act of June 25, 1910, authorizing the Secretary of the Interior, as I recall the statute, to determine this question of heirship.

Mr. CURTIS. That is the act, and the first part of it reads as follows:

That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period, and before the issuance of a fee-simple patent, without having made a will, the Secretary, upon notice and hearing, shall ascertain the legal heirs of the decedent; and his decision thereon shall be final.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 12, line 17, after the word "them," to insert "regardless of their competency," so as to read:

Provided further, That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them.

Mr. SUTHERLAND. What is the meaning of the expression, beginning on line 17, "regardless of their competency"?

Mr. ASHURST. Of course, in the nomenclature of Indian affairs they have competent and incompetent Indians. It may not be a very happy expression, but a competent Indian in the nomenclature of Indian laws and treaties means an Indian who has been adjudged by the department or by a court of competent jurisdiction to be capable of administering his own affairs, one who has the power and ability to administer and does administer his own affairs.

Mr. SUTHERLAND. Is it intended to include infants?

Mr. ASHURST. I would say that infant Indians would, of course, be incompetent Indians.

Mr. SUTHERLAND. I do not understand that the word "incompetency," as used generally in the law, includes the matter of infancy.

Mr. ASHURST. I did not hear the Senator.

Mr. SUTHERLAND. I say, I do not understand that the word includes infancy. The general understanding of it is a person not of sound mind or otherwise not capable of looking after his affairs.

Mr. ASHURST. The Senator will remember I said that in the nomenclature of Indian laws and treaties, the word is used in a large way. I do not want to take the time away from the Senator, but the word seems to be employed in a different sense in Indian treaties and Indian laws.

Mr. STERLING. I will say that the term is in constant use in the Indian Bureau in determining, for example, whether an Indian should have a patent in fee for his land. They are to determine whether he is capable of managing his own affairs and handling his own property or estate, and they judge whether he is competent or incompetent.

The amendment was agreed to.

The next amendment was, on page 12, line 22, after the word "patent," to insert "or order of extension of the trust period set out in said patent," so as to read:

The trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after the word "crops," to strike out "$300,000" and insert "$400,000," so as to make the clause read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $400,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

Mr. WADSWORTH. Will the Senator from Arizona yield for a question on this item?

Mr. ASHURST. I cheerfully yield.

Mr. WADSWORTH. I have heard on more than one occasion, Mr. President, about the purchase of cattle for Indians. Can the Senator tell me and the Senators present something of the policy of the department in that respect, as to the number of cattle which are purchased and their grade, and whether this increase in the appropriation will involve the purchase of an additional number over last year?

Mr. ASHURST. In response to the question propounded by the Senator from New York I have here a tabulated statement and the time might be well employed in having it read to the Senate as an answer in detail to the question which I am glad he propounded. I will send it to the Secretary's desk and ask the Secretary to read this tabulated statement.

The Secretary read as follows:

Statement of expenditures for the fiscal year 1915 from the appropriation, "Industry among Indians, 1915," act of Aug. 1, 1914 (38 Stat. L., 586).

Agency.	State.	Salaries and wages.	Traveling expenses.	Transportation of supplies.	Subsistence.	Forage.	Live stock.	Implements, harness, machinery, etc.	Fence material.	Building material.	Seed, trees, and plants.	Miscellaneous.	Total.
Blackfeet	Montana		$25.10				$74,930.57						$74,955.67
Campo	California						750.00	$119.50					869.50
Cherokee	North Carolina						3,168.60	1,564.55			$339.35		5,072.50
Colorado River	Arizona	$3,292.87	90.30	$1,218.73			3,850.00	5,324.73	$1,113.90	$7,884.21	1,147.88		23,922.62
Flathead	Montana		47.85	1,305.00			19,320.00	8,695.73	1,196.00		2,541.99		33,106.57
Fond du Lac	Minnesota						2,370.00	544.10					2,914.10
Fort Belknap	Montana						75,000.00						75,000.00
Fort Bidwell	California			556.69			1,100.00	1,314.82	419.93		11.50		3,402.94
Fort Hall	Idaho			1,290.48		$1,032.52	21,560.00	13,297.88	3,562.93	630.00	6,824.11		48,197.92
Fort Peck	Montana			751.00			28,762.50	7,445.16	223.44		5,454.20		42,636.30
Fort Yuma	California			516.90	$884.75	730.25	19,212.85	2,557.41		259.14	499.72		24,661.02
Hoopa Valley	do			175.27		189.68	1,590.00	991.50					2,946.45
Jicarilla	New Mexico		55.85		625.91	342.48	23,969.50	665.72				$24.18	25,683.64
Kaibab	Arizona		28.50										28.50
Klamath	Oregon							52.45					52.45
Leech Lake	Minnesota						2,825.00	488.67					3,313.67
Luepp	Arizona			232.58									232.58
Malki	California										1,750.00		1,750.00
Mescalero	New Mexico		36.10	187.17	84.28	299.55	67,780.00	86.14	860.88				69,334.12
Moapa River	Nevada	286.12		295.45			75.00	674.84	64.48				1,395.89
Moqui	Arizona	25.00	121.60	1,226.51			1,700.00	2,286.99	545.28				5,905.38
Nevada	Nevada						1,065.00						1,065.00
Pala	California										1,580.16		1,580.16
Pima	Arizona			252.88				2,042.86	2,384.50				4,680.24
Santee	Nebraska										656.45		656.45
Shawnee	Oklahoma						1,775.00	466.50					2,241.50
Shoshone	Wyoming			1,863.72			15,800.00	8,317.55					25,981.27
Sisseton	South Dakota						19,205.00						19,205.00
Sobaba	California						1,610.00	50.00			11.91		1,671.91
Tongue River	Montana		114.68	707.43		4,075.43	300.00	368.40		7,131.23			12,697.17
Walker River	Nevada						2,085.00						2,085.00
Warm Springs	Oregon	1,516.60		1,965.80		247.75	31,901.85	9,357.59	3,324.94		1,725.50		50,039.43
White Earth	Minnesota							318.69			248.35		567.04
Total		5,119.99	519.98	12,545.61	1,594.94	6,917.66	421,705.87	67,021.78	13,696.28	15,904.58	22,791.12	24.18	567,852.99

Statement of expenditures for the fiscal year 1915 from the appropriation "Industry among Indians, 1915–16," act of Mar. 4, 1915 (38 Stats. L., 1228).

Agency.	State.	Traveling expenses.	Transportation of supplies.	Live stock.	Implements, harness, machinery, etc.	Seed, trees, and plants.	Miscellaneous.	Total.
Blackfeet	Montana	$17.00		$25,594.40				$25,611.40
Fort Belknap	do	24.80		33,520.00				33,544.80
Fort Totten	North Dakota					$7,680.56		7,680.56
Fort Yuma	California			1,500.00	$171.00			1,671.00
Jicarilla	New Mexico	3.80		61,346.00	117.03			61,466.83
Kaibab	Arizona			1,100.00				1,100.00
Keshena	Wisconsin					1,922.03		1,922.03
Moapa River	Nevada			300.00	10.00			310.00
Moqui	Arizona						[1] $20.00	20.00
Pima	do		$67.91		615.50			683.41
Pottawatomie	Kansas			2,525.00	1,030.50			3,555.50
Pueblo	New Mexico				552.00			552.00
Shawnee	Oklahoma			250.00				250.00
Sisseton	South Dakota	44.00				3,989.08		4,033.08
Tongue River	Montana	42.00	1,346.61	4,791.08	1,971.00	2,587.15	6.95	10,744.79
Warm Springs	Oregon				1,177.80			1,177.80
Western Shoshone	Nevada			5,302.80				5,302.80
White Earth	Minnesota						[2] 186.30	186.30
Total		131.60	1,414.52	136,229.28	5,644.83	16,178.82	213.25	159,812.30

[1] Wages.

[2] Fence material.

Before the reading was concluded,

Mr. ASHURST. I now have a little more definite information. I ask that the tabulated statement I sent to the desk be printed in the RECORD without further reading, if the Senator from New York will pardon me; and I think I can give a direct answer now to his question. The following statement was given by Mr. Meritt:

Statement of tribal stock and funds from which purchased.

Tribe.	Stock.										Fund.
	Mares.		Stallions.		Cattle.		Sheep.		Mules.		
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	
Blackfeet			44	$23,131.00							Blackfeet Reservation 4 per cent fund.
Do					1,958	$116,584.00					Industry among Indians, 1915; industry among Indians, 1915-16; Blackfeet Reservation 4 per cent fund.
Cheyenne River			8	6,550.00							Fund unknown.
Do	4	$2,200									Civilization of the Sioux.
Crow					9,053	544,270.00					Proceeds of Crow ceded lands.
Fort Apache			1,000	20,000.00							Found on reservation.

Statement of tribal stock and funds from which purchased—Continued.

Tribe.	Stock.										Fund.
	Mares.		Stallions.		Cattle.		Sheep.		Mules.		
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	
Fort Belknap					1,979	$114,470.00					Industry among Indians, 1915, $75,000; balance industry among Indians, 1915–16.
Fort Hall					481	31,860.00					Fulfilling treaties with Fort Hall Indians, $20,100; interest on Shoshone and Bannock fund, $5,200; interest on Shoshone and Bannock fund, $2,700.
Jicarilla							6,796	$31,490.00			Industry among Indians, 1915.
Lower Brule					516	30,960.00					Proceeds of Lower Brule Reservation.
Mescalero			[1] 25	$1,790.00	1,263	65,130.50			2	$400	Industry among Indians, 1915.
Pine Ridge					69	6,625.00					Partly from industry among Indians, reimbursable.
Red Lake					17	1,300.00	43	259.90			Indian moneys proceeds of labor and Chippewas in Minnesota fund.
Rosebud			19	9,500.00	130	13,000.00					Proceeds of Rosebud Reservation, S. Dak.
San Carlos			42	12,600.00	2,106	105,330.00					Indian moneys proceeds of labor.
Shoshone			14	6,230.43							Industry among Indians, 1915.
Do			[1] 350	3,000.00	3,561	156,330.00					Indian moneys proceeds of labor.
Spokane											Unknown.
Tongue River					500	30,000.00					Sioux fund Tongue River annuity.
Truxton Canon			[1] 102	6,324.00	826	31,976.00					Indian moneys proceeds of labor.
Ute Mountain			22	5,500.00	1,500	90,000.00					Confederated Bands of Utes 4 per cent fund.
Walker River					8	600.00					Indian moneys proceeds of labor.
Warm Springs			3	375.00	365	19,345.00					Industry among Indians, 1915.
Total	4	$2,200	1,629	95,000.43	24,332	1,357,780.50	6,839	31,749.90	2	400	

[1] Horses.

Mr. WADSWORTH. Mr. President, I simply wanted to inquire of the Senator as to the total number of cattle purchased. Was anything brought out in the hearings before the committee in the way of a statement from the department as to the grade of those cattle and their cost per head? It is a very important matter when you go out and purchase cattle for another person that you purchase the very best kind.

Mr. CURTIS. May I answer the question?

Mr. ASHURST. Certainly.

Mr. O'GORMAN. I understand that it is the pleasure of the chairman of the committee to suspend the consideration of the appropriation bill at this time, and I rose to move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. I will say to the junior Senator from New York that I will have the question looked up as to the price per head of the cattle.

Mr. WADSWORTH. The Senator from Kansas was about to give me information on the subject.

Mr. O'GORMAN. I will withhold my motion for that purpose.

Mr. ASHURST. The Senator from Kansas is very ready in regard to figures, and I hope he will give it.

Mr. O'GORMAN. Does the Senator desire to present it now?

Mr. CURTIS. I can do it at the session to-morrow.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m) the Senate adjourned until to-morrow, Thursday, March 23, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1916.

UNITED STATES ATTORNEY.

S. C. Huber to be United States attorney, district of Hawaii.

POSTMASTERS.

FLORIDA.

D. L. Thorpe, Manatee.

ILLINOIS.

John J. McCluskey, Peru.

MASSACHUSETTS.

Robert M. O'Donnell, Medway.

MICHIGAN.

Arthur E. Dann, Beaverton.
Alva McCarty, Oxford.
Patrick J. Scanlan, Hubbell.

MINNESOTA.

E. J. Butler, Hector.
John Friedl, Gibbon.
Julius Fischer, New York Mills.
W. A. Huntington, Paynesville.

NEW YORK.

George O. Burgin, Franklin.
Andrew F. Burke, Port Chester.
Fred Burns, Walden.
Fred B. Fuller, Gouverneur.
James P. Gillen, Port Jervis.
I. J. Harrington, Richmondville.
Charles L. Harris, Cato.
C. Howard Hoornbeek, Ellenville.
W. B. Hoxter, North Cohocton.
William E. Joint, Savona.
Caleb C. McNair, Gasport.
Louis S. Martin, Redwood.
John F. Mumford, Middleville.
F. H. Munson, Berlin.
Fred W. Otte, Peekskill.
Elbert D. Parker, Arcade.
John J. Peake, Newburgh.
David B. Reamer, Savannah.
Charles F. Record, Forestville.
Dimont M. Rector, Delanson.
Lee R. Smith, Hammond.
Darius E. Sullivan, Canton.
W. Irving Williams, Rensselaer.

PENNSYLVANIA.

F. E. Burke, Great Bend.
Eulalie D. Lockard, St. Davids.

WISCONSIN.

Charles H. Farley, New Lisbon.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, arouse all that is purest, noblest, best in us, that we may enter into the kingdom of heaven and enjoy the spiritual blessings which Thou hast prepared for us, and hallow Thy name by a richer, fuller service to our fellow men, since we pass this way but once, that we may leave in our wake a clear record as a legacy to those who shall come after us, that they may find the way a little smoother. So may we dwell in the house of the Lord now and forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO PRINT.

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. To make a request for unanimous consent. I ask unanimous consent to insert in the RECORD some resolutions passed by the Piney Branch Citizens' Association and my answer thereto.

The SPEAKER. What is the subject of the resolutions?

Mr. BORLAND. On the eight-hour day.

Mr. STAFFORD. Is not that dead beyond resurrection?

Mr. BORLAND. Apparently not.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print some resolutions passed by the Piney Branch Citizens' Association in reference to the eight-hour-a-day proposition and his answer thereto. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that I may print in the RECORD a statement by my colleague Mr. TINKHAM, with reference to House bill 12407, to place certain positions in the Postal Service in the competitive classified service.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print in the RECORD an article by his colleague Mr. TINKHAM. Is there objection?

There was no objection.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to print in the RECORD an article on the American woman.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to print an article in the RECORD on the American woman. Is there objection?

There was no objection.

Mr. DAVIS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general state of the Union and in reply to some scurrilous and intensely bitter bloody-shirt articles in some Texas papers against Gen. Miles and me because I called Gen. Miles a patriot in one of my speeches. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1417. An act to erect or purchase, or both, a factory for the manufacture of armor.

The message also announced that the Vice President had appointed Mr. MARTINE of New Jersey and Mr. JONES members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. HAY. Mr. Chairman, I offer an amendment, on page 38, to perfect the paragraph which we passed over with the understanding that I should offer an amendment this morning for that purpose.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 38, lines 6, 7, 8, and 9, strike out the words "such citizens of the United States as may have completed one year's satisfactory service in the cadet companies provided for in this act."

In line 9, strike out the word "and" before the word "such" and strike out the word "other" after the word "such."

Strike out the proviso beginning on line 11; after the word *"Provided,"* in line 17, strike out the word *"further."*

Mr. STAFFORD. Mr. Chairman, may we have the paragraph read as it will read when amended?

Mr. HAY. As amended the section will read as follows:

The President is authorized to appoint and commission as reserve officers of the various arms, corps, and departments, in all grades up to and including that of major, such citizens as, upon examination prescribed by the President, are found physically, mentally, and morally qualified to hold such commission: *Provided*—

And so forth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on line 22, page 48, by substituting for the period a comma and adding the following words: "and shall have the status of Federal soldiers within the meaning of section 8 of Article I of the Constitution of the United States whenever ordered into the service of the United States by the President: *Provided*, That commissioned officers shall take and subscribe to the following oath of office:

STATE OF ———, *County of* ———, *ss:*

I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ——— against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ———, upon which I am about to enter. So help me God.

——— ———.

And provided further, That enlisted men shall take and subscribe to the following oath of enlistment:

I do hereby ackuowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three years in active service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ——— and of the officers appointed over me, according to law and the Rules and Articles of War.

——— ———.

Mr. TILSON. Mr. Chairman, this amendment, or an amendment substantially in this form, was originally proposed to the Committee on Military Affairs by Gen. O'Ryan, of the New York State National Guard. He appeared to be very eager to bring the National Guard under Federal control just as far as possible. A number of the National Guard officers from all over the country appeared before the committee, and it was their desire, frequently and forcibly expressed, that they should be brought under national control. Many spoke of it as "federalizing" the militia, and asked that the militia be "federalized" to the limit. The National Guard Association, made up of officers of the National Guard of the several States, took up the matter through their executive council and have presented as the consensus of opinion of the National Guard this amendment in exactly the form in which I have presented it this morning. We of the committee believe, or at least hope, that this bill will place the militia largely under national control. It seems to me that national control is not only desirable, but essential for the ultimate success of the plan of a citizen soldiery. While I do not attach the grave importance to the bugbears of the 48 different commanders that is often given to it, nevertheless I realize that for discipline and training it is absolutely essential that there be one central head and authority, so that there may be uniformity in organization, discipline, and training.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield for a question?

Mr. TILSON. I yield.

Mr. CHIPERFIELD. I have been interested in the National Guard for more than 20 years and am at present an officer in

it in the State of Illinois. I would like to have the view of the gentleman, even if it requires an extension of time allotted to him, upon this question. What is the source of the alleged authority of Congress to prescribe the limitations upon the right of the State to appoint officers, to prescribe the classes from which they shall come, to provide for the court-martial of officers by a board convened, it may be, by the Secretary of War, and for making the various provisions that are made in this bill for the conduct of the internal affairs of the National Guard in a time of profound peace. I concede that it exists when the guard is called to the colors, when they enter under the Federal control, but it is an important question that addresses itself to every State and is exciting much interest at the present time. I would like to have the valuable view of the gentleman, even though it requires an extension of his time.

Mr. TILSON. Mr. Chairman, I believe that under the provision of the Constitution authorizing the United States to raise armies, it has the right to raise those armies in time of peace as well as in time of war. I believe that the United States Government has the right under the Constitution to proceed to raise such volunteer force as may be deemed necessary, and if in the process of doing so it is decided to take men who are obligated to render service in the State Militia I can see no insuperable objection to it.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CHIPERFIELD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. Because there is an obligation to serve the State, it does not seem to me that that obligation of itself precludes one from also assuming the obligation to serve the United States. The two services are in no wise incompatible. In fact, they supplement each other.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CHIPERFIELD. Must that obligation be a voluntary obligation on the part of the guardsman, or can the United States Government impose it on him, regardless of his own attitude?

Mr. TILSON. Under this plan it must be a voluntary engagement. Of course, the United States Government can conscript him if it will, but under this plan it is intended that it shall be voluntary, and the form of oath that the Clerk has just read from the desk, to my mind, is a voluntary engagement upon his part to serve in the National Guard of the United States, which is the National Volunteer force that we are attempting to create.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. FESS. We had a good deal of trouble in 1812 in calling for the militia, calling through the governors. In many cases the governors declined to respond. Was that due to lack of legislation, such as we are now attempting, or was it a right under the Constitution that we can not cure by legislation?

Mr. TILSON. I think it was largely because of lack of proper legislation, although I think that the national attitude has changed considerably, especially as a result of the war between the States. The result of that war settled the fact that these United States compose a Nation, and that the National Government is paramount.

Mr. FESS. The gentleman has no doubt as to our constitutional right to put the National Guard under the control of the Government even in time of peace?

Mr. TILSON. I have no doubt whatever that we are able to put the individuals who happen to compose what is called the National Guard under Federal control. I have not the slightest doubt on that point.

Mr. CHIPERFIELD. Will the gentleman kindly state upon what theory that belief exists?

Mr. TILSON. In the first place upon the theory that the Government has the right to raise armies for its defense, and in the second place upon the theory that because these gentlemen happen to be in the State Militia they are not because of that reason alone precluded from becoming a part of the volunteer forces of the United States.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GREEN of Iowa. I take it that the gentleman is of course aware that the report of the committee discusses this question very fully and cites the decisions from the courts in support of the authority assumed by this bill?

Mr. TILSON. Certainly.

Mr. GREEN of Iowa. And the committee went over that matter carefully and presented the results of its findings in the report accompanying the bill.

Mr. TILSON. I will state that the entire committee, as is probably usual, did not make the report, although they, of course, agreed to the result of the report, which is the bringing in of this bill. The able chairman of the committee, the gentleman from Virginia [Mr. HAY] prepared the report and he will be able to state his own position in this matter. If I understand his position, he believes that in this bill we have accomplished that very thing already; that is, that we have put the National Guard under the control of the Federal Government, so far as its organization, discipline, and training are concerned.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Chairman, I take this opportunity to square my record in this House—upon the question of the federalization of the National Guard—with my conscience and my judgment upon that question. It has been stated that it was the unanimous opinion of the Committee on Military Affairs of the House that the Congress had authority under the present Constitution to federalize the National Guard.

Speaking for myself, I want to say here that I, as a member of the committee, did not believe when this bill was being framed that the Congress had that authority, nor do I now believe it. I will admit, Mr. Chairman, that this bill—and especially if the amendment of the committee which was adopted in committee the Thursday of last week is ratified by this House—will do much to strengthen the National Guard of this country and to make it a great dependable force, upon which the Military Establishment of this Government can depend in times of stress. I want to say, however, that if that amendment should not be ratified by this House that the National Guard would be left just where it is at present.

The bill as drawn and before the committee to-day, excluding the amendment, provided for the improvement of the National Guard on the condition that each State would come up with its proportionate part of the expenses. And what condition would we find before us on that proposition? It would mean that each State would have to increase its annual appropriation, which would not be done by many of the States of this Union. My State, which appropriates only $20,000 or thereabout a year for the maintenance of the militia would have been required under the provision as it was first outlined to appropriate anywhere from $117,000 to $375,000 a year for the support of its militia. The State of Kentucky does not need to expend that much money for its militia, and would not expend it, and I opposed that proposition in the committee, and would have opposed it on the floor of this House had not the amendment to which I refer been adopted by the committee. But the amendment cures that defect.

Mr. McKELLAR. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. McKELLAR. I simply wish to ask to what amendment the gentleman refers; he has not stated.

Mr. FIELDS. The gentleman from Virginia [Mr. HAY] will present the amendment at the proper time. Now, Mr. Chairman, coming down to the question of the federalization, to which I wish to confine my remarks at this time, as I have said, this bill goes a long way toward strengthening the National Guard of this country, and I am glad it does; but can the Congress of the United States federalize the National Guard without taking absolute control of the National Guard? That is the question, and I am submitting these observations because I do not propose that my record here shall be pointed to in the future as one who acquiesced in the statement that the National Guard could be federalized by Congress, when I know or think I know that it can not be. [Applause.]

Under the Constitution of the United States the respective States reserved to themselves certain rights and certain concurrent jurisdiction over the National Guard. That very Constitution is in force to-day; therefore we must admit that these same rights that were reserved to the States in the framing of the Constitution are just as binding on the Federal Constitution to-day as they were the day the Constitution was made, and if we recognize these rights—and we must recognize them—we must admit that we can not federalize the National Guard.

I base my contention primarily upon the opinion of eminent jurists of this country. I find, first, in the case of Houston against Moore, Fifth Wheaton, the question of concurrent jurisdiction was discussed, and Mr. Justice Washington, in delivering the judgment of the court, said:

The Constitution declares that Congress shall have power to provide for calling forth the militia in three specified cases: For organizing, arming, and disciplining them; and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers; and the authority of training the militia according to the discipline prescribed by Congress. It is further provided that the President of the United States shall be commander of the militia when called into the actual service of the United States. After the Constitution went into operation Congress provided by many successive acts to exercise those powers and to provide for all cases contemplated by the Constitution.

The last sentence of this statement is sufficient to show that it was the opinion of the court that Congress had no power over the militia not already exercised.

In delivering his individual opinion in the same case, Mr. Justice Story said:

It is almost too plain for argument that the power here given to Congress over the militia is of a limited nature and confined to the objects specified in these clauses, and that in all other respects and for all other purposes the militia are subject to the control and government of the State authorities. Nor can the reservation to the States of the appointment of the officers and authority of training the militia according to the discipline prescribed by Congress be justly considered as weakening this conclusion. That reservation constitutes an exception merely from the power given to Congress "to provide for organizing, arming, and disciplining the militia," and is a limitation upon the authority which would otherwise have devolved upon it as to the appointment of officers. But the exception from a given power can not upon any fair reasoning, be considered as an enumeration of all the powers which belong to the States over the militia. What those powers are must depend upon their own constitutions, and what is not taken away by the Constitution of the United States must be considered as retained by the States or the people. * * * The general authority retained by them over the militia would seem to draw after it, as necessary incidents. If Congress should not have exercised its own power, how, upon any other construction than that of concurrent power, could the States sufficiently provide for their own safety against domestic insurrections or the sudden invasion of a foreign enemy? They are expressly prohibited from keeping troops or ships of war in time of peace, and this, undoubtedly, upon the supposition that in such cases the militia would be their natural and sufficient defense.

In the same case Mr. Justice Johnson, delivering his individual opinion, said:

Indeed, extensive as the powers over the militia is, the United States are obviously intended to be made in some measure dependent upon the States for the aid of this species of force. For, if the States will not officer or train their men there is no power given to Congress to supply the deficiency.

In the light of these and other opinions of justices of the Supreme Court of the United States, as well as opinions of different State courts, substantially adopting the views of Justice Story, and I refer particularly to the opinion of the Supreme Court of Illinois in the case of Dunne against People (94 Ill. Rep., 121), decided in 1879, and the Supreme Court of Florida in the case of Acker against Bell (57 S. Rep., 356), decided December 12, 1911, it is clear that Congress can not federalize or exercise other power than that now exercised by it over the militia of the several States without first securing an amendment to the Federal Constitution, vesting in Congress the power of absolute control of same. The vesting of such power in the Congress would deprive the States of their powers over their militia, which was wisely reserved by them in framing the Federal Constitution; and in view of that fact, such an amendment should not be proposed, and in my opinion would be rejected by the States if submitted to them for ratification, for its adoption would make the States dependent upon the Federal Government for military protection against domestic insurrection or other internal strife too strong to be put down by civil authority. These functions should be performed by the States in their sovereign capacities, without dependence upon the will or adherence to the dictates of the Federal Government. Such a relinquishment by the States would be extremely unwise, and is inconceivable.

The State militia was very wisely ordained to perform a double function, namely, to protect the State in its sovereign rights, and to serve the United States when called upon to do so in executing the laws of the Union, suppressing insurrections, or repelling invasions. Its duties, therefore, are of both State and national character. Its mission is noble and its officers and men are patriotic. Its services to the State are indispensable, and it should not be taken from under the control which the State now exercises over it.

And, Mr. Chairman, in view of the decisions referred to, it is clear to my mind that Congress can not Federalize the National Guard without an amendment to the Constitution of the United States. [Applause.] Such an amendment would deprive the States of their right to maintain a militia to protect them in their sovereign rights as a State, and it is therefore not fair to assume that the States would ratify such an amendment if submitted to them. I am not attempting to belittle the National Guard or speak disparagingly of it. It is a noble institution; its officers and men are patriotic. It was ordained to perform a double function, first, to protect the State in its sovereign right, and, secondly, to aid the Military Establishment of the United States when called upon to do so in executing the laws of the Union, in suppressing insurrections or repelling invasions, and to Federalize the National Guard, as has been proposed by gentlemen on this floor, would mean to deprive it of one of the functions for which it was created, and I contend, Mr. Chairman, that it can not be done under the present Constitution, and the statements that have been so often made that this bill will Federalize the National Guard are misleading. We could call water wine, but that would not make it wine. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I would like to know how much debate would be required on this proposition?

Mr. GORDON. I would like five minutes.

Mr. CHIPERFIELD. I am very much interested in this question, and I would like a little time.

Mr. LONDON. And I would like to offer an amendment.

Mr. HAY. I will not interfere with the gentleman offering an amendment at all. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto, and all amendments to the amendments, close in 30 minutes.

Mr. LONDON. Will that preclude my offering an amendment?

Mr. HAY. Not at all.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon section 23 and all amendments thereto shall be concluded in 30 minutes. Is there objection?

Mr. KEATING. Mr. Chairman, reserving the right to object, I wish to say to the gentleman from Virginia [Mr. HAY] that the gentleman from New York has an amendment to this section which should be given some consideration by the House, and I wish he would so frame his unanimous-consent request as not to include the amendment which Mr. LONDON is about to offer. It has nothing to do with the proposition.

Mr. HAY. The gentleman can have his amendment read for the information of the House and can discuss it within the 30 minutes.

Mr. KEATING. It would be impossible to discuss this and the other amendments in 30 minutes.

Mr. HAY. The gentleman can have it read for information now.

The CHAIRMAN. Does the gentleman from New York [Mr. LONDON] ask unanimous consent to have his amendment read now?

Mr. LONDON. I want to have permission to discuss it for 5 or 10 minutes.

Mr. HAY. We can not do it in that time.

Mr. LONDON. I object.

The CHAIRMAN. The gentleman from New York objects. All debate is closed. The question is on the amendment of the gentleman from Connecticut [Mr. TILSON].

Mr. HAY. I hope the amendment will be voted down.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. HAY. Now, Mr. Chairman, in order to arrive at some conclusion about this, and as I do not wish to shut anybody out——

Mr. GARDNER. The Chair recognized me.

The CHAIRMAN. The Chair recognized the gentleman from Massachusetts.

Mr. GARDNER. Mr. Chairman, I myself am opposed to the amendment offered by the gentleman from Connecticut [Mr. TILSON]. I am not a lawyer. I can not discuss all this question of the federalization of the militia, but I am going to read a sentence or two from an address by the Hon. Lindley M. Garrison, late Secretary of War, in New York City on January 17, 1916, with regard to this signing of a contract of enlistment. Now, I do not think any Member of this House is in any way trying to avoid the main issue. I am merely going to read what the Secretary says about people in the National Guard Association, or, to be more accurate, in the executive council of the National Guard Association, who take this point of view. Here is what the Secretary says:

They are suggesting that by providing by act of Congress that those who participate in these Federal appropriations shall agree to be mustered in national service in time of war a complete and satisfactory solution of the military problem is reached. Such a solution, of course, appeals to every pacifico, to every politico, and to all those who see therein an opportunity to divert Federal funds to local purposes.

Of course I know that this is not the motive of the gentleman from Connecticut [Mr. TILSON], but it is the motive of the other people.

Diverse as are the motives of the pacifist and the others who are joined with him in an assault upon a real national policy, they both eagerly agree in support of these suggestions. They see therein the defeat of any real, substantial, valuable policy of national defense. They realize that if they can deceive the people into believing that these proposals provide a substantial response to the insistent demand for national defense, they will have accomplished what they set out to do, and in addition they will have personally benefited by the result.

Now, I do not in the least mean to imply that any Member of the House has any such ideas in his mind, but remember that the executive council of the National Guard Association is largely composed of paid adjutants general, several of them weighing at least 300 pounds apiece. [Laughter.]

Mr. HAY. Mr. Chairman, I desire to arrange some time for the discussion of this proposition. I understand the gentleman from New York [Mr. LONDON] has an amendment to propose dealing with an entirely different proposition from that now before the House. I do not want to shut out the gentleman from New York, and in order that everybody may be heard who has indicated a desire to be heard, I move that debate on the section and all amendments thereto be closed at 20 minutes past 12 o'clock, which will give 40 minutes. There are a great many other sections where gentlemen can debate the general proposition without confining it to this one. But we must get along with this bill, and if there is any one proposition that the committee did agree upon it was the National Guard proposition. If, however, 40 minutes is not sufficient time, I am willing to give some more.

Mr. MANN. Let us see if we can not reach an agreement. Say that we have 30 minutes over here.

Mr. HAY. Then, I move that all debate on this section and all amendments thereto close in one hour—30 minutes to be controlled by the gentleman from California [Mr. KAHN] and 30 minutes by myself, 10 minutes of which I will yield to the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon this section——

Mr. HAY. I made the motion.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves——

Mr. MANN. Ask unanimous consent.

Mr. HAY. The gentlemen are going to object over here.

Mr. MANN. Oh, do not object.

Mr. HAY. Very well, then. I ask unanimous consent.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that all debate upon this section and amendments thereto shall be concluded in one hour—30 minutes to be controlled by the gentleman from Virginia [Mr. HAY] and 30 minutes by the gentleman from California [Mr. KAHN]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

The CHAIRMAN. The gentleman from Ohio [Mr. GORDON] is recognized for five minutes.

Mr. GORDON. Mr. Chairman, I do not desire to impugn the motives of any Member who is advocating this amendment, nor do I question the motives of any of our Army officers who have been assailing the National Guard in recent years. Their motive is so perfectly obvious that any intelligent citizen ought to understand it.

Mr. CALDWELL. Mr. Chairman, for the benefit of the House, can we not have the Clerk read the amendment again? A number of Members have come in since it was read.

The CHAIRMAN. This will not be taken out of the time of the gentleman from Ohio [Mr. GORDON]. Without objection, the Clerk will again report the pending amendment.

The Clerk again reported the amendment.

Mr. GORDON. Now, Mr. Chairman, as I started to say when I was interrupted, we all understand the objections that our Army officers have to the National Guard. They do not furnish the officers for it, and therefore they want some Federal force, as they call it, that they can provide officers for. It is so perfectly obvious that their motive is one of self-interest that I do not think it is worth while to waste any time on it; the promotions and increased pay and allowances that necessarily follow an increase in the Regular Army is patent to all men.

What we are doing here is to try to frame a suitable and proper law for the people of the United States, not for the Army officers; and the amendment which is now pending, if it means anything, means an attempt to coerce the people who enlist in the National Guard into renouncing in time of peace the limitations imposed upon the Federal authority in the Constitution of the United States, defining the use which may be made of the National Guard when called into the service of the United States.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. GORDON. Yes.

Mr. EMERSON. Is it not a fact that practically every member of the National Guard in every State in this Union, if the country required their assistance, would to-day rush to the colors?

Mr. GORDON. I think that is true. It has always been true in the past.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. GORDON. Yes; I yield.

Mr. GARDNER. Can the gentleman tell me what proportion of the National Guard volunteered and were transferred into the service of the United States in the Spanish-American War?

Mr. GORDON. I know that less than 5 per cent of the men who had been through the Regular Army enlisted in the Spanish War, and that more than 100 per cent of the National Guard of Ohio volunteered in the Spanish-American War. [Applause.]

Now, I do not want to yield further. I want to make this point if I can. I say that if this amendment and kindred amendments which have been talked and talked and talked about throughout the country in the last year mean anything, they mean that they want to require men who enlist in the National Guard to renounce the limitations imposed in the Federal Constitution by the fathers of this Republic for the protection of the men who are always ready, and always have been ready, to defend their country in time of need.

The National Guard can only be used either by the Congress or the President of the United States for the three purposes specified in the Constitution, namely, to suppress insurrection, to repel invasion, and to execute the laws of the United States.

We think that use is sufficient, and we are opposed to any amendment that undertakes to interfere with those constitutional limitations in time of peace.

Oh, it may be argued that we can go ahead and pass it, and the courts or the Attorney General will knock it out; but that is not the way for men who are sworn to support the Constitution to act on the floor of this House. In the framing of the Dick bill they inserted a provision which President Roosevelt signed, providing that when the National Guard were called out the President could send them anywhere; but the Attorney General of the United States, in an opinion rendered in February, 1912, held that that provision, if it meant what it said, was unconstitutional, and therefore null and void. It still remains there in the statute, sticking out like a sore thumb. [Laughter.] This bill will repeal it.

Now, the late Secretary of War made some observations to which the gentleman from Massachusetts [Mr. GARDNER] has adverted along the same line that we have heard. We had these Army officers before our committee, from the Chief of Staff and the Secretary of War down to the lowest officers. We had the benefit of all of the information that they saw fit to give us. We had the benefit of their technical knowledge upon this question, and their knowledge of the history of the Military Establishment in the United States. We listened to them patiently. We heard their arguments, and then we framed this bill.

Now, gentlemen, we may just as well look this question squarely in the face. If you want to build up a force that in time of peace can be sent by the President of the United States anywhere, out of the country and elsewhere, what you really want, if you want an efficient force, is to increase your Regular Army directly. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

The CHAIRMAN. The gentleman from Illinois [Mr. CHIPERFIELD] is recognized for 10 minutes.

Mr. CHIPERFIELD. Mr. Chairman and gentlemen of the House, I heartily coincide with all that was said by the gentleman from Ohio [Mr. GORDON] as to the need of building up the Regular Army.

I asked for time in order to speak upon this proposition, because for more than 20 years I have been connected with the National Guard of Illinois. I started into the National Guard of Illinois more than 25 years ago as a private, and I still retain my interest in that organization.

So far as I am concerned—and I speak for the National Guard of Illinois—I am in favor of federalizing the National Guard just as far as it can be done under the Constitution of the United States. [Applause.]

I am in favor of every man responding to the call of his country in its hour of need, no matter whether his service takes him across the sea, or into our insular possessions, or to the countries upon the south, or wherever else he may be required. [Applause.]

There should be no limit to the degree of fidelity with which a guardsman will respond to the wants of his country in its hour of need.

Now, I believe in that as a part of my existence, and in order that it may not be regarded as mere idle words, permit me to say that there has never been a crisis when it would seem that men would be required in this country that I have not put in practice this theory that I have not tendered my services to the War Department of the United States, and asked for assignment to active duty.

Just let me add this, so that my position may be well understood to-day, and that what I have said be not regarded as idle words:

There is on file in the War Department of the United States a communication asking for assignment to duty sent there within the last few days, tendering my services whenever and wherever my Government may require them; and should it require them I would take the greatest delight, and esteem it the highest honor, to step from the floor of this House to any position where I could render service to my country. [Applause.]

That is the position that I occupy. You will pardon the personal digression I know.

In saying this I also have in mind that if we are going to make the National Guard effective as a Federal aid, it must be done within constitutional lines. I believe, just as firmly as I believe in any fact the existence of which has been demonstrated, that in time of peace the Federal Government has not the power to step in and take over the National Guard and provide for the appointment of its officers, provide how many National Guardsmen a State shall raise, and provide by what they shall do, or, in other words, control the appropriations of a State, and specify in detail, as this bill attempts to do, how the National Guard shall be operated by the State.

In the State of Illinois we spend millions of dollars for our National Guard, and are glad to have the opportunity to do it.

In the State of Illinois we have gone to every length to give them comfort, assistance, and support.

In the State of Illinois, in the time of need, in the Spanish-American War, practically every guardsman responded. After the National Guard went to the front, we had 27 regiments of volunteers organized and tendered to the governor of our State, and we were ready to do our duty then, as we always have done it, and as we are ready to do it now.

Our people want the National Guard to be federalized, but they want them to be federalized along lines that are constitutional.

When you attempt to provide by your bill for court-martial of National Guard officers, by authority of the Government of the United States, when you attempt to provide for the manner in which the internal affairs of the National Guard shall be carried on and conducted in time of peace, I submit to those in this House who are familiar with the Constitution, if we are not going too far, and are we not taking a step for which there is no warrant in law?

We can use the strong arm if we so desire, and we can say we will pass this law and require the States to conform to it; but there will come a time when the States will not conform to it, when there will be an issue raised, when the question will be considered as to the power of Congress; and I do not want any such question as that to act as a check upon the use of the National Guard in the hour of need.

Now, it seems to me that the gentleman from Connecticut [Mr. TILSON] by his amendment presents a feature that ought to have the serious consideration of this House.

When a man goes into the National Guard, if he is inspired by the proper feeling, he does not go in as a tin soldier. He does not go in merely to put on the uniform of blue or tan, and to follow the flag when days are fair, but he goes in to be a part of the second line of defense of the Nation.

Why should he hesitate to say so by his enlistment at that time?

If I mean that I will respond to my country's needs, why do I not put my hand to an enlistment paper and subscribe to an obligation that gives the country the right to call me?

And if I am not ready to do that, why not state the fact if I go into the National Guard?

It seems to me, Mr. Chairman, that whenever a man enters the National Guard there should be that dual obligation and there should be that dual aspect of his service prominent in his mind, first, to be one of the guard of his State, an honorable position, and, second, to be available quickly and immediately and willingly and patriotically in the hour when his country shall need him. That is the thing that I want to see——

Mr. BARKLEY. Will the gentleman yield?

Mr. CHIPERFIELD. I gladly yield.

Mr. BARKLEY. Does the gentleman think it is necessary, in order to stimulate the patriotism of the National Guard, to require them to subscribe to an iron-bound oath, such as the proposed amendment requires?

Mr. CHIPERFIELD. No; I do not consider it is necessary to stimulate the patriotism of the National Guard.

I have the highest opinion of their patriotism.

I have been with those boys year after year in camp, on the field and on the march, and I know the thing that animates their minds.

I saw them at the beginning of the Spanish-American War, when they had their quarters in the sheep sheds of the State fair grounds of the State of Illinois for weeks, while the National Government did not supply them with blankets, or with but few of the things that were necessary for their comfort.

I know they are willing to go again; but why should not we of the National Guard silence the carping objections of those who say we will not respond, by putting in our enlistment contract an obligation that requires us to respond, and set at rest the question as to how much of a force the United States Government has in the National Guard to-day. That would settle that question.

We would be obligated to respond to the needs of our country, and it seems to me that such an obligation is not too much to ask the National Guard to accept. I believe the patriotism of the National Guard is such that they will gladly and willingly accept whenever they are asked to do so.

Mr. TILSON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Connecticut?

Mr. CHIPERFIELD. Gladly.

Mr. TILSON. Is it not a fact that the National Guard themselves are asking for this very thing, to make it as strong as possible?

Mr. CHIPERFIELD. The National Guard want to silence all possible criticism. Men say we will not go or serve our country in its extremity. Men say we are tin soldiers. Men say it is all for parade, when at the bottom of the heart of every man in the National Guard is a serious purpose to be of aid to his country in the hour of need.

Mr. CALDWELL. Has the gentleman read section 77, beginning on page 85?

Mr. CHIPERFIELD. Yes; I have read that and every other section with care, even section 76, where you propose to draft the National Guard, although the word "draft" is odious in the extreme.

Mr. CALDWELL. If they are drafted they will come, will they not?

Mr. CHIPERFIELD. Let me say to you here and now that the National Guard of the State of Illinois—and, in my judgment, the National Guard of any other State—does not require to be drafted in order to come.

They will come because it is their patriotic duty. They will come because they can serve their country by coming. They will come because every man of them wishes to be of service to his country if the need for his services should arise.

Mr. KAHN. I should like to ask the gentleman a question.

Mr. CHIPERFIELD. I will gladly respond, if I can.

Mr. KAHN. I understood the gentleman to say that he does not approve of the provisions of the bill which provide for the court-martialing of the National Guard during time of peace. Does not the gentleman believe that if there is discipline established for the organizations that Congress has the right to establish the discipline?

Mr. CHIPERFIELD. I believe that Congress has the right to establish discipline for the National Guard without any question up to a certain limit and a certain degree. I have in mind the decision of the Supreme Court of the United States and the leading case in Florida that the gentleman from Kentucky referred to and the case in our own State in the One hundred and fortieth Illinois, where these rights claimed in this bill are denied by high legal authority. I refer to the case of Huston against Moore, Fifth Wheaton, page 1.

So much of the Hay bill as relates to the National Guard is replete with unconstitutional provisions to an extent that creates amazement on the part of all who understand the situation, and in such respects utterly ignores the organic law of the land.

It is an attempt, by main strength, to deprive the various States of the rights guaranteed to them by the Constitution of the United States concerning their militia.

Subdivision 16 of section 8 of Article I of the Constitution of the United States provides as follows:

To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

In view of this constitutional provision and the construction placed upon the same by the Supreme Court of the United States in the case of Houston against Moore (5 Wheaton, 1), it becomes apparent to the most casual observer that this attempt on the part of the Federal Government to practically take over the militia of the different States in time of peace is absolutely illegal and in utter defiance of this constitutional provision.

It is quite apparent that there has been a surrender by certain officers representing the National Guard of the different States of the rights belonging to such States in order that the advantages conferred upon persons in the National Guard by this bill might be gained.

This action on the part of such officers becomes the more startling and the more reprehensible because of the fact that they have no authority to so speak for the States or waive any of the rights which belong to such States.

Evidently it is the thought of the Military Committee that the rights of the States may be trampled upon with impunity, and that the thing which they seek to accomplish with reference to the National Guard may be accomplished by main strength and without the slightest regard for the Constitution.

Such an attempt is unworthy of this committee, and it is also unworthy of this House, and the end sought to be obtained will not justify the very crude means that have been adopted in this bill.

It reflects credit upon no one and is an example of legislative audacity that is quite humiliating to anyone who retains any shred of regard for the Constitution.

Maj. Gen. Edward C. Young, formerly in command of the National Guard of Illinois, and the former chairman of the executive committee of the National Guard Association, a graduate of West Point, a former officer of the Army of the United States, a colonel in the Spanish-American War, a prominent business man of the city of Chicago, and a gentleman who has given the best years of his life to the advancement of the interests of the National Guard, points out the following objections to those portions of the Hay bill which affect the National Guard, and I incorporate them as a part of my statement. He says:

The Hay bill fails utterly to provide for an adequate preparedness.

It makes no substantial increase in the Regular Army and would be a positive menace to the National Guard.

Militia legislation up to this date has been based upon the theory that the militia is primarily a State force to be used by the National Government under conditions as specified in the Constitution of the United States. This bill is framed upon the theory that the militia is primarily a national force, the use of which is granted to the State in times of peace.

The bill assumes that Congress has power to organize, arm, and discipline the militia, call it into the service of the United States at any time, or under any conditions, to govern it either when in the service of the State or the United States, to directly train it under command of Regular Army officers, and to provide rules and regulations and conditions for the appointment of the officers. All of which is clearly contrary to the provisions of the Constitution. The power to provide is very different from the power to directly execute.

The bill, therefore, fairly bristles with unconstitutional and impracticable provisions. Among these the following more important ones may be noted:

Sections 36, 37, and 38 provide conditions and limitations for the appointment of officers. The examination to determine qualifications for commission is to be conducted by a board of commissioned officers appointed by the Secretary of War, consisting of officers of the Regular Army or the National Guard. By what constitutional authority can the Secretary of War give an official status to a board of National Guard officers when the National Guard is not in the service of the United States? What authority can a board of Regular Army officers have over the appointment of officers to the National Guard? What right has the Secretary of War to interfere with the States in the appointment of officers when this right is specially reserved to the States by the Constitution?

All of the provisions in relation to the appointment of officers is clearly unconstitutional, and some of the provisions might easily be carried out to the detriment of the orderly government of the State troops. Any officer of the National Guard not acceptable to a board of Army officers, no matter what may have been his previous service or his ability or the desire of the governor of the State to appoint him, could be denied a commission.

Section 39 is of similar character, providing for the dismissal of officers of the National Guard. This section, however, fails to designate the authority for the appointment of the efficiency board. It would probably be claimed by the Secretary of War following the provisions in section 37.

Section 30 provides for the assigning of the National Guard to divisions, brigades, and other tactical units, and the detail of officers from the National Guard or the Regular Army to command such units. These tactical units would undoubtedly have to be made up of the National Guard from different States. The only assumed authority which the officer detailed to command could have would be derived through his detail by the President. This is clearly a question of government. By what authority can the President govern the National Guard except when it is in the service of the United States? What authority can an officer of one State exercise over the National Guard of another State? Indeed, it is a serious question whether any laws governing the National Guard are effective outside of the State to which the National Guard belongs, except, of course, when it is in the service of the United States. The only laws which can govern the National Guard in time of peace are the State laws, and these laws are not operative beyond the limits of the State. It may be contended in this connection that National Guard organizations have taken part in joint encampments under the command of Regular Army officers and National Guard officers of other States. This, however, is purely a question of courtesy, and no attempt has been made to enforce a legal control or government.

Section 54 provides "that the President may call into the service of the United States the National Guard, or any part thereof, to participate in encampments," etc., "for at least 15 days each year." This is clearly unconstitutional, as the militia can not be called into the service of the United States except as provided by the Constitution. Even if constitutional, it would be a dangerous provision, for it might subject the National Guard to unexpected and indefinite service, thereby greatly interfering with their civil affairs. This was the objection to the continental-army scheme. It is even more objectionable here, for in addition to all of the requirements of the State they would be subjected to indefinite service under the National Government. It should be noted that in this section it is proposed to call these organizations into the service of the United States as militia. Attention is directed especially to this, because later on a similar authority, although derived from a different source in the Constitution, is used to transfer the National Guard to the service of the United States in time of war.

Sections 64, 65, 66, 67, 68, 69, and 70 are all unconstitutional, for they assume the right to govern the militia in time of peace and when not in the service of the United States. Discipline, as used in the Constitution, does not mean trial or punishment; it means simply drill or training. Section 65 provides that the President may convene general courts-martial for the trial of members of the National Guard. No limitations are placed upon this, and he could detail an entire court of Regular Army officers. What jurisdiction could such a court have? Here, again, if the provisions were constitutional they would be very dangerous to the National Guard. Every man on trial for his life, his liberty, or his property should have a jury of his peers. Under the above provisions the President of the United States, which means the Secretary of War, which means the Chief of Staff of the Regular Army, could organize a court-martial of Regular Army officers, try an officer of the National Guard, dismiss him from the service, fine him $200, and in lieu of the fine put him in jail for 200 days, and call upon the United States marshal to execute the sentence. This is the limit of injustice and unfairness.

Section 76 is the most dangerous provision in this bill and is the real joker. Two cardinal principles have been insisted upon by the National Guard. First, that the National Guard shall have prior service—that is next in line to the Regular Army; second, that the organizations of the National Guard and the rank of its officers be preserved when the National Guard is taken into the service of the United States, either under a call as militia, as provided by the Constitution, or under a transfer to the United States forces under the power of Congress to raise armies and provide for the national defense. This bill fails completely in both particulars. It provides for a draft of the individual member. The word "draft" is most repugnant in this connection and does not properly express the action to be taken. From the date of the draft all persons stand discharged from the militia. In other words, there are simply so many men with no exact status; all organizations are automatically destroyed, all officers automatically discharged. No matter what may have been the length and efficiency of an officer's service, he finds himself when drafted as naked of power and position as when he first enlisted in the service. The only status given these men is that they are subject to such laws and regulations for the government of the Army of the United States as are applicable to members of the Volunteer Army. Having drafted this body of men, they shall be embodied in organizations corresponding to the Regular Army, or otherwise assigned, as the President may direct. For instance, the President could form a regiment of infantry by taking approximately 50 men from each and every State, irrespective of whether they had been officers or enlisted men in the National Guard. Having constituted this organization, he could then appoint officers to command it from its own members. A former enlisted man might be appointed colonel, and the colonel might remain an enlisted man. Moreover, there is no redress. Even a reserve officer of the Regular Army, who might have had no service whatever except in schools, or perhaps one year in a cadet corps, can not be compelled without his consent to serve in a rank lower than that held by him in the reserve corps.

Immediately upon the draft the Organized Militia, or at least the portion drafted, ceases to exist. It is ended completely. At the conclusion of the national service, even though it might be for a month only, all the officers and men of the National Guard return to the States simply as citizens, without any position or rank.

This bill also fails to provide for priority of service. The President may call into service as many volunteers or as many Army reserves as he may wish before making use of the National Guard. All that the National Guard has accomplished, then, or can accomplish under the provisions of this bill, is to train so many citizens for service. The officer, after many years of study and sacrifice of time, may find himself divested of his rank and humiliated at the time when he may be of service to his country. The purely mechanical work of reorganizing the entire National Guard and appointing all of its officers would involve much confusion and delay. It would be even worse than it was at the beginning of the Spanish-American War.

It might be contended that the President would not go to any unusual extremes nor deal unfairly or unjustly with the National Guard.

We have before us the history of our previous wars and the effect of political influences in the appointment of officers. Unless the law protects the officers of the National Guard, what reason have we for believing that the future will be different from the past? Political influence would certainly not fail to exert itself to the maximum under such a favorable opportunity, when the President alone has the appointment of thousands of officers.

No provision is made in this bill for pensions for members of the National Guard drafted into the military service of the United States.

No provision is made for calling forth the militia under the provisions of the Constitution for the suppression of insurrections and the maintenance of law and order in the execution of the laws of the Union.

The bill, after having indulged in extravagant and unconstitutional provisions, unconsciously recognizes the fact that there is no means for enforcing the same, except to withdraw from the State the financial support of the National Government (see sec. 27). If, therefore, under a most objectionable bill, a State is unable to comply with all of the provisions of this law, then the National Guard of such State will be completely abandoned, except where the State, unaided, can support it.

The appropriations made by Congress are to be apportioned in ratio to the appropriations made by the State. This is wrong in theory and will not work out in practice. The object of national support is to develop and encourage the National Guard, and this assistance is most needed in the States having the least resources. The National Guard should be developed in every State. To withdraw support from the poorer States would ruin the National Guard of such States and would throw the entire organization to the richer sections of the country. A certain portion of the national appropriations should be distributed in proportion to congressional representation, conditioned upon a minimum number which could be readily maintained by the States.

It is a serious question whether the National Guard could be maintained under the provisions of this bill. It is extremely doubtful whether men would voluntarily enter the service under the conditions imposed.

If we are to organize a national defense under a purely volunteer system, it would be much better to leave the National Guard to the voluntary action of the States for training and development in time of peace. A doubtful authority is repugnant to military efficiency and will necessarily lead to confusion and discouragement. The National Guard should be purely a State force in time of peace, developed by the States under liberal aid from the National Government, with proper provisions for its transfer without confusion or delay to the service of the United States.

The Chamberlain bill, as presented to the Senate December 10, 1915, provides for the proper method for transferring the National Guard from the State service to the national service. There are many minor omissions and objections to the proposed Hay bill, but those pointed out should be ample to cause its defeat.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Chairman, I have been associated with the National Guard of Pennsylvania for a number of years, and I want to say that I honestly believe that every man who has been a member of that organization since 1903, both enlisted men and officers, believes that he has been up to this time a member of the Army of the United States and subject to call by the President of the United States to do whatever duty may be imposed upon him. I believe that in this bill we have provided an oath of enlistment which covers all of the points which have been raised in this discussion. When a man takes an oath to support and defend the Constitution of the United States and obey the orders of the President of the United States and the orders of the officers appointed over him, and after taking the oath and obligation is placed on the pay roll of the United States Government and is paid by the United States Government, I believe that he is in the service of the United States Government within the meaning of the wording of the Constitution.

There is a distinction made even in the Constitution between service of the United States and actual service, which has been held to mean service during the time of war. We want to keep this in mind here, because we are legislating for an Army in the time of peace and for training them for service in time of war.

The amendment suggested, to my mind, does not make stronger the obligation of the individual in the National Guard to the Federal Government, but weakens it where it says:

> Shall have the status of a Federal soldier within the meaning of section 8, Article I, of the Constitution of the United States, whenever ordered into the service of the United States by the President of the United States.

I take the position that the men in the Organized Militia in the States have already a Federal status. We are paying them for their service as such soldiers, and I believe that we have met every requirement of the Constitution when we have prescribed and laid down the discipline provided in this bill.

Now, it must not be forgotten that in the Army of the United States we deal with the individual entirely when it comes to a matter of discipline. This is also true in the National Guard in relation to the members of the National Guard and the General Government. Hence, the provision which was put in regarding the draft to which there can be no question. In my mind, it will not be necessary to resort to that, because I believe these men, as organizations, as companies, as regiments, and brigades, will gladly answer any call to the colors, but it is a safeguard which may be thought necessary, and when the individual takes this obligation prescribed by this act he enters into the service of the United States, and as an individual has placed himself subject to the call of the President of the United States at any time, I do not believe that it is necessary to in any way encumber this bill with an amendment of this kind. For that reason I shall vote against the amendment. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, many of the difficulties that have been suggested in regard to the State militia as a national force are imaginary. It is true, in a sense, that the Nation can not federalize the State militia; for it can not absorb, it can not monopolize the powers of the State militia with relation to their obligation and service. They are an arm of the State, and as such must fulfill their obligation and duty to their States.

It is true that you can federalize the militia if by that you mean the right to exercise the powers granted to the Government by the Constitution, which makes the militia a national as well as a State organization, with obligations and duties national as well as State. It is, or ought to be, generally understood that every citizen of this country has a dual allegiance, one to the Nation and the other to the State. When the Nation seeks to interfere with the powers of the State, we find that the Constitution says it shall not be done. But when a power is granted by the Constitution to the Nation, then that power is supreme and the obligation and service is due to the Nation and must be fulfilled.

When the militia was organized it was a State institution. It was difficult for the framers of the Constitution to handle the obligation that seemed to be primary with the citizens of that time to the States with the purpose of making an efficient national force that would support the authority and power of the National Government which they were establishing. They made an effort to do this, and in some instances there was a concession made, or an invasion, if you choose to call it, into the powers of the States. For instance, it was given to Congress the power to organize and discipline the militia, a power it did not have until that time. But since the adoption of the Constitution the power of the Nation to organize and discipline the militia has been unquestioned. The States formerly exercised that power and were reluctant to give it up. But that was taken away from them by this provision of the Constitution, and when called into the service of the United States they are subject to its supreme governing authority. For fear that this grant of power might include too much, or be thought to include too much, a reservation was made reserving to the States, respectively, the appointment of officers; so that the National Government, so long as the militia remains a State organization and is not called into the service of the United States, can not force upon the States contrary to their wishes any officers of its own selection. But immediately the militia becomes, either by call or by voluntary enlistment, a part of the national forces, it becomes absolutely subject to national authority. Any disposition or assignment of officers or men are within the scope of national authority. They are subject to orders for the betterment of the service or for the strengthening of the Army just as any other part of the national forces are. There need not be, there should not be, any conflict between the powers of the State and that of the Nation.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, the object of this amendment, to my mind, is to serve as a forerunner to a proposition to amend section 76 of this proposed bill by striking out the draft clause. If it is not, the proposed amendment is useless. If it is, and the amendment is agreed to, then you must also strike out the draft clause. As I understand the situation in which we find ourselves to-day, it is a question of law. The question before us is, Can we federalize the National Guard and stay within the Constitution of the United States, both in letter and in spirit? As I read the Constitution of the United States I am convinced that the Constitution intended that the citizen soldiery of the United States should be a State institution and under State control, except when the Nation, as a Nation, needs the citizen soldiery of America, in which event the President has authority to use them in the service and for the Nation's need. It is because of this that this bill has been framed as it is. We have section 34, which prescribes the oath that shall be taken by men who join the National Guard, and we have sections 76 and 77, which prescribe that once a man has voluntarily gone into this National Guard and the Nation needs

him, we do not have to order him anywhere, but by the issuance of a demand by the President of the United States he becomes a Federal soldier, and goes to the defense of his country in its hour of need. I hope, therefore, that this amendment will be defeated.

Mr. DALE of New York. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Certainly.

Mr. DALE of New York. I would like to know whether or not Gen. O'Ryan, the adjutant general of the National Guard, did not appear before the committee and urge the proposed amendment to be embodied into the bill?

Mr. CALDWELL. I will say, in answer to that, that Gen. O'Ryan came before the committee and advocated a dual enlistment; that he subsequently returned to New York and sent us a typewritten proposition including the dual enlistment, but that this proposition was taken up in the committee, discussed, and it was decided in the committee, by and with the best legal talent to which the President of the United States could refer this proposition, that this was the proper way to federalize the National Guard [applause], and meet every proposition of Gen. O'Ryan and keep the National Guard a body of citizen soldiery subject to the demand of the people of the United States when needed.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, while the extent of the powers of the Federal Government over the State militia are not as clearly defined as some of us would wish, and while it has been the subject of much argument, I am of the belief myself that this bill does not go beyond the constitutional powers of the Government. I do not exactly understand the position of the gentleman from Illinois [Mr. CHIPERFIELD], who spoke with so much force upon this subject, and with whose argument in some respects I agree. As I understand it, he contended that the National Government had no power to provide for court-martial of members of the National Guard.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CHIPERFIELD. I am in favor of the amendment. I believe the obligation of the National Guard should go just as far as it can to make it both a State and a Federal force.

Mr. GREEN of Iowa. I agree with the gentleman there; but what I wish to say, with reference to this matter of court-martial, is that this was the express question involved in the case of Houston against Moore, to which he refers, and in which case it was held that the Federal Government might provide regulations as to the manner and form of court-martial, and that the statutes of the United States in that respect were binding and enforceable.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CHIPERFIELD. That was in time of war, was it not?

Mr. GREEN of Iowa. It was in time of war; but that did not enter into the question at all, and was not spoken of by the court—was not made the basis of the court's decision in any respect. In this case of Houston against Moore the court said:

> Congress has power to provide for organizing, arming, and disciplining the militia; and it is presumable that the framers of the Constitution contemplated a full exercise of all these powers. If Congress had declined to exercise them, it was competent to the State governments to provide for organizing, arming, and disciplining of the respective militias in such manner as they might think proper.

But the court went on to say that where Congress had provided the method for the organization and disciplining of the militia those laws were binding upon the respective States; and in this same case the court, referring to the authority of Congress, says that where they have entered into the service of the United States there is no question about the authority of Congress. There might have been some question under that particular law as to when they entered into the service, and right here is where I agree with the argument of the gentleman from Pennsylvania [Mr. CRAGO], who said that this bill provided, as it seems to me it clearly does, for members of the militia entering into the service of the United States; and where they have so entered into the service of the United States, under all of the decisions of the Supreme Court, there is not the slightest question about the authority of Congress to control them.

I yield back the remainder of my time.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Chairman, it is apparent that the proposed amendment is intended to and does to a very great extent federalize the National Guard. I shall not discuss the proposition from a constitutional standpoint. I am in full accord with the argument by the gentleman from Illinois [Mr. CHIPERFIELD] along this line.

My purpose in detaining the House for a few moments is to resent some insinuations or intimations that the present National Guard throughout the country is not sufficiently patriotic to respond to the call of the President in time of war. The binding oath incorporated in the proposed amendment is for the apparent purpose of lashing the guardsman to the mast in such manner that he can not escape performing his duty as a soldier under any and all circumstances.

Section 34 of the present bill prescribes as follows:

> SEC. 34. That hereafter all men enlisting for service in the National Guard shall sign an enlistment contract which shall include an obligation to bear true faith and allegiance to the United States, to support the Constitution thereof, and to obey the lawful orders of the President of the United States and the officers appointed over the men so enlisting.

It is hardly conceivable that an American citizen subscribing to this contract and obligation would not faithfully carry out the same to the limit.

The present National Guard is composed of men who are truly patriotic, and I believe that all future National Guardsmen will be equally so, and that this enlistment contract and obligation will be amply sufficient without the ironclad oath specifically mentioned in the proposed amendment to bring these men promptly into service whenever the President of the United States desires them to do so.

Mr. Chairman, some years ago it was my good fortune to be connected with the National Guard of Minnesota, and for four years I had the honor of being a captain of what was then known as Company I, Second Regiment Minnesota National Guard. This company consisted of about 75 young men. They were the sons of farmers, merchants, doctors, and practically from all vocations of life. They were of the best blood of all nationalities. They were the sons of the sturdy and industrious Scandinavian, German, Irish, French, and other parentage, each vying with the other in patriotism and all anxious to obtain that efficiency which military discipline requires to perfect them as soldiers in case of our country's need. For several years previous thereto and since many young men have belonged to this particular company. As vacancies occurred additions followed, and at the present time I verily believe that there are a large number—at least 100—who have had military training in this particular company and who still remain in the vicinity; that in case our country called for their service these men would respond with alacrity, and would not be found wanting in any respect. At the present time this company has been reorganized and is now known as Company K, Second Regiment, and much new blood has been added.

As evidence of the loyalty and patriotism of the National Guard of this country and their willingness to serve the Nation I desire to read as part of my remarks a short article from the St. Peter Herald, a local newspaper published in St. Peter, Minn., of date March 17, 1916.

RECRUITS JOIN LOCAL COMPANY—PROSPECTS OF ACTIVE SERVICE HAS EFFECT ON ENLISTMENTS.

Prospects of active service along the Mexican border or in Mexico itself are having an effect upon the enlistments in Company K, Second Regiment. At the regular weekly drill of the company last Monday evening five recruits came forward, and Capt. Frank Magner is receiving numerous inquiries.

"Should this company be called out," said Capt. Magner, "it has 65 men available for immediate service. These could be assembled and leave for the mobilization camp at Fort Snelling within 24 hours. However, we have no means of knowing whether the war department would require companies of 106 or 150 men. Should the latter number be wanted the second lieutenant of the company, who is the recruiting officer for war, might be detained in St. Peter a week or 10 days.

"So far as arms and equipments are concerned, the company is well supplied. To all intents and purposes it is on the same footing as an organization of the same kind in the Regular Army. During the winter months a considerable amount of equipment that was lacking has been received from the military storekeeper, and in this particular the company is ready for active service in the field."

Under the state law the maximum peace strength of the company is 76 officers and men. It is the purpose of Capt. Magner and his lieutenants to recruit beyond peace strength so as to be prepared for emergencies.

Activity along the Mexican border is of interest here from the further fact that three troops of the Thirteenth Cavalry bore the brunt of the surprise attack on Douglas, Ariz., last week. For many years Col. F. O. Johnson, a former St. Peter man, was lieutenant colonel of that regiment. After being promoted to colonel he was on duty with the Thirteenth until the first of the present year, when he was placed in command of the military post at Columbus Barracks, Ohio.

Mr. Chairman, it will be observed that this company, and I do not think they are an exception, have weekly drills, and from my knowledge, aside from the statement contained in this article, they are a well-drilled and soldierly body of young men, well equipped in all ways, and the officers are of the best. I can not doubt, and no gentleman on this floor can doubt, the

sincerity, the loyalty, the earnestness, or the patriotism of any who are connected with this organization.

All hail to the National Guard, and in case of war, either of invasion or otherwise, when the President and the Congress determine that our cause is just these men will rush to arms in the defense of our country and its honor to the utmost. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, this item involves the question of Federal relations, the conflict growing out of our double sovereignty, sovereignty in the Federal Government, and sovereignty in the States; the conflict between the principle of national prerogative and the rights of the State. The Constitution prescribes specifically for both of these and we accordingly have an establishment under the Federal Government, the Regular Army, and an establishment under the State government, a National Guard, made up of the militia defined by the Constitution. These two are quite distinct, both in constitutional inception and historical application. My one fear has been our constitutional freedom of utilizing the National Guard as a Federal body—that is, whether the State organization can be fully utilized as a national body without interfering with its constitutional purpose. I have been told by those whose judgment I admire and respect that the conflict does not necessarily exist; that this phase of the bill has received the widest consideration and approval of the committee. However, I see this differentiation in the constitutional provisions covering the defense features, and I know that it has been felt in our history. In 1812 the militia was called and it did not respond in several States. My own State of Ohio, when Hull called for the militia to cross over into Canada, refused to fully respond to the call. I believe that this amendment will give a status where there will be less doubt as to the status of the National Guard in our Federal system. It is not a question with me whether the National Guard will be effective. I have no doubt but that it will be. It is not a question as to the relative discipline of the Federal Army and the National Guard. We all admit that the acme of discipline will be found in the Regular rather than the Volunteer service. But the facts are, gentlemen, that the country will not stand at this time for a large Federal Army that is not made up of the citizen soldiery, and we might as well face that situation. I believe here is a proposal that will assist in the needed organization, and why not adopt an amendment that will clear our right to federalize the citizen soldiery and under proper conditions make a Federal Army? For that reason I shall without hesitation vote for the amendment that puts the definition of the Constitution here in the determination of the National Guard, and I think it ought to be adopted without hesitation. I yield back the balance of my time.

Mr. KAHN. How much time does the gentleman yield back?

The CHAIRMAN. Two minutes.

Mr. KAHN. I yield that two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, in section 34 of this bill it is provided—

> SEC. 34. That hereafter all men enlisting for service in the National Guard shall sign an enlistment contract which shall include an obligation to bear true faith and allegiance to the United States, to support the Constitution thereof, and to obey the lawful orders of the President of the United States and the officers appointed over the men so enlisting.

It is not provided in that section that the oath of enlistment shall be uniform throughout the United States. This amendment of mine does provide that every man in every State of the whole Union who signs an enlistment paper shall sign the same oath. It does little more than this, except to declare a Federal status which, it is believed by other members of the committee, is created by this bill. Mr. Chairman, it surely clears the situation and makes uniform throughout the country what we have tried to do in section 34 of the bill. It may add little or nothing, so far as federalization is concerned, if we give to section 34 the meaning that it has been stated here that section is intended to convey. If there be any doubt, however, as to the effect of sections 34 and 35 this amendment will aid in removing the doubt. At any rate it will produce uniformity throughout the country in the very important matter of the enlistment contract and the officers' oath of office.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. The gentleman from Connecticut seems to admit that section 34 is sufficient to cover the proposition. Mr. Chairman, the range of discussion on the amendment of the gentleman has gone into the question of the constitutionality of the provisions of this bill which deal with the National Guard. If anybody has done the committee the honor to read its report, there is contained in that report a very extensive discussion of whether or not the provisions contained in this bill are constitutional, and in the minds of the committee it seemed that the reasons given in the report were sufficient to convince anyone that we had complied with the Constitution and had not in any way violated it by any of the provisions of this act.

The gentleman from Illinois [Mr. CHIPERFIELD] seemed to think that this law provides for taking away from the governors of the States the power of appointing the officers. It does not do anything of that sort.

Mr. CHIPERFIELD. Will the gentleman kindly yield for a question?

Mr. HAY. I will.

Mr. CHIPERFIELD. Does it not prescribe some limitations by the Federal authority and leave those limitations entirely to the Federal authority, under which the governor must appoint?

Mr. HAY. It does; and unquestionably under the Constitution it has the right to do it. The Judge Advocate General of the Army, who does not think, I believe, that we can federalize the National Guard, admits that one of the powers which Congress has is that we can prescribe the qualifications of the officers of the National Guard. But he says that, while Congress can do that, it has not the power to enforce it. Well, nobody who is a lawyer will contend that the Constitution confers powers upon Congress which Congress has not the right to enforce. If those powers have been conferred upon Congress, unquestionably Congress has the right by law to enforce whatever power has been conferred upon it.

Mr. BARKLEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Kentucky?

Mr. HAY. Yes.

Mr. BARKLEY. Does not the same section of the Constitution give the Congress the additional power to enact the laws to carry into force the powers given it over the State militia?

Mr. HAY. Undoubtedly. Now, as to the constitutionality of these provisions I want to say further that, under the Constitution, Congress has the power to arm, organize, and discipline and, under rules prescribed by Congress, to train the National Guard; and in this bill we have undertaken to exercise those powers which have been conferred upon Congress. And we believe that under the provisions of this bill we have made for the country a uniform system to control the National Guard, not to control the National Guard of New York in one way and the National Guard of Illinois in another way, but that all the States shall conform to the organization, discipline, and training as provided for in this bill.

Mr. MADDEN. Will the gentleman yield?

Mr. HAY. I will.

Mr. MADDEN. Do the provisions of the bill make it absolutely compulsory upon every National Guard in every State of the Union to come within the provisions of the bill?

Mr. HAY. It does, unquestionably; and it would not be worth the snap of my finger if it did not.

Mr. MADDEN. So it is not within the power of the governor of the State or anybody else in the State, or the National Guard of the State, to say it will take exceptions to the provisions of the bill.

Mr. HAY. It is not.

Mr. MADDEN. And it is optional with any power of the State to say that it will take advantage of the appropriations made in this bill for the State militia, but, on the other hand, it is absolutely compulsory in every instance to come under the provisions of the bill?

Mr. HAY. Yes; if they accept the pay under this bill.

Mr. MADDEN. Are they not compelled to accept the pay?

Mr. HAY. No; they are not compelled to accept the pay; but every man who enlists in the National Guard, when he joins and accepts the pay, must come under the provisions of this bill.

Mr. MADDEN. As a matter of fact, if he joins the National Guard he accepts the pay, does he not?

Mr. HAY. Undoubtedly.

Mr. MADDEN. And one follows the other?

Mr. HAY. Yes.

Mr. MADDEN. So that when a citizen of a State becomes a member of the National Guard he comes under the jurisdiction of the Federal Government, in so far as the Government regulates the conduct of the National Guard?

Mr. HAY. That is true.

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Wisconsin?

Mr. HAY. I yield to the gentleman.

Mr. STAFFORD. Is it possible, under the terms of this bill, for any State organization, if the State authorities so decree, to remain outside the pale of the provisions of this act?

Mr. HAY. It is possible for any organization to remain out of the provisions of this act if they do not choose to accept the pay; but they can not get the pay unless they come in under the provisions of the act.

Mr. STAFFORD. And it rests with themselves to determine whether they shall come under the provisions of this act?

Mr. HAY. It does to that extent.

Mr. TILSON. I would like to ask the gentleman to state in a word what is his objection to having a uniform oath for officers and a uniform oath of enlistment for men all over the United States?

Mr. HAY. I have no objection to having a uniform oath for officers and men, but we have it already in the bill. You have it already in section 34. That section provides the oath to be taken by the enlisted men, and in a previous section for the oath to be taken by a commissioned officer.

But what I want to address myself to now is the repeated statement by those who are not in favor of federalizing the National Guard, and say that you have 48 different States, 48 different armies, and 48 different commanders of those armies. Under the provisions of this bill that is not true. We here make uniform the entire National Guard of the United States, and provision is made in this bill that when it is necessary for them to come into the service of the United States they shall come.

I know that some members of the National Guard object to the word "draft"; but in order to meet the requirements of the Constitution, which provides that you can only use the National Guard to repel invasion, to suppress insurrection, and to execute the laws of the Union, it was necessary to frame some provision under which in time of war the National Guard could be sent wherever the President thought it was necessary to send them, whether in the country or out of the country.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. HAY. Yes; in just a moment. In order to do that it is provided in section 77—I believe it is—of this bill that when the Congress authorizes in time of war the raising of land forces beyond those of the Regular Army the President may draft the whole National Guard of the country into the service of the United States.

Mr. MADDEN. That means nothing more than calling them, does it?

Mr. HAY. It means that the Congress has the power to draft and to give that power to the President over these troops that we are paying in time of peace. And I want to say to the gentleman that when a man joins the National Guard and goes into the National Guard he volunteers to go to war under the provisions of this bill. When he joins he knows he is going to be drafted. He knows he is going in, and he volunteers to do it. When he goes in in time of peace he knows he has to go if he still remains a member of the National Guard when the time comes, so that the word "draft" ought not to be looked upon by the members of the National Guard in any invidious sense. It simply means that these people can be used when it is necessary for them to be used. Now, I yield to the gentleman from Ohio [Mr. FESS].

Mr. FESS. If the bill goes into effect as it is written is there any possibility of a conflict between the Federal Government and the States in calling for the militia?

Mr. HAY. None whatever.

Mr. FESS. You deal with them as individuals and not as State organizations?

Mr. HAY. That is true. The men who framed the Constitution of this country, the men who were present when the debates were had upon the ratification of the Constitution, believed that they were writing into the Constitution a provision with regard to the militia which made the militia a national force and not a State force.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes; I yield to the gentleman.

Mr. BARKLEY. Has the gentleman any doubt, under the terms of this bill, as the National Guard would be organized, disciplined, and controlled in time of war, that the President of the United States might order this National Guard to any quarter of the world where their services might be needed?

Mr. HAY. None whatever. As I was about to say, Patrick Henry, James Madison, Alexander Hamilton, James Monroe, and other men who framed the Constitution believed that they were providing in the militia a national force, which could be made an actual national force, and could be used for national purposes. Patrick Henry opposed the adoption of the Constitution upon that ground—that the States were giving up their control over the militia. Mr. Madison, in one of his messages to Congress, stated that Congress ought to call out for training the National Guard at the public expense, thereby showing that he believed that it was a National and not a State force.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes; I yield to the gentleman.

Mr. KAHN. This bill, as I understand it, attempts for the first time in the history of the country to prescribe for the organization and the discipline of the National Guard by the Congress of the United States?

Mr. HAY. Yes, sir.

Mr. KAHN. And the Secretary of War appeared before our committee and stated as his opinion that we had the right to draft any particular class of citizens as against any other class?

Mr. HAY. Yes. We could draft red-headed men or blue-eyed men if we wanted to. [Laughter.]

A MEMBER. And bald-headed men? [Renewed laughter.]

Mr. HAY. I did not say anything about bald-headed men.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield there?

Mr. HAY. Yes; I yield.

Mr. LONGWORTH. Let me put a concrete case to the gentleman. Suppose a governor of a State had called out the militia to suppress a very serious riot, and on the same day an invading force was landed in the country. Would the President of the United States then have the right to call on the force which was in process of quelling the riot to suppress that invasion?

Mr. HAY. Undoubtedly; the authority to do that would be paramount over the authority of the governor to use that force in quelling the riot.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. MILLER of Minnesota. Would not the language of the oath contained in the amendment serve the purpose of the draft that the gentleman speaks of?

Mr. HAY. It would not; and I am glad that the gentleman called my attention to that feature of the amendment. The bill provides that when the National Guard is ordered into the service of the United States, in order to make it constitutional that these troops can be called into the service of the United States in time of war it is necessary to divorce them from their character as militia, because the Constitution says you can not call out the militia except for certain purposes. Therefore this law provides that when they are drafted by the President they shall cease to be militia, and in that way we get around the constitutional objection to using them outside of the country, and that oath would not accomplish what we think should be accomplished.

Mr. MILLER of Minnesota. Would it be necessary, under the draft provided for, to recommission all the officers by the President of the United States?

Mr. HAY. I think it would be; but, of course, that could be done. That could be all ready. This fear of some gentlemen that they are not going to be taken into the service in time of war, that they are not going to be given their commissions, is, in my judgment, a vain fear, because when war comes and these troops are called upon they have to be officered by somebody, and no President would discharge the officers who have been with the troops and who have, as it were, raised them, and who under the provisions of this bill would be capable officers. He would undoubtedly commission the officers who had been with them all the time.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAY. I will.

Mr. MANN. Under the law could the President commission a captain under a certain age or a major or a colonel?

Mr. HAY. I think so. There is not anything in this law which prevents the President from commissioning an officer in time of war of any age that I know of.

Mr. MANN. Is there anything in the law that permits it?

Mr. HAY. I do not know whether there is anything in the law that permits it, but I know that there is nothing in the law that prohibits it.

Mr. HELM. Mr. Chairman, will the gentleman yeld?

Mr. HAY. Yes; I yield.

Mr. HELM. Do the men who are called out in the militia under the provisions of this bill become an integral part of the Regular Army, or do they become a part of the Army provided for in the act of April 25, 1914?

Mr. HAY. They would not be a part of either. They would be a distinct body of troops, drafted into the service of the United States under the provisions of this law.

Mr. HELM. They would be neither Regulars nor Volunteers?

Mr. HAY. They would not. They would be paid as Regulars are paid; but they would not be Volunteers, because they would not volunteer, and they would not be in the Regular Army, because they never enlisted in the Regular Army.

Mr. EMERSON. Will the gentleman yield?

Mr. HAY. Yes.

Mr. EMERSON. I listened to the remarks of the gentleman in reply to the question that was asked by the gentleman from Illinois [Mr. MANN] concerning the calling in of the National Guard as organizations.

Mr. HAY. There is no provision here for calling them in as organizations.

Mr. EMERSON. I am going to offer an amendment to section 25, providing that they shall be called in as organizations. Is the gentleman going to object to that?

Mr. HAY. I certainly am.

Mr. EMERSON. Why?

Mr. HAY. I will tell the gentleman that when he comes to offer his amendment; but he could not hurt this act more than by securing the adoption of such an amendment.

Mr. EMERSON. I should like to know why?

Mr. HAY. I think that so far as the Constitution is concerned we have in this act provided for every conceivable objection that can be made from a constitutional standpoint, and I have not yet heard anybody who has spoken on that feature of the bill advance a single proposition going to show that this is against the Constitution of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired. All time has expired. The question is on the amendment offered by the gentleman from Connecticut [Mr. TILSON].

The amendment was rejected.

Mr. LONDON. Mr. Chairman, may I now offer an amendment to come in as a separate section, section 23a?

The CHAIRMAN. The gentleman from New York [Mr. LONDON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section after section 23, to be designated section 23a, and which is to read as follows:

"That no member of the National Guard shall be called upon to perform duty in connection with the suppression of strikes."

Mr. HAY. I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LONDON. Will the Chair hear me on the point of order?

The CHAIRMAN. Of course the Chair will hear the gentleman on the point of order.

Mr. LONDON. Mr. Chairman, I believe this amendment is germane. You are now for the first time bringing the National Guard within the direct jurisdiction of Congress. You are reorganizing the National Guard. The bill is called a bill to promote the efficiency of the Military Establishment. It is my belief that you will destroy the efficiency of the Military Establishment if you permit the National Guard, which from now on will be under the jurisdiction of the Federal Government, to be used as a strike-breaking agency, as has been repeatedly done at the behest of corporations in a number of States. It is my contention that this amendment is clearly within the purview of this bill. Nothing is more destructive of the respect which the people should entertain for their defenders than the use of the armed forces of the country for the suppression of strikes, a rather primitive method used to crush the resistance of organized labor. The violence resorted to by those in authority must bring about violence on the part of the under dog. Violence breeds violence. Hatred breeds hatred. The use of physical force on the part of the organized troops of the United States breeds necessarily the use of physical force on the part of those whom they are called on to intimidate. I believe the amendment is in order. If the National Guard continues to be used for the suppression of strikes, you will destroy all respect for the National Guard. People will look upon it as a strike-breaking agency, as they look to-day upon the National Guard of the various States. They will refuse to join the National Guard, and the only personnel that you will gather will come from the bank clerks, the corporation lawyers, the men who look with contempt upon the great masses of the people. You will help to intensify the hatred which exists between the classes and the masses. You will help to widen the gulf between the poor and the rich, between the strong and the weak.

Mr. Chairman, I respectfully submit that the proposed amendment is in order.

Mr. KEATING. Before the Chair rules, permit me to call his attention to section 26 of this bill, and particularly to the proviso—

Provided, That nothing contained in this act shall be construed as limiting the rights of the States and Territories to the use of the National Guard within their respective borders in time of peace.

It seems to me that those who put that proviso in the bill had in mind the power in this bill to limit the use of the National Guard; and that is what the gentleman from New York is seeking to do with his amendment. And so strong was the belief of the members of this committee that we had the power to say that the National Guard should or should not be used for certain purposes that they placed that proviso in section 26.

The CHAIRMAN. The Chair does not think that there has ever been a legal definition given of the word "strike." No definition of that word has ever been given by any court or by any arm of the Government. The Chair does not think the amendment offered by the gentleman from New York is germane, and the Chair sustains the point of order.

Mr. LONDON. May I ask the Chairman a question?

The CHAIRMAN. Certainly.

Mr. LONDON. Has not the word "strike" come to mean a certain definite thing—the simultaneous quitting of work by a number of employees? Has it not acquired a certain definite meaning in the English language, and is not every word of the English language a part of the legal language?

The CHAIRMAN. In the popular mind, perhaps, but not by any opinion of a court or any responsible Government agency.

Mr. LONDON. I know; but have not the courts for more than a quarter of a century dealt with strikes and strikers? Have they not been issuing decrees in strikes? The word "strike" has a definite, specific, certain meaning to-day.

The CHAIRMAN. In the popular mind, perhaps, but not by any legal definition. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 24. That the Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; the Members and officers of each House of Congress; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who because of religious beliefs are exempted by the laws of the respective States and Territories shall be exempt from militia duty without regard to age.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Virginia [Mr. HAY] a question in relation to a section that has been passed, section 22. It says:

That the militia of the United States shall consist of all able-bodied male citizens of the United States, and of all other able-bodied males who have declared their intention to become citizens of the United States.

Is there any purpose in that language, except to give such residents of the country a right to enlist in the National Guard? In other words, is there any claim of the right to exercise any power of compulsion——

Mr. HAY. No.

Mr. BENNET. It simply offers the privilege to those who have declared their intention?

Mr. HAY. It is the usual language used in bills of this character.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last two words for the purpose of asking a question of the chairman of the committee in reference to the language used in the bill on page 40. I want to get the gentleman's construction of this language. In line 11:

One year after the passage of this act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the officers' reserve corps, subject to the provisions of this act, or may be honorably discharged from the service.

Does the gentleman understand that that will permit members of the Medical Reserve Corps to enlist in the Medical Corps without any further examination?

Mr. HAY. I told the gentleman this morning I thought so, but I do not. I think they would have to come in under the provisions of this act, which provides for an examination.

Mr. HAMLIN. Does not the gentleman think that these members of the reserve corps, who have had years of experience in the Army, ought to be permitted to come in without examination?

Mr. HAY. I do not think that any difference should be made between them and anybody else.

Mr. HAMLIN. There is this difference: A young man just out of a medical school would perhaps be able to stand a better

examination than some practicing surgeon who has been out of school 6, 8, or 10 years, but, having had experience in the Army, the older man would be very much more competent to perform the service required by the Government than would the young man without experience.

Mr. HAY. This is not a competitive examination; it is an examination to inform the War Department whether or not the applicant should be in the service.

Mr. KAHN. Will the gentleman yield for a moment?

Mr. HAMLIN. Yes.

Mr. KAHN. Under the existing law the officers of the medical department can not be promoted unless they take another examination, and they do not find any hardship in that.

Mr. HAMLIN. I admit that; I am simply asking for information.

Mr. HAY. It is not a competitive examination; it is a qualifying examination.

Mr. HAMLIN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 25. That, except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War.

Mr. EMERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, by substituting for the period on line 16, a semicolon and adding the following words: "*Provided*, That when ordered into the active service of the United States the National Guard shall be taken as organized, by regiments, brigades, divisions, or independent and separate organizations, as the quota of each State, Territory, or the District of Columbia, or major fraction thereof, may require, including all regimental, brigade, and division staff officers authorized by law and regulations for corresponding units of the Regular Army.

Mr. EMERSON. Mr. Chairman, I regret that I have not more of a record, like some of these gentlemen have had, but it was my misfortune not to have taken part in any military proceeding or to have been a member of any military school or a member of the National Guard. I realize that bullets are no respecter of persons, and it would be my misfortune, if I got to the front, to be the first one shot. But I have a good ancestry along this line. I do take my hat off, however, to a man who goes to defend the flag of his country and the cause it represents. They can talk all they choose about the Regular Army and what the Regular Army does; the fact remains, gentlemen, that when danger threatens your land, when the invading force is on your soil, the men that are going to the front to defend this country in time of danger and trouble are the volunteer, patriotic, loyal men of this country who go in it for principle and not for pay. [Applause.]

Therefore I believe that these men who have labored in the National Guard, many of them being years in the service, training with the men, drilling with them marching with them, having spent the time that they have in the armory and in the encampment, are the men who should carry them on the field of battle in time of danger. If you are going to call on them, if you are going to draft them—draft men who are ready to go—I resent the word "draft"—but if you are going to call them in, call them as organizations. Every man in the State of Ohio volunteered his services with the National Guard in the War with Spain, and the only men that did not go were those who were physically disabled. I resent anything that is said against the National Guard, although I am not a member of it. If the President of the United States should issue a call for the National Guard to go to Mexico, every military organization, every member of the National Guard of every State of the Union would be on the firing line to defend our flag and carry it in triumph out of Mexico, as Gen. Scott did back in the forties. [Applause.]

Mr. FOCHT. Mr. Chairman, like the gentleman from Ohio, who has just taken his seat, coming from loyal Pennsylvania, I want to say to this House that that word "draft" is odious and will be resented. It is a well-known fact that throughout the history of this country, on every occasion when loyalty was necessary, Pennsylvania responded without a draft. In its conflict during the Civil War 500,000 soldiers came from Pennsylvania. My friends, I want to say to you, as was said by the gentleman who just preceded me, that in any hour of trial the draft will not be needed in Pennsylvania.

I would like any gentleman to tell me why these men who have been trained, as some of them have been, from the ranks up to colonels and brigadier generals in the National Guard of Pennsylvania, would not be capable and ought not to be taken in as is provided in the amendment. I insist that it would be manifestly unjust to those officers in the great States of Massachusetts, New York, New Jersey, Pennsylvania, Ohio, and all the rest of them, to say by this bill that the men who are trained and have come up as I have seen them are to be shelved. We do not ask for them pay without service. They are not officers of the National Guard simply to strut around in gold lace. We furnish fighting men, and we do not ask merely for consideration, but for opportunity, and we insist that this is a just amendment, and I sincerely hope that it will be adopted.

Mr. GREENE of Vermont. Mr. Chairman, I think every man in this House, and I am sure every man on the committee, contemplated exactly the same spirit of patriotic purpose and loyalty and willingness to sacrifice upon the part of the individual soldier of the National Guard, the organized or unorganized militia, in time of war for the defense of the country that have been so glowingly set forth in the remarks of the two gentlemen who preceded me. This amendment does not present a question of whether these men will be willing to go to war or not, it does not present a question whether they are fit individually to go or not. It does, however, present the question whether when they are once out before the enemy their organizations will be such as, approved by the best military strategists and scientists, will make them capable of protecting themselves against the enemy and protecting themselves against themselves. Military organization is altogether necessary before valor and patriotism, and the spirit of sacrifice can accomplish anything. One of the great problems that has hitherto been associated with any attempt to maintain citizen soldiery anywhere has been the inevitable tendency to develop something like a top-heavy administrative régime, filled up with too many high-titled men in authority over a disproportionate quantity of men who are actually going to do the fighting. Not only that, but there has always grown up, as there inevitably does under the best and most favoring circumstances, a disposition to subdivide and distribute this organization in many ways, so that when the time of peril comes, when the crisis and test are at hand, all those splendid military forces, all that splendid military spirit, as represented in the personnel of the organization, can not be so effectively coordinated that the enemy will get trouble out of it. In some respects it makes it more of a hindrance to the organization's own efficiency than anything else. The purpose of the original text was so to order that when all these patriots individually got into the service they would be organized for the service on exactly the same lines that have been laid down by military experience for generations.

The CHAIRMAN. The Chair desires to call the attention of the committee to Rule XIX, which provides:

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

The Chair is desirous of enforcing the rule in so far as is possible and practicable.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word of the amendment. It is just as well that we do not wait until war breaks out to discuss these questions of the constitutionality of the draft. If there is any clause in this whole law that I agree to, it is that one for the draft. At the outbreak of the Spanish War, what happened? You could not draft the militia, so you had to enlist the men, all as individuals in the United States Volunteers.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Will the gentleman please wait. When the Spanish War broke out our National Guard organizations could not be incorporated into the United States Volunteers as organizations. The result was that those individuals who did not wish to enlist as volunteers just dropped out. Those who wished to do so, enlisted in the United States service, vacancies were filled by recruits, and the organizations were then reorganized on their former lines and largely with their former officers. That is what is meant when gentlemen say that in the Spanish War every National Guardsman from his particular State volunteered. What happened in the Spanish War? Sixteen States of the Union failed to fill their entire quota. At the time the war was finished there were 16 States of the Union which had not filled their entire quota. Let us see what you are proposing to do when you get right down to it with this proposition of bringing in the militia by organizations. We shall have major generals weighing 300 pounds—and I can not imagine anything more wicked than to put an army under one of those major generals. I do not mean Maj. Gen. O'Ryan, of the State of New York, because he is a real soldier, and he does not weigh 300 pounds.

If you adopt this amendment we shall be forced in case of war to take into the national service in the first line all brigades or divisions which might be formed in the various States. We must incorporate into the first line every militia organization, no matter how badly it misfits. Let me invite your attention to the militia record of last year. The Chief of Staff of the United States Army on October 15, 1915, in his annual report, pages 31 and 32, says that out "of a strength of 91,570 men armed with the rifle, only 49,652, or 54 per cent, attended target practice during the year."

Listen to this: Only 77,558 out of 120,693 enlisted men in the militia attended the summer camps of instruction last year. This fact also appears in the Chief of Staff's report.

The proposed amendment would bring incompetent militia generals into the National Army of the first line in time of war. I have been a militiaman myself, and I know what I am talking about. I was in the Spanish War, and I saw incompetent volunteer brigadier generals in command of thousands of men. If that amendment offered by the gentleman from Ohio [Mr. EMERSON] is adopted, you will go far toward getting a thoroughly inefficient Army in time of war.

Mr. WOOD of Indiana. Mr. Chairman, I believe if this amendment be not adopted that you will have very great difficulty in getting any kind of an Army at all through the National Guard. What incentive will there be for a man to become a captain of one of these companies? What incentive will there be for a man to become a colonel of one of these regiments? What incentive will there be for a man to take any of the offices that will be necessary in the formation and organization and the drill and the perfection of this branch of the Army? Are these men to give their patriotism only as drill masters? Are they to give the best of their lives and their time for the purpose of making soldiers, and then when the time comes to show their patriotism by the discharge of their duty on the field to be denied that privilege? I want to say to you that if you are going to make this National Guard the strong arm of the Army you must give it encouragement all along the line.

Mr. GORDON. Will the gentleman yield?

Mr. WOOD of Indiana. Yes, sir.

Mr. GORDON. How are you going to impair the constitutional provision which authorizes the President as commander in chief of the militia when called into the service of the United States? How are you going to lessen that by act of Congress?

Mr. WOOD of Indiana. I do not propose to lessen it, and it will not be lessened by the adoption of this amendment.

Mr. GORDON. Then it does not amount to anything.

Mr. WOOD of Indiana. It does amount to much, for I dare say the President of the United States as Commander in Chief of the Army of the United States is as much interested, and more, in having an army that is in accord from the top down to the bottom than anyone else. Suppose you take a company in my town or in your town or in anybody else's town that has spent years in drilling under efficient men who have given their time day in and day out, week in and week out, and year in and year out in perfecting that company, and when the time comes to be called in defense of their country they are stripped of their officers, and new men strangers to them put over them. You would resent it as an individual, I would resent it, and any self-respecting man would resent it.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. GREENE of Vermont. The gentleman, I dare say, has taken into consideration that this paragraph as it stands in the bill is not intended to disturb the organization of the line. It is directed to the tactical organization that may be constituted, and if the gentleman will search the question of tactical organization he will see the difference in the present organizations that——

Mr. WOOD of Indiana. But what is the objection to taking the companies as organized—take the regiment as organized? That is the only purpose of this amendment. It is to make certain what is uncertain. If what you say is in this bill, and if that is the intent and purpose of it, there can be no objection to the adoption of this amendment, it seems to me, in bringing about that very result.

Mr. GARDNER. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. GARDNER. This amendment affects major and brigadier generals, that is all——

Mr. WOOD of Indiana. What is that?

Mr. GARDNER. This does not affect anybody except brigadier generals and major generals of the National Guard.

Mr. WOOD of Indiana. Oh, yes; it affects more than that. This amendment provides the organization shall be taken as it is in the State. That would include company organization, would include the regimental organization, and include the brigade organization; and why should it not? I disagree with the gentleman from Massachusetts that these men in these several States that are called major generals or called brigadier generals are tin soldiers. That was not the experience during the Civil War. As I understand, some of the greatest generals we had in the Army were what the gentleman would now denominate tin soldiers.

Mr. GARDNER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. No, indeed; the major generals and brigadier generals who came from the militia with that rank were not so prominent in the Civil War. The brigadier generals and major generals of Volunteers who attained prominence were mostly those who came up from low rank.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I for one believe that there is enough patriotism in the United States among the citizenry, that there is enough personal valor in the hearts of those citizens, that if they could be welded together into an efficient military organization they could fight, as our Speaker has so often aptly expressed it "a world in arms." I think it is the purpose of this House to-day, and in all the days that this bill has been considered, to have just one viewpoint, and that is the efficiency of the Regular Army and of the reserve; and I think that if the amendment proposed by the gentleman from Ohio should be adopted it would be for the exact inefficiency of the entire service of the National Guard.

Mr. EMERSON. Will the gentleman yield?

Mr. MILLER of Minnesota. I will in a minute——

Mr. EMERSON. Just tell us how.

Mr. MILLER of Minnesota. I will try to do so. We all know that it is valuable to the extreme that the officers be efficient from a military standpoint. We all know that many of the National Guard officers to-day, the great bulk of them, are of that kind. We do not need, however, to close our eyes to the fact that to-day many men who have commissions in the National Guard of the respective States are there because they were popular with their men and not because of their military efficiency. I think, for one, that if the National Guard is to be made the instrumentality which it should be, every man securing a commission should secure it only on his military efficiency, and that is the method provided for in the bill.

Mr. GARDNER. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. GARDNER. And is it not true that general officers of the National Guard are generally not elected even by their men but by the officers?

Mr. MILLER of Minnesota. I was just coming to that. This is, further, an extreme step. There are some of the National Guard officers of the country, particularly the general and staff officers, who are politicians rather than military men, and I say that, having mighty good friends among the lot, but I, as a soldier, would not want to go out on the firing line led by one of those men. I would be perfectly willing to go out led by a captain, by a lieutenant, by a sergeant, or by a corporal, if he had military training and some military sense, but I would not want to be led by a man who had a lot of gold shoulder straps and no other military service than sitting in his swivel chair——

Mr. MORRISON. Is not that true of the officers of the Regular Army?

Mr. MILLER of Minnesota. It is not true of the officers of the Regular Army, everyone of whom has been drilled in the handling of men in the field, who has served his full period in the heat of the sun, in the stress of the storm, and in all the hardships of practical Army life. So, Mr. Chairman, it seems to me that this would strike a vital blow at the efficiency of the National Guard as a military instrumentality if we shall handicap the President of the United States, when he calls that guard into service, by telling him he has got to take these officers by and large, secured any way and every way, give them a commission, and place them in command.

And one thing further: It has always been the experience of the country that when war is at hand it is not advisable to send all of the National Guard of one State to one place. The State of New York, the State of Pennsylvania, the State of Illinois, my own State, and other States have 3 or 4, 5, 10, or 20 regiments each. If you are going to adopt this amendment, it will be necessary to send them by brigades and divisions, which would be inexpedient from any military standpoint. Why, the

Second Wisconsin was part of the Iron Brigade, one of the most historic and splendid military organizations that ever marched under our flag. Another part of the Iron Brigade came from another State and another part from still another. The Battle of Bull Run, the first battle of the Civil War, was fought by single regiments, coming from States all the way from Minnesota to New England. It is not ever possible, and certainly not proper, to put into a single army all the National Guard from a single State, but which would be necessary if the gentleman's amendment be adopted.

Mr. EMERSON. I would like to inquire of the gentleman if it is not a fact that at Bull Run the entire Regular Army force of the United States was on the Union side, and they did the fastest running, as the gentleman from Texas has stated?

Mr. MILLER of Minnesota. That is not true. I will tell the gentleman the truth. There were two organizations that stood last upon the battle field. Next to the last was the First Minnesota, every man standing 6 feet or better, recruited from the prairies of the West, an organization that wrote the most brilliant page in all the annals of citizen soldiers; that fought in every battle from Bull Run to Gettysburg. On that last historic field they, a single regiment, were ordered to charge an army. The world knows the story of that charge. When the carnage ceased only 47 men were standing, but they had stopped an army. In a whirlwind of glory that organization disappeared. Such was one of the two bodies of men defending Pickett's battery in its advanced position, and one that was slow to leave the field. The last body of men to leave, and in leaving they fought stubbornly, step by step, and saved a more complete annihilation of the Union forces, was the body of Regulars under Gen. Ayers, who fought and retreated in good order like a veteran fighting machine. They never ran a step. [Applause.]

Now, Mr. Chairman, it seems to me that it is unnecessary for the gentleman's amendment to be adopted, even to secure the things that some gentlemen have asked for. All line officers of the National Guard are practically certain to be taken as such with the men. They are under this bill to be selected for efficiency, and the President will, of course, keep them with their organizations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, it seems to me it is very easy to answer the suggestions that have been made that the failure to adopt this amendment means to deprive the officers of the National Guard of any incentive, and that we are asking them to work through the years in peace times and that when war time comes they are to be disregarded. We are not doing anything of the kind. But we are saying that the test of their appointment in time of war, when they are called into the service of their country by the National Government, shall not be the fact that they hold an office under the State militia, but shall be the fact of their efficiency. In other words, if they train and properly learn to command the militia, their efficiency will guarantee, and properly guarantee, them command when war comes. If they are not fit to stand the test of efficiency, we ought not to have them in position of command. [Applause.] And that is the whole of the proposition.

Now, all of us have State pride; all of us like to talk about the boys at home; all of us like to speak about our militia, particularly as most of them are voters, but the fact remains that the average militia officer, as we have known him, is not the competent officer you ought to have in command of troops in time of war. It is not because he is not courageous, it is not because he is not patriotic, but there are many reasons connected with it which prevent him from acquiring that efficiency which he ought to have.

Now, if he does acquire it, you may be sure there will be demand enough in case of a great war for all of those men as officers. If he does not acquire it, the fact that some governor has given him an office in a militia organization or some men have elected him as an officer of a company or a regiment ought not to make us do, not only a bad thing, but what amounts almost to a treasonable thing. To send men under modern conditions of warfare not properly officered is to send them to plain and sure death. And it is not fair to the patriotism of America to have the men who volunteer to fight our battles go out officered by incompetent men.

Mr. EMERSON. Do you mean to say that an officer of the Regular Army has more love for the life of his men than an officer of the National Guard?

Mr. SHERLEY. I do not give a hang for love that is not backed by enough intelligence to make the love of some value when it comes to a battle field. [Applause.]

Mr. FOCHT. Now, in a practical way, where did the regular officer get any more knowledge than a National Guardsman, since there has been no war since 1899, and the National Guardsmen were all there?

Mr. SHERLEY. If the gentleman thinks that question needs answering, all right. I do not think anybody else in the House does. It is perfectly manifest that a man who gives his whole time and is trained in the science of warfare is superior to the man who gives sporadically of his time to the training of militia troops.

Mr. FOCHT. Is it not a known fact that the failures in the War with Spain in 1899 were due to the fact that were was not provision made to receive and properly handle the troops that offered themselves? And who was responsible for the failure of the War Department?

Mr. SHERLEY. That is not a known fact. There was trouble, just as I believe there will be trouble again, because we fail to provide in time of peace for the proper overhead organization, so that they can take care of the tremendous business that is thrown on them in time of war; but one of the troubles was that their duties were made more excessive because of the lack of experience of both the men and officers who volunteered. I submit that this is just plain common sense. It is whether we shall vote for our country and all our people or whether we shall vote because of our pride in our local organizations.

Mr. FESS. Mr. Chairman——

Mr. HAY. Mr. Chairman, how much time is wanted?

Mr. FESS. I would like two minutes.

Mr. HAY. Mr Chairman, I ask unanimous consent that all debate on this section and all amendments thereto conclude in seven minutes

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and all amendments thereto shall close in seven minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Ohio [Mr. FESS] is recognized for two minutes.

Mr. FESS. Mr. Chairman, there seems to be an inevitable conflict here between those who believe in the National Guard and those who believe in the regular standing army. That is inevitable. We can not hope to avoid it. I am not stating whether this amendment should be passed or not. I am not sure in my own mind.

But I rise simply to refer to the crimination that was made a while ago in reference to major generals weighing 300 pounds becoming so active on behalf of the National Guard. I should like to say that one, at least, of those to whom the reference was made has been in the service 32 years, has enlisted more men in the service than any man in the Regular Army, and organized a rifle club that went to Europe and competed with the world and brought back the rank of the champion rifleman of the world. [Applause.]

I want that much to go into the RECORD with reference to the statement of my good friend from Massachusetts [Mr. GARDNER], which I do not think was entirely dignified.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARDNER. There were three of those major generals.

Mr. FESS. I specifically refer to Gen. A. B. Critchfield, of Ohio.

Mr. HAY. Mr. Chairman, I have only one or two words to say in reference to the amendment of the gentleman from Ohio [Mr. EMERSON]. If the amendment is adopted it destroys the bill. We might as well abandon it. It would destroy all the other legislation in the bill.

Moreover, it is unconstitutional. You can not pass a law which will compel the President of the United States to appoint a certain man as a brigadier general. The Constitution confers upon the President the authority to appoint these officers, and Congress can not pass a law compelling him to appoint certain officers which Congress may choose to pick out.

Now, I do not see any reason why gentlemen should be so much affected by the word "draft." It does not carry—in this bill, at least—anything with it which reflects upon any man who happens to join this organization. I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. LONDON. Mr. Chairman, may I offer an amendment now?

The CHAIRMAN. The gentleman from New York [Mr. LONDON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Add a new section, after section 25, to be designated as "section 25a," and which is to read as follows:

"That no member of the National Guard shall be called upon to perform duty in connection with any controversy which may arise between capital and labor."

Mr. HAY. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HAY. Mr. Chairman, I do not believe that under the Constitution, which provides that the States may have these troops, Congress can prevent, in time of peace, the use of troops to quell any disturbance, riot, or anything of that sort; and if it is an unconstitutional provision, it must be subject to a point of order.

The CHAIRMAN. The Chair thinks this amendment is subject to the same objection that the Chair suggested to the gentleman awhile ago. There is no legal definition of "strikes" and no legal definition of "contests between capital and labor."

Mr. LONDON. Mr. Chairman, will the Chair hear me for a moment?

The CHAIRMAN. The Chair sustains the point of order.

Mr. KEATING. Mr. Chairman, I desire to offer a new section.

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KEATING as a new section, to be known as section 25a:

"SEC. 25a. That no member of the National Guard shall be called upon to perform duty in connection with controversies between employers and employees where the question at issue is one of hours of labor, wages, working conditions, or the right of either side of the controversy to organize for the safeguarding of its legal interests."

Mr. HAY. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The Chair will hear from the gentleman from Virginia on that.

Mr. HAY. Well, Mr. Chairman, in the first place, this amendment prevents the individual from joining the National Guard, as I heard it read. But I wish the Clerk would read it again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. HAY. I make a point of order against the amendment, on the same ground as that upon which I made the former point of order, that this interferes with the right of the States to preserve order in the States.

I do not see that Congress has any more right to prohibit a member of the National Guard from suppressing disorder than it has to prevent an organization of the National Guard from doing it. One is the same as the other. If you prohibit the members from enforcing the law as is provided in the Constitution, you prohibit the organization from doing it and you prohibit the State from doing it, because that is the only arm that the State has to enforce it.

Mr. KEATING. Mr. Chairman——

Mr. MANN rose.

The CHAIRMAN. The Chair will hear from the gentleman from Illinois.

Mr. KEATING. I will yield to the gentleman from Illinois. I do not know what attitude he will take on it.

Mr. MANN. Mr. Chairman, unless I am entirely mistaken in the scope of this bill, it relates only to the organization of the National Guard and that part of our military organization which affects the National Guard. It does not in any way relate to the duties that the National Guard shall perform in the various States.

The amendment offered by the gentleman from Colorado [Mr. KEATING] undertakes to define the duties of the National Guard and of the members of the National Guard in the States, or, rather, it undertakes to define what they shall not be. Now, to undertake to describe the duties of an organization is not germane at all, it seems to me, to the proposition to create the organization. This bill does not attempt to do more than to provide the organization. It does not attempt to define what shall be the duty of the National Guard in any respect whatever, except in so far as it may be called as an organization into the Army in case of war; and if this amendment be germane, then it would be germane to prescribe any duty which Congress might seek to impose upon the National Guard in the States.

The CHAIRMAN. Would the gentleman permit the Chair?

Mr. MANN. Certainly.

The CHAIRMAN. The amendment provides that "no member of the National Guard shall be called upon to perform duty in connection with controversies between employers and employees." That, of course, if it should be held in order and should be adopted, would be construed with all the rest of the law applying to the National Guard.

It seems to the Chair that it would mean that the President of the United States, or the Federal authority, could not call out the National Guard for these purposes, and would not interfere with the State authorities calling out the National Guard for such purposes. If the Chair is in error about that, he will be glad to be corrected.

Mr. MANN. Mr. Chairman, if I correctly get the scope of the bill, it seems to me that the National Guard are only called out under the bill into the Federal service as members of the National Guard and not as organizations of the National Guard; and when they are called into the Federal service under the terms of this bill, I believe they cease to be members of the National Guard. But this is endeavoring to prescribe the duties. There is nothing in the bill which undertakes to prescribe the duties. Of course, the bill might have contained a section undertaking to prescribe the duties, but there is nothing in the bill on the subject, if I am correct in my impression, and hence there is nothing germane upon which to hang this amendment.

Mr. KEATING. Will the gentleman yield?

Mr. MANN. Yes.

Mr. KEATING. Does not the bill provide that a member of the National Guard shall perform certain duties? He becomes a part of the armed force of the United States. He suppresses insurrection; he meets foreign and domestic enemies of the country; he does all the things that the President may order him to do.

Mr. MANN. Where is that provision in the bill?

Mr. KEATING. Is not that the whole purpose of the bill?

Mr. MANN. The whole purpose of the bill is to provide an organization, not to prescribe its duties.

Mr. KEATING. But the bill provides that a man shall take an oath that he will perform certain duties.

Mr. MANN. That is a part of the organization.

Mr. KEATING. Certainly. In the same sense that the proposed amendment is a part of the organization.

Mr. MANN. Oh, no; this is telling what they shall do as an organization, and the whole purpose of the bill is to provide an organization. Now, I do not think it is germane, in providing an organization, to prescribe what the duties of the organization shall be. Of course, the committee might have brought in a bill to that effect, but it did not do it.

Mr. KEATING. Will the gentleman pardon me?

Mr. MANN. Certainly.

Mr. KEATING. The title of the bill is "to increase the efficiency of the Military Establishment of the United States."

Mr. MANN. Oh, well, the title does not cut any figure in this.

Mr. KEATING. With all due deference to all the other amendments which have been offered here, I submit that no amendment offered on this floor is better calculated to increase the efficiency of the National Guard of this country than the amendment submitted by the distinguished gentleman from New York [Mr. LONDON], and for which I have provided a substitute.

Mr. MANN. That is a moral opinion, not a legal opinion. I am endeavoring to discuss the legal question before the House.

Mr. KEATING. I agree that the gentleman is much more competent to do that than I am.

Mr. HELM. Will the gentleman yield for a question?

Mr. KEATING. Certainly.

Mr. HELM. Will the gentleman undertake to say that the President of the United States could do more with the National Guard than he could with the Federal Army?

Mr. KEATING. No.

Mr. HELM. Does not the Constitution of the United States specifically limit the power of the President of the United States to use the Federal Army within the borders of a State, except under specific limitations, to suppress rebellion or insurrection, or where there is a condition of lawlessness such that the State can not control it? So if you admit that the President could not do more with the National Guard than he could do with the Regular Army, it seems to me that you confess yourself out of court.

Mr. KEATING. I am not attempting to grant to the President of the United States any power which is not granted to him under the Constitution.

Mr. ADAMSON. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. ADAMSON. If such a condition of disorder or riot should prevail as to necessitate calling out the troops to protect the good order of society, would it then be material what the original issue was which resulted in that condition?

Mr. KEATING. Mr. Chairman, I will very gladly discuss that phase of the question with the gentleman if we ever get the question before the House. The question that is now before the House is whether this amendment is germane. Here we are considering a bill to federalize the militia of the United States. We have put into this bill all manner of restrictions, so as to make the militia subject to the United States, to the orders of the President and of Congress, and now we quibble over a little amendment which says that the militia shall not be used for the purpose of interfering in industrial disputes; and that is objected to on the ground that we are defining the duties of the militia. Why, every line of this bill defines the duties of the National Guard and the duties of officers of the Regular Army. It is a mere quibble, my friends. This amendment is clearly a limitation and is clearly in order.

Mr. SANFORD. I call the gentleman's attention to the provision of the bill to fix the pay of the National Guard. Does the gentleman think it possible that it is not germane to fix their duties, but is germane to fix their pay?

Mr. KEATING. I confess that I can not follow the kind of reasoning which would offer a negative answer to the gentleman's question.

Mr. SANFORD. I can not, either.

Mr. KEATING. I quite agree with the gentleman.

Mr. FIELDS. Mr. Chairman, I can not agree with the gentleman from Colorado [Mr. KEATING] that this amendment is a small proposition. What does it propose to do? It proposes to take from the States the rights which are reserved to the States under the Constitution of the United States to use the militia in suppressing internal strife too strong to be controlled by the civil authorities of the State. Therefore an attempt by this House to adopt this amendment would be an attempt to go into the face of the Constitution and place upon the statute books a law that would be clearly unconstitutional. There is no question but what a State has the right under the Federal Constitution to use the militia to protect itself in its sovereign rights, but this amendment proposes to take from the State that right. Therefore the amendment should be considered out of order, because the proposed legislation would not be constitutional.

The CHAIRMAN. The argument which the gentleman from Kentucky has made goes to the merits of the proposition.

Mr. FIELDS. I think so.

The CHAIRMAN. Now, the immediate question before the Chair is the technical proposition whether it is in order under the rules of the House and the special rule under which we are operating.

Mr. FIELDS. I maintain, Mr. Chairman, that any amendment which clearly is unconstitutional is not in order on this or any other bill.

The CHAIRMAN. Will the gentleman permit the Chair to call his attention to the decisions laid down in volume 2, section 1323, of Hinds' Precedents:

It is for the House and not the Speaker to decide on the legislative effect of a question.

That is one thing. Section 1328, Hinds' Precedents, says:

The fact that a proposed amendment is inconsistent with the text, or embodies a proposition already voted on, constitutes a condition to be passed upon by the House and not by the Speaker.

In section 1255 it is said:

It is not the duty of the Speaker to construe the Constitution as affecting proposed legislation.

Mr. FIELDS. I admit, Mr. Chairman, that where there is room for doubt as to the constitutionality of a question, that it is within the province of the House and not the Chair to settle the question. In this proposition there is no question, it seems to me, as to the right of a State to control the militia in putting down internal strife too strong to be controlled by civil authority. In view of that fact, there should be no question as to the constitutionality of the proposition.

Mr. HAY. Do I understand that the Chair thinks that this should be submitted to the House whether it is constitutional, and without debate?

The CHAIRMAN. It is a question for the House whether it is constitutional. The Chair will state his impressions.

Mr. HAY. I would like the Chair to hear the gentleman from Alabama first.

The CHAIRMAN. The Chair will state his impressions without ruling, and then hear the gentleman. The amendment reads:

No member of the National Guard shall be called upon to perform duty in case of a controversy between the employer and the employee where the question involves—

And so forth.

The Chair thinks that if that provision should go into the law it would be construed in connection with other provisions, and it would mean that the Federal authority could not call upon the National Guard, or any member of the National Guard, to perform duty under the circumstances laid down.

The Chair does not think that it would interfere with the State authorities calling on the National Guard. If the Chair did think that it would interfere with the State authorities calling on the National Guard, the Chair would hold it out of order as not being germane.

Mr. HAY. I do not think there is any question that it would, because it is a very broad proposition. "Any member of the National Guard." Now a member of the National Guard is a soldier, and in time of peace the only reason for calling him out for training purposes under the provisions of this bill is under the authority of the State. If this amendment is adopted no governor of a State could call out the National Guard to suppress a riot, or anything else. It would be right in the teeth of the law if this should be put in the bill.

The CHAIRMAN. Does the gentleman from Colorado put that same construction on it?

Mr. KEATING. I submit, Mr. Chairman, that if Congress were to attempt to place a restriction on the authority of the governor which Congress is not authorized to place upon the governor by the Constitution of the United States, the matter would be disposed of in a moment when it came up in court. In other words, we can not by passing a law here exercise a power that the Constitution does not confer upon us. Therefore if Congress can not restrict the power of a governor this provision would not apply.

Mr. HAY. In other words, the gentleman from Colorado agrees with me as to the construction of the law.

Mr. KEATING. I think the courts would decide the proposition.

The CHAIRMAN. The Chair will sustain the point of order. Does the gentleman from Colorado appeal from the decision of the Chair?

Mr. KEATING. Mr. Chairman, I will appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Colorado appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the committee voted that the decision of the Chair should stand as the judgment of the committee.

The Clerk read as follows:

SEC. 26. That no State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories to the use of the National Guard within their respective borders in time of peace.

Mr. GILLETT. Mr. Chairman, I have been engaged in committee work while this bill has been under consideration, but I wish to briefly state my position. I voted for the Kahn amendment to increase the Regular Army, and I will vote for any amendment which increases the power and efficiency of this bill; but if, as seems probable, all such amendments fail and it is the purpose of the majority to push the bill through just as it is, still I shall vote for it, not because I think it at all adequate, but because it is a slight improvement over present conditions and is the best the majority will allow us.

A man's opinion as to the Army we ought to have will be determined by two considerations—first, the probability of our being attacked, and, second, our strength relative to the probable assailant. Of course, if one thinks we are in no danger of attack, he will oppose any increase of force. That has been our public sentiment in the past, which has prevented our spending more on national defense. We thought that the military powers of the world were so afraid of each other that none of them could risk an attack on us, and we also thought the reign of reason and justice was gradually displacing brute force. Therefore we were immune.

But the present European war has entirely changed conditions. If either side shall win, the balance of power in Europe will be destroyed. That wipes away our first defense. And this war, with its incredible atrocities and frightfulness, has demonstrated that we were all wrong in our theory that the time had come when reason and justice could rule the world, though unsupported by armies. So our second defense is gone. Just now brute force dominates the thought of all Europe. Its influence can not end suddenly with the war. And whichever side emerges victorious will be violently tempted to attack any nation which is rich enough to make the victor covetous and not armed enough to make him afraid. No nation fills that rôle as well as we. We are rich and fat and bulky, but against any of the veteran armies of Europe we are defenseless. Our mobile army is less than 50,000—a mere mouthful to any probable opponent—and this bill only increases it 10,000 a year.

Orators try to drug us into the belief that we are formidable because we are a martial people, and that before any assailant could reach us we could raise an irresistible army. But that army could be strong only in numbers. The whole history of war has proved the impotence of numbers against discipline. Never was that weakness and discrepancy so great as to-day. Never before did it require so much time to adequately prepare for war. Individual valor counts less to-day than ever before, and for two conspicuous reasons. One is that irresistible engines of destruction are employed now which require experience to handle and experience to defend against. Another is that armies are so vast now that without long drill and discipline they can not be maneuvered and made effective. War is to-day scientific, and each soldier must learn to be not only a brave unit but a cog in a vast machine which will only work effectively when every part is trained and experienced.

We can not accomplish any material increase of our Navy in less than two years. That may be too late. But if we were in earnest we could in one year have a trained army large enough to make any nation hesitate about attacking us. The petty increases authorized by this bill amount to nothing compared with the gigantic forces which could be arrayed against us. It is to me incomprehensible that an administration which talks so seriously about the danger which confronts us will take no adequate step to insure against that danger now. If there is real danger, as the President tells us, and as I believe there is likely to be at the end of this war, we are utterly unprepared to cope with it and are living in a fool's paradise. The fate of Belgium might easily be ours. Now ought to be our time of serious self-sacrifice. This bill is simply a sop to public opinion and is utterly inadequate, but, of course, everyone must vote for it, because it slightly improves present conditions.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word for the purpose of putting a table into the RECORD showing the quota of the various States in the Spanish War and the troops furnished by those States. I will say that the State of Ohio furnished more than her quota—2,700 more than her quota, which was very much more than any other State in the Union did in that respect.

Mr. MADDEN. That was because the President came from Ohio.

Mr. MANN. May I ask the gentleman what is the purpose of putting this in? Everyone knows it was a matter of favoritism if any State got any more than its quota. We offered 27 regiments in Illinois.

Mr. GARDNER. There were 16 States that did not furnish their full quota.

Mr. MADDEN. Everyone knew that McKinley was President and that was the reason why Ohio got more than her quota.

The table referred to is as follows:

Table showing quotas originally assigned to, and troops furnished by, the several States and Territories during the War with Spain.

	Quota.	Troops furnished.
Alabama	4,000	4,022
Arkansas	3,240	2,836
California	5,179	5,819
Colorado	2,119	1,437
Connecticut	2,572	3,251
Delaware	545	1,028
District of Columbia	719	990
Florida	1,200	1,350
Georgia	5,079	4,383
Idaho	378	728
Illinois	12,877	13,647
Indiana	6,883	7,423
Iowa	6,036	5,094
Kansas	4,459	5,024
Kentucky	5,453	5,614
Louisiana	3,104	2,916
Maine	2,009	1,893
Maryland	3,107	2,711
Massachusetts	7,555	7,113
Michigan	6,991	6,841
Minnesota	4,596	5,380
Mississippi	3,452	3,161
Missouri	8,657	8,410
Montana	850	1,132
Nebraska	3,859	4,046
Nevada	223	522
New Hampshire	1,204	1,369
New Jersey	4,740	5,501
New York	20,022	20,864
North Carolina	4,135	3,961
North Dakota	749	719
Ohio	11,596	14,255
Oregon	1,327	1,570
Pennsylvania	17,231	17,448
Rhode Island	1,136	1,654
South Carolina	2,960	2,618
South Dakota	1,215	1,134
Tennessee	4,896	6,266
Texas	6,767	6,765

Table showing quotas originally assigned to, and troops furnished by, the several States and Territories, etc.—Continued.

	Quota.	Troops furnished.
Utah	689	578
Vermont	1,013	1,044
Virginia	4,459	5,223
Washington	1,886	1,854
West Virginia	2,223	2,694
Wisconsin	5,239	5,453
Wyoming	373	476
Arizona, New Mexico, Oklahoma, Indian Territory	1,254	1,315
Total	200,256	210,137

Mr. TILSON. Mr. Chairman, I move to strike out the section. This section has given me a great deal of trouble. Nervousness exists in my State in regard to it, and there may be other States in the same situation. When I appealed to the committee to help me out they simply reminded me that it reenacted the Constitution and therefore could do no harm. If it does simply reenact the Constitution, it accomplishes nothing. If it does any more than that it seems to me that it may do harm. There are organizations in my State composed of some of our finest and most patriotic men, maintained in part by the State, which are not a part of the National Guard and which would not come in under this bill at all. These organizations serve a most worthy purpose, and the people of my State are desirous that they shall continue. The Constitution says that no State shall, without the consent of Congress, keep troops in time of peace. The organizations of which I speak are armed and equipped. They do State service, but are not a part of the National Guard, and should have no concern, except as patriotic citizens, in regard to the provisions of this bill. They do, however, wish to maintain their existence, and the people of the State wish them to maintain it. If they have had the consent of Congress heretofore—and I can not say whether they have had or not—it seems to me that this section might take that privilege away from those organizations, and it ought not to be done.

This section states in almost the language of the Constitution that no State shall maintain troops in time of peace other than in accordance with the organization prescribed under this act. Does it refer to the organizations I have mentioned? All I wish is that these fine bodies of men, organized and equipped as a State force, for the purposes of that State, but not a part of the National Guard, be left alone as they are, without being disturbed by the provisions of this bill.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. SLAYDEN. I would like to ask the gentleman what, in his judgment, would be the effect of this section upon a body of troops that we maintain in the State of Texas, commonly called the Texas Rangers? It is a mounted constabulary, not confined by county lines, and we have used them to repel invasions from Mexico at times, and we have sent them all over the State. It is a body of State troops directly under the adjutant general of the State.

Mr. TILSON. The answer of our friend the chairman of the Committee on Military Affairs to that question would probably be that those are not troops, but I do not wish to have any question of doubt left in regard to it. I should not like to have any rights heretofore conferred by Congress upon the splendid organization in my State taken away by this section, especially when all it seems to do is to reenact the Constitution by saying that no State shall keep troops in time of peace except as provided in this bill.

Mr. HAY. Mr. Chairman, I am very much surprised at the gentleman from Connecticut [Mr. TILSON]. The striking out of this section will weaken this bill. We are trying to federalize the militia, and the gentleman is trying to have a lot of organizations in the State which will not come under the provisions of this bill. If we are going to do this, let us do it, and do not let us put in provisions to strike out sections of the bill which will enable all kinds of organizations to be maintained in the different States. What we want to do is to make it uniform. There is a provision in the bill that these ancient organizations which were raised before 1792 shall not be interfered with except in time of war. I think that is a bad proposition, and if anyone offers an amendment to change it I am going to vote for it; but we have taken care to that extent of the organizations about which the gentleman is talking.

Mr. TILSON. But those are organizations that wish to come in under this bill.

Mr. HAY. That is true.

Mr. TILSON. But these organizations of which I speak do not wish to come in.

Mr. HAY. All I want to say is that under the law now, if they want to have some State troops that do not want to come in under the provisions of this bill, which are for parade purposes and social purposes, they can go ahead and do it; nobody is objecting to it. But if they are going to have militia of any sort, it must be an establishment organized under the provisions of this bill.

Mr. SLAYDEN. I would like to ask the gentleman from Virginia, Mr. Chairman, if he thinks the language in section 26 would have any bearing whatever upon the organization of mounted troops such as we have in the State of Texas?

Mr. HAY. I do not know to what the gentleman refers.

Mr. SLAYDEN. I will tell the gentleman. They are commonly referred to as the Texas Rangers, which is a mounted constabulary, and my recollection is the language in the statute calls them mounted State troops. That is my recollection. Anyway, they are mounted constabulary and are not confined in their operations to any county or specific district, but to the whole State of Texas, and they are not for parade or social purposes, either.

Mr. HAY. They are in effect constabulary?

Mr. SLAYDEN. But that word is not employed.

Mr. HAY. They are in effect what we call a constabulary force or a police force?

Mr. SLAYDEN. They are used to suppress riots, and so forth.

Mr. HAY. And therefore do not come under the provisions of this bill.

Mr. SLAYDEN. And they have actually been down on the border to help repel invasion.

Mr. HAY. But we do not call them State Militia?

Mr. SLAYDEN. No.

Mr. HAY. Then they do not come under this bill.

Mr. CALDWELL. I will state to the gentleman that we had under consideration both the Texas State Rangers and the Pennsylvania Constabulary——

Mr. SLAYDEN. Which is a parallel organization?

Mr. CALDWELL. Which is a parallel organization; and we considered both, and it was definitely determined by members of the committee that this did not cover those organizations.

Mr. SLAYDEN. But does the individual determination of individual members of the committee control the interpretation of this——

Mr. CALDWELL. The bill controls it, because the provision only applies to the National Guard—that is, soldiers of the National Guard.

Mr. SLAYDEN. It says "other organizations."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 27. That the enlisted strength of all organizations of the National Guard both in peace and war, shall be as the President of the United States shall prescribe. And whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act or any other law.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last four words. The last four words are "or any other law." Will the chairman of the committee kindly indicate the purpose of those words, "or any other law"?

Mr. HAY. Yes. "Any other law" means any other law which confers pecuniary or other aid, benefit, or privilege upon the States in connection with the National Guard.

Mr. MOORE of Pennsylvania. That brings up the question I wanted to ask. The power to enforce this law is conferred generally upon the President whenever war is imminent, and so forth. Is there anything in the bill anywhere which indicates to what extent the President shall draw upon the various States for troops that may be needed in the imminence of war?

Mr. HAY. Yes; section 77 of the bill provides a draft in time of war. Of course, the President can draft 10,000 men or 50,000 men, or any number he pleases.

Mr. MOORE of Pennsylvania. Is there anything showing how he shall apportion them among the States?

Mr. HAY. No.

Mr. MOORE of Pennsylvania. So he could make that draft upon one State?

Mr. HAY. He could make it against one State if that State had as many members of the National Guard as he called for, but, of course, if he did call them out, he would necessarily apportion them among all the States.

Mr. MOORE of Pennsylvania. If he cared to exercise the discretion conferred in the bill and needed 50,000 men, he could draw upon New York for the 50,000 men?

Mr. HAY. He could, if there were 50,000 in the National Guard of New York; but that he probably would not do.

Mr. MOORE of Pennsylvania. Or if he cared to draw upon the State of Delaware for as many men as he cared to draw upon from the State of Pennsylvania, he might do so?

Mr. HAY. He could not do that, because the State of Delaware would not have as many men in the National Guard as they would have in the National Guard of Pennsylvania.

Mr. MOORE of Pennsylvania. But there is no limitation upon his discretion in the matter?

Mr. HAY. There is no limitation except his own good sense.

Mr. MOORE of Pennsylvania. Of course it is presumed he would exercise his good sense, but he would have the power to localize a draft for any number he might see fit. As to these four words, I have moved to strike out merely for the purpose of obtaining information. They operate in the nature of a punishment upon the National Guard of that State which fails to respond to the President's demand?

Mr. HAY. No; they operate in this way: If they do not conform to the provisions of this act, they do not get any of the benefits of it. They do not get any pay; they do not get any appropriation for their State troops unless they conform to the provisions of this act.

Mr. MOORE of Pennsylvania. Well, unless the State comes up to the President's requisition as to the enlisted strength of the organization within the State, then the National Guard of that State—not the State itself, but the National Guard—in order to derive any pecuniary or other aid, benefit, or privilege, authorized by the provisions of this act "or any other law," is to be punished in the manner indicated?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. Do not these four words, "or any other law," raise a constitutional question as to the right of the State in the event of the President's undertaking——

Mr. HAY. "Or any other law" means any other law of Congress. It does not mean the law of a State. We have not the power to repeal any law or amend the law of any State.

Mr. MOORE of Pennsylvania. But the term is general. Suppose it was made to apply to a law affecting agricultural benefits?

Mr. HAY. It means by "or any other law," plainly referring to this particular subject. It can not mean an agricultural law.

Mr. MOORE of Pennsylvania. The act prescribes about all that you desire to prescribe in the matter of law pertaining to the militia. Why borrow trouble, dating back to the origin of the Government, as to "other laws" that may affect the militia?

Mr. HAY. It means "or any other law" which confers pecuniary or other benefit or privilege on the National Guard.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, as it reads it is clear that if a State does not come up to the present requisition its National Guard shall be deprived of whatever it may be receiving under this act. That is clear. "Or any other law" might pertain to anything, relating to the National Guard or any other proposition. I submit to the gentleman it does raise a question.

Mr. HAY. I am sorry I can not agree with my friend. I do not think any court on earth would construe it in any other than the way I have indicated.

Mr. MOORE of Pennsylvania. The gentleman feels that these words as used pertain to militia laws only?

Mr. HAY. Surely. There can not be a question about it.

Mr. HILL. I want to vote for the bill, and intend to do so, and I would like to vote for a good deal more than this. I want to vote understandingly, and I would like to ask the gentleman a question.

Mr. HAY. Very well.

Mr. HILL. Would not the passage of this bill destroy the present State militia?

Mr. HAY. I do not know what you mean.

Mr. HILL. I mean, force out from the present State militia every person who is not willing to take this double obligation and submit himself to the requirements of a draft by the President of the United States in case of war?

Mr. HAY. That is true.

Mr. HILL. That is the intention of the bill? It seems to me——

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HAY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. My understanding of it since the gentleman's explanation is that the general militia force of the United States is between the ages of 18 and 45, but they can not be organized under the provision except as they are organized with this double obligation to the National Government. Am I correct?

Mr. HAY. You are correct in so far as that when any of the unorganized militia provided for in section 22 undertake to become Organized Militia they must be organized under the provisions of this act.

Mr. HILL. So that there can not be any organization of any militia force whatever by the State unless it is made under the provisions of this act?

Mr. HAY. That is right.

Mr. HILL. And they simply have the material between 18 and 25 years?

Mr. HAY. That is right.

Mr. HILL. I am for it with that understanding.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 28. That the number of enlisted men of the National Guard to be organized under this act within one year from its passage shall be for each State in the proportion of 200 such men for each Senator and Representative in Congress from such State, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than 50 per cent until a total peace strength of not less than 800 enlisted men for each Senator and Representative in Congress has been reached: *Provided*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section.

Mr. REILLY. Mr. Chairman, I move to strike out the last word. What is going to become of the National Guard as organized now?

Mr. HAY. It is necessary for them to take the oath, both officers and enlisted men.

Mr. REILLY. In my district they have more than 200 National Guard.

Mr. HAY. The bill provides that you may have as many as you please, but that is the smallest number.

Mr. REILLY. As I read the bill, you would have 200 when this bill would go into effect, and it would increase a certain percentage every year after?

Mr. HAY. Yes.

Mr. REILLY. In my district there is something like 500 National Guard at the present time.

Mr. HAY. If the gentleman will look at line 21 it says:

That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section.

Mr. REILLY. Then, according to your view, the whole number of the guard, as organized at the present time, could go right in?

Mr. HAY. Yes.

Mr. REILLY. That is the way it ought to do.

Mr. HAY. That is the way it is.

The Clerk read as follows:

SEC. 29. That any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the act of May 8, 1792, which by the laws, customs, or usages of said States has been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232, and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of 1873, and the act of January 21, 1903, relating to the militia, shall be allowed to retain their ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war.

Mr. WISE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. WISE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 51, section 29, line 17, by striking out at the end of line 17 the words "in time of war," and insert in lieu thereof the words "when in the service of the United States."

Mr. WISE. Mr. Chairman, if I can clearly state the proposition covered by this amendment, I think everybody can see the force of it. We are adopting a general policy for the Army. This section undertakes to make certain exceptions for certain organizations who want to receive all the benefits and privileges that are conferred by this act and still not really be a part of the National Guard and not be compelled to conform to all the requirements that are required of every other organization in the United States. I believe that if you are going to have an army that when men are called out into the service every single man should stand on an equal footing and that no particular organization, located anywhere, ought to receive the benefit of this act and still have all their rights and privileges that they claim have come down to them for years and years.

This amendment allows them all their rights. We allow them special privileges, even if you adopt this amendment; for in time of peace, when not in the service of the United States, they can have their officers to rule over them just as they have now. And yet they want to go further and ask Congress to adopt a military policy which allows them, when called into the service of the United States, "to still maintain their separate organizations and fight where they please and under whom they please." Is that a correct military policy? Is it right?

We are supposed to be adopting a general military policy. If we should pass this provision it makes exception to certain organizations. That is the criticism of your National Guard; that you have different organizations and 48 differeint armies; and yet in this bill you are undertaking to put in still more exceptions, and allow all organizations to come in and claim all the benefits under the bill and still not become really a part of the National Guard or an integral part of the Army. For these reasons I hope the amendment will be adopted. Having said this as to the amendment, I desire to discuss the general features of the bill.

And in discussing this bill I can only mention the main features of same in the limited time allotted to me. We are undertaking to provide a plan of defense for our country, sometimes called "preparedness" and sometimes "adequate defense." We are all agreed on the necessity of being prepared, but the great difference consists in what constitutes preparedness. This bill is the result of the different views of the members of the committee, and, I might say, not the bill that any single member of the committee would have drawn if left to himself. Some thought it did not go far enough; others of us thought it went too far and provided more men than necessary for the standing Army in times of peace and to that extent a useless waste of money.

To sanely and conservatively estimate what should be our legislation, so far as the Army part of the preparedness program is concerned, we should know what it is or who it is we are to prepare against. It is evident that we are already well prepared against any nation except such as are separated from us by from 3,000 to 6,000 miles of water, and practically all the larger nations that could possibly give us any trouble are now engaged in war and naturally will not be in position, either one of them, to enter a new war for some time to come. Our Navy at present is third, and by many claimed to be the second, strongest in the world. So it is inconceivable almost that any nation will immediately undertake to land an army on our shores. We have treaties with most of these nations that, in the event of differences between us, we would take at least one year to consider the matter before war should be declared. It is very likely, at least it is worthy of being in position to try, that when the nations now engaged in war gather to agree on terms of peace at the close of the present war their condition will be such that they will readily consent to enter into an agreement to limit armament and preparations for war, and thereby save to all nations the enormous expenses and burdens of preparing for future wars.

No one expects war with England. We do not expect France to ever give us any serious trouble. Is it likely that Germany, after this war, will at any time in the near future, or ever, seek trouble with us? Has she not always been friendly to us, respecting our rights as much, if not more, than the other nations?

So, then, who is it, and what country is it, that is so likely to invade our shores and require us to defend ourselves? If any of them should ever attack us and destroy our Navy and we should lose all control of the sea, men to invade our country would have to be landed; and all evidence before us is that not more than 250,000 men could be brought at one time, and I am not convinced that this is possible. But supposing such possible, though very improbable, thing should happen, let us examine this bill and see if it is not sufficient and adequate to defend and protect us against all or any one who might seek to conquer us.

What does the bill propose in its essential and principal features?

First. A Regular Army of 140,000 men in times of peace, and if war was imminent to increase it, in round numbers, to 200,000 men. Is this a sufficient size standing army to perform all the functions and duties of the Army in times of peace? This was the plan of the committee—to authorize a standing army only large enough for peace purposes and not on a war basis. We believe this is the correct policy this Government should fol-

low. In support of this, in the evidence before the committee by the Chief of Staff and Secretary of War, both agreed that an Army of 135,000 to 140,000 men was large enough for all peace purposes.

Then we provide an additional force for Federal service when the Government needs them, composed of the National Guard, to consist of not less than 200 men to each Representative and Senator, and to be recruited up to 800 men for each in a period of a few years, which will give use a force of at least 400,000 men in the National Guard.

In addition, we provide for additional officers and military training in schools and training camps. So, taking in all these, the Regular Army, the National Guard, and those who have already and will in the near future have had military training in the United States, we could in a very short time organize and have in the field from at least 800,000 to 1,000,000 men.

The foregoing being true, the question naturally arises, Is that a sufficient force of men to defend us? No nation on this continent would think of attacking us, and no one knowing the facts and having regard for the truth will seriously contend that any nation could land men here fast enough to give us serious trouble on land, and I do not believe, knowing we have this force, will ever try it.

But they say the National Guard is not a dependable force. Why not? This is the plan of the Constitution, and this bill is framed on that instrument, and we believe now, as the men who made it over 100 years ago, that it is the correct policy for this Government to pursue at this time, which was, and is now, a standing army large enough only for peace purposes and a trained militia or citizen soldiers, which is now called in this bill the National Guard. This charge is made only by those who want a large standing army.

From all this agitation of preparedness and criticism of this bill, it seems to me that it is well to go back to first principles and get the real situation as it is and the plan of the Constitution as adopted. Of course you are familiar with that section which relates to the militia, but I quote it again:

> The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

From this you will note that the Federal Government has the absolute right to use the National Guard in the following respects and to order it into the service of the United States for these purposes: First, to execute the laws of the United States; second, to suppress insurrections; third, to repel invasion. Any officer or enlisted man who fails to respond is now subject to the same punishment as a deserter from the Regular Army.

Under this section of the Constitution the Federal Government also has the right to prescribe the form of its organization and make it conform to that of the Regular Army; also to prescribe its armament and equipment and make them conform to that of the Regular Army; and also to prescribe the discipline of the National Guard. All arms of the National Guard are now drilling under the regulations used by the Regular Army.

In view of all this power given the Federal Government by the Constitution, what is the objection to this section and to the use of this military force? The extreme militarists claim that the founders of this Government overlooked something in this section and that they made a mistake. From the position of those who criticize and would ignore this section and abandon the National Guard on account of it, they say there are two fatal defects—

First. That the National Guard can not be used to invade a foreign country unless it revolunteers. So far as I am concerned, I think this is a wise limitation, for we do not want to invade foreign countries, and we do not want a force for offense, except to such an extent as may be necessary to defend ourselves; and under this section of the Constitution the Federal Government has the power to use them to repel invasion, and if necessary to repel invasion would be authorized in carrying them out of the boundaries of the United States if the invasion was imminent in the opinion of the Commander in Chief of the Army.

But they say there is another objection, that the States have the right to appoint the officers. The Federal Government certainly has, under this clause of the Constitution, the power, and in this bill we undertake to prescribe the qualifications of the officers that shall be put in charge of the National Guard; but the States have the right and power, and ought to have, to appoint these officers from such men as are qualified under the rules prescribed by this act. The States have already, almost without exception, provided examining boards before which the officers must pass satisfactory examinations on subjects touching their qualifications for the positions to which they are to be appointed. The governors of the States in the past have discovered good officers, and I believe that the officers now in the National Guard will compare favorably with the officers of the Regular Army.

But it will be interesting to return to the consideration of this section, and further answering those who criticize it for various reasons, to recall the fierce debates over this section by those who participated in the drafting and adoption of the same. I therefore ask your attention while I quote a few of the words of those who were opposed to the same, and those who were in favor of its adoption. Those who opposed it doing so on the ground that it took all the power away from the States and left them without any authority whatever; and those who favored it contending that they believed that the Federal Government should have this power; and the Constitutional Convention agreed to the latter contention, that the power and control over this force, as prescribed in the Constitution, should be in the Federal Government, and ever since that time the Federal Government has had absolute power and control at any time to call out the Organized Militia, which is now known as the National Guard, and to use them for all the purposes for which I believe it is necessary, to wit, to execute the laws, suppress insurrections, and repel invasion.

To quote from Patrick Henry in an argument on this section of the Constitution, he says:

> Your militia is given up to Congress—all power will be in their own possession. Of what service would militia be to you, when, most probably, you will not have a single musket in the State? For, as arms are to be provided by Congress, they may or may not furnish them.

Continuing further, he said:

> Let me here call your attention to that part which gives the Congress the power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the State, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. By this, sir, you see that their control over our last and best defense is unlimited. If they refuse or neglect to discipline or arm our militia, they will be useless; the States can do neither, this power being exclusively given to Congress. The power of appointing officers over men not disciplined or armed is ridiculous; so that this pretended little remains of power left the States may, at the pleasure of Congress, be rendered nugatory.

It will be seen that he opposed the adoption of this section on the ground that it took all the power over the militia from the States and vested it in the Federal Government.

And then listen to the argument replying to this attack by James Madison in this same Virginia convention:

> But the honorable member sees great danger in the provision concerning the militia. Now, sir, this I conceive to be an additional security to our liberties without diminishing the power of the States to any considerable degree. It appears to me so highly expedient that I should imagine that it would have found advocates even in the warmest friends of the present system. The authority of training the militia and appointing the officers is reserved to the States. But Congress ought to have the power of establishing a uniform system of discipline throughout the States, and to provide for the execution of the laws, suppress insurrections, and repel invasions. These are the only cases wherein they can interfere with the militia; and the obvious necessity of their having power over them in these cases must flash conviction to any reflecting mind. Without uniformity of discipline military bodies would be incapable of action; without a general controlling power to call forth the strength of the Union for the purpose of repelling invasion the country might be overrun and conquered by foreign enemies. Without such a power to suppress insurrections our liberties might be destroyed by intestine factions and domestic tyranny be established.

And, also, I quote you from the words of Alexander Hamilton with reference to this section, as published in the Federalist:

> It requires no skill in the science of war to discern that uniformity in the organization and discipline of the militia would be attended with the most beneficial effects whenever they were called into service for the public defense. It would enable them to discharge the duties of the camp and the field with mutual intelligence and concert, an advantage of peculiar moment in the operations of an army; and it would fit them much sooner to acquire the degree of proficiency in military functions which would be essential to their usefulness. This desirable uniformity can only be accomplished by confiding the regular of the militia to the national authority. It is therefore with the most evident propriety that the plan of the convention proposes to empower the Union "to provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."
>
> If standing armies are dangerous to liberty, an efficacious power over the militia, in the body to whose care the State is committed, ought as far as possible to take away the inducement and the pretext to such unfriendly institutions. If the Federal Government can command the aid of the militia in those emergencies which call for the military arm in support of the civil magistrate, it can better dispense with the employment of a different kind of force. If it can not avail itself of the former, it will be obliged to recur to the latter. To render an army unnecessary will be a more certain method of preventing its existence than a thousand prohibitions on paper.

I could quote you from numerous others who participated in this debate—those who stood for State rights and those who

believed that the control should be in the General Government—showing that the men on both sides of this question in the constitutional convention, when the same was adopted, agreed on the effect of this section of the Constitution; that it would take the power over the militia and its control away from the States and vest it in the Federal Government.

I believe the correct military policy is contained in this, which is a standing army sufficient for all purposes in times of peace, and a trained citizen soldiery, such as the National Guard, if we should ever need them in emergencies or in time of war. It is well known that no war was ever won with only a standing army and never will be, for all nations who have relied entirely on a large standing army, without any reference to the militia or trained citizen soldiers, have failed, and that the citizen soldier has always been the one who won the wars. This policy would also prevent the United States from being turned into an armed camp and from going into a state of complete militarism, to which I am opposed.

Another thing will be noted, that if we should undertake to raise a large standing army and ignore entirely the militia, that under our present volunteer system we would never be able to recruit, according to the evidence before us, which is undisputed by military men and officers of high standing in the Army who have had this work in charge, up to the amount that is stated to be necessary to defend us in an emergency; and necessarily, as these men very frankly state, it would require a compulsory form of military service.

This I can not stand for, and I do not believe the American people are yet ready to adopt any form of compulsory military service in this country. And if we should undertake to do that, the question comes to us, "Whose boy would you compel to enter the Army and from what classes would you recruit young men for compulsory military service?" Some would suggest one thing and some another. Some would suggest that it be done by lot. I can not believe that it is fair, just, or right to, by the toss of a coin or the drawing of a slip of paper, determine the destiny and future of any man's son. I believe everyone should have a fair and equal chance.

For the above reasons, we have decided and have reported in this bill, which I trust will be enacted into law, that which we believe is the correct military policy. As I have before stated, a small standing army, only such as is necessary to perform its functions in time of peace, and then the National Guard or trained citizens, whichever you desire to call it, which will be subject to be called into the service whenever they are needed and who will, in my judgment, be glad to respond.

But, Mr. Chairman, preparedness means a great deal more than providing for men and guns and missiles of death. Guns without ammunition would be worthless. We have been told, and there is no dispute of the fact, that we are dependent on Chile for all the nitrate that we use practically in making powder and high explosives. We are also dependent upon it for fertilizer to a large extent. Our guns and our men would be useless without it. The whole argument in favor of increasing our Army is to defend ourselves against an invasion by a foreign foe. It is on the assumption, which I do not believe will ever happen, that our Navy will be destroyed, and they will land a large force of men on our shores. If this should ever happen, we would then be cut off from our supply of nitrate, and after firing a few shots we would be without ammunition and would have nothing to do except hold up our hands and surrender.

In view of this situation, we have incorporated in this bill authority to construct a plant for the fixation of atmospheric nitrogen. The Government has water powers on navigable rivers where the same is being improved for navigation, and with very little extra expense can produce enought power to supply all our needs in time of war if we should ever need it, and we would be independent of any foreign country so far as the same is concerned, and would keep an enormous amount of money now at home which goes to other countries.

This preparation would be not only for war, but the money would not be lost in times of peace. The same could be used for the production of this important element in fertilizers and could be used to enlarge our crops and would reduce, so we are told by evidence that nobody denies, the cost of fertilizer to our agricultural interests at least one-half, and would save millions and millions of dollars every year to the agricultural interests of this country and thereby enable us to produce food and clothing for the support of our people in times of peace as well as in times of war. This is the real kind of preparedness that we need in this country more than any other, and this is the kind of preparedness that the money is bringing in its returns at all times, whether in peace or in war. Therefore, I can not see why anyone should hesitate to make preparation of this kind, except they desire to work in the interest of some large corporation or trust which now control these things and make our people pay enormous prices for the same.

There is another means of preparedness that is absolutely essential, in my opinion, and is in close relationship to preparedness for the safety of this country, and that is that some means should be provided whereby people who are in this country would owe their allegiance to this Government and not to some foreign Government. There is now pending in this House a bill to restrict immigration, which I sincerely hope will pass. In fact, if we could pass a stronger bill, in my judgment it would be better, for, if we should ever have war with a foreign country we would be menaced by a large number of people in this country who owe their allegiance to a foreign Government or power, and in the event of war would have nothing to do but arm themselves and we would have an armed foe already in our country.

These and numerous other preparations, which are preparations for peace—and we expect to live in peace more than in war—are absolutely essential, in my opinion. We should have preparedness, reasonable preparedness, for war, but we should also at the same time have preparedness for peace. We want peace, but we want at the same time to maintain our honor and our dignity. But may we not hope that war will never come, and that we shall always live in peace? That when the present conflict in Europe will end that all nations will realize the futility of war and the barbarity of it, and will agree, in the interest of the whole world, to some disarmament plan whereby the enormous burdens placed on our people and on the people of the entire world in making preparations for war shall end? That they will have reached that state of civilization where they will know that honor can be maintained in other ways than by fighting, and that all people may dwell together in peace?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. WISE].

Mr. OLNEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. OLNEY] is recognized.

Mr. OLNEY. Mr. Chairman, I trust that this amendment will be defeated and that the section as read, section 29, will be passed. It is, of course, a unanimous committee report, so far as section 29 is concerned, although there were a few dissenters in the committee at the time of the hearings.

Now, what are the ancient rights and privileges of these organizations which are referred to in section 29? One of these companies is the First Corps of Cadets of Boston, and, mind you, this company is a member of the National Guard of Massachusetts. There are two or three other organizations of that kind, to my knowledge, in various States of the Union which belong also to their National Guards. The First Corps of Cadets of Boston was instituted in 1741, antedating the Federal Constitution. It consists to-day of 1,000 men in the veteran association and 275 men, a battalion, divided into 4 companies.

One of its ancient rights and privileges, asked to be retained only in time of peace, Mr. Chairman, is that it shall have a lieutenant colonel as its commander. Other ancient rights and privileges sought and appearing in this section are that it shall retain the right to own its own armory, its own camp ground, and shall be the bodyguard of the governor. Those rights were granted away back in 1741.

This seems to me to be a matter of justice and injustice. These men want to go out with the colors in time of war, and it seems to me that their patriotism and enthusiasm should not be smothered, nor should this organization be stamped out of existence, as the passing of this amendment might accomplish.

The First Corps of Cadets has an armory in Boston, on Columbus Avenue, which it owns, at a cost of $450,000. It has a camp ground at Hingham, Mass., on the coast, which cost $150,000, and it has furnishings, ancient relics, and historical books and manuscripts in its armory in Boston to the value of $100,000. It has invested a total of about $700,000, and it would seem, if this amendment were passed, that this organization and other similar organizations which, mind you, are members of the National Guard might become extinguished. The adoption of this amendment, I claim, would destroy the patriotism and spirit of these young men who want to go out in time of war with the colors.

This First Corps of Cadets of Boston particularly has furnished 700 officers since 1765 to the Revolutionary War and to the Civil War and served as well in the Spanish-American War of 1898. It also extended relief at the time of the Chelsea fire in Massachusetts, to the Salem conflagration, and to the great fire which nearly wiped out the great city of Boston in 1872.

It also reserves as one of its rights the opportunity to purchase its own uniforms. It may be erecting, perhaps, a "house of lords," as one gentleman of our committee said, but I wish there were 47 other organizations in 47 other States of the Union which would erect their "houses of lords" and which would each furnish in time of war two or three hundred patriotic men eager to serve with the colors. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I have great respect for tradition and I have even greater respect for tradition and the glorious and ennobling service that may grow out of it when it is a source of inspiration to such patriotism and good citizenship as I know are manifest in the organization to which the gentleman from Massachusetts [Mr. OLNEY] has just alluded. But, with all that reverence and respect for tradition originating in 1741, I am not willing to-day to send my sons and my neighbor's sons out in the line of battle in 1916 with that as their only defense.

Let us stop and consider one thing about the practical effect of the section as it is written, if it is not amended as proposed by the gentleman from Georgia [Mr. WISE]. This very institution to which the gentleman from Massachusetts has called attention claims, among two of its privileges, first, the right to continue an independent organization as a battalion, so that if it goes into the United States service, no matter what the exigencies of that service may be, it will always be carried as a "fraction over" in any organization of the Army and can not yield itself to any proper tactical organization that the necessities of the occasion may demand; and in the next place it claims as one of its privileges the right to be commanded by a lieutenant colonel, whereas every battalion in the United States Army, every other battalion in the National Guard, is commanded by a major. The result is that this organization can not articulate itself with the Army organization and system that are demanded by modern military science. Every time this battalion is brought alongside another battalion in the Regular Army or in the National Guard its lieutenant colonel will take rank over the commander of the other unit. So that you might have on one side a lieutenant colonel in command of this battalion who perhaps has been in there 15 weeks and on the other side an old, grizzled major who has served 20 years, and if those two battalions are brought together, then the lieutenant colonel will command. By that method you would tend to upset all democracy in the Army.

Mr. MOORE of Pennsylvania. Is there any exception in this if the ancient company happens to be organized in the State militia?

Mr. GREENE of Vermont. To the extent of federalization in uniformity with the Federal plan; yes.

Mr. MOORE of Pennsylvania. If an artillery company or cavalry company is already in the State militia, would this amendment tend to preserve any of their rights?

Mr. GREENE of Vermont. It depends upon the light in which the gentleman views it. If it is already in the service of the United States, it will not be made to conform to all the organization features that other similar organizations in the United States service have unless this amendment is passed.

Mr. MOORE of Pennsylvania. Let me get at it in this way: If it is already in the State militia, will it be subject to draft under this bill?

Mr. GREENE of Vermont. No; it would not come into the Federal militia unless it does conform to the organization provided.

Mr. MOORE of Pennsylvania. What I want to know is whether the passage of the amendment offered by the gentleman from Georgia will prevent these independent companies from entering the service?

Mr. GREENE of Vermont. Oh, no.

Mr. MOORE of Pennsylvania. Will it include them if they are already in the National Guard?

Mr. GREENE of Vermont. It will include them if they conform to the general organization.

Mr. GARDNER. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Georgia [Mr. WISE].

Mr. BENNET. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will be reported again.

The Clerk read as follows:

Amendment offered by Mr. WISE: Amend, on page 51, section 29, line 17, by striking out at the end of the line the words "in time of war" and inserting in lieu thereof the words "when in the service of the United States."

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment. I rather marvel that no gentleman from the State of Massachusetts has as yet risen to regret audibly the passage from our military rosters of the Ancient and Honorable Artillery Company of Boston.

Mr. Chairman, the passage from our annals and from our newspaper columns of that particular organization ought to be a source of regret to every reader of the New York Sun. We shall miss from the yearly résumé the statement in that and other newspapers concerning the exchange of fraternal visits between the Ancient and Honorable Artillery of Boston and the Ancient and Honorable Artillery of London, and similar useful, ancient, honorable, and traditional forces.

Mr. ROGERS. Will the gentleman yield?

Mr. BENNET. Yes. I am glad to hear some voice from Massachusetts raised in their behalf. [Laughter.]

Mr. ROGERS. What leads the gentleman to think that the passage of this bill will have the slightest effect upon those social, not to say convivial, occasions to which he refers?

Mr. BENNET. Oh, I do not agree at all with the gentleman from Massachusetts that this ancient and honorable organization is merely social and convivial, and I am ashamed that a gentleman from Massachusetts should describe them as social and convivial. They are real men—men of capacity. [Laughter.]

Mr. BARKLEY. Physical or mental?

Mr. BENNET. I do not have to go into details as to their capacity. Anyone who is familiar with the past history of the Ancient and Honorable Artillery of Boston will agree with me that they are men of capacity, and I regret that any gentleman from Massachusetts, that State of splendid military traditions, should even by inference criticize a body which is as much a part of the history of his State and as well known in the United States as the sacred cod on the statehouse. [Laughter.]

Mr. CALDWELL. Does the gentleman realize that there are two organizations in the State of New York which will be preserved under the section as it stands, but will be destroyed by the amendment if it is adopted?

Mr. BENNET. Then I am not in favor of the amendment. [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman name the two New York organizations? They are very happily situated between Boston and Philadelphia, where we also have an ancient company, and I should like to know when we may expect to fraternize with New York.

Mr. BENNET. Our military organizations do not exist for the purpose of fraternizing. They are real military organizations, which exist for the purpose of doing the work of the Nation and the State, and I do not have to rise to defend them at all. My colleague does it far better than I.

Mr. OLNEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. OLNEY. I am speaking for the benefit of those military organizations which already belong to the National Guard, and while I appreciate the splendid qualifications of the Ancient and Honorable Artillery Company, generally these organizations are not members of the National Guard.

Mr. BENNET. I am glad that the gentleman from Massachusetts has come to their defense. Now, if I may have a few minutes more, I just want to call attention to the fact that there is a loophole—a rather sorry loophole, I am afraid—which may assure the continuance of the Ancient and Honorable Artillery, and that is the explanation of the gentleman from Virginia [Mr. HAY] in relation to section 26 in reply to the gentleman from Texas [Mr. SLAYDEN]. That section provides—

That no State shall maintain troops in time of peace other than as prescribed in accordance with the organization prescribed under this act.

Now, I want the Ancient and Honorable Artillery preserved, and if they are not troops I will be satisfied with the statement of the gentleman from Virginia that the Texas Rangers are not troops, although they are very valorous, active contestants.

Mr. SLAYDEN. I will say to the gentleman from New York that it is a long time since I have had any personal contact with the Ancient and Honorable Artillery, but when I did I thought they were in an excellent state of preservation. [Laughter.]

Mr. BENNET. I have rejected the testimony of every other man in this House as to the capacity of the Ancient and Honorable Artillery of Boston, but I accept the statement of the gentleman from Texas as an expert witness. [Laughter.]

The CHAIRMAN. All debate on this amendment is exhausted.

Mr. HOWARD. Mr. Chairman, I want to be recognized in favor of the amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. HOWARD. I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Chairman, to show the serious effect of this amendment offered by my colleague [Mr. WISE], it means that all of these ancient military organizations shall maintain their individuality when they are not actually called upon by the United States to serve. The amendment eliminates any conflict that may occur when the President, under the provisions of this bill, calls upon the National Guard for maneuvering purposes in the summer. Now, while they are not actually called into the service of the United States, they maintain their organization. That is to say, they can have their rose water sprinkled in the bath, their cocktails, and all other things that they use in their social and military organization; but when they are called upon by the United States to go out into the training camps in the summer for maneuvering purposes they leave all their valets and rose water, and so forth, at home and go out into the field as an ordinary, everyday, democratic American soldier. [Laughter.] That is what the amendment means, and nothing else. If you do not adopt the amendment, you extend privileges to these ancient organizations that no other military men in this country can enjoy. In other words, they will go out under the same conditions as the boys in New York and Pennsylvania that have not got the money to belong to these social organizations. They will drink black coffee, eat corn bread and salt bacon like other folks eat. It puts them on the same plane where, in the event that there is actual war, they will know how to subsist on plain food as an ordinary human being. [Laughter.] If you do not vote this amendment into this bill, you are extending the privileges to these organizations that will enjoy the benefits of the appropriation accruing under the bill without being subject to the rules and regulations of the regularly established National Guard. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, one of the privileges that will be preserved by the passage of this paragraph as it relates to organizations like the City Troop of Philadelphia, which was organized in 1774, would be to preserve to one of the officers the title of cornet. That is one of the ancient privileges that would thus be protected.

And with respect to this title, Mr. Chairman, I wish to say that the man who held it, not in those halcyon days to which my friend from Georgia refers, but who held it in the dark days of the Civil War, was no less a man than my distinguished predecessor from the third congressional district of Pennsylvania, the Hon. Samuel J. Randall, who for many years occupied the Speaker's chair with great honor. [Applause.] He was the same man that advanced from the title of cornet, which he held at the beginning of the Civil War, to the title of captain of the City Troop, which he held at Gettysburg. As cornet or as captain he served with great credit, not only to the troop but to the United States.

This ancient and honorable troop of Philadelphia—and we have others—was the first of its kind in this country.

It has preserved its organization from the days of George Washington down to those of Woodrow Wilson. It began with the Colonies and continued on through the whole period of the Union of States. It has received and escorted every President of the United States who has done us the honor to come to the ancient and honorable city of Philadelphia. I wish to say that that troop not only participated in every war of the United States, except the Mexican War, in which the Cavalry was not called, but during the course of the Civil War it furnished upward of 64 officers to the Union Army, 6 of whom lost their lives in the service of their country. You can not ignore a record like that.

Now, it seems to me that rather than belittle it we should encourage that inspiration, that sentiment, which has been so slightingly referred to here in the discussion with respect to organizations of this kind. If we have men of means who will organize these companies which, when called by the President of the United States, will serve as this troop did in the Revolutionary War, the Civil War, and the Spanish War, it is highly creditable. It seems to me that we ought not to disparage the men who are willing to offer their services to their country, even if they do have a little good fellowship along with it. If we had some more of that same good fellowship amongst the rank and file of the Army, it would be very helpful to the Army. Mr. Chairman, I ask unanimous consent to place in the RECORD as a part of my remarks the record of the First City Troop of Philadelphia.

The CHAIRMAN. The gentleman has that privilege.

The matter referred to is as follows:

FIRST TROOP, PHILADELPHIA CITY CAVALRY, IN THE SERVICE OF THE UNITED STATES.

[Compiled from the Troop History.]

"1774. Organized November 17, 1774, by 28 gentlemen pledged to the side of the Colonies, who armed and equipped themselves as a troop of light horse. The troop is the oldest organization in the United States that has maintained a continuous active military existence and taken part in every war in which volunteer cavalry have served.

"Of the 28 gentlemen who organized the troop, known first as the Light Horse of the city of Philadelphia, 23 were members of the Gloucester Fox Hunting Club, which had been in existence since 1766.

"The present title of the organization has been used since 1815, and the existing full-dress uniform dates from about the same time, with some changes.

"1775–1783. The troop was in service as a volunteer command throughout the War of Independence. It paraded, under command of Capt. Markoe, the first captain, in a review by Gen. Washington June 20, 1775, and took part, under his successor, Capt. Samuel Morris, elected captain in 1776, in all the military operations in the vicinity of Philadelphia. It was engaged in the Battles of Trenton, Princeton, Brandywine, and Germantown, and was honored by Gen. Washington with personal letters of thanks in 1777 and 1780.

"1787. On September 14, 1787, Gen. Washington in Philadelphia as the president of the convention for framing a constitution for the Union honored the troop by being its guest at a dinner given in his honor at the City Tavern.

"1794. Under Capt. Dunlap, the fifth captain, and in the command of President Washington, the troop took part in the campaign to suppress the uprising of 1794 in western Pennsylvania, known as the whisky insurrection.

"1799. The troop, called into service by President Adams, was on duty from March 21, 1799, until April 25, 1799, marching under command of Capt. Dunlap, with other cavalry commands, into northeastern Pennsylvania at the time of the disturbances of 1799, known as Fries's rebellion.

"1812–1814. In the second war with Great Britain, after the burning of the City of Washington, the troop was in service, under Capt. Ross, the seventh captain, for four months in 1814 in Maryland, engaged in watching the coast in view of an expected attack on Baltimore. Capt. Ross died in Philadelphia in 1817 while in command of the troop.

"1847–48. In the War with Mexico the troop did not take part as a body, as no volunteer cavalry commands were accepted. Several members received commissions in the Regular Army. Of these Capt. Butler, the eleventh captain of the troop, and who had received a captain's commission in the Third Regiment, United States Dragoons, died in Mexico.

"1861–1865. In the Civil War, under command of Capt. James, the twelfth captain, the troop was the only volunteer cavalry accepted under the first call of President Lincoln for three months' service, and was mustered in on May 13, 1861.

"When the troop was mustered out 47 members of the active roll received commissions in the volunteer and regular service. In addition, eight members from the nonactive and honorary rolls had received commissions before the close of the year 1861. In 1863, under the call of the President, the troop was again in service, under the command of Cornet Samuel J. Randall, from June 18 until mustered out on July 31, 1863, and took part in the campaign preceding the Battle of Gettysburg.

"During the course of the war the troop furnished in all a total of upward of 64 officers to the Union Army from among its members, and of these 6 lost their lives on the battle field.

"1898. In the Spanish-American War every man on the active roll of the troop volunteered for service in the United States Volunteers. Under Capt. Groome, the nineteenth captain, the troop, on April 28, 1898, left for Mount Gretna, Pa., and there was sworn into the United States service on May 7, 1898. It took part in the Porto Rico expedition, sailing from Newport News July 28 on the transport *Massachusetts* to join Gen. Brookes's command.

"The troop was the first volunteer troop to be landed on the island, and remained there until September 3, when it returned to the United States on the transport *Mississippi*, arriving in New York on September 10, 1898, and was discharged from the United States service in Philadelphia on November 21, 1898.

"1905. On February 22, 1905, President Roosevelt was the guest of the troop at luncheon at the armory.

"1909. On February 22, 1909, President-elect Taft was the guest of the troop at luncheon at the armory.

IN THE SERVICE OF THE COMMONWEALTH OF PENNSYLVANIA.

"Under a requisition of the governor the troop, under command of Capt. Hart, the tenth captain, was on active duty at Harrisburg from December 8 until January 1, 1839.

"Under Capt. Snowden, the fifteenth captain, during the railroad riots, from July 20 until August 5, 1877.

"Under Capt. Joseph Lapsley Wilson, the seventeenth captain, during the riots at Homestead, from July 11 until July 27, 1892.

"Under Capt. John C. Groome during the disturbances in Hazelton, from September 11 until September 28, 1897.

"Under Capt. Groome at Tamaqua and Panther Valley during the disturbances in the coal regions for 35 days, from October 8 until November 12, 1902.

"In addition to the above the troop has been called upon many times in local disturbances of the peace in the city and county of Philadelphia.

NOTES.

"At this date, November 17, 1913, the troop is under the command of its twentieth captain, J. Franklin McFadden, and has on its active, nonactive, and honorary rolls 224 members, of whom 69 are on the active roll.

"Since its organization, during the 139 years to November 17, 1913, the troop has elected and enrolled 1,124 members as troopers, and the officers elected in that period, without exception, have all first served in the ranks.

"The original troop standard, presented by Capt. Markoe in 1775, and now preserved at the armory, Twenty-third and Ranstead Streets, is the earliest example of the 13 stripes being used on an American banner, and is acknowledged by flag historians to possess the best claim to having been the inspiration for our national flag. The present standard carried by the troop in full dress was presented by honorary Capt. Hart in 1876 and is a copy of the old standard.

"It is an ancient privilege of the troop to act as escort to the President of the United States whenever an official visit is paid to Philadelphia. This service has been rendered to 4 Presidents on 12 different occasions since 1900 to November 17, 1913.

"The troop, in its full-dress uniform, takes the right of the line in all parades of ceremony, this custom being recognized in the militia laws of the State as one of the rights reserved to the organization."

Mr. HAY. Mr. Chairman, I move to close debate—because we have wasted half an hour here—on this section and all amendments thereto in 10 minutes.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from Virginia moves to close debate on the section and all amendments thereto in 10 minutes.

The motion was agreed to.

Mr. GARDNER. Mr. Chairman, if it were not already organized no one would think of organizing the Massachusetts First Corps of Cadets as part of the National Guard, except under the same regulations as the rest of the guard. The gentleman from Georgia is right about that. But that is not the situation. The First Corps has been organized ever since 1741, and in the 175 years which have elapsed since then it has gathered around it a good deal of property, a wealth of tradition, and a few special privileges which the corps asks to retain. Let us examine these privileges. There are three of them. First, it is the governor's bodyguard. Second, it is commanded by a lieutenant colonel instead of by a major. Third, it can not be attached to the command of anyone below the rank of a major general. Now, if the amendment of the gentleman from Georgia is adopted the corps must either have one organization for summer use and another organization for winter use or else it must become a battalion of infantry of the line, and the ownership of all its property, including its armory, would at once be involved in confusion.

The First Corps of Cadets is practically an officers' training school; that I will admit. Nevertheless, the enlisted men of the corps are required to perform exactly the same services as other enlisted men in the militia. Furthermore, the corps has turned out a marvelous lot of officers in its day.

The corps has had a continuous existence, except that the British governor dissolved it in 1774, when John Hancock was lieutenant colonel in command. It was thought that the corps was training officers for the Minute Men, which unquestionably was the case.

I am informed that this organization in its 175 years of existence has furnished over 600 officers to the State of Massachusetts and to the United States. In the Civil War, first and last, it furnished 150 officers for the Union Army.

As to the statement of the gentleman from Georgia [Mr. HOWARD] respecting self-indulgence, there is nothing in that contention. The membership is almost ascetic as compared with the organization of the militia in which I myself served. It is as hard working a military organization as there is in Massachusetts.

Let me read now from the recent report of James Regan, captain of the Thirtieth Infantry, United States Army. This is the 1915 report. It says:

The First Corps of Cadets is a splendid organization and one that will give a good account of themselves when called into service. Control of officers and noncommissioned officers over enlisted men excellent, more so than any other National Guard I have seen, due, no doubt, to the excellent personnel of this organization. One month's field training as the organization now stands would make the command efficient for field service. The encouraging features are its personnel and enthusiasm with which they enter into their military work; a fine training school for officers.

Year after year that is the nature of the report which is made of the First Corps of Cadets of the Massachusetts Volunteer Militia.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KAHN. Mr. Chairman, as I understand it, this section as it is written in the bill affects about seven organizations throughout the whole United States. Many of these organizations were formed prior to the time of the Revolutionary War. They gave officers and men to the Union every time the country became involved in war. They simply desire to continue their organizations in the years to come. They have their histories, they have their traditions, they have many things that cause them to feel proud of the organizations of which they are members. They naturally do not want them destroyed as such. They are willing in time of war to become a part of the National Guard of the United States; they are willing to conform to all of the conditions of this bill in time of war, but in time of peace they simply seek to be allowed to continue the organizations as they now exist. I do not see that any great harm is going to be done to the country if that be allowed. I can see where much good can come to the country if these patriotic citizens be allowed to continue these organizations of which they are personally proud. I sincerely hope that the amendment offered by the gentleman from Georgia [Mr. WISE] will be voted down, and that the provision may be allowed to stand as it is in the bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The amendment was rejected.

The Clerk read as follows:

SEC. 30. That for the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers of appropriate grade either from the National Guard or the Regular Army to command such units.

Mr. EMERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by substituting a colon for the period at the end of paragraph 30 and adding the following:

"*Provided*, That there shall be appointed in each State an adjutant general, who shall be an officer of the National Guard with rank of brigadier general. The office of the adjutant general shall be the office of record and administration for the militia of each State, except when such militia has been called into the service of the United States. In addition to his duties as prescribed by the laws of such State, such adjutant general shall make such returns and reports to the Secretary of War, at such times and in such form as the latter shall from time to time prescribe. The adjutant general shall be appointed from among officers on the active list of the National Guard of their respective States who shall have had not less than five years' prior service as commissioned officers of the National Guard or in the Regular Army, or both combined: *Provided further*, That the adjutant general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may deem proper."

Mr. EMERSON. Mr. Chairman, this amendment was presented to me by the adjutant general of the State of Ohio. I do not know what other arrangements they may have made. This simply takes care of these pompous gentlemen to whom the gentleman from Massachusetts referred. It places some qualifications around the adjutants general of the various States. They are appointed by the governors of the States and have to have some military service either in the Regular Army or in the State militia of the various States. I believe there should be some restrictions thrown around the appointment of an adjutant general, that he should have some qualifications, that he should not be a politician; yet at the same time I believe, and still insist, that the National Guard of the State is the force that we must finally depend upon, and I want to say while I am on this subject that Secretary Garrison promulgated the proposition of a continental army. It was rejected by the

public and he resigned from the President's Cabinet, and the President appointed a man from my own town, who is known as a man of peace, and yet you are trying to write into this bill the continental army under another name. You are taking away from the National Guard of the various States practically all the rights that they have and placing them in the President and the officers of the Regular Army, and the vociferous way in which my friend from Massachusetts [Mr. GARDNER] is defending this bill leads me to believe that it is a little bit inclined along the line of the continental army.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a table with reference to the officers and force of the Signal Corps, prepared in accordance with the schedule submitted in the report of the Secretary of War, and I do this as a supplement to my remarks upon the subject yesterday, and in the permanent RECORD desire to have the table incorporated with those remarks.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by inserting therein a table. Is there objection?

There was no objection.

The table referred to is as follows:

Signal troops.

Stations.	Units.	Brigadier generals.	Colonels.	Lieutenant colonels.	Majors.	Captains.	First lieutenants.	Total commissioned.	Master signal electricians.	First-class sergeants.	Sergeants.	Corporals	Cooks.	First-class privates.	Privates.	Total enlisted.
[Schedule No. 1, Secretary of War's report, Sept. 17, 1915.]																
Canal Zone	1 radio company					1	3	4	1	6	10	15	2	35	6	75
	1 telegraph company.					1	3	4	3	10	16	23	2	65	20	139
Hawaii	1 telegraph company.					1	3	4	3	10	16	23	2	65	20	139
	1 field company					1	3	4	2	7	10	17	2	45	13	96
Philippines	1 field company					1	3	4	2	7	10	17	2	45	13	96
	1 telegraph company.					1	3	4	3	10	16	23	2	65	20	139
(Page 1, Secretary of War's report, Sept. 17, 1915.)																
IN UNITED STATES.																
3 Infantry divisions	3 field companies					3	9	12	6	21	30	51	6	135	39	288
1 Cavalry division	1 field company					1	3	4	2	7	10	17	2	45	13	96
Chief signal officers of field forces.				2				2								
SERVICE OF THE INTERIOR.																
Office Chief Signal Officer.		1	1		2	2		6								
Army Signal School	Detachment				1	1		2	3	11	12	13	2	45	14	100
Depot signal officers	1 assistant east depot.		3	3		1		7								
Supply depots and cable boats.						5	1	6								
Alaska	2 depot companies				1	2	6	9	10	30	32	32	4	112	30	250
Depot companies in United States.	3 depot companies					3	9	12	12	36	42	42	6	117	45	300
Signal officer, Canal Zone.					1			1								
Aviation administration.				1				1								
Aviation School					1	2	1	4								
Aeroplane squadrons.	Squadron commanders.				7			7								
Total proposed signal service.		[1] 1	[1] 4	[1] 6	[1] 13	[1] 26	[1] 47	[1] 97	[2] 47	[2] 155	[2] 204	[2] 273	[2] 32	[2] 774	[2] 233	[2] 1,713
Total present signal service.		1	1	2	6	18	18	46	36	132	144	156	24	552	168	1,212
Increase			3	4	7	8	29	51	11	23	60	117	8	222	65	506

[1] These figures were not adopted in the Hay bill.

[2] These figures were adopted in the Hay bill.

Aviation section.

Stations.	Units.	Brigadier generals.	Colonels.	Lieutenant colonels.	Majors.	Captains.	First lieutenants.	Total commissioned.	Master signal electricians.	First-class sergeants.	Sergeants.	Corporals.	Cooks.	First-class privates.	Privates.	Total enlisted.
Aviation section	7 squadrons, 19 officers, and 129 men each (majors to command squadron included in signal troops).						133	133	35	56	105	231	42	308	126	903
Aviation school	Enlisted detachment.								3	6	12	18	2	24	12	77
Total proposed aviation section.							133	133	38	62	117	249	44	332	138	980
Total present aviation section.							60	60	12	12	24	78	8	82	44	260
Increase							73	73	26	50	93	171	36	250	94	720

Present aviation act provides that executive and administrative officers for the aviation section be detailed from signal troops. Present Signal Corps is organized into 5 field companies, 1 telegraph company, 2 Alaskan companies, and 4 depot companies; total, 12 companies.

Percentage of officers in the several grades of the staff departments under the proposed increase.

Departments.	Colonels.	Lieutenant colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.
Adjutant General	18.5	29.6	48.2	.....	.....	.....
Inspector General	13.6	27.3	54.6	.....	.....	.....
Judge Advocate General	14.3	28.6	52.4	.....	.....	.....
Quartermaster Corps	7.5	10.7	25.6	55.1	.....	.....
Medical Department	3.2	5.5	23.7	67.5	.....	.....
Engineers	6.2	8.9	20.6	24.2	22.4	17.4
Ordnance	6.8	10.5	22.6	30.1	29.3	.....
Signal Corps	4.1	6.1	13.4	26.8	48.4	.....

Total proposed for enlisted men of Signal Service adopted by pending bill and rejected as to officers.

No change in bill as to officers as to which present number is retained.

Mr. CRAGO. Mr. Chairman, I rise for the purpose of asking unanimous consent to return to section 26, line 23, and having the Clerk read an amendment. It is thought by some people who are interested in the State constabulary and State police that the section may interfere with them, and I therefore offer the amendment.

The CHAIRMAN. The gentleman asks unanimous consent to return to the section indicated. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, at the end of line 23, after the period and following the word "peace," insert:

"*And provided further*, That nothing contained in this act shall prevent the organization and maintenance of a State police or constabulary."

Mr. HAY. Mr. Chairman, I have no objection to the amendment; I accept the amendment.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman, at this stage——

Mr. STEENERSON. Mr. Chairman, I move to amend the amendment by striking out the whole section.

Mr. HAY. Mr. Chairman, I make the point of order that that motion has been made and voted down.

Mr. STEENERSON. Mr. Chairman, I would like to discuss the amendment when the time comes.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEENERSON. Mr. Chairman, it seems to me that this section and the other sections of the bill absolutely destroy the National Guard. This section reads:

SEC. 26. That no State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories to the use of the National Guard within their respective borders in time of peace.

It is contended that the Constitution authorizes Congress to do this. That contention is based upon section 10, article 1, which reads:

No State shall, without the consent of Congress, * * * keep troops * * * in time of peace.

Very well, considering that this refers to the Organized Militia; yet because the Constitution gives Congress the option of consenting or not consenting to the maintenance of a militia or National Guard is no reason or argument why we should forbid it; and it seems to me, in the event that any State in the Union should be unable to comply with the very rigid requirements of this bill, that the National Guard of that State would get no pay from the United States and the State would have to maintain them. But this very clause absolutely forbids the State from maintaining any troops of any kind. Therefore you say to the National Guard, You must do as required by this law or else go out of existence, and the State is even forbidden to maintain them at their own expense. Now, that is a kind of military preparedness I can not understand, and it has not been explained in this debate; and I give you this warning, that it seems to me we are liable to destroy the whole National Guard of a State by stringent requirements and by this prohibition preventing the State from maintaining any troops whatever at their own expense. I doubt whether section 10, article 1, above referred to, when construed together with the other provisions of the Constitution in regard to the militia, gives Congress any such power. The proposed amendment does not go far enough. The whole section should go out.

Mr. HAY. Mr. Chairman, I accept the amendment.

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Do I understand the Chair ruled the motion to strike out the section is out of order because it has already been passed upon once by the committee?

Mr. HAY. It has already been voted on by the committee.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to be recognized to ask a question, if I may, and therefore move to strike out the last word of the amendment. I would like to ask the gentleman from Virginia [Mr. HAY] if he will be so kind as to answer; as I understand the theory upon which this bill is drawn, it is this: The United States Government is going to give certain financial assistance to the States that comply with this act. In other words, if States create a National Guard organization in accordance with the terms of this act, then financial aid is given to those organizations through the State. It presupposes, however, that if the State does not avail itself of the privileges of this act that there might still remain some organizations in the State. Therefore is it the intention of this paragraph to legislate out of existence those organizations which do not comply with the provisions of this act?

Mr. HAY. No; it is not, and gentlemen, in my opinion, are giving themselves a great deal of uneasiness about nothing. It is not intended to legislate out of existence any organization whatever. It simply provides that when they do have an organization it shall be organized under the provisions of this act—that is, shall be organized in troops, companies, batteries, as are provided for by the act. If they do not want to receive the pay under this act, why, then they do not get it, but it does not prevent them from going on and organizing anything they please.

Mr. MILLER of Minnesota. The language is, "No State shall maintain troops." It does not say "organize."

Mr. HAY. Unless they are organized as this act provides, organization meaning that they shall be in troops, companies, batteries, and regiments in the same manner that the Regular Army organizes its organizations.

Mr. MILLER of Minnesota. Well, I will say to the gentleman, I think there is some force to the viewpoint he has expressed, but I am not at all convinced that his viewpoint is well taken.

Mr. HAY. The only object, I will say to the gentleman, is to get uniformity of organization throughout the country and not to have different organizations, one in one State and another organization in another State, but to make it uniform; that is all.

Mr. MILLER of Minnesota. That is very true; but we might very properly specify we will give this financial assistance only to organizations that do comply with the general plan.

Mr. HAY. Exactly.

Mr. MILLER of Minnesota. But does the gentleman think Congress has power to say that a State shall not maintain any other kind of military force if it sees fit to do so?

Mr. HAY. Of course, Congress has the power, because the Constitution confers it. The Constitution provides that no State shall maintain troops without the consent of Congress, therefore Congress has all the power, but Congress is not taking away from the State the right to have organizations. We simply say to them, "You must organize in accordance with the organization prescribed under this act"; that is all.

Mr. REILLY. Mr. Chairman, suppose the State of Wisconsin should refuse to have the number of drills required under this bill. They would not get Federal aid, but they could still maintain their troops——

Mr. HAY. Undoubtedly.

Mr. REILLY. They could still maintain troops, but they would not come in under the bill?

Mr. HAY. They would not get any money.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Pennsylvania [Mr. CRAGO].

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I want to call the attention of the chairman of the committee to the word "to" in line 21 of page 49, in that very section. Does not the gentleman believe that the preposition "in" would be a better word there?

Mr. HAY. In what line?

Mr. KAHN. In line 21:

Provided, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use——

Mr. HAY. I have no objection to that, and I will offer an amendment later on.

The Clerk read as follows:

SEC. 31. That the States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders: *Provided*, That no organization of the National Guard which is entitled to and shall have received compensation under the provisions of this act shall be disbanded with-

out the consent of Congress, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.

Mr. McLAUGHLIN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 52, in line 10, at the end of the line add the following:
"*And provided further*, That no part of any appropriation made under or by virtue of this act, after the year 1920, shall be used for the purpose of compensating any organization of the National Guard or any of the officers or enlisted men thereof in any State or Territory which shall use or shall by law otherwise permit or provide for the use of its National Guard or any part thereof in connection with any strike of the employees on any railroad, or in any mine or factory, who shall strike for the purpose of obtaining increase of wages or change of terms or conditions of any employment."

Mr. HAY. I make a point of order on that, Mr. Chairman. The Chair ruled on that previously.

The CHAIRMAN. The present occupant of the Chair did not rule on that. I ask the gentleman to withhold the amendment until the Chairman of the committee who made the ruling can be sent for.

Mr. HAY. Will the Chair have that paragraph passed without prejudice until the Chairman of the committee returns?

The CHAIRMAN. I will just ask you to withhold it until we can get the permanent Chairman of the committee, who has ruled on this proposition before.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the paragraph be passed over.

Mr. HAY. Do not let us pass over anything. We will never get through if we do.

Mr. KAHN. We can read the next section until the gentleman from Tennessee [Mr. GARRETT] can return to the Chamber.

The CHAIRMAN. The gentleman asks unanimous consent that the paragraph shall be passed temporarily, until the Chairman of the committee returns to the Chamber. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the next section.

The Clerk read as follows:

SEC. 32. That hereafter the period of enlistment of enlisted men in the National Guard shall be for six years—three years with the colors and three years in the reserve—and such enlisted men shall be subject to the same qualifications as are now or may hereafter be prescribed for admission to the Regular Army, and upon the expiration of three years' service with the colors enlisted men may be permitted to reenlist under such regulations as the Secretary of War may prescribe, and at the end of said period of enlistment, or when otherwise entitled to an honorable discharge, said enlisted men shall be entitled to a certificate of discharge setting forth the character of the service performed.

Mr. HAY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 52, line 18, after the word "reenlist," insert the words "for periods of three years with the colors," and after the word "enlistment," in line 20, insert the words "or enlistments."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Virginia offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 52, line 19: Strike out all in the section after the word "prescribe" and insert:
"*Provided*, That an enlisted man discharged from service shall receive a discharge in writing in such form and with such classification as is prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment upon the permanent removal of a soldier beyond the limits of an organization to which he belongs because of his engagement in business such as precludes him from properly preforming his military duties and upon the certificate of a medical officer or reputable physician that he has become permanently incapacitated from military service."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the chairman of the committee to a difficulty which apparently is inherent to the section.

I am very much in favor of the Gardner amendment, which the committee adopted yesterday, and which I hope will remain in the bill, because I believe it will tend to give us a better permanent Army. But, of course, there is an apparent, at least, discrepancy between this provision and that amendment. There are now between 400,000 and 500,000 foreign-born men in the United States who will advise their sons, their American-born sons, to join the Regular Army if the Gardner amendment stays in the bill, and those are the men who have had training in European armies, who are familiar with the advantages and disadvantages of the training, who know the advantage there is to the physique and to the mind by the training; and who, on the other hand, realize the disadvantage that comes from the longer military duty in those European countries. I want to see that amendment preserved, and at the same time I want to see the National Guard preserved. Now, either here or in some other place these matters ought to be harmonized so that the——

Mr. HAY. Will the gentleman from New York permit a suggestion?

Mr. BENNET. Certainly.

Mr. HAY. Does not the gentleman from New York understand that the training in the National Guard is very different from the training in the Regular Army, and that if you provide that the members of the National Guard shall leave the guard at the end of the year you practically have given them very little training? I want to say to the gentleman that this term has been agreed upon by all the officers of the National Guard as being the shortest in which they could properly train a man to be a soldier under the system which prevails in the National Guard.

Mr. BENNET. Mr. Chairman, there is a good deal of wisdom in what the gentleman from Virginia [Mr. HAY] says, as there always is, and I do recognize the fact that there is a difference in the training; but I want to call the attention of the committee to what I think is rather a fine thing, and that is that by the Gardner amendment, which we adopted yesterday, we have increased our ability tremendously to get the men who may be called experts—because these 400,000 or 500,000 men have had military training—to advise their sons to go into our Army for one year's service; and many of them will go.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. McKENZIE. I simply desire to ask the gentleman from New York if he has read the statement of Miss Jane Addams in the hearings in connection with the statement that he is now making, that the people who come from foreign countries are anxious to have their children take military training. If the gentleman has not read that testimony, I advise him to read the testimony of Miss Jane Addams.

Mr. BENNET. Mr. Chairman, Miss Jane Addams is my warm, personal friend, and I regard her very highly, but I decline to admit her as a military expert, although I am in favor of woman suffrage. So long as men do the fighting I insist upon going to men—and I am talking about men—for advice as to the proper way to build up the Army.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. In relation to these native-born sons of these foreign-born soldiers, I want to say that there is no more enthusiastically loyal or American class in the United States than they to-day. The most popular song to-day in the city of New York is a crude, lilting song called "America, I love you," written by a Jewish boy not 20 years of age, whose parents came from Koveno not 22 years ago. He lives almost on the site of George Washington's headquarters. The chorus of that song is that—

There's a hundred million others like me.

To my mind, that expresses the loyal attitude of this class of young men who will be encouraged to go into the American Army if this Gardner amendment goes in; and they can go in and stay a year and get the military training and come out.

The song I mentioned runs in full, as follows:

Amid fields of clover,
'Twas just a little over
A hundred years ago,
A handful of strangers,
They faced many dangers
To make their country grow.
It's now quite a Nation
Of wond'rous population,
And free from every king;
Its your land, it's my land,
A great do-or-die land,
And that's just why I sing.

CHORUS.

America, I love you,
You're like a sweetheart of mine;
From ocean to ocean,
For you my devotion
Is touching each bound'ry line.
Just like a little baby
Climbing it's mother's knee;
America, I love you,
And there's a hundred million others like me.

From all sorts of places
They welcomed all the races
To settle on their shore;
They didn't care which one,
The poor or the rich one,
They still had room for more.
To give them protection
By popular election
A set of laws they chose;
They're your laws and my laws,
For your cause and my cause,
That's why this country rose.

And Mr. Rosenberg, of New York, writes me about it and the author:

NEW YORK, N. Y., *March 1, 1916.*

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The young man who wrote the song "America I Love You" is Archie Gottler, and he will be 20 years of age on the 14th day of May, 1916. He was born at 31 Henry Street, between Market and Catharine Streets, in the Borough of Manhattan, New York City. This is now the election district of which I am the captain, the eleventh election district of the second assembly district. This is only a few blocks from where Washington had his headquarters at Cherry Hill.

His parents came to this country about 21 years ago from Kovno, Russian Poland.

With best wishes, I am,
Sincerely, yours, ELY ROSENBERG.

Mr. Chairman, this crude song, which is set to catchy music, is sung every day in some one of our public schools, not because of its literary merit, but because its intense patriotism expresses the views of our population. The foreign-born citizen is patriotic and American.

One day, just after the present European war started I was in a crockery store on the Bowery in New York City. Out of curiosity I asked a young man sitting there where he was from, and when he said Przemysl we naturally talked about the great struggle then going on for the possession of that stronghold.

He expressed a natural hope for the success of the country where he had been born, but said, "I am an American now, this is my country. It treats me well. This is the country in which I am interested." And he had been here but one and one-half years.

On Washington's Birthday this year there was an oratorical contest in the Dubuque German College in Dubuque, Iowa. One of the contestants was a Hungarian not yet three years in this country. His oration was a eulogy of Washington and a remarkable analysis of what the past achievements and future prospects of America were and are.

He closed with this sentiment:

The principles of America are right, and because they are right I would fight for them—even against the land of my birth.

That is the sentiment of our foreign born. They are Americans. Ours is their land of hope and they tenderly cherish American ideals, while striving for their betterment, conscious that with all our defects ours is still the best experiment in government and the nearest approach to a people's government that there is.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on that subject.

The CHAIRMAN. The privilege is already granted. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 41. That an enlisted reserve corps of the National Guard shall be organized in each State, Territory, and the District of Columbia, to consist of enlisted men of the National Guard furloughed to the reserve corps after having completed the term of active service required by the enlistment contract hereinbefore prescribed, honorably discharged enlisted men of the Army, Navy, and Marine Corps of the United States, and honorably discharged enlisted men of the National Guard of the several States, Territories, and the District of Columbia who have or shall have served with record "good" or better for a period equal to not less than three years.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. DOWELL. Mr. Chairman, on yesterday we adopted a very important amendment to this bill, which amendment added very materially to the strength of the Regular Army, by increasing the reserve force of the Regular Army. I refer to the amendment permitting an enlisted man in the Regular Army, who enlists for three years' active service, to pass to the reserve at the end of one year from enlistment upon the recommendation of his commanding officer, and at the end of two years at his option. To my mind this amendment adds great strength to the fighting force of the country by greatly increasing the number in the reserve force, which is subject to call at any time when there is an emergency. By shortening this service it will not only add to the reserve strength of the Regular Army, but it will encourage men to enlist in the Regular Army who, in my opinion, would not enlist where the service is for three or four years. It has been almost the universal opinion of gentlemen on this floor, that even with the present limited Army, enlistments can not be secured to fill the number authorized. I am of the opinion that the amendment adopted by this House will greatly stimulate these voluntary enlistments, and under this amendment the Army will be materially strengthened and without greatly added expense.

I desire to inquire if there is any reason why this section of the bill should not contain this same principle and that the length of service in the National Guard could not be reduced, thus giving a greater reserve to this department of the Army?

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. KAHN. Does the gentleman understand that in the Regular Army the soldier receives military training every day in his life, while in the National Guard, under this bill, at best, if he takes all the drills, he gets only 48 drills in a year? Therefore, in order to make him an efficient soldier, you ought to allow him to continue in the National Guard for the full three years.

Mr. DOWELL. I concede that he should be efficient, but from the facts brought out in the discussion on the amendment yesterday relating to the Regular Army, I was merely making the inquiry as to whether or not he may become efficient in a shorter time than is prescribed in this section of the bill; we want the reserve in the Regular Army and in the National Guard to be efficient, just as efficient as those in the active service.

Mr. TILSON. Mr. Chairman, I regret to have to consume any more time, but it does seem to me there is something in what the gentleman from Iowa [Mr. DOWELL] says. It is very true that in order to give the national guardsman the training he should have he should surely have the three years. But we are providing here for a reserve, and it seems to me that if a man has served one year under the Gardner amendment, adopted yesterday, he ought to be made eligible for that reserve.

Mr. HAY. Does the gentleman from Connecticut believe that after a man has served one year in the National Guard he ought to be given the option to be turned into the reserve?

Mr. TILSON. Not at all. The gentleman did not apprehend what I said. I said that after he had been honorably discharged from the Army, Navy, or Marine Corps of the United States, after one year's service surely he should be eligible for this reserve.

Mr. HAY. It seems to me the gentleman wants all reserve and no Army. [Laughter.]

Mr. TILSON. No; I want as much reserve as we can get, and it seems to me that after a man has had a year's service in the Army, Navy, or Marine Corps he should be eligible for this reserve, because in another section of the bill we have provided that he should be turned into the reserve after one year's service in the Regular Army. Certainly I do not think he should be turned into the reserve after one year's service in the National Guard.

Mr. HAY. This provision says that a man shall go into the reserve. What does the gentleman propose?

Mr. TILSON. As I read the language of this section, we provide here that after a man has served three years in the Army, Navy, or Marine Corps he may go into the enlisted reserve of the National Guard.

Mr. HAY. What is the objection to that?

Mr. TILSON. I have no objection to that, but after a man has served one year in the Army, Navy, or Marine Corps——

Mr. HAY. I know; but it would be abrogating the law which directs that after serving one year in the Regular Army he goes into the Regular Army reserve.

Mr. TILSON. After a man has served one year with the colors he may go into the Regular Army enlisted reserve. Assuming that he is still within military age, why should he not be permitted, after having served that one year, and his full term in the Regular Army reserve—to go into the National Guard reserve?

Mr. HAY. He is. The gentleman does not understand the language of the bill.

Mr. TILSON. It says he must have three years' service.

Mr. KAHN. Mr. Chairman, will the gentleman yield there?

Mr. TILSON. Yes.

Mr. KAHN. Under the Gardner amendment if a man serves one year, and is proclaimed an efficient soldier, he is furloughed to the reserve for six years.

Mr. TILSON. That is right.

Mr. KAHN. And at the end of his entire term of enlistment he may still reenlist and continue in the Regular Army reserve. Now, why should he change from one reserve into another reserve? He is still a reservist, and the country gets the benefit of his military training.

Mr. HAY. I call the attention of my friend from Connecticut to the fact that in section 41 it provides what men may go into this National Guard reserve. They are men who serve two years in the National Guard, and, then, another class, honorably discharged enlisted men of the Army, Navy, and Marine Corps.

Mr. TILSON. The gentleman does not understand that the three years' qualification relates back to those who have served in the Army, Navy, or Marine Corps?

Mr. HAY. Not at all.

Mr. TILSON. Perhaps I am mistaken, but the omission of a single comma will give it that meaning.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 43. That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist of the National Guard shall receive any pay or allowances out of any appropriation made by Congress for militia purposes.

Mr. HAY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers a committee amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 57 insert as a new section, after section 43, the following:

"That when the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia is in the service of the United States in time of war there shall be immediately organized in such State, Territory, or District one reserve battalion for each regiment of Infantry, Cavalry, Field Artillery, or four companies of Coast Artillery ordered into the service of the United States and such reserve battalion or Coast Artillery companies shall constitute the fourth battalion of any such regiment. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. When three or more regiments of the National Guard of any State, Territory, or District are in the service of the United States, the reserve battalions of such regimens may be organized into provisional regiments and higher units. If for any reason there are not enough voluntary enlistments to keep the reserve battalions at the prescribed strength a sufficient number of the unorganized militia shall be called into the service of the United States to maintain each of such battalions at its proper strength. As vacancies occur in any National Guard organization in the service of the United States, from death or other causes, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions or Coast Artillery companies provided for herein shall be assigned from the officers' reserve corps of the National Guard or Coast Artillery companies, such officers to be selected, if practicable, from the State in which the battalions are organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to the reserve battalion for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of the reserve battalion until returned to duty or until discharged."

Mr. HAY. Mr. Chairman, this proposition was prepared by the gentleman from Arizona [Mr. HAYDEN] and was presented to the committee after we had perfected the bill. The committee thought it was a very excellent provision, to provide for the recruiting of these regiments in time of war when the regiments were in the field. During the Civil War there was a great deal of trouble about that, and if this is done the trouble which then occurred will be obviated.

Mr. MANN. Mr. Chairman, this seems to be rather an important provision, and we can not tell from hearing it read just what it does.

Mr. HAY. In time of war when a regiment from Illinois is in the service of the United States, as soon as that regiment goes to the field it is provided in this amendment that the battalions of that regiment shall at once be enlisted, so that there will be at home troops to take care of any situation which may arise in the State, and also soldiers who can be sent to the front to take the place of those killed or disabled or who are sick without having to wait until that occurs before recruiting is begun for that particular regiment.

Mr. MANN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MANN. When you take in the National Guard you take them in as men and not as organizations?

Mr. HAY. Yes.

Mr. MANN. The organization theoretically still exists in the State?

Mr. HAY. It theoretically exists in the field. You see this is a war proposition.

Mr. MANN. I understand. You have called the men in as men, have you not?

Mr. HAY. Yes.

Mr. MANN. You have drafted them?

Mr. HAY. Yes.

Mr. MANN. I suppose theoretically the organization may still exist in the State?

Mr. HAY. That is correct.

Mr. MANN. Now, can you require the State to fill up that organization?

Mr. HAY. No.

Mr. MANN. You just authorize it?

Mr. HAY. You authorize the President to do it. It is in time of war, and we authorize him to draft, if necessary, to fill up these reserve battalions, so that when the necessity arises these battalions can be sent right to the front to take the place of the battalions which have been depleted or destroyed.

Mr. MANN. I see the purpose of it, but I was trying to get at how you went at it.

Mr. HAY. They may be drilled at home, of course.

Mr. MANN. What authority can the President have to fill up a National Guard regiment in a State?

Mr. HAY. Congress can confer upon him authority in time of war to draft men for any purpose, and that is what this does, just as he drafts the National Guard in time of war.

Mr. MANN. Are they paid as the other guardsmen are at other times?

Mr. HAY. They would be; yes.

Mr. MILLER of Minnesota. In time of peace there would not be any reserve battalion.

Mr. HAY. No; there would not be any reserve battalion in time of peace.

Mr. MILLER of Minnesota. And in war time they would get the same pay as soldiers in the field.

Mr. MANN. Would they get the same pay as soldiers in the field?

Mr. HAY. Yes; in time of war they would.

Mr. TILSON. It would be practically recruiting for that particular regiment?

Mr. HAY. Yes.

Mr. MILLER of Minnesota. Is not this practically the English system?

Mr. HAY. I understand it is.

Mr. MILLER of Minnesota. I understand it is practically an exact copy of the English system.

Mr. HAY. It is a very excellent idea.

Mr. HAYDEN. Mr. Chairman, the General Staff, in its report on the organization of the land forces of the United States, says:

It is the experience of modern warfare that any given unit loses at least 50 per cent of its strength in the first six months of war.

This amendment provides a method of replacing this loss when the National Guard is ordered into the service of the United States in time of war.

I obtained the idea on which this amendment is based from the statutes of Arizona, which provide for the organization of a reserve battalion. Let me quote from the military code of Arizona:

SEC. 49. The National Guard reserve shall be organized into a battalion of four companies, which shall be known as the reserve battalion.

* * * * * * *

SEC. 53. Members of the reserve battalion may be called into the service of the State of Arizona to attend maneuvers or in case of invasion or threatened invasion. But in case the National Guard, or any portion of the National Guard, is called into the service of the United States as many enlisted men as wish may at once transfer to the organization so ordered into the service, preference being given to the men whose previous service has been in the same arm of the service as that ordered out, until the organization shall have the maximum number of men allowed by law. The governor shall at once issue orders for the recruiting of the reserve battalion until each company shall have not less than 150 men. In case there are not enough voluntary enlistments the governor shall call the unorganized militia into the service until enough men are secured to complete the organization.

SEC. 54. As vacancies may occur in any organization in the service of the United States from death, desertion, or any other cause men shall be at once transferred from the reserve battalion to the organization in the field so that the latter shall at all times have the number of men required by law.

* * * * * * *

SEC. 56. In time of war, when by reason of failure of volunteer enlistments, the reserve battalion does not have the number of men required by law, the necessary number of men shall be secured in a similar manner as that provided or as may be provided by the laws of the United States.

I drafted this amendment and submitted it to the members of the Committee on Military Affairs, with a letter which states its purpose. The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, March 14, 1916.

Hon. JAMES HAY,
House of Representatives.

MY DEAR SIR: I have carefully read the Hay bill to increase the efficiency of the Military Establishment and find that no provision is made for the organization of reserves for the National Guard when it is in Federal service. I have therefore introduced the inclosed bill in the hope that it may be used as the basis for a new section in H. R. 12766.

This legislation will accomplish four things:

First, it will keep the National Guard regiments in the field at full war strength; second, it will avoid the organization of new regiments of raw volunteers (this evil practice during the Civil War accounts for a large number of pensioners now on the rolls); third, it will provide for a reserve force that can be used to immediately reenforce the first line in case of an emergency and can also be used to quell local disturbances or to guard strategic points; fourth, it provides an organization to care for invalid soldiers sent back from the firing line until returned to duty or discharged.

You will note that the adoption of this plan will cause no expense to be incurred except in time of war.

Yours, very truly, CARL HAYDEN.

The establishment of depot battalions is a simple device for raising and supporting armies which has been adopted by all civilized countries. It encourages enlistments, because the recruit can be told that in the service he will be among his own friends and neighbors. Under our present method of recruiting for the Regular Army the enlisted man does not know in what organization he may be ordered to serve.

If any of the Members of the House are not familiar with the evils that follow from unwise military legislation, I hope that they will read this volume by Gen. Emory Upton, entitled "The Military Policy of the United States." Go to the document room and ask for Senate Document No. 494, Sixty-second Congress, second session. I have found it more interesting than any novel.

Chapter 18, on "The depletion of armies," sets forth the conclusions reached by Gen. Upton as the results of his experience in the Civil War. Permit me to read a few brief extracts. After outlining the German system of regimental depots, he says:

When war is declared each regiment designates a battalion to serve as a regimental depot. It consists of 22 officers, and may be recruited as high as 1,208 noncommissioned officers and men. The three battalions in the field, the depot battalion, the cadre of the Landwehr battalion, and company districts, all form part of one and the same regiment. Whenever a regiment loses 10 per cent of its men from battle or disease the colonel does not apply for recruits to the adjutant general at Berlin, but sends an order direct to the commander of the depot battalion to forward at once the number required. No man, after having once been enrolled in the army for active service, can skulk away and return to his home. The regulations require that all men in the reserve, the Landwehr, Ersatz reserve, or on furlough shall, on returning to their company districts, report in person to the sergeant major. The Government thus knows where every soldier is who owes military service. If one deserts and does not return to his home, he can not long remain undiscovered by the many officers and men who are undergoing military training in the districts where he may seek refuge.

After quoting the various plans that were adopted during the Civil War to take the place of regimental depots, all of which were miserable failures, Upton gives the following conclusions:

The old regiments, now ably commanded, were left to become skeletons, while under the patronage of the governors a new army sprang into existence, nearly all of whose officers were as destitute of skill and training as those who led the raw troops at Bull Run.

There being at the time more than 600 regiments in the field belonging to the Army of 1861, it would have been possible, had the word "depot" again been suggested to the Secretary of War, to have established at least two regimental depots in each congressional district.

Within each of these small territories there would have been 24 or more officers and noncommissioned officers in sympathy with the community, proud of their regiments, and subject to the direct orders of the Government, who would always have been on the alert to enlist recruits and to bring deserters to justice.

Had this system been adopted the waiting rooms of the governors would no longer have been filled with absentees asking for transportation to the office of a quartermaster in some distant city; the sick soldier and emaciated prisoner of war, carried by their parents or relations to these regimental depots, would at once have been among comrades and friends. The depots would have been so many centers toward which would have converged recruits, sick and wounded convalescents, absentees, and deserters, who, as soon as their numbers became sufficiently large, would have been conducted by intelligent officers or noncommissioned offiers to their regiments in the field.

CAMPS OF INSTRUCTION.

Besides the advantages already referred to, regimental depots, had they been adopted, could have rendered another service equally important. They would have been the natural places for arming and equipping the recruits and for instructing them in all the details of the school of the soldier.

Under a depot system individual instruction, the real object of the camp, could easily have been secured without raising the cry that large commands were lying idle. The regimental depots would have exceeded 600; by recruiting and maintaining them at the small figure of 100 men each, there would have been available in the different States a trained reserve of no less than 60,000 men.

I also desire to read an extract from a recent book, entitled "The American Army," by Gen. William H. Carter, an able officer, who, by the way, was awarded the congressional medal of honor for distinguished bravery in action against the Apache Indians at Cibicu Creek, Ariz., in 1881:

A depot system for passing trained men into the ranks of organizations employed in active campaign is absolutely essential to an economical and efficient conduct of war. Our wars have all been excessively expensive, due to the neglect of this most important feature of military organization. During the Civil War the killed represented only a small fraction of the losses in the average regiment. Sickness, with long periods of convalescence, desertions, and reported missing constituted together an appalling total. The large regiments that went to the front shrunk rapidly in numbers, and although the reduced organizations represented the survival of the fittest and grew daily more valuable with experience of camp, march, and battle, it was only a question of time when by mere attrition many of them ceased to be regiments except in name. Regiments which had entered the service with a thousand or more strong soon fell to half that number. In the meantime the number of officers and noncommissioned officers remained constant, so that the real loss fell upon the bone and sinew of the fighting force—the privates.

Gen. Carter then speaks of the sections of the conscript act which provided that whenever a regiment of Volunteers should become reduced to one-half the maximum strength prescribed by law the President was authorized to direct the consolidation of the companies of such a regiment. Gen. Sherman protested against the orders issued under authority of this act in a letter to his brother, then a Senator from Ohio, which I shall now read:

CAMP BEFORE VICKSBURG, *April 23, 1863.*

DEAR BROTHER: I have noticed in the conscript act the clauses which empowered the President to consolidate the 10 companies of a regiment into 5 when the aggregate was below one-half the maximum standard, and to reduce the officers accordingly. Had I dreamed that this was going to be made universal I should have written you and begged you for the love of our ruined country to implore Lincoln to spare us this last fatal blow. Two years of costly war have enabled the North to realize the fact that by organized and disciplined armies alone can she hope to restore the old and found a new empire. We had succeeded in making the skeletons of armies, eliminating out of the crude materials that first came forth the worthless material, and had just begun to have some good young colonels, captains, sergeants, and corporals. And Congress had passed the conscript bill, which would have enabled the President to fill up these skeleton regiments full of privates who soon, from their fellows and with experienced officers, would make an army capable of marching and being handled and directed; but, to my amazement, comes this order. This is a far worse defeat than Manassas.

Mr. Wade, in his report to condemn McClellan, gave a positive assurance to the Army that henceforth, instead of fighting with diminishing ranks, we should feel assured that the gaps made by the bullet, by disease, desertion, etc., would be promptly filled, whereas only such parts of the conscript law as tend to weaken us are enforced, viz: Five per cent for furlough and 50 per cent of officers and noncommissioned officers discharged to consolidate regiments. Even Blair is amazed at this. He protests the order can not be executed, and we should appeal to Mr. Lincoln, whom he still insists has no desire to destroy the Army. But the order is positive and I don't see how we can hesitate. Grant started to-day down to Carthage, and I have written to him, which may stave it off for a few days, but I tremble at the loss of so many young and good officers who have been hard at work for two years, and now that they begin to see how to take care of soldiers, must be turned out * * *.

If not too late, do, for mercy's sake, exhaust your influence to stop this consolidation of regiments. Fill all the regiments with conscripts, and if the Army is then too large disband the regiments that prefer to serve north of the Potomac and the Ohio. Keep the war South at all hazards. If this consolidation law is literally enforced, and no new draft is made, this campaign is over. And the outside world will have a perfect right to say our Government is afraid of its own people.

Affectionately, yours, W. T. SHERMAN.

Mr. Chairman, in conclusion, let me sum up the advantages of the establishment of regimental depot battalions. It will be a function of the reserve battalion to collect, drill, and organize recruits which can be sent to the front, so that each regiment in the field will be kept with a full complement of officers and men, thus avoiding the necessity for organizing new regiments of raw volunteers. Convalescents, stragglers, absentees, and deserters will likewise be collected and sent to their proper organizations. The sick and wounded returned from the front will be cared for by their friends and comrades, and, last but not least, there will always be a reserve force in the several States for use in case of a sudden emergency. By adopting this amendment we will avoid the difficulties under which the Army and the country suffered during the Civil War. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I was in hope that the gentleman from Arizona [Mr. HAYDEN] would have had time to emphasize one feature of the amendment which he has proposed, which he but lightly touched upon. One of the pleasures of my life has been to study the actions of the Civil War and to follow the courses of the respective organizations furnished by the States through the war as best I could. That study has revealed nothing so strikingly to me as the weakening of the various units after they had been upon the field of action for a period of time and the fact that there was no adequate method in force at that time for keeping these organizations up to an efficient fighting strength. The words of Gen. Sherman, used in the letter which the gentleman from Arizona has just read, should be written somewhere, so that American youth should

know them by heart. Organizations were sent from the States a thousand, twelve hundred strong, and within six or seven months of the time they got upon the field they were down to 600, 700, and then dwindled down to 300, 200; and I am told that in 1864 throughout the Confederate armies there was not a brigade that was as large as a single regiment was in 1861. Furthermore, in the Northern Army the situation was almost as bad. The only thing they could do was to consolidate these units. They put organizations together that did not have a common understanding, a common history, did not understand their officers, resulting in duplication of officers, elimination of officers, general disintegration, and military inefficiency. This plan that is proposed will do this above all things, it will keep your regiment in the field up to its accustomed fighting strength. If it is down to 200 or 100 or even 800, it is not a unit that is to be given full strength and faith of a unit, and I can see no way in which our Army can be secured in its efficiency in time of stress better than by adopting some such amendment as this.

Another thing that the gentleman ought to have emphasized is this. In the days of the Civil War the recruits, as we know, were drilled at the recruiting office to a considerable extent and then sent to the field to join their respective organizations. No two of them were trained alike, no two had the same amount of training, no two of them had the same military efficiency when they reached their unit. This battalion is a drilling, training organization, and the men who become members of it will be trained until they become efficient, and when efficient they will be sent to keep in its highest efficiency these integral units that are on the field of action.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The amendment was agreed to.

The Clerk read as follows:

SEC. 44. That the enlisted strength of all organizations of the National Guard brought into the military service of the United States shall be maintained as near the maximum authorized war strength provided for the organizations of the Regular Army as possible. That the National Militia Board created by section 20 of the act of May 27, 1908, shall, from the date of the approval of this act, be abolished. The Militia Division now existing in the War Department shall hereafter be known as the Militia Bureau of said department, shall, like other bureaus of said department, be under the immediate supervision of the Secretary of War, and shall not form a part of any other bureau, office, or other organization, but the Chief of the Militia Bureau shall be ex officio a member of the General Staff Corps: *Provided*, That the President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel, one lieutenant colonel, and one major of the National Guard, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a Regular Army officer having the same rank and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee the purpose in authorizing a detail of State officers of the National Guard for duty in this bureau of militia. As at present organized—and I have some acquaintance with it by reason of my service on the Committee on Appropriations—there are no such officers detailed.

Mr. HAY. The purpose of it is to have somebody in the War Department who is in touch with the National Guard organizations and who knows something about the needs and the requirements of those organizations.

Mr. STAFFORD. Does not the gentleman think that the bureau as now organized would be able to get in touch and keep informed as to the conditions?

Mr. HAY. The bureau as at present organized is composed of Regular Army officers.

Mr. STAFFORD. I am aware of that.

Mr. HAY. And of course they are not acquainted as well as the National Guard officers are with the requirements and needs of the National Guard.

Mr. STAFFORD. The idea came to my mind that they could obtain that information, and certainly the chief, as he testified before our committee, showed proficiency and also acquaintance with the National Guard.

Mr. HAY. The gentleman will understand that the point of view of the Regular Army officer is entirely different from the point of view of the National Guard officer, and the purpose of this is to get in closer touch with the National Guard, so that the War Department may be better advised of the reasons for this, that, and the other.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KAHN. Testimony before the committee was to the effect that in the judgment of the National Guard officers they did not receive the sympathy or the encouragement that they thought their organizations ought to receive, and this provision was put into the bill so that somebody who knew a great deal about the National Guard organizations and who had sympathy for these organizations, who could give encouragement to these organizations, would be there as assistant to the chief of division.

Mr. STAFFORD. In reply I would say that the present chief of this bureau seems to be in entire accord and sympathetic relation with the militia.

Mr. CANNON. But he might die.

Mr. STAFFORD. And he asked for an increased clerical force for the very reason of the new duties that would be imposed upon the bureau by the passage of some such bill as this.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. TILSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by striking out all after the word "*Provided*," in line 15, and by inserting in lieu thereof the following: "That the President, by and with the advice and consent of the Senate, shall appoint an additional section of the General Staff, to be composed of five officers of the National Guard with not less than fifteen years' service, at least two of whom shall be officers of the line, said section to be known as the 'National Guard section of the General Staff.' Such officers shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a period of five years, and thereafter each member of the section shall be appointed for a term of five years. In the event of a vacancy in this section the appointment shall be made for the unexpired term. The members of the National Guard section of the General Staff shall be so selected as to secure, as far as possible, practical and equitable representation to all sections of the United States. No officer shall be eligible to reappointment as a member of the National Guard section of the General Staff within two years after the cessation of his membership under a prior appointment: *Provided further*, That the National Guard section of the General Staff shall have a suitable office at the War Department, and during their detail the members thereof shall receive the pay and allowance of officers of similar grades in the Regular Army. The members of the National Guard section of the General Staff shall be subject to the orders of the Secretary of War and the Chief of Staff for consulation respecting the condition, status, and needs of the whole body of the National Guard; and it shall be the duty of such section to recommend to the Secretary of War policies for the benefit and improvement of the National Guard and to confer with him and make recommendations upon all regulations proposed by him for the government of the National Guard: *Provided further*, That the actual and necessary office expenses, expenses of travel, pay, and allowances for the members of the National Guard section of the General Staff shall constitute a charge against the whole sum annually appropriated for carrying out the provisions of this act."

Mr. TILSON. Mr. Chairman, it is no secret that I opposed with all my might in the committee the appointment of any National Guard officers to the Bureau of Militia Affairs. As this provision is written in the bill it will simply mean three fat jobs for three National Guard officers to be brought here to Washington with the rank of major, lieutenant colonel, and colonel, with the salaries that those grades call for, to become clerks in the Bureau of Militia Affairs. So far as representing the National Guard sentiment is concerned, after a few years of separation from their home States they will not represent that sentiment at all. If we are going to have anything of this kind at all, if we are going to have representation of the National Guard in the War Department at all, it seems to me that the place for it is on the General Staff, where the military policies of the country are determined instead of adding three very high-priced clerks of doubtful efficiency to the Bureau of Militia Affairs.

I am willing, if my amendment should strike the committee favorably, to cut it down to three officers instead of five. The grades are not prescribed in my amendment, so you need not make them majors, lieutenant colonels, or colonels, but they may be lieutenants or captains if the President so decides. At any rate, Mr. Chairman, by my amendment they will be on the General Staff, where they should be if we are going to have them at all. Under it they hold office for only a term of years, and go out instead of becoming permanent fixtures.

Mr. TAGGART. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. TAGGART. Referring to another section of the bill, with whom will the War Department communicate; who will keep the records of the militia of the State; who will transact the business under the bill, leaving out the adjutants general in each State?

Mr. TILSON. I will say to the gentleman that was not left out by my direction, and I do not believe I am able to explain it; so the gentleman should ask the chairman of the committee to explain.

Mr. TAGGART. What does the militia bureau do in connection with the officers of the National Guard?

Mr. TILSON. I understand that, so far as the three provided for in this bill are concerned, they would simply become clerks in the bureau of militia affairs.

Mr. TAGGART. Well, now, suppose the most important thing that could be done was done, and an order was issued from the War Department to the National Guard of the gentleman's State, who would that order reach and who would communicate the order to the various organizations? Who would have all the information as to where they were, in order to do the business?

Mr. TILSON. I do not think that is provided for in this section of the bill at all.

Mr. TAGGART. Well, no such personage as the governor is mentioned in the bill?

Mr. TILSON. He is mentioned several times.

Mr. TAGGART. I mean he is not clothed with any new authority, and I do not know how we could prescribe new duties for a governor.

Mr. TILSON. What the gentleman is saying is not justified as a criticism of my amendment.

Mr. TAGGART. I am not criticizing the gentleman's amendment, I think his amendment is right; but we are providing now for a bureau of officers to transact the business of the National Guard in the War Department, and if they had to transact any business with the National Guard in somebody's State, it might be advisable to inquire with whom they would communicate.

Mr. TILSON. I think the gentleman's inquiry is pertinent, but I desire to say, in closing, in reference to this particular amendment, that if we are going to have anything at all let us have something that will be of a real help to the National Guard. Let us have a body of young officers who will be constantly changing, one at a time, bringing in fresh blood from the National Guard, instead of having three high ranking officers who will outrank three-fourths of the officers now in the Bureau of Militia Affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Will the gentleman yield?

Mr. TILSON. Mr. Chairman, I ask for one minute in order to answer the question of the gentleman from Illinois.

The CHAIRMAN. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

Mr. CANNON. If the gentleman's amendment is good enough to pass, I should be glad to offer an amendment to cut it down from 15 years to 6, so that we might get genuine new blood.

Mr. TILSON. Mr. Chairman, it was my intention to ask to modify my amendment and cut it down to five years.

Mr. CANNON. That is all right.

Mr. TILSON. And if it will satisfy the House I will cut it down to three officers instead of five. Mr. Chairman, I ask unanimous consent that I may change the 15 years' service to 5 years' service.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. TILSON. And cut the number of officers from five to three.

Mr. HAY. Mr. Chairman, all this goes to show how impossible it is to perfect a large proposition like this on the floor of the House. This proposition never was before the committee at all. I confess I do not know exactly what it does except in a very general way, and it seems to me dangerous to legislate in this way, and I hope the House will not adopt the amendment, and in the event hereafter it is necessary to do something of this sort we will try and take care of it in conference, or when the bill comes back from the Senate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. TILSON), there were—ayes 24, noes 70.

So the amendment was rejected.

The Clerk read as follows:

SEC. 54. That each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for indoor or outdoor target practice not less than forty-eight times each year. And that the President may call into the service of the United States the National Guard or or any part thereof to participate in encampments, maneuvers, or other exercises, including outdoor target practice and field or coast defense instruction, for at least 15 days each year, 5 of which may be in rifle practice, in addition to the assemblies for drill and indoor and outdoor target practice hereinbefore prescribed, unless such company, troop, battery, or detachment shall have been in active service for at least five consecutive days during such year, and he shall have power to call said National Guard or any part thereof into the service of the United States in connection with units of the Regular Army for the purposes aforesaid: *Provided*, That credit for an assembly for drill or for indoor or outdoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the Secretary of War, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he is credited as having been present shall be of at least one and one-half hours' duration.

Mr. HAY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 64, line 1, after the word "prescribed," strike out the sentence down to and including the word "year," in line 4.

Mr. HAY. Mr. Chairman, this is done for the reason that if that language is left in the bill and the National Guard should be called out for duty and serve 5 days they would not then have to perform 15 days' service, required by the bill, and for that reason it is proposed to amend the bill.

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of convincing everybody, perhaps, who is familiar with this bill that I do not know much about many of its features. Here is a National Guard provided for which—referring to a preceding section or two—the United States has to do much furnishing. I would like to know, if I can in a few words, not to take much time, what are the States to do; what proportion of the expenditure for the National Guard do the respective States have to bear? If they fail to bear the expenses provided for, what is the penalty? In the hasty reading of the bill I have not ascertained that.

Mr. HAY. Does the gentleman wish me to answer?

Mr. CANNON. I shall be glad to know.

Mr. HAY. I will state to the gentleman that under the law now the State is not required to expend anything on the Organized Militia of the State. Each legislature expends what it pleases. Some States spend more than others. For example, the State of the gentleman spends a great deal on its guard. Some other States spend but very little. There is nothing obligatory, so far as the National Government is concerned, upon the States to spend anything, and we have no power to compel, as the gentleman will readily understand, a State to make an appropriation for its National Guard. But they have been for years past making appropriations. For instance, in some of the State constitutions are provisions by which a certain portion of the taxes which are collected are set aside for military purposes. I know that is a provision in the constitution of my own State. In others the constitution makes no provision at all, but the legislature every year appropriates for the National Guard.

The Government of the United States does not at all and has not heretofore required anything from the States. Under the Dick law, and the law passed in 1908 amending that law, the Government of the United States has been contributing to the States $4,000,000 annually for equipment and for training purposes, and every year under the Army appropriation bill there is carried an appropriation for maneuvers.

Mr. CANNON. In other words, as I understand it, while Congress might make conditions under which it should contribute, it has not done so, and practically the only way to regulate it, if this law is enacted, or under existing law, is for Congress to regulate it by the amount it shall appropriate, and if it falls short of meeting the views of the respective States, or any of them, as to being sufficient, the legislature is at liberty to use its discretion to increase the amount from the State treasury?

Mr. HAY. If it chooses; yes.

Mr. MADDEN. May I ask a question there? Under one of the provisions of this bill would not the Government of the United States be required to pay so much for each man who takes a certain amount of drill, for example?

Mr. HAY. Yes; of course. But that is under this law and not under any previous law. Under this law we are for the first time providing for pay for the National Guard, and no State which does not carry out the provisions of this law will be allowed to share in the appropriation made under the provisions of this bill.

Mr. MADDEN. Yes. So, as a matter of fact, we are obligated, if this law becomes effective, to pay so much per man per year to those who comply with the provisions of the law?

Mr. HAY. Yes. I thought the gentleman was asking me about the obligations of the State.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. According to the hearings, on page 899, Volume II, the Chief of the Militia Division testified that the States in the year 1914 appropriated $7,729,673.13, whereas the Fed-

eral Government appropriated $3,858,383.16, for the support of the National Guard. So the States appropriated more than twice as much as the Federal Government appropriated.

Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has just handed me a letter which he received from Gen. Mills, Chief of the Division of Militia Affairs, in the early part of January last, which gives more recent figures as to the expenditures for the militia made by the States of the Union. The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
DIVISION OF MILITIA AFFAIRS,
Washington, January 6, 1916.

Hon. A. P. GARDNER,
House of Representatives.

MY DEAR SIR: Referring to your letter of January 4, 1916, in which you request information as to State disbursements for the support of the militia, and information as to how such sums are raised, I beg to reply as follows:

1. The estimated aggregate disbursement of all States of the Union for the support of the militia for the last fiscal year was $8,463,044.89. This estimate is based upon detailed reports received from all States; the States found it impracticable in most cases to estimate the sums derived by organizations from membership dues, local entertainments, riding academy annexes, and the like. All such sums, impracticable to estimate, were disbursed locally for the support of the militia, and the aggregate reported disbursement, given above, is therefore less than that actually expended by a considerable amount.

2. The aggregate sum reported above is derived from State appropriations and appropriations from municipalities. The sum also includes such amounts as the States could ascertain and report as derived from membership and club dues in organizations, local entertainments, riding academy annexes, and similar local enterprises.

Very truly, yours,

A. L. MILLS,
Brigadier General, General Staff,
Chief Division of Militia Affairs.

Mr. STAFFORD. Will the gentleman permit right there?

Mr. KAHN. Yes.

Mr. STAFFORD. Will the gentleman inform the House as to how much is likely to be contributed by the National Guard under the scheme carried in this bill?

Mr. KAHN. I think something in the neighborhood of $12,000,000.

Mr. STAFFORD. Suppose the State default in increasing this appropriation? For instance, the State of Kentucky appropriates $10,000——

Mr. KAHN. Kentucky appropriates more. Arkansas appropriates $10,000.

Mr. STAFFORD. What machinery is provided for making up the deficit which would be necessary to maintain a sufficient organization in those States?

Mr. KAHN. Oh, as I told the House on Saturday, that, in my judgment, is one of the serious defects with regard to this particular matter.

Mr. STAFFORD. Does it follow that the National Government may eventually pay everything?

Mr. KAHN. I do not think so. I feel confident that unless the States meet the provisions of this law in the same spirit in which the law has been enacted, unless the States make the necessary appropriations, the best wishes of those who are interested in the development of the National Guard will be defeated. In other words, they will not see their dream realized. That to me is the inherent weakness of this legislation.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman some questions. Under section 54 the President is empowered to call out the State Militia for their summer encampment?

Mr. HAY. Yes.

Mr. GARDNER. And if he calls them out at all he must call them out for 15 days' time, including 5 days for target practice; is that correct?

Mr. HAY. It includes that; yes.

Mr. GARDNER. He may not call them out for a lesser period under this section?

Mr. HAY. It says "at least 15 days."

Mr. GARDNER. For instance, he could not call out the State militia for five days or eight days?

Mr. HAY. Yes.

Mr. GARDNER. That is correct, is it not?

Mr. HAY. Yes.

Mr. GARDNER. Now, then, he may call out the entire militia of a State or he may call out any part of it?

Mr. HAY. That is right.

Mr. GARDNER. Suppose that some State is disinclined or finds difficulty in recruiting soldiers who can give two weeks toward that summer service. The President, then, can not call that State's full quota out at all, can he?

Mr. HAY. Of course he can not call them out if they do not exist. If there are no soldiers, he can not call them out.

Mr. GARDNER. Suppose a State organization is pretty well filled up, like that of my own State of Massachusetts, for example, and suppose that State says to the Secretary of War: "Most of these young men will not be able to serve 15 days. Will the President be good enough not to call us out this year?" That is quite possible, is it not?

Mr. HAY. I do not think so. Anyone who is intrusted with carrying out the provisions of this act and who will act in good faith will not do what the gentleman from Massachusetts thinks they might do.

Mr. GARDNER. I am not so sure of that. It might be done in absolute good faith. You make it optional with the Secretary of War—that is, with the President—whether or not he shall call out these troops for summer encampment. There is no penalty for those who are not summoned to camp, because so long as a militia organization has held 48 drills in a year its members are entitled to pay whether they attend the summer camp or not. Of course any enlisted man must attend 24 drills before he can draw pay.

Mr. HAY. The gentleman is mistaken when he says there is no penalty. This provides for calling them out for service, for training, for at least 15 days.

Mr. GARDNER. Precisely.

Mr. HAY. Now, on page 50, as a part of section 27, it is provided that—

> Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act or any other law.

Mr. GARDNER. I do not think the gentleman caught my point. Suppose that the Secretary of War, finding that a Massachusetts regiment is largely composed of men who can not every year sacrifice the time requisite for two weeks in camp, decides not to order that particular regiment out for summer training. You will find, if you read your bill carefully, that, in spite of the fact that the regiment may not have had one day's encampment, nevertheless its members can draw pay for drills in the armory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I ask for two minutes more in which to explain the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HAY. Under this bill the President is authorized to call these troops out for at least 15 days. Now, of course, the gentleman from Massachusetts or anybody else can imagine any condition which may arise, and he may imagine that the Secretary of War will say that 15 or 20 people in some particular company in the guard of some particular State need not come out. But I do not believe that those conditions are going to arise. If the Secretary of War, whoever he may be, is going to carry out this law in good faith, he is not going to mangle it in that way.

Mr. GARDNER. Does not the gentleman realize that we are right up against that very question next summer? Many men actually in the National Guard at the present moment have enlisted with the idea that they are going to spend only a week next summer in training to be a soldier. Now, next summer, in my opinion the Secretary of War will have a problem to face when the time comes for the summer encampments. Various States are likely to say to him, "Mr. Secretary, we are going to lose a lot of our guardsmen who can not render two weeks' service." Will you not remit that requirement for this year or cut the period down to one week? Under this bill no cut down could be permitted.

Mr. HAY. Now they are not paid. Hereafter they will be paid.

Mr. GARDNER. I think next summer you will find a great falling off in a great many organizations of the National Guardsmen, because of this situation.

Mr. HAY. What remedy would the gentleman suggest?

Mr. GARDNER. I doubt the wisdom of retaining the words "at least." It should be in the power of the Secretary of War, for the present time anyway, to call militia regiments out for a less length of time than 15 days, if in his judgment it is necessary. I think there is some force in this, Mr. Chairman.

Mr. HAY. How would it do to strike out the words "at least" and insert the words "not more than," so that it would read, "every year not more than 15 days"?

Mr. GARDNER. I think, as I suggested, that it might be well to put in, as a proviso at the end of that section, this language, "Providing that for the year 1916," and so forth.

Mr. HAY. I will think it over and talk with the gentleman about it.

Mr. MANN. Mr. Chairman, do I understand that the language in the bill, in the gentleman's opinion, would forbid the President calling these men of the National Guard into national encampments at one time for less than 15 days? The language of the bill provides that the President might call the guard into encampment for at least 15 days in the year.

Mr. HAY. Yes.

Mr. MANN. It is optional with the President and not a requirement?

Mr. HAY. Yes.

Mr. MANN. It provides for 15 days in the year. Does that language mean that if he wishes to call them out for a week at one time he can not do it?

Mr. HAY. I think not. I think he could call them out for a week at one time and for a week at another time.

Mr. MANN. If he can call them out for a week at a time, he can, of course, omit to call them out at another time, or not call them at all.

Mr. HAY. Of course. The assumption was that the President would be anxious to have the National Guard trained at least 15 days in a year, and therefore the committee proposed to provide that they should be called out at least 15 days.

Mr. MANN. As I read that, that was simply an expression of opinion. Is it the intention to give the President the power to call them out for six months?

Mr. HAY. Well, he can do it; yes.

Mr. MANN. He could under the language of this bill. He could call them out, but would they come?

Mr. HAY. They would have to come; that is all. That is just what we are proposing to do.

Mr. MANN. For a summer encampment?

Mr. HAY. We are proposing to suggest, as the gentleman says, that 15 days is a reasonable time for which the National Guard shall be called out to be trained; but if for any reason the President desires them to be called out for longer than that—and I suppose he would require some good reason to be given why he should call them out for a longer time—then he can do it. In other words, we do not want to restrict the power of the President, so that he can not call them out for more than 15 days.

Mr. MANN. Then, I do not see why you do not strike out entirely the words "for at least 15 days each year."

Mr. HAY. Because I think 15 days is a reasonable time, and it is better to put it in the law. It does not make it obligatory for him to call them out for only 15 days.

Mr. MANN. I can not see what it does mean. The President is not required to call them out at all, and he may call them out for 30 days.

Mr. HAY. It means that he must not call them out for less than 15 days.

Mr. MANN. He may not call them out at all.

Mr. HAY. Oh, yes; he has to call them out for at least 15 days.

Mr. MANN. Both gentlemen a moment ago stated that it was optional with the President, and it clearly is, under the terms of the bill.

Mr. HAY. Not at all. The bill says he may, but I will move to insert the word "shall" if the gentleman thinks that will make it any better.

Mr. MANN. I think clearly as it reads here it means that it is optional.

Mr. KAHN. Will the chairman of the committee allow me to make a statement?

Mr. HAY. Yes.

Mr. KAHN. In framing legislation relating to military forces the mandatory expression is never used where the President, who is the Commander in Chief of the Army and Navy of the United States, is concerned. We never direct the Commander in Chief of the Army to do anything. We simply authorize him to do it, and therefore in this section we have used the permissive word "may" instead of the mandatory word "shall."

Mr. MANN. And as we can not use mandatory language to the President in regard to his conduct of military affairs, that is very proper. He is the Commander in Chief.

Mr. KAHN. That is it exactly.

Mr. MANN. But it is still optional just the same.

Mr. KAHN. That is true.

Mr. GORDON. Will the gentleman from Illinois yield right there?

Mr. MANN. Yes.

Mr. GORDON. The gentleman does not believe that the President would call them out for drill at all if Congress did not authorize it?

Mr. MANN. Oh, no; I fully agree with that.

Mr. GARDNER. But the word "may" is used in connection with the words "for at least 15 days," which is a mandatory provision. That is what is bothering me.

Mr. MANN. That may be.

Mr. GARDNER. It should be either one thing or the other.

Mr. HAY. I will state to the gentleman from Illinois that in matters of this sort we want to give some discretion to the Secretary of War, who, after all, would have to handle this proposition, and if we made some obligatory provision which he must obey it might be possible that he would be unable to do it as it ought to be done, and in all matters of this character it has always been the rule to give some discretion, so that under any condition which may arise the Secretary will have the opportunity to meet it and not be trammeled so that he can not meet it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. I just want to make this remark, that as I read this bill it offers an inducement to the States for the formation of a National Guard and offers an inducement to the men in the States to join the guard. If the inducement is sufficient, it may accomplish the purpose of providing military training for a very large number of young men in the country. If the inducement is not sufficient, it will not accomplish the purpose. But it is in no sense obligatory. We do not require that the thing shall be done. We offer to pay something out of the General Treasury if the boys will go in under the provisions that we put in the law; but it is a mere inducement. I hope that it will be sufficient, though I am not at all certain that it will provide—in fact, I am very certain that it will not provide—for the emergency which is now confronting the country.

The CHAIRMAN. Does the gentleman from Virginia wish to make some motion with reference to the section?

Mr. HAY. I do not.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 55. That the Secretary of War shall cause an inspection to be made at least once each year by officers of the Regular Army detailed by him for that purpose to ascertain the condition of the property in the hands of the National Guard; whether the National Guard is organized as herein provided for; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, and equipped, and are being properly trained and instructed for active duty in the field or for coast defense; and whether the records of the organization are properly kept in accordance with the requirements of this act and the regulations made thereunder. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this act, or any other property for which accountability is or may be due to the United States. The Secretary of War shall annually report to Congress the condition of the National Guard and what use has been made of the appropriations made therefor.

Mr. PARKER of New Jersey. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Line 10, page 65, add to section 55 the following: "Such reports may grade various organizations as to their efficiency and as to their number compared to the whole militia of the locality, and the Secretary of War, subject to such regulations as the President may prescribe, may, within the limits of appropriation therefor, offer and distribute prizes based on such grades."

Mr. HAY. We will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 56. That under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds allotted to any State, Territory, or the District of Columbia for the support of the National Guard such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of that portion of the National Guard of said State, Territory, or the District of Columbia that may participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law: *Provided*, That encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction, shall be held to include the State and national rifle competitions.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 65, line 12, after the word "prescribe," insert the following: "And within the limits of available appropriations for the support of the National Guard."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 61. That all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days engaged in field training ordered or authorized under the provisions of this act.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 68, line 5, after the word "field," insert the words "or coast defense."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. ROWE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 68, line 6, after the word "act," add a new paragraph, as follows:

"And if such members of the National Guard shall be called into the military service of the United States they shall be granted an indefinite leave of absence from their respective duties up to a date not more than three months after they shall have been mustered out of said military service."

Mr. ROWE. Mr. Chairman, there is no provision made in the act as far as I can see, for employees of the Government who have been away from their post more than a year. During the Spanish War of those sent to the Philippine Islands, many of them who came back failed to get their positions because they said that they had all been filled. It seems to me that the Government, after getting these men to serve with very much loss of pay should provide for their getting their positions back on their return.

Mr. HAY. Mr. Chairman, I would like to have the amendment reported again.

The Clerk again reported the amendment.

Mr. HAY. I have no objection to the amendment.

Mr. STAFFORD. I would like to suggest, Mr. Chairman, should not that be a part of section 61 rather than a new section?

Mr. KAHN. The gentleman offered it as a part of the paragraph.

Mr. TILSON. As I understood, the gentleman offered it as a part of the paragraph.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. ROWE. Yes.

Mr. CALDWELL. The gentleman's amendment, of course, contemplates leave of absence from Government employment?

Mr. ROWE. Oh, that is exactly what it says.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. PLATT. Mr. Chairman, before the question is taken, I would like to ask the gentleman from Virginia [Mr. HAY] whether he would not insert in this a proviso that an employee of the United States Government could attend the Plattsburg camp without loss of pay?

Mr. HAY. Mr. Chairman, I do not think the people who go to Plattsburg camps are necessarily employees of the Government.

Mr. PLATT. I happen to know of a few cases of employees of the Government who went to the Plattsburg camp last year and who paid all of their own expenses, and had the Government charge them their pay besides.

Mr. HAY. Well, they must have been very independent gentlemen. I think that would be going a little bit too far.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

SEC. 62. That under such regulations as the Secretary of War may prescribe, he may, upon the recommendation of the governor of any State or Territory, or the commanding general of the National Guard of the District of Columbia, authorize any officer or enlisted man of the National Guard to attend and pursue a regular course of study at any military service school or the Army War College, except the Military Academy at West Point, N. Y.; or to be attached to an organization of the same arm, corps, or department, to which the officer or enlisted man belongs, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the same grade in the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction

Mr. GARDNER. Mr. Chairman, I move to strike out the last word in order to call the attention of the House to the fact that Mr. J. Clifford R. Foster, chairman of the executive committee of the National Guard Association, is sending out from the Ebbitt Hotel, Washington, D. C., certain bulletins, of which the following, for March 18, 1916, is an example:

BULLETIN TO NATIONAL GUARD ASSOCIATION OF THE UNITED STATES.

EBBITT HOTEL,
Washington, D. C., March 18, 1916.

The desire of the President to have the pending military legislation pressed has resulted in such rapid action in both Houses within the last few days that it has been impossible to keep the National Guard as fully advised as to the progress of events as would have been desirable. There has been sent you copy of the Hay bill as it was introduced in Congress. This bill came up for consideration yesterday, and is being debated and amended in the House to-day. I inclose herewith copies of amendments which the executive committee have recommended to the House Military Committee. We are unable to say how many of these will be adopted, but we hope for the adoption of some of the most important.

The Chamberlain bill (S. 4840) was reported yesterday, and will come up for discussion in the Senate on Monday. This bill has been materially changed by the Senate Military Committee. A number of amendments have been suggested by that committee which we regard as very unfavorable to the National Guard. Among the changes is one which would cut all officers out of pay except the captains and lieutenants of companies. We are striving to get amendments adopted which will correct this situation.

We can recommend no specific action at this time except that the Senators from your State be urged to support the amendments to the Chamberlain bill which are proposed by the National Guard Association.

We will keep you advised as fully as possible, and may call upon you by telegraph to bring State influence to bear if the situation shapes up so that this is necessary.

Of course, after these bills have passed the House and Senate we will still have an opportunity to contend for important amendments when they go into the hands of the conference committee.

J. CLIFFORD R. FOSTER,
Chairman Executive Committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 74. That section 1661 of the Revised Statutes, as amended by the acts of February 12, 1887; June 6, 1900; and June 22, 1906, is hereby amended and reenacted so as to read as follows:

"SEC. 1. That a sum of money shall hereafter be annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the National Guard, such appropriation to remain available until expended.

"SEC. 2. The appropriation provided in the last preceding paragraph shall be apportioned among the several States and Territories under just and equitable procedure, to be prescribed by the Secretary of War, and in direct ratio, so far as not in conflict with such procedure, to the annual State and Territorial appropriations existing at the date of apportionment for the support of the National Guard of such States and Territories, respectively, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, the Territory of Hawaii, and the District of Columbia, shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the militia for the permanent equipment thereof; for office rent and necessary office expenses of officers on duty with the National Guard; for expenses of sergeant instructors on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated under section 1661, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with encampments, maneuvers, and field instruction provided for in sections 14 and 15 of the said act of January 21, 1903, as the Secretary of War may deem necessary: *Provided further*, That the governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District who shall be regarded as property and disbursing officer of the United States. He shall receipt and annually account for all property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of a governor of a State or Territory, or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof as much of its allotment out of the annual appropriation under section 1661 of the Revised Statutes, as amended, as shall be necessary for the purposes enumerated therein. He shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement. Before entering upon the performance of his duty as property and disbursing officer, he shall be required to give good and sufficient bond to the United States, in such sums as the Secretary of War may direct, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated under section 1661, Revised Statutes, as amended, and shall not be paid from the allotment duly apportioned

to the State, Territory, or District of Columbia. When traveling in the performance of his official duties, under orders issued by the proper authorities, he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment to the State, Territory, or District of Columbia, under section 1661, Revised Statutes, as amended. The Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an officer of the Army at least once each year. The Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section: *Provided further*, That whenever any property issued to the National Guard of any State or Territory or the District of Columbia as hereinbefore provided has been lost, damaged, or destroyed, or has become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer detailed by the Secretary of War from the Regular Army, or designated by him from the National Guard, and the report of such surveying officer shall be forwarded to the Secretary of War; and if it shall appear to the Secretary of War, from the records of survey, that the property has been lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor; if it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value thereof shall be charged to the State or Territory or the District of Columbia, to be paid for from the State funds or any funds other than Federal: *And provided further*, That if the articles so surveyed are found to be unserviceable or unsuitable, from either avoidable or unavoidable causes, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of such articles, except unserviceable clothing, which shall be destroyed; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or the District of Columbia, to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to the State, Territory, or the District of Columbia accountable for said property, and as a part of and in addition to that portion of the allotment of such State, Territory, or the District of Columbia set aside for the purchase of similar supplies, stores, or matériel of war."

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 75, line 25, strike out the word "purpose" and after the word "the" insert the words "support of the National Guard, including the expense."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Also, the following committee amendment.

The Clerk read as follows:

Page 76, line 2, after the word "equipage," insert the words "and all other military supplies."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Also, the following committee amendment.

The Clerk read as follows:

Page 76, line 2, after the word "Guard," insert as follows: "And such other expenses pertaining to said guard as are now or may hereafter be authorized by law."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Chairman, what would be the aggregate expenditure of the National Government for these various supplies?

Mr. HAY. That depends on how much the Military Committee shall determine to appropriate under the bill.

Mr. STAFFORD. Will it not be contingent on the quota of men in the respective units of the National Guard?

Mr. HAY. To a certain extent; yes. I think it is estimated that the pay of the 129,000 will be $11,000,000. I think that can be cut down, however. These supplies you are talking about now have been costing anywhere from two to three million dollars a year.

Mr. STAFFORD. In this change do we purpose to grant further supplies than are provided for under existing law?

Mr. HAY. Yes; I think so. We are proposing to give to the National Guard all of the equipment and supplies we now give to the soldiers in the Regular Army.

Mr. STAFFORD. And also to provide every character of supplies for their use?

Mr. HAY. Yes.

Mr. STAFFORD. Including ammunition?

Mr. HAY. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 76, line 5, strike out the word "paragraph" and insert the word "section."

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 76, in subsection 2 of section 74 of the bill, amend as follows: Strike out all the words in lines 8, 9, and 10 and down to the word "respectively," in line 11, and insert in lieu thereof the following: "to the number of enlisted men in the National Guard in such States and Territories existing at the date of apportionment of said appropriation."

Mr. MANN. Mr. Chairman, this seems to be a very material change. What is the change and what is the reason for it?

Mr. HAY. Mr. Chairman, the purpose of the change is to apply this appropriation to the National Guard in proportion to the men who are enlisted instead of in proportion to the appropriation which may be made by the several States, and the reason for that is to make an efficient National Guard; and therefore we want to apply these appropriations to the entire National Guard of the country and not to any particular State. If States are rich, like New York, under the bill as it is drawn they would get very much the advantage of States which are poor, as they would be able to appropriate large sums for their guard.

Mr. MANN. I do not see how they would get it. You provide how much shall be paid in any event and how it shall be expended.

Mr. HAY. The bill as drawn provides it shall be paid in the ratio of the amount of money which is appropriated by a State.

Mr. MANN. I understand, but you make a fixed obligation on the Government to expend so much money on the National Guard in the different States. That is fixed; we have to meet that. We have a moral obligation to meet that promised by law.

Mr. HAY. But this is for supplies now; we do not deal with the pay, but this deals with supplies.

Mr. MANN. This deals with the whole thing under the amendment which the gentleman has put in.

Mr. HAY. No; this whole section deals with property; it does not deal with pay.

Mr. MANN. What is the first amendment the gentleman put in, for the support——

Mr. HAY. For the support of the National Guard.

Mr. MANN. If that does not cover it, I do not know what it does.

Mr. HAY. If the gentleman will look at the bill he will find an appropriation provided for in the last preceding section——

Mr. MANN. Yes; that is under the same act, the amendatory act.

Mr. HAY. "That a sum of money shall hereafter be annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster's stores, and camp equipage, and all other military supplies for issue to the National Guard." So that this section applies to stores and not to pay.

Mr. MANN. Of course, I do not know how the appropriation may be made to support the National Guard. I notice under the law now it only refers to supplies. I thought the gentleman had offered an amendment changing that language purposely so as to cover everything under this appropriation.

Mr. HAY. No; the appropriation for pay is provided for further on, by a general section, providing that Congress shall hereafter appropriate annually for the support of the National Guard. Now we have a permanent annual appropriation with which Congress has nothing to do. We do not even know how that is spent.

Mr. MANN. I should think without being certain, of course, that it might be much more expensive in the large cities than it would be in some parts of the country for the maintenance of the National Guard to supply these supplies, and that if the States were willing to bear that expense the Government might contribute its ratable proportion.

Mr. HAY. Well, but that is not the point of this amendment. The point of the amendment is that money shall be distributed to the States in proportion to the number of men who shall enlist, not in proportion to the appropriation which the States shall make. That is the point.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from Virginia offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 76, line 22, strike out the words "sergeant instructors" and insert "enlisted men of the Regular Army."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I also offer another amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 76, line 20, strike out the word "militia" and insert the words "National Guard."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Virginia offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 77, lines 1 and 2, strike out the words "under section 1661, Revised Statutes, as amended," and insert "for the support of the National Guard."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY].

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from Virginia offers a further committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 77, line 10, after the word "with," insert the words "lawfully authorized."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Virginia offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 77, line 11, strike out all after the word "instruction" down to and including the word "three," in line 13, and after the word "necessary," in line 14, insert the following:

"And for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Virginia offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 78, lines 5, 6, and 7, strike out all after the word "appropriation" in line 5, down to and including the word "amended" in line 7, and after the word "shall" in line 7, insert the words "be available for the support of the National Guard in the judgment of the Secretary of War." And strike out in line 7 the words "the purposes" and insert the words "said purposes"; and in lines 7 and 8 strike out the words "enumerated therein."

Mr. HAY. I will state to the gentleman how it will read in the way I have it amended on line 5, page 78. It will read:

The Secretary of War is authorized, on the requisition of a governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof as much of its allotment out of the annual appropriation available for the support of the National Guard as shall in the judgment of the Secretary of War be necessary for said purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Virginia offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 78, lines 20 and 21, strike out the words "under section sixteen hundred and sixty-one, Revised Statutes, as amended," and insert the words "for the support of the National Guard."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Virginia offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 79, line 2, after the word "allotment," insert the words "hereinbefore authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAY. Mr. Chairman, I offer another amendment, a committee amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania will be recognized. The prior amendment was not agreed to yet.

Mr. MOORE of Pennsylvania. The amendment that the gentleman offered refers to Territories, which induces me to refer to page 76, lines 13 and 14, wherein, in the apportionment of funds, provision is made for the several States, the Territory of Hawaii, and the District of Columbia. I ask the gentleman from Virginia why Alaska is not included?

Mr. HAY. I offered an amendment to strike out the words "Territory of Hawaii" and insert "Territories."

Mr. MOORE of Pennsylvania. That would include Alaska and meet any question that might arise as to other Territories?

Mr. HAY. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Virginia offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 77, lines 1 and 2, strike out the words "appropriated under section 1661, Revised Statutes, as amended," and insert the words "for the support of the National Guard."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] moves to strike out the last word.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. GARDNER. I do so for the purpose of asking the gentleman from Virginia how far he wishes to go to-night? The next section is the pay section, and for that I propose to offer as a substitute the volunteer-army provision contained in the Chamberlain bill.

Mr. HAY. I would like to have the Clerk read through the section, and then the gentleman may offer his substitute, and we will agree on the time; and then I would like also to agree on a time this evening as to section 82 of the bill, which I understand some gentlemen are anxious to discuss, and after that I shall move to rise.

Mr. GARDNER. And have the discussions themselves to-morrow?

Mr. HAY. Yes; to-morrow.

Mr. GARDNER. I am satisfied with that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 75. That certain commissioned officers on the active list belonging to organizations of the National Guard of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation provided by section 1661, Revised Statutes, as amended, shall receive compensation for their services, except during periods of service for which they may become lawfully entitled to the same pay as officers of corresponding grades of the Regular Army, as follows, not to include longevity pay, a captain $500 per year and the same pay shall be paid to every officer of higher rank than that of captain, a first lieutenant $240 per year and a second lieutenant $200 per year. Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized: *Provided*, That all staff officers, aids-de-camp, medical officers, and chaplains shall receive not to exceed one-half of the pay of a captain and captains or majors in command of machine-gun companies, ambulance companies, field hospital companies, or sanitary troops shall receive the pay of a captain of the line.

That each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation provided by section 1661, Revised Statutes, as amended, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per centum of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 48 regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 24; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least 24 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *And provided further*, That when any man enters into an enlistment other than an immediate reenlistment

he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 20 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

That all amounts appropriated for the purpose of this section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

That, except as otherwise specifically provided herein, no money appropriated under the provisions of this section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who fails to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe.

Mr. HAY. Now, Mr. Chairman, have the gentlemen on the other side any objection to my offering two or three amendments in order to perfect the section?

Mr. KAHN. No.

Mr. HAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 80, lines 24 and 25, strike out the words "provided by section 1661, of the Revised Statutes, as amended," and insert the words "for the support of the National Guard."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Virginia offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 81, line 14, strike out the word "and" and insert the words "except that."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Page 81, lines 20 and 21, strike out the words "provided by section 1661, Revised Statutes, as amended," and insert the words "for the support of the National Guard."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, on page 83, line 2, after the word "twenty," I wish to insert the word "four," so that it will read "whose ratio to twenty-four." Evidently that was a mistake.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 83, line 2, after the word "twenty," insert the word "four."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Now, Mr. Chairman, how much time does the gentleman desire?

Mr. GARDNER. On page 80, beginning on line 20, strike out section 75 and insert another section 75, which is section 66 of the Chamberlain bill.

Mr. MANN. I suggest to the gentleman to have it printed in the RECORD without reading.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that it be printed in the RECORD and read in the morning.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the amendment be printed in the RECORD and read in the morning. Is there objection?

There was no objection.

Following is the amendment proposed by Mr. GARDNER:

Strike out section 75 and insert the following:

"SEC. 75. The Volunteer Army. The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled 'An act to provide for raising the volunteer forces of the United States in time of actual or threatened war,' approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

"Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

"Officers of the Regular Army who receive commissions in the volunteer army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more."

Mr. HAY. How much time does the gentleman want for the discussion of this matter?

Mr. GARDNER. I would like 30 minutes, and the gentleman from Wisconsin [Mr. STAFFORD] wishes some time.

Mr. STAFFORD. I would like five minutes.

Mr. NORTON. I would like to have 15 minutes.

Mr. HAY. Is the gentleman from North Dakota in favor of the amendment?

Mr. NORTON. No.

Mr. HAY. As I understand it, the gentleman from Massachusetts [Mr. GARDNER] will not use all his time himself.

Mr. GARDNER. Twenty minutes will be enough for me personally, but I would like to have 10 minutes more to parcel out, in case I am asked for time in the morning.

Mr. HAY. How much time does the gentleman want, then?

Mr. GARDNER. Thirty minutes, with the understanding that I can parcel it out.

Mr. HAY. Of course. Mr. Chairman, I ask unanimous consent that debate on the section just read and all amendments thereto shall close in one hour, one half of the time to be controlled by the gentleman from Massachusetts [Mr. GARDNER] and the other half by myself.

Mr. MANN. The gentleman from North Dakota is very anxious to get 15 minutes on this section.

Mr. HAY. I will give the gentleman 10 minutes.

Mr. NORTON. That will be all right.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that debate upon this section and all amendments thereto shall close in one hour, one-half of the time to be controlled by himself and one-half by the gentleman from Massachusetts [Mr. GARDNER]. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, there is pending a point of order on an amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN]. He is not here, and I would not like to take it up to-night in his absence.

The CHAIRMAN. The Chair is prepared to rule, but will defer it at the gentleman's request.

Mr. HAY. We can take it up in the morning. If there is nothing further to-night, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks printed in yesterday's RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks printed in yesterday's RECORD. Is there objection?

There was no objection.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by Hon. Willett M. Spooner before the National Security League last January on the subject of national preparedness.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend remarks in the RECORD by printing a speech delivered by Hon. Willett M. Spooner on the subject of national preparedness. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to address the House to-morrow for 15 minutes after the reading of the Journal and the disposition of the business on the

Speaker's table, on the subject of the milk situation in Germany.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on to-morrow morning after the reading of the Journal and the disposition of business on the Speaker's table he may be allowed to address the House for 15 minutes on the subject of sending milk to Germany. Is there objection?

Mr. HAY. Mr. Speaker, I object.

Mr. EMERSON. I hope the gentleman will not object.

Mr. HAY. I can not let the gentleman break in on the time which should be used for the consideration of this bill. The gentleman can get some time in the five-minute debate.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of preparedness.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of preparedness. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1417. An act to erect or purchase, or both, a factory for the manufacture of armor; to the Committee on Naval Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 65. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto; and

H. R. 3042. An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Thursday, March 23, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation for the service of the fiscal year ending June 30, 1917, under the title of military posts (H. Doc. No. 933); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation for the service of the fiscal year ending June 30 1917 (H. Doc. No. 934); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill (H. R. 6070) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by The Hawaiian Electric Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 407), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 1442) for the relief of the estate of Joseph Hammerly, reported the same with amendment, accompanied by a report (No. 406), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6009) for the relief of the estate of L. H. Thurmon, reported the same with amendment, accompanied by a report (No. 408), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6010) for the relief of the estate of Fountain L. Campbell, reported the same with amendment, accompanied by a report (No. 409), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6011) for the relief of the estate of John H. Gillispie, reported the same with amendment, accompanied by a report (No. 410), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6012) for the relief of the estate of George W. Gibson, reported the same with amendment, accompanied by a report (No. 411), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6013) for the relief of the estate of W. B. Taylor, reported the same with amendment, accompanied by a report (No. 412), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6014) for the relief of the estate of Henry T. Earle, reported the same with amendment, accompanied by a report (No. 413), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6015) for the relief of the estate of M. S. Osborn, reported the same with amendment, accompanied by a report (No. 414), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6016) for the relief of the estate of John W. Graves, reported the same with amendment, accompanied by a report (No. 415), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 1788) for the relief of Thomas M. Jones, reported the same with amendment, accompanied by a report (No. 416), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13434) granting a pension to George F. Quinlan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 13565) to prohibit the sale of intoxicating beverages throughout the police jurisdiction of the Federal Government; to the Committee on Alcoholic Liquor Traffic.

Also, a bill (H. R. 13566) to provide for the payment of drainage assessments on Indian lands in Idaho; to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 13567) to provide for the purchase of a site and the erection of a public building thereon at Waurika, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Nebraska: A bill (H. R. 13568) to protect the public against dishonest advertising and false pretenses in merchandising; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR: A bill (H. R. 13569) to encourage private enterprise and capital in upbuilding the merchant marine of the United States and to promote commerce between the United States and foreign nations; to the Committee on the Merchant Marine and Fisheries.

By Mr. VOLSTEAD: A bill (H. R. 13570) to amend sections 5 and 6 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 29, 1908; to the Committee on the Public Lands.

By Mr. BRUCKNER: A bill (H. R. 13571) providing for the erection and completion of a public building in the Borough of The Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 13572) for the erection of a Federal building for the United States post office at Warren, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: House resolution (H. Res. 181) authorizing the printing of "A Brief Statutory History of the United States Department of Agriculture"; to the Committee on Printing.

By Mr. RODENBERG: Concurrent resolution (H. Con. Res. 22) providing for the printing of 10,000 copies of the Biographical Congressional Directory; to the Committee on Printing.

By Mr. GALLIVAN: Memorial of the General Court of the State of Massachusetts, favoring a national law regulating the employment of labor; to the Committee on Labor.

By Mr. TINKHAM: Memorial of the General Court of the State of Massachusetts, favoring a national law regulating the employment of labor; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 13573) granting an increase of pension to George F. Richardson; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 13574) granting an increase of pension to James C. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13575) for the relief of the estate of John R. Martin; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 13576) granting an increase of pension to Peter Haywood Gregory; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 13577) granting a pension to Anna E. Saunders; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 13578) granting an increase of pension to Williamson S. Ware; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13579) granting an increase of pension to Rosa V. Walker; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 13580) for the relief of Mancil L. Gaither; to the Committee on Military Affairs.

Also, a bill (H. R. 13581) granting a pension to Mrs. Louisa Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13582) granting an increase of pension to John P. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13583) granting a pension to Frances M. Sims; to the Committee on Pensions.

Also, a bill (H. R. 13584) granting a pension to Hattie D. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13585) granting a pension to Sarah L. Foster; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 13586) granting an increase of pension to Mary Kilian; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 13587) granting a pension to Ira J. Sutton; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 13588) granting an increase of pension to Samuel Boatright; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 13589) granting a pension to Joseph B. Ohr; to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 13590) granting an increase of pension to Nathan L. Isam; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 13591) for the relief of Edward Johnston; to the Committee on Military Affairs.

By Mr. HINDS: A bill (H. R. 13592) granting an increase of pension to Lavinia H. Pierce; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 13593) for the relief of the heirs of Thomas J. Hill; to the Committee on War Claims.

By Mr. KEATING: A bill (H. R. 13594) granting a pension to Anna M. Whitmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13595) granting an increase of pension to Sarah C. Knights; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13596) granting an increase of pension to Henry W. Redman; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 13597) for the relief of Richard Kirchhoff; to the Committee on Naval Affairs.

By Mr. KING: A bill (H. R. 13598) correcting the military record of William H. Gay; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 13599) granting a pension to Rubin A. J. Hornsby; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 13600) granting an increase of pension to Isaac Postlethwait; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13601) granting a pension to Pollie W. Smith; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13602) granting a pension to James C. Herrington; to the Committee on Pensions.

Also, a bill (H. R. 13603) granting an increase of pension to Benjamin H. Thayer; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 13604) granting an increase of pension to Philetus A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13605) granting a pension to Loretta E. Cadwallader; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 13606) granting an increase of pension to Moses F. Allen; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 13607) granting an increase of pension to George Pool; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 13608) granting an increase of pension to Nelson Benjamin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13609) for the relief of John W. Pierce; to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 13610) granting an increase of pension to Moses Rowell; to the Committee on Invalid Pensions.

By Mr. SUMNERS: A bill (H. R. 13611) for the relief of William B. Fortune; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 13612) for the relief of Mrs. Sarah L. Nuzum, widow of Joel D. Nuzum, deceased; to the Committee on War Claims.

By Mr. WILSON of Louisiana: A bill (H. R. 13613) for the relief of Dan O'Sullivan; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition from Wainwright, Mo., remonstrating against House bill 6465; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: Petition of sundry citizens of Carrollton, Ga., favoring rural-credits bill; to the Committee on Banking and Currency.

By Mr. AYRES: Petition of citizens of McPherson, Kans., against preparedness; to the Committee on Military Affairs.

Also, petition of citizens of Moundridge, Kans., against revenue stamps on bank checks; to the Committee on Banking and Currency.

Also, petition of citizens of Argonia, Kans., favoring investigation of sisal-fiber trust of State of Yucatan, Mexico; to the Committee on the Judiciary.

By Mr. ANTHONY: Letter from Iris J. Calderhead, secretary of the Congressional Union of Kansas, Wichita, Kans., stating that at Emporia, Kans., on March 15, 1916, the fourth Kansas district Republican convention adopted a resolution favoring national woman suffrage; to the Committee on the Judiciary.

Also, memorial of fourth Kansas district Republican convention, at Manhattan, Kans., March 14, 1916, favoring national woman suffrage; to the Committee on the Judiciary.

Also, memorial of second Kansas district Republican convention, at Ottawa, and eighth Kansas district Republican convention, at Wellington, Kans., March 14, 1916, favoring national woman suffrage; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers to accompany bill granting increase of pension to Peter Haywood Gregory; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: Papers to accompany House bill granting a pension to Anna E. Saunders; to the Committee on Pensions.

By Mr. DALE of New York: Petition of Hard Manufacturing Co., of Buffalo, N. Y., and Dr. Robert W. Hinds, of Buffalo, N. Y., favoring preparedness; to the Committee on Military Affairs.

Also, petition of General Federation of Women's Clubs, indorsing House bill 8668; to the Committee on the Public Lands.

By Mr. DALLINGER: Petition of citizens of Boston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of J. S. Dymond and 44 others of East Pembroke, N. J., favoring the passage of House joint resolution 137, favoring an amendment to the Constitution prohibiting appropriation of Government moneys for sectarian purposes; to the Committee on the Judiciary.

Also, petition of Herman Barron and 12 others, of Rochester, N. Y., against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of Lodge No. 82, International Order of Good Templars, of Sioux Falls, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FOSS: Petition of 30 citizens of Evanston, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of American Federation of Labor, for a Government-owned merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local Branch, German-American National Alliance, of Peru, Ill., opposing a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Commission on Temperance of the Congregational Churches of the United States, for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARDNER: Petitions of sundry citizens of Salem and Haverhill, Mass., favoring passage of Lobeck bill (H. R. 5792) in behalf of employees of Bureau of Animal Industry; to the Committee on Agriculture.

Also, memorial of General Court of Massachusetts, in favor of a national law regulating employment of labor; to the Committee on Labor.

Also, memorial of Essex North District Medical Society of Massachusetts, favoring sufficient number of medical officers in the Army; to the Committee on Military Affairs.

Also, petition of Salisbury (Mass.) Grange, No. 228, protesting against any change in the parcel-post law, especially the so-called Madden rider; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of J. Weber and 52 other citizens of Cleveland, protesting against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of United Baptist Church of Fort Fairfield, and Pine Tree Lodge, International Order of Good Templers, of Eddington, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of J. H. Rheil and 38 others of Carroll, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petitions of 46 citizens of Seattle and Baltic Lodge of International Order of Good Templars, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JACOWAY: Petition of citizens of Perry and Yell Counties and W. F. Dauyan and 10 other citizens of Little Rock, Ark., protesting against House bill 652; to the Committee on the District of Columbia.

Also, petition of citizens of Perry and Yell Counties, Ark., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Memorial of civil-service postal employees of Houghton County, Mich., favoring passage of House bill 6915, which provides for leave of absence to aged, etc., employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: Memorial of First Presbyterian Churches of Flint and Pontiac, Mich., favoring amendment forbidding polygamy in the United States; to the Committee on the Judiciary.

Also, petition of 157 members of the faculty and student body of Michigan Agricultural College, in favor of woman suffrage; to the Committee on the Judiciary.

Also, petition of E. P. Thurgood and 46 others, of Holly, Mich., against Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of William Bryant and 39 others, of South Lyon, Mich.; F. M. Lansing and 24 others, of Brighton, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Lansing (Mich.) Trades and Labor Council, favoring passage of House resolution 137, relative to sanitary conditions of dairies; to the Committee on Agriculture.

Also, memorial of Lansing (Mich.) Trades and Labor Council, favoring retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. KENNEDY of Rhode Island: Petition of Walter W. Kelly, of Pawtucket, R. I., favoring larger Navy and adequate coast defenses; to the Committee on Naval Affairs.

Also, petition of Horace B. Foster, of Centerville, R. I., against any increase in Army or Navy; to the Committee on Military Affairs.

Also, memorial of Laurel Grange, No. 40, Patrons of Husbandry, of Chepachet, R. I., protesting against the Madden amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Anna Williams, of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Rhode Island State Branch of United National Association of Post Office Clerks, favoring the Penrose-Griffin bill, the Porter bill, and protesting against night work not absolutely necessary, and urging amendment to law whereby clerks in Postal Service are dropped after 150 days' absence; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petition favoring prohibition for District of Columbia and constitutional prohibitory amendment by mass meeting of citizens of Santa Ana, Cal.; S. M. Davis, president, and Margaret E. Blue, Virgie A. Bruce, W. H. Survant, Carrie L. Booth, I. D. Gilchrist, and others, of Needles, Cal.; to the Committee on the Judiciary.

Also, petition favoring Stevens standard price bill, from Southern California Retail Grocers' Association, Neal P. Olsen, secretary, Los Angeles, Cal., and A. K. Smiley Public Library, Artena M. Chapin, librarian, Riverside, Cal.; to the Committee on Interstate and Foreign Commerce.

Also, petition against prohibition bills, from German-American Alliance, L. Fritz, president, San Diego, Cal.; to the Committee on the Judiciary.

Also, petition favoring certain naturalization laws, from German-American Alliance, L. Fritz, president, San Diego, Cal.; to the Committee on Immigration and Naturalization.

Also, petition favoring Senate bill 3946 and House bill 10845, extension of military training, from R. Ross Keith and others, of Riverside, Cal.; to the Committee on Military Affairs.

By Mr. LEWIS: Petition of National Grange of Oakland, Cal., favoring postalization of telephone and telegraph; to the Committee on the Post Office and Post Roads.

Also, petition of G. E. Briengle and 34 citizens of Frederick, and International Order Good Templars of Bethesda, all in the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Hagerstown, Md., against passage of bills to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. LONDON: Petition indorsing the Kent bill, to establish a national-park service, from New York section, Appalachian Mountain Club, also conservation department, General Federation of Women's Clubs; to the Committee on the Public Lands.

Also, petition protesting against the so-called "Madden rider" in the Post Office appropriation bill, limiting the weight of parcels to be carried in the mails, from Pomona Grange, No. 43, Patrons of Husbandry, Centerport, Pa., and Welcome Home Grange, No. 551, Patrons of Husbandry, Warnersville, Pa.; to the Committee on the Post Office and Post Roads.

Also, memorial of General Federation of Women's Clubs, favoring passage of House bill 8668, to establish a national-park service; to the Committee on the Public Lands.

By Mr. LOUD: Petition of 16 members of Bois Grange, No. 1181, Midland County, Mich., protesting against the Madden rider bill; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of Leon F. E. Bundy and others, of Syracuse, N. Y., relative to appropriation of Government money for sectarian purposes; to the Committee on Indian Affairs.

Also (by request), petition of Ralph C. Cathers and others, of Oran, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Fred C. Adams Co., of Chicago, Ill., favoring passage of House bill 137, relative to conditions in dairies; to the Committee on Rules.

By Mr. MORIN: Petition of F. E. Lyon, superintendent of Central Howard Association, of Chicago, Ill., in opposition to Senate bills 901, 4060, 3976, and House bill 6871; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Meadville, Pa., in favor of a tariff duty on finished dyes and crude coal-tar products and intermediates; to the Committee on Ways and Means.

Also, petition of R. S. Fecht, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of Civic Association of Ardmore, Pa., in favor of legislation to increase the military and naval strength of the United States; to the Committee on Military Affairs.

Also, petition of Civic Club of Allegheny County, Pa., in favor of Senate joint resolution 92; to the Committee on the District of Columbia.

By Mr. MOSS of West Virginia: Petition of 214 coming voters of Middlebourne, W. Va., and vicinity, for national prohibition; to the Committee on the Judiciary.

Also, petition of residents of Parkersburg and League, W. Va., against the enactment of legislation against the right of free speech; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Memorial of Ambrose Grange, No. 445, E. M. Thompson, master, and E. N. Steffy, secretary; to the Committee on Military Affairs.

Also, memorial of Ambrose Grange, No. 445, E. M. Thompson, master, and N. A. Steffy, secretary, on postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. NORTON: Petition of S. A. Frelty, H. L. Berry, and others, of Staunton, N. Dak., in opposition to any legislation prohibiting the sale and transportation in interstate commerce of the manufactured products of a State prison; to the Committee on Interstate and Foreign Commerce.

Also, petition of Carl Dahl and others, of Mayville, N. Dak., protesting against any Federal tax on gasoline, kerosene, or crude oil; to the Committee on Ways and Means.

Also, petition of sundry citizens of North Dakota, protesting against the adoption of House joint resolutions 84 and 85 and Senate joint resolutions 30 and 55, proposing prohibition amendments to the Constitution of the United States, or any similar prohibition measures; to the Committee on the Judiciary.

Also, memorial of Ashley (N. Dak.) Woman's Club, favoring passage of House bill 137, relative to sanitary conditions of dairies; to the Committee on Agriculture.

Also, memorial of Ashley (N. Dak.) Woman's Club, favoring military preparedness; to the Committee on Military Affairs.

Also, memorial of board of directors of the James Memorial Library Association, of Williston, N. Dak., against passage of the price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sheyenne Valley Medical Association, relative to expansion of medical department in Army; to the Committee on Military Affairs.

By Mr. OLNEY: Petition of 78 citizens of Rockland, Plymouth County, Mass., for the passage of House joint resolutions 84 and 85, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. PRATT: Petition of sundry citizens of Elmira, N. Y., opposing the passage of the Siegel and Fitzgerald postal bills; to the Committee on the Post Office and Post Roads.

Also, petition of Frank H. Shiek, of Owego, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Campville, Tioga County, N. Y., protesting against the passage of bills designed to give oleomargarine a likeness to pure butter; to the Committee on Agriculture.

Also, petition of Mrs. Ira Davenport, of Bath, N. Y., favoring full measures of preparedness in both the Army and Navy; to the Committee on Military Affairs.

By Mr. RAKER: Petitions of James H. Wyatt and 24 others, of Placer County, Cal.; Andrew Jensen and 22 others, urging the passage of the Ferris water-power bill; to the Committee on the Public Lands.

By Mr. RANDALL: Petition of Boyle Heights Christian Church, of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RIVERA: Petition of 217 members of Church of Christ of Bayamon and 561 members of Temperance League organized of Disciples of Christ of Bayamon, P. R., for prohibition by Congress of the importation, manufacture, and sale of all intoxicating drinks in Porto Rico; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of sundry citizens of Brooklyn, N. Y., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of S. W. Daniels, of New York, against passage of House bills 491 and 6486, relative to freedom of speech; to the Committee on the Post Office and Post Roads.

Also, petition of Peter B. Steele, of New York, favoring bill retiring officers of the Civil War; to the Committee on Military Affairs.

Also, petition of Lurie & Harris, of New York, against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Memorial of sundry organizations of Hartford, Conn., against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of sundry citizens and organizations of the State of New Jersey, against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Central Labor Union, of Perth Amboy, N. J., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of mayors and members of mayors' committees upon national defense of the cities of the United States, favoring national defense; to the Committee on Military Affairs.

Also, memorial of members of the Presidents' Association of the Farmers' Educational and Cooperative Union of America, favoring reenacting into law the Smith-Lever cotton-futures bill; to the Committee on Agriculture.

Also, memorial of National Security League, relative to national defense; to the Committee on Military Affairs.

By Mr. SELLS: Memorial of the Retail Merchants' Association of Bristol, Tenn.-Va., favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of E. A. Field and 26 others, relative to House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of E. A. Field and numerous others, relative to House bill 652 and Senate bill 645; to the Committee on the District of Columbia.

By Mr. SMITH of Idaho: Memorial of St. Jerome Total Abstinence Benefit and Literary Society, Holyoke, Mass., and sundry citizens of Idaho, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petition of Methodist Episcopal Church South of Desdemona, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of citizens of Coventry, R. I., for national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petitions of citizens of Eaton and Longmont, both in the State of Colorado, favoring the passage of the Webb-Smith bill providing for the adoption of a prohibition amendment; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Richard A. Pierce, Post No. 190, Department of Massachusetts, Grand Army of the Republic, respectfully requesting passage of Townsend bill, by Thomas J. Gifford, commander, and George P. Macomber, adjutant; to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Oak Bluffs, Mass., by M. A. Mayhew, president, and A. L. Gonyon, secretary, urging passage of House joint resolutions 84 and 85, proposing amendment to United States Constitution prohibiting traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Oak Bluffs, Mass., urging passage of the Webb-Smith national prohibition resolution by W. F. Geisler, its pastor; to the Committee on the Judiciary.

Also, petition of Orient Lodge, No. 173, International Order Good Templars, of New Bedford, Mass., by Inez L. Hathaway, chief templar, and Lewis C. Hayes, secretary, asking favorable action on the Webb-Smith resolutions proposing an amendment to the Federal Constitution for nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of the congregation of the First Baptist Church of Nantucket, Mass., by Drew T. Wyman, presiding, and Fred A. Fisher, church clerk, asking passage of House joint resolutions 84 and 85, providing for an amendment to Federal Constitution providing for prohibition in beverage traffic; to the Committee on the Judiciary.

Also, petition of Liberty Lodge, No. 48, International Order Good Templars, by Sarah E. Macombe, chief templar, and George S. Brown, secretary, petitioning for favorable action on Webb-Smith resolutions, House joint resolutions 84 and 85, providing for constitutional amendment prohibiting traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petition of the assembled congregation of the First Baptist Church of Oak Bluffs, Mass., by Claude E. Morris, presiding, petitioning for passage of Webb-Smith resolutions, House joint resolutions 84 and 85, proposing prohibition amendment to national Constitution; to the Committee on the Judiciary.

SENATE.

THURSDAY, *March 23, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for that heaven that is always beyond our grasp, for the beauty and glory of heaven, for its lure and temptation. We thank Thee that following the ideals born of the revelation of God in our souls we are raised day by day to higher and nobler things. Let not the vision of heaven fade from our eyes. Keep us ever reminded of that eternal to-morrow. In the midst of conflicts and hatreds and weaknesses, in the midst of the limitations of life that perplex us, may we remember the fullness of the life that is for those who are finally faithful to the highest ideals of life. Carry us this day upward and nearer to the blessed realization of our hopes in Christ. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CORRECTION—STRUCTURE OF BATTLESHIPS.

Mr. LODGE. Mr. President, I ask leave to make a correction. In speaking on the armor-plate bill I referred to certain defects in the *New Hampshire, Vermont, Connecticut,* and *Kearsarge.* I spoke of those as structural defects tending to torsional vibration at the stern. There is a defect, which has become apparent between 12 and 14 knots, but disappears at speeds above. In order that the matter may be correctly stated, I ask to have printed in the RECORD a letter from Admiral Taylor, Chief of the Bureau of Construction and Repair.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BUREAU OF CONSTRUCTION AND REPAIR,
NAVY DEPARTMENT,
Washington, D. C., March 22, 1916.

MY DEAR SENATOR: In your speech of Monday on the armor-plate factory matter (CONGRESSIONAL RECORD, p. 4438), you state:

"There are under repair the *New Hampshire, Vermont, Connecticut,* and *Kearsarge.* These four ships have some structural defect, so that if they are pushed to a speed of over 12 knots they have a torsional vibration at the stern which it is feared will crack the shafts. There is some structural defect in them, I am sorry to say, and they will have to be largely rebuilt."

You have evidently been misinformed in connection with the above, and will, I am sure, be glad to learn the facts.

Some vessels of the *Connecticut* class have been giving trouble by breaking shafts for a number of years. I believe that some five or six years ago two vessels of this class were laid up at the same time with broken shafts. The policy for a long time was to replace the shafts as they broke, but a board appointed last summer has finally solved the mystery and discovered that at certain revolutions corresponding to speeds in the vicinity of 12 knots there are torsional vibrations of the shafts, producing abnormal stresses. This is due to synchronism between the period of revolutions of the engines and the natural period of torsional vibration of the shafts. There is no question of torsional vibration of the ship or any structural defect involving rebuilding even in small part. It has been decided to strengthen the supports of the shafting and, as soon as possible, to replace the present shafts by larger ones.

The trouble culminates at about 12 knots and disappears at higher speeds as soon as the synchronism to which it is due is sufficiently broken by the increased revolutions corresponding to higher speeds. The difficulty with the ships is that the speed at which synchronism occurs is the ordinary cruising speed of the fleet. The trouble does not prevent these ships being pushed to a speed of over 12 knots. These torsional vibrations disappear at speeds above 14 knots or thereabouts.

I am very sorry that you should have been misinformed in this connection. Allegations of structural weakness of ships, even when in error, seem hard to live down, as you may recall in the case of the *Dolphin,* and certainly as regards the *Connecticut* class there is absolutely no question of torsional vibrations of the structure or any defect of the structure as a whole.

Very respectfully,
D. W. TAYLOR,
Chief Constructor, United States Navy.

Hon. HENRY CABOT LODGE, United States Senator,
United States Senate, Washington, D. C.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented memorials of Local Grange No. 13, Patrons of Husbandry, of Nashua; Eden Grange, No. 227, Patrons of Husbandry, of West Milan; of Local Grange No. 11, Patrons of Husbandry, of Hudson; and of Hookset Grange, Patrons of Husbandry, of Hookset, all in the State of New Hampshire, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of 2,334 citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Giant Portland Cement Co., of Philadelphia, Pa., praying for liberal appropriations for the maintenance of the Bureau of Standards, which was referred to the Committee on Appropriations.

Mr. LANE presented memorials of 1,831 citizens of Oregon, remonstrating against compulsory military service and also against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS. I present a resolution adopted by the Republican convention of Douglas County, Kans., favoring woman suffrage, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted by Republican convention of Douglas County, Kans., on Saturday, March 11, 1916.

We, the representatives of the Republican Party of Douglas County, Kans., in convention assembled, do resolve and declare:

That we heartily and unreservedly indorse the movement to give to the women of the United States the right of suffrage, and request United States Senator CURTIS and Representatives ANTHONY and CAMPBELL to continue to put forth every effort in their power in the National Congress to bring about as soon as possible complete enfranchisement for the women of this country.

Mr. SHEPPARD presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for Government ownership of the telephone and wireless telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Washington Camp No. 813, Patriotic Sons of America, of McKeesport, Pa., and a petition of the Fraternal Patriotic Societies of Lycoming County, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Easton, Pa., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of Corporal Lucian D. Woodruff, Jr., Camp No. 64, United Spanish War Veterans, of Johnstown, Pa., praying for the enactment of legislation to grant pensions to widows and minor children of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. NORRIS presented petitions of sundry citizens of Nebraska, praying for an investigation of the so-called Sisal Trust, which were referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of South Dakota presented a petition of the Reading Circle of Canton, S. Dak., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Ellwood C. Perisho, president of the South Dakota State College of Agriculture and Mechanic Arts, praying for the enactment of legislation to provide military training in State colleges, which was referred to the Committee on Military Affairs.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Sumner, Mich., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the California State Automobile Association, praying for the enactment of legislation to provide Federal aid in the construction of good roads, which was ordered to lie on the table.

He also presented a petition of Post No. 72, Veterans of Foreign Wars of the United States Soldiers' Home, California, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the California Club, of San Francisco, Cal., praying for the enactment of legislation to provide a national-park service, which was referred to the Committee on Appropriations.

He also presented a petition of the trustees of the Dean Hobbs Blanchard Memorial Library, of Santa Paula, Cal., remonstrating against the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. MYERS. I present the petition of Frederick D. Whisler, of Missoula, Mont., praying for the enactment of legislation to develop the water power of the country. I ask that the petition may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

MISSOULA, MONT., *March 18, 1916.*

Hon. HENRY L. MYERS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your water-power-site bill is right, and absolutely in the interest of the people, in that it proposes to save to them, in the Federal Government, such a vital heritage as water power.

It is, and always will be, easier for Congress than for the legislatures to keep the Jacobs from getting our birthrights from us for a mess of pottage—or for nothing.

Many other matters that are most vital to our national life and domestic peace are before Congress and should be handled with integrity. Tell the Congress that I (we, all) want your bill to become a law, and that I want other fair laws. Read this letter to them, if you will, so that they may heed me (all). We must have integrity.

With kindest regards and highest esteem, I beg to remain,

Very cordially, yours,

FREDERICK D. WHISLER.

Mr. MYERS presented a petition of sundry citizens of Missoula, Mont., praying for the submission to the States of a national constitutional prohibition amendment, which was referred to the Committee on the Judiciary.

Mr. WADSWORTH presented a petition of the Woman's Christian Temperance Union, of Walton, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WILLIAMS. I present a petition signed by 79 citizens of Gulfport, Miss., praying for national prohibition, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

A petition to the Senate of the United States.

Hon. JOHN SHARP WILLIAMS,
United States Senate, Washington, D. C.:

We, the undersigned voters, earnestly petition for the passage by the United States Congress of the joint resolution introduced in the Senate by Senators MORRIS SHEPPARD and JACOB H. GALLINGER and in the House by Representatives EDWIN Y. WEBB and ADDISON SMITH, providing for the adoption of a prohibition amendment to the Constitution.

VOTERS OF GULFPORT, MISS.

Mr. SHIELDS presented petitions of the Union of Epworth Leagues, of Nashville; of W. J. Hayes, Rev. D. W. Crawford, and sundry other citizens of East Chattanooga; and of Rev. D. M. Kerr and sundry other citizens of Greenback, all in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. COLT. I present resolutions adopted by the General Assembly of Rhode Island, favoring the use of the old post-office building in Providence, R. I., as a parcel-post terminal. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
JANUARY SESSION, 1916.

Resolution relative to the old Federal building.

Whereas there is now standing in the city of Providence in one of the most flourishing business sections a building owned and controlled by the United States Government and now called the "old post-office building"; and

Whereas said building, because of its dilapidated condition and somber and deserted appearance, is now and for many months has been a menace to this business section; and

Whereas at divers times and in various ways the Representatives of this State have called the attention of Congress to the urgent necessity of disposing or making some use of this building, either of which would tend to relieve the present deplorable situation and loss of business to the immediate vicinity: Therefore be it

Resolved, That this general assembly does hereby declare itself as in favor of the project now before Congress to use said building as a parcel-post terminal; and be it also

Resolved, That a copy of these resolutions, signed by the honorable speaker of this house and the president of the honorable senate, be at once forwarded to our Representative in Washington, D. C.

A true copy.

Attest:

[SEAL.]

J. FRED PARKER,
Secretary of State.
EMERY J. SAN SONCI,
Lieutenant Governor.
FRANK H. HAMMILL,
Speaker.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Providence, R. I., praying for adequate appropriations for the maintenance of the Bureau of Foreign and Domestic Commerce, which was referred to the Committee on Appropriations.

He also presented a petition of the Chamber of Commerce of Providence, R. I., praying for the enactment of legislation to provide for the grading of grain, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OWEN. I present a memorial relative to the Federal probation bill, which I desire to have printed as a Senate document. I ask that it be referred to the Committee on Printing for report.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing for action.

Mr. OWEN. I also present a memorial of the Creek Nation of Indians relative to the withdrawal of certain tribal lands from allotment. I also desire that this memorial be printed as a Senate Document, and I ask that it take the same course.

The VICE PRESIDENT. The memorial will be referred to the Committee on Printing for action.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 55) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States, reported it without amendment and submitted a report (No. 289) thereon.

Mr. HUGHES, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 87) authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary, reported it without amendment.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 290) acompanied by a bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 202. Cornelius A. Ahearne.
S. 288. Eliza J. Crittenden.
S. 293. Delia Carey.
S. 299. Susan Bryant.
S. 314. Lucy Babcock.
S. 326. Walter H. Hutchinson.
S. 803. Joseph W. Crowell.

S. 1121. Mary Megrady.
S. 1129. Luther W. Garrett.
S. 1132. William M. Dern.
S. 1134. James Cronan.
S. 1136. Jeremiah Cramer.
S. 1242. Francisco Wadsworth.
S. 1245. Sewell W. Hewett.
S. 1247. Mary F. Pulcifer.
S. 1330. Nancy D. Morey.
S. 1467. Austin L. Myers.
S. 1496. John M. Jennings.
S. 1500. George W. Parsons.
S. 1501. Richard Simpson.
S. 1503. Clinton Neligh.
S. 1504. Cyrus Stephenson.
S. 1509. John P. Walker.
S. 1512. Jesse Miller.
S. 1515. Mauris Summers.
S. 1591. John Withers.
S. 1788. Susan Backus.
S. 1897. Mary McHenry.
S. 1966. Jonathan B. Huffman.
S. 2489. Cyrus Bowman.
S. 2553. William Green.
S. 2586. Asa Gatton.
S. 2589. Thomas O. Oliver.
S. 2600. Henry S. Fargo.
S. 2792. James Bosley.
S. 2794. May Vandiver.
S. 2864. Luther H. Palmer.
S. 2865. William A. Willard.
S. 2872. William L. Mayden.
S. 2873. Samuel Graham.
S. 2874. Parthenia Mattingly.
S. 2875. William Hall.
S. 2876. John Lynn.
S. 2957. John Penrod.
S. 2959. Walter S. Gibson.
S. 2962. Adam Pulley.
S. 2964. George C. Warrick.
S. 3063. Mary E. Corson.
S. 3076. Dolores Lucero de Salaz.
S. 3136. James McKinney.
S. 3155. Thomas F. Rowley.
S. 3156. Francis M. Kenerson.
S. 3182. Nancy L. King.
S. 3183. Samuel A. Hogue.
S. 3188. Isaac F. Green.
S. 3189. William Etheredg.
S. 3190. William Roberts.
S. 3303. Lydia A. Heatherly.
S. 3400. Charles W. Thornton.
S. 3514. Charles E. Abbott.
S. 3531. William B. Dickey.
S. 3537. James A. Gould.
S. 3590. Edwin Bates.
S. 3675. Alonzo Newell.
S. 3679. Joseph N. Foster.
S. 3686. Gilman P. Lombard.
S. 3687. Arthur G. Sawyer.
S. 3752. George H. Stillman.
S. 3757. James S. Anderson.
S. 3846. Mary E. Lindsay.
S. 3935. Ella C. Moody.
S. 4027. Lars Isaacson.
S. 4047. John D. Vance.
S. 4105. Stephen M. Teachout.
S. 4191. Adonirum C. Harper.
S. 4192. Parley B. West.
S. 4193. Samuel Campman.
S. 4220. Shirley M. Nichols.
S. 4234. Frank Seavey.
S. 4286. Kate A. Brown.
S. 4297. Louise M. Wilson.
S. 4336. Lloyd Roberts.
S. 4337. Marion K. P. Sellmer.
S. 4339. Samuel Mercer.
S. 4377. Harriet A. Mills.
S. 4385. Emily Thompson.
S. 4397. Cora E. Gossin.
S. 4406. George W. Fernald.
S. 4436. Rollin O. Joslyn.
S. 4441. Hester Ann Steel.
S. 4549. Samuella Goodrich.
S. 4576. Ruth J. McCann.
S. 4578. Morris P. Gossard.
S. 4579. James H. Isbell.
S. 4580. Henry D. Lockwood.
S. 4605. Amos L. Griffith.
S. 4610. Elvira H. Jackson.
S. 4611. Henry M. Chase.
S. 4635. Jeremiah Lloyd.
S. 4680. Lidia M. Gosnel.
S. 4736. Janet Lamoreux.
S. 4792. John Cook, jr.
S. 4805. Mary Thibodo.
S. 4816. Henrietta Thayer.
S. 4821. Emma E. Keyes.
S. 4960. Virginia Bailey.
S. 4969. Lydia C. Locke.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. LODGE. Mr. President, on yesterday I submitted an amendment intended to be proposed by me to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, and it was erroneously referred to the Committee on Claims. The bill is before the Committee on the Judiciary, and I move that the Committee on Claims be discharged from the further consideration of the amendment and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 5222) to cancel the allotment of Little Bear, deceased Indian of the Crow Reservation, Mont. (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 5223) granting a pension to Abel H. Hall (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 5224) granting an increase of pension to Charles M. Cannon (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5225) for the relief of the International Lumber & Development Co., of Philadelphia, Pa., John O. Sheatz, receiver; to the Committee on Finance.

By Mr. CLAPP:

A bill (S. 5226) granting an increase of pension to Mary A. Loveland; to the Committee on Pensions.

By Mr. CLAPP (for Mr. LA FOLLETTE):

A bill (S. 5227) granting a pension to Mary Taylor Kain; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5228) granting an increase of pension to Ellen G. Taylor; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5229) granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River, in the borough of Warren, county of Warren, in the State of Pennsylvania; to the Committee on Commerce.

By Mr. PHELAN:

A bill (S. 5230) for the relief of Patrick McNamee; to the Committee on Naval Affairs.

A bill (S. 5231) granting a pension to Harriet F. Kidd; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 5232) granting an increase of pension to Valentine M. Hodgson (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 5233) granting a pension to Mary E. Likes (with accompanying papers); and

A bill (S. 5234) granting an increase of pension to Caroline Coleman (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5235) granting an increase of pension to William W. Tibbetts (with accompanying papers);

A bill (S. 5236) granting a pension to Sadie F. Elliott (with accompanying papers);

A bill (S. 5237) granting an increase of pension to Jotham B. Jacobs (with accompanying papers);

A bill (S. 5238) granting an increase of pension to Warren D. Monroe (with accompanying papers); and

A bill (S. 5239) granting an increase of pension to Edwin B. Lampson (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULBERSON submitted an amendment proposing to appropriate $25,000 for investigating the production and consumption of cotton and cotton goods in foreign countries, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STERLING submitted an amendment providing for the promotion of 5 per cent of the letter carriers in second-class offices from the fourth to the fifth grade, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $100,000 for the third installment in payment of $635,000 for water supply of irrigation of 40 acres of each Indian allotment in the Yakima Indian Reservation irrigation system in the State of Washington, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was ordered to lie on the table and be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1082) for prohibition in the District of Columbia, which was ordered to lie on the table and be printed.

VIVISECTION.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 3737) providing for an investigation into the extent and conditions of the practice of experimentation on living animals, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE JUDICIAL CODE.

Mr. COLT submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

LANDS FOR EDUCATIONAL PURPOSES.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 2380) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of land between the United States and the several States, which was referred to the Committee on Public Lands and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. OVERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. UNDERWOOD. I submit an amendment intended to be proposed by me to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which is now pending in the Committee on the Judiciary. I move that the amendment be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

ADDRESS BY PROF. ROYCE.

Mr. LODGE. Mr. President, I observe that the Senator from Washington [Mr. JONES], on the 6th instant, quoted a portion of the address by Prof. Royce, of Harvard University. It is very brief, and I think as it was partly quoted the entire address ought to be printed in the RECORD. I ask that it may be printed in the RECORD without reading.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE DUTIES OF AMERICANS IN THE PRESENT WAR.

[By Josiah Royce, LL. D., professor in Harvard University.]

I fully agree with those who believe that men can reasonably define their rights only in terms of their duties. I have moral rights only in so far as I also have duties. I have a right to my life because it gives me my sole opportunity to do my duty. I have a right to happiness solely because a certain measure of happiness is needed to adapt me to do the work of a man. I have a right to possess some opportunity to fulfill the office of a man; that is, I have a right to get some chance to do my duty. This is, in fact, my sole inalienable right.

This doctrine that rights and duties are correlative is an old teaching. It is also a dry and somewhat abstractly worded bit of wisdom, unwelcome to our more flippant as well as to our more vehement moods, and of late unpopular. I am not here to expound it. I mention it only because I rejoice that we are here to-day to consider what we have deliberately chosen to name the duties of Americans in the present war. I doubt not that we Americans have also our rights in the world crisis through which we are passing. I was glad and eager to sign the recent memorial, addressed to the President of the United States, and issued by the "Committee on American Rights." But I signed that memorial with enthusiasm just because I believe not only that the American rights in question are genuine, but that they correspond with our duties as Americans, and with the duty which our country now owes to mankind. It is of our duties that I now rejoice to speak to you.

Two things have made clear to many of us Americans since the outset of the present war—and to some of us with a constantly increasing definiteness of vision—what our duty is. First, the fact that in this war there is constantly before our eyes the painfully tragic and sublime vision of one nation that, through all its undeserved and seemingly overwhelming agonies, has remained unmistakably true to its duty—that is, to its international duty, to its honor, to its treaties, to the cause, to the freedom, and to the future union of mankind. That nation is Belgium.

In the heart of every true American this consciousness ought therefore to be kept awake—and in many of our minds this consciousness is glowingly and radiantly active and wakeful—the desire, the longing, the resolution: "Let us, let our dear Republic, do our duty as Belgium and the Belgian people have done theirs. Let us, with all our might, with whatever moral influence we possess, with our own honor, with our lives, if necessary, be ready, if ever and whenever the call comes to our people, to sacrifice for mankind as Belgium has sacrificed, to hazard all as Belgium has hazarded all, for the truer union of mankind and for the future of human brotherhood." That vision of Belgium's noble and unsparing self-sacrifice for international honor is one of the two things that to-day constantly remind us of what international duty is, and so what our own American duty is.

The second thing which constantly keeps wide awake in the minds of many of us here in America, the knowledge of what our duty is, is the moral attitude which has been deliberately and openly assumed by Germany since the outset of the war. This attitude gives us what will remain until the end of human history—one great classic example of the rejection, by a great and highly intelligent nation of the first principles of international morality—the rejection of international duty, the assertion that for its own subjects the State is the supreme moral authority and that there is no moral authority on earth which ranks superior to the will of the State.

The assertion has often been made that we Americans have believed the lies of Germany's enemies and have thus been ignorantly and woefully deceived. Countless German attempts have been made to tell us, through books, pictures, newspapers, sometimes through other documents, what Germany's real motives are. I am sure that I speak the minds of many of you, my countrymen and fellow citizens, when I say that, next to the vision of bleeding and devoted Belgium—that suffering servant of the great community of mankind—no picture more convincingly instructs us regarding our duty than the picture that comes before our minds whenever we remember Germany's summons at the gates of Liege or recall von Jagow's answer to one of President Wilson's early *Lusitania* notes or when, more recently, we read the first Austrian note in answer to President Wilson's peremptory demand about the case of the *Ancona*.

No; not Germany's enemies, but Germany herself, her prince, her ministers, her submarine commanders, have given us our principal picture of what the militant Germany of the moment is and of what Germany means for the future of international morality. This picture constitutes the second of the two great sources of our instruction about what our American duty in this war is.

We are all accustomed to "look on this picture and then on this." The first of the two pictures is now familiar, inexpressibly sad, and dear to us. Belgians are amongst us as friends or as colleagues; Belgian relief is one of the principal good causes of American charity. Belgian wrongs, but also Belgian heroism and Belgian unswerving dutifulness, are before our eyes as inspiring admonitions of what is the duty of Americans in the present war. That constitutes the one picture. The other—well, Germany has chosen to set before us this second picture. That, in its turn, has now become too familiar. But since our memory for diplomatic notes easily and early begins to fail, that second picture often tends to fade out amongst us. And since we all long for peace to come and since some faint hearts forget that it is as immoral to make light of grave wrongs and merely to condone them as it is irrationally to cry out with lust of vengeance—since these things are so, there are Americans who forget the second picture, and forget that Germany has done as much as Belgium to set before us what our international duty, as individuals and as a Nation, really is.

What that second picture means, what spirit it expresses, what view of the nature of each nation's obligations to mankind it sets before us, we have not been left to learn from the enemies of Germany. The chief ally of Germany, whose submarine policy was "made in Germany," and whose will in this matter is the will of Germany, lately explained the matter to us in unmistakable terms. I refer to the *Ancona* case. President Wilson accepting not any so-called "lies" of the enemies of Germany, but the official statement of the submarine commander who sank the *Ancona* after that vessel had ceased to make her effort to escape, and while her passengers were still in danger of drowning in case their vessel was sunk—President Wilson addressed to Austria a note in which he plainly and accurately said that the officially reported act of the submarine commander was in principle barbarous and abhorrent to all civilized nations. Austria in its reply very courteously, ironically, and cynically thanked our Government for the "esteemed favor" of its communication and expressed its entire ignorance of what law, of what principle of international morality, there might be which the submarine commander was supposed by the American Government to have violated.

Now, this Austrian reply, widely praised by the inspired German press as a masterpiece of diplomatic skill and received with "quiet joy" by the official lovers and defenders of the German submarine policy, was precisely in the spirit of Cain's reply when he was challenged from overhead regarding the results of his late unpleasantness with his brother Abel, for Cain, while his brother's blood was crying from the ground, received a somewhat stern diplomatic communication from a moral power, demanding, "Where is thy brother?" And Cain in substance begged to acknowledge the esteemed favor of this communication from on high, and seems at first to have taken a certain stilles Vergnügen in begging to represent first that, so far as he knew, he was not his brother's keeper, while, for the rest, he desired most respectfully, and in the friendliest spirit, to inquire what law of God or man he was supposed to have broken.

Now, this is the spirit of international immorality, this is the sort of enmity to mankind, which the German submarine policy, its official allies and defenders, have expressed and justified. Upon this second picture, then, with its lurid contrast to the picture of Belgium, we have to look when we think of our duty as Americans, for deliberate national deeds can not be undone, nor can their official justifications be lightly

condoned by reason of later diplomatic trifling and by reason of speciously well-written notes of apology and withdrawal. The deed stays. Its official justification reveals motives and confesses a national spirit whose moral meaning is as irrevocable as death. We Americans know what the *Lusitania* outrage meant and to what spirit it gave expression. That spirit has the "primal eldest curse upon it—a brother's murder," for the young men, the women, the babies who went down with the *Lusitania* were our dead. At least I know—some of whose pupils were amongst the victims of the *Lusitania*—that they were my dead, and the mark of Cain lasts while Cain lives.

Such facts determine the duty of Americans in this war. Our duty is to be and to remain the outspoken moral opponents of the present German policy and of the German State so long as it holds this present policy and carries on its present war. In the service of mankind we owe an unswerving sympathy not to one or another but to all of the present allied enemies of Germany. We owe to those allies whatever moral support and whatever financial assistance it is in the power of this Nation to give. As to munitions of war, it is not merely a so-called American right that our munition makers should be free to sell their wares to the enemies of Germany, it is our duty to encourage them to do so, since we are not at the moment in a position to serve mankind by more direct and effective means. For the violation of Belgium and the submarine policy of Germany and of her ally, a policy deliberately and boastfully avowed as long as the central powers deemed such avowal advantageous, this violation and this policy together suffice to keep clearly before our eyes the fact that Germany, as at present disposed, is the willful and deliberate enemy of the human race. It is open to any man to be a pro-German who shares this enmity. But with these two pictures before our eyes it is as impossible for any reasonable man to be in his heart and mind neutral as it was for the good cherubs in heaven to remain neutral when they first looked out from their rosy glowing clouds and saw the angels fall.

Neutral, in heart or in mind, the dutiful American, when once he has carefully looked upon this picture and then on this, will not and can not be. He must take sides. And if he takes sides as I do, he will say: "Let us do all that we as Americans can do to express our hearty and, so far as we can, our effective sympathy with the united friends of Belgium, who are the foes of those German enemies of mankind. Whenever the war is over, if it ends in the defeat and consequent moral reform of Germany, then, in due time, let charity have its perfect work. For we in America have long loved and studied German civilization and would be loving it still but for its recent crimes. But now, while the war lasts, and Belgium bleeds, and mankind mourns, let us aid the allied enemies of Germany with sympathy, since the cause of the allied enemies of Germany is the cause of mankind; let us enthusiastically approve of supplying the enemies of Germany with financial aid and with munitions of war; let us resist with all our moral strength and influence those who would place an embargo upon munitions; let us bear patiently and uncomplainingly the transient restrictions of our commerce which the war entails; let us be ashamed of ourselves that we can not even now stand beside Belgium and suffer with her for our duty and for mankind; and while we wait for peace let us do what we can to lift up the hearts that the Germany of to-day has wantonly chosen to wound, to betray, and to make desolate. Let us do what we can to bring about at least a rupture of all diplomatic relations between our own Republic and those foes of mankind, and let us fearlessly await whatever dangers this our duty as Americans may entail upon us, upon our land and upon our posterity. We shall not thus escape suffering, but we shall begin to endure, as Belgium to-day endures, for honor, for duty, for mankind."

NATIONAL DEFENSE.

Mr. THOMAS. Mr. President, some days ago I gave notice that on to-morrow I would address the Senate on Senate bill 4840. That bill has not yet been reported for practical consideration, and probably will not be until next Monday. I therefore desire to give notice, in place of the one now on the calendar, that on Wednesday next, March 29, I shall address the Senate on that bill, and, in connection therewith, upon the subject of national defense.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
Managers on the part of the Senate.

JOE J. RUSSELL,
W. A. ASHBROOK,
JOHN W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 17, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
Managers on the part of the Senate.

JOE J. RUSSELL,
W. A. ASHBROOK,
JOHN W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 7, 8, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 9, 10, 11, 14, 15, and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$24," and, on page 14, line 22, strike out "per annum" and insert "per month"; and the Senate agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
Managers on the part of the Senate.

JOE J. RUSSELL,
W. A. ASHBROOK,
JOHN W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

ENLISTMENTS IN THE ARMY.

Mr. JOHNSON of South Dakota. Mr. President, I have here a letter from a constituent in a town in my State, which I ask to have read.

The VICE PRESIDENT. Without objection, it will be read.

The Secretary read as follows:

YANKTON, S. DAK., *March 23, 1916.*

Hon. E. S. JOHNSON, *Washington, D. C.*

DEAR SIR: If there is a chance for volunteers in this Mexican trouble, I can furnish 100 men, all officered, inside of 24 hours. I wish you would use your influence to get us in, providing they make the call. As ever,

Your humble servant,

C. A. THOMAS,
609 Picolle Street, Yankton, S. Dak.

Mr. PENROSE. Mr. President, I did not quite understand the nature of this communication. Who introduced it?

The VICE PRESIDENT. The Senator from South Dakota [Mr. JOHNSON].

Mr. PENROSE. I should like to ask the Senator from South Dakota what is the purport of the communication?

Mr. JOHNSON of South Dakota. It is a communication in the form of a personal letter, the writer stating that he would raise 100 troops in case they were needed in Mexico.

Mr. PENROSE. The individual whose communication has been read is the gentleman who wants to raise the 100 men?

Mr. JOHNSON of South Dakota. Yes.

Mr. PENROSE. If every communication of this kind were read to the Senate, it is needless to say that we would do little or nothing else. I am glad to hear that so much chivalry and gallantry exists in the State of South Dakota.

Mr. STONE. Mr. President, if I may be permitted to make this observation, I should like to say that while not intending in any sense to criticize the course taken by my friend from South Dakota, it seems to me that the introduction of communications of this kind at this time is rather ill advised. The situation in Mexico is, as we know, somewhat acute, and whatever tends to add to the acuteness of that situation I regard as something done that would be better left undone.

Mr. PENROSE. Will the Senator permit an inquiry? As I understand it, the Government is engaged now in enlisting men, and enlistments are advertised for. This gallant individual, instead of exploiting his name before the Senate of the United States, might perhaps have gone to the nearest enlistment office and enlisted and be in Mexico by this time.

Mr. STONE. Mr. President, I think the Senator's observation that the sender of the telegram or communication might very well have taken his hundred men to an enlisting office and put them into the Army of the United States without much ado about it——

Mr. PENROSE. He might have gotten too close to the real situation had he done so.

Mr. STONE. There is where my objection comes in. There is a law now passed by the House and the Senate authorizing the enlistment of 20,000 men to make up the deficiency or shortage in the regiments in the service, and that might be done without flaunting before the world the notion that enlistments are made for a particular purpose.

Mr. SMOOT. Mr. President, I have received a great many letters and telegrams similar to the one that has been presented to the Senate this morning. I felt it to be my duty to refer those letters to the War Department. That is where they belong. I do not think it is wise, as the Senator from Missouri has said, to have them printed in the RECORD and made public. No good can come from it. If the parties writing them are sincere in their desire to enlist, they can take it up with the War Department. I think that ought to be the policy pursued in all such cases.

Mr. JOHNSON of South Dakota. Mr. President, I have been out of the Chamber and just returned. Did the Senator from Utah in his remarks refer to the letter I presented?

Mr. SMOOT. I will state to the Senator that I did refer to the letter the Senator offered to the Senate. I will say to the Senator that in the past, whenever there has been an intimation of trouble of our country with any other country, Senators are flooded with similar letters. Many of them come from sincere men; others come from men who have no other desire than to have their names exploited in public. It has been the policy in the past, I will say to the Senator, to discourage the printing of such requests in the RECORD. That is all I had in mind in what I said.

Mr. JOHNSON of South Dakota. Mr. President, my only object in presenting the letter was the reason that I personally know the writer. He served our country in the Spanish War. He is a hard-working, industrious, honorable man. He is patriotic to a marked degree. As a new Member of this body, I have observed that many telegrams and resolutions have been read to the Senate, which, to my mind, did not indicate as great a degree of usefulness to this body or to the country as the one which I asked to have read.

Mr. PENROSE. Mr. President, will the Senator permit me? Why did not this gallant gentleman go to the nearest enlisting office with his hundred warriors and enlist instead of talking about it?

Mr. JOHNSON of South Dakota. My answer to the Senator from Pennsylvania is that there is no enlisting office at that place. He only tenders his services as a volunteer in case volunteers are needed by our Government for Mexico.

Mr. PENROSE. They are needed now. The Government is enlisting men, and is very glad to have men of this caliber.

Mr. JOHNSON of South Dakota. Very well; this gentleman stands ready to answer the call at any time, whenever he is notified to that effect. I will guarantee that. If this point is sustained or the objection raised by the Senator from Pennsylvania or other Senators, I shall ask that the letter be returned to me, and will read it as a part of my remarks.

I also desire to add in this connection that I have sent a copy of the letter to the War Department, and I believe the department will give it due and timely consideration, as it certainly deserves.

Mr. PENROSE. If the enlisting office is at a distant point, I will be one to assist in making up a contribution to carry this gallant gentleman to the nearest point and have him enlist immediately.

Mr. JAMES. Mr. President, I do not think that a citizen who volunteers his services to his country should be subjected to such criticism as that just made by the Senator from Pennsylvania. No doubt this man is a perfectly patriotic and brave American, and because he has sought, through the Senator from his State, to make known his desire to serve his country, to my mind, is no proper reason for such criticism, but, indeed, should be commended.

Mr. PENROSE. Mr. President, if the Senator will permit me, I wish to say that all of us receive hundreds of letters of this character, and it does seem to me entirely outside of the jurisdiction of the Senate to be exploiting any individual. I suppose during the last two months I have referred to the War Department many hundreds of letters of this character. This thing has occurred before in the Senate, and has generally met with adverse comment. I did not think, therefore, that on this occasion it ought to pass without criticism.

Mr. JAMES. Mr. President, it is not a matter of exploitation. The Senator from Pennsylvania draws, I have no doubt, upon his very vivid imagination when he suggests that this patriotic citizen of a sovereign State is undertaking to exploit himself simply because he offers his services to his country. I recognize, of course, that the proper procedure would be to refer such matters to the War Department; but because in one single instance that procedure was not followed I do not think it is entirely in consonance with the propriety of matters to subject this man to any sort of criticism because the Senator from his State has laid before the Senate of his country a proffer of his services in its defense.

Mr. JOHNSON of South Dakota. Mr. President, if there are objections to this matter going into the RECORD, and those objections shall be sustained, I desire to read the letter and have it go into the RECORD as a part of my remarks.

The VICE PRESIDENT. The letter has been read.

Mr. PENROSE. There is no objection.

Mr. ROBINSON. Regular order, Mr. President.

Mr. MYERS. If the Senator will yield to me, I will suggest to him that if any Senator will rise and say that he is ashamed of the communication, the Senator might withdraw it.

Mr. ROBINSON. Regular order!

SHIPS FOR THE NAVY.

Mr. CLAPP. Mr. President, I desire to have placed in the RECORD a concrete statement of the ships authorized and now in process of construction for our Navy. It is true that these data appear in the reports before the Naval Committee and undoubtedly will be made public when the committee reports to the Senate, but I think that this information ought to be placed in a concrete form by itself. For that reason, I ask that it be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PENROSE. Mr. President, I do not object to having the matter inserted in the RECORD, but the Senator from Massachusetts [Mr. LODGE] has fully set forth all of the facts therein contained, and they are already in the RECORD.

Mr. CLAPP. That is very true, but here is a concrete statement of one particular phase of the situation, and it does seem to me that the information ought to be in the RECORD by itself.

Mr. PENROSE. Let it go.

The matter referred to is as follows:

NEW SHIPS BEING BUILT FOR UNITED STATES NAVY AND DATES SET FOR THEIR COMPLETION.

Here is a complete list of United States warships now being built, showing the time of their authorization by Congress and dates of estimated completion. This statement was prepared by the Navy Department for Congress and is based on reports of February 1, 1916:

BATTLESHIPS.

Name.	Date of act authorizing.	Probable date of completion.
No. 36. Nevada	Mar. 4, 1911	Mar. 20, 1916
No. 37. Oklahoma	Aug. 22, 1912	May 1, 1916
No. 38. Pennsylvania	Mar. 4, 1911	Apr. 1, 1916
No. 39. Arizona	Mar. 4, 1913	Sept. 15, 1916
No 40. California	June 30, 1914	June 1, 1918
No. 41. Mississippi	do	Dec. 1, 1917
No. 42. Idaho	do	Nov. 9, 1917
No. 43. ——	Mar. 3, 1915	Not estimated.
No. 44. ——	do	Do.

TORPEDO-BOAT DESTROYERS.

No. 57. Tucker	Mar. 4, 1913	Apr. 15, 1916 Delivered.
No. 58. Coyningham	do	Jan. 20, 1916
No. 59. Porter	do	Mar. 1, 1916
No. 61. Jacob Jones	do	Feb. 7, 1915
No. 62. Wainwright	do	Mar. 27, 1916
No. 63. Sampson	June 30, 1914	Sept. 6, 1916
No. 64. Rowan	do	Sept. 15, 1916
No. 65. Davis	do	Sept. 11, 1916
No. 66. Allen	do	Oct. 15, 1916
No. 67. Wilkes	do	Nov. 28, 1916
No. 68. Shaw	do	Jan. 1, 1917
No. 69. ——	Mar. 3, 1915	Oct. 30, 1917
No. 70. ——	do	Do.
No. 71. ——	do	Aug. 20, 1917
No. 72. ——	do	Oct. 30, 1917
No. 73. ——	do	Sept. 5, 1917
No. 74. ——	do	Aug. 30, 1917

SUBMARINES.

No. 40. L-1	Aug. 22, 1912	Apr. 1, 1916
No. 41. L-2	do	May 1, 1916
No. 42. L-3	do	Apr. 1, 1916
No. 43. L-4	do	Apr. 15, 1916
No. 44. L-5	do	Aug. 1, 1916
No. 45. L-6	do	Oct. 1, 1916
No. 46. L-7	do	Nov. 1, 1916
No. 49. L-9	do	Apr. 15, 1916
No. 47. M-1	Mar. 4, 1913	Jan. 15, 1917
No. 48. L-8	do	June 1, 1916
No. 50. L-10	do	July 1, 1916
No. 51. L-11	do	July 1, 1916
No. 52. Schley	June 30, 1914	Mar. 19, 1918
No. 53. N-1	do	May 19, 1917
No. 54. N-2	do	June 19, 1917
No. 55. N-3	do	July 19, 1917
No. 56. N-4	do	Feb. 18, 1917
No. 57. N-5	do	Mar. 8, 1917
No. 58. N-6	do	Apr. 18, 1917
No. 59. N-7	do	May 18, 1918
No. 62. O-1	Mar. 3, 1915	
No. 63. O-2	do	
No. 64. O-3	do	Oct. 3, 1917
No. 65. O-4	do	Nov. 3, 1917
No. 66. O-5	do	Do.
No. 67. O-6	do	Dec. 3, 1917
No. 68. O-7	do	Do.
No. 69. O-8	do	Jan. 3, 1918
No. 70. O-9	do	Do.
No. 71. O-10	do	Feb. 3, 1918
No. 72. O-11	do	Oct. 28, 1917
No. 73. O-12	do	Nov. 28, 1917
No. 74. O-13	do	Dec. 28, 1917
No. 75. O-14	do	Nov. 29, 1917
No. 76. O-15	do	Dec. 31, 1917
No. 77. O-16	do	Jan. 31, 1918

FUEL SHIPS.

No. 14. Maumee	Aug. 22, 1912	No estimate.
No. 15. Cuyama	Mar. 3, 1915	Apr. 1, 1917

MISCELLANEOUS.

No. 1. Supply ship	Mar. 4, 1913	Feb. 19, 1917
No. 1. Transport	do	Dec. 30, 1916

The VICE PRESIDENT. Are there further concurrent or other resolutions? If there be none, morning business is closed.

SWISS MILITARY LAW.

Mr. WORKS obtained the floor.

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Maryland?

Mr. WORKS. I do.

Mr. LEE of Maryland. I desire to occupy just a moment.

Mr. WORKS. I yield to the Senator.

Mr. LEE of Maryland. Mr. President, last week the Senate authorized the printing of a document containing the Swiss military laws and reports on the efficiency of the Swiss Army. Since then, I have discovered a very beautiful work of art illustrating the effect of Swiss neutrality. It represents Switzerland, fully armed, protecting innocence—women and children—from the ravages and the demons of war. I now ask unanimous consent to have this illustration made a one-page addition to the document which has heretofore been ordered printed, if it can be done.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Maryland if he has in his hand the photographic illustration to which he refers?

Mr. LEE of Maryland. Yes; but, of course, it will have to be reduced in size.

Mr. SMOOT. I will say to the Senator that perhaps in the reduction in size the print may not be so perfect as the sample submitted. If it should not be, I suppose the Senator would not care about having it reproduced?

Mr. LEE of Maryland. I have had a consultation in reference to that matter, and, if the reproduction is not successful, of course we should not care to have it made.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

AFFAIRS IN MEXICO.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I do.

Mr. KENYON. I should like to inquire as to the parliamentary situation of the joint resolution introduced yesterday by the Senator from Illinois [Mr. SHERMAN]. Does that joint resolution come up as a matter of morning business, or must it be taken up on a vote?

The VICE PRESIDENT. The present occupant of the chair has a number of times decided that such resolutions do not come up automatically.

Mr. KENYON. I should like to inquire of the Senator from Illinois, if the Senator from California will permit me, if he intends to call up his joint resolution to-day?

Mr. SHERMAN. Mr. President, I will say to the Senator from Iowa that I intend to do so at the first available moment, when I can obtain recognition, and I shall do so under a sense of responsibility which I myself do not intend officially longer to carry in this Chamber.

Mr. KENYON. I am very glad the Senator from Illinois is going to do that.

Mr. SMITH of Georgia. It will require a majority vote of the Senate to take up the joint resolution. We shall insist upon that when the motion is made.

Mr. WORKS. Mr. President, I have the floor, but I am perfectly willing to yield briefly.

Mr. LODGE. Mr. President, if I may raise the point of order, I wish to inquire would not the resolution of the Senator from Illinois [Mr. SHERMAN], if called up, be morning business?

The VICE PRESIDENT. The present occupant of the chair has a number of times decided that the rules of the Senate provide what shall be the regular order of business during the morning hour. In those rules there is no statement that resolutions coming over from a preceding day shall be laid before the Senate by the Chair. At the last session of Congress, and twice at this session, the Chair has announced to the Senate that, as there is nothing in the rules which requires the Chair to lay such resolutions before the Senate, they must be called up by the Senator desiring to have them laid before the Senate, and the Senator has a right to do so before the conclusion of morning business.

Mr. LODGE. I recognize entirely what the ruling and practice of the Chair has been; but my question was whether, if the resolution were called up, in accordance with the ruling of the Chair, it would not then be morning business?

The VICE PRESIDENT. It certainly would be.

Mr. STONE. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. If the Senator from Missouri will permit, the Chair desires to answer further the Senator from Massachusetts. The Senator from Illinois on yesterday did not ask that the resolution go over under the rule. The Senator from Illinois, as the RECORD shows, introduced it and asked that it lie on the table.

Mr. LODGE. That is a different thing.

The VICE PRESIDENT. It is an entirely different question than the one submitted by the Senator from Massachusetts.

Mr. STONE. Mr. President, I have not looked this morning, or lately, at the rule that would govern the case, but since the question has been raised it occurs to me to ask the Chair, as a parliamentary question, what the real difference is between a bill and a joint resolution, and why a joint resolution, when offered, does not follow the course of a bill when offered? To become effective a joint resolution must pass both Houses and be signed by the President.

Mr. LODGE. Mr. President, in this case, if the Senator will allow me, the Senator from Illinois asked that the resolution lie on the table, which is very often done in the case of bills and joint resolutions.

Mr. STONE. The same thing is true as to bills.

Mr. LODGE. Yes; both as to bills and joint resolutions. Senators frequently introduce them and ask that they lie on the table until they are called up, with the object of the Senator addressing himself to the subject of the bill or joint resolution. Under the rules, a joint resolution, of course, like a bill, must have two readings and go to a committee.

Mr. SMITH of Georgia. And it is not before the Senate until it is reported out of committee, unless the Senate gives some other direction.

Mr. LODGE. Anything is before the Senate for debate that the Senate chooses to debate.

Mr. SMITH of Georgia. I say, unless the Senate gives it that direction. It is not a matter of right to call up a joint resolution.

Mr. LODGE. I have frequently heard in the Senate many subjects debated that were not strictly before the Senate.

Mr. SMITH of Georgia. Unquestionably; but I am referring to the matter of right.

Mr. STONE. Mr. President, I will not ask a ruling on the parliamentary inquiry, since the matter is not now before the Senate. I merely sought to suggest the matter to the Chair and to the Senate by the question, having in mind the time when this

particular joint resolution might be called up. I hold that it can not be called up, for general discussion at least.

The VICE PRESIDENT. The Senator from California will proceed.

PREPAREDNESS FOR PEACE.

Mr. WORKS. Mr. President, this debate on preparedness for war has proceeded, so far, upon the theory that the one and only means of defense against attack is men with arms in their hands, ships of war bristling with death-dealing guns, submarines provided with missiles of death and destruction, huge military fortifications, and all the machinery and paraphernalia devised to kill and maim our fellow men. We seem to have forgotten, for the time, that the best means of defense against attack upon the individual man or a nation are honesty, justice, unselfishness, and love of all mankind; that the sure way to preserve our honor is to be honorable; that to maintain our rights we must respect the rights of others; that to bring about universal peace we must be ourselves peaceable and peace loving; that to be respected by other nations we are bound to entitle ourselves to respect.

In a very interesting article in the Round Table, an English publication, it is well said:

> The stability of a commonwealth rests upon the honesty, fair play, and sense of public responsibility of its own citizens and on nothing else. The principle of its life is the Christian spirit of devotion to duty and the active service of the rest of the community. Where that fails, and self-seeking takes its place, the commonwealth itself will also fail.

This Nation has lost that calm poise that should characterize a just and righteous nation. We have forgotten the injunction be not afraid. We seem not to remember the saying of one of the beatitudes, "Blessed are the peacemakers for they shall be called the children of God." Through the machinations, the insinuations, the misrepresentations of designing men and women, the whole Nation is trembling with fear and apprehension. Even the President of the United States has fallen under the spell and has been carrying about the country this gospel of fear. Civic bodies all over the country, bodies that had much better devote themselves to the purposes for which they were organized, influenced and incited by selfish interests that flourish and grow rich on large standing armies and great naval armaments, have made themselves messengers of fear and misrepresentation.

Some of the influences that have been instrumental in bringing about this war scare with its inspired demand for military preparedness are transparently obvious. They are the military and naval organizations seeking to increase the power and prestige of their arm of the Government; the manufacturers of war munitions, who are looking for more continued and permanent profits for themselves; and politicians, who expect the movement to continue them in power or if they are out of power to restore them again to place. We know where to look for these influences. Observing people are able to discount them.

But, Mr. President, there is a more insidious and dangerous influence behind the ones I have mentioned that is not so open, not so readily detected, which is more far-reaching and powerful than all the other influences combined. It is the influence of plutocracy, wealth, big business that already wields such immense and such a selfish control over the destinies of this country. Plutocracy and militarism are concordant and congenial evils. The one leads naturally to the other and fosters and sustains it. They are both dangerous enemies to free and popular government. Big business sees before it when the European war comes to an end complications and business and financial war, with prospective loss of supremacy that has come to it through the misfortunes of the warring nations. The great corporations and financiers of the country and men engaged in foreign trade and commerce want a strong Army and Navy in their own interests. They are the real powers behind this preparedness movement. It is their money, I believe, that is subsidizing newspapers and magazines and financing the campaign of fear that has set the Nation wild with apprehension of a danger that exists only in imagination. Plutocracy, the combination of enormous wealth in the hands of the few, leads to militarism, and militarism, when established, will perpetuate and increase the money power that even now threatens the perpetuity of our free institutions.

What this country needs to-day is not protection from foreign nations but defense against the aggressive influences of the power of money in the hands of a selfish and grasping few of its own citizens. The dangers that threaten us are within and not without, and that danger will be enormously increased by the establishment of a great military force.

This is not to say that we should not maintain our Army and Navy on a reasonable and efficient peace footing. There is no present necessity for any considerable increase of our standing Army, if any. What we need first of all is to make the Army more efficient and the position of a private soldier more respectable and respected. This can best be done by enlisting worthy young men and not criminals and derelicts, as is very generally done now, paying them decent wages, and treating them as respectable American citizens should be treated in every walk of life. We do not pay our soldiers enough, and they are treated more like serfs or slaves than citizens of a free Republic under a Constitution declaring all men to be free and equal. Our Army needs to be rejuvenated, regenerated, and placed on a respectable footing.

I am not proposing now to deal with the Mexican situation. It is a thing apart from the problems growing out of the war in Europe that are confronting us as a Nation. Our relations with that unhappy country, and the obligations resting upon this Nation, growing out of them, are so entirely different from those flowing from war conditions in Europe that what I might say about one of them could have but little bearing on the other. That our soldiers now on Mexican soil engaged in the perilous endeavor to protect the lives and property of American citizens in Mexico and bring to justice the murderers and assassins of our people who perished at their hands should be protected and reenforced by other soldiers, if need be, we are all agreed. There can be no division of sentiment on that subject. With this brief statement I pass it by for the moment.

As to the Navy, we have a very respectable one now in point of size. As to its efficiency there is much difference of opinion. We have been adding to it year by year and should continue to do so. But it seems to me that there is no reason for any great and sudden addition to it. That we should make it efficient and up to date goes without saying. The trouble is that we are proposing to put both our Army and Navy on a war footing, without apparent reason, and thereby add to the possibility or probability of war.

On another occasion I proposed the establishment of an industrial or constructive army to be engaged in work in the Forestry Service, reclamation, irrigation, building storage reservoirs to protect against storms and overflows, roads, and other service in the public interest, with military training for a part of the year, which would fit them for Army duty in case such service should become necessary. This would provide an adequate and dependable defense in case of war, add to the material welfare of the Nation, and provide a reserve force without the creation of a large standing army, which is so inimicable to our free institutions and the very nature and purpose of a free Republic.

Mr. President, have we just cause to fear war, and if so, why? Have we so conducted ourselves that our own course may well make us afraid? May the saying "The guilty flee when no man pursueth" be justly applied to us? Have we been inviting war and inciting our people to prepare for it, or have we in good faith, as a powerful civilized Nation, been doing those things which lead to and help to preserve peace with all nations? Is this not a time when we should search ourselves and look into the conscience of the Nation and see whether we are free from blame, whether this state of panic and hysteria in which we find our people has resulted, in whole or in part, from things done by us as a Nation or as citizens of the country that should not have been done? Some say the whole world hates us. Why, if it be so, are we the objects of this universal hatred of mankind? It is an appalling thing that this Nation should have become the victim of the twin evils, hate and fear, and the responsibility of finding the cause for it and removing that cause, if it is possible to do so, rests as a solemn duty upon this country. Are we going to do so by preparing for war by the means now proposed? Are the nations of the world going to think more of us when we have established militarism in this Republic, or are we endeavoring to put them in fear without increasing their respect for us?

This is a time when the American people may well pause to consider the wise and patriotic advice of George Washington in his Farewell Address as to our relations with other nations and take heed of that advice. He says:

> Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a Nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?
>
> In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings toward all should be cultivated.

The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. * * * Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

Mr. President, this Farewell Address is a most wonderful document. The farseeing vision of this great patriot and statesman seems to have seen in advance the complications and dangers that were destined to confront us as a Nation; and his understanding and appreciation of them led him to warn, caution, and advise his countrymen not only of the dangers the Nation might be called upon to meet, but the means by which they might be minimized or prevented. Delivered on the occasion of his surrender of the control of affairs of his country, for which he had sacrificed so much, into the hands of others, his solicitude for his country's future is expressed with the solemnity and fervor the occasion must have inspired in his own mind. Looking back to that time, over more than a century of our country's history, his words seem like a prophecy and an inspiration. The dangers that seem to be threatening the Nation now appear to have been anticipated by its then Chief Magistrate and guarded against by his wisdom and foresight.

In solemn language, that seems almost pathetic, he expressed his own fears that his admonitions and advice would not "make the strong and lasting impression" he desired. He says:

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

Mr. President, did his words make the strong and lasting impression on his countrymen that he so earnestly desired? Are we giving proper heed to his caution and advice in this time of war and conflict? Are we as citizens or as a Nation avoiding all antipathies against one nation and undue affection and sympathy for another respecting the conflict now raging in Europe? Are we really maintaining our neutrality as a Nation, or as individuals—as Washington so earnestly advised—or are we taking sides? If we are not heeding his advice, but are arraying ourselves on one side or the other of the struggle, what have we the right to expect but war?

We are told that the Christian people of the country are praying for an end to the war raging in Europe and the restoration of peace among nations. No one doubts the sincerity of these petitions for divine favor, but one would like to know their nature and purpose. Are they praying that right shall prevail and the war be concluded in such way as to benefit mankind and establish right and justice without regard to person or nation, or are they praying for the success of the allies on the one hand or the central powers on the other? Are they praying for a righteous peace that will redound to the good of mankind and tend to permanent peace among men? The prayer that one nation shall succeed against another will rise no higher than the head of the suppliant. God is not the arbitrator of armed conflicts between nations. His laws are laws of justice and righteousness and are unalterable.

The man or the nation that offends against these laws must some time and in some way suffer the penalty of the wrong done. In the divine purpose it is not a question of the success or defeat of one or the other of the contending nations. In this case, as in all others, it is a conflict between right and wrong that must be judged and determined by the immutable and eternal law of righteousness and justice. So it is with our own part in the conflict that is going on. This is a world question of right and wrong. Our sympathies must be with the right as against the wrong, and not with one nation or another. Therefore we should pray for knowledge and understanding as to what the right is, and when we know and understand our duty as individual citizens and as a nation our course is clear, and we should follow it uninfluenced by fear, favor, or affection. We can afford to be hated of men for righteousness sake. We can not afford to be hated justly because of our own wrongdoing.

War is itself an evil, but sometimes nations are called upon to choose between two evils, of which one is war. Prayers for peace may be mistaken prayers, and for that reason unavailing. While we may justly and reasonably hope that the time will come when wars must and will cease, we must admit that in the present state of human consciousness a righteous war, a war for principle, for justice, for liberty, and independence is nearer righteous than a dishonorable surrender of the rights of men and of nations and a pusillanimous peace. Reforms have often been attended with war, bloodshed, and persecution. Nations have been born and liberty and independence established by war. Our own Nation gained its freedom and independence by force of arms and untold bloodshed, suffering, and deprivation in military camp and on battle field and established the free and beneficent Republic under which we now live. Slavery was abolished in this country and over 4,000,000 human beings made free and our people reunited under one flag and one Republic by a long and bitter war.

It is not war that conquers evil or oppression but the truth or principle behind it. No war is necessary or justifiable unless it be for the establishment of some great fundamental principle of right or justice or humanity. The War of the Revolution was inspired by the love of liberty and independence. It resulted in the establishment of a free Republic on this continent that has endured for more than a century, and which, unless it is recreant to its trust and its free institutions, will continue to endure. Ostensibly the Civil War was fought by the South to maintain and preserve the rights of the States to free and independent action without the consent of other States or the National Government, in which they believed, and by the people of the North to maintain the Union of the States and the subjection of the individual States in certain respects to the Government in which they believed with equal sincerity. But, sir, above all this was the shadow of human slavery. In the providence of God this baleful shadow was dispelled by the sacrifices of the war, human slavery abolished, and the people reunited under a Republic free not only in name but in fact. It may be admitted that these same ends could have been accomplished in a better way and bloodshed and the many sufferings and sacrifices of war avoided. But no better way was seen and appreciated at the time, and these wars are justified in the minds of men by their beneficent and lasting results.

There is a class of very earnest Christian people in this country who denounce war as un-Christian and never justifiable. I quote extracts from a printed message of the Society of Friends entitled "The Spiritual Danger to the United States from War in Europe":

A MESSAGE FROM THE SOCIETY OF FRIENDS.

To our fellow citizens:

On behalf of the Society of Friends (Quakers) we call your attention to the dangers that threaten the moral and spiritual interests of the United States, growing out of the war in Europe. We ask your prayerful consideration of these dangers and urge all patriotic Christian men and women to cooperate in averting them.

The material losses we ourselves suffer; the daily record of wholesale starvation, outrage, wounds, and death; our natural sympathy with one or the other of the warring powers—one or all of these may blind us to the un-Christian character of the struggle, or involve us in the rising tide of hatred that possesses Europe and may engulf the world, unless Christian love and trust hold it in check. We must not let the smoke of battle obscure our spiritual vision, nor allow our material needs and the commercial advantages growing out of the war to blind us to the wrong of violence nor dull our sense of righteousness and justice. We must not allow our inability to relieve the suffering or end this strife in Europe to harden our hearts nor to stand as an excuse for indifference on inaction.

The conflict in Europe must not be allowed to lessen our faith in spiritual forces, nor in the finer qualities of human nature. The thunder of the great guns may all too easily drown the still, small voice, and the menace of great battalions may make us forget the strength

of faith, love, and justice. We are tempted to leave the path of open dealing, good will, unarmed good faith, and arbitration and "trust in chariots because they are many, and in horsemen because they are strong."

These dangers to the spirit of our people may bring a hurt to our life deeper than any material injury we are likely to suffer from the European war.

One of the most serious of these dangers is the widespread demand for an increase in our military and naval forces far beyond what may seem necessary for police service. Under cover of the plea for "adequate national defense" we are asked to enter upon the path that led Europe to fear and distrust, to rivalry in armaments, to the intolerable burden of an armed peace, and finally to its fear-stricken plunge into the horrors of the present war.

* * * * * * *

If we forsake the path of good will and arbitration and put our trust in "adequate armaments," we shall have continually to increase our forces to be adequately superior to the "adequate" forces raised by other powers to protect themselves from us. If we outstrip them, then in fear they will form ententes and alliances against us, and we shall require armaments equal to any such combination of powers before we are "adequately" armed.

* * * * * * *

The alternative to conscription is persistent and systematic agitation to excite a chronic fever of false patriotism and to stimulate fears and rumors of war. Rifle practice and military drill will be urged on our schools to revive in our boys the dying love of the pomp and circumstance of war and to make them skillful in the art of human slaughter. History will be distorted to create confidence in armed power and to make our youth forget that "they that take the sword shall perish with the sword." The military ambition of Army and Navy officials, the greed of armament makers and dealers in military supplies, and the adroit appeals of ambitious demagogues will agitate forever greater defenses. Newspapers will be subsidized, speakers enlisted, war scares manufactured. Under such influences confidence in treaties will be relaxed, arbitration sneered at as childish and impractical, and diplomacy will tend to rely on dreadnaughts instead of on reason, justice, and good will.

An increase of enlisted men and armaments by such means would infect our national spirit with a moral sickness, retard the progress of civilization, and replace the mind of Christian America with that of pagan Rome.

The Society of Friends has always believed that carnal warfare is un-Christian. We have tested the principles of Christian love and peace during more than two and a half centuries. In persecutions, in dealings with the Indians, in the early government of Pennsylvania, Friends found the spirit and teachings of Christ adequate to the demands of practical life, even as the early Christians were able to overcome the Roman Empire by righteousness, love, and faith.

Through such tests as these we have come to a firmer faith in the practicability of Christ's teaching in all phases of life. It is a most deadly form of unbelief for us to call Him Lord and yet regard His teachings as impracticable, to say that we believe in God as the Father Almighty and still doubt that righteousness and love are the surest defenses of a people. We appeal to you to help put away from our hearts the race hatred and the national greed and lusts from which wars and fightings come, to oppose the spirit of war in whatever guise it may appear, to preserve our national life from the hurt of militarism, and to seek that fruit of righteousness and faith in God, which is brotherhood and peace.

These are lofty and inspiring Christian sentiments, breathing the very spirit of peace. They should appeal strongly to the people of an enlightened and Christian Nation. I can not go so far as to say that war is never justifiable, as this message seems to maintain. Under the present state of human consciousness our Nation may be driven to war, as the only practical and present means of protection. But the sentiments so worthily expressed in this message are correct in principle. They will some time be established, and when they are, nations will go to war no more. Until then war should be the last means of settling disputes, and our aim should be to so educate and elevate human consciousness that nothing can lead or provoke men or nations to war.

Mr. President, what of the war now raging in Europe? What principle of right, justice, or humanity can be appealed to as a justification of the fearful sacrifice of lives and destruction of property that are devastating the greater part of Europe? What is the cause or the causes of this great and widespread conflict of arms. Some say it is militarism and the desire of Germany to destroy democracy and become the ruler of the world. Others maintain that it is a religious war, instigated for the advancement and domination of one of the churches of the world; still others that it is a contest for the commercial supremacy of the world and the domination of the sea. But can any one say that any or all of these contributed to bring on the war? If so, the alignment of the great nations engaged in the conflict is singular. It is a war of kings against kings, empire against empire. All kinds of religions are represented on both sides. The German Empire, an absolute monarchy, is arrayed against Russia, a despotism, and their national religions are different. While Germany is justly charged with militarism, England dominates and rules the ocean with the most powerful navy in the world. France, a Republic, is fighting alongside of Russia, a most despotic monarchy.

I pass by for the present moment the question whether Great Britain was forced into the war in defense of democracy or whether she was ready and willing to enter the conflict for other and less worthy reasons. It is enough to say that she is now in the grip of militarism, and the spirit of war reigns supreme. On this subject Jane Addams, one of the great women of this country, and who is an earnest and sincere advocate of peace, has this to say in the little book Women at The Hague:

We are told in England that this war, in essence, is a conflict between militarism and democracy, but the situation is obviously not so simple as that. War itself destroys democracy wherever it thrives and tends to entrench militarism. If the object of the war is to down militarism, it must be clear that the very prolongation of the war entrenches the military ideal not only in Russia and Germany but in the more democratic nations as well.

* * * * * * *

If you point out to an Englishman that democracy will not gain if German militarism is crushed and a new war party sits in every capital of Europe, he will tell you that such a situation, if it arises, must be attended to afterwards; that at present the allies are crushing the Prussian type of militarism. It seems clear, however, to the neutral observer that in the meantime, while the crushing process goes on, militarism is firmly lodged in men's minds, and that no body of men is seriously trying to discover how far militarism is being crushed by this war or how far civil forces are merely becoming exhausted and methods of negotiation discredited.

The matter of most serious concern for us is that this same spirit of militarism is being aroused, fostered, and maintained in our own country. Many good people are crying out for preparedness for national defense with the best of intentions. Many believe war is imminent and needs to be prepared for. Many are being frightened into this unfortunate belief by designing and interested influences, chief of which are the newspapers of the country owned and controlled by men who will be most benefited by a large Army and Navy and other proposed preparations for war. Of the influences of the public press, Miss Addams, in the same book to which I have already referred, very well says:

At moments I found myself filled with a conviction that the next revolution against tyranny would have to be a revolution against the unscrupulous power of the press.

There has never been a time in the history of this Republic when the unscrupulous power of the press has been wielded with greater violence or more insidious and disastrous effects. It is poisoning the minds of our people, inspiring them with fear, engendering and arousing in them a spirit of war and suspicion of the motives and purposes of the peoples of other and friendly nations, and bringing about a demoralization of thought and sentiment that, if not checked by better counsels and more patriotic guidance, will put this Nation on the road to militarism with all its dreadful consequences. The fearful ordeal through which the nations of Europe are passing should make us pause and consider the future of our own country before taking a step that leads to a like fate.

Mr. President, what are all these great nations, ruled by different ideas, having different forms of government, and representing all kinds of religions, really fighting about? Is it a struggle between democracy and militarism, absolutism and monarchy? If so, why this peculiar alignment of the contending forces? Is it love of liberty or love of any other great principle that has moved these nations or any of them to go to war with each other? Who can tell? Who can put his finger on the real cause of the fearful conflict now raging and in which we are so vitally interested? If it is a question of right on the one side and wrong on the other, if it is a conflict between good and evil, this Nation needs to pray, not for the success of one nation and the defeat of the other but that right may prevail and good overcome evil, whoever may suffer.

Mr. President, let us consider for a moment our own connection with the war and the duties and obligations that rest upon us as a civilized and peace-loving Nation. The President has very properly appealed to the people of the country to be neutral. That means that, as a Nation, we shall have no part in the war. Our duty then is not to any of the contending nations. It is confined to the protection of the lives, the rights, and the property of our own people by whatever nation they may be put in jeopardy. It follows necessarily that if we are neutral that must be done impartially the same as it relates to each and all of the nations. As we have declared our neutrality there is no principle for us to defend except such as affects directly the rights of our own people without regard to the question as to which of the contending nations are right and which wrong. As neutrals, however much we may sympathize with one nation as against the other, the right or wrong of the conflict as between the two is not for us to judge.

Then, sir, if that be so, why are we proposing to prepare for war? Have the rights of the people of this country been so far violated by any of the belligerent nations as to justify us in going to war with them? Does any Senator believe that the people of the United States want to go to war because of any wrongs that have been committed against our citizens by any of the nations at war? Is there a Member of this body that would favor a declaration of war against any nation because of anything that has happened so far? I say no, there is not

one. Then, what are we afraid of? Why should we prepare for war? We have no intention, expectation, or desire to go to war with any other nation. If not, why should we expect or fear a war of aggression against us by any other nation? What have we done to incite or provoke any other nation to make war upon us? If we have ourselves given no cause or excuse for war against us and nothing has been done by any other nation for which we would think of going to war, why should this Congress burden the people with a large standing Army or a great Navy. Such a step would of itself be an invitation to war. We would say in effect come along with your armies and your navies; we are ready; we defy you to come.

If we could make any such preparations as are necessary for defense only and not for aggressive warfare, such as submarines and coast defenses, and make the world believe and understand that the sole object of our preparation is not for war but to preserve peace, this objection would be removed at least in part. But this is not what we propose to do and it may not be possible.

Mr. President, we have been wronged by more than one of the belligerent nations. Some of our citizens have lost their lives as the result of war and through the violence of one of the belligerent nations, and our people have been denied the freedom of the seas, and their trade with neutral nations unjustly and illegally interfered with by other belligerent nations. Does any one here believe that for these reasons this Nation should be plunged into war?

Let us stop to look into the circumstances under which these wrongs were committed and see whether they would justify a declaration of war in either case.

The *Lusitania* case, involving as it did the death of a number of American citizens, may be taken as the worst and most flagrant violation of the rights of a neutral nation. I hope no one outside of the country that committed the offense would attempt to justify or even excuse this grave crime against innocent men, women, and children. But, sir, there were extenuating and mitigating circumstances growing out of the acts of our own people that must in justice prevent us from resorting to extreme measures against the offending nation. The *Lusitania* was owned and operated by the subjects of one of the belligerent nations. She was loaded with munitions of war to be used in destroying the lives of the people of the nation by which the ship was destroyed and our people drowned. This destruction, brutal as it was, when we consider the loss of innocent lives it entailed was an act of war. It was done to protect their people from death by destroying the means of slaughter that we were sending to her enemies. I know it is said that international law permitted us to supply war materials to a belligerent nation. But the same law, the goods being contraband and carried by an enemy ship, permitted their interception and destruction.

If the ship had not carried American citizens as passengers, whose lives were sacrificed at the same time and by the same act, the right to destroy the ship and the war materials furnished by our people would not have been questioned. So, Mr. President, while we may justly condemn Germany for the destruction of the lives of our citizens, we can not in justice overlook the fact that other of our citizens, with the knowledge and acquiescence of our Government, invited and provoked the act by loading the ship with war materials destined for an enemy country to be used in the destruction of the lives of the subjects of the offending nation.

That we may better understand what the feeling in Germany is and how natural it is that such feelings should exist, let me quote a few words from a letter written from Germany by a native of this country then in that country:

> If you had seen what I saw yesterday you would understand my great, heart-rending bitterness. I saw a batch of 30 or 40 young, good-looking, strong soldiers, each one led by the arm by a civilian—a man or a woman—like small, helpless children. Every one of these poor boys was totally blind. An elderly woman of the people passed by. She broke out sobbing at the sight and said, "I could scream when I see such things, the poor soldiers!" They seemed quite cheerful, but were very silent. Only some of them had the iron cross. Poor fellows! It is quite common to see men without an arm or a leg. Do you think they admire America, which has sent most of the ammunition which causes this misery? It would make your face burn with shame to hear what I must listen to every day.

Mr. President, we may well feel ashamed of our country when some of our own citizens, as a means of making money, are supplying the means that are bringing about such lamentable results. The mere reminder that we have for mercenary reasons made our country a party to the maiming of the young men of a friendly nation should make us pause. To make our part in it still worse, passengers were allowed to take passage on the *Lusitania* knowing that she was loaded with war materials. Not only that, but the passengers were notified not to travel on the ship and knew that she would be in peril and was marked for destruction.

I submit, Mr. President, that under these circumstances while we may still complain that Germany went to the extreme of taking the lives of our citizens and demand indemnity for this loss of life, we could find no just ground, resulting from the wrongful act, for going to war on that account. Our own hands are not clean. We provoked the act. We must in shame and humiliation confess that but for the greed of our people to make profit out of the misfortunes of the warring nations, citizens of our country would not have lost their lives.

Now, sir, while I am on the subject let me say a few words on the general subject of the exportation of arms and munitions of war to the belligerent nations. There can be no question that we are, by supplying the munitions of war, aiding to prolong the conflict. Let us admit for the purposes of the argument that the trade in such munitions is not forbidden by international law. It must be admitted, on the other hand, that international law does not require it, and that to withhold such aid would not violate the law. In other words, the law permits us to sell the belligerent nations such munitions but imposes upon us no obligation to do so.

Then let me ask, are we morally justifiable in thus supplying the means of carrying on this cruel and devastating war under the circumstances as they exist? Some say yes, because we are furnishing them to the allies and the allies are fighting for a principle and are in the right. Others do not think so. But let us concede that point, and then what? If we are furnishing this aid to one belligerent as against the other because we believe that nation is right and the other wrong, we have made our Nation a belligerent and subject to be treated as such. We would no longer be neutral. We would have made it our war.

But, Mr. President, our citizens who are furnishing war materials are not doing it for any such reason or with any such purpose. With them it is a cold-blooded neutral—I had almost said inhuman—question of making money. They supply materials to England and Russia alike, maybe to Turkey. They would if they could. They would furnish them to Germany and Austria-Hungary with very great pleasure if they could do it with profit to themselves. It is not a matter of principle with them, but a question of money. And I want to say and emphasize the fact that this trade in munitions of war has brought about most, if not all, of the complications between us and the belligerent nations on both sides and has engendered most of the hatred of the belligerent nations under which we are suffering. But for that the *Lusitania* would not have been torpedoed, the lives of our citizens lost, and our friendly relations with Germany put in jeopardy. Germany hates and distrusts us because we are furnishing her enemy the means of slaying her soldiers and prolonging the war. Great Britain justifies herself for interfering with our ocean travel by insisting that we are making so much out of the exportation of arms and munitions of war that we are not injured by the cutting off of a part of our other trade. England hates us because we are trading on her misfortunes while pretending to be her friend. She knows that we are not furnishing her war materials out of sympathy or love for her or for any other laudable reason, but are making all the money out of her we can while the war lasts. Does anyone wonder that we are hated and despised by both sides of the war? The motives of the men who are growing rich out of this trade in arms are not held in very high esteem at home. There is another unfortunate side to it. We are doing a great deal of boasting and self-congratulation at our prosperity, particularly our great export trade. Everybody knows that our extraordinary export trade is the result of the exportation of arms, munitions, and war supplies. But for this the exportations would not be extraordinary. In other words, we are prospering and growing fat on the misfortune of other friendly nations. It is not a thing to boast about. It is not just ground for congratulation. It is something that should humiliate and force us to silence.

So long as we carry on this nefarious trade we can not, with moral force or justification, make England's encroachments on our ocean trade a cause for war. Morally speaking, we have closed the door against any very serious complaint of any of the belligerent nations for searching our ships and interfering with our trade, whatever our legal rights may be. However much Great Britain may profit by our sale to her of arms and munitions of war she has every reason to treat us with contempt for the part we are taking in the war solely for profit.

Mr. President, what we need to prepare for is not war, but peace. The world is just what the world thinks and what the world thinks it will do, sooner or later, be it good or bad, unless the thought is changed. As a nation thinketh so is it. For many years before the war broke out into physical conflict the great nations of Europe had been mentally at war. It was only a question of time, if they continued the war in mind, that physical

war would come. Thoughts of jealousy, hate, malice, revenge, and selfishness had been instilled into the minds of the people of the nations of Europe against each other. The war that is now raging is only a manifestation of the mental condition that prevailed and preceded it. The seeds of discord, hate, and war had been sown in the minds of the people, and this fearful war is the fruitage of that wrong thinking and teaching. No crime was ever committed that was not first conceived and thought of in the mind of the perpetrator. Crime is only the manifestation and result of evil, criminal thinking. All evil is a mental process that may do its work only by thinking, but which may and often does manifest itself in physical action. Some were led to believe that the war in Europe was caused by the assassination of a member of the royal family of Austria. Few believe now that this was either the immediate or even the remote cause of the conflict. The war in Europe came because the minds of the people had been gradually but surely prepared for war. The assassination, at most, was only an excuse for the precipitation of a war that was already in the minds of the nations and ready to break out at any moment.

Now, sir, what is our duty to the people of our own country? Is it to prepare for war or for peace? So long as we are thinking right about war and peace and living up to our thinking this Nation is in no danger of war. But are we? The minds of our people are being filled with thoughts of war, thus crowding out the wholesome thoughts of peace. They are put in daily fear of war. They are being taught to anticipate and expect it. As a consequence they are led to think the country must prepare to meet by force of arms the evil they are made to expect. The efforts to instill into the minds of our people the fear and anticipation of war, to make it in their minds a reality, to excite them to the belief that the Nation must prepare for war is a crime against a whole Nation, against all mankind. The newspapers are filled with predictions of war under scare headlines, civic bodies vie with each other in the effort to frighten the people into the belief that preparation for war is necessary and to force Congress, through fear and the coercive effect of a manufactured public opinion, to provide armies, ships, and fortifications to resist a purely imaginary military or naval force. The whole thing is supremely absurd. It is not the worst that such legislation and preparation will add millions of taxes to the present tax burdens of the people. It is the danger of a great standing army and huge navy. That is bad enough, but the effect such a course will have upon the minds of the people of the country is infinitely worse. It will teach them militarism. It will instill into their minds the false belief that the safety of a nation can only be made sure by preparation for war. It will teach them to put their trust in armies and navies instead of the God of righteousness and peace. It will teach them the false lesson that military force is a safer security of a nation than right thinking and right doing. It will turn our peaceful Republic, governed by the civil authorities through peaceful means, to the rule of a military oligarchy that rules only by force. It will pervert and sooner or later overthrow our free republican institutions. The man who seeks to put this Nation in the way that leads to military rule will help to bring the very existence of his country into deadly peril.

Mr. President, civilization is no proof against the inhuman war spirit. We must go deeper than that if we are going to put an end to war. Nations are only aggregations of men. They can not rise above the citizenship of which they are composed. Therefore all efforts toward the establishment of peace amongst nations must reach the individual citizen. A nation made up of men and women who will war with their neighbors, war in their churches, in politics, in the various peaceful walks of life, and within themselves is a nation that will go to war with another nation. Good and evil are constantly at war between man and man within the consciousness of the individual as well as between nations, and until good overcomes evil in the minds of the people who constitute separate nations we can not expect universal peace. The greatest of the evils that result in quarrels among men and war between nations is selfishness. Men are selfish. Nations composed of men are likewise selfish. The fearful war now raging in Europe is the result of human selfishness. One nation may be fighting for access to the sea for its commerce, another for commercial supremacy on the ocean, another for an increase of territory, another to recover territory lost by previous wars, and still another for hate or revenge. All of these are selfish reasons. In addition to and in support of those mentioned, the cry of patriotism and love of country is raised, one of the most selfish appeals of all. We invoke national patriotism as against other nations, as against the whole world. We forget that we owe an unselfish duty to all humanity, an international patriotism, world-wide in its scope and unlimited in its generous love of all mankind. The selfish consideration of national rights and national gain and advantage engenders war between nations just as like considerations by individual men and women engender strife, bloodshed, litigation, and controversies of all kinds among men. To meet this sense of limited patriotism an international court should be established to settle disputes between nations, with full and ample jurisdiction to deal with all disputes, extending even to questions of national honor.

We must realize that the way to peace among nations is to eliminate selfishness from the consciousness of the men and women who constitute nations. Until we do we shall have strife among men and among nations. Therefore peace plans and the advocacy of peace are good as a means of educating men to avoid war and foster peace, but when we teach them to love God and their fellow men, peace will be assured. Jesus of Nazareth, the Man of Peace, said: "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind. This is the first and great commandment. And the second is like unto it. Thou shalt love thy neighbor as thyself." Uniform obedience to these divine commandments would establish universal and eternal peace among men and nations. But we do not obey them. We serve other gods before Him. One of these gods, and to our minds, the most powerful of all, is money. In one of the great peace meetings called to form a peace league and composed of many of the most distinguished men and women of this country, it was proposed to include in its declaration of principles a provision against the exportation of war materials to belligerent nations. It was voted down. What a spectacle! This was serving mammon, not God. But they did insert a provision that a nation refusing to obey such peace regulations as might be provided for to prevent war should be forced to do so. So this great peace organization, at its very birth, indorsed the right and the practice of a neutral nation to aid and assist in carrying on a war between other nations, and declared in favor of making nations peaceful by force. You can not make men honest or unselfish by law. You can not make men or nations peaceful by force. Economic pressure or coercion, as by withdrawal of trade, for example, might justly be applied as against a nation that insists upon going to war, and might be justifiable and effective, but actual force would be inconsistent with the very object sought to be attained.

The establishment of universal peace amongst men and nations is a consummation devoutly to be hoped; but we should not delude ourselves with the belief or hope that this can be accomplished by peace plans or regulations. The people of all nations must be brought to love God with all their hearts, with all their souls, with all their minds, and their neighbors as themselves. They must be taught to serve the one and true God only, to love peace and hate war, and to be patriotic, not to their own nation only but to the people of all the nations of the world. Especially is this true of the rulers and leaders of all nations. It is they and not the masses of the people who make war. The brotherhood of men of all nations and of all tongues must be established and maintained in the minds and consciences of men. Thus will universal peace be established. It can not be established in any other way.

Mr. President, by enlarging our military and naval establishment we are not preparing this Nation for peace, but for war. We are adding fuel to the conflagration that is spreading over Europe. We are preparing the minds of our people to catch the flame and burn like tinder. We are teaching our people to think war and to depend upon it as an instrument of good instead of a devastating, consuming evil. If the Congress of the United States enters upon this unfortunate course, it will take upon itself a fearful responsibility. There may be times, as I have said, when war may be justified as a choice of two evils. It is possible but not probable that this Nation may some time be called upon to defend itself by force of arms. The call of humanity may some time compel us to resort to force of arms to vindicate the rights of the oppressed and civilization, morality, law, and order on this continent. We may be impelled to such action by a high sense of duty; but if we do, the means will be provided. When a nation resorts to force, to such an end and with such a motive, previous military preparation will not be needed. It will not take the form of militarism; it will not excite a lust for war. The duty will be too solemn, the obligation too sacred to engender the thought of evil. If this shall not be true, the duty will not exist, and this country had better hold its hand until the duty is imperative.

Mr. President, no more unfortunate, no more dangerous time for even considering or thinking of preparation for war than this

could have been chosen. A great portion of the civilized world is ablaze with war. The minds of men engaged in the conflict are aflame with passion, malice, and deadly hatred. Lives are being brutally sacrificed in the deadly conflict. Even our own peaceful country, far from the seat of war and with an ocean flowing between, is full of excitement and apprehension. Many of our naturalized citizens, good and loyal citizens, are taking the side of their native country, and who would not, where the conflict is between foreign nations of which their fatherland is one. Our supply of arms and munitions to the enemies of the country of their nativity, with which to kill and maim their fathers, brothers, and countrymen, has made them sensitive and resentful. And who can find it in his heart to condemn them when the country of their adoption is not assailed and the exercise of their allegiance called for. They feel, and not without reason, that under the circumstances their adopted country is not being neutral but is discriminating against the "old country." On the other hand, the native-born citizens of the belligerent nations that are being supplied with war materials feel and protest that to cut off the supply of war materials now would be an act of unneutrality and an injustice to the country of their birth for which they retain a natural affection. These conflicting feelings on the part of our own people, natural and to be expected, make it peculiarly our duty to maintain the strictest neutrality.

Mr. President, what we need to do above everything else at a time like this is to pacify, soothe, and reassure the public mind, to think and talk peace, not war; to inspire confidence that the American people and their Government have the desire and the ability to maintain and continue peaceful and friendly relations with all the world. "Peace on earth, good will toward men" should be the watchword of the people of this Republic.

This is a time when the whole Nation, as taught by Jesus of Nazareth, the man of love and peace, should join in the universal Christian prayer, "Lead us not into temptation, but deliver us from evil."

FEDERAL JUDGES.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII until the hour of 2 o'clock.

Mr. SIMMONS. What is the request of the Senator?

Mr. SMOOT. That the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII until the hour of 2 o'clock.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Is there objection to the request of the Senator from Utah?

Mr. GRONNA. What is the request?

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. Objection is made. The calendar under Rule VIII is in order.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. GALLINGER. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from New Hampshire makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, Ariz.
Bankhead	Hughes	Oliver	Smith, Ga.
Beckham	Husting	Overman	Smoot
Catron	James	Page	Sutherland
Chamberlain	Johnson, Me.	Pittman	Thomas
Chilton	Johnson, S. Dak.	Poindexter	Thompson
Clapp	Jones	Ransdell	Tillman
Clark, Wyo.	Kenyon	Reed	Underwood
Colt	Lea, Tenn.	Robinson	Vardaman
Curtis	Lewis	Shafroth	Wadsworth
du Pont	McCumber	Sheppard	Warren
Gallinger	Martine, N. J.	Shields	Williams
Gronna	Myers	Simmons	Works

Mr. CHILTON. I desire to announce the absence of the Senator from Florida [Mr. FLETCHER], who is paired with the Senator from Idaho [Mr. BRADY]; the Senator from Indiana [Mr. KERN], who is paired with the Senator from Minnesota [Mr. NELSON]; and the Senator from West Virginia [Mr. GOFF], who is paired with the Senator from South Carolina [Mr. TILLMAN]. This announcement may stand for the day.

The PRESIDING OFFICER. Fifty-two Senators having answered to the roll call, a quorum of the Senate is present. The Senator from Georgia [Mr. SMITH] moves that the Senate proceed to the consideration of Senate bill 706.

Mr. GALLINGER. I ask for the yeas and nays on the motion of the Senator from Georgia.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL] and withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote on this matter, I must withhold my vote.

The roll call was concluded.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. As he did not vote, I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. I have a pair with that Senator and therefore withhold my vote.

Mr. WILLIAMS. I transfer the pair which I announced a moment ago to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED]. I am paired with the junior Senator from Florida [Mr. BRYAN]. Not being able to transfer that pair, I withhold my vote.

Mr. CURTIS (after having voted in the negative). Has the junior Senator from Georgia [Mr. HARDWICK] voted?

The PRESIDING OFFICER. He has not.

Mr. CURTIS. I withdraw my vote.

Mr. SUTHERLAND. I have a pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On this question, however, I am at liberty to vote. I vote "nay."

Mr. CATRON (after having voted in the negative). Has the senior Senator from Oklahoma [Mr. OWEN] voted?

The PRESIDING OFFICER. He has not.

Mr. CATRON. Then I withdraw my vote, having a pair with him.

Mr. CHILTON. I transfer my pair previously announced to the junior Senator from Virginia [Mr. SWANSON] and vote "yea."

Mr. TOWNSEND. I understand that the junior Senator from Missouri [Mr. REED] has voted. Therefore I transfer my pair to my colleague [Mr. SMITH of Michigan] and vote "nay."

Mr. WALSH. I inquire if the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. He has not.

Mr. WALSH. I have a general pair with him and therefore withhold my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDING OFFICER. He has not.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio and therefore withdraw my vote.

Mr. COLT (after having voted in the negative). Has the junior Senator from Delaware [Mr. SAULSBURY] voted?

The PRESIDING OFFICER. He has not voted.

Mr. COLT. I have a general pair with that Senator and therefore withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER].

The Senator from Minnesota [Mr. NELSON] with the Senator from Indiana [Mr. KERN].

Mr. STONE (after having voted in the affirmative). I have just been informed that the Senator from Wyoming [Mr. CLARK], with whom I have a standing pair, did not vote. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. HOLLIS. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained from the Senate on official business and is paired with the junior Senator from Rhode Island [Mr. COLT].

The result was announced—yeas 36, nays 24, as follows:

YEAS—36.

Ashurst	Husting	Overman	Smith, Ariz.
Bankhead	James	Pomerene	Smith, Ga.
Beckham	Johnson, S. Dak.	Ransdell	Smith, S. C.
Chamberlain	Lane	Reed	Stone
Chilton	Lea, Tenn.	Robinson	Thomas
Gore	Lewis	Shafroth	Thompson
Hitchcock	Martine, N. J.	Sheppard	Tillman
Hollis	Myers	Shields	Vardaman
Hughes	O'Gorman	Simmons	Williams

NAYS—24.

Borah	Gallinger	Oliver	Sutherland
Brandegee	Jones	Page	Townsend
Clapp	Kenyon	Poindexter	Wadsworth
Cummins	Lodge	Sherman	Warren
Dillingham	McCumber	Smoot	Weeks
du Pont	Norris	Sterling	Works

NOT VOTING—35.

Brady	Curtis	La Follette	Phelan
Broussard	Fall	Lee, Md.	Pittman
Bryan	Fletcher	Lippitt	Saulsbury
Burleigh	Goff	McLean	Smith, Md.
Catron	Gronna	Martin, Va.	Smith, Mich.
Clark, Wyo.	Harding	Nelson	Swanson
Clarke, Ark.	Hardwick	Newlands	Underwood
Colt	Johnson, Me.	Owen	Walsh
Culberson	Kern	Penrose	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMITH of Georgia. Mr. President, at 20 minutes before 2 o'clock—the hour at which the unfinished business will be taken up—I made the motion to take up this judiciary bill, and I really thought I would have the time between then and 2 o'clock to finish what I desired to say upon the subject. As I begin now, only three minutes before 2, I have taken the precaution to ask the Senator from Arizona [Mr. ASHURST] whether it would interfere with the conduct of the Indian bill for me, even though the hour of 2 o'clock arrives and the Indian bill is laid before the Senate, to finish what I desire to say; and as I find it will not embarrass him, I will proceed now and continue after 2 o'clock.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. GALLINGER. I think it likely that no objection will be interposed, but the Senator will have to deal with the Senate rather than with the Senator from Arizona.

Mr. SMITH of Georgia. Under the rules the Senator having the floor at 2 o'clock is entitled to proceed.

Mr. GALLINGER. Not if the unfinished business is laid before the Senate and it is not agreed by unanimous consent that it shall be laid aside.

Mr. SMITH of Georgia. Yes; Mr. President, it has been ruled a dozen times since I have been in the Senate that the Senator having the floor at 2 o'clock does not lose the floor when the unfinished business is laid before the Senate. My reason for inquiring of the Senator from Arizona was that I did not desire to consume the time of the Senate in such a way as to interfere with his control of the Indian appropriation bill.

Mr. SMOOT. The remarks of the Senator after 2 o'clock will be made on the unfinished business and not upon his bill, which then will not be before the Senate.

Mr. GALLINGER. There is no objection to that, of course, if that was the Senator's purpose.

Mr. SMITH of Georgia. That was what I meant; and I wish to assure the Senator from New Hampshire that there was no purpose upon my part to make an arrangement with the Senator from Arizona in disregard of the rights of the entire Senate.

Mr. President, Senate bill 706 provides a remedy for a trouble which now exists in connection with our circuit and district courts. It is intended to complete a plan for the relief of the Federal district and circuit courts. By the terms of the Constitution the judicial power is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, and the judges shall hold their office during good behavior. It was found years ago that some relief must be given against the presence upon the bench of Federal judges advancing in years.

The PRESIDING OFFICER. Will the Senator from Georgia suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. SMITH of Georgia. It was found years ago necessary to protect the administration of justice in the circuit and district courts against the failure of the judges to do their full work owing to advancing years, and for this reason an act of Congress was passed permitting Federal judges to retire at the age of 70 with full pay.

Unquestionably the subject before Congress when that act was passed was the designation of a time after which, probably, the district and circuit court judges would not be in a position to do efficient work. Seventy was named as a time when they could retire with full pay, upon the theory that having reached three score and ten—the allotted period certainly of active life, if not of life—it was not to be expected that they would be able to continue to fill the offices they held and measure up to the responsibility of those offices.

Later on it has been found that even the provision allowing judges to retire at 70 does not meet the situation.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes.

Mr. WORKS. Does not the Senator from Georgia think it would be very much better to make retirement compulsory at 70?

Mr. SMITH of Georgia. I am not sure that it could be done.

Mr. WORKS. It could not under the Constitution, undoubtedly; it would be necessary to amend the Constitution; but does not the Senator think that would be much better than conditions as they exist at the present time?

Mr. SMITH of Georgia. I think it would be better than the conditions as they now exist, but I do not think that is preferable to the plan we now lay before the Senate. I believe we have worked out the very best way to handle this subject.

I was stating, Mr. President, that experience has shown that the provision allowing judges to retire at 70 did not fully meet the trouble that caused the act to be passed which allowed them to retire. A number of judges reaching 70 did not retire but retained office and failed to do the full work of their office. The desire to hold office, the desire to have something to do, in many instances, the desire, perhaps, in some cases, to retain the patronage connected with the office, prevented circuit and district judges from retiring at 70. They are now, in a number of instances, holding office to the detriment of the proper discharge of the duties of the offices which they fill and they are thereby preventing a proper administration of justice.

Mr. President, so necessary was it that relief should be given against the Federal judges who were past 70 that the subject came before the Department of Justice for consideration, and the very first paragraph of the report of the Attorney General in 1913 calls attention to this subject and requests legislation. We all know that Mr. Justice McReynolds, now of the Supreme Court Bench, was then Attorney General, and the first paragraph of his report in 1913 urges this subject upon the attention of Congress and requests legislation.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from California?

Mr. SMITH of Georgia. I do.

Mr. WORKS. I do not remember the language of the report. Does the Attorney General undertake to say how many judges should be appointed to take the place of those retired?

Mr. SMITH of Georgia. I desire to read an extract from his report.

Mr. WORKS. Does the Senator know the number who are regarded as unable to perform the duties of the office?

Mr. SMITH of Georgia. The Attorney General in 1913 asked that in every case in which a circuit or district judge had passed 70 a new judge should be appointed. If that were done, there would be 14 new judges to be appointed.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. GALLINGER. That principle would have retired Chief Justice Marshall long before he surrendered his duties as Chief Justice, would it not?

Mr. SMITH of Georgia. I think it would.

Mr. GALLINGER. Ten years before.

Mr. SMITH of Georgia. I think it would, and therefore we have not followed the exact language or the exact recommendation of the then Attorney General, now Mr. Justice McReynolds.

Mr. COLT. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator.

Mr. COLT. Is it not true that Justice McReynolds in his report recommends that it be mandatory upon the President to appoint?

Mr. SMITH of Georgia. Yes; I am on the point of reading his recommendation.

Mr. COLT. As I understand from the frame of this bill, it is discretionary on the part of the President to appoint?

Mr. SMITH of Georgia. It is.

Mr. COLT. Then I might ask the Senator where he finds in the Constitution of the United States any power vested in the President of the United States to create the office of judge?

Mr. SMITH of Georgia. None; and this bill does not leave him to create it. The bill creates the office and requires it to be filled by him upon the finding of certain facts.

Mr. COLT. Is not an office created when it rests with the volition of the President to fill it?

Mr. SMITH of Georgia. That volition is to be exercised in the finding of certain facts. Upon finding them he is to fill the office. The act creates the office.

Mr. COLT. If you turn to the Constitution of the United States——

Mr. SMITH of Georgia. Mr. President, I do not yield for an argument to the Senator.

Mr. COLT. I beg pardon.

The PRESIDING OFFICER. The Senator from Georgia declines to yield further.

Mr. SMITH of Georgia. I prefer the Senator to make his argument in his own time.

I do not intend at this time to refer to the constitutionality of this act. I shall take it up a little later on. What I wish now to do is to bring to the attention of the Senate the recommendation of Mr. Justice McReynolds, then Attorney General. I read his first recommendation:

1. Judges of United States courts, at the age of 70, after having served 10 years, may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice has suffered.

I stop to call attention to the fact that the Attorney General admonishes us that the administration of justice has suffered from the condition that has existed.

His recommendation proceeds, as follows:

The power of Congress to correct this condition is limited by the provision of the Constitution that judges shall hold their offices during good behavior. I suggest an act providing when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law, that the President be required, with the advice and consent of the Senate, to appoint another judge, who shall preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court.

Mr. President, the Attorney General recommended that we should require the President to add the additional judge. I do not object to that provision. If Senators look upon it as a constitutional question and prefer that it should be required, I would be willing to yield to their constitutional scruples, although I am sure it is not necessary to carry the statute so far to take it outside of any possible question as to its constitutionality.

The real necessity for such legislation is the subject to which, first, I wish to address myself. We are admonished it is necessary by the Department of Justice, not only by Mr. Attorney General McReynolds making this report in 1913, but his report was followed with the same language by his successor, Attorney General Gregory, in 1914, and followed in substantially the same language by the Attorney General in 1915.

What does that mean? It means that the Department of Justice, familiar with the work that is being done in the various district and circuit courts of the United States, with the large volume of business for the Government before those courts, feels that it is necessary to relieve the courts against inefficient work by judges past 70 years of age.

But it has been suggested that where a judge past 70 fails to retire and the business of the court suffers from his age, relief can be given by a special statute authorizing an appointment such as this bill authorizes. Evidently the Department of Justice did not consider such a course was sufficient. Evidently the experience of the Department of Justice was that separate bills have not met the requirements, and it is easy to point out that they have not and do not.

In the fifth circuit there is a circuit court judge who has not been upon the bench in four years and who for four years before had not been upon the bench half the time the court was in session. For four years he has been confined at his home. He is 82 years old. For 12 years he has had the privilege of retiring, and he would not retire. Bill after bill has been introduced to provide an additional judge for the circuit, and it has never gone through Congress. Here is proof of the fact that the individual bill remedy does not meet the situation. That circuit also has another judge 78 years old upon the bench who to-day can not do the work that he did 20 years ago or 10 years ago. Why do they not retire? I believe largely and principally because they dread to have nothing to do.

This bill meets that trouble. It names a new judge to carry the burden of the work and leaves the older judge, still with judicial authority and judicial power, subject to assignment for special work. There is ample work to occupy them, even if the additional judges are appointed.

A judge past 70 may be unable to stand the fatigue, the labor, the mental and physical strain of the entire work of a district, but he could do work half the time and work well. He could be assigned to some district by the Chief Justice where his work was needed to relieve a crowded docket. If there is need for it he can help in his own district. He still can be called on to serve his country and do his work to the extent of his physical capacity. This bill will enable the Government to obtain much valuable service from judges who otherwise would retire on full pay.

The recommendation of the Attorney General was brought to my attention by two United States court judges, one a district and the other a circuit judge, each past 70, who did not wish to quit entirely but were anxious that the bill recommended by the Attorney General should pass, and that they might still contribute to the service of their country while they were drawing a salary such work as their country might need from them.

This bill not only makes it certain that there will be an active judge to handle the business of the district and the circuit, thereby insuring to litigants the prompt and efficient attention they are entitled to for their business, thereby insuring to the Government the prompt and efficient trial of Government cases, but it will be a great economy. Where a district court judge is old and slow the cost to the Government in the Government business of its witnesses and the administration of the court far exceed the mere salary of an additional judge.

The judges themselves, at least a majority of them whom I know and from whom I have heard, are desirous that this bill shall pass. I have a letter from a retired district court judge in Wyoming or Idaho expressing regret that we did not extend the bill so as to allow those who had already retired to do work to the extent of their continuing strength.

But it has been suggested that this bill ought to have been entitled "A bill to provide additional offices for deserving Democrats." Mr. President, that means that it ought to be postponed until such time as perhaps unfortunately a Republican will be President, and then it ought to be passed under circumstances which will provide for the appointment of Republicans.

Mr. GALLINGER. In the near future.

Mr. SMITH of Georgia. I hope not, but I am not sure. I am not the prophet that some of my friends are, and I do not know. I admit that I have great confidence in the voters, and I hope and believe that the change is not speedily to be made. But suppose it were true that it meant there would be 14 additional Democratic judges, there would not be a third of the district and circuit court bench then Democratic. I confess that I fail to see the difference between a Democrat and a Republican judge. There was a time when a different view as to constitutional construction separated the lawyers of the two parties, but I am not sure now whether as to constitutional construction a Republican is a Democrat or a Democrat is a Republican. Some of the best Democrats I know on constitutional construction sit upon the other side of the Chamber, and I can not deny that some who have very different views from mine upon the subject sit on this side.

Now, the question of politics has nothing to do with the bench any longer. I can pick men on the other side who are good enough constitutional constructionists to satisfy my strictest view of constitutional limitations, and I am sometimes afraid of growing lax in that regard myself from association. Now——

Mr. WORKS. Before the Senator leaves that——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I do.

Mr. WORKS. I am very sorry to have any such suggestion brought into this discussion which relates to judicial officers. I wish to say in this connection that in my judicial district we have had Democratic judges for the last 20 years, and I think

they are two of the best men and the best judges who have ever sat on the bench in this or any other country.

Mr. SMITH of Georgia. I want it distinctly understood that I did not bring it in. I am answering the argument of the Senator from Utah [Mr. SUTHERLAND], and I am not criticizing him for making it. I am simply endeavoring to answer it.

Mr. SUTHERLAND rose.

Mr. SMITH of Georgia. I yield to the Senator.

Mr. SUTHERLAND. In discussing this bill the other day it is true, as the Senator from Georgia has said, that I suggested it ought to be entitled "A bill to provide 17 places for deserving Democrats." I still adhere to that opinion. But, Mr. President, I do not object to a Democrat being appointed to the bench. I do not object to Democratic judges. I agree with the Senator from California [Mr. WORKS] that some of the best judges we have in the country are Democrats. The judge who sat on the district bench in Utah ever since it was a State until quite recently was a Democrat, a Democrat of the old school, and one of the best judges it has ever been my good fortune to know. So I do not make that objection; but the objection I have to the bill is that it makes the courts of the country the plaything of politics—not that there would be any objection to the judges who might be appointed.

Mr. SMITH of Georgia. Mr. President, it does nothing of the sort. It provides an intelligent, sound way to prevent the courts from having old, inefficient judges without requiring that each time we shall come to Congress, and frequently not get relief. The plaything——

Mr. SHERMAN. Mr. President——

Mr. SMITH of Georgia. I can not yield. I ask the Senator to excuse me.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. I wish to say something just now myself.

It would make a plaything of judicial office to bring the need of relief to Congress each time a judge held on past the age of efficiency instead of allowing the information to come from the Department of Justice to the President as to the condition of business in a district or circuit, and letting action come automatically in consequence of the condition.

Now, Mr. President, I agree with the Senator from California. There is no politics in this bill, and there ought to be none. There was no abler or more cordial supporter of this bill at the last Congress——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from California?

Mr. SMITH of Georgia. I do, because it seems I have given the Senator from California more credit than I ought to have given him.

Mr. WORKS. I did not intend to say that there is no politics in this bill. I do not know whether there is or not. I was defending the judiciary from any insinuation that politics could in any way enter into the service or the work of the judges or the judicial office. I was not discussing the bill.

Mr. SMITH of Georgia. I agree fully with the Senator from California, and I will agree with him——

Mr. COLT. Mr. President——

Mr. SMITH of Georgia. Just a moment. I would have agreed with him still further if he had added there was no politics in the origin of this bill, and there will be none at any time unless it was organized upon the other side to resist it.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. SMITH of Georgia. For a question, but not more.

Mr. COLT. If the Senator will pardon me, I heartily concur with what the Senator has said in regard both to Democratic judges and Republican judges, as well as with what the Senator from California has said. I have sat on the bench in the circuit court of appeals with a Democrat for about 20 years. Two or three of the judges of the first circuit are Democrats, and I wish to say that politics never enter into the judicial office. The senior circuit judge who now presides in the circuit court of appeals of the first circuit is a Democrat, whose judicial attainments and standing in every relation of life are the very highest.

Mr. SMITH of Georgia. Mr. President, I wish to say that my first appearance in the United States circuit court in the argument of an important case was before Mr. Justice Bradley, and I can go further and state that, with 35 years of experience at the bar, I never appeared before a judge whom I regarded as being abler or fairer. I would have been willing for him to be in charge of all the Federal business I was ever called upon to try, certainly as willing to have him as any other judge before whom I ever appeared.

Mr. President, let us come back to the question of this bill. I wish to answer the argument of the Senator from Utah. I wish to answer his designation of this bill as a bill which should be entitled "A bill to provide 14 places for deserving Democrats."

The bill came from an Attorney General who was as far from being partisan as any man who ever filled the office. He went into the Department of Justice under a Republican administration as an Assistant Attorney General. The record he made then and the record he made in connection with Government business under employment by a Republican administration caused his selection as Attorney General. His management of the Department of Justice was so free from politics that I think he retained too many Republicans in office. Nobody can suspect that the origin of this bill coming from him has politics in it.

At the last session of Congress it had no more cordial supporter than the great Senator from New York who preceded the able Senator from New York, who now presides over this body [Mr. WADSWORTH in the chair]. Mr. Root was upon the subcommittee and cordially supported this bill. It just happens that at the time we press it now there is a Democratic President, but surely this should not cause partisan opposition to so worthy a measure.

Now, I come to the exact provisions of the bill. Under the language of the bill, wherever a judge has passed 70 and has served 10 years, and is therefore entitled to retire on full pay, the President, in the language of the bill, may, if, in his opinion the public good requires, appoint, by and with the advice and consent of the Senate, an additional judge, and thereafter the new judge will carry the responsibility of the business. Thereafter the new judge of the circuit court will sit regularly instead of the older judge. In the district court the new judge will have charge of the business.

The old circuit court judge can be assigned to sit in his circuit or in any other circuit or for special work by the Chief Justice of the Supreme Court Bench. The district court judge can sit in any district in his circuit at the request of the presiding judge of the circuit court or sit elsewhere by the request of the Chief Justice. We use the judges who have passed the age of complete activity to help supplement the work and prevent our dockets from being crowded anywhere by reason of sickness or other causes. We thus have the ripe experience of one of these judges past 70 who can hold court and do the work, perhaps, as well or better than ever in his life, and yet who could not stand six or eight months of solid work. We get the benefit of the services of such judges instead of retiring them. We still give them something to do, instead of forcing them to retire, and yet we have the work of the district and the circuit actively and fully discharged.

A judge from California, who is past 70 years of age, was here recently—a United States circuit judge, I think—and he expressed his deep interest in this bill, as he would be glad to continue to do what he was physically able to do, but he felt he would have to retire unless he was relieved of doing all of the work of his office.

What would be the effect of this bill? I grant that in most cases a new judge would be appointed. The Attorney General recommended that we require such appointment in all cases. At the last session of Congress the bill was reported in that shape, but the Judiciary Committee of the other House unanimously reported it with the language of limitation, providing that the President shall only make the appointments when, in his opinion, the good of the public requires it.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. The Senator says that the bill was unanimously reported from the Judiciary Committee of the House, as I understand him.

Mr. SMITH of Georgia. No; I did not say that. I said that it was unanimously reported by the Judiciary Committee of the House. I said it was reported by the committee of the Senate——

Mr. SUTHERLAND. That was what I undertook to say, but perhaps I did not say it.

Mr. SMITH of Georgia. The Senator from Utah did not understand me. I carefully guarded my language.

Mr. SUTHERLAND. The Senator from Georgia, I think, misunderstood me. I was undertaking to repeat what the Senator had said, namely, that there was a unanimous report from the Judiciary Committee of the House.

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. Well, my understanding is that there was a very vigorous dissent. I have forgotten all of their names, but there were two, at least, of the committee who dissented. One of them was Mr. GRAHAM and another was Mr. VOLSTEAD, of Minnesota, who dissented in quite a vigorous minority report.

Mr. SMITH of Georgia. I was advised to the contrary; I was told that the House committee reported unanimously in favor of the bill at the last Congress. I understand there is a dissent in the present Congress.

Mr. SUTHERLAND. It may be that the dissent was during this Congress.

Mr. SMITH of Georgia. Yes. At the present Congress the Judiciary Committee first reported the bill without objection, but subsequently certain members of the committee, having changed their minds, asked leave to dissent; the leave was granted, and they have filed a written dissent.

Mr. President, the Senator from Utah [Mr. SUTHERLAND] raises the point that this bill is a delegation of legislative authority, and the Senator from Rhode Island [Mr. COLT] made the same suggestion. The language of the bill is:

> The President, if in his opinion the public good so requires, may appoint.

The word "may" as used of course means "must"; the term "may," used in connection with a public duty, is so construed; but if there is doubt entertained by Senators about it, I shall ask that the Senate change the word "may" to "shall." The words "if, in his opinion, the public good so requires," in my opinion mean if, in his opinion, the conduct of the business of the courts so requires. I think that that is a fair construction of the language—if, in his opinion, the conduct of the business of the court so requires, or if, in his opinion, the business of the court would be thereby more efficiently administered; or if, in his opinion, the more efficient administration of the business of the court so requires. That is substantially the meaning of the language now used in the bill; but if anybody doubts it I am ready to substitute the language which I have read, or substantially that language.

Mr. President, I recognize the fact that Congress can not delegate a legislative power. That principle is too well established to be questioned; but what is a delegation of a legislative power is a vastly different proposition. In case after case our Supreme Court has held that delegations of power to branches of the administration to attend to details and to pass upon details to make legislative enactments effective were not delegations of legislative power. You can not delegate the power to make an act, but you can by an act delegate the power to pass upon certain facts under which the effectiveness of the act begins. I do not recall a case in which the Supreme Court of the United States has held an act of Congress unconstitutional on account of the delegation of power. I have not made an exhaustive search, but I do not recall one such decision. I do, however, recall case after case where an act of Congress authorized the Secretary of War or the President or other branches of the administrative department to pass upon certain facts, to determine even what the public good required, to make the act effective, and the Supreme Court of the United States has held that it was not a delegation of legislative power, but it was a legislative enactment that permitted another branch of the Government to pass upon facts from which the act would be effective.

We are all familiar with the embargo cases in the earliest part of the history of our country; we are familiar with the McKinley tariff law; we are familiar with the fact that in these acts the President was allowed to find what the public good required, what the public interest required, and to suspend a tariff or embargo or to put in force a tariff as he found the facts so to require in the interest of the Government; and the Supreme Court of the United States sustained those acts. Why, we have ourselves, since I have been in the Senate, passed the Panama Canal bill, under which the President absolutely created the offices needed in the Canal Zone by his orders and regulations, and then filled them. In the case of the Hawaiian Islands, the act providing for the organization of the government of the Hawaiian Islands permitted the President to create the courts by regulation and to name the judges.

I have, Mr. President, quite a number of acts of Congress where such a delegation of power was given, which I will hand to the Reporter, and which I ask to have printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Georgia. Mr. President, I think the most interesting case decided by the Supreme Court of the United States on this subject is the case of Union Bridge Co. against the United States, in Two hundred and fourth United States Reports, page 365. In that case the court reviews a number of the older cases, especially the case of Field against Clark, in One hundred and forty-third United States Reports.

In the case of Field against Clark the question arose as to the constitutionality of that section of the McKinley Tariff Act of 1890 which provided for the imposition in a named contingency—to be determined by the President and manifested by his proclamation—of duties on sugar, molasses, and other specified articles which the act had placed in the free list. The act provided:

> Whenever or so often as the President shall be satisfied that the Government of any country producing or exporting sugar, molasses, coffee, etc., imposes duties or other exactions upon the agricultural or other products of the United States which he may deem to be reciprocally unequal and unreasonable he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just.

He was allowed to pass upon the question as to whether certain conduct was "reciprocally unequal and unreasonable," and to keep the tariff duty upon the products of such country "for such time as he shall deem just." And that was held not to be a delegation of legislative authority. In the Union Bridge Co. case acts are cited as precedents which were also cited in the case of Field against Clark, as follows:

> The result of that examination of legislative precedents was thus stated: The authority given to the President by the act of June 4, 1794, to lay an embargo on all ships and vessels in the ports of the United States "whenever, in his opinion, the public safety shall so require"—

The act of Congress did not undertake to decide what the public safety would require, but left it to the President to pass upon the question of what the public safety required—

> and under regulations, to be continued or revoked "whenever he shall think proper," by the act of February 9, 1799, to remit and discontinue for the time being the restraints and prohibitions which Congress had prescribed with respect to commercial intercourse with the French Republic "if he shall deem it expedient and consistent with the interest of the United States" and "to revoke such order whenever in his opinion the interest of the United States shall require"; by the act of December 19, 1806, to suspend for a named time the operation of the nonimportation act of the same year "if in his judgment the public interest should require it"; by the act of May 1, 1810, to revive a former act as to Great Britain or France if either country had not by a named day so revoked or modified its edicts as not "to violate the neutral commerce of the United States."

The broad privilege of determining what violated and what did not violate the neutral commerce of the United States was to be passed upon by the President in determining whether or not the provisions of the act should apply.

> By the acts of March 3, 1815, and May 31, 1830, to declare the repeal, as to any foreign nation, of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States, when he should be "satisfied" that the discriminating duties of such foreign nations, "so far as they operate to the disadvantage of the United States," had been abolished.

He was allowed to suspend—in fact, to declare a repeal of—duties on importations when he found that the discriminating duties of certain foreign nations, so far as they operated to the disadvantage of the United States, had been abolished. He was to determine whether they had so far suspended their duties as to make them cease to disadvantageously affect the United States.

Touching the general question, the court said:

> That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. * * * The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation.

Now, I call attention to a decision by the Supreme Court of Virginia, reported in Ninetieth Virginia, 679. It there appeared that the constitution of the State under the head of "County organization," ordained that in each district "there shall be elected one supervisor, three justices of the peace, one constable," and so forth. "But nothing in this article," says the fourth section of the constitution, "shall be construed as prohibiting the general assembly from providing by law for any additional officers in any city or county."

In pursuance of this power the general assembly passed the act of 1876, to the effect that "whenever a county court shall be of opinion that the public service requires a greater number of justices or constables in any district than those specified in the constitution," it should provide for their number and election and appoint officers to serve ad interim until such additional officers could be elected. An appointment of a justice of the peace by a county court in pursuance of this power was challenged on the ground that the act delegated legislative

power to the county court. This contention was held to be entirely without foundation, the court saying, page 681:

There is here no delegation of legislative power, but the county courts are merely empowered to declare the event, so to speak, upon which the act is to take effect within their respective counties.

Mr. President, I will not detain the Senate longer now. I wished to present this answer, especially with reference to the argument made some days ago by the Senator from Utah, and I hope to be able to bring the bill before the Senate again very shortly.

APPENDIX.

SUMMARY OF STATUTES CONFERRING DISCRETIONARY POWER ON THE PRESIDENT IN CERTAIN CASES.

Mexican embargo act, March 14, 1912 (37 Stat., 630), provides:

"That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding $10,000, or imprisonment not exceeding two years, or both."

Pickett Act, June 25, 1910 (36 Stat., 847), provides:

"That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by act of Congress * * *."

Panama Canal act, August 24, 1912 (37 Stat., 560, 561), provides:

"SEC. 4. That when, in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary, the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed, governed, and operated through a governor of the Panama Canal, and such other persons as he may deem competent, to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone * * *."

Alaska railroad act, March 12, 1914 (38 Stat., 305, 307), provides:

"That the President of the United States is hereby empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of this act; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of this act; * * to fix the compensation of all officers, agents, or employees appointed or designated by him; * * * in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after the completion, under such terms as he may deem proper, but no lease shall be for a longer period than 20 years, or, in the event of failure to lease, to operate the same until the further action of Congress * * *.

"The President is hereby authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for town-site purposes as he may from time to time designate * * *."

Act relating to the Philippine Commission, May 11, 1908 (35 Stat., 125), provides:

"SEC. 2. That the President is hereby authorized, in his discretion, to create, by Executive order, and name a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary."

Act relating to the Panama Canal Zone, February 27, 1909 (35 Stat., 658), provides:

"That the President is hereby authorized to grant leases of the public lands in the Canal Zone, Isthmus of Panama, for such period, not exceeding 25 years, and upon such terms and conditions as he may deem advisable * * *."

Act providing for temporary government in Canal Zone, April 28, 1904 (33 Stat., 429), provides:

"SEC. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said zone * * *."

Act to reinstate in the Navy dismissed midshipmen, March 3, 1905 (33 Stat., 1203), provides:

"That the President be, and he is hereby, authorized and empowered, in his discretion, to appoint to the naval service * * *."

Act to provide temporary government in the Philippines, July 1, 1902 (32 Stat., 691, 692), provides:

"SEC. 3. That the President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Islands, until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said islands by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare."

Act relating to the Military Establishment, April 22, 1898 (30 Stat., 361, 363), provides:

"The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States * * *."

Act relating to the Military Establishment, April 26, 1898 (30 Stat., 364), provides:

"SEC. 2. That upon a declaration of war by Congress, or a declaration by Congress that war exists, the President, in his discretion, may establish a third battalion for each Infantry regiment * * *."

Act relating to the Naval Establishment, May 4, 1898 (30 Stat., 369), provides:

"* * * And whenever, within the next 12 months, an exigency may exist which, in the judgment of the President, renders their services necessary, he is hereby authorized to appoint from civil life and commission such officers of the line and staff, not above the rank or relative rank of commander, and warrant officers including warrant machinists, and such officers of the Marine Corps, not above the rank of captain, to be appointed from the noncommissioned officers of the corps and from civil life, as may be requisite * * *."

Resolution relating to the erection of forts, April 11, 1898 (30 Stat., 737), provides:

"That in case of emergency when, in the opinion of the President, the immediate erection of any temporary fort or fortification is deemed important and urgent, such temporary fort or fortification may be constructed * * * and the requirements of section 355 of the Revised Statutes shall not be applicable in such cases."

Resolution relating to embargo on coal, etc., April 22, 1898 (30 Stat., 739), provides:

"That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other materials used in war from any seaport of the United States until otherwise ordered by the President or Congress."

Resolution relating to the Military Establishment, June 14, 1898 (30 Stat., 747), provides:

"That during the existing war the President may, in his discretion, waive the one-year suspension from promotion and forthwith order the reexamination provided in certain cases by the third proviso of section 3 of the act approved October 1, 1890, entitled 'An act to provide for the examination of certain officers of the Army and to regulate promotions therein.'"

Resolution relating to the Hawaiian Islands, July 7, 1898 (30 Stat., 750), provides:

"* * * Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned * * *."

Act relating to the Quarantine Service, February 15, 1893 (27 Stat., 449, 452):

"SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate, and for such period of time as he may deem necessary."

Act relating to inspection of meats for exportation, etc., August 30, 1890 (26 Stat., 414, 416), provides:

"SEC. 9. That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful."

Act relating to Government-aided railroads, March 3, 1887 (24 Stat., 488), provides:

"That the President of the United States be, and he is hereby, authorized to appoint three commissioners, whose compensation shall be $750 per month to each, * * * and said commission may appoint a stenographer, if necessary, and fix his compensation; and the persons appointed on said commission shall have power to examine all books, papers, and methods of the companies hereinafter named, employ experts if necessary; and they shall at all times be under the immediate direction and control of the President of the United States, and may at any time be removed by him in his discretion. The term of office of said commissioners shall not extend beyond the beginning of the next session of the Senate. * * *."

Act relating to allotment of lands to Indians, February 8, 1887 (26 Stat., 388, 389), provides:

"SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose * * *."

And in connection with the 25-year trust allotments:

"* * * *Provided*, That the President of the United States may in any case, in his discretion, extend the period * * *."

REVISED STATUTES.

SEC. 88. The President, solely, shall apoint from time to time a Librarian to take charge of the Library of Congress.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the meantime; * * *.

SEC. 2553. There shall be in the collection districts in the State of Virginia the following officers:

In the district of Cherrystone a collector, who shall reside at Cherrystone; and the Secretary of the Treasury may appoint a deputy collector, who shall reside on Chincoteague Island, in Virginia, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; and the President, if he deems it necessary, may appoint a surveyor, who shall reside at Folly Landing.

Acts conferring discretionary power upon the Attorney General, February 25, 1903 (32 Stat., 904), provides:

"That for the enforcement of the provisions of the act, * * * the sum of $500,000, to be immediately available, is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in

the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States * * *."

June 10, 1890 (c. 407, p. 30), as amended, act of August 5, 1909 (c. 6, p. 28), provides:

"* * * But the Attorney General may, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such special attorneys and counselors at law in the conduct of customs cases as he may think necessary to assist said Assistant Attorney General in the discharge of any of the duties incumbent upon him and his subordinates, and shall stipulate with such attorneys and counsel the amount of compensation and shall have supervision of their conduct and proceedings."

Section 363, Revised Statutes, provides:

"The Attorney General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings."

Note also statutes enumerated in Field *v.* Clark, supra.

Mr. ASHURST rose.

Mr. SUTHERLAND. Mr. President, before the Senator from Arizona asks to proceed with the Indian appropriation bill, I ask permission to have read at the Secretary's desk the minority report of Mr. VOLSTEAD upon a bill, I think, in identical terms, or in almost identical terms, with the bill which is now under consideration. The report was made at the present session of Congress, and not at the last session. It is very short, and I ask the Secretary to read it.

Mr. SMITH of Georgia. Mr. President, does the Senator want it read or put in the RECORD without reading?

Mr. SUTHERLAND. It is very short, and I should like to have it read; it will take but a few moments.

Mr. SMITH of Georgia. Very well.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. VOLSTEAD submitted the following minority report:

This bill if enacted into law would be an unnecessary and unwise departure from a long-established policy. It is an attempt to evade, if not a direct violation of, the Constitution of the United States. It, in effect, gives to the President power to remove all circuit and district judges that have served 10 years and attained the age of 70 if "in his opinion public good so requires."

The Constitution provides that "the judges both of the Supreme and inferior courts shall hold their offices during good behavior." The office of a judge is to decide legal controversies arising within a certain district. His office is coextensive with his jurisdiction and the territory over which he presides. The office of judge of the various districts and circuits is to continue unchanged under this bill, but the functions of the judges affected, their jurisdiction, are to be exercised by new judges appointed, as the bill says, to "relieve" them. The release from duty is not optional with these judges, as it is expressly provided that the new ones shall perform their duties. The judges that are to be relieved are not to perform any of the functions of judges unless assigned thereto by some other judge, and that only in case some exigency requires an additional judge. They are to have no control over the business of the district, and when they die or retire no new judge shall be appointed to fill the vacancy. How can it be said that judges who are thus deprived of their powers do, in the language of the Constitution, "hold their offices"? It would seem idle to argue that these judges do continue to "hold their offices" because they are not entirely shorn of of power, but may for certain purposes serve as judges. If their powers can be taken from them to the extent proposed by this bill, what shall prevent taking from them all powers? The bill, in effect, provides for the removal of the judges entitled to retire and makes of them mere shadows of a judge.

That this constitutional provision is mandatory is plain from its language. Justice Story in the case of Martin *v.* Hunter (1 Wheaton, p. 328), speaking of this constitutional provision, uses this language:

"The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior. * * * Could Congress create or limit any other tenure of the judicial office? * * * But one answer can be given to these questions. It must be in the negative."

This bill certainly does attempt to limit the tenure of these judges.

It is not necessary to argue that a finding by the President that the public good requires the removal of a judge does not warrant removal. Good behavior is good moral conduct. A judge may be exemplary in that respect both on the bench and in his private life, still under this bill it is in effect provided that he may be removed from his office. The framers of the Constitution sought to protect the Federal judiciary against this class of legislation. They were careful to provide but one ground for removal. They no doubt anticipated that the exigencies of party politics might make the tenure of a judge insecure if he could be removed simply because some one thought the public good might require that a judge be relieved to make place for some deserving partisan. If the President should find that a judge affected by this bill held views that in his opinion were opposed to the public interest, he might remove him and install another in his place. We have had instances in our history when the exercise of such a power would have been strenuously demanded by a large section of the public.

This legislation can not be justified upon the ground that in some districts superannuated judges have refused to retire under existing law. Many judges at the age of 70 are not only able to discharge their duties but are men of exceptional ability. In not a few instances men not entitled to retire have been physically incapacitated. If this bill is to adopt a fair policy, it should apply not only to those that may retire but to all whose removal may in the opinion of the President be for the public good.

This bill is a surrender of a long-established policy. Congress must under the Constitution provide courts. This power carries with it the duty of determining to what extent courts are necessary. In the past Congress has insisted that when a new judge is appointed that appointment should first be authorized by an act passed for that purpose. This bill is an attempt to delegate to the President the power to determine to what extent additional judges and courts are necessary. There is no good reason why a district suffering for lack of judges should not in the future, as in the past, apply to Congress for relief. The only reason that can be suggested is the difficulty in securing relief through Congress. Congress has always been liberal in providing additional judges, but before it will provide for another judge it insists upon knowing that there is some necessity for the additional expenditure that such an appointment always entails. Under this bill one judge could not be made to serve as judge in two districts, while Congress may by an act provide relief by adding one judge where two are now serving, thus saving the expenses incident to an additional judge.

Not only in this bill in contravention of the Constitution but it would adopt a vicious and dangerous policy, one that, if made effective as applied to the judges who may now retire, would no doubt in time be applied to all judges. Such a law if valid would make the judiciary absolutely dependent on the will of the Executive. It is the duty of Congress to guard the Public Treasury. This bill gives the President power to obligate the Treasury for the salary and other expenses of judges that Congress and not the President should authorize. This bill should not pass.

Mr. SUTHERLAND. On the opposite page are printed the views of Mr. GRAHAM showing that he also dissented. I ask that the Secretary read those views.

The Secretary read as follows:

VIEWS OF MR. GRAHAM.

I do not approve of the policy in this bill, and doubt its constitutionality.

GEORGE S. GRAHAM.

Mr. SMITH of Georgia. Mr. President, I ask that the report of the majority of the House committee may also be printed in the RECORD. I do not care to have it read.

The PRESIDING OFFICER. Without objection, such will be the order.

The report referred to is as follows:

Mr. CARAWAY, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 61:

The Committee on the Judiciary, having had under consideration a bill (H. R. 61) to amend section 260 of the Judicial Code, report the same to the House with the recommendation that the bill do pass.

A bill proposing similiar legislation was before the Sixty-third Congress, with the unanimous recommendation of the Committee on the Judiciary of that Congress. It was, however, never taken up and acted upon.

Mr. Attorney General James C. McReynolds, now Justice of the Supreme Court of the United States, in his report, dated December 1, 1913, makes the following recommendation:

"Judges of United States courts, at the age of 70, after having served 10 years, may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice has suffered. The power of Congress to correct this condition is limited by the provision of the Constitution that judges shall hold their offices during good behavior. I suggest an act providing when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law, that the President be required, with the advice and consent of the Senate, to appoint another judge, who shall preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court."

Mr. Attorney General Gregory renewed these recommendations in his report dated December 7, 1914. He again renewed these recommendations in his report dated December 6, 1915, with the modification that while in the former recommendation it was provided that the President be "required" to appoint, with the advice and consent of the Senate, another judge, etc., in the last report it is recommended that he "be authorized," with the advice and consent of the Senate, to appoint, etc.

The bill carries out the provisions of the recommendation, with the exception that it provides that the President, "if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge," etc., and repeats the same language with regard to the right to appoint an additional district judge.

The bill as thus drawn does not require the President to appoint such additional judge in all cases where the judge has held his commission for 10 years and reached the age of 70, but empowers him to do so only when he finds that the public good requires it.

Some of the circuit and district judges are still vigorous at the age of 70 and do the work of their office. In such a case the President would not find that the public good required the additional judge. If, however, he is not so vigorous at this age, he is still permitted by this bill to remain in office, but be relieved from the weight of the work that is required by the office. Under the present law such a judge is allowed to retire on full pay. The bill is designed to cure the evil spoken of in the reports of the Attorney General where such judge does not retire and is too old and infirm to do the work required for the proper administration of justice.

Mr. SMITH of Georgia. Mr. President, I wish to say to the Senate that I have consumed as much of the time from the Indian appropriation bill as I think I can justly do in deference to the wishes of the committee in charge of that bill; but at the first opportunity I shall reply to that part of the report of the minority of the House committee in which is questioned the constitutional right of Congress to classify the work of these judges and to give to the old judges only the work which this bill leaves to them. The answer is not difficult. The constitutionality of the proposed legislation is clear. For the present I am content to cite the opinions of two Attorneys General on the subject—Mr. Justice McReynolds in 1913, when he was Attorney General, and the present Attorney General in his last two reports—both of whom recommend this legislation; and certainly

they would not recommend it unless they were sure it was constitutional. I will also add that this bill was prepared with the aid of the present able Solicitor General of the United States, who cordially approves it.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is at the top of page 13, line 1, after the word "crops," to strike out "$300,000" and insert "$400,000."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WADSWORTH. Mr. President, may I renew the inquiry which I was making yesterday afternoon when the Senate went into executive session with respect to the cattle to be purchased for the Indians?

Mr. CURTIS. Mr. President, the Commissioner of Indian Affairs advertises for the number of cattle desired for each reservation, giving the age and a description of the animals required. In the notice the breed of cattle desired is given, and the regulations reserve to the department the right to accept or reject any bids. The cattle must come up to the specifications, and are subject to examination, and if they fail to come up to the requirements the department refuses to accept the cattle.

I will say to the Senator from New York that during the last year or two the cattle purchased have been young animals. I think his question was brought about by a report that the department was buying old cattle. It is true that one purchase was made of old cattle, and the department, I guess, was greatly imposed upon by that purchase, but the assistant commissioner assured the committee that that was being watched, and that now only the desirable breeds or grades would be purchased.

Mr. ASHURST. Mr. President, in addition to what the distinguished Senator from Kansas has said, and in specific reply to the request for information propounded by the junior Senator from New York [Mr. WADSWORTH], I will state that immediately upon the adjournment of this body last evening I telephoned to the department. I find that the data which the Senator requires is quite voluminous, but it will be ready and available to-morrow, giving in detail the number purchased since July 1, 1913, the grade, the breed, the average price per head, the sex, and all other information.

Mr. WADSWORTH. Mr. President, I had not intended to impose such a burden upon the department. It is true that sometime ago rumors did reach me as to the age of the cattle and the quality of the cattle, which, in a few instances only, have been purchased for the Indians; and it occurred to me, when this item in the appropriation bill was reached, that the amount was so large that it would be well for the Senate to understand thoroughly just what the policy of the Government was with respect to supplying the Indians with cattle of the proper kind and type.

Personally, I am very glad, indeed, to hear of the precautions which have been taken by the department, as described by the Senator from Kansas, to prevent the Indians becoming possessed of cattle which, in the long run, they can not make any money out of; and I am glad to know that precautions are now being taken to assure the Indians of the proper kind of treatment in that respect.

Mr. GRONNA. Mr. President, the amendment, on page 8 of the bill, was not agreed to on yesterday, for the reason that a request was made that it go over. I think it is desirable to perfect the bill, as far as possible, as we go along. I will say to the Senate that I have here an amendment, which I send to the desk and ask to have read.

The PRESIDING OFFICER. Without objection, the Senate will return to page 8, and the Secretary will read the amendment proposed by the Senator from North Dakota.

The SECRETARY. In lieu of the proviso printed in the bill on page 8, beginning with line 16, it is proposed to insert:

Provided further, That no money appropriated herein shall be expended on or after January 1, 1917, for the employment of any farmer or expert farmer at a salary in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president or dean of the State agricultural college of the State in which his services are to be rendered, or by the president or dean of the State agricultural college of an adjoining State: *Provided*, That this provision shall not apply to persons now employed in the Indian Service as farmer or expert farmer: *And provided further*, That this shall not apply to Indians employed or to be employed as assistant farmer.

Mr. GRONNA. Mr. President, I believe it was the unanimous opinion of the committee that the Indian Office should be given authority to go outside of the civil service to secure expert farmers when it was impossible for them to secure them under the existing law. This amendment simply provides that the department may be permitted to select experienced men to instruct Indians in the art of agriculture. The majority of the committee have agreed to substitute the words "assistant farmer" in place of "farmer or expert farmer." I do not believe we should exempt Indians from taking civil-service examinations if they are to be permitted to act as expert farmers.

Mr. SUTHERLAND. Mr. President, I observe that the Senator, in his proposed amendment, has eliminated the phrase "when practicable," which leaves the Indian Office some latitude. Does the Senator think it is wise to make a hard and fast rule in a matter of that kind?

Mr. GRONNA. I believe it is wise to eliminate those words, Mr. President. I think the Congress should say definitely what the bureau should do. It will give the department or the bureau an opportunity to select new men, if they are needed, without any criticism, because it is the mandate of the law. It says they shall do it.

Mr. SUTHERLAND. Is the Senator from North Dakota quite sure that it will always be possible to comply with the provision? Will it always be possible, upon all of these Indian lands, to secure farmers who answer to this description?

Mr. GRONNA. I will say to the Senator that the committee has given that very question a great deal of study, and I think it is almost the unanimous opinion that they can be had, because we have our agricultural colleges in every State of the Union.

Mr. OWEN. Mr. President, I call the attention of the Senator from North Dakota to the use of the language "at a salary in excess of $50." I suppose he intended to say, "at a salary of or in excess of $50."

Mr. GRONNA. Yes; "at a salary of or in excess of."

The PRESIDING OFFICER. The Senator from North Dakota accepts the suggestion of the Senator from Oklahoma. The Secretary will insert, after the word "salary," the words "of or," so that it will read "at a salary of or in excess of $50 per month."

The question is on the motion of the Senator from North Dakota to substitute the amendment tendered by him for the amendment offered by the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the adoption of the amendment offered by the committee, for which the amendment of the Senator from North Dakota has been substituted.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 14, after line 9, to strike out:

That the lands, buildings, fixtures, and all property rights granted to the State of Colorado for educational purposes by section 5 of the act of Congress approved April 4, 1910 (36 Stat. L., p. 273), may, in lieu of the use designated in said grant, be utilized by said State for the care of the insane, as an agricultural experiment station, or for such other public purposes as may be authorized by the legislature of the State: *Provided*, That Indians shall always be admitted to such institutions free of charge and upon an equality with white persons.

Mr. THOMAS. Mr. President, I move, if that is the proper procedure, that the language of the House bill stricken out by the Senate committee be restored.

The PRESIDING OFFICER. The question will come on the adoption of the committee amendment. If the amendment is not adopted, the language of the House bill will be restored.

Mr. THOMAS. This is a committee amendment, Mr. President.

The PRESIDING OFFICER. That is true; and the question before the Senate is whether or not the committee amendment shall be adopted. If that is voted down, automatically the language of the House bill will be restored.

Mr. ASHURST. Mr. President, will the Senator from Colorado yield to me for a moment?

Mr. THOMAS. I yield.

Mr. ASHURST. I wish to say that since this bill has been reported I have given more careful consideration and investigation to this amendment made by the committee, and I do not agree to it at this time. I think it is an unwise amendment. I hope it will be defeated.

Mr. OWEN. Where is it?

Mr. ASHURST. On page 14, lines 10 to 20.

Mr. THOMAS. I understand that the chairman of the committee, then, is willing to accept my amendment.

Mr. LODGE. Mr. President, I desire to make a parliamentary inquiry. This is simply a motion to strike out. It is not a motion to strike out and insert, but simply to strike out.

Mr. ASHURST. Yes; that is true.

Mr. LODGE. Then, of course, by merely rejecting the amendment of the committee the object of the Senator from Colorado will be accomplished.

Mr. THOMAS. I thank the Senator for the suggestion. The object I wish to accomplish is the main thing, and I think the Senator's suggestion is much better than my own.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Arizona why, in his opinion, the provision in the House bill is preferable to the provision adopted by the committee of the Senate.

Mr. LODGE. There is not any language proposed by the committee of the Senate.

Mr. SMOOT. Yes; there is.

Mr. LODGE. The House provision is just stricken out.

Mr. ASHURST. On April 4, 1910, the property at Grand Junction, Colo., was granted to that State for the use of its citizens, including Indians, to be maintained by the State of Colorado as a school. The State now wishes to utilize the property as an asylum. This was agreed to by the House. It will be observed that it is provided that Indians shall be admitted to such institution free of charge and upon an equality with whites. Upon reflection it seems to me it is a wise piece of legislation.

Mr. THOMAS. Mr. President——

Mr. LODGE. If I may be permitted, I do not understand that the committee proposes, as it stands on the face of the bill, to insert anything. The committee simply proposes to strike out.

Mr. ASHURST. That is it, and not to insert—just to strike out. Nothing is substituted.

Mr. SMOOT. In reading the provision that follows, Mr. President, I thought it was a substitute for the language in the House bill, but I see it is another matter entirely. So it is a question of agreeing to the amendment of the committee.

Mr. THOMAS. Mr. President, with the indulgence of the Senate, I will give a short history of the school or property which is involved in this section of the bill.

The United States for some years maintained and operated two Indian schools—one at Grand Junction, which bore the name of Colorado's distinguished Senator of many years' standing, Senator Teller. That school was for many years well attended, and was one of the most efficient and well-equipped Indian schools in the country. The Government also maintained a smaller school in the southwestern part of the State, known as the Fort Lewis School, the school consisting of structures which at one time had been used for a small military post in the extreme southwestern portion of the State. The Indian titles to practically all the lands of the State have been extinguished or else allotted to Indian tribes.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. THOMAS. I yield.

Mr. GALLINGER. I have made a hurried canvass of this side of the Chamber, and we are now unanimous in favor of the proposition of the Senator from Colorado.

Mr. THOMAS. I am very grateful to the Senator for interrupting me. I assumed, from the question asked by the Senator from Utah of the Senator in charge of the bill, that he desired some explanation concerning the subject.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 14, after line 20, to insert:

That section 2 of the act approved March 2, 1907 (34 Stat. L., 1221), entitled "An act providing for the allotment and distribution of Indian tribal funds," be, and the same is hereby, amended so as to read as follows:

"That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury, in the discretion of the Secretary of the Interior, and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe:" *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior.

Mr. LODGE. Mr. President, what is the effect of that amendment?

Mr. ASHURST. Mr. President, this was deemed by the committee and by the Indian Bureau to be a very important item of legislation.

Mr. LODGE. I have no objection to it. I only wanted to know what the effect was.

Mr. ASHURST. I was going to explain in just a moment.

Under the existing law there is a certain class of able-bodied but noncompetent Indians who can not withdraw their share of the tribal funds from the Treasury. This is to enable those Indians who are able-bodied but noncompetent—and the use of the word "noncompetent" in Indian laws and treaties refers to their inability to handle their own funds—to use those funds, or to enable the Secretary to use them for them, for their industrial betterment.

Mr. SUTHERLAND. Mr. President, what is added? The proviso?

Mr. ASHURST. No; commencing on line 21, page 14, running to and including line 11, on page 15.

Mr. CURTIS. Mr. President——

Mr. SUTHERLAND. No; if the Senator will pardon me, the amendment begins at line 3, on page 15.

Mr. ASHURST. I beg the Senator's pardon; it begins on line 21, page 14.

Mr. SUTHERLAND. That is the introductory part of it. That tells us that you are going to amend it. You say it is "amended so as to read as follows." Then follows, beginning on line 3, page 15, the proposed amendment.

Let me ask the Senator from Arizona this question: The substantive part of the provision is:

That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian—

And so forth.

The proviso is—

That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application.

If the Indian is mentally incapable of managing his own affairs, it seems to me an anomaly to require that he must make an application. He may be utterly incapable of making the application.

Mr. ASHURST. I see the ambiguity; but this amendment says, "any Indian who is mentally or physically incapable."

Mr. SMOOT. That magnifies it.

Mr. SUTHERLAND. Of course, if he is physically incapable he can make the application, but if he is mentally incapable, it seems to me rather strange to require him to make an application.

Mr. LANE. Mr. President, if the Senator will allow me, they never become so insane or mentally incapable but that they can tell you when they are hungry or cold, and that is what that was for.

Mr. SUTHERLAND. Why provide for the utterly useless formality on the part of an insane Indian of making an application to withdraw money?

Mr. LANE. It is a request. The Indian can apply for help, as any other hungry man would. He can go and say that he is hungry or that he is cold. That is all this is for.

Mr. SUTHERLAND. Of course, if everybody is satisfied with that sort of a provision, I suppose I should not object to it.

Mr. LANE. If he has not sense enough to do that, he ought to starve.

Mr. SUTHERLAND. I will ask the Senator from Oregon how the application is made. Does he fill out a written blank?

Mr. LANE. No; he applies in person. Most of the Indians are unable to write the English language; at least, the old full bloods are.

Mr. SUTHERLAND. How is he to apply to the Secretary of the Interior in person—an insane Indian off on a reservation?

Mr. LANE. He applies to the superintendent.

Mr. SUTHERLAND. It is certainly an anomaly.

Mr. LANE. And then it has to be approved. I think all these applications have to be finally approved by the Secretary.

Mr. SUTHERLAND. It occurs to me that the proviso is not only somewhat nonsensical, but that it is absolutely unnecessary. The substantive provision is that the pro rata share of the Indian so incapacitated may be withdrawn from the Treasury, in the discretion of the Secretary of the Interior, and expended for his benefit. Why is not that enough?

Mr. ASHURST. That is all right. There is no objection to that amendment.

Mr. LANE. I think, Mr. President, the reason this proviso is placed in here is that under the general rule of the Bureau of Indian Affairs a majority of the full-blooded Indians are held to be incompetent and incapable of attending to their own affairs, and they are managed as a trust by the superintendent, under the supervision of the commissioner, who acts under the

Secretary of the Interior. So there are thousands of them who are incompetent under the law as the law in relation to the Indians is now construed.

Mr. SUTHERLAND. But, Mr. President, an insane Indian going through this performance would not know whether he was making an application for funds or writing a valentine. He would not have any idea what he was doing.

Mr. LANE. It does not say "insane"; it says "mentally incapable." For lack of experience in business these Indians are held to be mentally incapable, or, as they term it, "incompetent," as I understand, if the Senator please.

Mr. LODGE. It certainly does not mean "insane."

Mr. LANE. It does not mean "insane." Insane Indians are provided for otherwise; but under the ruling—perhaps not under the law—they are held to be incapable and incompetent; and some of those Indians become old and blind and helpless, and they become hungry and cold, and this is to provide for their actual necessities.

Mr. CURTIS. Mr. President, the old law limited the authority of the Secretary to help Indians who were blind, crippled, or helpless from old age, disease, or accident. This amendment was submitted in order to permit the Secretary to relieve those who were mentally and physically incapable of managing their own affairs. The application is required more to keep track of the accounts than for anything else.

There is no large number of insane Indians, only about 93 or 94. Most of those are in an asylum, and their funds are looked after in another way. By requiring an application the department can trace the funds to the local office and on up to the Indian Office; and then they know that the money has been paid out at the request of the party entitled to it and who perhaps has no relative able to take care of him. The provision was recommended by the department, and the committee thought it was a very reasonable one, because they thought it would enable them to keep track of the funds.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. Also, on page 15, beginning on line 12, the committee proposes the following amendment——

Mr. LANE. Mr. President, that is a provision which is so far-reaching and searching that I do not think any member of the committee knows to what extent it will go. Inasmuch as it is legislation——

Mr. LODGE and Mr. GALLINGER. Let it be read first.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to insert the following:

That section 5 of the act approved June 25, 1910 (36 Stat. L., p. 857), be, and the same is hereby, amended so as to read:

"That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, lease, or other instrument touching land held under a trust or other patent containing restrictions on alienation, or to procure the execution by any Indian of any such instrument, or to be a party with any Indian to any such contract, deed, mortgage, lease, or other instrument, or to offer any such contract, deed, mortgage, lease, or other instrument as aforesaid for record; and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding $500, or imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court: *Provided*, That this section shall not apply to any contract, deed, mortgage, lease, or other instrument authorized by law to be made. Any Indian or his heirs in the possession of any live stock, their increase, or any other personal property issued by the United States or purchased with trust funds and held in trust by the United States, may lawfully sell, transfer, mortgage, or otherwise dispose of such property only with the consent in writing of the United States Indian agent or superintendent having jurisdiction over such property and not otherwise. Any person who shall induce any Indian to sell, transfer, mortgage, or otherwise dispose of, or shall procure the sale, transfer, mortgage, or other disposal by any Indian, or shall be a party with any Indian to the sale, transfer, mortgage, or other disposal of any such personal property in violation of the foregoing provision, or who shall knowingly offer for record any instrument evidencing any prohibited or unlawful sale, transfer, mortgage, or other disposal of any such personal property, or who shall knowingly take or receive possession of any such personal property in pursuance to any such prohibited or unlawful sale, transfer, mortgage, or other transaction, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding $500, or imprisoned not exceeding one year, or by both such fine and imprisonment. Any sale, transfer, mortgage, or other disposal in violation of this provision, of any property so issued and held shall be absolutely void, and title to the property involved in such void transaction shall revert to the United States, and the property may be taken possession of by the United States Indian agent or superintendent having jurisdiction over the property. Any Indian or other person having tribal rights who shall induce any person to enter into any such contract, deed, mortgage, lease, sale, transfer, or other agreement or transaction prohibited and declared to be unlawful by the above provisions, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding $500, or imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided further*, That any United States Indian agent, superintendent, or employee that shall in any manner connive or conspire to secure, or assist in securing, the making of such prohibited contract shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000, or shall be imprisoned not exceeding one year, or by both such fine and imprisonment."

Mr. SUTHERLAND. I should like to ask the Senator from Arizona a question about this proposed amendment. As I understand it, it makes it unlawful for any person to induce an Indian to execute any contract, deed, mortgage, lease, or other instrument touching land, and so forth, and on page 17 I find this provision:

Any sale, transfer, mortgage, or other disposal in violation of this provision of any property so issued and held shall be absolutely void, and title to the property involved in such void transaction shall revert to the United States.

So it would seem that an Indian who has been imposed upon perhaps by inducing him to execute one of these papers is punished by taking from him the property involved in the transaction. Is it the purpose of the committee to impose any such condition as that?

Mr. ASHURST. It was not the purpose of the committee to do that. The committee simply adopted the language furnished by the Interior Department.

Mr. SUTHERLAND. Is not that what it does?

Mr. ASHURST. I do not think that it warrants or merits that construction. That is only my opinion.

Mr. THOMAS. Mr. President——

Mr. SUTHERLAND. I think——

Mr. ASHURST. My opinion of the proposed law is that it simply extends the same provisions of the law as now applied to real estate to personal property. Whether appropriate language is or is not used may be a question, but that is the intent of the proposed amendment.

Mr. SUTHERLAND. The Senator interprets it, then, as meaning that the property shall revert to the United States to be held for the benefit of the Indians in the same way as it was before.

Mr. CURTIS. Mr. President——

Mr. SUTHERLAND. Let me get an answer to my question. Is that the purpose?

Mr. ASHURST. My interpretation of the proposed statute is that the department and the members of the committee who favored this legislation intended that it might have the effect of making void any sale or purchase from an Indian of his property where undue advantage was taken of him.

Mr. SMOOT. May I suggest to my colleague that, if this proposed amendment is adopted, I do not think there will ever be any transfer deed or lease or anything else to a white man? It seems to me that a white man could never speak to an Indian—unless perhaps it was somebody in the department—hereafter if this proposed amendment is adopted.

Mr. THOMAS. If the Senator will yield to me for the purpose, I want to make a point of order against this proposed amendment that it is an attempt to introduce general legislation upon a general appropriation bill. I think it is extremely bad legislation and will have precisely the effect which the senior Senator from Utah suggested.

The VICE PRESIDENT. The point of order is sustained.

Mr. LANE. I should like to suggest to the Senator that there is on page 16 a clause, beginning at line 7 and ending at line 13, wherein the Indian is forbidden to sell stock which has been issued to him in trust unless on this reimbursable plan or revolving fund.

Mr. THOMAS. I think the existing statutes are ample for the protection of the Indians.

The VICE PRESIDENT. The point of order is sustained.

Mr. LANE. There is another provision here I think the Senator might allow—

Provided further, That any United States Indian agent, superintendent, or employee that shall in any manner connive or conspire to secure, or assist in securing, the making of such prohibited contracts shall be deemed guilty of a misdemeanor—

And so forth.

The VICE PRESIDENT. The point of order is still sustained.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to insert:

For reimbursing Indians for live stock which has been heretofore or which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, $100,000, said amount to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

For the payment to Charles J. Kappler for the work of compiling, annotating, and indexing the third volume of Indian Laws and Treaties, the sum of $2,000.

Mr. GALLINGER. Mr. President, this seems to be a private claim on an appropriation bill, which is in conflict with our rules. I should like to ask what the facts are in connection with this item?

Mr. ASHURST. I will be very glad to supply the Senator with the information. On May 20, 1902, the following resolution was passed by the Senate:

Resolved, That the Committee on Indian Affairs is hereby authorized to have printed for the use of the Senate a compilation of all treaties, laws, and executive orders now in force relating to Indian affairs.

Under the resolution of May 20, 1902, there was compiled a volume of Indian laws, with suitable index, consisting in all of 1,162 pages; there was also compiled one volume of treaties with the Indian tribes, with suitable index, comprising in all 1,099 pages. That was paid for.

Later, under the resolution of March 3, 1911, there was compiled one volume of laws and treaties, with suitable index, consisting in all of 798 pages.

The Senate accepted the work Mr. Kappler performed. I think he was once clerk of the committee; I am not certain. It was long before I came here. It is a very substantial and a very useful publication, and the committee feels that since having taken the benefit and the fruits of this man's labor, nothing is more just than that we should pay him for it. The claim was $3,000, and the committee approved it at $2,000.

Mr. GALLINGER. How large a volume is it?

Mr. ASHURST. The last volume is 798 pages, and it is technical work. I will state further, it is not generally known that from 1778 to 1871 treaties were made by the United States with the Indian tribes, and that by the act of March 3, 1871 (16 Stats., 566; "Laws," 8), Congress provided—

That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.

Since 1871 the United States have entered into agreements with the Indian tribes, which agreements must pass both Houses of Congress and be signed by the President; whereupon they become laws. In consequence a division of treaties and agreements is made in the compilation by arranging the former in the volume entitled "Treaties," and the latter in the volume entitled "Laws."

This gentleman compiled all the treaties and laws, and the Committee on Indian Affairs has recourse to the work frequently.

Mr. GALLINGER. This occurred during the time when the able Senator from Minnesota [Mr. CLAPP] was chairman of the committee, and I find that the Senator from Minnesota feels that this sum is justly due this man. Of course it could be stricken from the bill on a point of order, but it is a small matter, and I have nothing further to say about it.

Mr. SMOOT. Mr. President, I am not going to make a point of order against the claim. When the request was made of the Senate to print this document it was granted, and I remember stating at that time that more than likely a claim would be submitted for the compilation. Nothing was said as to whether there would or would not be. Of course, we know the work was done by Mr. Kappler, and he was very anxious indeed that it be printed and that the Government pay the expense. The Government did pay the expense of printing the volume. Of course, there is not any question but that Mr. Kappler did the work. Whether it was done for the purpose of drawing this salary or for the use of Mr. Kappler in his future work I am not able to say; but, as the chairman of the committee stated, it ought to be paid, and I shall make no objection to the amendment.

Mr. ASHURST. If the Senator will allow me, I should like to read——

Mr. CLAPP. Mr. President, I should like to correct an evident misunderstanding. Reference was made by the chairman to the fact that Mr. Kappler was at one time secretary of the committee. I know the observation left in the minds of some the thought that while he was secretary or clerk he did this work. It was done long after he had ceased any connection whatever with the committee.

Mr. ASHURST. I should have stated that. That is the fact.

Mr. SMOOT. I know that is the fact, and I know that Mr. Kappler was very much interested in following the laws affecting the Indians of this country. I think that was one of the reasons and perhaps the basic reason why he undertook to compile the laws and then requested Congress to have the compilation printed.

Mr. GALLINGER. Mr. President, I want to express my gratification that the Indian appropriation bills are being made better and better year by year. I have run through this bill hurriedly, and I believe this is the only claim that is in it.

Mr. ASHURST. There is just one other, a claim of $20.

Mr. GALLINGER. We have passed that. That is in the House text.

Mr. ASHURST. Yes.

Mr. GALLINGER. That is refreshing, because there has been a tendency in past years to get claims allowed on appropriation bills. It is a very bad practice. Our rules prohibit it. The fact that this seems to be the only claim the Senate committee at least has placed in the bill is an added reason why I certainly shall not object to the amendment. The Senator from Utah [Mr. SMOOT] tells me there is just one other. That is not bad, if there are only two.

Mr. CLAPP. In this connection I wish to say that, due very largely to the efforts of the Senator from New Hampshire [Mr. GALLINGER] and former Senator Hale, of Maine, the practice to which the Senator from New Hampshire referred, which had grown here beyond all proportion, was corrected. Through their efforts the committee was able at one time to take hold of the matter and change the policy.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to insert:

Section 9 of the act of March 3, 1875 (18 Stats. L., p. 450), is hereby amended so as to read as follows:

"That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, etc., for and on account of the Indian Service, whenever the value of the goods, supplies, etc., to be furnished, or the transportation to be performed, shall exceed the sum of $5,000, shall accompany their bids with a certified check, draft, or cashier's check, payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, or by an acceptable bond in favor of the United States, which check, draft, or bond shall be for 5 per cent of the amount of the goods, supplies, transportation, etc., as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder, or the sureties on his bond, shall forfeit the amount so deposited or guaranteed to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft, check, or bond so deposited shall be returned to the bidder."

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

That the Commissioner of Indian Affairs is hereby authorized to investigate claims and negotiate agreements with any tribe or bands of Indians for the final adjudication and settlement of all claims and demands of such tribes or bands against the United States arising under any law, treaty, or agreement, and which have not heretofore been adjudicated; and the Secretary of the Interior shall report the result of such negotiations to Congress for its approval at the earliest practicable date, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 for all expenses in connection with this work, including pay of necessary additional employees.

Mr. LANE. Mr. President——

Mr. STERLING. I should like to have that amendment passed over.

Mr. LANE. I raise a point of order against it.

Mr. STERLING. My colleague has introduced a bill authorizing the Sioux Tribe of Indians to submit their claims to the Court of Claims, and I should like to study this amendment a little in connection with that proposed measure.

Mr. LANE. I raise the point of order that it is legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, on page 19, line 23, to insert the heading "Arizona and New Mexico."

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," in section 2, on page 20, line 9, after "$12,500," to strike out "in all, $131,900" and insert "for the purchase of land adjacent to the school property, $3,500; in all, $135,400," so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $12,500; for the purchase of land adjacent to the school property, $3,500; in all, $135,400.

The amendment was agreed to.

The reading of the bill was continued to line 14, page 20, the last paragraph read being the following:

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $3,000; in all, $21,200.

Mr. LODGE. I think in line 20 the name "Truxton" is wrongly spelled, and it ought to be "T-r-u-x-t-u-n." I do not know whether it is a misprint, but certainly that is the name of old Commodore Truxtun, from whom I think the name was undoubtedly taken.

Mr. ASHURST. I think the Senator is correct about it.

The VICE PRESIDENT. The correction in the spelling will be made.

The reading was continued.

The next amendment was, on page 20, line 19, after the date "1905," to strike out "$10,000" and insert "$15,000," and in line 21, after the words "in all," to strike out "$20,000" and insert "$25,000," so as to make the clause read:

For continuing the work of constructing the irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, within the limit of cost fixed by the act of March 3, 1905, $15,000; and for maintenance and operation of the pumping plants and canal systems, $10,000; in all, $25,000, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation, in Arizona, in accordance with the plans and specifications submitted by the chief engineer of the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, $70,000, to remain available until expended: *Provided*, That the cost of said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Mr. CURTIS. I move to amend the committee amendment by striking out, beginning with the word "*Provided*," down to and including the word "prescribed," in line 3, page 22. This is to strike out the reimbursable feature. There are only about 700 Papago Indians. They have only 69,000 acres of land. They have no means at all, and to make it reimbursable is providing for something that will not come back. I do hope that the proviso will be stricken out.

Mr. PAGE. Mr. President, I do not quite know why the Senator from Kansas has proposed this amendment to the amendment. I remember we had some discussion about this appropriation of $70,000, and I remember I asked the assistant commissioner if the Papago Indians were able to reimburse and if we might properly ask them to reimburse. He said they were, and upon the strength of that assurance I was willing to vote for the appropriation of $70,000. I am not certain that we ought to vote that appropriation unless it is reimbursable.

Mr. CURTIS. What the Senator from Vermont says is true. He asked the question if they could reimburse the Government. But after the committee adjourned I took pains to examine the report. I find the Indians have only 69,000 acres of land. There are 700 Indians. They have no money in the Treasury whatever. It seems to me it would be unfair to this tribe that has been self-supporting and never has called upon the Government to aid in its support to require them to pay back the $70,000.

Mr. SUTHERLAND. May I ask the Senator if these Indians have no surplus lands at all?

Mr. CURTIS. They have no surplus lands. They have a reservation of 69,000 acres, and only that which is irrigated will produce crops. The other is pasture. They have some stock—sheep, cattle, and horses. They have no surplus lands to sell.

Mr. SUTHERLAND. What they have they need?

Mr. CURTIS. They do, for pasture.

Mr. SUTHERLAND. None could be sold without detriment?

Mr. CURTIS. Not without detriment to the tribe.

Mr. GALLINGER. I will ask the Senator from Kansas if he has satisfied himself that the amount named in this amendment is necessary? Might it be somewhat reduced?

Mr. CURTIS. The assistant commissioner advised me that it is necessary. They have to buy the right from a company who will sell to other people if they do not buy for the Indians. The idea is to let the Indians irrigate 10 acres each.

Mr. GALLINGER. Inasmuch as the white men are not very prompt in paying back what they owe to the Government on these reclamation projects, I think we ought to be pretty liberal with the Indians.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas to the amendment of the committee.

Mr. PAGE. In referring to the hearings on page 47 I find this statement made:

Senator PAGE. We have spent, Senator CURTIS, nearly a quarter of a million dollars in constructing that system.

Is that the system to which this amendment refers?

Mr. CURTIS. That is an entirely different proposition. This relates to the Papagos.

Mr. PAGE. I wish to say, Mr. President, that I have come to the conclusion that this is a much better Indian appropriation bill than we have usually passed, and I do not want to interpose an objection where it is not absolutely right that I do it. But I am rather disinclined to approve of an amendment that comes at this late hour, because we have authorized this appropriation upon the statement of the Commissioner of Indian Affairs, or rather the assistant commissioner who represented him, upon the assurance that it was not a gratuity appropriation, but rather a reimbursable appropriation.

It seems to me that the appropriation of $70,000 for an irrigation system ought to have been very carefully thought out and discussed by the committee, so that we may know whether we do it right or wrong, and not on the passage through the Senate, without any discussion or any knowledge as to whether we ought or ought not to do it, transfer it from the reimbursable fund to an appropriation direct from the United States Treasury. I am free to say, Mr. President, I do not know that I am right about this matter.

I will simply say that the principle of passing an appropriation of this amount, especially for an irrigation project, and those irrigation projects are about the worst of any projects we have to deal with in the Committee on Indian Affairs, with the expectation and the claim on the part of the commissioner that it is to be reimbursable and then on the floor of the Senate striking out the reimbursable feature, seems to me to be wrong.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LANE. Mr. President, I unintentionally, I think, committed an act of discourtesy. I did not hear the Senator from South Dakota [Mr. STERLING], and I ask to be allowed to withdraw my point of order against the item on page 19, beginning at line 11, in order to allow the Senator such time as he wishes to take, but I reserve the right to raise the point of order later.

The VICE PRESIDENT. The Chair sustained the point of order.

Mr. CLAPP. Mr. President, I think the provision on page 19 has been misunderstood. The impression has prevailed that it conferred upon the department authority to finally and definitely settle the claims of Indian tribes. It only confers on the department authority to make tentative settlements, which must, in turn, be submitted to Congress. I believe it would save the Indians large sums of money. I also believe that the department can now sit down and make a proposition to the Indian tribes to be the subject of approval, but the department does not take that view of it and thinks it should have this authority. I can not but feel that a mistake was made in making the point of order. While some of these contracts will not be approved, some of them will, and it will save the Indians the expense of litigation.

Mr. STERLING. Mr. President, in this connection I simply wish to say that I was not insisting upon the amendment itself. I simply asked that it should go over for the present.

Mr. CLAPP. I know.

Mr. STERLING. I think the Senator from Oregon did not understand the request when he first made the point of order. I stated at the time, however, that I wished to consider the amendment in connection with a bill that had been introduced by my colleague [Mr. JOHNSON of South Dakota], submitting the claims of Indians to the Court of Claims.

Mr. CLAPP. I think it would in many cases save the Indians a great deal of expense.

Mr. LANE. Mr. President, I will say that I have not any great confidence in it, but, out of courtesy to the Senator, I should like him to have time to look it over.

The VICE PRESIDENT. The Chair himself can not change his opinion on request by unanimous consent.

Mr. LODGE. The point of order has been made and sustained.

Mr. SMOOT. The point of order has been made and sustained. I do not see how it possibly can be withdrawn.

The VICE PRESIDENT. When a point of order has been sustained, as in Committee of the Whole, the question can not be again raised in the Senate, unless by unanimous consent.

Mr. JOHNSON of South Dakota. Mr. President, may I be permitted to say a word in connection with the ruling of the Chair concerning the point of order raised by the Senator from Oregon [Mr. LANE] and sustained, relating to that part of the Indian appropriation bill giving the Commissioner of Indian Affairs power to investigate and negotiate all Indian claims for final adjudication? I had intended to raise a point of order on this, and if that had failed I intended to move to amend the bill by striking out this paragraph, as I was unalterably opposed to it.

I had, however, discussed this matter to-day with my colleague [Mr. STERLING], and we had concluded, so far as we were concerned, to allow the matter to pass, so that he might fully investigate the subject before to-morrow. The Senator from Oregon raised the question, however, and my only object in speaking of this is that my colleague may understand that it came up to-day without any knowledge on my part.

Mr. SMOOT. Mr. President, before we pass to the next committee amendment, in the item on page 22, beginning in line 14 and ending on line 18, I ask the Senator having the bill in charge if the words "and to remain available until expended" should not be stricken from the bill? That is bad legislation, Mr. President.

Mr. ASHURST. I cheerfully admit the truth of that statement. I have no objection to that language being stricken out.

Mr. SMOOT. I ask that the words, on page 22, beginning in line 16, "and to remain available until expended" be stricken from the bill.

The VICE PRESIDENT. Does the chairman of the committee accept the amendment?

Mr. ASHURST. I move the amendment which has been suggested by the Senator from Utah [Mr. SMOOT].

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, in lines 16 and 17, it is proposed to strike out the words "and to remain available until expended."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 22, after line 18, to insert:

For the construction, by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $200,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522).

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to insert:

For beginning the construction by the Indian Service of a dam and the necessary canals and other irrigation works, and the purchase of rights of way and other property rights, and doing all things necessary for beginning the carrying out of a project to irrigate Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz., said dam to be built at a site above Florence, Ariz., $175,000, to be immediately available and to remain available until expended: *Provided*, That the water diverted from the Gila River by said dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *Provided further*, That the construction charge for the actual cost of said dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said project; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said dam or carried in said canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

Mr. CURTIS. Mr. President, I make the point of order that this amendment is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is overruled. The provision has to do exclusively with one piece of work and is therefore not general legislation either with reference to the construction of dams or with reference to the Indians in general.

Mr. CURTIS. The amendment also provides for irrigation for white settlers, and not Indians.

The VICE PRESIDENT. The Chair is aware of that.

Mr. ASHURST. Will my friend from Kansas yield to me?

The VICE PRESIDENT. The Chair has ruled on the question. The Senator from Kansas may appeal from the decision of the Chair.

Mr. CURTIS. I have no desire to appeal from the decision of the Chair, but I thought perhaps the Chair misunderstood the amendment.

Mr. ASHURST. I want to say that this expenditure is estimated for; it was in the Indian appropriation bill of last year, and it was agreed to by the Senate in almost these terms, but the bill at that time, unfortunately, failed. This item has been recommended both in the estimates and by a special letter to the chairmen of the Committees on Indian Affairs of the Senate and of the other House.

Mr. CURTIS. Mr. President, I hope this amendment will be disagreed to. I remember looking up this question a number of years ago. It was then a question before the other House. Two facts appeared upon the investigation. In the first place, these Indians had been self-supporting until the Government granted a right to build a dam and to allow the taking of certain water rights by an irrigation company, with the understanding that the Indians would be supplied with water. They were not supplied with water, and they became charges upon the Government, and from that time on this Government has had to appropriate to assist in their support every year.

I stated to the chairman of the committee when this measure was pending before the committee that I should oppose it unless some provision was made which would guarantee the protection of those Indians in their water rights. I find nothing of the kind in this proposed amendment.

I am opposed to this legislation for another reason. In an investigation at the time to which I refer I carefully studied the geological reports, and I found that a dam constructed at or about the place named in the amendment would fill up in 10 years with the silt that came down the river during the awful floods, and that it would cost at least a million dollars to build such a dam; another dam in a new location would be required.

I think, Senators, if you will study the result of these irrigation projects upon the Treasury and the small benefits that have gone to the Indians you will not engage in any new irrigation projects, unless you know all about them and made ample provision for installing the project and selling the land after the project is completed.

This, in my judgment, would be a very unwise expenditure of $175,000 for a dam, to begin with, but which will eventually cost this Government not much less than a million dollars, and, in my judgment, at the end of 10 years another dam will be necessary.

Mr. ASHURST. Mr. President, will the Senator from Kansas yield to me?

Mr. CURTIS. Certainly.

Mr. ASHURST. If I become vehement, I do not want the distinguished Senator from Kansas [Mr. CURTIS] to think I shall have thereby become discourteous. I want to assert first, that I regard the distinguished Senator from Kansas as a Senator who knows as much, if not more, about Indians than does any other Member of this body; and yet I wish, in all courtesy, to say that he is mistaken. We are not proposing to construct a storage dam in the ordinary sense of that word.

Mr. President, when the Spaniards came to Arizona they found, as the Senator says, the Indians cultivating this land and raising cotton thereon. White settlers have from time to time in the past 30 years acquired some rights there. There have been rude diversion dams built out of brush. I have seen Indians, almost to their waistbands and armpits in the water, with their rude means trying to build a diversion dam on this river, with the hope that they might be able to divert this water out upon their lands.

If the distinguished Senator from Kansas wishes to—and I know he does—legislate for the benefit of the Indians, he will now take steps to assist in passing this legislation, so that further rights by white men will not be initiated there, as they have been from year to year for 20 years, and so that the remaining rights of the Indians may be preserved.

The question of silt in this connection can not become involved, because this is to be only a diversion dam, built 8 or 10 or 12 feet high, so that, instead of having a mere brush dam, water will be diverted out into ditches and from those ditches onto the lands of the Indians in order that they may get the water which now, uncontrolled, is passing them by to the sea.

Mr. CURTIS. I merely wish to ask a question. Does the Senator from Arizona say that this appropriation is not for the purpose of building a dam?

Mr. ASHURST. It is for the purpose of building a diversion dam a few feet in height.

Mr. CURTIS. And not a dam for the purpose of storing water?

Mr. ASHURST. Not at all. It is for the purpose of building a mere diversion dam, so that some of the waters of the tremendous floods that sweep by may be put upon the Indian land.

I have visited this place. I took the pains and trouble to go there last April and last May. There I saw the Indians trying with their rude means—and it was a pitiable thing to see—to haul sufficient brush to put in the streams, so as to get water to go out on their lands. No more meritorious provision could

be carried in the bill than is this. It is not meritorious simply because the work is proposed to be done in my State, but it is in itself a meritorious proposition, and, I repeat, it has been estimated for and recommended by the department.

Mr. CURTIS. I wish to ask the Senator another question. Has the Senator from Arizona any idea of how much this project will cost?

Mr. ASHURST. It will cost only the amount carried in the bill. I repeat it can not become an expense in the future except for maintenance. It is in no sense a storage dam. The great Roosevelt Storage Dam in Arizona, costing some ten or eleven million dollars, was of no practical value until the Granite Reef Diversion Dam was built. I think if the people of Arizona interested therein were asked to choose between having a diversion dam and a storage dam they would unqualifiedly say, "We want a diversion dam, because what is the use of storing water unless it can subsequently by means of a diversion dam be carried upon the land." It is not going to entail a future expenditure, except probably a few hundred dollars for maintenance. It is not, as I have said, a storage dam at all.

The Senator from Kansas at a previous period gave six years of loyal service to his country in the Senate. I hope he will not now reverse that record by his actions to-day in this instance, because what he proposes would be most unjust to the Indians and most unjust to himself.

Mr. CURTIS. Mr. President, in view of the statement of the chairman of the committee that this is only a diversion dam, I am going to withdraw my objection, hoping that the matter may be adjusted in conference; but if it is to be a diversion dam the wording of the amendment must be changed.

Mr. ASHURST. I consent to any change necessary.

Mr. CURTIS. That can be looked after in conference. We can not very well change the language here. So far as I am concerned, I make no further objection.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, before the amendment is agreed to, I wish to suggest the elimination of the words "and to remain available until expended," on page 24, in lines 3 and 4.

Mr. ASHURST. The philosophy of the Senator's suggestion is correct, but at this particular location floods come down and render it impossible at times to carry on the work. For instance, at this site on the Gila River in January, following a great snowstorm several feet deep and subsequent warm rains, floods so tremendous ensued that the entire American fleet could have passed safely right through at that point, the water being in such vast volume. As I have said, the work can not be carried on for long periods, and I hope the Senator will withdraw the amendment.

Mr. SMOOT. Mr. President, I wish to say to the Senator that with those words eliminated the bill would still provide an appropriation of $175,000, "to be immediately available." Therefore, as soon as the bill becomes a law that sum will be available and will remain available for the building of this diversion dam until June 30, 1917. If the Government of the United States is going to be any slower than that in prosecuting the work, I think we ought to appropriate less, and then make another appropriation for this project at some future time. I am quite sure, Mr. President, that the money appropriated will be expended before June 30, 1917.

Mr. ASHURST. Mr. President, let me say a word to the Senator. I should be so much gratified to get the amendment agreed to that I would consent to almost anything; but we ought to be practical. This dam is going to be unusual in that it is going to be constructed possibly on top of quicksand, by using large quantities of granite bowlders and cement, somewhat like the character of construction of the Laguna project dam, with an apron perhaps several hundred yards long leading to a point and an apron of the same kind leading to a center on the other side, so that the weight of the water will press down and hold this concrete and rock in place. I do not want to appear captious, but I do think in this instance the words to which the Senator refers ought to remain in the bill.

Mr. SMOOT. Mr. President, only $175,000 is to be expended; and I know just as well as I know that I am alive that that amount can be expended long before June 30, 1917. I am just as much interested in the project and its success as is the Senator from Arizona. I know the situation that exists there; I know that the work ought to be done immediately; but if these words remain in the bill perhaps the project will be shoved aside, it will dillydally along, and we can not tell when the work will be begun.

Mr. ASHURST. Very well; I withdraw my objection.

Mr. GALLINGER. Mr. President, before the amendment is voted on, I want to make an inquiry as to the reimbursable provisions of these various amendments. I have been greatly disappointed, having been always a friend of these irrigation projects, to find that the white people are very lax in the matter of reimbursing the Government. I want to ask the Senator if the Indians are doing any better in that regard than are the white people?

Mr. ASHURST. They are.

Mr. GALLINGER. Or is this language a mere figure of speech and not to be observed?

Mr. ASHURST. It is not a figure of speech. I will call the attention of the distinguished Senator from New Hampshire to the fact that in 1914 a sum of money, I think $15,000, was loaned to a certain tribe of Indians in Idaho, I believe, and in eight months it was reimbursed. That is a very good record. Of course many of these reimbursable appropriations which are made to the Indians will not be paid back, but I am advised by the department that 70 per cent of the amounts which are appropriated and made reimbursable will be repaid; and I think that is a creditable showing.

Mr. LANE. Mr. President, I may say, for the information of the Senator, that this amount constitutes a mortgage on their lands, and they will have to pay the money back. As soon as their lands are sold—and they become much more valuable after they are placed under water—the joke is always on the Indians and they get the point.

Mr. GALLINGER. A mortgage on the Indian lands would probably never be foreclosed.

Mr. ASHURST. If the Senator will pardon me, referring to page 182 of the Senate hearings, the Assistant Commissioner of Indian Affairs, Mr. Meritt, in response to a question propounded by the Senator from Vermont [Mr. PAGE], said:

> Yes, sir; the Pima Indians have ample property ultimately to reimburse the Government. We are not in favor of selling their surplus property at this time.

Mr. SMOOT. I will say also that in a great many cases the money is already deposited in the Treasury of the United States to the credit of the Indians; that the whole question is in the hands of the Secretary of the Interior; and that the Indian is powerless to do otherwise than to have it charged to his account.

Mr. STERLING. Mr. President, the thing that strikes me as being peculiar about this amendment is, first, that a large appropriation of $175,000 for the project is made to depend upon so many contingencies. I call the attention of the chairman of the committee to the very last proviso of the amendment, reading:

> *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said dam or carried in said canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

Here we are appropriating $175,000 for a project in regard to which the Secretary of the Interior has not expressed an opinion as to whether or not it is a feasible one.

Mr. ASHURST. If the Senator will pardon me, the Secretary of the Interior, by letter to the chairman of the Committee on Indian Affairs, in January, 1915; by letter to the chairman in February, 1916, and by letter to the chairman of the House committee, said the project was feasible. That language is carried in all, or nearly all, reclamation acts. I have no objection to it going out, however, if that is desired.

Mr. STERLING. Then I suggest that the words "and shall determine and declare said project to be feasible" be stricken out.

Mr. ASHURST. I have no objection to those words going out, although similar language is carried in all reclamation acts. I will ask, however, that those words be stricken out.

The VICE PRESIDENT. There is one amendment to the amendment now pending, which the Secretary will state.

The SECRETARY. On page 24, lines 3 and 4, it is proposed to amend the amendment by striking out the words "and to remain available until expended."

Mr. GRONNA. Mr. President, I really have no serious objection to striking out those words; but as the chairman of the committee knows, the language of the amendment as it has been incorporated in the bill was drawn by the Indian Office, and I think we ought to leave it just as it is.

Mr. ASHURST. The amendment we are now discussing was originally drawn by the department. The committee did not dot an "i" nor cross a "t," but used the department's language.

Mr. GALLINGER. Mr. President, does not the Senator agree to the suggestion made by the Senator from Utah [Mr. SMOOT] that 15 months will elapse before this appropriation ceases, while if it is left to be available until expended, without any

limit, the Government may dawdle along and not complete the project as rapidly as they otherwise would do?

Mr. ASHURST. There is force in that contention.

Mr. GALLINGER. I think so. Of course, if the project is not completed we can make another appropriation.

Mr. GRONNA. Mr. President, I hope the Senator from Utah will not insist on his amendment striking out the words "and to remain available until expended." The chairman of the committee knows very well that this matter was very carefully considered by the committee and that, on account of the peculiar conditions existing in that section of the country, it was deemed best to employ language that would leave this money available until such time as it might be expended. There is no question that the $175,000 will be used.

I think the Senate will recall that last year when the Indian appropriation bill was under consideration I opposed large appropriations to be taken out of the funds of the Indians to construct irrigation works on Indian lands. This is, however, a comparatively small amount; in fact, this bill does not carry large amounts for the construction of irrigation works, and I trust the Senator from Utah will not insist upon his motion to strike out.

Mr. SMOOT. Mr. President, the expenditure of $175,000 for the construction of a diversion dam can be made long before June 30, 1917, and the appropriation will be available until that time. I want the Government to go to work on this project and not put it off. I want the Indians and the settlers in that section to have the use of this water by June 30, 1917, or before then. What I am afraid of is that if this language remains in the bill those responsible for the work will dillydally along and the project will not be completed for a much longer period.

Mr. GRONNA. Mr. President, I want to assure the Senator from Utah that, according to the statement which has been made to the committee, this work will be commenced promptly. The Senator knows that water is everything in that section. The very existence of the people there depends upon the water used for irrigation. As I have said, the amount appropriated is small. It will benefit the Indians and, of course, it will benefit some of the whites; but in the main it is an Indian irrigation project.

Mr. SMOOT. Because I know the truth of what the Senator has said, I am in favor of this amendment, and I am asking that the words "and to remain available until expended" shall be stricken out in order that the Indians may get water at an earlier time than they would, in my opinion, if those words were left in the bill. For that reason I have offered the amendment to strike out those words.

Mr. GALLINGER. Question!

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to the amendment reported by the committee.

Mr. PAGE. Mr. President, I want to express my very great gratification that we have commenced a discussion of these irrigation projects. I believe that when the future history of our connection with Indian affairs is written one of the matters connected therewith that we shall have most reason to blush for will have been the squandering of money on irrigation projects and making the amounts so paid reimbursable out of the Indian funds.

In regard to the matter of reimbursable funds I have personally, I think, in every case coming before the committee, asked the Commissioner or the Assistant Commissioner of Indian Affairs, who represented the department, if the affairs of the Indians fairly warranted the assertion that the reimbursable funds would eventually be returned to the Treasury, and where he has not been able to give us strong assurance that they would be returned and that the Indians could reimburse the Federal Treasury, I have opposed them. I am sorry to say that in the bill now there are some measures relating to irrigation which I fear will prove to be unprofitable to our wards, the Indians; and sometimes I have wondered if we ought not to make these appropriations directly from the Federal Treasury rather than make them an incumbrance upon the Indian lands.

We are the guardians of this unfortunate race, and I think the Senate, instead of reaching out and seeing how much of the Indians' money they can get hold of, ought to stand here as the defenders of that race. I hope that before we get through with this bill we will make some important reductions in the amounts which are proposed to be appropriated for irrigation purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, on page 23, line 22, after the word "a," I move to insert the word "diversion."

Mr. ASHURST. I cheerfully consent to that amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 23, line 22, before the word "dam," it is proposed to insert the word "diversion," so that it will read, "of a diversion dam."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CURTIS. On page 24, line 2, after the word "said," I move to insert the word "diversion."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 24, line 2, before the word "dam," it is proposed to insert the word "diversion."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CURTIS. On line 13, after the word "said," I move to insert the word "diversion."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 24, line 13, before the word "dam," it is proposed to insert the word "diversion."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CURTIS. In line 5, after the word "said" and before the word "dam," I move to insert the word "diversion."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 24, line 5, before the word "dam," it is proposed to insert the word "diversion."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CURTIS. And on line 4, page 25, before the word "dam," I move to insert the word "diversion."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 25, line 4, before the word "dam," it is proposed to insert the word "diversion."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 25, after line 8, to strike out:

For maintenance and operation of the Ganado irrigation project on the Navajo Indian Reservation, in Arizona, $3,000, to be reimbursable and remain available until expended.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be made by competent engineers the necessary examinations, investigations, and surveys for the purpose of determining the most suitable and practicable method or methods of constructing levees, revetments, or other suitable works sufficient to prevent the Gila River from further eroding and wearing and washing away its banks and from further overflowing its banks at any point in Graham County, Ariz. Said engineers shall also determine and report upon the most suitable, feasible, and practicable means of holding the said river within a fixed channel as it flows through said Graham County. Said Secretary shall submit to Congress the results of such examinations, investigations, and surveys, together with an estimate of the cost thereof, with recommendations thereon, at the earliest practicable date. The sum of $15,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of conducting said investigations, examinations, and surveys.

Mr. CURTIS. Mr. President, I want to ask the chairman of the committee if that is not a mistake? The committee agreed, when this bill was up, that that measure should be reported as a separate bill. I have examined the hearings very carefully, and I find no place in the hearings where the bill was again taken up and authorized to be placed upon this bill as an amendment.

Mr. ASHURST. Mr. President, I think the Senator is correct, so far as concerns the hearings not showing any approval of the item as a part of this bill. My remembrance is, without

consulting the record for the moment, that the item was approved as a separate and distinct bill, and yet I have a recollection that at another meeting, just a day or two before the bill was reported out, I asked consent to incorporate it in this bill, for the reason—although the hearings may not show it—that it was an emergency and that it might be subject to a point of order unless it was included in the bill. If it can be debated, I should like to say a few words on this appropriation.

Mr. CURTIS. I make the point of order on the amendment, if it is to be in here, that it is not germane.

Mr. ASHURST. In reply to that point of order, I say it has been reported favorably from a committee of the Senate.

Mr. CURTIS. That does not make any difference.

Mr. ASHURST. That renders it impervious to a point of order. By Report No. 262 it was reported favorably from a standing committee of the Senate.

Mr. CURTIS. I desire to call the chairman's attention to the object of the Indian appropriation bill:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1917.

The VICE PRESIDENT. Does the Chair understand that the Senator from Kansas raises the question whether this amendment is germane or relevant to the bill?

Mr. CURTIS. I do.

The VICE PRESIDENT. Under clause 3 of Rule XVI, that is a question for the Senate to decide.

Mr. ASHURST. Mr. President, in response to that, and in reply to the distinguished Senator from Kansas, I want to say, first, that the Senate Committee on Indian Affairs authorized a favorable report on this item which is in the bill. It is Report No. 262, Order of Business No. 239. That, in my judgment, renders it impervious to a point of order. In addition thereto, I want to say that this same Gila River, which so frequently goes upon such a destructive rampage, ought, in the judgment of the committee reporting this bill, to be the subject of an exhaustive and competent investigation. The item simply proposes that a board of engineers shall make an investigation to determine the most feasible and practicable method of holding the river within its bounds.

The Gila River debouches or comes out of a canyon, a box canyon, in the eastern part of Graham County, Ariz. It reaches the rich alluvial soil below a place called Sanchez, and from there down for the next 80 miles, at frequent intervals throughout the year, it overflows its banks, and with its cutting edge it destroys the rich lands of the whites and the rich lands of the Indians as well. Lands that are worth $200 per acre are being eaten away; and the 1,200 acres near Geronimo that belong to the Indians, and that the Indians are cultivating, are in the same danger. This cutting edge, as we call it, which the river has, wears away this rich land that the Indians are cultivating.

It would be idle to attempt to handle this question just from the standpoint of Geronimo alone. A careful and comprehensive investigation must be made by competent engineers.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question about the proposed amendment?

Mr. ASHURST. Certainly.

Mr. SUTHERLAND. How does this amendment affect the Indians?

Mr. ASHURST. I was just remarking that the river enters the reservation at Geronimo, and at that point it has been for some years cutting into the Indian lands. There are 1,200 acres cultivated at Geronimo, but there are 15,000 acres cultivated altogether by the Indians on this river. The committee was of the opinion that the whites and the Indians had a mutual interest. The river must be controlled. It is useless for the Government just to shut its eyes and say, "Well, sufficient unto the day is the evil thereof; we will take it up at another time." This matter must be given attention. If we are going to preserve the Indian lands and the lands which the Indians have cultivated, something must be done.

In addition to the Indian lands, there is a prosperous community of whites, 10,000 people, as excellent a people as have ever lived in any State. They never have had any assistance or any encouragement from the Government. They live in the towns of Solomonsville, Thatcher, Pima, Safford, and other towns along the river. They are agricultural people. This river cuts into their lands, destroys their lands, and goes on down in its destructive way and destroys the Indian lands. Surely they are not asking too much of their Government when they ask that, as a mutual proposition with the Indians and whites, the sum of $15,000 be appropriated, not to do any revetting but to investigate and determine the best means of controlling the river—whether it should be done by the Indians, by the whites, or by the settlers.

Mr. SUTHERLAND. As I understand, then, this proposed appropriation is for the purpose of determining methods of revetment and protecting the banks along the course of the river throughout Graham County?

Mr. ASHURST. Throughout all of Graham County, and a large part of the Indian reservation is in Graham County.

Mr. SUTHERLAND. How much of it? How much of the length of the river?

Mr. ASHURST. In Graham County?

Mr. SUTHERLAND. How much of the Indian lands abut on the river that runs through Graham County?

Mr. ASHURST. Oh, I should say at least 50 miles or more.

Mr. SUTHERLAND. Out of how many miles?

Mr. ASHURST. Out of 150 miles.

Mr. SUTHERLAND. About one-third of the length?

Mr. ASHURST. I should say at least that, if not more. There were two gentlemen who came from Arizona——

Mr. SUTHERLAND. Let me ask the Senator further whether he thinks that Congress is under any obligation to make appropriations of this character for the purpose of protecting the lands of the white settlers?

Mr. ASHURST. Oh, I think so; undoubtedly.

Mr. SUTHERLAND. Upon what theory?

Mr. ASHURST. Upon the theory, first, that it is a mutual proposition. It would be absurd simply to say: "We will treat this river not as an entity and as an entirety but by sections. We will take care of this particular section that flows through an Indian reservation." How futile would be any attempt to take care of the river as a whole proposition by going below when the waters are coming down from above. Why not treat it as an entirety?

Mr. SUTHERLAND. Let me put the question in another way, then. Suppose there were no Indian lands at all, Would the Senator then think the appropriation would be justified?

Mr. ASHURST. Mr. President, if there were no Indian lands at all I still think the appropriation would be justified, because an American citizen——

Mr. SUTHERLAND. How would it be justified on an Indian appropriation bill?

Mr. ASHURST. Whether or not it would be justified on an Indian appropriation bill might be a question; but I know of no other committee to which this could go. How could the Vice President send it to the Committee on Commerce? How could he send it to the Committee on Appropriations? To my mind it has to do with the revetment of a river which is doing great damage to rich Indian lands. Are we, because it happens to be of benefit to the whites, to stay our hands simply for that reason? Not at all. If an appropriation is for the real, substantial, honest good of the Indians, and incidentally for the good of the whites, why should we pause? Are we to say: "We will see that no white man shall have any benefit from an appropriation in this bill"?

Mr. SUTHERLAND. The Senator will understand that I am not objecting to the item; I am just inquiring about it.

The VICE PRESIDENT. Was this amendment moved by the direction of the committee?

Mr. CURTIS. Mr. President, I should like to make just one statement on that subject. I claim that there is no note of it being authorized in the hearings. Of course during some of the sessions I was not present; and if it was done, it was done during my absence from the committee. The measure was considered by the committee, and I desire to call the attention of the Chair and the Senate to the hearings, on page 481:

The CHAIRMAN. What is the pleasure of the committee? Do you want to consider this bill now or take it up later? Do you desire to vote now? If not, is there any objection to the bill?

Senator CURTIS. Are you offering it as an amendment to the appropriation bill?

The CHAIRMAN. No; I have framed it as a separate and independent bill.

Senator CURTIS. I have no objection to its being introduced as a separate bill if it is not to be an amendment to the Indian appropriation bill.

The CHAIRMAN. May I report the bill favorably?

(Without objection, the chairman was authorized to report the bill favorably.)

Mr. ASHURST. The Senator has, of course, read exactly what took place at that particular time; but I insist—and it seems to me that the Senator was present, because he was very faithful in his attendance—that I became apprehensive, owing to the cluttered condition of business——

The VICE PRESIDENT. Do not the committees of the Senate keep records? How is the Chair to rule unless there is some record which tells about this matter?

Mr. ASHURST. Mr. President, the record, and that which renders it impervious to a point of order, is the fact that it has been reported favorably from a standing committee of the Senate, and it is on the bill.

Mr. CURTIS. It was reported as a separate and distinct measure.

The VICE PRESIDENT. The Chair does not know whether he can go behind the returns or not. There seems to be a dispute here between members of the committee as to whether or not the matter was reported by the committee.

Mr. ASHURST. Oh, I unhesitatingly say that it was reported by the committee. Whether or not that was a wise thing or an expedient thing to do, it was done. There is no question about that. I do not want to raise a question of fact between the Senator from Kansas and myself, but it was reported.

Mr. CURTIS. Mr. President, I have not disputed the Senator's word. All I say is that it was not reported while I was there, and I have read all of the hearings, and I find no memorandum in regard to it, and there was a stenographer taking all of the hearings.

The VICE PRESIDENT. In accordance with the decision of the Hayes-Tilden controversy, the Chair will not go behind the fact that the committee has reported the amendment. He leaves the question of relevancy to the Senate. The amendment comes here from the committee, and the Chair will not attempt now to decide a question between members of the committee as to whether it comes into the Senate as an amendment proposed by the committee; but the question of the relevancy of the amendment on an appropriation bill is for the Senate to decide.

Mr. ASHURST. Mr. President, I should like to have included in the RECORD a copy of the testimony taken before the committee on this question, the statement of my colleague, and the statement of the two gentlemen who came from Arizona, in regard to this appropriation.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report, to accompany S. 4655:

The Committee on Indian Affairs, to whom was referred the bill (S. 4655) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz., having investigated the same, reports the bill back to the Senate and recommends that it do pass without amendment.

As part of this report the committee submits the statements of Phil C. Merrill, of Pima, Ariz.; W. W. Pace, of Thatcher, Ariz.; Senator MARK SMITH and Senator HENRY F. ASHURST, of Arizona, made before this committee on the Indian appropriation bill, as follows:

"STATEMENT OF PHIL C. MERRILL, OF PIMA, ARIZ.

"The CHAIRMAN (Mr. ASHURST). What is your name?

"Mr. MERRILL. Phil C. Merrill.

"The CHAIRMAN. Where do you live?

"Mr. MERRILL. In Pima, Graham County, Ariz.

"The CHAIRMAN. You have, of course, read this bill, introduced by me, providing for an appropriation of $15,000 to make a survey and investigation as to the status of affairs regarding the Gila River in Arizona?

"Mr. MERRILL. Yes, sir.

"The CHAIRMAN. Will you please tell the committee briefly what you know about it and what you think the necessity for the bill is?

"Mr. MERRILL. I have lived in Graham County for about 25 years. The Gila River enters Graham County from the southeast and flows northwesterly for a distance of about 60 miles through a region that is cultivated partly by white people and partly by Indians on the San Carlos Reservation. The conditions pertaining along that river for its full length in Graham County are similar—the conditions under which the Indians take their water from the river are practically similar to those under which the white men take the water. In the early days a heavy growth of vegetation for a great extent held back these flood waters and prevented the damage that the river did. We know that for a great many years past that has been increasing, until within the past few years the land that has been lost by erosion, both on the Indian reservation and above there where the white people have settled, has been very great. It is estimated that during the flood, just about a month ago, 1,500 acres of our vicinity was washed away. We know we are incapable of determining what should be done, and we need the assistance of the department as to what is the best method to control the river, and, as has been mentioned by your chairman, we know that the interests are mutual as between the whites and the Indians. If we were to take care of the river banks above the Indian reservation, it would do them no good below, for the same condition exists.

"As mentioned by the chairman, there are about 1,200 acres that have been in a high state of cultivation by the San Carlos Indians along that river, on the San Carlos Indian Reservation, but I think at the present time, and during this year, they will be unable to cultivate any of that land, or practically none of it, because of the fact that there are dams and canals that have been washed away, and it will be necessary, in order to get the water on their land again, to have new dams and new canals, beside the loss of the land they have sustained.

"Our object is to enlist Federal aid in engineering questions in order to determine what is the best and most feasible method of controlling that stream, for if it is not done it will not be many years, as conditions are existing now, before practically all the tillable land along the banks of that river will be washed away, because the river, in its meandering course, is cutting away each year and taking away many acres of very valuable land.

"Senator PAGE. Could not this examination be made by the engineers of the Army?

"Mr. MERRILL. Well, we think, perhaps, an Army board or a board appointed by the Interior Department, either would be suitable.

"Senator PAGE. If it was done by the Army engineers, would there be any necessity for this appropriation?

"Mr. MERRILL. I think so. I am not advised of that, but I think so.

"Senator PAGE. I had the impression that the Army engineers were sent out to do this kind of work, and that there was a general appropriation made that would cover the expense; of course there would be no salary.

"Mr. MERRILL. I am not advised as to that, but I do not so understand it.

"The CHAIRMAN. If you will pardon me, Senator, I will say that we looked into that matter and ascertained that it would require an appropriation.

"Senator PAGE. For what purpose?

"The CHAIRMAN. Because the War Department would not be authorized to send an Army engineer to make an expensive investigation and take the money for that purpose out of the general fund. It would not be authorized by law to do so. We looked into that feature of it with some degree of care.

"Senator PAGE. This is a gratuity appropriation, I understand, from the Treasury?

"The CHAIRMAN. Yes, sir; of $15,000.

"Senator PAGE. Please explain where the necessity for the expenditure comes in.

"Mr. MERRILL. As I have stated, this tillable land extends a distance of about 60 miles along the river. The valley is narrow and long. The Indian reservation on the San Carlos is about 25 or 30 miles, and the balance is occupied by the white people above it, so you can understand that it would be quite a task to make that survey along the banks of that river to determine what methods are best to control it.

"Senator CURTIS. What efforts have you made to control it?

"Mr. MERRILL. There have been efforts made by farmers by driving piles, etc., but it has been demonstrated that there would have to be some systematic scheme adopted to take care of it all, because one farmer might protect his land and a little above him his neighbor, being unable to do the same thing, it would wash behind him and give one more protection than the other.

"Senator PAGE. Then it is your idea not only to have this investigation, but have the Government appropriate the money to protect the land?

"Mr. MERRILL. That would, of course, be a matter to be followed up. I assume there would have to be some arrangement made whereby the Government would pay its proportion and the property owners their proportion of the expense after the scheme had been adopted to control the river.

"Senator CURTIS. Is most of this damage done in the spring when the snow melts?

"Mr. MERRILL. There are two seasons of the year—the spring and the summer time, during the summer rains. It is not so much the overflow that damages us as it is the erosion.

"Senator CURTIS. The silt that comes down?

"Mr. MERRILL. Not the silt, but the water that washes it away.

"Senator CURTIS. But the silt does come down and helps to do that?

"Mr. MERRILL. Yes, sir.

"Senator CURTIS. Has not this question been pretty thoroughly investigated by the Geological Survey?

"Mr. MERRILL. Not that I know of.

"Senator CURTIS. Did they not, some 10 years ago, go all over the Gila River and make a report upon that subject?

"Mr. MERRILL. Not that I have been informed of. I think they made an investigation of the amount of water——

"Senator CURTIS. That came down in the flow?

"Mr. MERRILL. That money was appropriated for irrigation purposes, etc.; but, as far as this matter particularly is concerned, I have heard no report upon the question.

"Senator CURTIS. I did not mean that they had reported on what was necessary to prevent the washing; they did not investigate for that purpose, but they did investigate as to the flow and as to the seasons of the year when the flows were bad.

"Mr. MERRILL. Yes, sir; I think that is correct.

"Senator CURTIS. Has any effort been made, Mr. Chairman, to get the Geological Survey to make an investigation and report on this subject?

"The CHAIRMAN. I will say we have consulted the Arizona delegation in Congress and these two gentlemen from Arizona; we have consulted with the Secretary of the Interior upon the matter. We had a personal interview.

"Senator CURTIS. Did you go over the records of the Geological Survey?

"The CHAIRMAN. No; we did not have a consultation with the director himself. We took it up with the Secretary direct.

"Senator PAGE. Does he think this action is an appropriate one on our part?

"The CHAIRMAN. I am not at liberty to quote him. I think I may go far enough to say that he certainly expressed no opposition to it. It is always dangerous to quote a man unless you have it in writing. However I am willing to say for this record that I had an extended interview with the Secretary on last Saturday, and he is not opposed to this matter. On the contrary, he looked with considerable favor and sympathy upon it.

"Senator PAGE. I do not want to oppose a $15,000 appropriation for your State, but if we have officials whose duty it is to make these investigations—the Geological Survey or the Board of Army Engineers—I do not know whether it is a healthy precedent to establish or not.

"The CHAIRMAN. If you will pardon me, you will recall, I think, that there was some discussion in 1912 on the question as to whether the Board of Army Engineers—Senator CURTIS will remember the occurrence—had the authority to make an investigation and a report to Congress, unless they were specifically charged with that duty. I looked it up at the time and came to the conclusion that it would require an act of Congress or an amendment to the Indian appropriation bill to authorize any board of Army engineers, under the direction of the Interior Department, to go out and make an investigation unless they were authorized by Congress to do that. I have a very definite impression in 1912 I looked it up.

"Senator PAGE. What is the duty of the Board of Army Engineers or of the Geological Survey if it is not to take up matters of the most pressing importance and focus their minds upon it and make a report?

"The CHAIRMAN. Their duties are manifold, but an appropriation of money from the Federal Treasury can not be used for a particular purpose except in accordance with a bill duly passed and which shall become a law. You can not, under eminum gatherum, detail men to do certain work unless the law is written that way.

"Senator PAGE. I supposed the law was written in that way.

"The CHAIRMAN. In other words, money must be expended in pursuance of a bill or a joint resolution, of course. There are men around this table who have had more experience on these subjects than I have.

"Senator PAGE. It may be expended in pursuance of a general act or a specific act. We appropriate large sums of money, and they are supposed, as it seems to me, to be devoted to just such investigations as the one proposed here.

"The CHAIRMAN. I know of no authority for that; I certainly have been unable to find any authority to permit any Army board to go here and make this investigation except we pass an act of this kind.

"Senator PAGE. What particular reasoning led you to believe that this $15,000 was the proper sum to appropriate here?

"The CHAIRMAN. In 1912 the Army board was authorized to make an investigation as to the feasibility, practicability, and suitability of a reservoir site at San Carlos. I was a member of the committee at that time; $15,000 was appropriated. A board of Army engineers was duly authorized to make the investigation, but we learned that the $15,000 was not sufficient, and in 1913 a deficiency appropriation of $10,000 more was made to pay the expense of that investigation. Now, this will by no means be as comprehensive or as extensive as that one was, and I came to the conclusion that if we asked for $25,000 for that, this ought to be done for $15,000.

"Senator PAGE. Senator CURTIS, you have had a great deal of experience on this line. What do you say about this establishing a precedent that will return to vex us at any time?

"Senator CURTIS. It will be like every one that we have heretofore established. Next year they will come in and ask for $100,000; the next year for $200,000, and the next year for $300,000. This committee has never established a precedent of this kind with respect to any of these matters that has not been abused. They commenced with a small appropriation—as you will observe if you will look over the bills—and they keep growing year by year. My own judgment is that if the Senator wants this done he ought to go to the Geological Survey, and I think they will tell him very frankly that if he can get a very small increase in their general appropriation, if they have not enough now, that they will send men down to make this investigation and make a full report, without establishing a precedent in this committee, by appropriating for something of this kind.

"Senator PAGE. Does not this appropriation look forward to a much larger appropriation next year?

"The CHAIRMAN. We are in the dark, both as to the Indians and as to the whites. I am very familiar with the proposition. It is a meritorious appropriation, in my opinion Here is a river that is cutting away rich Indian land and similarly cutting away rich land of the whites year by year. This is a small county. There is not a millionaire in the county, but it is filled with most excellent citizens. We do not know how to reach the matter. I had at first an idea of introducing a bill providing an appropriation of $100,000, but I reflected on it and thought there should first be some investigation made by somebody authorized by Congress. So I have put my cards on the table. I want you to see them. I want you to say whether there should be an investigation or not. If the Army board investigates it, or the Board of Engineers investigates it, and they say we can do nothing, and ought to do nothing, or we are unable to do anything, we can do no more.

"Senator PAGE. I agree with you that there ought to be something done about this matter.

"The CHAIRMAN. If the Army board says, 'We ought to do something,' then we can proceed, at least in law, on some technical information upon which we can rely. That is my—I would not say excuse, because this is so meritorious that it needs no excuse—but that is my reason for introducing this amendment.

"Mr. MERITT. The board of Army engineers has also made a report as to certain features of the San Carlos River, for example, the San Carlos Reservoir site. So far as the Indian Office is concerned, we would be very glad to have this appropriation, because this river flows through the Pima Indian Reservation and has damaged a large acreage of land, which is being destroyed annually by this river. If any scheme can be devised by which this wild river can be kept within its banks, it will be very helpful to the Pima Indians.

"The CHAIRMAN. I am very glad to receive that statement. My colleague, Senator MARK SMITH, is here now. Senator SMITH, we have had up my bill proposing to appropriate $15,000 to make investigation and examination for the purpose of controlling the Gila River in Arizona.

"STATEMENT OF HON. MARK SMITH, UNITED STATES SENATOR FROM ARIZONA.

"Senator SMITH of Arizona. Mr. Chairman, I do not know what I could say in addition to what has already been said by Mr. Merrill and Mr. Pace.

"The CHAIRMAN. Mr Merrill has made a statement to the committee.

"Senator SMITH of Arizona. If you will start in on the Gila River about 10 miles above where Solomonsville is now situated—and will be unless the river washes it away some of these days—you will observe that the river comes down at a pretty solid formation. It strikes this alluvial level plain. It serves a most prosperous community. They have worked harder and got less from the Government than any other irrigation people that I know of, except some of the places in Utah in the early days. They have never received one cent of compensation from the Government in any way—not a dollar. By their own industry, starting back in the days of the Indians, up until now, they have developed a community that is an honor to any country and which possesses as good citizenship as any State of the Union.

"Now, this river, when it comes down with its great floods, disemboweling itself at the mouth onto the alluvial plain, begins to cut these trenches, and a bridge that I have seen at Florence standing a mile and a half out in the dry plain that once covered the stream—an expensive bridge—it stands there to-day a monument to the treachery of that river.

"Senator PAGE. Is it a monument, too, to the foolishness of any of our officials?

"The CHAIRMAN. The State built it.

"Senator SMITH of Arizona. Oh, the State built it. You need not think there is anything there that our officials had anything to do with, except probably laying the burden of taxes upon the people.

"Senator PAGE. It was wisely built when it was built, in your judgment, was it?

"Senator SMITH of Arizona. It was built at the best possible place on the Gila River, down at Florence. If I had a photograph, I could show you the condition.

"Senator PAGE. How much do you think there will probably be required from the Federal Treasury later on if this investigation is made?

"Senator SMITH of Arizona. I do not know that it will require anything. These men can make the investigation, a scientific investigation, as to the proper way of handling this river, and, especially if it is done above, it will not only help these people above where these particular men live [indicating Mr. Merrill and Mr. Pace], but it will help everybody on the Gila River at the San Carlos Reservation.

"It flows down through the Maricopa Reservation and goes on and empties into the Colorado at Yuma, Ariz., on the line of California and Arizona. Now, to put the burden on these people of holding that river in check for the benefit of the Indians, for the benefit of two great American white irrigation schemes, and for these men to bear the whole burden of keeping that river within its flow, if it is not done above them, it is a waste to all.

"So that this is not a mere scheme to help these men here and several other farmers. It is also to keep a regular channel for the Indians on the Maricopa Reservation, to the white people in the Florence Reservation, and to the Indians in the Florence Reservation, who are going to get a greater benefit from it under the bill, if it is passed, than anybody else that I know of.

"So this whole scheme must look to the Government at least for a legitimate means of accomplishing the purpose of holding that river within its boundaries, or else it will become a ruinous flood and will wash everybody away.

"Senator PAGE. Would you regard this appropriation as a proper one to make here if there were no Indians there?

"Senator SMITH of Arizona. Unquestionably; whether there was or not, I would regard it as such for this reason, which it is difficult for people to understand: Arizona was admitted as a State, and you will be amazed at the statement of fact that at the time of admission the Federal Government absolutely owned, controlled, and has reserved 90 per cent of the available valuable land in that State, and we are forced to levy taxation on cattle and mines and town lots. That is what we have got to run the State on. The Government has land to such an extent that I think the whole of the New England States would be covered by the different reservations of my State alone.

"Senator PAGE. I have been through one of your counties, which I know is larger than my State.

"Senator SMITH of Arizona. There are plenty of them. New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut would certainly not cover the reservations of Arizona. Now, we are left in that attitude. How? By taking away our power to tax ourselves for any improvements. As I have stated, 90 per cent of the really valuable lands in the State are held by the Government, and you are putting a burden on these people who have spent their lives, and their children's children are there now working out the same problems that their fathers had and that their grandfathers had.

"Now, it is just a question whether Congress will pass this resolution to give us that small amount of money for investigation, not only for those gentlemen there but for everybody on the Gila River from its source to where it empties. As soon as it comes out it spreads, and in the very next place you find the shortage is at the Indian reservation in Maricopa County known as the Maricopa Reservation. There was a bridge there three-quarters of a mile long or more—a bridge that these waters have swept away, coming into another channel and coming down into Pinal Valley, and washed that bridge, three-quarters of a mile long, completely away. There [indicating] is one of the bridges. You will see what it does to a bridge standing there a quarter of a mile long.

"Senator PAGE. It occurred to me that this was an examination which looked forward to a very large appropriation some time in the future from the Federal Treasury.

"Senator SMITH of Arizona. I know; but even if it does, it is a question for Congress's discretion to say, even then when it comes up, whether it would be a wise appropriation or not.

"Senator PAGE. That is right; we do not know from this bill—at least I did not know when this bill was first read—whether it was a harmless bill calling for simply $15,000 or something that looked forward to $5,000,000.

"Senator SMITH of Arizona. It will never get to any such figure as that. It would be futile. I want to say that I would never advocate an expenditure of more money than is provided for in this resolution, but then it would be before you gentlemen to take it off if you had that bigger proposition here. You have been given the information, and that is all we are asking in this resolution; and if Congress will not help, you will at least let every man on the Gila River know what is the best thing to do to keep that river within its bounds.

"Senator PAGE. I think that is correct.

"Senator SMITH of Arizona. But if they can not do it, then they may come to Congress, and it will be within the wisdom of you gentlemen to say.

"Senator PAGE. Would you think this would be a proper matter for the Indian Committee to take up on the Indian appropriation bill?

"Senator SMITH of Arizona. I unquestionably think so, because I know of no other committee to send it to. The Commerce Committee has nothing to do with that, because they deal with navigable streams. The Committee on Appropriations has nothing to do with it. They would say, 'We have nothing to do with this part of the business; why do you not go to some other of your committees?' The Agricultural Committee has nothing to do with it, for it does not deal with Indian questions at all, and I will state frankly that it is brought here because I do not know where else to send it. That is the reason it is before as good a committee as there is in this body.

"Senator PAGE. Oh, yes; it is a splendid committee.

"Senator SMITH of Arizona. There is not one crank on it as big a crank as I am. But, gentlemen, this ought to be done, not only because of the suggestions I have made, but because of the question that is naturally raised—and I think you gentlemen, as able legislators, always raise the question as to whether this is an entering wedge to rob the Treasury hereafter. We have seen departments grow that have started with $500 or $700 or $800.

"But I submit that it is essential that this knowledge be given us by the Government on account of the condition in the State and the condition of the Indians and the condition of the white men, for they are put exactly in the same fix down there, and that we at least ought to give it to the State and the people and let our State handle it, or the people try to handle it; and when they have obtained a scientific

knowledge of the situation, then we can do our very best. If I come to Congress again for another dollar of help, I hope to be able to show Congress that they can not avoid it; but if Congress in its wisdom says, 'We can not afford to go into this sort of thing, as it will set a precedent for a hundred other cases,' and decide against me, why, that is for the occasion and the time when it comes. Very likely I will be, as I have sometimes been before on the most virtuous matters, cut off from any further communication with the Treasury Department. But this ought to be done, and these men who have spent their time in coming up here to attend to it ought to know how to do it, for I do not know how it could be done. It would take a scientific engineering proposition to say whether what little land is left in Arizona is to be ruined by the river, or whether Congress, out of its abundance, will say, 'We will give you a little aid, at least a scientific investigation, and see whether you can possibly yourselves handle this problem or not.'

"Gentlemen, I have another committee to attend and will have to retire. I thank you very much for your attention.

"Senator LANE. I would like to ask you, Senator ASHURST, how much Indian land is involved in this matter?

"The CHAIRMAN. About 1,200 acres of cultivated below a place called Geronimio, but several thousand acres of Indian reservations are within this county.

"Senator LANE. And how much of the white man's land?

"The CHAIRMAN. About 30,000 acres cultivated by the whites, but 1,200 acres at one point on the river belong to the Indians.

"Senator LANE. Is it reimbursable?

"The CHAIRMAN. No, sir; it is not reimbursable out of any fund.

"Senator LANE. It is to be an appropriation from the Treasury Department?

"The CHAIRMAN. Yes, sir.

"Senator LANE. The solution, and the only solution, of these washouts in the long run in Arizona, where you have that trouble—you have fine land below, and the flood comes down on it every year—is to impound the water, is it not?

"Mr. MERRILL. That is a question to be determined.

"Senator LANE. You will never get out of it in any other way.

Mr. MERRILL. That is a question for the engineers. I think they will tell us whether that is the more feasible.

"Senator LANE. And whether you will have water to let down on the land when you get it. In the other way it runs away and goes to waste in the summer time in that country, and you will have to begin a system in the mountains of impounding the water into the ravines and all the gulches leading into the main streams, and when you have done that you have stopped the waste and have water impounded for irrigation. That is the only solution of it. How else can you do it, unless you dike it and levee the rivers, and then you will be in a condition like the Mississippi—you will have your river up above the lands after a while.

"Senator PAGE. Do you not think this becomes an irrigation problem within a short time, and is something that so slightly affects the Indians that it ought to be made a general proposition rather than an Indian proposition?

"Mr. MERRILL. I think the Indians are vitally affected by it. I know that from my observation and experience.

"Senator PAGE. Do you say they have 1,200 acres of land?

"The CHAIRMAN. That is only at one point, Senator.

"Senator PAGE. We had much better buy that land of the Indians and let it be destroyed than to go into a $100 or $200 or $500 project here with its possibilities of loss and risk as we have done in several irrigation projects. I do not want to interpose any further objection to this proposition, Senator. I do want to know more about it.

"STATEMENT OF MR. W. W. PACE, THATCHER, ARIZ.

"Mr. PACE. Mr. Chairman and gentlemen, the people there are trying to teach the San Carlos Indians the art of cultivating the farms; that is, agriculture, and as the matter stands now, and as it is going, it will be only a very short time before there will be no lands on the San Carlos Indian Reservation for these men to farm. It is not only the value of the 1,200 acres of land, but when that is gone it has all gone. When those farms are gone they can not be replaced; they will not be on the reservation for the Indians to be taught this art of agriculture.

"Senator PAGE. Let us pursue that investigation a little further. If you have some land there that is worth a one-tenth part of the expense it will take to conserve that land should we start in in Congress with a proposition that looks to conserving at a great deal more than the value of the property conserved?

"Mr. PACE. Senator, we do not think it is ever going to run into that kind of cost. We have our ideas, but we have no way of determining the best means. We have no board of engineers to give us absolute knowledge. We have had no experience. That waste has been going on within the last few years worse than it ever has been. We got along very nicely for a good many years, but later the burden has become so heavy that we can not stand it, and we do not know how to control the situation. We have an idea by which private individuals will expend a few thousand dollars over there. That has some effect; but each man has his own peculiar ideas about it; one man works it out one way and another another. We do not work concertedly.

"The proposition that our Senator has so kindly consented to introduce here is for a small appropriation that we might know what is best, and that the Government, through the War Department, or through some of the corps of engineers that they have, and through their experience in cases of this kind, they might give us a plan setting out what could be done to keep this river under control and to keep it in one channel. As long as it runs straight we have no trouble, but when it runs straight a mile, or such matter, it will take a turn over that way and bore out a section of country, and then turn and go the other way. It is a curving, tortuous stream there, and it is ruining some towns and breaking up some of the best citizens of our country.

"Senator PAGE. I have a very fine meadow that is being eaten into every year, but I have no idea of coming to Congress for assistance.

"Mr. PACE. This is quite a big stream, and the final result of it will be to depopulate the San Carlos Indians who are farming part of their reservation. That will be the end of the matter. It is cutting into that.

"Senator PAGE. I think I have reached my purpose. I rather think the appropriation is one that we ought to make. I did, however, want to draw out the fact, because it seemed to me to be a proposition that was to be an entering wedge and that there would be quite a large demand on the part of Arizona upon the Federal Treasury.

"Mr. PACE. We can see some places in Arizona where we could use that money nicely, but we hardly think we will be able to get it. It is not the intention that this should be an entering wedge for larger appropriations; it is simply in order that we may know just where we are. We want you to tell us what can be done in a scientific way and an effective way, and we do not know anybody else to look to except the Army engineers or some corps of engineers of the General Government.

"The CHAIRMAN. Let me say, lest some misapprehension may arise from my statement as to 1,200 acres being irrigated, I meant at one particular point. I have in my hand the report made to Congress in 1914 regarding these Indians. It says some 15,000 acres of Indian lands are irrigated.

"I would not want the Senators to get the impression that that was the only territory.

"Senator LANE. No; you said several others. If you gentlemen had brought this in as a definite proposition, to go up into those mountains and put in dams and catchment basins in and across the ravines that feed into the river or channel, and hold that water in there for irrigation, you would at the same time stop the erosion. I would like to see this Government make large appropriations to help Arizona to do that and as well all over the country. They have the richest land in the world. The water comes down in a rush, and they not only get no use of the water, but it destroys valuable land. Eventually that will have to be done. I have been in Arizona many times, and have felt that I would like to be superintendent of the job and hold that water. It would make of it the most fertile and richest State in the Union. There is no doubt of that. I suppose some one, however, would grab the water from the Indians. I think that ought to be provided for. They could utilize an appropriation of a million dollars in Arizona for that purpose; it is wise, and I know of no other place in the world where they have so much water at certain seasons and get so little use of it, or where it could be used for better purposes. There is not a State in the Union that compares with it; if it had water that is the truth of it.

"The CHAIRMAN. I appreciate the statement of the Senator. It is a very fair statement. He says that the water will be gobbled up by the Indians——

"Senator LANE. No; I did not say the Indians.

"The CHAIRMAN. Or gobbled away from the Indians.

"Senator LANE. Yes.

"The CHAIRMAN. I want to say at once for Arizona that there is no State in the Union where the Indians are better protected.

"Senator LANE. I hope so.

"The CHAIRMAN. The Indians are so well protected in my State that the newspapers are almost unanimous in saying that you must be an Indian to secure any of your rights from the Federal Government. No State has with more scrupulous care seen to it that the rights of property of the Indians are protected. Arizona has the largest Indian population of any State in the Union except the State of Oklahoma."

The VICE PRESIDENT. In the judgment of the Senate, Is this amendment relevant to the appropriation bill? All those who believe the amendment is relevant will say "aye." [A pause.] Those who believe it is not relevant will say "no." [A pause.]

Mr. ASHURST. Mr. President, I do not want to delay this bill. I had hoped this amendment would be agreed to without any great contest. It seems a pity. I hope the Senator will withdraw his point.

Mr. CURTIS. I make the point of order that debate is not in order during a vote.

The VICE PRESIDENT. The question of the vote will have to be settled. All who believe the amendment is relevant will rise. [A pause.] All who believe it is not relevant will rise. [A pause.] The Senate decides that the amendment is relevant. Now the question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 27, line 14, after the word "available," to strike out "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid," so as to make the clause read: "For the construction of three additional steel spans with abutment and piers to extend the bridge across the Gila River on the San Carlos Indian Reservation near San Carlos, Ariz., $17,000, or so much thereof as may be necessary, to be immediately available."

The amendment was agreed to.

The next amendment was, on page 27, after line 17, to insert:

For preservation and repair of prehistoric pueblo ruins and cliff dwellings, under supervision of the Smithsonian Institution, Navajo National Monument, Ariz., $3,000.

The amendment was agreed to.

The next amendment was, under the head of "California," in section 3, page 28, line 1, after the word "Indians," to strike out "$10,000" and insert "$30,000"; so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $30,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to strike out:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, $18,200; for general repairs and improvements, $3,600; in all, $21,800.

And to insert:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, $22,375; for general repairs and improvements, $5,000; for new school building, $8,000; in all, $35,375.

Mr. CURTIS. Mr. President, I hope the amendment will not be agreed to. This is one of the schools that I called attention to upon yesterday. It is now costing the Government $318.87 per capita to educate the children in this school, and it seems to me the appropriation allowed by the House is sufficient. We propose to add $14,000 to their appropriation; and in view of the large expenditure per capita I think the Senate is not justified in increasing the House appropriation, and I hope the amendment may be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 28, after line 22, to strike out:

For support and education of 90 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $16,530; for general repairs and improvements, $3,600; for purchase of additional land for school farm, $1,500; in all, $21,630.

And to insert:

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; for new school building, $8,000; in all, $34,400.

Mr. CURTIS. Mr. President, I hope the Senate will disagree to that amendment. It costs at this school $279.62 per capita to educate the children, and the Senate committee has increased the appropriation about $13,000 over the House appropriation.

Mr. ASHURST. Mr. President, I just wish to say that the figures as agreed to by the Senate committee are in exact accord with the estimate, and that the department officials stated that they needed that sum. I will ask the Senator to refer to page 197 of the House hearings.

Mr. SMOOT. In that connection I should like to say to the Senator, that if the Appropriations Committee agreed to the amounts estimated by all the departments of the Government, the appropriations for this year would be five or six or seven million dollars more than they will be, as reported to the Senate.

Mr. GALLINGER. They would be more than five or six millions more.

Mr. LODGE. Yes; a good deal more than that.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. PAGE. Mr. President, I am sorry to disagree with the distinguished Senator from Kansas in regard to this matter of education. I say I am sorry to do so, because he and I usually agree very well in regard to the matters concerning which we are legislating.

The claim was made, as I remember, by some one speaking for California, that the Fort Bidwell Indian School provided for only 100 pupils, whereas we were assured that there were over 125 that should attend that school. I know we have rejected that amendment, at the suggestion of the Senator from Kansas; but this case is like unto it. They had 90 Indian pupils at the Greenville Indian School, and some one—either a Member of the House or a Senator, as I remember—came to us and said that that school would not accommodate the pupils who should attend it; that instead of there being 90 Indian pupils, we should provide for 100.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

Mr. PAGE. Certainly.

Mr. CURTIS. Why not provide for these children in schools where it does not cost the Government over $200 per capita, instead of buying new lands and erecting new buildings where it is now costing the Government $279 per capita to educate those children, when the rule has been heretofore $167 per child?

Mr. PAGE. Answering the Senator from Kansas, I want to say that, as I remember, it was found absolutely impracticable to send these scholars to the ordinary public schools. I think the question was asked as to the distance between these scholars and the public schools, and my recollection is that it was absolutely impracticable to give them the ordinary public-school training.

I do not want to read any lecture on the benefits of education. I have done that too much already; but I believe that if there is any way under heaven in which we can give these Indians an education that will fit them to be good citizens, we ought not to be parsimonious in what we give them. Really, it is not a gift, because we have provided in our treaties with the Indians that they shall have an education. I am not certain that we have in the case of this particular band of Indians, but I understand that the principle running through our treaties is that we shall give them an education and civilization.

I am ready to cut this bill at almost any point, I do not care where, before I commence on education. I do not want to see any privilege withheld. I do not believe that the matter of expense, unless it is exorbitant, should be taken into consideration. If we have a school that is fitted for 100 scholars, and it finally grows so that there is a demand for accommodations for 125, I think we should provide for 125 scholars at that school. If it is fitted for 90, and there are 100 scholars, I think we ought to have a school large enough to take care of 100. I do not think it is unreasonable or extravagant to do that.

Mr. PHELAN. Mr. President, in answer to the Senator from Kansas I desire to say that this school is far from a railway station and has a smaller enrollment, and that accounts for the per capita cost of it. The school building is in a dilapidated condition, unfit for use, and hence provision is made in this increase for a new schoolhouse. This seems to be an exceptional case, and there is perfect agreement and accord between the Senate Committee on Indian Affairs and the department, which is cognizant of all the facts and conditions in the case, and has not ordinarily been generous in making recommendations.

Mr. GRONNA. Mr. President, I agree with what the Senator from Vermont has said, that these Indians living in California are in scattered bands; that they are very poor and are very much in need of educational facilities. I am sure there is no one who is more interested in Indian affairs than the Senator from Kansas. He may, however, have overlooked the fact that these Indians have no property other than what the Government is now buying for them. As I said, they are scattered all over the mountains of the State; they are far away from cities, and the assistant commissioner was very anxious to have this appropriation made. He satisfied me that the appropriation is very badly needed.

Mr. CURTIS. If the Senator will yield, I will withdraw my objection.

Mr. GRONNA. I thought the Senator would withdraw it on further consideration.

Mr. LODGE. I should like to ask merely for information why is it that this charge per capita is so enormous?

Mr. GRONNA. I can answer the Senator. The reason is that the schools are small, and, of course, the overhead charges are necessarily very large.

Mr. LODGE. In the little town in which I live, which is near the large city of Lynn, with one of the best high schools in the State, we can send children to Lynn, pay the transportation, taking them over and bringing them back, and pay for their education at the Lynn High School for $125, and in the small high school we have in the town the per capita cost is decidedly much less.

Mr. GRONNA. If the Senator will allow me, I will say further that this is simply the beginning of the building up of these schools for these Indians. The lands have been bought recently for them. Of course there were some settlements where a few Indians have lived, but the Government has been constantly increasing the holdings and buying small tracts of land and adding to the Indian holdings, and of course the schools have been increased.

Mr. LODGE. The Senator from California said the building had been so much used that it had been worn out, so I supposed from that the school had been going for some time. But what strikes me is the enormous expenditure per capita. Why should it cost so much more per capita to educate children there?

Mr. ASHURST. Will the Senator from Massachusetts yield to me for a moment? In addition to what the Senator from California has said, I wish to read from page 199 of the House committee hearings, which will explain the reason for the increase.

Mr. LODGE. Then why did not the House committee put it in if it had it explained to them?

Mr. ASHURST. These reasons were given by the commissioner to the House committee.

Mr. LODGE. It does not seem to have convinced the House committee.

Mr. ASHURST. That may be, Mr. President, but nevertheless the Senate committee is convinced that the House committee was wrong, and I speak with great respect.

Mr. PHELAN. This is a corrective body.

Mr. LODGE. You will find the House rather difficult to correct in conference.

Mr. ASHURST. I will state to the Senator that this is a nonreservation boarding school.

Mr. LODGE. It is a boarding school?

Mr. ASHURST. Yes.

Mr. LODGE. That explains it, in a large measure. I supposed it was a day school.

Mr. ASHURST. The Assistant Commissioner of Indian Affairs said before the House committee:

A number of the Indians holding allotments on the public domain are under the jurisdiction of the superintendent. The Indian population approximates 2,500; 100 pupils, the same number as last year, are contemplated to be provided for from the same amount of money, $18,400; $8,000 is estimated for repairs and improvements, including the purchase of land for a school farm.

I will ask leave to read further, as follows:

This school has no tillable land, except a small garden. It has to buy milk, meat, potatoes, hay, oats, and other feed for its horses and other stock. The purchase of land for a school farm is one thing most needed to make the Greenville School what it should be, both from an economical and educational standpoint.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to insert:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available and to remain available until expended, reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid.

Mr. CURTIS. I move to strike out, in line 12, commencing with the word "reimbursable," down to the word "paid," in line 15, the reimbursable feature. These roads and bridges will be just as much an accommodation to the white settlers, and the Indians have no funds whatever.

Mr. ASHURST. I hope the amendment to the amendment will be agreed to.

The amendment to the amendment was agreed to.

Mr. SMOOT. I move to strike out the words "and to remain available until expended."

Mr. ASHURST. I have no objection to that.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Beginning with line 11, after "$10,000," strike out "to be immediately available and to remain available until expended," so that the paragraph will read:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Florida," in section 4, page 29, line 19, after the word "education," to strike out "$8,000" and insert "including the purchase of such land as the Secretary of the Interior may deem proper, $5,000," so as to make section 4 read:

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, including the purchase of such land as the Secretary of the Interior may deem proper, $5,000.

Mr. GALLINGER. Mr. President, this is a real shock to me. The committee has added the words "including the purchase of such land as the Secretary of the Interior may deem proper" and reduced the amount from $8,000 to $5,000. I suppose there is some good reason for it, but it is so unusual that really I should like to have an explanation.

Mr. CURTIS. Last year there was an unexpended balance of $2,000. The committee thought, and I think the assistant commissioner agreed with them, that with the unexpended balance of $2,000 and the $5,000 here appropriated the sum would be sufficient.

Mr. GALLINGER. I am glad to have some explanation of it. Neither of the Senators from Florida is on the floor to explain it to us, and I wanted some Senator to explain it.

Mr. MARTINE of New Jersey. It is in line with the Democratic policy, of course.

Mr. GALLINGER. It is clearly demonstrated throughout this bill that Democratic economy has been exercised.

The amendment was agreed to.

The next amendment was, under the head of "Idaho," in section 5, on page 30, line 2, after the word "system," to strike out "$25,000" and insert "$35,000," so as to make the clause read:

For improvement and maintenance and operation of the Fort Hall irrigation system, $35,000, reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation now or hereafter available.

Mr. GALLINGER. Democratic economy!

The amendment was agreed to.

The next amendment was, under the head of "Kansas," in section 6, on page 30, line 17, after "$12,500," to strike out "in all, $140,250" and insert "for barn, $8,000; in all, $148,250," so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvements, $12,500; for barn, $8,000; in all, $148,250.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

For the construction of bridges across Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans., $10,000, to be expended under the direction of the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the country of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson.

Mr. LODGE. Now, in regard to this amendment, to which I have no objection whatever, I notice that there are 750 Indian pupils at the Haskell Institute. Is that a boarding school?

Mr. CURTIS. It is a boarding school.

Mr. LODGE. That costs a little over $160 per capita, the Bidwell School over $300, and others $279. So I was not wrong in saying the price was extremely high at the Greenville School. Here we have a boarding school to compare with it.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," in section 8, on page 32, after line 3, to insert two paragraphs, and the Secretary read the first paragraph, as follows:

That the act of June 25, 1910, entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," be, and hereby is, amended so as to read as follows: "That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River Band or other band of Chippewa Indians residing in the State of Michigan have against the United States; and such suit or suits as may be instituted hereunder shall, if the convenience of the court admit, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

Mr. SUTHERLAND. Let me ask the chairman of the committee how many such suits are there likely to be?

The VICE PRESIDENT. The amendment has not been fully read. The remainder of the amendment will be read.

The Secretary read as follows:

SEC. 2. That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court exceed in amount such sum or sums as may have been fixed therefor under the terms of any contract entered into between the Indians and their attorney in conformity with section 2103 and the following of the Revised Statutes of the United States for the prosecution of their claim.

Mr. SMOOT. Mr. President, I desire to ask the Senator having the bill in charge if he will not allow those two items to go over until to-morrow morning?

Mr. TOWNSEND. Which two?

Mr. SMOOT. The two just read.

The VICE PRESIDENT. It is one amendment.

Mr. SMOOT. It is one amendment. I mean both the paragraphs. I simply want to look it up.

Mr. ASHURST. I hope the amendment will be agreed to.

Mr. SMOOT. We will take it up the first thing in the morning. There may be no objection to it at all.

Mr. SUTHERLAND. Before it goes over I should like to ask a question.

Mr. TOWNSEND. I would like to have it adopted and not go over.

Mr. SUTHERLAND. I should like to ask a question about it before it goes over. How many of those suits are there likely to be?

Mr. TOWNSEND. I do not know how many. There are not over two, as I recall it.

Mr. SUTHERLAND. Not more than two suits will be brought under this provision?

Mr. TOWNSEND. I thought the Senator referred to the number of items in the bill similar to this one. There probably would be only one suit brought under this provision. This is a claim the Indians have against the Government under treaties. The claim is recognized by the department, and it has had some difficulty in arriving at the facts.

Mr. SUTHERLAND. How much is involved?

Mr. TOWNSEND. There is great dispute about that. It may reach as much as $150,000.

Mr. SUTHERLAND. The reason why I made the inquiry was because it seems to imply that the suit may go to the Supreme Court of the United States. I feel anxious that we should not burden that court with small litigation.

Mr. TOWNSEND. I do not think it will reach that court.

Mr. ASHURST. Can we agree to the amendment this evening, and then I will ask that the bill be laid aside? Does the Senator from Utah want to have the amendment go over?

Mr. SMOOT. I ask that it may go over until to-morrow. We will commence with it the first thing when the bill is taken up to-morrow.

Mr. ASHURST. Then I ask that the bill be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is laid aside.

SELF-GOVERNMENT IN THE TROPICS (S. DOC. NO. 364).

Mr. CHILTON. I ask unanimous consent to submit a report from the Committee on Printing, and I call the attention of the Senator from New York [Mr. WADSWORTH] to it. I report back without amendment the following resolution, and ask that it be read.

The resolution (S. Res. 142) was read, as follows:

Resolved, That the manuscript submitted by the Senator from New York [Mr. WADSWORTH] on January 24, 1916, entitled "Self-Government in the Tropics," by Samuel L. Parrish, be printed as a Senate document.

Mr. WADSWORTH. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

THE NEW JURISPRUDENCE (S. DOC. NO. 365).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 143), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Ohio [Mr. POMERENE] on December 17, 1915, entitled "The New Jurisprudence," by Francis B. James, of Washington, D. C., be printed as a Senate document.

THE PETROLEUM RESOURCES (S. DOC. NO. 363).

Mr. CHILTON, from the Committee on Printing. I report the following resolution and ask that it be read.

The resolution (S. Res. 144) was read, as follows:

Resolved, That the manuscript submitted by the Senator from California [Mr. PHELAN] on March 9, 1916, entitled "The Exhaustion of the Petroleum Resources of the United States," by Mark L. Requa, consulting engineer of the Bureau of Mines, be printed as a Senate document.

Mr. SMOOT. It was impossible for me to be in the Committee on Printing this morning. I had to attend a meeting of the Committee on Finance and also of the Committee on Appropriations. I wish to ask the Senator reporting the resolution if he examined as to whether this article had been printed in part or in whole by any department of the Government?

Mr. PHELAN. We examined that.

Mr. CHILTON. It is an original document.

Mr. SMOOT. Then I have no objection to the resolution.

The resolution was considered by unanimous consent and agreed to.

CENTRAL HEATING AND POWER PLANT.

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 145), which was considered by unanimous consent and agreed to:

Resolved, That the manuscripts submitted by the Senator from Nevada [Mr. NEWLANDS] on March 4 and 14, 1916, entitled "Proposed central heating, lighting, and power plant," be printed as a Senate document, with illustrations.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. From the Committee on Printing I report favorably a concurrent resolution for which I ask present consideration.

The concurrent resolution (S. Con. Res. 18) was read, considered by unanimous consent, and agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Senate Report No. 166, Fifty-seventh Congress, first session, entitled "The improvement of the park system of the District of Columbia," of which 500 shall be for the use of the Senate and 500 for the use of the House of Representatives.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Friday, March 24, 1916, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23, 1916.

SURVEYOR GENERAL.

William A. Lynch to be surveyor general of South Dakota.

PROMOTIONS IN THE NAVY.

The following-named officers to be lieutenants:
John H. Hoover,
Louis H. Maxfield,
Raymond F. Frellsen,
Alfred W. Atkins,
Philip H. Hammond,
Claud A. Jones,
Harry Campbell,
George W. Kenyon,
Allan S. Farquhar,
Lucien F. Kimball,
Harvey W. McCormack,
Harold M. Bemis,
Ernest D. McWhorter,
John M. Schelling,
Bert B. Taylor,
William O. Wallace,
Frank R. King,
Bruce R. Ware, jr.,
Carl T. Osburn,
William S. Farber, and
Archibald D. Turnbull.

Lieut. (Junior Grade) Charles W. Crosse to be a lieutenant.

Asst. Surg. William E. Findeisen to be a passed assistant surgeon.

The following-named officers to be paymasters:
Fred W. Holt,
Walter D. Sharp,
Raymond B. Westlake,
John M. Hancock,
George R. Crapo,
Benjamin H. Brooke,
William N. Hughes,
John N. Jordan, and
Harold W. Browning.

Boatswain William R. Buechner to be a chief boatswain.

Boatswain James J. O'Brien to be a chief boatswain.

The following-named gunners to be chief gunners:
Arthur B. Dorsey,
Arthur D. Freshman,
Edward Wenk,
Frank C. Wisker, and
David P. Henderson.

The following-named machinists to be chief machinists:
Frank Smith,
Ralph G. Moody,
John McN. D. Knowles, and
Ernest W. Dobie.

Asst. Paymaster John D. P. Hodapp, with the rank of ensign, to be an assistant paymaster with the rank of lieutenant (junior grade).

POSTMASTERS.

ALASKA.

Z. M. Bradford, Juneau.

CALIFORNIA.

D. H. Fallon, Pleasanton.

COLORADO.

W. E. King, Sterling.

CONNECTICUT.

Harry W. Crane, Wethersfield.
George Forster, Rockville.

ILLINOIS.

C. E. Fort, Stronghurst.
Kate M. Weis, Teutopolis.

KANSAS.

John Q. Adams, Stockton.
Edward E. Hanna, Axtell.
James P. Newman, Galesburg.
Charles L. Smith, Baxter Springs.

MAINE.

Charles A. Churchill, Rockport.
George B. McMennamin, Rumford.

MICHIGAN.

James A. Hull, Oscoda.

MISSOURI.

Joseph A. Voelker, Clyde.
Collins J. Johnson, Palmyra.

NEBRASKA.

Benjamin A. Brewster, Chadron.

NEW YORK.

Thomas A. Meeker, Waterford.
John E. Townsend, Poughkeepsie.

NORTH DAKOTA.

Minnie Clabaugh, Fairmount.

OHIO.

C. W. Hodges, Mount Sterling.

OKLAHOMA.

George L. Powell, Cement.

OREGON.

J. W. Leneve, Coquille.

PENNSYLVANIA.

Andrew J. Palm, Meadville.
A. S. Knepp, North East.

SOUTH CAROLINA.

James M. Byrd, Branchville.
Charles J. Shannon, Camden.

SOUTH DAKOTA.

Daniel M. Smith, Humboldt.
Leroy F. Lemert, Spencer.

WASHINGTON.

Frederick W. Reuter, Cheney.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 23, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who hast ever been a potent factor in shaping and guiding the affairs of men; in every crisis of the world's history Thou hast brought forth the man of the hour, who guided by the star of destiny as Moses was guided by the fiery, cloudy pillar when he led the children of Israel out of bondage into the promised land, we most fervently pray that Thou wilt bring forth the man of the hour in the present crisis which not only touches every home in the war zone but affects the peoples of all the world, that he may move the minds and hearts of those who are responsible for the terrible conflict and guide them to a peaceful solution of their problems; and God grant that a world-wide peace may obtain forever and aye. And everlasting praise shall be Thine in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE COLUMBUS RAID.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from Marcus M. Marshall, giving an account of Villa's raid on Columbus, which is vouched for by the New York Times.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a letter from Marcus M. Marshall touching the Villa raid on Columbus. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy.

The message also announced that the Senate had agreed to the conference reports on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12766.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. HAY. Mr. Chairman, I understand that a point of order is pending against the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN], and I would like to have that disposed of first.

The CHAIRMAN. There is a point of order pending on the amendment offered by the gentleman from Michigan.

Mr. MCLAUGHLIN. Mr. Chairman, I ask unanimous consent to send to the desk and have read another draft of the amendment that I presented. There were some slight errors in the hurried draft of the other.

Mr. HAY. I did not quite understand the gentleman.

Mr. MCLAUGHLIN. I want to offer another amendment in lieu of this one, to correct a few slight errors that were made on account of the hurried manner in which the amendment was drafted.

Mr. HAY. The gentleman asks unanimous consent to withdraw his other amendment?

Mr. MCLAUGHLIN. I ask unanimous consent to withdraw the other amendment and submit this.

The CHAIRMAN. Is there objection to the gentleman's withdrawing his amendment?

There was no objection.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Page 52, line 10, at the end of the line add the following:

"*And provided further*, That no part of any appropriation made under or by virtue of this act after the year 1920 shall be had for the purpose of compensating any organization of the National Guard, or any of the officers or enlisted men thereof, in any State or Territory which shall by law or otherwise provide for or permit the use of the National Guard, or any part thereof, in connection with any strike of employees of any railroad, mine, or factory, who shall strike for the purpose of obtaining an increase of wages or a change of terms or condition of employment."

Mr. HAY. Mr. Chairman, I renew my point of order.

The CHAIRMAN (Mr. KEATING). The determination of this point of order will go over until after the hour's debate upon the amendment offered by the gentleman from Massachusetts [Mr. GARDNER]. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Strike out section 75 and insert the following:

"SEC. 75. The Volunteer Army. The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled 'An act to provide for raising the volunteer forces of the United States in time of actual or threatened war,' approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

"Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

"Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more."

The CHAIRMAN. Under the agreement made before the House adjourned yesterday, debate on this amendment is limited to one hour—30 minutes of which is to be controlled by the gentleman from Virginia [Mr. HAY] and 30 minutes by the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, practically all military authorities agree that if our fleet should be bottled up or defeated we should need 500,000 completely trained soldiers to stop the rush of invasion until partially trained or untrained troops could be got into condition. Now, the question is, Where are these 500,000 fully trained men to come from? In the bill I introduced sometime ago, which contained the War College plan, it was provided that these men were to be drawn from a fairly good-sized Regular Army and from a force of former Regulars known as the reserve of the Regular Army. On the other hand, Secretary Garrison felt that our first line ought to be made up of the available field force of a small Regular Army of 135,000 men, a continental army of 400,000 partially trained men to make up the balance.

The theory of the Hay bill, which we are now considering, is that our first line of Army defense should be composed of the available field force of a Regular Army of 140,000 men, together with 60,000 Regular reservists, the balance to be drawn from the partially trained men of the National Guard, federalized, so far as is possible to federalize the National Guard, under the Constitution of the United States.

Now, recognizing the fact, as I do, that it is impossible in the present Congress to secure a Regular Army large enough, with its reserves, to produce ultimately a first line of 500,000 fully trained men, I have introduced, as an amendment to this bill, paragraph 56 of the Chamberlain Senate Army bill. This paragraph provides for a national or Federal militia or Volunteer Army, as Senator CHAMBERLAIN calls it. This Volunteer Army is to be partially trained in time of peace, so that in time of war it may, with such Regulars as we may be able to get together, make up the first line of defense should our Navy be bottled up or swept out of the way. Of course, it must not be forgotten that a great part of our Regular Army will be used up in manning our coast fortifications and in our overseas garrisons.

There are two kinds of armed citizenry contemplated by the Constitution. One of them is the kind of armed citizenry known at present as the National Guard or State militia. It is national only in name. It is organized under authority of what is known as the militia clause of the Constitution. The other kind of armed citizenry is the force which in time of war is known as the Volunteer Army. Volunteer armies are organized under that clause of the Constitution of the United States which grants to Congress the power to raise armies. My amendment strikes out the section of the Hay bill which proposes that the National Government shall pay the separate National Guards of all the States, the 48 little armies, as they are sometimes called. Instead, my amendment provides for the creation of a real Federal national militia or guard, to be controlled from top to toe by Uncle Sam alone.

The Hay bill proposes that we shall raise our citizen army under the militia clause of the Constitution. One of the principal objects to be gained by that step is that an armed body raised under the militia clause is, in Chairman HAY's opinion, capable of performing two separate functions, one of them a State function and one of them a national function.

State militia or National Guards, as we call them, may be used either as a State constabulary or as part of the National Army in the event of war; but hitherto, before National Guardsmen could be used outside the limits of the United States, it was necessary for them to volunteer as individuals for national service. This is what happened at the outbreak of the War with Spain. The Hay bill seeks to overcome this difficulty by providing that National Guardsmen are to be drafted into the national service in case of war.

If you adopt the principle contained in my amendment, you will base your citizen army on the other clause of the Constitution, to wit, the clause which gives Congress the power to raise armies. In that case the national militia or Volunteer Army, as it is called in the Chamberlain amendment, which I have just offered, will be organized to serve a single purpose. It will not be possible to use it as a constabulary in time of peace, but simply and solely as a Federal force in case of war. The advantage is that there will be no training by State authorities, no police duty to perform, no local politics in the choice of officers, and no necessity for a draft in time of war. From first to last the citizen army will be under Uncle Sam and under Uncle Sam alone.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GORDON. The clause of the Constitution which the gentleman has quoted follows the one authorizing Congress to declare war, does it not?

Mr. GARDNER. I do not recollect. Mr. Chairman, whether you organize your citizen force under the Hay bill, which we will call the proposition for near federalizing the National Guard, or whether you organize your citizen force under the Chamberlain amendment, which provides for a straight-out Federal militia, in either case you will not destroy the territorial units of our present so-called National Guard. In the course of a short while, whichever way our secondary Army is organized, practically the same individual men and practically the same individual officers will be included in the force. The difference will be this: Take my old regiment, for instance. Organized under the Hay bill it would probably be known as the Eighth Infantry, Massachusetts Militia, or Eighth Infantry, Massachusetts National Guard. On the other hand, organized under the Chamberlain amendment for a volunteer army, the regiment would be known as the Eighth Massachusetts Infantry. This is the same distinction which was made in the Spanish War when a regiment passed from the status of a militia regiment to the status of United States Volunteers. This amendment which I am offering would ultimately, if it became law, give us a citizen army of 261,000 men. Under its terms the President would be given entire control so that he might annually require the troops to train for one week or for two weeks or for a month. He would have the power to order this volunteer army to be trained entirely out of doors or partially in doors. In fact, if such a force were now in existence, the President could at once order it into Mexico to maintain the line of communication for the Regular troops which now are there.

All through our history there has been a divided control over our militia. When war has come upon us both the Nation and the various States have claimed jurisdiction. When Uncle Sam has given to the militia the order, "Forward, march," it has too often been the case that the States or the militiamen themselves have cried "Halt!" Such was notably the case in the War of 1812, and, to some extent, even in the Spanish-American War. I am not prepared to say that we can enlist 261,000 citizen soldiers either under this Chamberlain amendment or under any other system; that is to say, I am by no means sure that in the near future we shall find 261,000 citizens willing to sacrifice the time required for a complete course of training. I myself believe in a Regular Army of 250,000 to 300,000 men, and I believe in compulsory military training for the youth of this land, so that when war comes our Volunteers may be trained Volunteers instead of raw recruits. Recognizing, however, that at present it is necessary to make an attempt at organizing a citizen soldiery without any form of compulsion, I am anxious that that citizen soldiery shall be absolutely severed from State control.

Recently we passed legislation increasing our Regular Army by 20,000. Unfortunately, the young men of the country are betraying no anxiety to enlist for the purpose of filling those vacancies. We are told, however, that all over the land National Guardsmen are straining at the leash to go to Mexico. Mr. Chairman, I doubt it. I confess that if I were a member of the National Guard I myself should not be any too anxious to take part in such a dreary task. I very much doubt whether our National Guardsmen are straining at the leash to be sent into the cactus bushes of Mexico. If so, they have only to enlist in the Regular Army and, if they can really boast of any adequate training, they will speedily find themselves on the line of communications in Mexico.

If Congress were to pass this amendment of mine—or, rather, Senator CHAMBERLAIN'S—here is what I should advocate in time of peril or exigency: I should grant to the President of the United States the power to pay bounties to get those national volunteers. That reminds me that I have here some figures in the matter of bounties paid during the Civil War.

The gentleman from Illinois [Mr. CANNON] on March 21 presented us with figures prepared by the Commissioner of Pensions, Mr. G. M. Saltzgaber, estimating that there were about 2,213,365 different individuals who enlisted in the Northern Army in the Civil War. Of course the total Union enlistments ran a good deal higher than that in actual numbers, because in many cases there were reenlistments. Livermore, in "Numbers and Losses in the Civil War in America," reckons the total Union enlistments, counting duplicates, at 2,898,304. I hold in my had a letter from The Adjutant General, which shows that out of those soldiers in the Northern Army in the Civil War no less than 1,722,690 received a bounty from the United States, without reckoning the State and local bounties. The amount of

bounty paid out by the United States was $300,223,500. Here is the letter:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 4, 1915.

Hon. A. P. GARDNER,
House of Representatives.

SIR: In further response to your letter of the 27th ultimo, in which you request to be furnished with any information which would indicate the numbers of northern and southern soldiers who received pecuniary inducements to enlist, either in the form of national bounties, State bounties, or substitute money, and of the number of men who were drafted to serve as soldiers, the number who responded to the draft, and the number who furnished substitutes, I am directed by the Secretary of War to submit for your information the following statement:

SOLDIERS OF THE UNITED STATES ARMY—NATIONAL BOUNTIES.

In an estimate of the number of men to whom United States bounty has been paid from May 3, 1861, to the end of the war, printed in the final report of the Provost Marshal General (Ex. Doc. No. 1, House of Representatives, 39th Cong., 1st sess., vol. 4), the total number of such men is given as 1,722,690 and the total amount of bounty paid to them as $300,223,500.

STATE AND LOCAL BOUNTIES.

This department has no data regarding State and local bounties prior to 1863. Such information as the department has been able to obtain from the State and local authorities on the subject is contained in the Official Records of the Union and Confederate Armies, series 111, volume 5, pages 740–749.

DRAFTED MEN AND SUBSTITUTES.

The records show that the number of men drafted from the States and Territories during the Civil War under the enrollment act of March 3, 1863, was 776,829, and that this number is accounted for as follows:

Failed to report	161,244
Discharged, quota full	46,101
Discharged by order	47,297
Exempted	315,509
Furnished substitutes	73,607
Paid commutation	86,724
Held to service	46,347

It appears from the above table that 73,607 substitutes were furnished by persons drafted in the Civil War, but no data are in the possession of the department showing the amounts paid to these substitutes.

SOLDIERS OF THE CONFEDERATE STATES ARMY.

Such information as is in the possession of the department in regard to bounties paid to Confederate soldiers has been published in the Official Records of the Union and Confederate Armies, Series IV, Volume I, pages 825–827, 903, 944, and 1096; Volume II, page 205; Volume III, pages 184 and 1000. From what is there shown it appears that a bounty of $50 was provided for in an act of the Confederate Congress, approved December 11, 1861, and that in another act approved February 17, 1864, it was provided that at the expiration of six months from April 1, 1864, a bounty of $100 in 6 per cent Confederate Government bonds was to be paid to every enlisted man then in service, or, in case of his death previous to such payment, to his legal heirs.

The publications hereinbefore referred to are no doubt readily accessible to you in the Library of Congress.

Very respectfully,
HENRY P. MCCAIN,
The Adjutant General.

My objection to the Hay plan of building up a national citizen army upon the basis of the National Guard, under the militia clause of the Constitution, is that it results in two great handicaps to efficiency. One of them is the divided control, and the other is the constitutional limitation on the use of the citizen army so organized. The divided control results from the fact that the Constitution reserves to the States the right to choose the officers for the militia, and also reserves to the States the right to train the militia under regulations to be prescribed by Congress. Moreover, in times of peace a National Guard made up of the so-called federalized National Guard of the 48 different States will be commanded by 48 different governors, and must therefore consist of 48 different armies. So much for divided control.

Now, as to the limitations on the uses to which the militia may be put in case the Nation seeks to use it in time of danger or stress.

Under the Constitution the Congress of the United States can call out the militia to suppress insurrections, to execute the laws of the United States, and to repel invasions; but the Constitution gives us no power to call out that militia to invade a foreign country, such as Mexico or Canada or Cuba. The Hay bill ingeniously endeavors to obviate that constitutional difficulty of divided control and also that constitutional difficulty of limited use. I shall explain all that presently; but, first, I wish to say a word about the results of divided control and limited use in the past. Probably you all know that in the Revolution it was very hard to get volunteers to serve outside the States from which they came, but in the war of 1812 matters came to a head. I am sorry to say that my own State of Massachusetts and the State of Connecticut behaved in a highly hyphenated way. They would not, either of them, furnish troops to fill their quota to fight Great Britain. Subsequently the governor of Vermont did not make as bad a showing, but the individual soldiers of Vermont crossed Lake Champlain and took part in the fighting. The militia of various States on several different occasions, when ordered to invade Canada, refused to do so, resting on their constitutional rights. I shall insert in the RECORD three articles written by former Secretary of War Henry L. Stimson. The articles deal with the Hay bill. In article No. 3 appears a detailed statement of these refusals on the part of our militiamen to cross the Canadian border in the War of 1812.

Now, of course, the Hay bill undertakes, as much of our legislation has undertaken in the past, to obviate the difficulties arising from the conflict between National and State control of our militia. The framers of the Hay bill feel that a refusal of the militia to obey orders will never occur again, because they have inserted a provision directing a draft of these militiamen into the service of the United States in the event of war.

Now, I think that many good lawyers believe this particular feature of the Hay bill is constitutional. That is a good deal more than can be said about the other features of the bill which undertake to obviate the difficulties arising from divided control in time of peace. Be that as it may, when Uncle Sam gives the order to march in time of war it is a little late in the day to decide constitutional questions. I should a good deal rather have an Army of trained citizens whose constitutional status was not a subject of controversy. That is why I introduced the Chamberlain amendment.

When Uncle Sam wants troops in time of war, I do not want his summons to the colors to be answered by an alibi and a search warrant or by a mandamus or by quo warranto proceedings, or whatever the legal processes are—not being a lawyer I do not know. As to the training of militia in time of peace, that is still left with the States under the Hay plan for near federalization. To be sure, it is left to the States under such regulation as the Nation may lay down; but nevertheless the responsibility rests with 48 different States. I admit that in the Hay bill there are provisions which are intended to make it impossible for a State to select an unfit officer; but there is necessarily a very great latitude in determining the fitness of an officer. It can not always be ascertained by a written examination. The framers of this bill hope to compel efficiency by the power of the pocketbook. By money payments they expect to force the various States of the Union to drill, discipline, and maintain their troops in accordance with the ideas of the National Government as to how a citizen army ought to be drilled, disciplined, and maintained. This bill, in effect, says to the 48 States: "We will not pay you a single cent if you do not come up to the national standard which we shall set for you." I do not believe that any such plan will prove effective so long as the commander in chief of each one of these small armies is a different governor and so long as all the officers are State controlled.

Uncle Sam may scold, Uncle Sam may threaten to fine, he may, as a last resort, order that some State shall be deprived of ordnance or of artillery or of military supplies of some sort. How many of us who have had practical experience of Uncle Sam's relations with the various States honestly believe that those threats will be carried out?

If Uncle Sam really started to punish your State or mine, Mr. Chairman, how quickly we should start a scramble to prevent our States undergoing treatment which probably they might richly deserve. The proof of all this is that to-day, in spite of all our laws designed to bring up the standard of our citizen soldiery, there are only eight States in the Union which have anywhere nearly an efficient National Guard.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 20 minutes.

Mr. GARDNER. I have 10 minutes which I desire to yield to other gentlemen.

The articles by former Secretary of War Stimson which I desire to incorporate are as follows:

[From the New York Times, Mar. 20, 1916.]

H. L. STIMSON ANALYZES THE ARMY BILLS—THE ADDITIONS TO OUR LAND FORCES NOW BEING CONSIDERED BY THE SENATE AND HOUSE.

[By Henry L. Stimson, Secretary of War in President Taft's Cabinet.]

(First article.)

MARCH 15, 1916.

To the EDITOR OF THE NEW YORK TIMES:

You have courteously asked me for an expression of my views in regard to the military bills now pending before Congress. I am glad to comply, although any such expression must necessarily deal only with the salient points of a very complicated mass of proposed legislation.

At no time since the beginning of the Government has there been such fundamental and general overhauling among thinking people throughout the world of the postulates of military system and policy. The great European war has driven home to us even in America the fact that the last half century has completely revolutionized national methods of making war. As a consequence the foundations of our own policy have been submitted to a scrutiny and criticism which they probably have not received before, even in the stress of our own wars.

Unfortunately, the effect of this has been manifested in Congress later and less thoroughly than among the people of our Atlantic sea-

board, and thus, though the pending bills show the beneficial results of the agitation, it has not been sufficient to save us from some fundamental errors.

AS TO THE REGULAR ARMY.

So far as the Regular Army is concerned, the agitation for preparedness has had on the whole gratifying results. Mr. HAY, of the House, who originally proposed to add no new regimental units in the Army, but merely to raise the number of enlisted men in the existing regiments, has now reported a bill which contains increases substantially corresponding with Secretary Garrison's recommendations. Mr. CHAMBERLAIN, from the Senate, goes much further and reports a bill which presents substantially the increase recommended by the General Staff. If the House bill becomes law, we shall have 10 new regiments of infantry and 6 new regiments of field artillery, besides 15 new companies of engineers and 52 new companies of coast artillery. If the Senate bill becomes law, we shall have 34 new regiments of infantry, 10 new regiments of cavalry, and 15 new regiments of field artillery, besides 92 additional companies of coast artillery and 6 entirely new regiments of engineers. Mr. HAY'S bill would give us, within the continental United States, three Infantry divisions and one Cavalry division, besides an additional Cavalry brigade. This is the same number of tactical organizations which we have at present, but our present divisions are partly skeletonized and lack the requisite number of regiments to make them complete. Mr. HAY'S additions would complete them.

Mr. CHAMBERLAIN'S bill would give us, within the United States, four Infantry divisions and two Cavalry divisions. A fair argument can be made for each of these propositions. Having in mind merely the military needs of the country, preference should be given without hesitation to the larger proposal. The Regular Army under both plans is to be our first line of defense, and in our rapidly growing country a mobile force inside the United States of four divisions of Infantry and two divisions of Cavalry, of from 100,000 to 140,000 men, according as the units are at peace or war strength, is certainly none too large for that purpose.

The reasons which are cited against the larger and in favor of the smaller proposal are, first, the supposed impossibility of recruiting under our voluntary system the additional men neecssary for Senator CHAMBERLAIN'S proposal, and, second, the fact that we have not in existence sufficient accommodations in our posts for such a number and that the cost of building such accommodations would be very great. The Senate bill proposes to meet the first of these difficulties by changing our faulty enlistment law so as to permit men to be furloughed into the reserve after two years' service, or even after one year in the case of such men as are reported as proficient and sufficiently trained by their company commanders. Our present law requires a maximum of four years and a minimum of three years with the colors before they can be so furloughed. Experiments have been made with provisional companies, troops, and batteries of the Regular Army which have indicated that not only can the men be sufficiently trained within the shorter period but that there can be developed in this way a much greater interest and stimulus among both the men and their officers. Most of our progressive officers believe that under such a system of reward for proficiency and good conduct the Regular Army might be made to appeal to a class of men which it does not now reach, and that enlistments would be very greatly increased if these better men felt that by applying themselves diligently they could get the requisite training and an honorable discharge after a year's service. I have long been of that opinion myself, and I believe that this is one of the strong points in favor of the Senate bill.

So far as the difficulties of housing the Army are concerned I am inclined to think that this could be made a blessing in disguise. It would make it necessary for us to devise a system of housing large masses of troops in cantonments instead of supporting them at many small and expensive posts. We faced just such a problem when we mobilized a division on the Mexican border at Galveston, in 1913, and we solved it with fair satisfaction and with comparatively little expense. Although placed in a very uncomfortable situation, owing to the military exigencies of the mobilization, the men and officers built their own cantonments, and the bulk of them have remained on the border ever since.

If we had to face the problem of housing an additional division or two of troops it would necessarily force us to house them in a more practical and less expensive way than at present. And it would result, in my opinion, in the new units being kept together instead of scattered. This would be an incalculable advantage from the military standpoints of training, discipline, and usefulness.

RESERVE OFFICERS.

One of the great needs which have been made clear by the public discussion of military matters of the last year has been our shortage of officers and the necessity of establishing a system of reserve officers upon which the President can call in case of war, both to take junior positions in the Regular Army and to help officer the volunteer, or citizen army, upon which the Nation must rely in any serious emergency. Both the Senate and the House bills have provisions for establishing such a reserve officers' corps, but each follows a different method. The Senate bill provides for the organization of courses at our universities and colleges and other educational institutions at which students may receive either elective or compulsory instruction in military training under officers of the Army detailed as professors of military science and tactics.

It then provides for reserve officers' training camps, where such students can receive further training out of doors, and finally provides for temporary commissions as second lieutenants in the Regular Army, by which such reserve officers can be given practical instruction in that best of all schools—the Regular Army—for a period not exceeding six months.

The House bill, on the other hand, provides for the establishment of 30 cadet companies to be attached to the various branches of the Army, in each of which from 50 to 100 cadets, between the ages of 20 and 27 years, and recruited from officers of the National Guard and graduates of educuational institutions to which Regular officers are detailed to give instruction, can receive a year's training, after which they at once become members of the officers' reserve corps.

While it is, perhaps, a fair matter of argument as to the merits of either system, I am personally inclined to the belief that more satisfactory results will be obtained through the Senate program. It seems to me that it will appeal to a more broadly and better-educated class of men, and that it will permit more intensive as well as more flexible training. A member of a cadet company who is trained for a year straight in such a company must necessarily spend a large part of that year in garrison or posts where much of the duty to be performed is mechanical and a matter of routine. While it is important that every officer should be thoroughly grounded in such duties it is also true that with the class of men which we should hope to get as reserve officers the time spent in such routine and garrison duty need not be nearly so long as is necessary to train recruits of a less intelligent class. It is much more important that we should get for our reserve officers a class of men who not only have the capacity for the higher branches of study which are now so necessary in modern warfare but who have spent a requisite amount of time on such matters rather than on mere garrison drill.

Finally, the chance of serving for six months as an officer in the Regular Army, which is provided by the Senate bill, will give a training in responsibility to a serious and ambitious man which service in a cadet company could not possibly do.

The foregoing, I think, are the most salient provisions of the bill, so far as they concern the Regular Army. There are other features in each bill which are of great importance, but for the most part they are not matters of general interest. The Senate bill provides for a tactical organization by brigades and divisions. It increases the number of the General Staff, and provides for additional general officers of the line. These are all good provisions. On the other hand, the numbers which it prescribes for certain units, particularly in the case of machine-gun companies and troops, are much below those indicated as necessary by the experience of the European war, and in this respect the Senate bill is inferior to the House bill. On the other hand, the House bill, in providing for admission to the Regular Army of new officers of the grade of second lieutenants, gives a preference to officers of the National Guard over enlisted men of the Regular Army and members of the officers' reserve corps. This is a reversal of the present law, and I do not believe it is just to the enlisted men in the Army. Under the House bill enlisted men are also required to take examinations for commissions, while no such requirement seems to be exacted of officers of the National Guard. As a rule, candidates for a commission who have served an enlistment in the Regular Army are better grounded in the rudiments of the training necessary for a junior officer than are officers of the National Guard. As the bill now stands it would be quite possible for a man to obtain an election as an officer of a National Guard organization and then to enter the Army practically without examination, taking precedence over specially qualified enlisted candidates and over members of the officers' reserve corps. I think this is unsound, and would tend to break down the provisions for officers' training, which the bill in other portions seeks to establish.

The House bill also contains some provisions, particularly in section 8, which will tend to narrow and restrict the wise system of detail in the staff departments and would thus tend to a reversion to the system of permanent departmental staffs which existed before the Spanish War and which was terminated by the reforms of Secretary Root.

Taken as a whole, therefore, the general treatment of the Regular Army and its problems by both bills is an improvement over existing legislation and would tend to give us a larger and better Regular Army than we could have expected a little while ago. Provisions of the Senate bill follow much more closely the recommendations and views of our military advisers, the General Staff, and that bill, while far from perfect, is consequently more free from imperfections than the other.

HENRY L. STIMSON.

[From the New York Times, Mar. 21, 1916.]

THE PROPOSALS TO "FEDERALIZE" THE MILITIA—WHEREIN THE BILLS BEFORE THE SENATE AND HOUSE FAIL TO PROVIDE THE MEASURE OF DEFENSE NEEDED.

[By Henry L. Stimson, Secretary of War in President Taft's Cabinet.]

(Second article.)

NEW YORK, *March 17, 1916.*

To the EDITOR OF THE NEW YORK TIMES:

In my previous letter I discussed the provisions of the bills pending before Congress relating to the Regular Army. What I regard as the most serious and dangerous provisions in the proposed legislation are found in the remaining portions of the bills which relate to our citizen soldiery. This is also the most important part of the program of national defense. The function of the Regular Army in the scheme of national defense is narrow. It is the nucleus and pattern with the aid of which we are to train our citizen soldiers, and it is to serve as the meager first line to delay and hold off an invasion while the citizen forces are mobilizing. The ultimate safety of the country has always depended and must in future depend upon the efforts of men who are not professionals, but citizens leaving civil pursuits to serve their country in time of war.

Our Federal Constitution provides clearly for two classes of soldiery—the one national and the other local; the one organized and controlled exclusively by the National Government, the other primarily a force which belongs to the separate States, although it is subject to national use under certain conditions. The power to raise national forces is broad enough to include all kinds of soldiery, both professional and citizen. Under it we support our Regular Army and under it, in nearly all our wars, we have raised forces of citizen soldiers either as volunteers or under the draft. Gen. Upton, our foremost military writer, speaks of this constitutional authority as "unqualified" and as giving "every war power that the most despotic ruler could ask."

On the other hand, the authority given by the Constitution over the local forces or militia of the several States is narrow and restricted. They can only be called into the service of the General Government for three purposes, namely, "to execute the laws of the Union, suppress insurrections, and repel invasions." Congress has power only to enact the general statutes providing for their organization, arms, and discipline, while to the States is intrusted the administration of such statutes and to the States is reserved expressly the power of appointing the officers and training the men While the President is the Commander in Chief of our national forces at all times under the Constitution, he commands the militia only when "called into the actual service of the United States."

This distinction between local and national forces goes back to the very beginning of the Government, and as the country has grown larger the necessity for the distinction has grown more acute. There have always been men in the country who while they could and would serve for home defense nevertheless found it a great hardship, owing to their business or domestic ties, to undertake to serve anywhere and under all conditions. On the other hand, there always have been other men, usually younger, to whom the distinction was of no such importance. I think it is safe to say that to-day, when the New York Militia are confronted with the possibility of being sent 2,000 miles away to the Rio Grande, this old question presents itself to the various men of those organizations in quite as sharp colors as it did in the Revolution, when the militia of New England was reluctant to serve in New York and Washington was writing to Joseph Reed of the "desire of retiring into a

chimney corner" which had "seized the troops of New Hampshire, Rhode Island, and Massachusetts."

The very training of our militia has taken on a character suited for home-defense troops with domestic ties rather than for national troops. We drill them at night once a week in the armory, instead of sending them out into the field for several months of consecutive, intensive training, and have thus adopted a way which is the least effective method of teaching a man to be a soldier.

Now, the European war has suddenly brought us face to face with the fact that we must have a national force of citizen soldiery, trained in time of peace to stand behind the Regular Army in time of war, whenever and wherever it may be needed. We have suddenly learned that the progress of military science makes it impossible for us any longer to wait until the outbreak of war before we begin to train and discipline such a citizen army. At the same time the experience of our young men in the students' and business men's camps has shown that there are thousands of Americans outside of the militia ready to make the sacrifice necessary for such preparation, and that, under the conditions of intensive training in the field and under the guidance of Regular officers, they can make greater progress in learning how to be soldiers in even one month than they can in three years of weekly armory drills in the militia.

Under these circumstances the natural and constitutional method to follow would clearly seem to be to establish a force of national volunteers under the national powers of the Constitution, leaving it free for such units of the National Guard as may desire to do so to transfer themselves from the militia to this new force, while the others, composed perhaps of a different class of men, retain their old status of militia and play their old part as a home defense.

There ought to be no real antagonism between these two classes of citizen soldiery, and I do not believe there would be. Each would have a separate and an honorable part to play in the scheme of national defense, and each could do it without either straining the Constitution or disrupting the occupations of their respective members. The men who were young and foot free would naturally go into the national soldiery; the men who were older and more tied down would remain in the militia.

Instead, however, of taking this apparently simple and natural course, both the Senate and House bills contain elaborate provisions aimed to "federalize" the militia.

By this it is proposed that we shall still retain them as militia, and yet will try to increase the power of the Federal Government over them, so that we can use them as first-line national forces.

In their attempt to do this it is inevitable that the authors have inserted many provisions whose constitutionality—to put it most mildly—is very doubtful. The whole effort is an attempt to give the central Government an authority over the militia which it has not been hitherto believed to have.

But for the purpose of this discussion I shall not argue any of these doubtful question, but shall only endeavor to point out that under the restrictions of the Constitution, which are admitted and clear, such an attempt will be a failure in its results from a military standpoint. It will not provide the measure of national defense which, in this year of grace 1916, we are all aiming to get.

The two perfectly clear limitations which the Constitution puts upon the use of these State troops by the central Government are, first, that they can only be used by the Federal Government for the three purposes above mentioned, and, second, that they are under the direct command and control of the President only in time of war after they have been called into the service of the United States; that in other times they are under the command of the governors of the separate States. These two limitations, divided control and limited use, are violative of the first principles of military efficiency as applied to a national army. We do not have to speculate about this or to argue from the experience of other nations. We have tried it ourselves in our own history under the same Constitution and with the same divided control over our militia with results so disastrous that it seems inconceivable that we should want to make such a system the keystone of our arch of national defense. We tried to fight the war of 1812 in a large part with militia, and it was the most disastrous war in our history. On April 10, 1812, Congress authorized the President to call upon the governors of the States for 80,000 militia. The war of 1812 against England was unpopular in New England—just as a war here against any one of the European nations would be unpopular in certain parts of the country. The governors of Massachusetts and Connecticut refused to furnish their quota or to obey the President's call. They were backed up in this by the Supreme Court of Massachusetts, which held that the State authorities and not the President were to judge whether the exigency requiring the services of these militia existed. A quarter of a century later the Supreme Court of the United States decided this question contrary to the Supreme Court of Massachusetts, but that was a matter of cold comfort when an enemy was threatening and the troops were needed. The same practical difficulty would exist to-day in case the authorities of any State refused. What is needed under such circumstances is not a lawsuit or a writ of mandamus, but the undisputed authority of a single commander in chief to order the men to obey on the pain of death, and no such power exists in the President of the United States over militia troops which are not yet in his service.

In September, 1814, a British force invaded New York and began an attack on Plattsburg. The American commander, Gen. Macomb, called upon the governor of Vermont to send troops to his assistance from across the lake. This governor, Martin Chittenden, was an opponent of the war. He declined to comply. The Vermont militia were anxious to go to the help of their compatriots but could get no order to do so. In the language of the historian Ingersoll:

"An officer of the militia, Gen. Newell, tendered his brigade to the governor to repair to Plattsburg or anywhere else to oppose the enemy, to which the governor's cold-blooded answer was that he had no authority to order the militia to leave the State. On the 6th day of September the cannonade then begun was distinctly audible at Burlington and at Gov. Chittenden's residence at Jericho. But housed and recreant there, the chief magistrate still held off when the people on their own spontaneous motion in numbers crossed the lake and following the cannonade hurried to Plattsburg without distinction of party to tender their services for their country."

Unfortunately the militia were not always as patriotic as these men of Vermont. On October 13, 1812, Gen. Van Rensselaer had assembled a force consisting of about 900 Regulars and 2,270 militia on the New York side of the Niagara River for the purpose of attacking a British fort across the river on Queenstown Heights. Early in the morning he sent over the Regulars and a few of the militia to surprise the British. The attack was completely successful and the Americans took possession of the fort. Later in the day the British commander assembled reenforcements and began an attempt to retake it from the Americans. Gen. Van Rensselaer then sought to bring over the rest of his force to the rescue of the sorely beset advance guard; but in the language of Gen. Upton:

"The rest of the militia on our side of the river, although ordered and implored by their commander, absolutely refused to cross over under the plea that, according to the Constitution of the United States, they could only be called out to resist an invasion."

During the rest of that day these men stayed on the bank on the American side and watched their comrades driven out of the fort, down to the river's bank, until they were killed or captured to the last man. Gen. Van Rensselaer, in his report of the action, said:

"I can only add that the victory was really won, but lost for the want of a small reenforcement; one-third part of the idle men might have saved all."

In precisely the same way during the same year a body of Ohio militia refused Gen. Hull's order to cross the boundary at Detroit, "alleging as a reason that they were not obliged to serve outside of the United States." Still another force of militia under Gen. Dearborn refused to cross the line at Plattsburg for the same reason, and still another force acted in the same way under Gen. Smyth.

It is idle to say that such things could not happen to us to-day. These incidents were not the result of chance; they were the fruits of faulty methods. American soldiers in 1812 were no less brave and patriotic than they are to-day. The American people to-day contain within them many more discordant elements they they did a century ago, and the governors of our States in the twentieth century will be quite as quick to listen to local political considerations as those New England governors were during the War of 1812. Indeed, it was less than two years ago when the governor of South Carolina disbanded his entire militia force in order to block the attempts of the National Government to restore discipline out of chaos in those South Carolina militia. It is as true to-day as when Washington was writing from Valley Forge that the safety of this country as a Nation can only be maintained by national forces under undivided national control.

In my next letter I shall endeavor to discuss in more detail how the provisions of the pending bills have failed to meet this national requirement.

HENRY L. STIMSON.

[From the New York Times, Mar. 22, 1916.]

THE WAY TO A REAL ARMY OF CITIZENS—ONE SECTION OF THE SENATE BILL OFFERS AN OPPORTUNITY NOT FOUND IN THE "FEDERALIZATION" OF THE MILITIA.

[By Henry L. Stimson, Secretary of War in President Taft's Cabinet.]

(Third and last article.)

NEW YORK, *March 20, 1916.*

To the EDITOR OF THE NEW YORK TIMES:

In my last letter I discussed the attempt of the House and Senate bills to "federalize" the militia from the standpoint of our military experience in the War of 1812. I pointed out that the experience of that war conclusively demonstrated the weakness of the system of divided control and of limited use under which our militia is placed by the Federal Constitution. I tried to point out how such a force under such divided control inevitably broke down in time of war.

This defect of divided control can be demonstrated to be as fatal to the development of the numbers and efficiency of a national force in time of peace as the experience of 1812 showed it to be fatal to the fighting ability of such a force in time of war. The underlying proposition of both the bills proposed in the Senate and the House is that the Federal Government shall purchase the authority over these State troops which the Constitution has failed to give it as an original right. The authors of these bills apparently recognize, as indeed they must, that the power of the President to command the militia is limited by the second section of Article II of the Constitution to those times when they are "called into actual service of the United States," and that by Article I, section 8, there is reserved to the States the "authority" to "train the militia" in time of peace as well as to appoint the officers. The bills therefore provide a system of payments from the Federal Treasury. It is then argued that, although the President can not compel obedience to his orders to the State troops in time of peace by force, he can, by withholding these appropriations from the Federal Treasury, purchase their obedience and discipline.

This would be considered a singular doctrine among the students of military science in other countries. And yet, singular as it is, there are already in existence precedents in our own experience which will demonstrate its foredoomed failure here with almost mathematical certainty.

We judge our success in the development of a national force of volunteers by their readiness to enlist and their resulting numbers on the one side, and by their efficiency and discipline on the other. Our own experience with the method of Federal payments to the militia has already demonstrated that it is a failure in both of these directions.

In 1903, under the Dick law, we instituted the policy of making payments to the National Guard for the purpose of recruiting up its numbers and improving its discipline. These appropriations covered not only arms, ammunition, and supplies, but pay, subsistence, transportation for the men during their maneuvers in the field, and also aid to the various State encampments as well as to the joint maneuvers. Beginning with appropriations aggregating about two and a half millions a year, they were steadily increased until we are now paying six millions a year to the militia. Simultaneously the numbers of the guard have diminished, in comparison with the population of the country. Money has failed to give us numbers. In 1903 the National Guard consisted of 116,542 officers and men. In 1915 it consisted of 129,398 officers and men. The population of the country by the census of 1900 was less than 76,000,000. In 1915 it is reported as over 100,000,000.

In respect to efficiency and discipline I take the following from the official reports: In 1915, 564 officers and 19,382 men were absent from the annual inspection. During the year 1914 the average number of men absent from each weekly drill of instruction was 63,201, or nearly 50 per cent of the entire strength of the Organized Militia. The amended Dick law required the attendance on the part of the men of the militia at 24 drills during the year. Thirty-seven per cent of the militia failed to attend this absurdly low minimum requirement in 1914. At the last Federal inspection the instruction of 330 companies or equivalent units was rated as poor and 932 companies were below the standard of efficiency. In 1914 only 34.8 per cent of the National Guard qualified as second-class marksmen or better. In other words, only about one-third of our Organized Militia could shoot well enough to be rated as indifferent marksmen or attain the lowest standard recognized in our military shooting.

Again, the standard of care and the responsibility which the National Guard has shown in respect to the Federal arms, uniforms, and equipment which have been issued to it under the Dick law has been so low that there is now a total shortage of $1,352,761 of such property issued to it, as to which the Federal authorities are unable to get either a report of the property or a proper accountability as to its disposition. Four years ago, in 1912, drastic steps were initiated by the Secretary of War to reduce such shortages. Under the system of divided control it has been found practically impossible to accomplish this. In the case of many States the shortages are so great that if they were charged against the Federal appropriations coming to such States there would be nothing left for rifle practice or camps of instruction or any other training for several years to come. This would mean that to apply the discipline of this method of purchasing efficiency would result in depriving the States of some of the vital elements of training, which they can not afford to lose. In other words, the system proposed by these bills for extending the authority of the Central Government over the militia by Federal payments has been tried and has failed. It has failed in respect to numbers, in respect to marksmanship, in respect to discipline, and in respect to equipment.

It would, of course, be unfair not to remember that there are some militia organizations to whom these criticisms do not apply. Our best militia regiments have attained a degree of soldierly efficiency and patriotic devotion to duty which, in view of the handicaps of system under which they labored, is in the highest degree commendable. It is particularly gratifying that the State of New York in this respect stands at the top. But when a system is proposed for the development of a national force, it should be judged by its results throughout the Nation. It must be judged, not by the exceptions but by the average, and judged by the average this system is a failure.

This failure lies at the root of the system proposed in the two bills. There is no use in enacting, as the bills do, that the militia must keep up to certain standards when there is no way provided of making it keep up to such standards except a way that is a proved failure. It is absurd to provide that hereafter the President may direct the militia to recruit its companies up to maximum war strength when hitherto under the same system he has been unable to keep it up even to a minimum strength. Thus the report for 1915 shows that the Infantry of the militia of the country was 21,571 men below the minimum enlisted strength required by law. If the President has been unable to purchase compliance with this low standard in the past, how can he be expected to purchase compliance with a higher standard in the future?

It is true that the present bills propose to remedy this evil by increasing the Federal payments. But such a remedy does not touch the real evil. It still leaves the Federal Commander in Chief in the position of a benevolent adviser with no power to command. The administration of his plans is in the hands of people over whom he has no control. The Federal Government can advise, can make general regulations, can scold, and threaten to withhold the pay, but the vital function of administration, of giving the orders and seeing that they are obeyed is in the hands of the State governors and their subordinates. Dollars spent without the direct power to see to their application are dollars wasted.

So far as the numbers of the militia are concerned, there is an additional reason why they can not be kept up, a reason which the proposed bills not only do not remove but, on the contrary, perpetuate. The main reason which keeps down enlistments in our National Guard is the liability of the militia to strike duty and the consequent antagonism which has grown up on the part of our laboring men against this form of military service. It is this hostility on the part of the men upon whom the Nation should most rely for its national defense which keeps down the numbers of our State militia. So long as it remains State militia and remains liable to this kind of police duty it will be difficult if not impossible to keep its numbers full. The present bills expressly continue that liability. The House bill contains a provision in section 26 "that nothing contained in this act shall be construed as limiting the rights of the States and Territories to the use of the National Guard within their respective borders in time of peace."

This is the real reason why in Great Britain, where the territorial army is really a national army and not a local police, five young Englishmen enlist where only one young American enlists in our National Guard, and why in Canada six young Canadians enlist in the national guard where one young American enlists in ours. So long as we persist in this faulty system, so long as we try to make the same man do duty as a national soldier and, at the same time, as a State policeman we shall fail, even with the aid of individual pay, to bring our enlistments up.

On the other hand, the introduction of such a system of individual pay unconnected with any field duty will introduce a most serious evil into our body politic. Under the new bills the National Guard officer and soldier will receive individual pay not directly connected with outdoor service or with the specific performance of any military duty. He will be on the annual pay roll of the Federal Treasury, subject only to certain conditions, which may not be rigidly enforced. This will thrust the National Guard into politics. It means the creation of another vested interest in the pork barrel. Some of the provisions of these bills seem almost purposely designed toward the accentuation of such an interest. In the House bill is a provision which forbids any militia organization to be disbanded without the consent of Congress. In other words, no matter how low the standard of discipline may sink in such a regiment or company its commander in chief, the governor, can not discipline it by mustering it out without the consent not of the President or the Secretary of War but of Congress. If the Congressman from that district has a number of loyal supporters in that regiment on the pay roll of the Federal Treasury the consent of Congress will be hard to obtain. No provision could be more skillfully adapted to turn what is ostensibly a system of military pay into a system of congressional patronage.

In 1912 a minority of the same House committee which now recommends this legislation filed a minority report in which, unless I am mistaken, Mr. HAY himself concurred, which uttered this solemn warning on the dangers of such legislation. After stating that it was "a measure that is pregnant with greater possibilities of evil in a financial way, and that gives less assurance of compensating advantages of any kind than any measure that has ever been enacted by Congress with regard to the State militia," the report went on to say:

"The minority making this report is convinced that the legislation proposed by the pending bill is not only unwise but that it is dangerous in the extreme. Rather than enter upon a legislative course that will inevitably entail upon the General Government an enormous expense, which may be found in dire emergency to have been wasted, a course that will surely lead to the creation of a great military force that will become so powerful politically that Congress will be no more able to resist its demands than it has been to resist the demands of the far less compactly organized and manageable army of pension applicants and their friends, this minority would favor a reasonable increase of the Regular Army, leaving the States to maintain their own troops in their own way and at their own expense without any aid whatever from the United States." (Rept. 1117, Pt. II, 62d Cong., 3d sess.)

For the reasons which I have given in this and my preceding letter, I fear that the attempt to build up under the militia provisions of our Constitution a national army as an immediate line of defense behind the Regular Army will meet with failure; that under it in time of peace there can not be developed the numbers or the efficiency necessary for such a purpose, and that in time of war the same dangers will be encountered which made our experiment in 1812 so disastrous.

There has been, however, reported in the Senate bill as section 58 a provision which, if enacted, would open the door toward the creation of a truly national army of citizens. We have already in existence, enacted in 1914, a statute which permits the President in time of war to raise an army of Federal volunteers wholly under the discipline and control of the Federal Government. The operation of this statute is limited to time of war. It has now been abundantly shown by the discussion of the past year that it is too late to wait until the opening of war to raise such a force of volunteers. The requirements of modern war would make such a course disastrous to any nation which tried it. Therefore in section 58 the Senate bill proposes to permit the President to organize and train such a force in time of peace. Under the section there is wisely left to the President a certain amount of discretion in respect to the term of enlistment, the period of training and of service with the colors and with the reserve, which will permit not only experiments to be made to determine which methods will be best suited to our needs but will permit different methods to be used according to the requirements of the different parts of the country and the varying needs of an urban or rural population. If this section becomes law I believe that we could successfully lay the foundation of a really national reserve. We could feel our way so as to do no injustice to existing institutions or faithful and effective militia organizations. And yet we should be upon the right military and constitutional road. Coupled with the provisions, which are also fortunately in both bills, providing for the development and encouragement of our present system of military training camps for students and business men, there would be laid the foundations for gradually building up an intelligent and effective system of citizen soldiery—a force which could absorb such units and men of our present militia as desire that kind of service and leave other units and other men to be developed along the line of home defense. Along that road, I believe, lies the wisest solution of our present problem.

HENRY L. STIMSON.

Mr. HAY. Mr. Chairman, I will yield some time if the gentleman desires.

Mr. GARDNER. If the gentleman pleases. I have two more speeches.

Mr. HAY. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON].

[Mr. NORTON addressed the committee. See Appendix.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, from the foundation of this Government, and for a good while before it was founded, we have had two kinds of armies—a Regular Army and a volunteer or militia army. It is now proposed for the first time to have three kinds of armies. Having all the difficulties of laboring with two kinds of military service, it is proposed now to give us three kinds of military service. It is now proposed to raise 261,000 men as volunteers in the United States Army and to give them the same training as is given the Regular Army, provided the President should so decide. Should the President decide that there should be one year's training to equip such an army, and should this army be put in training for 12 months, it would cost $261,000,000, or more than that. To put it in training for nine months would cost not less than $200,000,000, and the best authorities that we have in the War Department have already decided, and with great reason, that a man to be an efficient soldier ought to have at least nine months of training. If the men of this proposed continental army were trained only half of that time, or four and one-half months, the cost would be more than $100,000,000, while under the bill that is now before the House for organization of the National Guard the average cost would be less than $100 per man, and instead of costing $100,000,000 for four and one-half months' training for 261,000 men, a million men could be trained in the National Guard, who would drill forty-eight times a year and would be given a training of 15 days in actual maneuvers—a million men for the same cost and with more training than is suggested by the amendment for 261,000 men.

I object to questioning the dignity or patriotism of any governor of any State in this Union. I regret to see that there is anyone on the floor of the House who would imagine, if there was danger of invasion or if there was a call for volunteers, that any soldier of the National Guard or any officer of the National Guard or any governor of any State of the Union would not be quite as patriotic as any gentleman on the floor of this House, either from Massachusetts or anywhere else. I actually believe that the same thing would occur as occurred in the Spanish-American War—that more men would offer themselves than could possibly be accepted. And, as far as officers are concerned, we have the spectacle to-day of a boy that served

a term as a page on the floor of this House in command of all the forces of the United States that are on the border or in Mexico. It is a cause of anxiety to every intelligent person in the United States that that same young man, who was not educated in West Point, is not immediately in charge of the troops that are about to get into contact with the enemy. They speak about a volunteer officer not learning his business. It is generally recognized that Maj. Gen. Funston knows his business or he would not have charge of all the troops that are on the border of Mexico or inside of Mexico.

And, moreover, this proposed United States militia or continental army looks to me as if it was a suggestion of an unworkable proposition for the express purpose of destroying and getting rid of the National Guard. When you propose the impossible and find out that it can not be worked out, that the American people will not stand for it, then there will be a new and effective argument for a huge Regular Army. [Applause.]

One of the facts connected with armies that is not readily grasped, especially the great European armies, is that the standing army consists only of the young men who are in process of training. The war army is the reserve army. The men who completed their two or three years' service and not those who are immediately under arms make up the armies that are first sent to the field. If we ever have to fight a great European nation on this soil, there is no regular army that the American people will ever tolerate that will be sufficiently large to make even the first line of defense on land. The new rule developed in the great war is for battleships to avoid fortifications and forts and for invading armies to effect a landing without risking the transport service or the navy. This was learned at bitter cost at the Dardanelles. If an invading force can first pass our Navy, then avoid our coast defenses, and they are sufficiently strong to be avoided, the great battles, if any, must be fought by a mobile army either in open ground or in such defenses as the Army may be able to construct at the points that may be threatened. And the more training that that mobile army will have the better.

I submit it to the candid judgment of any intelligent person that a young man who has drilled 48 times a year for three years and who has attended maneuvers every year is a better-trained soldier than one who has served two or three months once a year and has paid no attention to it during the remainder of the year. Moreover, there is no provision in the amendment as to how this volunteer or continental army would be organized into regiments. Men who would be total strangers to each other and strangers to their officers, would be called from different parts of the Union, necessarily in the summer time, when the best men are busiest, and after a few months of tiresome work at 50 cents a day would be sent home.

If one failed to appear he would probably be court-martialed and might be sentenced to a long term of imprisonment. Even the amendment for one year's service in the Regular Army and six years in the reserve, if at the end of one year the recruit suited his officers, would not be any worse than this continental army scheme. While this one year idea for men who acquire a degree of efficiency, in the judgment of their officers, has been adopted here in the Committee of the Whole, I hope it will not prevail in the House, and I will vote against it. And if it does prevail in the House I hope that it will be remedied in the Senate. I believe it would demoralize the Army and cause intense bitterness of feeling. There is nothing so vicious in an Army as anything that even looks like favoritism. Regardless of how efficient the men may be who might serve one year and would then be allowed to leave the Army and go into the reserve, it would be impossible to convince those who were required to remain two years longer that exact justice had been done. I am in favor of an absolutely certain term of enlistment of two years in the line, and four or six years in the reserve. Then every man will be treated alike.

I am astonished that the statement of the gentleman from Massachusetts [Mr. GARDNER], that more than $300,000,000 was paid in bounty in the Civil War, should be made on the floor of the House. This was a mere trifle compared to the cost of the war. This amount would not have paid the expenses of the war for 90 days during the last six months of the great struggle. I regret that this disrespectful allusion should be flung at the good gray heads of the most patriotic body of men that this country has ever produced. It was advanced as an argument in favor of a huge standing army, in which men would be trapped and held and compelled to serve without inducement. It is a slap at the patriotism of those who received the bounty, and it is also the expression of a doubt of the patriotism of the young men of this country who are as eager to enlist as any generation of men in our history.

The national guardsman is the only man under this flag that renders as much service as is required from him for practically nothing. This bill, which will give him one-fourth of the pay of the Regular Army, will do little more than pay the additional expense that he is put to in attending the annual maneuvers and encampments. If some of these very distinguished and patriotic gentlemen would do as we did when I had the honor of serving for several years in the National Guard—go out in the dust when the thermometer is at about ninety or a hundred degrees, in heavy marching order, and take part in the maneuvers, they would be willing to vote, along toward evening, that not even the salary of a Congressman would induce them to continue in any such service. And those boys have rendered this service for nothing. In the Spanish-American War they showed themselves, in most cases, quite as efficient as the Regular Army—the highest-priced Army in the world, an Army that costs the people eleven hundred dollars a year for every officer and man in it.

Under this bill the National Guard will cost only one-tenth as much as the same number of officers and men in the Regular Army. In other words, the cost of the National Guard will be about $100 a year for each officer and man serving in it. They are the soldiers of the people, living among the people, and having the virtues and the patriotism of the people, and they are the very men who will do the fighting if there is any fighting to be done on a large scale.

I am glad to have an opportunity to vote for a more complete training and education for the officers of the National Guard. The quartermaster's department, commissary department, and the medical department should be specially trained and mingled with and coordinated with these departments in the Regular Army. No 30 days at Plattsburg, or any other place, of training of young men for officers will ever satisfy me. Those men who spent 30 days last summer at Plattsburg, learning how to be commanders of troops, and who, I understand, have their names enrolled in the War Department as candidates for commissions in case of war, would refuse to be shaved by a barber who had spent only 30 days learning his trade.

If a man should offer, through the United States mails, to teach a person any kind of profession in 30 days out of which he could make a living, and would induce the person to pay any money for such instruction, he could undoubtedly be sent to the Federal penitentiary for using the mails for fraudulent purposes, and there are those who are serving sentences for precisely that offense. I am glad that we are going to open the opportunities of the Regular Army to officers of the National Guard. Under the new establishment in the Regular Army, if all the officers are graduates of the Military Academy, there will be more than a million dollars' worth of education represented in every regiment. Those men should have a higher duty to perform than parroting orders as first and second lieutenants. Their services are needed to instruct the National Guard. They should learn at once how to maneuver regiments and brigades, and should be entitled to promotion for this class of service. Gen. Grant suggested, in his memoirs, that in time of war the Regular Army should be disbanded and distributed among the volunteer forces. We will probably never do that, but a man who has military capacity should never be stifled by law, but should be allowed to expand to the full measure of his ability. What should be done is to allow the National Guard officer to get the full benefit of the technical and professional instruction of the Regular Army more effectively than we have been doing, and to allow the young officers of the Regular Army, on a greater scale than heretofore, to exercise their talents in handling large bodies of troops. Until this European war came about, we had hopes of universal peace in the world. We can not have it by sitting down and inviting attack, or by supinely refusing to learn how to defend our country. Nothing material has continued to exist without being defended. The United States, with its opportunities, its Government, and the hopes of its people, is the greatest and most precious inheritance that has ever blessed and glorified the fortunes of mankind. The soul is dead in the man who is not willing to fight for this inheritance. More men have died for it in the same length of time than for any other nation in the world. More men have sacrificed their time, their education, their health, and their hopes of the future for this flag in the hundred and forty years that it has fluttered, than for any other standard that has been raised on the globe. The founders raised this flag in 1776, and in the period from 1861 to 1865 its defenders stood at the forge and hammered this Nation together. I submit that we should not leave our country as a prey to designing nations. We are, and should be, as willing to defend it as our fathers were willing.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. REILLY].

The CHAIRMAN (Mr. GARD). The gentleman from Wisconsin [Mr. REILLY] is recognized for five minutes.

[Mr. REILLY addressed the committee. See Appendix.]

Mr. HAY. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. CRAGO].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for four minutes.

Mr. CRAGO. Mr. Chairman, I want in the short time allotted me to refer, first, to the fact that the amendment proposed here by the gentleman from Massachusetts [Mr. GARDNER] is simply in short the continental army plan proposed to this Congress early in the session, to which the public sentiment of the country and the sentiment of Congress failed to give support. In other words, if we should adopt this amendment we should be adopting practically the plan of the continental army, so called.

Mr. GARDNER. Mr. Chairman, will the gentleman yield there for a moment?

Mr. CRAGO. The gentleman from Massachusetts does not want to interrupt my statement, I am sure.

Mr. GARDNER. The gentleman does not want his statement to go out in just that form, I hope.

Mr. CRAGO. I want also to correct a statement that was made here yesterday. I do not believe it is the proper policy in framing any military system for this country to denounce the men who are called adjutants general of the States and the men in the higher ranks in the National Guard of the different States of the Union, because I believe that it is to those men that under any law that we may enact we must look to furnish the sentiment back home, which must be relied upon to make possible any military organization; and I know that while we may differ from them in some details—and I do so myself, and I do not think they are unanimous among themselves in some of their recommendations—those men are nevertheless earnestly working to achieve the same good results that we are endeavoring to bring about, and it is to them that we must look largely to make this legislation a success.

I know that in my State of Pennsylvania our adjutant general—that grand old man, Gen. Thomas J. Stewart—is reported to have said, in answer to a statement, that, inasmuch as the Federal Government is going to do so much for the National Guard of our State, the Legislature of Pennsylvania will not have to appropriate so much, "No, gentlemen; it is the duty of the States to contribute in the future as much, if not more, than they have in the past, and we want Pennsylvania to furnish the National Government with a body of troops to which we can point with pride." We are not antagonizing the States, because we must look to the State organizations for the work of building up this Federal Army.

Now, just a word as to the pay feature of this bill. I must say that there was a time a few years ago, when I was in the National Guard, when I was not so much in favor of a policy of payment; but I have seen the growth and the development of the guard, and I appreciate what is involved in the new duties that have been placed upon its members by the National Government, and I feel that it would be impossible to put into effect the reforms that we contemplate here without this pay. It should not be considered as full compensation, but as a partial return for service rendered, a recognition in a small way of the service given by these men to this work. In many cases these men pay out almost the amount proposed to allow them as car fare each time they attend drill. They spend days at the rifle ranges. The officers, many of them, use all their spare hours in making out reports and in looking after the administration of the affairs of their organizations, and the small amount of pay provided is absolutely necessary if we are to demand of officers and men the work and sacrifice necessary in order to meet the new requirements of the service.

In every company armory you will see men gathered who are devoting half a day or an evening each week to this work. Some of them have probably traveled 8 or 10 miles in the country. In the city they pay 20 cents in car fare going and coming. Yet it will be heralded all over this land that this is an attempt to use the people's money injudiciously. I say to you right now that there can be no more judicious expenditure of money under this bill than that which is proposed here. [Applause.]

Mr. HAY. I will ask the gentleman from Massachusetts to use his time. I have only one speech over here.

Mr. GARDNER. I yield seven minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the weakness of the Hay bill lies in the fact that it does not make any adequate provision for a reserve enlisted force. We have by amendments made adequate provision so far as reserve officers are concerned, but nowhere in this bill—read it as closely as you will—can you find any adequate provision for a reserve enlisted force.

The purpose of the pending amendment is to supply that deficiency and to bring into the reserve enlisted force adequate numbers to supply the Army as conditions require. We do make provision for the National Guard, but do not for one minute make the mistake in thinking that there is in this bill any compelling sanction, so far as the National Guard is concerned, to obtain enlistments. The mere pittance of $45 a year that is provided in this militia pay bill is not going to result in added military strength so far as the National Guard is concerned.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not at present. There is a natural antipathy broadcast among the artisans of this country against enlisting in the National Guard. You from the country districts may not be aware of it, but we from the city industrial centers recognize that there is a deep-seated antipathy on the part of the artisans of this country against enlisting in the National Guard, because in times of industrial disputes they will be compelled to perform police duty.

If that requirement did not exist, perhaps you might be able to enlarge your National Guard so far as cities and industrial centers are concerned; but I speak advisedly when I say there are tens of thousands of men in these industrial centers willing and anxious to go to the defense of the colors, but who are unwilling to join the National Guard. This provision merely gives an opportunity, under the direction of the Secretary of War, to train these men for perhaps one month or two months a year—perhaps six months all told—when they would be ready for the reserves. Maj. Gen. Wood in his testimony before the committee said that it is only necessary to train a man six months to make an efficient soldier out of him if he has it in him to become a part of a fighting force.

To-day we are confronted with a very acute condition in Mexico. We can not get enlistments. Even under the volunteer bill passed in 1914 we can not avail ourselves of the National Guard until Congress acts. Yet there are many men in the industrial centers of the country who would be willing to enlist in defense of their country as a reserve force if they were but given the opportunity.

This provision is not antagonistic to the National Guard feature. By this bill we take unto ourselves for all time the support and maintenance of the National Guard. By accepting that control over them, as is provided in this bill, you will see that in a decade the entire support of the National Guard will fall upon the National Government. We can not rid ourselves of that obligation after we assume it, no matter how much we would. Personally, I would much rather have supported the citizen soldiery proposition, instead of the Government undertaking by indirect means the control of the National Guard; because, although the world is now aflame with war feeling, I look forward to the time when we will get back again to the normal, and when if we had not nationalized the National Guard its control would still remain in the respective States as it has in times past. Then this reserve force as proposed here could have been adjusted to the restored order when we got back to our equilibrium again. But by this bill we have taken the position of bringing the National Guard entirely under the control of the Government so far as its financial support is concerned.

Under this bill alone we will be obliged to pay $25,000,000 a year for the support of the National Guard. If it results in increasing the National Guard, then the expense will be greater. I question very much whether it will result in increasing the National Guard, because—and I ask every advocate of the National Guard in those States where there is no military feeling, where they appropriate only $10,000 a year for the support of the National Guard, how are you going to compel those States to increase enrollments in the National Guard?

The country to-day is insisting on an adequate reserve force of enlisted men to whom we can turn in case of need. Under the Gard amendment, through increasing the enrollment at the West Point Military Academy, and under other provisions of this bill, we have provided for an increased number of officers and reserve officers but no adequate provision for the reserve enlisted men. The Gardner amendment, adopted the other day, applies largely to the young men who are fresh from college or high school, who want to get a year's training, but there are hundreds of thousands of men employed in industrial centers who decline to go into the National Guard for what they regard as good reasons, declining to assume police duties, and those men will be reached by this volunteer soldier provision. Just because of some little home district sentiment in favor of the maintenance of your National Guard, are you going to vote con-

trary to the spirit of the country and contrary to the needs of the country to-day, and fail to avail yourselves of every possible means of bringing into the fold of the National Government an increase of strength, so far as enlisted men are concerned? [Applause.]

Mr. GARDNER. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, two years ago Congress passed a law providing for a volunteer army, to be called by the President in time of war or threatened war, but requiring first the authorization of Congress. The amendment offered by the gentleman from Massachusetts [Mr. GARDNER] now gives that authorization and leaves to the President the authority, if he shall believe now or hereafter, while the law remains in effect, that there is such threatened danger that we ought to have an enlarged Army, to call for volunteers—volunteer enlisted men and volunteer officers. It in no wise injures the standing of the National Guard under the provisions of this bill. To those of us who believe that, with the world aflame and, as the President says, with sparks flying everywhere, there may come a time when we shall need to raise a volunteer army, the proposition is safe and sane. To those of us who sit in quiet complacency, believing that the Lord will protect us from assault from any quarter, there is no occasion to vote for such an amendment. I believe the times are such and the dangers are such that the President of the United States, with the information which he has of our foreign affairs, ought to have the power conferred upon him by this amendment to raise a volunteer army for the purposes which may come before the country. If war comes, we will add to that the men in the National Guard, who are well cared for by the terms of this bill. [Applause.]

Mr. HAY. Mr. Chairman, of course the adoption of the amendment proposed by the gentleman from Massachusetts [Mr. GARDNER] will render futile every other provision in this bill providing for the federalization of the National Guard. That amendment is predicated on the same idea which was proposed to this Congress by the late Secretary of War for a continental army. It is a continental army under a different guise. Now, what does it do? It undertakes to apply certain sections of the volunteer law passed for the purpose of having volunteers raised in time of war, and the provisions of that law do not apply in any way to what may be necessary to be done in time of peace.

Under the provisions of this volunteer law, from section 3 to section 12, included in this amendment of the gentleman from Massachusetts, a great many things are to be done which ought not to be done in time of peace. It provides for the payment of a large number of Regular Army officers in the volunteer forces. It provides for the raising of a great many different kinds of troops which would only be necessary in time of war. It provides, in other words, for the machinery of an army in time of war and not for a reserve which gentlemen seem to have gone crazy about in time of peace.

The gentleman from Wisconsin said there was nothing in the bill providing for a reserve of the National Guard. Why, the gentleman has not read the bill. There are two or three sections in the bill devoted entirely to the reserve of the National Guard, and under that a very large reserve will be created.

This, gentlemen, is a proposition which will undoubtedly destroy the National Guard. Under the provisions proposed in this amendment, if three-quarters of any organization of the National Guard volunteer, they have to be taken into the army provided for under the amendment proposed by the gentleman from Massachusetts.

Mr. CRAGO. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. CRAGO. Will not the adoption of this amendment wipe out entirely the section providing compensation for the National Guard?

Mr. HAY. Absolutely; and I appeal to the gentlemen who are in favor of building up a true citizen soldiery in this country to vote down this amendment, because under the proposition proposed the President of the United States is given power by which he can call into being an army of 261,000 men and keep them on foot not only for three months, for six months, for one year, for two years, but forever hereafter. [Applause.] Do gentlemen in this Hall want to saddle on the people of the United States practically a regular army of 261,000 men in addition to what they have already provided for in this bill? [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. HAY. Mr. Chairman, I understand that the gentleman from Maryland [Mr. LINTHICUM] wants to offer an amendment to this section.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, lines 12 to 14: In line 12 strike out the words "medical officers," and in line 14 strike out the words "captains or."

Mr. HAY. Personally I have no objection to the amendment, and I do not care to debate it.

The CHAIRMAN. All debate is closed.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. There is a point of order pending on an amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN]. The Chair will hear the gentleman from Michigan.

Mr. McLAUGHLIN. Mr. Chairman, the amendment which is offered would make it impossible for the Federal Government to pay a State after 1920 money for compensation to officers or enlisted men of the National Guard if the State used or permitted by law the use of the National Guard in strike duty. This amendment was offered yesterday, but was not passed upon by the Chair. Early in the day amendments of somewhat similar character were offered by the gentleman from New York [Mr. LONDON] and the gentleman from Colorado [Mr. KEATING]. Points of order were made against them, and the points of order were sustained by the Chair.

Last evening, when I offered this amendment, the gentleman from Virginia [Mr. HAY] insisted that my amendment was similar to those offered and ruled upon earlier in the day. I wish to say to the chairman that I am offering this amendment with the idea that it is entirely different from the two heretofore offered, and that it is not subject to the point of order.

The amendment offered by the gentleman from New York [Mr. LONDON] provided that "no member of the National Guard shall be called upon to perform duty in connection with suppression of strikes." Both of his amendments contain those words and are practically to the same effect, and the gentleman from Virginia [Mr. HAY], in making his point of order, based it upon the claim and upon the idea, as he expressed it, that "Congress, by adopting the amendment, would prevent the States from using their troops to quell disturbances and riots, or anything of that sort," a limitation upon the States of their right to use the National Guard.

The amendment of the gentleman from Colorado [Mr. KEATING] contained the words "that no member of the National Guard shall be called upon to perform duty," and so on, and the objection of the gentleman from Virginia and his point of order was based on the idea that this "interfered with the rights of the States to preserve order," and so forth, and that it would limit and restrict the States in their usual and proper use of the National Guard.

The gentleman from Kentucky [Mr. FIELDS] in discussing the point of order for the information of the Chair—and I assume that the Chair was somewhat influenced by the argument of the gentleman from Kentucky and by the argument of the gentleman from Virginia [Mr. HAY]—said that "this proposes to take from the States the right reserved to them to use the militia in suppressing internal strife"; that "this amendment proposes to take that right from the States." And the Chair said in that connection that "if the Chair did think it would interfere with the State authorities in calling upon the National Guard" the Chair would hold it out of order as not being germane. The further statement of the gentleman from Virginia [Mr. HAY] was that "if this amendment was adopted, no governor of a State could call out the National Guard to suppress a riot or anything else." My idea and my contention is that the amendment I offer in no way limits the right of a State in the use of its National Guard. Any State can use its National Guard in any way it pleases, to be called out for strike duty, to suppress an insurrection, to prevent or suppress riots. The State is absolutely unlimited, as far as my amendment is concerned, or would be if it were adopted and became a part of the law—absolutely unlimited in any right it may wish to exercise respecting the use of its National Guard. This is a limitation upon the Federal Government in its use of money. This amendment says that no Federal money "shall be used for the purpose of compensating any organization of the National Guard or any officer or enlisted man thereof in any State or Territory which shall, by law or otherwise, provide for or permit the use of its National Guard or any part thereof in connection with any strike," and so forth. If my amendment be adopted, a State can use its National Guard as it pleases, but if it chooses to use it contrary to this provision it simply makes it impossible for it to receive the money, or impossible for the Federal Government to pay the money which would otherwise be payable under this act.

I might speak of a statement made by the Chair yesterday in sustaining the point of order. He said there had been no judicial determination of the meaning of the word "strike"; that no court had determined what a strike is. Mr. Chairman,

everyone knows what a strike is, and every court knows, and the Chair knows. What everyone knows a judicial body can properly and must take judicial notice of. No one has any doubt as to what a strike is or as to what the meaning of this amendment if adopted and a part of the law would be. So it seems to me, if the Chair will permit, that even if it were true that no court has said what a strike is, there would be no force in what the Chair says, that if there has been no judicial determination of what a strike is, therefore an amendment of this kind which speaks simply of a strike is out of order and that the point of order against it ought to be sustained.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BENNET. The word "strike" has been judicially defined in at least four cases in the Federal court and in one case in the Court of Appeals of the State of New York, as also the term "general strike" and the term "sympathetic strike." The term "strike" has been legally differentiated from the word "boycott." Any lawyer can get those decisions in any legal dictionary. I took occasion last night to look it up myself and found those seven or eight cases in five minutes. So the Chair was unintentionally in error in stating that the term had not been defined. It has been defined over and over again, both in connection with criminal matters and in connection with strike clauses in contracts.

Mr. McLAUGHLIN. Mr. Chairman, perhaps I should not speak of the merits of the amendment I have offered until the point of order is disposed of, but I wish to say that my purpose in offering the amendment is to improve this bill and to assist the National Guard; I am not posing as the spokesman for organized labor, as is intimated by some of those who oppose the amendment.

The National Guard ought not to be used in strike duty, and while it is so used there will be difficulty in securing enlistments; a sufficient number of young men to fill the ranks, especially the right kind of men, can not be had. Young men employed in stores, shops, and factories will not enlist if they are liable to be called out against their own friends and fellow workmen. They are patriotic, intelligent, and strong, able and willing to submit to training for duty as soldiers, and willing to answer the call of their country in time of need, but they refuse to perform the work of common policemen, especially as the work they will very likely be asked to do will be against their friends and neighbors.

If an organized force is needed for the purpose of quelling a riot or disbursing a mob, there should be a State constabulary, under State authority. The State of Pennsylvania has a constabulary, composed of 300 men, organized and maintained by the State, and its work has been so satisfactory that it has not been necessary to call upon the National Guard or any other military force.

In the State of New York the organizing of a constabulary is discussed, and the six States of New England are, I am informed, thinking of acting together for the purpose of effecting a constabulary for use by all or by any of the States if its services be needed. The idea moving these States in effecting these organizations is that the National Guard ought not to be required to do strike duty or ordinary police duty. If the National Guard were relieved of this disagreeable duty its organization would be dignified and it would be just what its name implies, a national force, for the defense of the country.

The only possible objection to a State constabulary, or the only one I have heard, is that the entire expense of maintaining it must be borne by the State alone, whereas a part of the expense of the National Guard is borne by the Federal Government.

I do not believe the States will refuse to maintain constabulary forces, even if there is some expense connected with it.

The people of the States are patriotic; they are willing to do the best thing; they are willing to do whatever is proper and necessary in assisting the Federal Government to provide for proper defense of the country; they will not insist upon an improper use of the National Guard if its strength and efficiency as a force for national defense be thereby seriously impaired. They will do the right thing, even if it does cost a little more money.

The CHAIRMAN. The Chair is prepared to rule. The mind of the Chair did not rest easy in the conclusions that were hastily reached and somewhat crudely stated in sustaining the point of order made by the gentleman from Virginia [Mr. HAY] against the amendment proposed by the gentleman from New York [Mr. LONDON] and the amendment proposed by the gentleman from Colorado [Mr. KEATING], nor were the reasons which controlled the mind of the Chair stated with any degree of elaborateness. In fact, in ruling upon the point of order made to the first amendment the Chair did not state the controlling reason, and in ruling upon the point of order made to the amendment offered by the gentleman from Colorado [Mr. KEATING] the thought was hinted at rather than stated. With the permission of the committee, the Chair will undertake to state somewhat more elaborately the reasons that operated upon his mind.

One of the purposes of the bill under consideration is to extend the authority of the Federal Government over the National Guard, but it is no part of the bill that the State authorities will be interfered with in the control of the National Guard within their respective boundaries, except as fixed by the limitations of this bill. No section of the bill undertakes to do that. There is a section which expressly declares that shall not be done. The Chair is of opinion that an amendment which would limit the power of the Federal authority to call upon the National Guard for purposes as defined in the amendments offered by the gentleman from New York [Mr. LONDON] and the gentleman from Colorado [Mr. KEATING] would be in order, but when the line of demarcation is clearly drawn, as it is in this bill, the Chair is of the opinion that an amendment which undertakes to define what the State authorities may do with reference to the National Guard within the boundaries of the State is not in order, and it was upon that thought and theory that the Chair sustained the points of order made by the gentleman from Virginia to the amendment offered by the gentleman from New York and the amendment offered by the gentleman from Colorado yesterday.

The Chair, however, was not clear in his mind about that, and for the reason that he was not clear he invited a submission of the matter to the Committee of the Whole in the usual way, and virtually by his language suggested to the gentleman from Colorado an appeal from the decision of the Chair. The gentleman from Colorado did appeal from the decision of the Chair, and the committee voted that the decision of the Chair should stand as the judgment of the committee. When the committee has spoken upon a matter of parliamentary procedure the Chair thinks that is higher authority than any decision of the Chair, or when the House has spoken that that is higher than any decision of the Speaker, because the Committee of the Whole and the House are the lawmaking bodies. If the Chair is right about that let us apply it to the amendment which is pending, the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN]. This amendment is designed to accomplish the same purpose as the amendments offered yesterday were designed to accomplish. There is no difference in them in principle. It is true that it is drawn in the form of a limitation on an appropriation, but this is not an appropriation bill; this is a legislative bill. The Chair sees no difference whatever, and the Chair, therefore, sustains the point of order.

Mr. KEATING. Mr. Chairman, I offer the following amendment in the form of a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. KEATING as a new section:

"SEC. 75a. That, subject to the limitations of section 26, no member of the National Guard shall be called upon to perform duty in connection with controversies between employers and employees where the question at issue is one of hours of labor, wages, working conditions, and the right of either side to the controversy to organize for the safeguarding of its legal interests."

Mr. HAY. Mr. Chairman, on that I make the point of order upon the same ground.

Mr. KEATING. Mr. Chairman, the section referred to in the amendment is the section which recognizes the right of the State to use the militia in such fashion as it may see fit for State purposes, and, therefore, the amendment meets the objection made by the chairman of the committee. The chairman based his decision, sustaining the point of order, on the proposition that the amendment I offered yesterday and the amendment offered this morning by the gentleman from Michigan [Mr. McLAUGHLIN] undertook to deprive the States of power to use the militia for State purposes.

The CHAIRMAN. Oh, no; if the gentleman will permit, it was not that at all. It was upon the proposition that the amendment offered was not germane. The whole question involved here is a question of germaneness.

Mr. KEATING. But why is it not germane?

The CHAIRMAN. Because no part of the bill undertakes in any way to control the authority of the States over the National Guard in their respective boundaries.

Mr. KEATING. Just so, and this amendment does not undertake to interfere with the use of the National Guard by the State authorities. It expressly disclaims any such intention. If the

Chair will refer to the section of the bill mentioned in the amendment, he will see the point I make.

Mr. DENT. Mr. Chairman——

The CHAIRMAN. In a moment. Is it the thought and intention of this amendment to provide that the Federal authorities can not call out the militia in case of controversy?

Mr. KEATING. Exactly. Under the decision rendered by the Chair yesterday, we can not make the amendment any broader. If the Chair will recall, he asked me yesterday whether, in my judgment, the amendment I submitted could be so construed as to limit the powers of the governor to call out the militia. I gave a rather evasive reply, because, Mr. Chairman, it was my hope that the amendment I submitted would restrict the authority of the governor. The Chair sustained the point of order and ruled out my amendment, but this amendment is so drawn as not to interfere with the rights of the States, and I submit, under the decision of the Chair just rendered, it is clearly in order.

The CHAIRMAN. The Chair will hear the gentleman from Virginia on this point of order.

Mr. HAY. The gentleman from Alabama [Mr. DENT] is addressing the Chair.

Mr. DENT. Mr. Chairman, I desire to make this further suggestion as to the point of order against this amendment: The Constitution of the United States makes the President of the United States the Commander in Chief of the Militia of the United States when called into the service of the country. That is the constitutional power that is given to the President of the United States. In addition to this, the Constitution gives to the President absolute power to call out the militia for the purpose of suppressing insurrections or to execute the laws of the Union, so that it seems to me to be a simple proposition that this power which is given to the President of the United States, coming from the Constitution itself, that Congress can not put any limitation upon that authority.

The CHAIRMAN. Will the gentleman permit the Chair?

Mr. DENT. Certainly.

The CHAIRMAN. The Chair agrees with the gentleman on that proposition, but this amendment says, "subject to the limitation of section 26."

Mr. DENT. Mr. Chairman, this has nothing to do with the constitutional authority that the President has.

The CHAIRMAN. Of course. The Chair can not pass upon the constitutional phase of it, that is well understood, but that would go to the point of the merits and not to the point of order——

Mr. DENT. Does the Chair hold that he has no authority to pass upon the point of order on the constitutional authority?

The CHAIRMAN. The Chair so holds——

Mr. DENT. Of course, if the Chair holds that——

The CHAIRMAN. The Chair so holds in accordance with the precedents. If the Chair should hold that he could take into consideration that question, why, of course, the gentleman from Alabama will recognize that it would become a mere arbitrary construction of the Constitution by the Chair and would limit the power of the House. The precedents are well fixed that the Chair can not pass upon a constitutional question. The Chair is of opinion that this amendment is in order.

Mr. KEATING. May I say just a word in support of the amendment?

The CHAIRMAN. The gentleman from Colorado.

Mr. KEATING. Mr. Chairman, the title of the bill which we are now discussing is "to increase the efficiency of the Military Establishment of the United States," and, as I said yesterday while we were discussing the point of order, I believe this amendment, more than any other amendment suggested to this bill, will tend to increase the efficiency of the National Guard, because it will make available for enlistment in the National Guard hundreds of thousands of the young men of this country who to-day do not feel that they can afford to join the National Guard.

Mr. TILSON. Will the gentleman yield for a question?

Mr. KEATING. I do.

Mr. TILSON. Does the gentleman think that his amendment will do that at all? Does it not leave the men subject to the same uses by the State for strike duty that they were before? The gentleman's amendment does not reach that at all, except so far as the use of the National Guard by the President is concerned. Is not that it?

Mr. KEATING. So far as their use for Federal purposes is concerned, and that is as far as we may go under the ruling of the Chair. In that connection I want to submit the opinion of a great Republican leader, the Hon. Henry L. Stimson, Secretary of War in President Taft's Cabinet. In an article in the New York Times of recent date, Mr. Stimson said:

So far as the numbers of the militia are concerned, there is an additional reason why they can not be kept up; a reason which the proposed bills not only do not remove but, on the contrary, perpetuate. The main reason which keeps down enlistments in our National Guard is the liability of the militia to strike duty and the consequent antagonism which has grown up on the part of our laboring men against this form of military service. It is this hostility on the part of the men upon whom the Nation should most rely for its national defense which keeps down the numbers of our State militia. So long as it remains State militia and remains liable to this kind of police duty it will be difficult, if not impossible, to keep its numbers full. The present bills expressly continue that liability. The House bill contains a provision in section 26, "that nothing contained in this act shall be construed as limiting the rights of the States and Territories to the use of the National Guard within their respective borders in time of peace."

This is the real reason why in Great Britain, where the territorial army is really a national army and not a local police, five young Englishmen enlist where only one young American enlists in our National Guard, and why in Canada six young Canadians enlist in the national guard where one young American enlists in ours. So long as we persist in this faulty system, so long as we try to make the same man do duty as a national soldier and at the same time as a State policeman, we shall fail, even with the aid of individual pay, to bring our enlistments up.

Mr. HAY. Will the gentleman yield?

Mr. KEATING. I will.

Mr. HAY. Does not this amendment of the gentleman do the same thing?

Mr. KEATING. I have no desire to evade that question. Yesterday I endeavored to offer an amendment which, given a broad construction, would have rendered it impossible for either the State or Federal authorities to use the militia in industrial difficulties. That amendment was ruled out of order. I am now offering an amendment which goes as far as we can go under the ruling of the Chair.

I trust the committee will vote in this amendment in order that we may have an expression of opinion from this House, and I trust that at the other end of the Capitol or in conference some method may be found by which the militia of this country will be relieved from strike duty.

My reason for that is that I want to see the National Guard built up into a great effective arm of defense for this Nation. My friends, the National Guard will never be as effective as we all desire to have it so long as the members of organized labor, the mechanics and artisans of this country, feel that they can not with safety join the National Guard; so long as they feel that to-morrow, maybe, they will be called out to shoot down the fellow members of their labor organizations.

I want to point out, too, that it is not necessary that the militia should be used in that fashion. No sane man, no patriotic man, wants to see disorder go unchecked in this country; but there are other powers to enforce the laws during industrial difficulties, and it is not necessary to compel members of the National Guard to perform police duty. The sheriff of the county can call to his assistance every able-bodied man in the county, and I have never seen an industrial difficulty—and I have had considerable experience with them—where an honest, courageous, efficient sheriff who would go to the full extent of his constitutional power and who would play fair as between both sides to the controversy could not have enforced the law. I hope the House will adopt this amendment.

Mr. HAY. Mr. Chairman, I call for a vote.

Mr. DECKER. Mr. Chairman——

Mr. HAMLIN. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Anyone who wishes to rise in opposition to the amendment will be recognized.

Mr. HAY. I ask for a vote. I am opposed to the amendment, but I do not want to discuss it all day.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] can move to close debate.

Mr. HAY. If the Chair will put the question, debate will be closed.

The CHAIRMAN. But the gentleman from Missouri [Mr. DECKER] is demanding recognition.

Mr. HAY. Then I move to close debate on this amendment.

Mr. DECKER. I do not see why the members of the committee should not be permitted to debate the amendment. I move to strike out the last word.

Mr. HAY. But I move to close debate.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves that debate on this amendment be closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. DECKER. I call for a division.

The committee divided; and there were—ayes 115, noes 29.

So the motion to close debate on the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KEATING].

Mr. HAMLIN. May we not have that amendment reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 154.

So the amendment was rejected.

Mr. NICHOLLS of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 81, line 15, after the word "companies," insert "regimental adjutants."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 76. That when Congress shall have authorized the use of the armed land forces of the United States in the emergency of actual or imminent war requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations as he shall prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard. All persons so drafted shall, from the date of their draft, stand discharged from the militia and shall from said date be subject to such laws and regulations for the government of the Army of the United States as are applicable to members of the Volunteer Army, and shall be embodied in organizations corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.

Mr. MILLER of Minnesota. Mr. Chairman——

Mr. ROGERS. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word and asks unanimous consent that he may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Chairman, the precedents of history are as illuminating as the precedents of law. Human nature remains constant, although the habits of men may change. What has come to pass upon one occasion may be expected when similar conditions exist to become manifest again. "History repeats itself." "There is nothing new under the sun."

I desire to detail briefly an almost forgotten page of the history of the United States and of my own State of Massachusetts. I may say frankly at the outset that I do not hark back to the past because the particular incident with which I shall deal commends itself to the pride of the native sons of Massachusetts. My purpose is to seek to show by the sequence of events in our earlier history the dangers which may be lurking in the preparedness legislation which is now before the Congress and the country.

I shall ask you to turn your minds back to the summer of 1812. It had for some time been obvious that war, either with Great Britain or with France or both, was inevitable. I need not in this connection trace the causes of the war. It is sufficient to say that while in some sections of the country the prospect was accepted with equanimity, in others the idea of a struggle with any European power was regarded with abhorrence. New England generally, and especially Massachusetts, were perhaps the most outspokenly hostile to a conflict of any kind.

After extended debates in Congress the House of Representatives passed a declaration of war by a vote of 79 to 49. Massachusetts had in the Twelfth Congress, which was then sitting, a delegation numbering 17. It is interesting to notice that to-day, with the House two and one-half times as large as the House of 1812, the Massachusetts delegation numbers 16. Fifteen out of the seventeen voted on the declaration of war; six were in favor of war and nine were opposed. One of the two not voting had been so recently elected to Congress that he had not had time to journey to Washington, but later announced that he would have voted against war if he had been able so to do.

President Madison signed the declaration of war on June 18, 1812. Swift messengers carried the news to all parts of the country, but rapidly as they could speed it was four days later—on June 22—when the news was received in Boston. Public opinion against the war, which had been running high, surged to its climax. Considerations of trade with which the war might interfere; of friendship for Great Britain or hostility to France; of partisan politics; of innate aversion to armed conflict—all these things contributed to fan the flames of opposition.

Caleb Strong was governor of Massachusetts in 1812. He was no ordinary man. He had been governor from 1800 until 1807; he was governor also from 1812 to 1816. His occupancy of the governor's chair is considerably longer, I believe, than that of any governor in the history of our State. Strong was a man of sterling character and exceedingly popular. He was generally known by the cognomen "The Just." He was bitterly opposed to the war, and by virtue of his official position as well as of his high character and personal charm he was able to carry with him much public sentiment.

Gen. Dearborn, formerly Secretary of War, had for some weeks been assigned by the Secretary of War to the superintendency of military preparations in New England. He had been especially charged with the duty of enlisting as many men as possible for the Regular Army. Owing to the public's frame of mind, however, his success along this line had been almost negligible. Various devices were employed to make the course of enlistment difficult. When news of the war reached Boston Dearborn thought the opportune moment to counterbalance the weeks of vexation and impotence had at length arrived. The Massachusetts quota, under an act of Congress calling for the raising of 100,000 men, was 10,000 men. On June 22, the very day when the news came to Boston, Dearborn made requisition upon the governor for a quota comprising 41 companies of artillery and infantry. Gov. Strong did absolutely nothing in response to this requisition. Perhaps this is not strictly accurate—he issued that afternoon a proclamation for a fast day; reading between the lines of the proclamation it was readily construed to be a protest against the war and the authorities who were responsible for the war, rather than, as stated in the preamble, a summons to "fasting, humiliation, and prayer." In the course of the proclamation Gov. Strong referred to the war as being "against the nation from which we are descended and which for many generations has been the bulwark of the religion we profess," and referred to the fact that "by this awful and alarming change in our circumstances the people of this Commonwealth are in a peculiar manner exposed to personal suffering and the loss of a great proportion of their substance." On June 26 and July 15 Gen. Dearborn renewed his call for troops, but again Gov. Strong failed to take any action whatever. July 21 the Secretary of War himself urged the governor to order out the militia in accordance with the request of Gen. Dearborn, but the governor remained obdurate.

On what ground was based this contumacy? It has sometimes been said that Gov. Strong was acting as a party man, and because he believed the sentiment of his State to be resolved against the war. To what extent these elements entered into his decision, it is, of course, impossible to be certain. In any event he had more creditable and substantial grounds with which to buttress his position, though it may perhaps be said that they were arguments "after the fact." The constitution of Massachusetts provides that—

The governor and council shall have authority to require the opinions of the justices of the supreme judicial court upon important questions of law and upon solemn occasions.

Pursuant to this clause in the constitution, Gov. Strong, on August 1, 1813—six weeks after the original requisition upon him for troops—asked the opinion of our supreme court upon questions framed substantially as follows: As the militia of the several States may be employed in the service of the United States for the three special purposes of executing the laws of the Union, of suppressing insurrections, and of repelling invasions, have the commanders in chief of the militia of the several States a right to determine whether any aforesaid exigency exists, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of Congress? After the militia troops have been ordered into the service of the United States, has the President the right to assign officers of the Army to command them?

To the first question the Supreme Court answered "Yes" and to the second "No." The Massachusetts Supreme Court at that period was an unusually strong one. Three men, who were successively chief justice of the court—Theophilus Parsons. Samuel Sewall, Isaac Parker—were then upon the bench and joined in the opinion. When men of such judicial eminence unanimously decided that the governor was within his rights

in declining to allow the President of the United States to judge for Massachusetts whether a constitutional exigency existed, it can not be said that Gov. Strong did not have some foundation for his course. If I can get time, I shall read the opinion later in my remarks. It is exceedingly interesting and suggestive in its reasoning.

Connecticut, Rhode Island, and New Hampshire shared the popular view of Massachusetts as to the war; the governor of each State followed the lead of Gov. Strong in refusing to put at the disposal of the President the militia troops of his State. Later in the war—September, 1814—the governor of Vermont took a similar position in the very face of the enemy. In his annual message to Congress President Madison commented upon the serious consequences of the course of the New England States, saying:

> The refusal was founded on a novel and unfortunate exposition of the provisions of the Constitution relating to the militia. It is obvious that if the authority of the United States to call into service and command the militia for the public defense can be thus frustrated even in a state of declared war, and, of course, under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it.

A case which throws some light upon the respective authority of a governor and the President over the militia was decided by the United States Supreme Court in 1827. (Martin *v.* Mott, 12 Wheat., 19.) Mr. Justice Story, pronouncing the unanimous decision of the court, said:

> We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons.

It should be noted, however, that the case in question involved a conflict between a deputy marshal of the United States and a militia soldier, and it especially appeared that the militiaman had refused to rendezvous and enter into the service of the United States, in direct disobedience of the orders of the governor of New York. Under these circumstances the sentence above quoted from Mr. Justice Story's opinion, which seems to be broad enough to include governors as well as all other persons, was in no way necessary to the decision of the court. The actual holding, purged of obiter dicta, seems not, therefore, to bear upon the question now before us. In the Massachusetts case governor and President were in direct antagonism; in the New York case in complete accord.

It is difficult to visualize in this day the inflamed state of public opinion in Massachusetts during the months of July and August, 1812. The House of Representatives of the Massachusetts Legislature issued a violent address to the people of Massachusetts on June 26, couched in the most intemperate language possible. The address is much too long to quote even in part; it characterizes the war as "a wanton sacrifice of your best interests" and attacks France as vigorously as it defends England. Two sentences are perhaps especially striking:

> Organize a peace party throughout your country and let all other party distinctions vanish. Let there be no volunteers except for defensive war.

A somewhat similar pronunciamento was issued by the Members of the Federal House of Representatives who had voted against war, including several Massachusetts Members. The newspapers of the time recite the indignities to which the Members who had voted for the war were subjected. Congressman Turner, Member for the Plymouth district, and chief justice of the court of sessions for that county, was seized by a crowd on the evening of August 3 in the main street of Plymouth, and, in his own words, received "blows to the number of 15 or 20 with such force as to create lameness and soreness which lasted a week." Two other Massachusetts war Members, Seaver and Widgery, were publicly insulted and hissed in the Boston Exchange. Clergymen denounced in their sermons the war and those voting for the war. Special town meetings were held for the purpose of adopting memorials in opposition to the war. The newspaper columns of the day teemed with opposition to the contest. Both in Massachusetts and New Hampshire feeling ran so high that talk of disunion—of separating New England or a part of it from the Union—was freely indulged in.

So much for history. What is the application of that history to the present day?

We have seen the picture of one of the 13 States, the scene of the Battles of Lexington, Concord, and Bunker Hill, 'obstinately and actively opposing the President of the United States even after war was declared. We have seen that this opposition was participated in by a distinguished governor of the State, by the house of representatives of the State, by town meetings, and other gatherings of citizens. We have seen that feeling ran so high that Members of Congress, who had voted doubtless as their consciences dictated, were subjected to insult and even assault on their return home. We have seen that Massachusetts was by no means alone in this attitude; that the other New England States stood shoulder to shoulder with her in embarrassing in the most direct and vital way open to them the preparations of the Federal Government for war. All this, remember, occurred at a day when men of 45 could recall when the Declaration of Independence was signed; could remember Saratoga and Trenton; could remember the climax at Yorktown. Boys not yet old enough to vote had seen Washington pass by. Yet Massachusetts—the cradle of liberty—went almost to extremity in opposition to an existing war of the United States against a foreign foe. Massachusetts and the United States then comprised an almost homogeneous people. No one who has read history can doubt the inherent patriotism of New England. Yet the recital of the events of those days is perhaps not an especially agreeable one to those who love Massachusetts.

What happened once may happen again. A declaration of war may again, as a century ago, be able to command a substantial majority in Congress and yet be abhorrent to a considerable section of the United States.

Is there danger that the conduct of a governor or governors acting, if you please, in the sincere conviction that it is their duty so to act may, nevertheless, embarrass cruelly the national preparations for war? More specifically, could a governor of Massachusetts or of Illinois or of California to-day act in such a way as to prevent the militia of his State being taken into the national forces upon the outbreak of war? The question has never been answered conclusively. It is true that the case of Martin against Mott, cited above, states that the decision of the President that an exigency exists is determinative and controlling upon the governors of the several States. But suppose the governor of a given State asserts that under the existing state of facts the case of Martin against Mott does not apply, or is not binding upon him, or is not law to-day, and that therefore he will not turn over the militia troops to the President. What then? We might and probably should have a theoretical remedy against such governor or governors, but of what practical value would it be when we are threatened with invasion by a foreign foe, with neither time nor inclination to be wrangling with a fractional portion of our own body politic? We certainly do not want to enforce obedience of a refractory governor by means of arms; when we are in a state of war we certainly do not wish to meander through the law courts to establish that we as a Nation were correct in our contention.

Suppose the entire State militia is engaged in suppressing riots within the State when war comes. Such service has frequently, as we all know, been required of the militia. Is the duty imposed by the governor to preserve order during the riot to be subordinated to the call of the President, or vice versa? This question has never been decided.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks that the gentleman from Massachusetts may proceed for five minutes more. Is there objection?

Mr. HAY. Reserving the right to object, Mr. Chairman, how much time does the gentleman from Massachusetts desire? The gentleman is not speaking to this section particularly.

Mr. ROGERS. Mr. Chairman, I think I am speaking to the general question involved in these sections that we are now debating.

Mr. HAY. I ask unanimous consent, Mr. Chairman, that all debate on this section and all amendments thereto close in 25 minutes, 5 minutes to go the gentleman from Illinois [Mr. BUCHANAN], 5 minutes to the gentleman from Massachusetts [Mr. GARDNER], 5 minutes to the gentleman from Minnesota [Mr. MILLER], 5 minutes to the gentleman from Massachusetts [Mr. ROGERS], and 5 to myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and all amendments thereto close in 25 minutes. Is there objection?

Mr. BUCHANAN of Illinois. Reserving the right to object, Mr. Chairman, I have no objection at this time; I am interested in the gentleman's remarks. But it does seem to me inconsistent that the House should refuse by a majority to give to the gentleman from Missouri [Mr. DECKER] an opportunity to talk five minutes on a matter that very much concerns organized labor in this country, and that now we can secure unanimous consent for 25 or 30 minutes for another matter in the bill. I had a thought as to whether or not militarism, that has been percolating through the Halls of Congress to a large extent, may have something to do with it, and that there is some partiality in regard to these matters.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] will proceed for five minutes.

Mr. ROGERS. Mr. Chairman, I wish to put into the RECORD the opinion of the justices of Massachusetts to which I have referred, so far as it bears on this question, and also certain extracts from the opinion of the Supreme Court of the United States in the case of Martin against Mott.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ROGERS. Following is the citation referred to:

[Extract from opinion of the justices of the Supreme Judicial Court of Massachusetts, 8 Mass., 548.]

On the construction of the Federal and State Constitutions must depend the answers to the several questions proposed. As the militia of the several States may be employed in the service of the United States for the three specific purposes of executing the laws of the Union, of suppressing insurrections, and repelling invasions, the opinion of the judges is requested whether the commanders in chief of the militia of the several States have a right to determine whether any of the exigencies aforesaid exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of Congress.

The Federal Constitution provides that when either of these exigencies exist the militia may be employed, pursuant to some act of Congress, in the service of the United States; but no power is given, either to the President or to the Congress, to determine that either of the said exigencies does in fact exist. As this power is not delegated to the United States by the Federal Constitution nor prohibited by it to the States, it is reserved to the States respectively; and from the nature of the power it must be exercised by those with whom the States have respectively intrusted the chief command of the militia.

It is the duty of these commanders to execute this important trust agreeably to the laws of their several States respectively, without reference to the laws or officers of the United States in all cases, except those specially provided for in the Federal Constitution. They must therefore determine when either of the special cases exist, obliging them to relinquish the execution of this trust and to render themselves and the militia subject to the command of the President.

A different construction, giving to Congress the right to determine when those special cases exist, authorizing them to call forth the whole of the militia, and taking them from the commanders in chief of the several States, and subjecting them to the command of the President, would place all the militia in effect at the will of the Congress and produce a military consolidation of the States, without any constitutional remedy, against the intentions of the people, when ratifying the Federal Constitution. Indeed, since the passing of the act of Congress of February 28, 1795, vesting in the President the power of calling forth the militia, when the exigencies mentioned in the Constitution shall exist, if the President has the power of determining when those exigencies exist, the militia of the several States is in fact at his command and subject to his control.

No inconveniences can reasonably be presumed to result from the construction, which vests in the commanders in chief of the militia in the several States the right of determining when the exigencies exist obliging them to place the militia in the service of the United States. These exigencies are of such a nature that the existence of them can be easily ascertained by or made known to the commanders in chief of the militia, and when ascertained the public interest will induce a prompt obedience to the acts of Congress.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. RICKETTS. Is that Massachusetts decision a majority decision? Was it a majority opinion or an equally divided court?

Mr. ROGERS. At that time there were five justices on the Supreme Court of Massachusetts. Two of them were engaged in other work in remote parts of the State and were unable to participate in the decision. But the other three justices, constituting a majority of the court, rendered a unanimous opinion. Each of the three was successively chief justice of the State, and the opinion probably represented the general opinion of the bar and of the bench at that time.

Mr. RICKETTS. Will the gentleman pardon me for another question?

Mr. ROGERS. Yes.

Mr. RICKETTS. Was the opinion reported officially?

Mr. ROGERS. Yes. You will find it in the Eighth Massachusetts.

Now, Mr. Chairman, suppose a governor foresees a war which, in his judgment, will work hardship upon his State or which, for some other reason, he bitterly opposes. He disbands the militia before the war has broken out. What can the Federal Government do?

It is true that the pending Hay bill, by section 31, provides—

that no organization of the National Guard which is entitled to and shall have received compensation under the provisions of this act shall be disbanded without the consent of Congress.

What does this provision amount to? If constitutional, of course it would in theory eliminate the disbandment problem. But is it constitutional? I venture to say that no Member of this House will assert positively that it is. Why? Because the control over the militia of a State is, in time of peace, vested in the governor. A State may perhaps—though this, too, is disputed—barter away in exchange for Federal aid part of its inherent domination over the militia. But if a governor prefers to cast away Federal aid, can there be any doubt that he has the right, in spite of the National Government, to do with the militia as he wishes, even to the point of disbanding it?

But let us admit that the above section is binding upon the governor and that he has no constitutional right to order a disbandment.

What if, under the order of the governor, the militia is nevertheless disbanded? What then? Shall the United States send an invading force into the recalcitrant State and insist that the disbanding be undone? The mere statement of the problem carries with it some slight idea of the impracticability of a remedy in case a State is determined to resist and disobey the Federal requirements.

In view of the importance of this aspect of the case, let me repeat. Suppose a State or group of States disobey and disband the militia, just as Gov. Blease disbanded the South Carolina militia during the present administration, what shall be the course of the United States? What would be its course if a group of States—New England, the South Atlantic States, New York and Pennsylvania, or the Pacific States—should act in concert in the way suggested? The remainder of the country might be unanimously and urgently for the war. Yet the section which was disaffected could seriously cripple the efficiency and success of the rest of the Nation.

Of course I do not pretend that this is likely to happen. I simply assert that it has happened; that human nature has not changed very much in a century and that it may, if our laws continue to permit, happen again.

The Hay type of bill retains the militia, in all its fundamentals, as it has existed since our Government began. No one knows or can know the precise limit and demarcation of State and Federal authority. It is a vast and almost wholly unexplored twilight zone. Precisely here is the difficulty which the administration sought to remedy when it proposed, through Secretary Garrison, a completely federalized force. It was this same difficulty which led the special Massachusetts Commission on Military Education and Reserve to say unanimously in its report, dated December 10 last:

For these reasons the commission wishes to state clearly that its recommendation goes to the point of making the militia actually a Federal force and nothing less. It should be controlled and paid by the Federal Government and subject to the orders of the Federal Government.

Does the Hay bill accomplish this result? Does it prevent an obdurate governor from tying the hands of the President and Congress? Is it conceivable that another Gov. Strong, of Massachusetts, should be able virtually to keep his State out of a war in which the United States was engaged? I have not been able to convince myself that, even though the Hay bill should be passed, this danger would not exist almost in equal measure with 1812. Herein, to my mind, is the fundamental and menacing weakness of the present program.

Of what practical value to the country is it that we have a theoretical remedy against the State, against the governor of a State, or against the militia of a State? Suppose war has broken out. Suppose a single State, or certain officers of the militia, or the governor of a single State shall prove recalcitrant. How, Mr. Chairman, can we in practice achieve any result from that situation which will help the United States? Let us assume that we may have a perfectly beautiful theoretical remedy under the Constitution. What practical remedy have we? None whatever short of war against the State.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. MONTAGUE. The gentleman is making a very interesting argument, which I do not wish to interrupt; but was not that question practically dealt with in the war between the States?

Mr. ROGERS. How did we deal practically with that question when we were confronted with the situation in South Carolina during the present administration?

Mr. MONTAGUE. During the present administration?

Mr. ROGERS. Yes.

Mr. MONTAGUE. That is in a time of peace.

Mr. ROGERS. When the militia of South Carolina were disbanded by order of the governor? The Civil War settled the question of secession, but not of disobedience, on the part of a State. We can not be sure that conditions will not arise which will make a war exceedingly unpopular in a given section. How, under the law in effect to-day or under the law proposed in this bill, shall we cope with the situation which may grow out of that unpopularity? [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I have asked for five minutes of this time primarily that I might propound a question to the gentleman from Virginia [Mr. HAY]. We heard

it stated on the floor yesterday that the word "draft" is obnoxious to the National Guard. I do not like the word myself. It seems to me that it is wholly unnecessary to whip a willing horse, and there is something a little obnoxious about the word "draft," because a draft has been resorted to historically only when patriotism was not sufficient to cause adequate enlistments. My inquiry is, if the word "order" could not be substituted for the word "draft" without impairing its legal effect?

Mr. HAY. The word "order" has not the same legal significance as the word "draft." Therefore the section would not, in the opinion of the lawyers who have looked into it, be constitutional if the word "order" were used. The word "draft" has a distinct meaning in all military bills and laws, and the word "order" does not mean the same thing. The word "order" presupposes that the force being ordered is already in the service of the United States; but as a matter of fact you can not, under the Constitution of the United States, order the militia into the service of the United States for the purpose of going beyond the boundaries of the United States. Therefore you have to draft them and divorce them from their status as militia in order that you may use them as Federal troops.

Mr. MILLER of Minnesota. The word "draft" is not used anywhere in the Constitution, is it?

Mr. HAY. Not in the Constitution; no.

Mr. MILLER of Minnesota. Then there is no language in the Constitution which provides that the Congress in a bill giving the President authority must use the word "draft."

Mr. HAY. Well, but we must use the English language in such a way as to empower the President.

Mr. MILLER of Minnesota. That is precisely it. Now, we do not create any authority in the President, whether we use the word "draft" or whether we use the word "order." If the President has the power to draft, has he not the power to order, and would not the two words mean the same thing?

Mr. HAY. They do not mean the same thing. The word "order" and the word "draft" are two entirely separate and distinct words, and mean entirely separate and distinct things. And if the gentleman will look into the debates during the war, when the draft sections were considered by Congress, as I have done, he will find that the same question arose, and that after a full debate on it it was concluded that the word "draft" was necessary in order to give the President the powers desired. But the main proposition to which I wish to call the attention of the gentleman is that we want to divorce the National Guard from its character as a militia organization in time of war.

Mr. MILLER of Minnesota. I agree with the gentleman precisely.

Mr. HAY. And in order to do that they must cease to be militia when they come into the service of the United States in time of war.

Mr. MILLER of Minnesota. Could we not substitute the words "call into the service of the United States"?

Mr. HAY. There would be the same trouble with that language.

Mr. CANNON. Why the same trouble? Why not amend it so that it would read?—

He shall call by proclamation into the military service of the United States—

Instead of—

He shall draft into the military service of the United States.

Mr. HAY. The trouble about that is that it is the nature of the troops that we are dealing with. Now he can call volunteers into the service of the United States, but this language is necessary in order that they may cease to be militia.

Mr. GARDNER. Mr. Chairman, I rise for the purpose of putting into the RECORD certain figures showing what happened the last time we had a draft in this country. I am in favor of this provision, but I do not think we will get all out of it that we hope.

The enrollment act of March 3, 1863, was the act under which the draft took place in the Civil War. There were 766,000 men drafted, of whom there were finally held to service 46,347.

Out of that 776,000, not counting substitutes, the North secured a little over 46,000 men by the draft. Now, here is a statement of what became of the rest: Out of those 776,000 161,000 failed to report, 46,000 were discharged because the quotas from their localities were full, 47,000 were discharged by order, 315,000 were rejected, 73,000 furnished substitutes, 86,000 paid commutation, and only 46,347 were held to service.

In connection with some remarks which I made earlier in the day, in which I spoke of the bounties which were paid in the Civil War, I shall publish a letter from The Adjutant General. In that same letter from The Adjutant General will be found the statement as to the draft which I have just summarized.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to yield to my friend from Missouri [Mr. DECKER] the time reserved to me.

Mr. DECKER. Mr. Chairman, I am constrained to speak for a moment by reason of the remarks of the gentleman from Massachusetts [Mr. GARDNER] relative to the draft. As this bill was drawn I do not believe that any American citizens, at least not in the country where I live, would take it as any mark of disrespect or dishonor that they shall be drafted into the service of the United States in time of need, when they themselves, by their own voluntary act, shall place themselves in such a position as to give their country the right to call upon them. In other words, while technically and legally this section may be referred to as a draft, yet in fact we should not lose sight of the proposition that these National Guardsmen, these men who have put themselves in training against that day when the country shall need their services, are in every true sense volunteering for the sake of their country. [Applause.]

The gentleman from Massachusetts [Mr. GARDNER] refers to the number of drafted men who hired substitutes during the Civil War. While I do not know as much about the National Guard, perhaps, as does the distinguished gentleman from Massachusetts [Mr. GARDNER], yet I have the honor to represent a district in the State of Missouri which, I believe, furnishes more men for the National Guard than any other part of the State. Gen. Clark, commander of the National Guard of Missouri, is a resident of my district. He is an able lawyer and a man of military training and experience. I know Col. Raupp, a hard-headed, patriotic business man, devoted to the training of the National Guard. I know the officers and most of the men in the National Guard in my district. They are brave and capable men, who spend their time willingly in order that they may be prepared to fight for their country when their country needs them; and I say to you that I believe the rest of the citizenship of the United States has the same patriotism, the same love of country, the same desire not only to live for the country, but to die for the country if need be, as the National Guard of my district. If that is so, then there will be no hired substitutes in the places of National Guardsmen when the war comes. [Applause.]

I am heartily in favor of this bill. The vital question in this bill, in my judgment, is not whether we shall have a standing Army of 100,000 men or a standing Army of 200,000 men. The former would mean one Regular soldier for every thousand citizens, the latter two Regular soldiers for every thousand citizens. The number finally authorized by law will be the result of conference between the Senate and House. Neither 100,000 soldiers nor 200,000 soldiers could stand against a modern European army. The vital merit of this bill consists not in the increase of the standing Army, but in the development, training, equipment, and federalizing of the National Guard, which ultimately will give us a large trained and efficient body of citizen soldiers, which is the safest reliance of a Republic in time of need.

It is true I would like to have heard a little more discussion and consideration of the question as to the use of the National Guard in time of strikes. I represent a great many miners who go down into the ground to dig for their daily bread, men who are just as brave as farmers, men who are just as brave as bankers and lawyers, men who are just as patriotic, who love the old flag just as much as you and I love the flag. These men when they join the National Guard sometimes have a fear that in the vicissitudes of political turmoil and industrial troubles they may be called upon to defend the Guggenheims and the Rockefellers instead of the flag. Of course, order should be preserved in case of labor disputes, but it seems to me provision could and should be made for this without calling on the National Guard, which should be recruited largely from laboring men who wish to be trained not to do police duty, but to defend their country when it needs defenders.

I congratulate the distinguished gentleman from Virginia [Mr. HAY], who has shown himself worthy of the title of a true Virginian when he helped to write this bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DECKER. I would like two minutes more.

Mr. HAY. If I could under the rule yield time to the gentleman I would be glad to do so, but I do not think I have the right to.

Mr. DECKER. In view of the fact that I wanted to say something good about the Military Committee, I thought the gentleman might give me the time. [Laughter and applause.]

Mr. HAY. In view of that I will yield the gentleman two minutes anyway. [Laughter.]

Mr. DECKER. Mr. Chairman, I speak not lightly, but with solemn earnestness, and I wish to commend the gentleman from Virginia [Mr. HAY] and the gentleman from California [Mr. KAHN], and all the members of this committee regardless of whether they are Republicans or Democrats. In this hour of turmoil and tragedy, in this hour when honest people are alarmed, in this hour when dangers seem to lurk on every hand, and also in this hour when there is much hysteria and when insidious influences are at work to embroil the United States in war, the members of this great committee of the House of Representatives, realizing their solemn responsibility, have played their parts in the destiny of their country. I congratulate the members of this committee because they have had the courage, brains, and patriotism to write a bill which not only protects our Nation against danger from abroad but also does what Republics should ever do, guards against dangers from within. [Applause.]

I congratulate this committee because with patriotic bravery they have done their duty, and have upheld the hands, and not only upheld the hands, but also helped to guide the hands of that great President, who, like Abraham Lincoln, toils and prays for the perpetuity of this Nation. [Applause.]

Mr. HAY. The Clerk will read. I do not care to say anything more.

The CHAIRMAN (Mr. SAUNDERS). The Clerk will read.

The Clerk read as follows:

SEC. 77. That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade: *Provided*, That in the absence of such assignment by the President officers of the same grade shall take rank and have precedence in the following order, without regard to dates of rank of commissions, as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, former officers of the National Guard drafted into the service of the United States; third, all other officers in the military service of the United States, who shall take rank among themselves in their respective grades according to the dates of their entry into the service of the United States in those grades: *Provided further*, That officers of the Regular Army holding commissions in organizations composed of men drafted or called into the service of the United States from the National Guard, or in the Volunteer forces, shall take rank and have precedence under said commissions as if they were commissions in the Regular Army; but the rank of officers of the Regular Army under their commissions in such organizations shall not, for the purpose of this section, be held to antedate their formal entry into the service of the United States under said commissions.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Page 85, line 6, after the words "war or," strike out the words "public danger" and insert in lieu thereof the words "when war is imminent."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment is offered merely for the sake of uniformity. I do not care to discuss it.

Mr. HAY. We will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on March 20, 1916, there was printed in some of the papers a statement by one Lord Robert Cecil, British minister of war trade, in which he called the milk agitation in America "dishonest and insincere." As I am the father of a resolution asking relief for the starving infants of the central powers, and as Lord Cecil's remarks are full of insinuations and hypotheses, I feel myself entitled to again address the House for a few moments in behalf of my pro-American and prohumanitarian move, and thereby to refute the statements of Lord Cecil.

In the first place I want to say that I resent the attempt of any lord to brand as dishonest and insincere the efforts of American citizens to serve the cause of humanity by attempting to save the lives of helpless babies who are innocent victims of a milk blockade. In the second place, I want to say that I resent Lord Cecil's insinuation that we Americans are unable to judge where to place our sympathy and aid; that we leap before we look; and that we need in our philanthropic undertakings the guardianship of foreigners. In the third place, I wish to say that all the arguments which Lord Cecil can marshal to show why the babies of Germany, Austria-Hungary, and Poland should not be starving or should be allowed to starve are of no value whatever if the fact is that the babies of those countries are actually starving for lack of milk.

Lord Cecil in the course of his remarks says that a Mr. Hoover's commission is sending into "the occupied area of northern France" 3,000,000 tins of condensed milk monthly to keep alive the thousands of French babies whose sources of supply have been taken from them. He adds:

Without this fund and the work of a neutral commission these French babies would be dying of starvation.

Even were it true that the Germans had attempted to starve French babies—and this charge seems to be a new one, on the spur of the moment—Lord Cecil's argument is the old barbarous argument of retaliation against the innocent, and should be rejected with disgust. Even were it true that Germany should have taken milk for her own babies, France has access to the markets of the world.

Lord Cecil again says:

I am informed through sources of unimpeachable veracity and expert knowledge—

Which he does not name—

that the Germans have been most zealous in the maintenance of their original capital of cattle to such an extent that probably less, rather than more, milch cows have been slaughtered during the war than in normal times.

He shows how this so-called "capital of cattle" has been increased by many thousands of cattle "stolen from Belgium and northern France" and in the next breath contradicts himself by saying that these "stolen cattle" were "slaughtered in greater part." He fails to note that the Russians in their retreats from Poland and Prussia slew or drove away the vast herds of cattle in those sections.

Lord Cecil again says:

If the deficiency in imported milk has not been made up, it is not our fault. As a matter of fact, Germany confesses that it has been made up.

And this is how Germany confesses, according to his notion:

The Cologne Gazette of January 4 states that an investigation of the health of 2,500 school children in Goettingen shows their health to be perhaps better than in peace times.

Does this prove that the babies of Germany do not need milk? We are not trying to ship milk to children old enough to go to school. Such children do not need milk to live. We want to bring milk to the starving babies.

Lord Cecil again says:

Germany is touched by the greatest milk-producing countries in Europe, and it is idle to contend that she is not still getting supplies from these sources.

It is more idle to contend that Germany is getting supplies from these surrounding countries than to contend that she is not. The countries surrounding Germany are either hostile and will not ship milk or are prevented from so exporting to Germany through prohibitive trade deals.

Lord Cecil again says:

Last of all, we must consider the question of fodder. Of course cottonseed cake and similar imports have been stopped, but we have good grounds for believing that this shortage has been met by the slaughter of bulls, leaving a larger proportion of fodder to supply cows, etc.

I do not believe that the lord has any figures on the slaughter of bulls. I believe all of what he says is what the word implies. I believe it is all a pure invention to cloud the issue.

Lord Cecil says:

Germany has the effrontery to include in her appeals for milk distressing descriptions of the shortage of milk in Poland.

We shall see in a moment whether there is cause for distressing descriptions when we hear the testimony of Americans on that point.

I feel myself at this time, Mr. Chairman, entitled to present some facts at my command which show the actual conditions in the central powers. In considering the milk situation I have done so in the light of facts at hand and not in the light of weird speculations and deductions.

The strongest evidence we have at hand is that of our honored countryman, Judge Ben B. Lindsey, who recently returned from Germany, where he made a careful investigation of milk conditions. In his statement before an audience in the Casino Theater, in New York City, February 27, 1916, he said:

More than a million persons who never shouldered rifle or heard the sound of cannon have died in Germany as a result of this war. I am told that more than one-half of these were babies. In many towns and cities of 30,000 or 40,000 in Poland there is not a baby alive under 3 years of age and in many places not a child under 10 years of age, so terrible has been the demand for milk. * * * I saw no signs that the adults were suffering by the blockade of food supplies, but I did see many signs that the baby population was affected by the lack of milk. * * * One of the most gripping scenes I ever witnessed, and one that I shall carry with me until my dying day, was the sight one day of a long line of mothers with tiny babies in their arms waiting to be supplied with milk. I saw the splendid sanitary equipment and other arrangements for handling the milk bottles and caring for milk, but I saw no milk. The supply for the day had given out, and still there were

hundreds of mothers left in line, who must pray for milk on the morrow, for milk to keep their babies alive. I saw the tear-stained faces of those mothers as they turned away, not knowing whether the little bit of life in their babies would be sustained until the morrow.

We have the further testimony of Roy S. MacElwee, who until recently was specially attached to the American consulate in Berlin. He says:

It will please me very much if the newspapers will correct a misstatement that appeared in some of the newspapers the day I arrived. In answer to the question, Are the babies of Berlin starving for want of milk? I was quoted as saying that "no babies in Germany are starving." This statement, if allowed to go unanswered, will give a false impression. There is a tremendous shortage of milk and all its products in Berlin and all over Germany, and the babies are suffering greatly. In Austria-Hungary conditions are worse than in Germany, and in Poland I understand that milk is practically an unknown quantity. The wholesale killing of the cattle by the retreating Russians is directly responsible for the condition in Poland. Mr. Hirshfield, traveling for the Jewish societies of New York, came back from Poland and brought a letter written to him by a German regimental pastor. This letter, among other things, told of the suffering in Poland, and stated that at one time his service was interrupted by the poor mothers of the town coming up to the altar on their knees holding up their babies and saying: "Take our babies and save their lives; we can die." I can say positively that nothing would be more acceptable in Germany, Austria-Hungary, and Poland than American condensed milk.

One letter which slipped past the German censorship shows vividly the milk famine in upper Silesia:

For Heaven's sake, have pity on us and send us milk. My little boy is eight months old. He is but a skeleton, and I have no food for him. How can he survive? The two older children are trying to comfort me, saying: "Mother, dear, we'll bear it if God will keep you and the little brother and our dear father."

Official recognition of the milk shortage is contained in the official North German Gazette on a number of dates.

The New York Evening Mail of March 1, 1916, printed an editorial on "What Lindsey saw." It quotes this passage from Judge Lindsey:

Never shall I forget the sight of the hundreds of women gathered in a room, who, having suckled their own babies, were nursing the babies of others in the hope of saving those children from starvation until another day could bring new supplies of milk from the dairies.

And then, referring to Lindsey's statement that there was a lack of milk and its derivative products, the editorial goes on to say:

This sort of testimony, which has come from many other sources, has puzzled many persons, who can not understand why Germany's milk supply should be short. They forget that Germany has not been a grazing country. She had 10,000,000 cows before the war, but these were fed to a considerable extent on imported feed, particularly the oil cake and cottonseed meal, which Germany adopted as a dairy ration before the farmers of this country began to use it for that purpose. Now, of course, the importation of these feeds from Russia, Egypt, and America is cut off. Even with the great supply of cows which she had Germany before the war imported annually about 75,000 tons of milk from Denmark, France, and Russia. The supply from Denmark has been cut off, partly because of Denmark's own lack of imported feed, partly because of the insistence of England that Denmark shall not interfere with the allies' plan of starving the enemy. The result has been that Germany, even by forbidding adults to use milk, has not been able to secure enough milk for the babies. There are in Germany about 7,400,000 babies of the milk-consuming age. There is available about four-fifths of the amount of milk required to feed them. No other food can be used as a substitute, and the actual shortage amounts to 600,000 quarts a year.

Prof. Larsen, of Pennsylvania State College, who is also secretary of the Official Dairy Instructors' Association, submits a scientific report on the milk situation in Germany which reveals it as a professional dairyman knows it must be. This report can be found in the CONGRESSIONAL RECORD of Friday, February 18, 1916, on pages 3024 and 3025.

Lord Cecil concludes his remarks with the following:

I have been unable to find any evidence of honesty in the German claims that there are babies suffering for lack of milk. The whole agitation is wholly a political move designed to discredit us.

I want to ask Lord Cecil if he can find any evidence of honesty in the American claims that there are babies suffering for lack of milk? I want to ask this British lord whether he believes Judge Lindsey to be dishonest when he tells us of the terrible suffering among the babies in Germany? Whether he believes the other Americans so testifying are dishonest? I want to ask the lord whether in the face of his testimony and in the face of our testimony he can afford to deliberately insult a great number of prominent American citizens by calling them dishonest and insincere because they want to aid starving babies? I want to throw it into his teeth. Are the great committees in New York, in Chicago, in Massachusetts and other States and cities which are seeking to aid the starving babies dishonest and insincere? They are all Americans. Are such people as Mrs. Samuel Untermyer, the Archbishop of Chicago, Mrs. Fritz Achelis, Dr. Henry J. Wolf, Carl L. Schurz, Dr. Willy Myer, and other men and women among the most respected in America all dishonest and insincere? To call them that would be preposterous, and yet he has done it. He has insulted many Senators and Representatives who are interested in the cause of the babies.

And yet for all that we in the name of humanity shall continue our efforts—we Americans. I can feel strong sympathy from all over this country. We have a move on foot to send a boat full of condensed milk to Germany under American Red Cross supervision. It would be eminently just. If the babies do not need the milk, it will not be distributed; if they do, as we honestly believe they do, it will be distributed. I do not believe the people of England or France or Russia or Italy will object. It remains to be seen whether the Governments of those countries will.

The pro forma amendment was withdrawn.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word, and I do so in order to put in the RECORD an address made on February 19, 1916, by the prime minister of the Commonwealth of Australia, Hon. William M. Hughes. This address was delivered in Ottawa about a month ago, when Mr. Hughes was traveling across Canada.

Premier Hughes is the head of the Australian Labor Party. He has been a real labor leader. He was general secretary of Wharf Laborers' Union, president of the Carters' Union of New South Wales, and president of the Waterside Workers' Federation.

I submit a copy of his address:

CANADIAN CLUB MEETING, NO. 19, CHATEAU LAURIER, OTTAWA, FEBRUARY 19, 1916.

[Address by Hon. William M. Hughes, prime minister of the Commonwealth of Australia.]

Your royal highness, Mr. President, gentlemen, I feel myself today a very proud and honored man at the reception that this Canadian people have given to me as a representative of the sister Dominion of Australia. It is with a sense of profound satisfaction that I find myself in this picturesque and beautiful city, separated by thousands of miles of land and water from the land which is mine, yet amongst friends, whose ideals are in unison with our own, whose friendly reception could not be warmer if I were not only your kinsman, but your very brother. [Applause.] In doing me honor you have honored Australia.

This dreadful war found the Empire unprepared. It was forced upon us. By no act of ours did we provoke it. We neither anticipated nor desired it. No people in the world desired war less than those who make up that congeries of nations which we designate by the term "British Empire." We were, and are by instinct, a peaceful people. ["Hear!" "Hear!"] We may best be described as a civilized people. [Applause.] And no clearer distinction can be drawn between us and that great nation with which we are now locked in deadly struggle than this; the British Nation stands for the highest ideals of civilization. [Applause.] What Germany stands for, let its deeds in this war speak for themselves. This is a war of ideals. There is not an ideal cherished by us or by a Britisher anywhere that finds an answering echo in the minds of the enemy. With them might is right. There is between the ideals of Britain and Germany a gulf as wide as divides heaven from hell—right from wrong.

The issues at stake are vital and the fate of the world hangs upon them. And the peoples of the earth, although some may look on with an air of indifference and hold themselves aloof, are being enveloped, against their will, in this great struggle, which, like some great tidal wave, sweeps resistlessly over the whole earth and can not be dammed here or there by the act of any man or any nation. The destiny of the world is to-day trembling in the balance ["Hear!" "Hear!"], and every nation, every man, must make up its mind on which side it shall take its stand. [Loud applause.]

This war will leave the world very different from what it found it. There were many of us drifting along pleasant, profitable channels. The call of duty fell dully on our ears. We turned our backs on the purifying waters of self-sacrifice. This war has come at once as a mighty spur, a sedative, a corrective perhaps needed by our race for its salvation. At any rate it has come. It will profoundly affect the destiny of our race; it will profoundly affect the destiny of the whole world. ["Hear!" "Hear!"] If by any malign stroke of fate the issue should turn against us, the clock of civilization would be set back a hundred years. The outlook of mankind would be profoundly changed. Evil would have overcome good. Force would have trampled upon right. We should fall back into what, although it might be disguised under the thin veneer of kultur, would nevertheless be a real state of barbarism, for barbarism does not differ from civilization in appearance but in reality. Not by their garments alone do civilized men differ from barbarians, but in their thoughts, in their outlook upon life, in their conduct, and by the acceptance of the standard of right, not might. [Cheers.]

We have gone out to battle with the enemy. Out of evil cometh good. The war fell upon an Empire menaced with turmoil, but at the first rattling of the saber turmoil died down, dissension ceased: we were a united people. ["Hear!" "Hear!"] There is not from Dan to Beersheba, from one end of this mighty Empire to the other, where the people do not stand four-square against their common enemy. [Applause.] This war has welded together by bonds that time will not dissolve, that nothing but our own incredible folly can wholly break asunder; this war has welded as by magic that loose federation known as the British Empire into one homogeneous nation. [Applause.]

I come here as the representative of a sister Dominion to you after some 18 months of war. During that time Australians and Canadians have on the field of battle proved that the ancient valor of their sires still burns in their veins. Mr. Thomas said something about our Australian soldiers I could say as much about the Canadian. Canadian and Australian have both proved themselves to be men. They have realized clearly that this war is not one that concerns Britain only, but is a war which affects our very existence as free men. [Applause.] I stand here to-day as the chosen representative of the most democratic government in the world: I stand here as a representative of labor [applause], and all the ideals that you and I jointly cherish—and those ideals that are peculiar to labor—all these, I say, rest upon the foundations of liberty and must fall if we lose this battle. We in Australia and you here in Canada have fought, are fighting, and shall continue to fight to the end, for those free institu-

tions which to free men are dearer than life itself. We fight not for material wealth, not for aggrandizement of empire, but for the right for every nation, small as well as large, to live its own life in its own way. [Applause.] We fight for those free institutions upon which democratic government rests.

In Australia what the people say goes; whatever they choose to make, that they can make. But in the country against which we are fighting to-day the will of the German proletariat, though 10,000,000, though 50,000,000, stand behind it, is as nothing beside the ukase of the Kaiser. Liberty does not dare to venture into that cold and chilling atmosphere. I do not speak of that poor pallid cadaver of liberty that slinks through the land surrounded by the Prussian guards. In this country, in England, in Australia, our ancestors have fought and died for liberty. Those intrepid men, French and English, who founded this country endured incredible hardships in order that they might breathe freely the bracing air of freedom. They came here because tyranny was unendurable to them. They came to found in this great country a New World, over which the spirit of liberty might keep eternal watch and ward. They left their country, which to them was very dear, in order that they might have liberty, which was dearer still. We fight, therefore, in this war for liberty. We fight for those free democratic institutions without which life as we know it would lose its savor. With Germany victorious we should live—yes! But we should not live as free men! We in the Dominions could have purchased an ignoble peace had we been willing to pay the price, to bend the knee to Baal. If we had but abased ourselves before this mighty Moloch, all would have been well. They were prepared to treat Canada as a separate nation. They were prepared to hold out the hand of friendship to Australia. Yes; they were prepared to deal with us, and even with Britain, as the man-eating tiger in the jungle deals with its victim, taking each in turn. [Applause.] But, although we are a peace-loving people, and have slumbered in this lotus land for many years, we have, thank God, not lost the spirit of free men. The valor of our forefathers courses swiftly through our veins, and Canadians and Australians have proved themselves on the field of battle in this war of Armageddon to be worthy of the mettle of their pasture. To-day Germany knows that when she fights England she fights not merely the 45,000,000 people in England, but those other millions scattered throughout the world—men of adventure, men of resolute, determined purpose, who will fight to the bitter end alongside of those who gave them birth, to whom they owe those institutions of free government and ideals that are part of the warp and woof of our race. [Applause.]

I feel I stand here to-day in the reflected glory of the Australian soldier. I never speak—I can not speak—of his bravery but what I choke with emotion. You speak of the charge of Balaklava. There men went out in the broad light of day, with all the impetus and stimulus that a knee-to-knee charge, on splendid horses, gives to men. But the story of the Eighth Light Horse of Australia is one by which the charge of the Light Brigade must pale its ineffectual fires. These men—there were some 800 of them—were detailed, and they were to go over in four waves. They were given their orders 6, 8, 10 hours before. Every man of them knew that the order meant almost certain death. They went without question, without hesitation. They made their preparations. They handed to those who were to remain in the trench their poor, brief messages of farewell, and then they went out, wave after wave, to die; they were shot down almost as soon as they crossed the parapet. The man who got the farthest was the colonel; he got 50 yards. [Applause.] The first wave was shot down; the second and third followed; the fourth was ready, but was ordered to remain in the trench. Out of those 500 who went 15 only survived! We must look back in the gray dawn of history before we find a deed parallel with such a deed! It was not inspired by the spirit of valor, not heroism, but by that of sacrifice. The Spartans at Thermophylæ have left a name which the ages have not dimmed and which shall remain when the pyramids shall crumble to dust; but surely what these Australian soldiers did that day, these citizen soldiers of a new nation, the last but one in the family of the Great British Empire, what these men did, too, will never die. [Prolonged applause.]

We have fought and we are fighting this battle as if it were a battle of life and death. It is a battle of life and death. We did not enter it lightly, nor shall we quit it while life remains in us. We have sent out of the country to the European or Asiatic battle fields, to the first week in February, 145,000 men. [Applause.] We have enlisted to the first week in February 240,000 men. We shall have enlisted by the beginning of June 300,000 men. [Applause.] The Australian is coming from the workshop, the farm, the ranch, and the desk to do battle for the country that has made him what he is. Australia is a great country. Its immense hinterland is almost like your own. It is a country of tremendous distances. It is a country in which free men live and can thrive. It is a country in which men imbibe the spirit of liberty through every pore. It breeds men who would rather die than lose liberty. They are coming out, these men, nurtured in a free air, raised amidst the freest institutions of democratic government in the world, they are coming out to do battle for the country that has given them birth and made them what they are. They are showing to-day the mettle of their pasture. They are fighting for everything they hold dear. By land and sea Australia has done, and is doing, what it can. [Applause.] It is a battle to the death. It is a battle from which we are to emerge triumphant, with our great Empire welded indissolubly together, or in which we must go down with all prospects of achieving our destiny forever damned. I have no doubt, nor has any Australian any doubt, of what the result may be. Britain and her allies at the outset of this fight were caught at a disadvantage. We were like peaceful citizens taken unaware by thugs and bandits. [Applause.] But they are gradually mustering their tremendous resources. Britain is turning her men of peace into men of war. She is gathering against our great opponent—and I pay every tribute to the bravery of the great German nation, to its tenacity, to its power of initiative, which we thought crushed out of it; I pay all that ungrudgingly. She is building up against it, massing up against it the tremendous resources of a free people who will die to the last man rather than they will be defeated. [Cheers.]

And we shall win. We have encircled this tremendous and ferocious foe with a wall of steel which, despite her most frantic efforts, she can not break. [Applause.] We have shut up her great navy, so that its ships are but inglorious canal boats [laughter] while ours roam at will undisputed mistress of the seas. The part played by the British Navy in this war can never be exaggerated. Under the shadow of its mighty wing you and I and all of us draw our breath free men; the blast of war has never been heard on these favored shores. Australia lies to-day a veritable jewel in the Pacific Ocean, and not the most distant rumble of this Homeric conflict has been heard on her shores. The British Navy has done its part well. [Applause.] It has saved the Empire and it has saved civilization. [Loud applause.]

Every one of us must thank God and the patron saint of our nation that there were men in England who turned a deaf ear to the "Little Navy" party. To-day we live as free men because there were those who did not believe that the lion could ever lie down with the lamb. They did not believe these professions of friendship, these philanthropic exhibitions of sentiment. They did not believe, as some admirable people believed, that the day had come when the bell of universal peace was heard in the land. They did not believe that the sword had been beaten into the plowshare, and so they worked quietly, persistently, but effectively. And because of that we live to-day as free men. [Applause.] Let us look at the thing fairly, consider what Canadians and Australians owe to the power of Britain on the seas. Unless we had purchased temporary safety by basely abandoning Britain in her hour of need, few of us would have been living to-day and the death knell of freedom would have sounded in our ears. [Applause.] The British Navy was prepared. We have turned from our peaceful avocations. And so we live and live as free men under the shelter of its wing; we are doing what men can do to defend their country and their liberties. We have concentrated our tremendous potential forces for this one purpose.

We are in the eighteenth month of the war. The submarine menace is still with us, but it is a menace which has shot its bolt. It has been powerless to affect more than 1 per cent of the mighty mercantile marine of Britain. From the most distant seas her argosies cleave their way undismayed. To her shores they are going from distant Australia and the Canadian coast, carrying grain, provisions, ammunitions, everything necessary for the successful prosecution of this war. The German Navy, built for our destruction, is locked within the narrow waters of its home. [Applause.]

It had been very well for us and very well for mankind if Britain had prepared as well by land as by sea. ["Hear!" "Hear!"] If she had done that there would have been no war to-day. And this I say—and it is all that I shall say on this point—that Australia has been able to do what she has done because we have adopted as the corner stone of our democratic edifice the system of compulsory military training. [Applause.] We believe that there is but one way by which a nation, being free, can remain so, and that is that every man shall not only be willing to defend his country, but be able to do so. [Applause.] And we think that if it is right—as it surely is—that a democracy should educate its citizens so that the franchise shall be wisely exercised, for government by the many, if the many are not educated, is a doubtful good, so we think that the State should train the citizen so that he may be able to defend his country, his home, and his liberties. The defense of one's country is the primary duty of citizenship. It is the first duty of free men. Two years before the outbreak of war we had established in Australia a system of universal military training. To this we owe that complex and widespread organization for training officers, noncommissioned officers, manufacturing small arms, ammunition, clothing, and so on, without which we should have been almost helpless in this great struggle. A small community of under 5,000,000 of people yet we have been able to train, to equip from head to foot, a great army of men. It is a great thing and one which we may mention with pride and satisfaction that Canada and Australia have together put into the field nearly twice the number of the original British expeditionary force. [Applause.] We have put close on 300,000 men between us of first-class fighting men in the field. Australia could not have done her part unless we had a great organization created to prepare for danger. This one lesson must be learned from this great war. Some day the wings of the dove of peace may beat a soft lullaby throughout the land. But that day is not yet. Until that day dawns it is the duty of free men to be able as well as to be willing to defend their country. ["Hear!" "Hear!"] Neither liberty nor our national rights can ever be safe when we neglect the defense of our country. This is a primary duty of citizenship of a free country. Nor can it be safe if we intrust it to volunteers. It can not be ignored nor left to volunteers. For as it concerns all so must it apply to all. Liberty, the very basis upon which our national edifice rests; liberty, the very breath of our being; liberty, without which the mere material side of civilization is as a dry husk, must be defended by all. [Applause.] With that I leave it.

I thank you very sincerely indeed for the manner in which you have received every mention of Australia. I owe a thousand things to the citizens of this country and to its Government. The Government has done me the unique honor of making me a member of its privy council. [Prolonged cheers.] I hold that honor in trust for the Australian nation. It is in this warm-hearted and generous manner, characteristic of the Canadian people, that they display their friendship to their sister Dominion. I owe the Government of Canada many thanks for a thousand courtesies. I shall leave this country with very great regret. I came into it when even its western slopes were covered with a mantle of snow. I have traveled 3,000 miles through it. I don't know, I have not yet been able to grasp, how many more miles I shall have to go to get to the Atlantic coast [laughter], but I suppose, eventually, if one went far enough one would get there. Yours is a country of almost limitless extent, of great resources, inhabited by a most virile people, tenacious of purpose, and inspired with a profound belief in the future of Canada. ["Hear!" "Hear!"] I have a profound conviction in its great destiny. Believe me, my friends, this club has performed a great national function by creating the means whereby the national spirit of Canada can express itself. [Applause.] Here, so the president tells me, you hear both sides. I am not altogether sure that this is always a pleasant thing. Sometimes it is not. [Laughter.] I shall leave this country with very great regret, cheered with the hope that ere very long, when I return from England, it may be my privilege to come through it again. [Applause.] I thank you very much indeed on behalf of the Government of the Commonwealth and people of Australia. [Prolonged applause.]

Mr. STEENERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new section, at end of section 77, a new section as follows:

"SEC. 77½. Service in the National Guard shall be considered military service within the meaning of section 1754, Revised Statutes of the United States, and the preference right therein granted shall extend to persons who shall have served in the National Guard."

Mr. STEENERSON. Mr. Chairman, in order that the committee may understand this amendment, I want to read the

section referred to and the instructions placed thereon issued by the Civil Service Commission. This is taken from the Manual of Examinations issued by the Civil Service Commission:

Section 1754 of the Revised Statutes provides that persons honorably discharged from the military or naval service by reason of disability resulting from wounds received or sickness incurred in the line of duty shall be preferred for appointments to the civil-service offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. A person who has been allowed preferences by the commission has the following advantages: (a) He is released from all age limitations; (b) he has to attain an average percentage only of 65 to be eligible, while for all others the average percentage required is 70; (c) having attained an average percentage of 65, his name is placed upon the register above, and is certified before those of persons who have not been allowed preference; and (d) he is released from the law and rules relating to apportionment of appointments.

I apprehend that one of the difficulties that will be encountered in future in time of peace will be the recruiting of the full number of the militia. It is undoubtedly a fact that when there is war or rumors of war the American youth are patriotic and will volunteer in large numbers, but in the piping times of peace, the inducements offered by this bill may not be sufficient to recruit the militia or National Guard up to the full quota required. As an additional inducement for getting enlistments under this new National Guard law, I propose to so enlarge section 1754, which gives preference right to those honorably discharged from the military or naval service of the United States because of disabilities incurred in line of duty, to those who have been discharged from the militia on account of disability incurred in line of service. I believe there should be an additional inducement to young men to enlist in the militia, for if they were disabled it is true they might get a pension, but everyone knows that a pension granted is not sufficient, and they will thus be given employment in the civil service of the United States the same as honorably discharged soldiers from the military and naval service. It seems to me that no reasonable objection can be raised to the proposition.

Mr. HAY. Mr. Chairman, I hope the amendment will not be adopted, because, in the first place, it would not lend very much encouragement to people to enlist in the National Guard, as it only applies where they have incurred some disability, as I understaad, in the line of service. In the next place, I think it will be quite a blow to the civil service of the country if that proposition were put in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 78. That the President of the United States shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this act.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. There appeared in the New York Herald on March 12, 1916, a very able article by Maj. C. B. Blethen, of the National Guard of the State of Washington, regarding the upbuilding of a volunteer force in the United States. Maj. Blethen has organized a great many National Guard companies, and is thoroughly familiar with the guard. He is the holder of the six possible certificates of proficiency granted by the War Department to the officers of the Coast Artillery Militia. I desire to print in the RECORD as a part of my remarks the article referred to, which is as follows:

Even previous to the completion of the Military Committees' bills and Villa's dash into Columbus, as a people we had finally made up our minds that we should be prepared to prevent invasion and to uphold our dignity among nations. Immediately deadlock developed. How could we do it?

I know it is against the rules to suggest the easiest way. Conscience says the easiest way is never best. American history shows the student that we have habitually taken the easiest way to meet our wars—that the result has been incredibly expensive in lives and money. The Civil War alone cost $10,000,000,000 more than would have its prevention—and all those thousands of lives!

Directly after each national disturbance has subsided we have brought our Military Establishment down to an irreducible minimum. Each time we have said to ourselves: "There's an easy way; we can always raise volunteers." And in every subsequent conflict we have taken that easy way, with the result that we have been compelled to go through 18 years of unnecessary wars! This, as Gen. Upton says in his authoritative work on the Military Policy of the United States, a Government publication, does not include the smaller Indian wars, but takes in the Civil War, entirely preventable; five unnecessary years of the Revolutionary War, two wasted years of the War of 1812, six months of the Creek War, six years of the Florida War, and one year of the Mexican War. Aside from the Civil War it has cost the United States four times as much in money alone to meet our enemies by the "easy" volunteer system as it would have cost to be prepared before the emergency came and to remain prepared down through the Spanish-American muss.

EASIEST WAY BEST NOW.

But there has come a time at last when the easiest way is best. We can throw away the rules; we can take the easiest road. For now, when we know that calamity is surely coming if we do not prepare to prevent real invasion—not piffling raiding of the Villa type—at the conclusion of the great war, or perhaps sooner, out of the tangle of conflicting opinions comes the way. And this way is the easiest road to preparedness and the best.

The plans so far brought to congressional attention include universal conscription, improving the National Guard System, federalizing the guard, doubling the size of the standing Army, the continental army scheme, and a variety of ways of strengthening the Navy.

The first half of the "easy way" requires that our Navy shall be placed upon a fighting footing second only to Great Britain, and that this shall be done at once, with the idea that 15 or 20 years from now we should occupy first place among naval powers. To place the Navy on a proper fighting footing we need as much as we need battleships, battle cruisers, submarines, and destroyers, an adequate supply of auxiliary vessels, including colliers, more colliers, and still more colliers; and ammunition, mountains of ammunition, more ammunition, and better means of storing and distributing it than any other power.

The naval part of the program is conceded by everybody. The second half of the easiest way is now first suggested, and therefore is not included in the schemes before Congress, perhaps because it is so simple, possibly because it would tread on so many political toes.

While I have listed universal conscription among the plans that have been discussed in official Washington, it is necessary to add that it has never more than been hinted at; it has been over the conversational net, only to be batted out of the court of discussion as a dead ball. America may some day awake to the absolute and unavoidable necessity of universal service, but not yet. Therefore this is neither the easy way nor a feasible one.

MORE PAY NECESSARY.

Improving the National Guard system by federalization, by the militia pay bill, or any other method will not meet the issue. The pay bill will help. I think most National Guard officers will agree with me that if we had enough Federal pay, from private up, simply to keep us, as I have said elsewhere, from "paying for the privilege" of serving, we could increase the number of effectives enrolled in the various States from 128,000 to 250,000. If in addition to this our officers were commissioned by the Federal Government instead of by the States, the personnel would be improved and the number of men who lead in private life and are willing to train themselves and be trained as officers would be increased. Further, if the system of instruction and training could then be federalized, if the Government could force the creation of the necessary auxiliary forces, such as Cavalry, Field Artillery, machine-gun detachments, engineers, transport and sanitary troops, with proper equipment and find a way to train officers and men assigned to the duties of transport and supply, we would have a very efficient force of its size.

TOO MANY STANDARDS.

Now, what's wrong with the idea? Many things.

Not enough will agree that the pay system is good. The States can not be forced or persuaded to provide the auxiliary forces. The difficulties of making the systems of training in vogue conform with one standard, as long as there are four dozen separate State organizations and administrations, are insurmountable.

And the result would not be nearly adequate to the requirements. Why, Switzerland under her wonderful system has more than 500,000 trained soldiers. Compare her area and population with ours!

We want and must have an Army big enough to defend us successfully the minute the war comes, and not an Army to serve as a model for a real army to be created after the war has begun. We want to be able to call 2,000,000 men into the field when they are needed, not a total of 400,000—150,000 Regulars and 250,000 militia—to be destroyed in sections by a machine-trained enemy.

To understand the way here suggested for providing a sufficient body of troops for the land defense of this country it is necessary to understand exactly how the present futile system is worked.

We have on paper about a hundred and twenty-eight thousand Organized Militia. These are State troops and are under the control of the State officials. The constitutional limitations to their service are well understood; it is not practicable to use the National Guard in time of war as at present constituted, except under their own officers and for sharply defined purposes of defense, as we probably will find out immediately on the Mexican border. Now, this 128,000 men is conceded by all guardsmen and adjutants general to be about the most that can be induced to enter the service of the various States. Without discussing the question of how many of these men are properly trained or how many actually would be available in time of war, consider the inducements that are offered them to become members of the National Guard.

OFFER SOCIAL INDUCEMENTS.

Large armories are provided. Many of these are nothing short of palatial. The poorest furnish actual clubrooms for young men who would have no other places to spend their hours of leisure except pool rooms or saloons. All furnish social inducements under conditions that can not but make membership attractive. Practically all have gymnasiums of various kinds. Shower baths and swimming pools are common. Athletics under careful supervision and with competitive conditions to bring out all there is in a man are a regular feature of every organization.

Character building and physical training are necessary, natural, component parts of the work. And the two-week camps out of doors under the finest kind of sanitary conditions are exceedingly attractive to the average young man.

With all these advantages, we have what? Only 128,000 men enlisted out of the 30,000,000 in the United States 21 years of age or more! To bring the point closer home, there are about 4,000,000 males 18, 19, and 20 years of age and 8,000,000 or 9,000,000 more not yet 30 years of age! Why aren't more of them in the militia?

My experience as a recruiting officer enables me to answer that question authoritatively. I must have talked with hundreds—at thousands—in organizing one company of militia and helping others.

The bulk of those who don't come in stay out because of the discipline involved. Obeying orders, even the orders of a physical instructor, is distasteful. We are an undisciplined people, and the idea of being told to do things is abhorrent.

The reason next in importance is inertia—laziness. There is unnecessary work involved. It is something that one doesn't have to do, so why do it?

The next most important reason, a reason given by a larger class than would be expected, is that it would be beneath the individual's dignity. In other words, we have many thousands of young men who look down on the militia.

FEARED BY UNIONS.

One of the big reasons is the labor unionist's fear that he would be used against his fellow employees in time of strikes. From his standpoint this is a perfectly legitimate reason.

An exceedingly large class stay out because of the period of enlistment. Thousands would come in if they could leave whenever they chose. This class can not be made to believe that removal from the State, illness, night employment, and similar legitimate excuses will procure honorable discharges.

A very few are prevented from entering because of night work, or because outside the regular hours of toil their time is taken up with additional home tasks.

A large number are deterred by the fear that they may be ordered to attend summer camps or some other activity at times when employers can not spare them, and with them should be classed those who can not afford to take even two weeks a year from their jobs at the rate of pay offered the militia.

The militia is trained by its own officers, under the supervision of Regular Army officers detailed to the various States as "inspector-instructors." Theoretically, each unit has about 40 drills a year in the armories and two weeks in camp for field maneuvers. In addition, each man is supposed to appear on the rifle ranges and be instructed in small-arms shooting. Actually the average individual does not, I dare say, get in 20 periods per year of armory instruction. The Division of Military Affairs has the figures on the number of men who are actually taken to the camps—probably not 65 per cent of the whole. And as for shooting on the ranges, I understand that one State with more than a thousand infantrymen has only 7 per cent qualified as marksmen.

PRACTICE MARCHES RARE.

Practice marches are exceedingly rare. Field maneuvers usually are undertaken only under the most propitious conditions of weather.

Now that we are confronted with the necessity of doing something, let us consider what has been offered. First, the continental army. This was sponsored by Secretary Garrison, and because of its failure to win support in Congress he resigned.

Last year the experiment of business men's instruction camps was made in various sections of the country, the most notable at Plattsburg. Volunteers from all walks of life poured out. In western Washington, at the fag-end of summer, when most business men had taken what vacations they could afford, and on eight days' notice, a successful camp was organized. But there were no uniforms, rifles, or other necessary equipment available. How these were supplied is another story. They were supplied, under conditions emphasizing the necessity of having instantly available in all parts of the country rifles, ammunition, tents, and all other equipment. For had this business men's camp been a group of volunteers rushing to the defense of our homes, they would have had nothing with which to fight or live save bare hands!

The alacrity with which the men who attended these various camps responded to the call may or may not have had something to do with the conception of the continental army scheme. Be that as it may, the plan was broached, partially explained in the newspapers, and the then Assistant Secretary of War, Henry Breckinridge, journeyed out to the Pacific coast to explain it to the National Guard Convention, which had assembled for the annual meeting in San Francisco.

AMAZED BY SCHEME.

Blank amazement greeted the official outlining of the plan. It was purposed to raise a new volunteer army, in groups, larger than the entire existing National Guard each year. How? It was purposed to officer them. How? It was purposed to give them two months' intensive training each year. How?

There was no answer to any of the three big questions. On the other hand, the guard was told that any officer or organization that desired could come over from the State militia to the new continental army or Federal militia. In other words, there was no method for the constructive work given, but one big method for destruction of the existing guard was indicated.

To the guardsman, particularly to the officer who had labored for recruits, the thing came as a thunderbolt. With all the advantages offered for enlistment in the State militia we could not keep our ranks full. What reason could there possibly be for enlisting in the continental army?

Absolutely none. On the other hand, disadvantages crowded round, the first one being enough to finish the scheme for good. How on earth could the young manhood of our country be persuaded to give up their means of livelihood for two months each summer? The thing was a physical impossibility, so there is no need of wasting words over the other and perfectly obvious disadvantages.

With the death of the continental army proposal the country is confronted with a desperate situation. We must have the men, yet there is no way to provide them. Congress has received many plans to increase the Regular Army through its committees. We can not recruit a large standing army of mercenaries even if we want to. We must make the enlistment contract more attractive or do something else to get it up to at least twice its present size, and probably something of this sort will be done as the result of the Military Committees' bills. But this will still leave us with but a fragment of the forces we require.

All of the schemes remaining can be considered together as a project to federalize and pay, or federalize alone. Federalizing means taking from State control and placing under direct national control. This we want and must have if we are to be efficient. But before going on concerning this point, we must inquire how many more men it will train for our defense.

ATTENDANCE NOT ASSURED.

Federalization alone will give us no increase at all or so small an increase as to be negligible. Opinion is thoroughly divided as to the effect of Federal pay even if Congress would overlook economic objections. Suppose the view of those of us who hold that it would probably give us 250,000 men be taken. As I said previously, this doesn't commence to solve the problem, leaving us, in effect, no better off than before.

So, unless something entirely new is suggested, there is no scheme in sight that will even insure regular attendance at the drills and camps of such forces as we have—no method offered to teach our men how to shoot, to train them to be real soldiers, that can endure the hardships of actual warfare.

But there is a way. It is revolutionary in form. Constructed and backed by proper Federal laws, it should produce the trained citizen soldiers we must have. It involves a scheme of federalization and by implication at least compulsory service; for under it hereafter no physically sound American, upon reaching the age of 21, would be permitted to cast his ballot until he had served a full three-year enlistment in the Federal guard.

Before going a step further—Why not?

Service in the guard can not but be of physical benefit. It is the most democratic thing on earth. There is not a solitary conceivable evil thing that can come to its members in time of peace, and the training had therein means the difference between victory with the minimum loss and rout, slaughter and rapine.

First, we must have a large increase in the number of officers in the Regular Establishment to handle the instruction and administration of this Federal guard. We must have a large increase in the Regular Army to provide enlisted instructors and Regular soldiers for various necessary duties in connection with the supplies and depots of the new force.

WOULD PURCHASE ARMORIES.

The present National Guard of the various States exists by grace of the allotment of Federal funds for pay during camp periods, transportation, expense of the Division of Militia Affairs, instructors, and similar things, and because of the supplies of arms, ammunition, and equipment furnished by the Government.

Withdraw all this ordnance, all these supplies, all Federal funds. Take over the State armories later by purchase. Admit to the Federal guard all organizations of the old guard, subject to proper physical examination and thorough tests of the ability of the officers. Take over officers or men alone where the full units do not care to come. Make use wherever possible of the present adjutants general as department commanders, the officers to rank and be paid as brigadier generals.

Permit in the Federal guard enlistment by sound males up to the age of 45.

Deny to all sound American men from 21 to 25 years of age, inclusive, the right to vote until they have enlisted for the full three-year period. Deny to any who under this prohibition decline to vote in order to escape the Federal guard service the right to vote until he has reached the age of 45 unless he finally undertakes his term with the colors.

This can be done with the greatest ease. Congress and the Executive between them have unlimited powers for raising armies. By employing the draft and basing the draft on registration books or other lists of voters, but on nothing else, a citizen of draft age would be compelled to refrain from voting in order to avoid service in the Federal guard.

While we have no accurate figures on the approximate number of males who reach the age of 21 each year, we have certain significant figures from the Census Bureau. On April 15, 1910, there were in the United States 26,999,151 males 21 years of age or over. On July 1, 1916, there will be 29,947,950. Roughly, an increase of 3,500,000 per year.

Increasing our facilities for training as rapidly as we may after taking over the State armories and equipment formerly allotted the National Guard, we will find that there are more physically sound young men available every year than we can train. Therefore, word the law so that the Government can call to the guard only such ages of young men as experience proves will be needed.

It will be necessary to make the work compulsory once the enlistment period is begun, and laws without loopholes must be provided for this purpose.

Experience may show that our young men would rather give up the ballot than serve. A separate section of the enactment could provide for absolute disenfranchisement of men who reach the age of 35 without voting.

After serving his three years each guardsman should place his uniform, rifle, and complete field kit in his own locker in a depot provided for this purpose. For the next three years he would be subject to call in a national emergency. Under a proper scheme of mobilization once each year (say the Fourth of July) he would be called to the colors for a one-day review.

A large number of officers of the Regular Establishment would be required to command the reserve, and enlisted personnel from the Regular Establishment would care for the depots and provide such necessary noncommissioned officers as needed for first sergeant, quartermaster sergeant, and possibly other positions in the reserves at the times of mobilization.

OFFICERS FROM THE RANKS.

The machinery of the reserve could largely come in through the present State administrative staffs, taken over into the Federal Guard or provided by the Federal Government.

The instruction of the Federal Guard would come at first directly under the supervision of officers of the Regular Army. This work could be rapidly turned over to the officers of the Federal Guard as developed. Competent officers of the existing National Guard would be taken over, where possible, at their present rank, but no new officers above the grade of first lieutenant should be developed from new material during the first three years of enlistment. After the first three years captains would come from the ranks of properly qualified lieutenants who had served at least one full enlistment period, field officers coming naturally from the ranks of the qualified captains. Seniority and qualification must govern the choice of officers, never popularity. Officers of the active list could be transferred to commands in the reserve list, gradually replacing the Regular Army officers at first employed for that purpose.

The burden of drill would be so slight that it is almost inconceivable the plan has not been advanced before. One uniform only—the field—would be provided. Drill would occur 30 or 40 nights a year at weekly intervals and at three previously determined week ends, when, regardless of condition of weather, the men would be taken into the field on Saturday afternoons and returned to their armories at midnight on Sunday nights. This would accustom the men to the mechanics of bivouac and the hikes would go a long way toward keeping them in physical condition. A somewhat similar plan involving only Saturday afternoons or other holidays would give the men their instruction with small arms on the ranges.

Then two weeks' intensive training in the field similar to that dished out at the business men's camps last summer at the vacation period each year and we would have in our reserves not the best-trained troops in the world, but bodies of splendid young Americans ready to fight at the drop of the hat and ready to get to the place of fighting in good condition and take care of their health until the fighting comes.

As soon as our machinery is in working order this scheme should provide 500,000 men a year.

Its success depends fundamentally upon our young men proving loyal to their country—loyal enough to be willing to serve and vote. If

bitter experience should prove that our manhood will give up the ballot rather than prepare to defend the country against an invader, then in sorrow and deep humiliation we must consider direct conscription as the only salvation of the United States.

The Clerk read as follows:

SEC. 79. That section 1315, Revised Statutes, as amended by section 4 of the act of June 6, 1900, the act of June 28, 1902, the act of March 3, 1903, the act of April 19, 1910, and the act of August 9, 1912, be, and the same is hereby, amended to read as follows:

"The Corps of Cadets shall consist of 2 from each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from Porto Rico, 4 from each State at large, and 60 from the United States at large. They shall be appointed by the President and shall, with the exception of the 60 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed: *Provided*, That under such regulations as the President shall prescribe the increase in the number of cadets provided by this act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 87, line 12, after the word "authorized," by inserting a colon and the following words:

"*Provided further*, That nothing in this act shall operate to prevent the appointment of natives of the Philippine Islands to the West Point Military Academy as is now provided for by law."

Mr. HAY. Mr. Chairman, I just want to say that that amendment is offered out of an abundance of caution so that these natives in the Philippine Islands will not be excluded from the Military Academy.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PLATT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 87, line 7, after the word "*Provided*," by inserting the following:

"That in addition to the said 60 to be appointed from the United States at large the President is hereby authorized to appoint not to exceed 10 cadets annually to the United States Military Academy, each of whom shall have been recommended to the War Department as the honor graduate of an educational institution having an officer of the Army detailed as professor of military science and tactics under existing law and designated in War Department orders as an 'honor school' upon the determination of its relative standing at the last preceding annual inspection regularly made by the War Department: *And provided further.*"

Mr. HAY. Mr. Chairman, I will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMYER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 86, line 33, strike out the word "two" and insert in lieu thereof the word "four"; page 86, line 24, strike out the word "two" and insert in lieu thereof the word "four"; page 86, line 25, strike out the word "four" and insert in lieu thereof the word "eight."

Mr. OVERMYER. Mr. Chairman, throughout the discussions of this bill as well as during the general addresses that have been made on the subject of preparedness there has been an almost universal expression from the Members that we ought to have a larger body of trained officers.

I believe that a vast majority of the speakers who have expressed themselves on the military subject have agreed that one of the most important features of increasing the efficiency of our Military Establishment is to provide a larger number of trained officers, and I wish to take this time only for the purpose of calling your attention to a measure that has been introduced, providing for a larger graduation of trained men both from West Point and Annapolis by establishing a united service first-year school somewhere in the Middle West.

The bill H. R. 12766 asks that we add to the present Army 40,000 men and 2,405 commissioned officers. About 2,200 of these will be line officers, and at least 60 per cent should come from the Military Academy. At present I wish to call attention exclusively to this increase of officers and ask what proportion of these officers are to be obtained from our Military Academy? Does the bill provide for an adequate increase of these officers from the Military Academy? From a careful study of the bill I would say that it does not. Ever since the foundation of our Army it has depended for the character, discipline, and thoroughness of its efficiency upon the graduates of West Point, for whether the officer comes from the National Guard, from civil life, or from the ranks, his ultimate worth as an officer comes from the Army through each nongraduate officer following the example, teachings, and traditions put into the Army by West Pointers. These vital principles are always maintained there by these same graduate officers from that school, which has no equal in any country in the world.

Section 79 of this bill provides that the Corps of Cadets at the academy shall consist of 1,134 members. This number is by no means as large as it should be, yet to accommodate this number nearly one-half million of dollars must be expended at the Point to provide for improvised shelter, enlargement of quarters, and so forth, and when all that is done they must put three boys in each room—rooms that were built for two. The meal house must be divided, one half the corps eating at a time. Both of these features are detrimental to the health and comfort of the cadets, for every moment they stay at the Point they are under intensive training. This uncalled for crowding is absolutely unfair to the first-year cadet. He does not have the chance he is entitled to, and it will follow that the failures that annually occur in February will be greater in proportion than they now are. Besides overworking the cadets, every enlisted man, professor, and officer at West Point must work overtime, all this militating against the first-year cadet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. OVERMYER. I thank the gentleman. For this reason, as well as for many others, I urge the separation of the first-year cadets from both our Military and Naval Academies, and urge the establishment of one separate school, apart from the academies, where the first-year cadet shall be prepared to finish the remaining three years of his training at the Military and Naval Academies. The plan I refer to is formulated in House bill 12487, introduced by myself on February 29 last, and referred to the Committee on Military Affairs. And I might say a similar bill is pending in the Senate, introduced by Senator POMERENE, of Ohio.

The number in the Corps of Cadets, as provided in the bill now before the House, is 1,134. The Superintendent of the Military Academy has stated in his report on this subject that only 18.5 per cent of the Corps of Cadets can expect to graduate. This means, with the present system, that West Point can graduate but 209 officers annually.

Foreseeing the disastrous effects of this crowding, the bill H. R. 12487 asks that the increase of cadets be spread over four years. Under the present plant one-third of the school will always be composed of fourth classmen, or freshmen, a bad condition for a Government military school which depends upon direct individual instruction for success. Four years from now, under the present system, there may be graduating classes of 209 officers. Even in this possibility there is a decided discrepancy, because the academy authorities estimate upon 150 or more vacancies, which would actually reduce the expected number of graduates to 182. If all at the academy in June last, and the proper proportion of this year's entering class should graduate, the academy would produce but 640 officers in four years.

This output is not enough. It represents but 30 per cent of the 2,200 new officers, and takes no account of the yearly waste due to retirements, deaths, and resignations. The graduates should represent not less than 60 per cent of the line of the Army. The conservatism that stands in the way of adopting a plan that will make our two great schools more productive is due to a mere handful of officers. These officers must not be permitted to stand in the way of making the academies double their usefulness.

Admiral Fletcher, commanding our great North Atlantic Fleet, in speaking of the difficulties the plant at Annapolis would have under the present system of turning out the naval officers for the Navy, said before the Committee on Naval Affairs, "It is extraordinary," and so forth. (Fletcher's statements in hearing, Rept. No. 25, p. 2339:)

Admiral FLETCHER. I understand now that you have authorized as many as 1,700 midshipmen at Annapolis. Of course, it is difficult to name that full number there and keep the vacancies filled, but, even if you could do that, it is doubtful if 1,700 will be sufficient to supply future requirements of our ships already built or authorized. I believe that it will be necessary to go up as high as 2,000. There have been several suggestions made as to how this could be accomplished. One has been to increase the accommodations at Annapolis by temporary structures which would afford accommodations quite satisfactory for an emergency. Other suggestions have been made that we build another Naval Academy, but there are serious objections to this, because it gives two different schools. It is very desirable that all officers should have the same instruction and the same training, and if it is desirable to separate the schools at all it would be better to provide some place for educating the fourth class. The young men that just enter could go through a preparatory school, and then go through Annapolis, so in that way they would all have the same training.

This argument applies more strongly to West Point, from which a much greater number of officers is rightly expected by the country. The bill under discussion provides that each congressional district shall have 2 cadets at West Point and 4 from each State at large and 60 appointed by the President. H. R. 12487, which is in the hands of the Committee on Military Affairs, calls for a first-year united-service school and provides that each congressional district shall have 4 cadets at each school, 8 from each State at large, 40 at each school appointed by the President, and 12 at each school appointed by the Vice President.

The Corps of the Military Cadets would then be 2,250 instead of 1,134, and the graduates 407 instead of 209. This, of course, is also theoretical. Practically there would be at West Point at all times its full capacity of 1,200, and 550 at the first-year school. All vacancies would be at the first-year school, and each year there would graduate from West Point 370 officers.

All through the bill now before the House it refers to the Regular Army as a standard of discipline and organization. The high standard and efficient organization of our Army is primarily due to our West Point graduates. Now, if the increase is not provided, with a much greater proportion of West Pointers than is asked for in this bill, this high standard will be lowered. The injection into the Army of civilians, National Guard officers, men from the ranks, and officers from the cadet companies may be necessary; but if the graduates of the same standard as now provided at our Military Academy are not greatly increased, our Army will very soon show a loss in spirit, prestige, and efficiency.

In the Senate there was a somewhat full discussion of this subject yesterday. It was suggested there that we could well afford to educate twice as many men for military service as we have use for in the Regular Army and return some of the graduates to civil life. I personally favor this idea, for the table found in yesterday's CONGRESSIONAL RECORD discloses that a much larger per cent of West Point and Annapolis graduates who go into civil life make a success of their chosen professions than do the products of other educational institutions of the country. Besides, by this arrangement we would have at all times a reserve of well-educated and trained officers who could be called again to the service in the hour of danger and need.

I sincerely hope that the committee will consider and report favorably my bill (H. R. 12487), and that this House will provide by its passage a first-year united-service school, as therein provided, so that the congestion at West Point and Annapolis which will follow the passage of H. R. 12766 will be relieved. But what is more important, the establishment of such school will enlarge the graduating classes at both academies, because practically all failures will occur at the first-year school.

Our Military Academy is the pride of the country, and the more boys that enter that school the better it will be for the country. It means much to each congressional district that every year a boy goes to the academy, and not every two years, as provided in this bill, and the interest is kept constantly alive. The Military Academy has cost vast sums of money, and it has been well spent. Let us spend more money. Let the school be expanded by means of the first-year service school. Four hundred graduates means that but four young men to each million of our people receive this diploma of inestimable value. Every dollar spent on a diploma is returned a thousandfold through maintaining the efficiency and solid worth of that important arm of defense, the Regular Army of the United States. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I was elected on a platform pledging myself to support any measure that would double or treble the military and naval schools of our country.

In discussing the question of preparedness I use the county in which I live as an incident that I think will be found concurrent generally throughout the agricultural country, especially in time of danger. I am sure there are from two to three thousand men in Hopkins County, Tex., who would readily and cheerfully respond to the colors in time of the country's need. I am also quite sure that we would not be able to find exceeding 20 men of that number who would be able to take charge of mustering, controlling, and properly directing a company or a regiment unless we got some old "graycoat" or "bluecoat" who is now worn out. Now, that is a misfortune. That is unpreparedness that is calamitous in its effect when we want to call into ready action the great militant force of Americanism; and I am supporting this amendment. I am supporting the Army bill, and I want to join the gentleman from Missouri [Mr. DECKER] in stating that I concur in all his compliments to this committee. In the frenzy and agitation, in the overwhelming, aggravating condition of the world, I feel gloriously proud of the record this Congress is making in the presentation and the practical unanimity with which we are supporting this measure. I hope this amendment will be adopted, because it enlarges an element necessary to officer the ranks that may be called out at any time in the course of a night. Gentlemen, I thank you. [Applause.]

Mr. HAY. Mr. Chairman, I hold in my hand the bill just passed by the Senate providing for what this section provides. Now, the Committee on Military Affairs can report this bill to the House and have it passed long before we can hope that the bill under consideration will be passed and agreed to by the two Houses, and I therefore move to strike out the section with a view of reporting the Senate bill within a few days.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to strike out section 79.

Mr. BARKLEY. Mr. Chairman, I rise to address myself in favor of the motion if it is debatable. Mr. Chairman, I do not intend to discuss the motion itself, but I have arisen at this time to call attention to an editorial which appeared in last week's issue of the Scientific American which I think reflects very seriously upon the integrity if not the honor of the Members of this House in the method of selecting appointees at Annapolis and West Point. The article is headed, "Merit in place of politics," and is as follows:

MERIT IN PLACE OF POLITICS.

Absolutely the most important institution embraced under the comprehensive term "naval defenses" is the Naval Academy at Annapolis. To this institution are sent the young men of America who (presumably because of their inherent fitness for the task) have been selected to control the country's outermost defenses, its far-flung line of battle on the high seas. So enormous is the responsibility which rests upon the shoulders of a naval officer that the average American citizen would naturally suppose that each contingent of young men, as it is selected year by year and sent to Annapolis, is chosen solely on the ground of its physical, mental, and moral fitness for the arduous duties and high national responsibilities of a naval officer. This would imply, of course, selection by a system of searching competitive examination.

As a matter of fact, with a few exceptions, no such system of selection exists. On the contrary, the success of the candidates is dependent in the majority of cases upon the political exigencies with which our Senators and Representatives find themselves confronted when they make their annual selection of young men for Annapolis and West Point; for it is a lamentable fact that, more often than not, the selection of the candidates for the enormously important duties of the naval and military officer is entirely in the hands of the professional politician.

Nor does the influence of politics end with the appointment of the cadet, nor even with his failure. "The powerful political hand," says the conference committee on national preparedness, "that puts a young man into either Academy (Annapolis or West Point) may often be raised to keep him there after he has been tried and found wanting. At times a 25-cent telegram may set all the machinery of a vast political organization into motion to save a failure from dismissal."

Now, such conditions are nothing less than scandalous. The Congressman who recommends a young man to the Academy on any other grounds than his fitness therefor is guilty of an act that is highly unpatriotic. We will go further and say that the Congressman who will set in motion political enginery to save a discredited youth from dismissal is guilty of that which, in the spirit if not in the letter, is perilously near to high treason.

Some of our Congressmen, it is true, are fully alive to the need for competitive examinations, and the young men of their districts enter Annapolis and West Point only through that straight and narrow door; but the practice should be made obligatory and universal. In his annual report for 1913 Col. C. P. Townsley, of West Point, says: "These cadetships belong to the people of the District, State, Territory, etc., and should be open competitively to all the youths, eligible to compete, and it is my recommendation that a law be enacted requiring competitive examinations to be held for each vacancy, that youth to be appointed who passes successfully the best mental examination, and who is physically and morally qualified. The examination questions should be prepared by the academic board, and a successful passing of the competitive examination should qualify a youth to enter, so that no other mental examination need be required. The details of conducting such examinations should, I think, be left to the Secretary of War. By announcing in the local papers some 10 months or a year in advance that such a competitive examination will be held, stating its scope, it is believed that there will be a large number of eligible youths who will present themselves for examination in each district from which a vacancy is to be filled."

We commend this matter, as being one of the most vital affecting national preparedness, to the thoughtful consideration of every congressional district throughout the country. At once and absolutely the matter of the selection of young men for the high duties of the naval and military officer should be lifted out of the dubious field of politics.

My reason for taking up the time of the committee at this time is for the purpose of denying the allegation made by this editorial, because I believe I state the truth when I say that not one Member out of one hundred of this House, and an equally small proportion of the Senate, ever makes an appointment of an applicant for West Point or Annapolis from a political or partisan standpoint. [Applause.] Since I have read this editorial my attention was called to an incident that occurred recently in connection with the gentleman from Illinois [Mr. CANNON], which I, with his permission, will recite.

Not long ago a young man came to Washington and appeared before the gentleman from Illinois as an applicant for an appointment to Annapolis. He said that he had taken the

examination a year ago and failed, but that in the meantime he had prepared himself more thoroughly and believed that he was qualified to stand the examination and be admitted. The gentleman from Illinois [Mr. CANNON], according to the story which was told to me, said to him, "All right. I have a vacancy and I will be glad to give you a chance to stand this examination." But the young man said, "I want to say to you before you recommend me that I was recommended last year by Mr. O'Hair," to which the gentleman from Illinois [Mr. CANNON] very properly replied, "What difference does that make?" and immediately gave this young man the appointment to Annapolis which had been offered and given to him the year before by his Democratic opponent and predecessor in the House, Mr. O'Hair, of Illinois. [Applause.]

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. BUCHANAN of Illinois. I desire to state to the gentleman that I have competitive examinations held in my district, with examiners selected from the principals of the high schools in my district, and who, perhaps, have more to do with selecting those who go to the academy than I do. I say that in line with the gentleman's statement.

Mr. BARKLEY. I am glad to know that.

Mr. FIELDS. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. BARKLEY] has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. MANN. Reserving the right to object, I shall not object, but can we not close the debate on the section?

Mr. HAY. Mr. Chairman, I move that debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this section and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Chairman, in connection with the reference that my colleague has made to the article which he has just read, I wish to say that the man from whom it emanated did not know what he was talking about.

Mr. GARDNER. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GARDNER. Is it not true that they keep records at the academy of whether or not the young men who enter are appointed by competitive examination? I think they do.

Mr. BARKLEY. I think they do.

Mr. GARDNER. And I think it would be a good idea if the gentleman would put in a resolution asking the Secretary of War and the Secretary of the Navy to make a report on that, because my impression is that a very large number of cadets are appointed after competitive examinations.

Mr. BARKLEY. I realize that, but there may be some instances in which it is not practical to have a competitive examination; for instance, where there are not enough applicants to justify it.

Mr. GARDNER. I agree with that.

Mr. BARKLEY. This editorial further goes on to state——

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. BYRNES of South Carolina. I wanted to ask whether the gentleman knows whether or not the Civil Service Commission will now prepare papers for any Member of Congress who desires to have a competitive examination held?

Mr. BARKLEY. That is my understanding.

That editorial further goes on in its reflection upon the Members of this House, stating that a 25-cent telegram can put in operation certain political machinery to undo the recommendation of the War Department and give an opportunity to keep a discredited appointee at West Point or at Annapolis. That statement is wholly unjustified by the facts. I made an appointment to West Point a year ago of a bright, young, stalwart American boy, nearly 6 feet tall, and as clean as a hound's tooth, morally. He would have made as good a soldier as ever looked down the barrel of a rifle, but he failed in one or two studies at the midterm examination, and for that reason he was dropped by the academic board. This young man asked me to go to the War Department, which I did, to see if the department would permit him to have another chance to make up his deficiency, so that he might be permitted to continue his studies at West Point and go into the Army; and yet, according to the estimation of the editor of the Scientific American, I was guilty of high treason in undertaking to get this American boy another chance to stay at West Point and demonstrate his ability to make good. I did not succeed in getting him to remain there, and the consequence is that there is still a vacancy in the academy from my district, which I am attempting to fill by an examination to be held in the near future.

In reply to the statement that Members make recommendations to Annapolis and West Point for political reasons, I desire to say that out of two whom I have recommended for appointment to Annapolis and at the academy one of them is a Republican and one of the boys whom I have recommended as an alternate at West Point at the coming examination is a Republican, or, at least, the son of a Republican, and I think the same thing may be said as to the policy of other Members of Congress. We never ask the politics of boys who apply for these appointments. And I wanted to take advantage of this section of the bill at this time to call attention to the fact that the editor of the Scientific American, or any other journal, who may inclose himself in a Chinese wall, impervious alike to the reception or dissemination of information, is taking upon himself a serious burden to undertake to indict the entire House of Representatives because of the fact that some Member may now and then undertake to keep his vacancies filled either at Annapolis or at West Point. Every Member knows they are hard enough to keep filled at best, and every Member knows that there is no politics in the appointments to the Military or Naval Academies, and ought not to be.

We have had a great deal of talk in the House about the rigidity of the examination. I think it is rigid. I think the examinations are not sufficiently flexible, and I would be glad if it were possible for competitive examinations to be held in every district so as to select the most satisfactory—physically, morally, and intellectually—appointees for these places which are to produce the officers of the Army and Navy later on. But it is not always practical to do that, and it is not true that because Members of Congress are given the privilege of making these recommendations they do it for political or partisan reasons or that they are guilty of treason or of an unpatriotic performance of duty if they ask the War Department or the Navy Department to reconsider the dismissal of an appointee to West Point or Annapolis and afford an opportunity for many a deserving boy to show the mettle of which he is made.

The CHAIRMAN. All debate is closed. The question is on agreeing to the amendment.

Mr. TRIBBLE. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. OVERMYER].

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HAY. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Virginia moves to strike out the section. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 80. That such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, detailing not less than 1 such officer or noncommissioned officer to each 400 students under military instruction.

Mr. KAHN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. KAHN. I simply desire to call the attention of the chairman of the Committee on Military Affairs to the fact that we are taking away from the Regular Army, by this section and other sections of the bill, a large number of noncommissioned officers that will leave vacancies in the enlisted force of the Army. It seems to me that it is exceedingly desirable that there should be a provision in the bill for an additional force of noncommissioned officers to supply those who are detailed under this and other sections.

Mr. HAY. I think the gentleman is correct about that, and we will arrange to have the noncommissioned officers supplied. I do not know how many it will take, and I would like to get a statement from the War Department as to how many. In conference we can arrange that.

Mr. KAHN. Very well.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 87, line 17, strike out the words "one hundred" and insert in lieu thereof "fifty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAY. I hope, Mr. Chairman, that the gentleman will not press that amendment. We think we are making a very liberal provision now, and to provide that there should be an Army officer for every 50 students would be straining the point, I think, a little too far.

Mr. ANDERSON. Mr. Chairman, while I take it that in no event will there be an Army officer detailed to every school, nor will there in any event be a cadet corps organized in every school eligible under this paragraph, yet it will be the policy of the War Department—and it ought to be the policy of the War Department—to encourage military training in the schools of the country, wherever that is possible; and if that is the policy, the least the Government can do is to furnish the necessary arms, equipment, tentage, and instruction.

Now, the section, as it is written, limits the aid to be given by the Government to such schools as have 100 physically fit male students over 14 years of age.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield.

Mr. ADAMSON. Does the gentleman think it would be competent under the terms of this provision for boys around the school who are not regularly taking the school course to attach themselves to the school for the purpose of getting the military training only, and making up the quota for that purpose?

Mr. ANDERSON. I think not.

Mr. ADAMSON. That ought to be done.

Mr. ANDERSON. Under the regulations of the War Department I think that would be entirely impossible.

As I was stating, Mr. Chairman, the section under consideration limits the aid given by the Government to such schools as have 100 male pupils. Now, there are 1,097 such high schools, in addition to colleges and universities. Not all of them will organize cadet companies. These 1,097 schools are about 10 per cent of the total public high schools and have less than half of the high-school students in the country.

The effect of the paragraph, therefore, if my amendment is not adopted, would be to eliminate 90 per cent of the high schools and 60 per cent of the students in the high schools from any opportunity to receive military instruction, even if such schools were willing to organize cadet companies and maintain them in accordance with the regulations laid down by the War Department. There are only six States in which the average male attendance over 14 years of age is in excess of 100. In all the rest of them the average is less than 100. In the State represented in part by my distinguished friend from Virginia [Mr. HAY] the average male attendance in the high schools is only 26. The amendment which I propose, inserting 50 instead of 100, will reach by no means the majority of the schools, but it will extend the aid of the Government only to such schools as have a sufficient number to organize a reasonable sized cadet company.

Now, 50 men is 6 squads. That is a pretty good cadet company, and it seems to me that any school that will organize a cadet company of 50 men ought to be entitled to the little aid that this section gives, merely the furnishing of tentage, arms, and equipment. That is little enough for the Government to do for any school which will organize and maintain a cadet company in accordance with the regulations laid down by the War Department.

The section as it now stands is a discrimination—a discrimination which can not possibly be based upon any accurate knowledge as to the number of schools in the country or the conditions under which they are working, and I submit, as a matter of fairness, as a matter of fairness to the high schools, many of which can not come under this provision at all, that the amendment which I suggest ought to be adopted. If it is not adopted, the aid given under this section will be limited practically to six States on the eastern seaboard.

Mr. HAY. Mr. Chairman, the section under consideration was never intended to apply to high schools. It is impossible to provide a military officer to train pupils in every high school in this country. If you will read the bill, you will see that it provides for schools and colleges having a course of military training prescribed by the Secretary of War. Now, it is impossible for us to impose upon the high schools of the different States any course of military training. We have the land-grant colleges, and colleges like the Virginia Military Institute and the Vermont University, and other military schools throughout the country. That is what we were trying to provide for. We fixed the number at 400 upon the evidence of one of the most successful educators in this country, Dr. James, of the University of Illinois, who stated that he thought if we had one military officer for every 400 students in these colleges, that would be enough. Now, under the present law you can only detail one officer to each of these schools and colleges. For example, the University of Illinois has 2,000 men in its cadet corps, and that university has only one Regular Army officer. Under the provisions of this section they would have five. So we are providing as liberally as possible. It is impossible to provide for all of the high schools.

Mr. KREIDER. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. KREIDER. I would like to know whether this section or any other section of this bill would include the Carlisle Indian School?

Mr. HAY. I really have not given it any thought. I do not know.

Mr. KREIDER. I want to say to the gentleman that the superintendent of that school has for some time tried to get from the Commissioner of Indian Affairs the necessary equipage so that he might be enabled to train the Indian boys in that school. They have at that school a bandmaster, a man who served for many years in the Regular Army and who has a thorough military training and who is anxious to give the school this military training, and all that he asks is the equipment.

Mr. HAY. I think that if the Secretary of War chose to do it, he could.

Mr. KREIDER. Under the provisions of this law?

Mr. HAY. Yes.

Mr. STEPHENS of Texas. I believe he already has the authority under the present law.

Mr. HAY. This section provided for furnishing them with the arms, tentage, and equipments at schools where they have a course of military training prescribed by the Secretary of War and where they have not less than 100 students.

Mr. MILLER of Minnesota. It is the last part of the section which provides the authority for detailing commissioned and noncommissioned Army officers.

Mr. HAY. One for each 400 students.

Mr. MILLER of Minnesota. Is it the purpose of this bill to permit the loaning to colleges and schools having 100 students, carrying on a course of military instruction, this tentage and equipments, and confining the detail of officers only to those schools having as many as 400 students?

Mr. HAY. Yes.

Mr. KREIDER. Do I understand the gentleman to say that the Carlisle school would be included in this?

Mr. HAY. I think it is, if the Secretary of War chooses to prescribe it.

Mr. KREIDER. Does the gentleman from Virginia concur in the opinion of the gentleman from Texas [Mr. STEPHENS] that the present law would permit him to do it?

Mr. HAY. I have not examined it, but I think it would.

Mr. STEPHENS of Texas. There are about 1,000 students in the school, and more than half of them are young men over 18 years of age. Consequently they would come under the provisions of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I move to strike out the last word.

Under the provisions of this section I see that a Regular Army officer or a noncommissioned officer is to be detailed by the Secretary of War to any school that gives military instruction, and, of course, that officer is supposed to be at that school constantly, training the boys. Now, there are many schools in the United States that have cadet organizations. Those organizations are being inspected periodically by military officers. Upon the request of the principal of one of these schools, he can have an officer sent from the nearest military post for the purpose of inspecting the drill and the maneuvers of the cadets. But that officer is not taken away from the Army for a long period or for the time that he is detailed. He simply goes for two or three hours at a time, and then goes back again to his organization. Any military organization in our schools in this country can get that kind of a detail, and that is all that is required. But to detail a man to every school that has 50 students would simply require an enormous force of noncommissioned officers. For that reason I think the amendment is impracticable. I think the purpose of the gentleman can be accom-

plished by having the principals of the schools make a request upon the Army officer nearest to the school for a man to come occasionally and inspect the student body in their drills.

Mr. MILLER of Minnesota. Mr. Chairman, I do not know exactly what the law is to-day, because I have not looked it up recently, but I do know that four years ago there existed no authority for the Secretary of War to loan equipage and matériel of this kind to schools.

Mr. KAHN. Or to anybody else.

Mr. MILLER of Minnesota. Or to anybody else. I know that I tried to secure favorable consideration by the Military Affairs Committee of a bill which gave that authority to the Secretary of War, but it was not the judgment of the committee that it should be passed at that time.

I am heartily in favor of this paragraph, because it gives that authority. I want to say one word further. I sincerely believe that this is but a step in the long road that we ought to travel. [Applause.] The provisions of this bill will help create a military establishment, but they are only a starter. You will never have an adequate Military Establishment in the United States until all the youth of the United States in the public schools are trained to military discipline.

Now, there is logic and reason for training the boys in the public schools in at least the rudiments of military discipline. There is but one reason why we can tax our people to support the public schools, and that is because the existence, the perpetuity, as well as the well-being of the State, requires an intelligent citizenship, and when you have an intelligent citizenship you probably will have a good country and a good nation. There is one thing more that is needed. It is one thing to have a good country, it is another to have one that will stand the test of attack.

I take it, for one, that it should be the duty of the youth of the country not only to acquire an intellectual and moral equipment to fit them for good citizenship, but to acquire military capacity that will enable them to make the country valuable in its duties and relations with the world.

It was my first impression in reading the paragraph that it would give to the public schools of the country some slight chance to undertake this duty, to my mind the most important part of the work. The language that I thought gave the authority is found where it says "the course of military training to be prescribed by the Secretary of War." This does not say what that course shall be. It might be a reasonable number of hours of drill each week under competent authority. I think the language gives the Secretary of War ample authority to establish military training in every high school of the land that has 100 male students over 14 years of age. For that reason I am especially in favor of it.

Now, I appreciate that which my colleague [Mr. ANDERSON] desires to accomplish—that if the Secretary of War, next year or two years from now, may find some reason for extending the benefits of this act to the public-school system, that the benefits may go to smaller schools—and yet I can not agree with him that it would be advisable to take that course. Fifty male students at a high school will not make a very strong organization—only half a company. I can conceive that it might be possible that in a county like that in which the gentleman lives—and I know something about it, because I lived there, teaching school four years—it might be possible in a county like that to have one organization among the five high schools of the county.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 10 minutes. We want to try and get through this bill to-day.

The CHAIRMAN. The gentleman from Virginia moves that all debate on the section and amendments thereto close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. MURRAY. Mr. Chairman, this provision authorizes any school having 100 boys to have the benefits of this section, and is similar to the one for the land-grant colleges, which provides, I believe, for 115 boys over 15 years of age, and the teacher, in addition, becomes the instructor in mathematics. Everyone knows that a teacher in mathematics who is a graduate from West Point is in the highest class as a mathematical teacher.

Some days ago the gentleman from Illinois [Mr. CANNON] called attention to the fact that there were 2,159,000 of the volunteers in the Civil War under 21 years of age. This is about the proportion of those who volunteer in every war, of those unmarried compared with those married, so that the young men constitute the armies of the country.

Now, military science teaches us that we ought to have the reserve. That seems to be agreed upon as a sound policy by all of us. We disagree as to how to get that reserve. Some say get it by one year's service under the colors and then retire to the reserve, but, in view of the fact that men will not enlist and in view of the further fact that the American people will not stand for compulsory service of any kind, it occurs to me that that fact, connected with the further fact that the young men of the country make up the armies in the time of war, that our reserve ought to consist of all the able-bodied male inhabitants of the Republic. Of course, it would require a generation to do that by training them in all the schools of the country. Of course, this is but a beginning, but it will grow as time grows.

A knowledge of military hygiene, military discipline, as well as military tactics, is important to the citizen, even though he never engages in war. We all know that the German can restrain his passions and his appetite better than any other man, and, in my opinion, it is largely due to the fact of military training. The German military training without her compulsory service is desirable. The average American would want a keg of beer, while an ordinary German could have half a day's fun on one little bottle. Such is he the master of his appetite and his passions. No; I do not say that because I have a German constituency, but that is the fact, as everybody knows. If there is one thing an American boy ought to know, it is to throw a brake on his appetites and passions.

Quintilian, the old Roman rhetorician, once said that no man could become a great orator unless he was at the same time a trained soldier and a trained dancer, basing that on the belief that mannerism and poise had much to do with the attractiveness of the speaker. I am of the opinion also that this discipline which the boy will get from military training will increase his earning capacity and his economic value to society. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SMITH of Minnesota. Mr. Chairman, I wish to ask the chairman of the committee, the gentleman from Virginia, a question. The Senate has passed S. 4726, which I called to the attention of the chairman last week. I want to know whether this section could not be treated in the same way as we treated the cadet bill, have it stricken out, and taken up when the cadet bill is reported back. This section under consideration is in substantially the same language as the Senate bill, except the necessary qualifications of the school. In the bill under consideration it is required that the schools shall have over 100 male students before it can claim benefits under this law. The language of the Senate bill is as follows:

By the students of any educational institution to which an officer of the Army is detailed as professor of military science and tactics.

The Senate bill was introduced by my distinguished colleague, Senator NELSON, at the suggestion of the University of Minnesota.

Mr. HAY. Mr. Chairman, I will state to the gentleman that this is a much broader provision than the Senate bill. It does more than is done by the Senate bill, and I think if he is interested in having something done for these schools, he would better permit this to stay in the bill, because we do not know when we will get that Senate bill up. In any event, it would go upon the Unanimous Consent Calendar and some one might object, and if we let this stay in the bill now it is sure to become a law.

Mr. SMITH of Minnesota. Mr. Chairman, with the gentleman's suggestion that he feels that this is broader than the Senate bill, and since I am in sympathy with the section, I feel satisfied.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 81. That authority is hereby given to the Secretary of War to grant permission by revocable license to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

Mr. STEPHENS of California. Mr. Chairman, my amendment to strike out the last word was not made in opposition to the section for I strongly favor it. My formal amendment was made that I might address the House on that which is uppermost to-day in the minds of all patriotic men and women.

Mr. Chairman, there is no question more important to the life and welfare of this Republic than that of preparedness for national defense. I have been deeply interested in it for many years, and since I became a Member of this body, five years ago, have worked and talked for it, in committees, on this floor, and

at home. In the CONGRESSIONAL RECORD of January 29, 1915, can be found some of my thoughts on preparedness and adequate defense. From my words at that time, I quote the following:

Mr. Chairman and gentlemen, I am not for war. I am for peace, everlasting peace. I am for a larger Navy and a larger Army, because I believe that is one of the ways to keep this country at peace. I am not a jingoist in any sense of the word. I am as far from that as any man can possibly be, but I do believe that now is the time to take out more insurance against war. * * *

I am not and do not pretend to be a naval or an Army expert, but a business man, with what I think is ordinary business sense, and it is because I believe it is a good business proposition, as well as one that will preserve the young men of this Nation, and perhaps save our women from the awful heartbreakings and sufferings and aftermath of war, that I advocate a larger Navy and a larger Army at this time. * * *

I would insure this Nation against war, for I want no more war-bereaved mothers, widows, and children, and no more war-maimed and suffering men in these United States. * * *

There never was a war without loses of life, and I think that previous preparation—preparation for defense—not only postpones and may prevent war, but will well serve our Nation in time of war. * * *

Every careful man of family insures his life and often strains to the utmost to meet insurance premiums in order to save his wife and children from a fight for existence after he is gone. Every mother with children is saving something for the rainy days that may come by and by. * * *

Why should we not, as a Nation, insure ourselves against war by preparing our Navy to meet those who may attack us, and our Army and our fortifications to repel all who may invade? Is it wrong for husband and father to carry insurance? Indeed, is it not desirable and advisable to burden ourselves to-day that wives and children may not go hungry to-morrow?

God knows I never want another war, either at home or abroad. I pray for peace. "Peace on earth, good will toward men," means as much to me as to any other man who was taught at his mother's knee to pray for peace everlasting. If the rest of the world is armed, if every other nation in our class is possessed of a navy and an army that she thinks superior to ours, are we not more likely to be nationally imposed upon than if we are unquestionably the stronger? * * *

Shall we as a Nation spend millions of dollars as a warning to the world and a defense against all comers, or shall we wait until the attack is made and then sacrifice our bravest and best, our own and our mothers' sons, in awful war? Shall we delay and pay for our tardiness in the suffering and privation of our soldiers and sailors? Shall we wait until the storm breaks, and then have our women and children miserable and hungry because we would not see? Shall we spend money now or men and money hereafter? Shall we pay out millions of money to avoid war or shall we wait and spend the life blood of hundreds of thousands of our sons and billions of our money in war?

Mr. Chairman, few people realize the diminutive size of the United States Army and a less number realize that in continental United States we have only one fighting soldier for every 60 square miles of territory.

There are only as many regular soldiers prepared to fight for the protection of 100,000,000 of people as there are voters in the cities of Louisville, Ky., or Indianapolis, Ind. All in all, fighting men and otherwise, the United States has only 50,000 regular soldiers in continental United States between the Atlantic and Pacific Oceans and between our northern and southern border lines—only so many soldiers as there are men, women, and children in Mobile, Ala., in Charleston, S. C., in Portland, Me., or in Canton, Ohio. Oh, how little insurance we have against trouble from without!

Mr. Chairman, I favor a council of national defense, and am ready now to vote for one. Personally, and as the Representative in this body of an intensely patriotic constituency, I am prepared and anxious to join with a majority in this House in authorizing a council of national defense composed of experts in military and naval affairs; in agriculture; in chemistry; in labor; in manufacturing; in railway, automobile, and highway transportation; in finance; and in legislation.

And I am quite ready now to join with a majority in the promise to vote for the recommendations of that council for abandoning what is useless and creating what is needed for defense, regardless of party or what may be taken from or added to the district I represent. I am not one-hundredth part as interested in local expenditures as I am in the Nation's defense. I shall fight for my own people, but neither pork nor pie shall ever swerve me from what I believe to be for my country's good. Congress should appropriate the money and then authorize the council of national defense to build and provide what we need where we need it.

Mr. Chairman, I favor a larger Army and a greatly increased Navy, for if trouble came from across the borders or beyond the seas we have too small an Army with which to defend ourselves, and at best a Navy able to defend but one coast.

The smallness of our Army has been clearly demonstrated within the last few days. We could not send even a punitive expedition after Villa and his murderers without first having Congress pass a law permitting the enlistment of 20,000 additional soldiers. The men and officers in the Army and Navy of the United States are as brave and capable as any that ever fought on land or sea since time began, but the bravest and the best can not do utterly impossible things. Mr. Chairman, it is wrong in the sight of God and unworthy of this great Nation to send our sons in Army and Navy against an overwhelming enemy. We should adequately reenforce them with men and ships and guns and supplies.

Mr. Chairman, I am concerned for the young men of this Nation, and for the women and children who will have to suffer in proportion to our neglect of manifest duty. It is easy for men to go to battle, and to die, too, for their country in time of war. The march to the music of the fife and drum, the beauty of the flag in front, and the bravery of men all round about, make the wounds of battle, though they be mortal, easy to bear as compared with heartbreakings and the utter loneliness of mothers and wives and the want and deprivation of the children, who, bereft of sons, husbands, and fathers, must live on and suffer on. Oh, men of Congress, and men and women all over this land of peace and plenty, now, now, is the time for the United States to insure its women and children against such bereavement and such distress and misery.

Mr. Chairman, I wish provision for needed brigade mobile army posts and men to man them could be added to this bill. They will be sorely needed if ever we are attacked from without. From them regiments and brigades could be dispatched at an hours' notice to repel an invader.

I am hopeful, too, that this House in its defense legislation will include the building of a national-defense highway, such as I have proposed in H. R. 3667. Construction and maintenance of such a highway should commence and continue under the supreme authority of the President by United States Army Engineer officers. The building of such a defense project will provide—

A national highway circling the United States within its borders and running strategically near the Atlantic, Pacific, and Gulf coasts, as well as our northern and southern boundary lines.

A national highway, to be used in times of peace by automobiles, auto trucks, and other vehicles for commercial and healthful purposes.

A national highway extraordinarily useful when war threatens or we are attacked. Over it men in greatest numbers and munitions and supplies can be transported quickly to any point north, south, east, or west.

A national highway 10,000 miles long that will give work at good wages for many years to at least 100,000 American citizens in good times and to several times that number in "hard times." The employment of new men periodically will add greatly to our trained reserves.

A national highway providing physical and mental drill for all manual and clerical employees, thus fitting hundreds of thousands of young men for national defense and to be better heads of families.

I favor a larger Army, as I have said, and a greatly increased Navy. Of the latter I shall address this House when the naval appropriation bill is presented by the committee, of which I am a member. I favor the early mobilization of all necessary information from transportation, manufacturing, agricultural, and labor interests, and I would have all of them fully instructed as to their duties in time of war.

Mr. Chairman, the time to begin to prepare for peace and preservation is now. I am ready to assume my share of the responsibility for ample and adequate defense, both on land and sea. I believe adequate defense is likely to keep the United States out of war; but if in spite of our defense we are attacked, then previous preparation will save the lives of thousands and thousands of our boys and preserve our flag, to float forever above patriotic America. [Applause.]

Mr. MONDELL. Mr. Chairman, a number of years ago, under the inspiration and leadership of Lieut. Edgar Z. Steever, an officer of the Regular Army who had been detailed to duty as inspector instructor of the Organized Militia of Wyoming, there was inaugurated and developed in the city of Cheyenne, the capital of our State, a system of physical and military instruction and training of high-school students which has come to be known as the Wyoming plan or system of cadet instruction. This plan or system of training produced such highly beneficial results and became so popular that it has been adopted by practically all of the high and some of the grammar schools of our State, and the plan is being widely studied and adopted. I have had quite a number of inquiries from Members of Congress and letters from various parts of the country with regard to this plan of instruction and training. In the Everybody's Magazine for February there appeared an article by George Creel, setting forth in a graphic and interesting way the character and results of the Wyoming plan, and I ask unanimous consent that I may insert that article in the RECORD as a part of my remarks. Our

people believe that this system of training, if generally adopted, will be of great and lasting benefit to the youth of the country and will do much to prepare our young men for the duties of war or peace. We are proud of the fact that our State has made this important contribution to the cause of true national preparedness, and that our young people, both girls and boys, have displayed such enthusiasm and aptitude for this fine, wholesome type of training. We are also under great obligation to Lieut. Steever for his splendid work.

The article referred to is as follows:

WYOMING'S ANSWER TO MILITARISM—FIVE YEARS OF TRAINING SCHOOLBOYS TO THINK TRUE, LIVE TRUE, AND SHOOT TRUE.

[By George Creel.]

(This is from the Wyoming State superintendent of public instruction.)

May I take this opportunity to express my hearty indorsement of the cadet work which is being done in Wyoming? For some time I have been watching the influence which it has exerted upon the young men enrolled in the various corps, and I wish to say that I consider it most valuable training for our high-school boys. I am glad to see the movement grow in popularity.

EDITH K. O. CLARK.

On May 8, 1915, while a stunned Nation read the death roll of the *Lusitania*, the high-school boys of Wyoming were gathered in Cheyenne for a "cadet tournament" to determine their progress in physical development and military instruction. Small connection between the two events at first sight, yet the experiment of this Western State in the training of citizen soldiers may be the answer to a vital aspect of the demand for "preparedness" that is the direct result of the liner's destruction.

Some answer must be given. When all is said and done, the ultimate blasphemy is the defiance of facts. For the world to read, Europe has written the grim truth that not treaties nor love of peace nor excessive armaments can guard against the lightning bolt of war. The task of wise patriotism in the United States to-day is to decide upon a rational plan of preparedness that will serve either to deter invasion or to resist it successfully.

Fortunately choice does not lie between an ostrich-headed pacifism and a thick-headed militarism, discredited alike by history and the harsh realities of the day. There is a firm middle ground upon which all may stand who have their hearts set on peace without being blind to the necessity of defense. A citizen soldiery, already insisted upon by Everybody's, is the one plan that meets the needs of sane preparedness without the slightest sacrifice of democratic principles or menace to free institutions.

Nor is it necessary to turn eyes to Switzerland and Australia. For five years Wyoming has been pioneering in this delicate matter of military instruction in the schools, and now places results on the table for all the Nation to see and study. The Swiss and Australian models have been followed in some degree, but the big outstanding features of the plan are entirely original, having particular regard for American ideals and prejudices.

Boston has had high-school cadets for 50 years and Washington, D. C., for 32 years, but the Wyoming experiment lends itself best to investigation because it has had the acid test of opposition.

Service in the cadet corps of Wyoming is not compulsory and there is no such thing as active recruiting, yet 90 per cent of the high-school population of the State has volunteered.

Like most big ideas, the Wyoming experiment "just happened." In 1911 the War Office assigned Lieut. Edgar Z. Steever to duty as inspector-instructor of the Organized Militia of Wyoming, for the Nation still clings to its traditional belief that the National Guard has no need that can not be met by casual contact with an officer of the Regular Army. Quite inevitably Lieut. Steever found time hanging heavily on his hands, and it was out of his restless energy that he conceived the idea of a cadet corps in the high school of Cheyenne. The opposition that sprung instantly into angry life merits analysis because, in its essence, it typifies all opposition to any such ideas.

The labor unions refused to see anything in the plan but a training school for the militia, and they reaffirmed their unalterable hostility to the National Guard as being nothing more than an armed force for the use of the employing class in industrial disputes.

Parents based their objections upon the ground that military instruction would exalt martial ideals in the mind of every youngster. Preachers opposed because they scented militarism, and educators were antagonistic out of their fear that individual initiative would be destroyed and personal responsibility undermined.

Lieut. Steever might have followed the custom of his profession by denouncing those who opposed him as "traitors" and "mollycoddles," but instead of that he analyzed the objections and devised ways of satisfying them in all fairness. It was at this point that the plan left beaten paths and commenced to take on originality.

To the labor unions he said: "I will agree to surrender all idea of compulsion. Enlistment shall be voluntary. I promise complete separation of the cadet corps from the militia and the placing of entire emphasis upon national defense without reference to police duty for the State."

He went to the parents with these assurances: "We will make citizens, not soldiers. Your boys will be taught the advantages of a strong body and a clean mind, the value of self-control and decent restraints, civic duties and responsibilities. Our goal will be the full development of the fraternal instinct—the community-of-interest spirit—so that every youngster will grow up in the understanding that no group, whether it be a cadet company, city, State, or Nation, is stronger than its weakest member."

The clergy and the pacifists were appeased by this frank statement of position: "The essence of militarism is excessive armaments and a huge standing Army, while our purpose is no more than such training of youth during the school years as will permit them to devote their manhood to orderly civil pursuits. You can't cut militarism out with a moral precept. You've got to crowd it out with something better and finer."

The attack of the educators on the score of destroyed initiative was met by a counterattack. "Do you mean to say that the athletic sports of your schools develop initiative?" Lieut. Steever demanded. "Go and listen a while to the coaches of football teams and baseball nines. You rake the school or college for the strongest and most skillful and put these chosen few in the hands of specialists who demand the blindest sort of obedience. This one-half of 1 per cent is the athletic expression of the student body. The 99½ per cent get exercise by sitting in grandstand seats and develop initiative by parroting the cries that a yell leader teaches them. What is this but a tragedy of lopsided development? All thought for those who are strong already and neglect for those who can not make a team. My cadet plan reaches every boy in the school with a training that will strengthen him physically, mentally, and morally."

The Cheyenne school board gave its consent at last, and Lieut Steever issued his call for volunteers. Just 16 boys responded, their ages running from 12 to 18, and with ever greater differences in the matter of physique. First of all Lieut. Steever had them elect two leaders, and when this was done two squads were formed of eight men each, the leaders taking turn about in choosing members. As a consequence each squad contained an equal number of strong, medium, and weak.

His squads formed, Lieut. Steever straightway made appeal to the three fundamentals of juvenile life—the love of games, the competitive instinct, and the "gang" instinct. "It's one squad against the other," he said. "Nip and tuck. We're going to have a tournament in January, and the winners will get gold medals. Remember now, team play does it. Your squad's your gang, boys."

The setting-up exercises and calisthenics came under routine, but Lieut. Steever got the game note with competitive wall scaling. Enlisting the services of a carpenter, he had two board walls, about 8 feet 4 inches in height, chocked in place in the gymnasium. A 15-foot run started the climb, and the race was to see which squad could scramble over first.

Won gradually by the splendid time that the cadets seemed to be having, other boys dropped into line, so that by the day of the tournament 55 youngsters were working away and having the sport of their lives. No less a personage than the governor of the State opened the tournament with a stirring address, the big gymnasium was packed with fathers and mothers and friends, the national colors were presented to the cadet corps, and then the squads took the floor and commenced the struggle for medals. No football game or baseball clash ever aroused the enthusiasm that shook the building as those youngsters whirled through the drill or tore over the high wall, and when the bugle shrilled its last note the last objection to a cadet corps died with it.

Every boy in the Cheyenne High School was now enrolled—that is, every fit boy. In that institution, as in every other, a certain number of lads were found to be unfit for cadet work, and Lieut. Steever devised a special course in physical training for this class that would bring them up to normal. One boy with a heart lesion plugged away for two years before the doctors pronounced him ready for the squad. To-day he hasn't a weak spot in his whole body.

Looking over his ground, Lieut. Steever hit upon a new idea, that not only accentuated the nonmilitaristic emphasis but also gave promise of stimulating youthful ardor to an even higher pitch. It was decided to let each squad have a sponsor, chosen from the girls of the school, who should be a member of the squad to all intents and purposes, sharing in high hopes, softening juvenile savageries, and giving a note of chivalry to the competitions.

As spring wore away the gymnasium was deserted for the open field, and Lieut. Steever's eyes turned longingly to the mountains. It took a bit of arranging, but consent to two weeks of "camping out" was gained at last, and a joyous morning came when the cadets marched out of Cheyenne at a double quick, singing at the top of their young voices. Singing, by the way, is a Steever hobby.

Once in camp instruction commenced to take wide sweeps. The boys learned to pitch their tents, to do their own cooking, and were taught the all-important fundamentals of sanitation and personal hygiene. There were extended-order drills and skirmishes, first aid to the injured practice, signal corps work, trench digging, map reading, and map making; the secrets of woodcraft and plaincraft were revealed to them, and they even reached a point where they flung a sturdy bridge across a turbulent little mountain stream.

Hard and fast orders were never given. From the first Lieut. Steever bent every energy to make the clean-cut distinction between leadership and drivership. In camp he prefaced all new departures by conferences with the boys, "doping it out together," in order that the smallest cadet should understand the "why." In his own school days he had been a member of the cadet corps in Washington, and he still remembered his boyish revolt against the "rock-crusher" style of drilling.

The two types of military instruction—intelligent obedience and unthinking acquiescence—got a competitive test in the Boer War. The autocratic English system failed, and victory rested with the democratized, thinking citizen soldiers of Australia and Canada.

Target practice naturally proved a joyous feature of cadet life for the Wyoming boys. Rifles were borrowed from the War Office, and here again the competitive note was introduced by having the squads shoot one against the other for medals. Lieut. Steever holds the world's rifle record at 200, 500, and 1,000 yards, and to-day he makes the flat assertion that every visit to the range sees him hard pressed by his cadets for first honors.

In December, 1912, the third tournament was held, and as a sign of improvement the wall-scaling record was cut from 25 seconds to 14.

Now came a distressful interim. Lieut. Steever was ordered away from Wyoming, and spent 1913 and 1914 down on the Mexican border herding revolutionists. During his absence the cadet corps stood pat, holding its membership and interest, but the organization was too young to do without a guiding hand, and the mothers and fathers of Wyoming sent a call to Washington for the return of "the father of the idea." The demand was heeded, and as soon after January 1, 1915, as trains permitted Lieut. Steever was back on the job in Cheyenne.

But why Cheyenne alone? Had not the plan proved itself sufficiently to warrant its extension to other Wyoming towns? Well, he'd have a try at it, anyway. So over to Laramie went Lieut. Steever; but even before he began to recite his arguments the school board said, "Go to it. We've been watching your work in Cheyenne, and it looks mighty good to us." Rawlins and Casper returned similar answers, and so did Newcastle, Douglas, and Lander. To-day every municipality in Wyoming has either given its high school over to the cadet idea or is building a gymnasium by way of preparation for it, and contiguous sections of Montana and Nebraska are asking for Steever.

In February, 1915, the first intercity cadet tournament was held in Cheyenne. Casper sent one squad, Laramie two, Cheyenne entered three, and not even the famous frontier days caused larger measure of excitement in Wyoming. To the amazement of all but its devoted supporters, the Casper squad raced away with the gold medals, hanging up the remarkable time of eight seconds in the wall-scaling competition. It was a victory that enabled Lieut. Steever to point a smashing moral. The ages of the Casper squad ranged from 12 to 18, but not a youngster of the eight had ever touched tobacco in any form or been a victim to any evil habit.

The lesson was not allowed to lose its vividness. In May, 1915, a second intercity tournament was held, this time with Rawlins added to the list, and again the Casper squad carried off first honors. Wall scaling calls for five trials, and three times that gallant little eight did the trick in six and one-fifth seconds, a fourth run in six and three-fifths, and the fifth run in six and four-fifths. Think of it! A 15-foot dash, a wall 8 feet 4 inches in height, each youngster with a heavy rifle in his hands, and the eight of them piling over in six and one-fifth seconds!

Is it any wonder that of the four-year boys in the Wyoming high schools only 5 out of every 25 have less than 40-inch chests?

Patriotism, when unaccompanied by physical fitness, is not the splendid and effective passion that the pacifist gentlemen would have us believe when they declare that America's call for defenders would find a million men in arms by nightfall. The records prove that 50 per cent of the men who offer for enlistment can not be accepted, and that 50 per cent of those who are accepted die before the firing line is reached because they can not stand the hardships of the open.

The idea must not be gained, however, that the Wyoming plan cares for nothing but a boy's chest and legs. There are scholarship squads as well as wall-scaling squads; and while the competitions are not fought out before cheering thousands, there are medals for the winners, and the rivalry is just as keen. Squad leaders are elected; they take turns choosing members, as in the case of the other squads, and the fight is to hang up the highest average in every branch of school work. These scholarship squads have their sponsors to urge them on, and the standings are posted on the bulletin board every week, medals being awarded at the end of the term. One squad leader, whose team had lost in the tournament, set sail for a scholarship medal, and he won it by going to the homes of his backward members at night for the purpose of helping them with their lessons. Not very much "militarism" about that!

After five years of demonstration, the Steever idea has won the official stamp of approval by Wyoming and its people, regardless of class and circumstance, creeds and prejudices. Not one single prophesied evil has flowed from it, while the good results have exceeded the most sanguine expectation.

The principals of the high schools unite in this declaration: "Since the organization of the cadet corps truancy is no longer a problem, nor do our boys quit school for a premature entrance into industry. School life has been made interesting, and we have no trouble in keeping them for the complete course."

The juvenile judges say: "We are the doctors, but Lieut. Steever is the sanitarian. We prescribe, but he prevents. There used to be about 8 per cent of delinquency among high-school boys, but the self-discipline and self-restraints of the cadets have wiped it out."

The warden of the penitentiary makes this succinct statement: "If Lieut. Steever gets them, I don't."

These results are no more mysterious nor miraculous than the commonest of common sense. Every youngster wants his squad to walk away with the medals, and the first lesson brought home to him is the absolute necessity of "keeping in shape." When a squad finds that its chances of success are being endangered by the weakness of some one member, the cause is ferreted out, and unless he chooses to "cut it" of his own accord, drastic action is taken. All the moral preachments of the good and all the harsh discipline of martinets could not begin to compare with the results obtained by the boys themselves.

"Brickie," for instance, was Wyoming's most notorious "bad boy." He was the despair of parents, police, and school authorities, and when "Brickie" decided to become a cadet the high-school principal sent for Lieut. Steever. "He hasn't a single redeeming quality," she moaned. "He is cruel, predatory, vicious, cunning, and as for honesty, he can lie faster than a horse can trot. If ever a boy was headed straight for the penitentiary, that boy's 'Bricky.'"

Now, the trouble with "Brickie," as with almost every other "bad boy," was that his imagination and dynamic energies had never been provided with proper channels. As a consequence, they "backed up" and made a swamp full of evil growths. The cadet work gave "Brickie" these necessary channels, and his stagnancies drained off until his whole being ran sweet and clean.

His methods, to be sure, were a trifle summary. If a squad member didn't quit cigarettes and the other things that made for physical unfitness, "Brickie" gave him a trouncing. But his interest was the interest of the squad, and day by day he poured the fire of his own enthusiasm into the other seven until every one of them stood as fine and strong as "Brickie" himself.

Another tremendous benefit lies in the complete elimination of class distinction and caste lines. Snobbery finds it impossible to live in the democratic atmosphere of the cadet corps, for just as every squad has its weak and strong so it is made up of the rich and the poor, the Fauntleroys and the Smikes. A feature of the cadet year is the parties given by the sponsor, or by the squad itself under the supervision of the sponsor, and it may be the case that the sponsor is a banker's daughter, and the squad leader the son of a miner.

Another democratizing influence lies in the entertainment arrangements during the intercity tournaments. The boys and the sponsors are not sent to hotels, but are billeted on the members of the local corps. As a consequence the car conductor's son may be the guest in the home of the car conductor's president, or the son of a magnate may be occupying the spare room in the cottage of a workman. The time to sow the seeds of democracy is in youth, before prejudices have had a chance to harden.

A by-product of this system, by the way, is good breeding. No squad, when attending a party or visiting away from home, wants to be disgraced by a "rough neck." Lessons in deportment that would be resisted and derided if they came from adults are heeded when they proceed from squad pride.

The very selection of squad leaders is in itself a training in citizenship. At the beginning of each year an election is held by secret ballot. At the start boy politics exercised a dominant influence, and many inefficients were chosen because of personal popularity or social standing. It was soon seen that an inefficient leader meant an inefficient squad, and each succeeding election witnessed an increase in the intelligent voting that is based on the merit of the candidate rather than his personality. To-day the one thing that counts in a cadet election is the ability to deliver the goods.

Jim, for example, was a lad who reached up from one of the dark holes of the world and caught the bottom rung of life's ladder. He started to climb, and at the time he entered the high school he was paying his way by all sorts of janitor work. The very courage that carried this boy over obstacles was the courage that wins out in cadet work, and there came an election when the votes of well-to-do boys named the young furnace cleaner as squad leader.

The most careful inquiry in Wyoming fails to reveal the slightest foundation for the fear that military instruction will irresistibly incline the juvenile mind to martial pursuits. The four years of cadet work in the high school seems to satisfy the military desire of the normal boy. This is borne out by the experience of Boston, where compulsory military training in the schools has been in effect for 50 years. The percentage of enlistment in the United States Army from Boston and its six suburbs is one-half of 1 per cent, the lowest in the United States.

The large emphasis of this article has been placed upon the civic ideals of the Wyoming idea because it is from this direction that attack comes principally. But the results obtained constitute an answer not only to the "professional" pacifist, but also to the "professional" militarist who remains wedded to the obsession of a standing army. Competent defenders are made as well as intelligent citizens. No less an authority than Maj. Gen. Wood commends unstintedly the military values of the Wyoming system in these words:

"Give these Steever cadets three months in a training camp for the purpose of coordinating what they have learned, and familiarizing them with the work in the mass, and you will have as fine and effective a body of troops as ever took arms in defense of a country. The high-school training gives the boys the sound physical base that is the first essential to any rational plan of national preparedness. It teaches the important lessons of abstinence and self-mastery and forms the invaluable habits of discipline and cooperative effort. Above all, it ground them in the fundamentals of military science and training, lifting them high above the raw volunteers who are the despair of officers in a crisis."

Certainly no plan of an adequate national defense yet broached deserves larger consideration than the Wyoming idea. Aside from the fact that it gains every desired result without the slightest impingement upon American ideals, there are the added advantages of simplicity and economy. Given a gymnasium, which no school should lack, the only additional expense lies in the erection of scaling walls and the purchase of uniforms. In 1914, however, the Wyoming legislature passed a law providing a fund for furnishing uniforms to the cadets, and this generous example could be followed with profit by other States.

Also it is in the province of the War Department, by act of Congress, to lend rifles, bayonets, cartridge belts, and canteens to such cadets, and to supply each individual with 120 rounds of ammunition annually.

No larger task remains, then, than the division of the United States into districts, and the assignment of Army officers to school duty in these districts.

The problem of continued instruction, contained in the scheme of a national reserve, is solved by the very summer camps that are an integral part of the regular cadet work. As they fall during the vacation period the district officer would merely transfer his activities from the school to the open for the three months of June, July, and August.

Two weeks would serve the needs of the school-going cadet, but graduates would remain the full three months in order to gain the coordination suggested by Gen. Wood. For the next 2 years these graduates need report only for 2 weeks, and, for the following 3 years, 10 days a year. Six years of it—from 19 to 25, say—without interrupting the business of life, and then inclusion in the great trained national-reserve force ready for any exigency of national peril.

The War Department is already committed to the policy of supplying these camps with all necessary equipment, as well as the necessary instructors and the personnel for the organization and maintenance of camp-wagon transports, medical care, and sanitation.

Here, then, is a plan that has stood the test of five years of practice—a plan based upon voluntary action, without suspicion of militarism, and admittedly productive of better citizens as well as fit defenders.

It is in this very absence of compulsion that the inherent weakness of the scheme is found. To be forced to wait on the voluntary action of individual school boards is to put the entire problem of national defense at the mercy of the community. Nor will it suffice to assume that the success of the plan will lead inevitably to its universal spread.

Education is the imperative need of democracy, and no principle is more firmly established than compulsory school laws; yet even to-day four States are without such laws, poisoning the wells of progress with their high percentages of illiteracy. If Commonwealths can not be trusted to appreciate an obvious necessity like education, may more patriotic answers be expected from localities in the more or less abstract matter of national defense?

To realize its full possibilities, the training of citizen soldiers must be universal, and this means such measure of Federal authority as will bring even the most backward community into line. The very fact that only 5 per cent of the 16,000,000 grade-school pupils ever enter high school forces home the conclusion that the system of military instruction must embrace the upper grades of the ward schools.

There is no validity in the outcry against compulsion. It is one of those "bogey" words that arise at regular intervals to befuddle and retard. As applied to the business of national defense, it is no more undemocratic than the compulsion that is used in education, health laws, sanitation laws, workmen's compensation laws, or in the very criminal code itself. In its essence it is not compulsion at all, but merely majority enforcement of such action as majority agreement deems necessary for the advancement and protection of the Nation, the State, the city, and the individual.

Each year in the United States 1,000,000 youths enter manhood's estate. The training of these boys during their school days is the one democratic solution of the problem of America's "unpreparedness." When all is said and done, the chief value of the Wyoming experiment is its positive proof that such training can be given with advantage to democracy, and without hurt to the individual, to the community, or to free institutions.

Mr. BENNET. Mr. Chairman, I offer the following as a separate section.

The Clerk read as follows:

Amend by adding, after section 81, on page 88, the following as a new section:

That the Secretary of War is hereby required to investigate the operation of the military establishment of the Republic of Switzerland, and to report to the Congress not later than the second session of this Congress whether the system of such establishment or some modification thereof, if adopted by the United States, would, in his opinion, increase the efficiency of the Military Establishment of the United States.

Mr. HAY. Mr. Chairman, I make the point of order that a commission to investigate the military establishment of a foreign country is not germane to this bill.

Mr. BENNET. Mr. Chairman, it seems to me that it is entirely in order. It is not a resolution of inquiry, because it requires the Secretary of War to investigate and report, and could have been reported either as a bill or as a resolution. Mr. Speaker Carlisle, who was one of the best presiding officers this House ever had, ruled it made no difference whether a legislative provision was contained in a bill or a resolution, if it was within the jurisdiction of a particular committee. It is also within the scope of the bill and is drawn with particular reference to the title. In the bill containing 85 sections relating to so many different things, including the American National Red Cross, atmospheric nitrogen, and the Regular Army, a reserve army, a volunteer army, and militia organization, it can scarcely be said that it is not germane to the subject matter of the bill.

The CHAIRMAN. The Chair hopes that the gentleman from Virginia will withdraw his point of order.

Mr. HAY. Mr. Chairman, I withdraw the point of order. Will the gentleman from New York permit us to vote upon the amendment without any debate?

Mr. BENNET. If I can have three minutes.

Mr. HAY. Very well.

Mr. BENNET. Mr. Chairman, I regard this bill as very largely an educational proposition; and I do not think the majority of the House—and I say it without any desire to be offensive—are military experts. We have heard a good deal about this Swiss system.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman permit me to ask him a question there?

Mr. BENNET. Yes.

Mr. GREENE of Vermont. Is the gentleman aware that there is a Senate document covering this very subject which was published within about six weeks?

Mr. BENNET. The gentleman is not aware of that; and if the gentleman from Vermont can give me his assurance that that is the case, I have no desire to burden the bill with any unnecessary provisions.

Mr. GREENE of Vermont. I have one in my office.

Mr. GARDNER. I can give the gentleman the reference now.

Mr. BENNET. Then, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 82. That to provide for the fixation of atmospheric nitrogen by the development of water power, or any other means, necessary to establish an adequate supply of nitrogen, the appropriation of such sum or sums of money to construct the necessary plant for such purpose is hereby authorized.

Several Members rose.

Mr. HAY. Mr. Chairman, I desire to make a request in order to expedite the passage of this bill. I ask unanimous consent that this section and debate upon it and all motions upon it may be deferred until we get through with the reading of the remainder of the bill and that it then be considered.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that section 82 may be passed until the conclusion of the remainder of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 83. That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, subsistence and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following as an additional section.

The Clerk read as follows:

After section 83, page 90, line 4, insert a new section, 83a, as follows:

"That in order to provide for the common defense and under such regulations as the President may prescribe and within the limits of appropriations available for that purpose, the Secretary of War is hereby authorized to procure, by purchase or manufacture, and to store and accumulate such number of United States small arms, artillery, munitions, equipment, and military stores and appliances as will be necessary to arm, uniform, and equip the able-bodied men of the United States for military service in time of war."

Mr. HAY. Mr. Chairman, I think that is in the bill now, and it would be simply reenacting the law. I have no objection to it personally.

Mr. PARKER of New Jersey. Mr. Chairman, I was afraid that the provisions of section 59, which authorize the Secretary of War expressly to buy and store and accumulate arms for the National Guard might limit the general power that ought to belong to the Nation.

Mr. SHERLEY. The trouble with the gentleman's amendment is that he is probably not enlarging the authority. We have absolutely such authority now. For instance, the authority which we exercise now in the fortification appropriation bill, which is a bill that provides for reserve matériel, is very much broader than the provision that the gentleman is proposing. What the gentleman is now asking the House to do may limit it. Broader powers already exist. I can see no reason for the adoption of this amendment.

Mr. PARKER of New Jersey. Mr. Chairman, I shall have to take some portion of my five minutes to explain why this amendment is necessary. Mr. Chairman and gentlemen, I have found in the last few years that whenever there are any suggestions made for an appropriation to buy arms that we had reports from the Secretary of War, or rather from the Ordnance Department, that all we needed was, first, an army of 400,000 men, and with those in addition to the Regular Army it would be sufficient, and we could wait to get more arms until war came upon us. I have spoken on this subject once before, but I want to say to the committee that we find now that it is very difficult to get more arms. If you take rifles alone, the total capacity of the Government manufactories is 500,000, or half a million, a year, working night and day, three shifts, and it would take 40 years to get the 20,000,000 rifles necessary for our able-bodied population of 20,000,000. If we take the capacity of private manufacturers and factories as a criterion, it was a whole year after war began abroad before they began to ship any arms, and after a year and four months they are able only to ship 3,400 a day, 100,000 a month, or 1,200,000 a year; and we need millions. There are 5,000,000 boys of the proper age in our public schools; there are 500,000 in our colleges who want training. We want these stores, and any bill for the military efficiency of the United States under these circumstances should lay down primarily the proposition that it is the duty of the Secretary of War, under proper regulation and so far as appropriations are made therefor, to provide for arming the Nation in case of need. Mr. Chairman, I move my amendment.

Mr. SHERLEY. Mr. Chairman, the effect of this amendment is not to give either to the Secretary of War or to Congress or to anybody else any power which is not now possessed, and does not mean you get one single gun or one single round of ammunition. It simply is hurriedly undertaking to put in a bill an authorization of power, power that already exists in ampler form than what is suggested by the amendment of the gentleman from New Jersey. Now, what you are liable to do is to adopt an amendment that instead of enlarging the power will curtail it.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. SHERLEY. I do.

Mr. PARKER of New Jersey. Has the gentleman noticed in section 59 we have put in such power, which, I think, is a limitation, because it is limited to aid for the National Guard alone?

Mr. SHERLEY. Well, but the gentleman is mistaken about that. I happen to know, because I have in charge the bill which deals very largely with reserve war matériel. We are not dependent upon the provisions of this bill for our authority, and the amendment that the gentleman offers will not increase the authority. If it does anything, it will be liable to curtail it, but it will in no sense aid in the acquiring of a proper reserve.

Mr. STERLING. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. STERLING. Can the gentleman tell us how many arms we have now—how many guns?

Mr. SHERLEY. Well, the gentleman from Illinois is asking a question I will go into detail on in the fortification bill, but

that bill does not deal with small arms. Touching rifles, my memory is we have something like 700,000 Springfields and 300,000 Krag-Jörgensens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. PARKER of New Jersey), there were—ayes 19, noes 76.

So the amendment was rejected.

The Clerk read as follows:

SEC. 84. That the President, in time of war or when war is imminent, be empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

That compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, company, association, corporation, or organized manufacturing industry failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

That the compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material shall be fair and just.

That the President in time of war or when war is imminent is authorized to appoint a board on mobilization of industries essential for military preparedness, nonpolitical in nature, and is authorized to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Add to section 84 the following:

"That the Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from such disabilities or to be able to perform service of value to the Government sufficient to warrant such action, shall be assigned to such duty as the Secretary of War may approve."

Mr. HAY. Mr. Chairman, I accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

One page 90, after the word "industry," in line 21, add the following:

"And any individual, firm, association, company, corporation, or organized manufacturing industry owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry owning or operating any manufacturing plant which, in the opinion of the Secretary of War, is capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who refuses to give to the United States such preference in the matter of the execution of orders, or who refuses to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who refuses to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price, as determined by the Secretary of War, then and in either such case the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is authorized to take immediate possession of any such plant or plants, and, through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war is imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry."

Mr. GOOD. Mr. Chairman, I understand the gentleman from Virginia——

Mr. HAY. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the further amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 91, in line 5, after the word "material," add "or as rental for use of any manufacturing plant while used by the United States."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. HAY. Mr. Chairman, I ask unanimous consent to return to page 59, line 3, to offer the following amendment, which is suggested by the Secretary of the Navy, because he is afraid that we are doing something with the Naval Militia. I will read it. It says:

Page 59, line 3, after the word "force," add the following:

"And not to the Naval Militia, which shall consist of such part of the militia as may be duly prescribed in each State, Territory, and the District of Columbia."

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to return to section 45 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 50, line 3, after the word "force," add the following:

"And not to the Naval Militia, which shall consist of such part of the militia as may be prescribed in each State, Territory, and the District of Columbia."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. HAY. Now, Mr. Chairman, I understand that we return, under the agreement, to section 82.

The CHAIRMAN. We return to section 82.

Mr. McKENZIE. Mr. Chairman, I move to amend——

Mr. LEVER. Mr. Chairman, I was going to suggest to the gentleman from Virginia [Mr. HAY] that we will probably make some time if we can agree upon a limit of time for debate.

Mr. HAY. I am going to do that as soon as the gentleman from Illinois [Mr. McKENZIE] offers an amendment.

The CHAIRMAN. That will be in order in a moment. The committee has returned to section 82, and the gentleman from Illinois [Mr. McKENZIE] is recognized.

Mr. McKENZIE. Mr. Chairman, I move to amend by striking out section 82.

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 88, strike out section 82, comprised in lines 10 to 15, inclusive.

Mr. LEVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. Would a motion in the nature of a substitute have preference over the motion of the gentleman from Illinois?

The CHAIRMAN. It would. A motion to strike out a paragraph would have preference.

Mr. LEVER. If so, I will offer the following as a substitute.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. LEVER offers as a substitute for section 82, on page 88, the following:

"That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission, whose duty it shall be to ascertain the practicability and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen, or otherwise, and of obtaining potash from kelp, alunite, feldspar, or any other material, for use in the manufacture of an adequate supply of munitions of war and fertilizers.

"The commission may use the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes, and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress.

"The commission may elect a chairman, and the funds appropriated for its use shall be paid out on warrants signed by him or by an acting chairman designated by him, drawn on the Secretary of the Treasury.

"There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, available until expended, the sum of $100,000, to enable the commission to carry out its purposes, including the hire of experts, clerks, and other employees, and payment of rent, traveling, and other expenses, within and outside of the District of Columbia."

Mr. LENROOT. Mr. Chairman——

Mr. HAY. Now, Mr. Chairman, with the permission of the gentleman from Illinois [Mr. McKENZIE], I would like to see if we can not arrange——

Mr. LENROOT. I make the point of order on the amendment first.

Mr. LEVER. I make the point of order that the point of order comes too late.

Mr. LENROOT. It has just been read. I have not had opportunity to make it before. I make the point of order that the amendment is not in order, in that it goes much beyond the scope of the original amendment and provides for a matter that is not at all germane to this bill.

Mr. SHERLEY. And I make the further point that it carries an appropriation.

Mr. LENROOT. And makes an appropriation itself.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. LENROOT. I do make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEVER. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from South Carolina offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. LEVER offers the following amendment in lieu of section 82, page 88:

"SEC. 82. That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission, whose duty it shall be to ascertain the practicability and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise, and of obtaining potash from kelp, alunite, feldspar, or any other material for use in the manufacture of an adequate supply of nitrogen and potash.

"The commission may utilize the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes, and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress.

"The commission may elect a chairman, and the funds appropriated for its use shall be paid out on warrants signed by him or by an acting chairman designated by him, drawn on the Secretary of the Treasury.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of $100,000, to enable the commission to carry out its purposes, including the hire of experts, clerks, and other employees, and payment of rent, traveling and other expenses within and outside the District of Columbia."

Mr. LENROOT. Mr. Chairman, I make the point of order against this amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEVER. Mr. Chairman, I offer the following amendment as a substitute.

Mr. SMITH of Minnesota. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by substituting for section 82, on page 88, the following:

"SEC. 82. That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission, whose duty it shall be to ascertain the practicability and best means of producing, within the United States, nitrogen compounds by the fixation of atmospheric nitrogen, or otherwise, and of obtaining potash from kelp, alunite, feldspar, or any other material, for use in the manufacture of an adequate supply of munitions of war.

"The commission may utilize the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes, and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress."

Mr. LENROOT. Mr. Chairman, I make the same point of order upon that amendment.

The CHAIRMAN. The Chair will hear from the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I would prefer that the Chair hear from the gentleman from Wisconsin [Mr. LENROOT] on the proposition. But, Mr. Chairman, it seems to me that this amendment is in line with the general purposes of the bill under consideration. This bill is a bill to increase the efficiency of the Military Establishment of the United States. The amendment which I have offered proposes to create a commission the duty of which shall be to investigate the processes by which nitrogen may be extracted from the air or the processes by which it may be had from any other source. It likewise empowers the commission to investigate the possible sources of potash.

Now, when the Chair keeps in mind the fact that nitric acid and potash are absolutely necessary in the manufacture of high explosives it seems to me that any proposal here that looks to increasing efficiency in getting these materials would be germane to this bill and in order upon this bill.

The Chair will observe that in the last amendment which I have offered the appropriation is eliminated, and it only creates a commission with a view of developing the best means of getting potash and nitrogen for use in the manufacture of munitions of war.

I may say very frankly that in eliminating fertilizers I realize that the Chair was right in his ruling on my previous amendments, which included them; but I hope that in another body some of these days, if this amendment is agreed to, we may include fertilizers.

Mr. LENROOT. Mr. Chairman, section 82 in the bill authorizes an appropriation to secure the fixation of atmospheric nitrogen by the development of water power or any other means necessary to establish an adequate supply of nitrogen.

Section 82 relates to nothing else. The amendment now proposed by the gentleman from South Carolina [Mr. LEVER] provides for a commission to ascertain the practicable and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise and of obtaining potash from kelp, alunite, feldspar, or any other material for use in the manufacture of an adequate supply of munitions of war, clearly going far beyond the scope and the intent of section 82 as it is written, which relates only and solely to the authorization of an appropriation for securing nitrogen by the fixation of atmospheric nitrogen, and therefore the gentleman's amendment is clearly out of order.

In addition to that, Mr. Chairman, I merely state the proposition laid down or the position taken by the gentleman from New York [Mr. BENNET] in his ruling that——

Mr. SAUNDERS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SAUNDERS. I thought the gentleman from Wisconsin was through. I want to get recognition in my own time.

Mr. LENROOT. Where there is an authorization for an appropriation in a bill an amendment providing for a commission to investigate is not a germane amendment.

Mr. SAUNDERS. Mr. Chairman, if the amendment offered by the gentleman from South Carolina [Mr. LEVER] is not in order, I do not see how the section of the bill to which the amendment relates, can itself be in order. Plainly this portion of the bill is in order, because it makes provision, in an indefinite and unsatisfactory manner, it must be conceded, for the fixation of atmospheric nitrogen, with a view to securing material used in making high explosives. Without this material it is insisted that modern war can not be waged.

If the Chair will look to the section proposed to be amended, he will find that the section standing alone will be utterly ineffective to accomplish the purpose intended. The section provides, it is true, for the fixation of atmospheric nitrogen by water-power development, and authorizes the appropriation of such sums of money as may be necessary to construct the appropriate plants. But who is to take over the use, and application of these funds? Who is the commission, board, agent, or other functionary, who will control the expenditure of the appropriation contemplated, select the site, or location, best adapted to the end in view, and establish the plant, or plants, that will be needed to make effective the purpose of this section of the bill?

The amendment offered by the gentleman from South Carolina contemplates the creation of an official agency that will utilize and expend the funds appropriated in the direction of certain preliminary work looking to the establishment and location of the plants necessary to secure in needful quantities the acid required for high explosive ammunition. Instead of being plainly out of order, as suggested by the gentleman from Wisconsin, the amendment of the gentleman from South Carolina is plainly in order, for the very palpable reason that it seeks to make effective a section which, in its present form, leaves the whole project of the fixation of atmospheric nitrogen in the air for the lack of the necessary agencies to make the section effective.

Mr. BENNET. Mr. Chairman, if the Chair will look into that volume of Hinds' Precedents which contains the decision of Mr. Watson, of Indiana, in the Fifty-ninth Congress, the Chair will find the only place where there is a scintilla or shadow of support for the position of the gentleman [Mr. LEVER] who offers this amendment. It was held in that particular instance by the distinguished author or compiler of that book to be a particular instance. There is no other instance in the precedents of Congress where a provision for a commission was held to be in order as a germane substitute for a substantive proposition in a bill.

As the Chair, of course, is aware, the requisite elements in reference to germane amendments are, first, that the amendment must be germane to the title; second, that it must be germane to the substance of the bill; and, third, when offered to a particular section, that it must be germane to the section.

When I had the honor to sit in the place that the gentleman now presiding occupies, in connection with the Commerce Court bill, in the Sixty-first Congress, with more time at my disposal than the gentleman has had in connection with this particular section, I looked up all the authorities, and although I voted in the Fifty-ninth Congress for the amendment declared to be in order by the gentleman from Indiana, Mr. Watson, I ruled, as I had to in accordance with the precedents, that that ruling was wrong, and that a ruling for a commission, which may be germane to the title and may be germane to the subject matter, is not and never has been held to be germane as a substitute for or an amendment to a particular section.

And, of course, the reason for it, in addition to those that I have given, is clear, that the basic proposition of an amendment calling for the appointment of a commission is the appointment of a commission, whereas the basic subject matter of any section not relating to the appointment of a commission is the putting into law of some proposition not involving a commission. And that has been the uniform ruling of chairmen and Speakers ever since there have been precedents on the subject.

The CHAIRMAN. The Chair has listened with great interest to the arguments on this question. The Chair is unable to see why the last proposition of the gentleman from South Carolina is not in order. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. HAY. Mr. Chairman, I should like to arrange for time on this section. How much time does the gentleman from California desire?

Mr. MANN. I will say, butting in, that the gentleman from California [Mr. KAHN] has requests from 15 different gentlemen, most of whom want 10 minutes each. It is now half past 3 o'clock. I presume there will be at least two roll calls before the bill is passed. Is the gentleman from Virginia insistent upon having a final vote on the bill to-night?

Mr. HAY. Yes; that was the understanding on both sides of the House, I believe.

Mr. MANN. It was the understanding that we would endeavor to do that. I did not know whether it would be practicable to get everything disposed of up to the final vote.

Mr. HAY. We have everything except this.

Mr. MANN. I am quite willing, as far as I am concerned, to stay here until the final vote, because the gentleman from Virginia has been very lenient and courteous in debate.

Mr. HAY. Suppose we say an hour on a side, which will take us until half past 5 o'clock.

Mr. MANN. I do not know how gentlemen will manage. I have already relinquished my time. I had applied for 10 minutes.

Mr. McKENZIE. I will get along with two minutes.

Mr. MANN. Some of the gentlemen will have to get along with three minutes instead of five; but part of the time of the gentleman from California is to go to that side of the House.

Mr. HAY. I think we can get along with an hour on a side.

Mr. MANN. I am willing to try it if the rest are.

Mr. HAY. Then, Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in two hours, one half to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon section 82 and all amendments thereto shall be closed in two hours, one hour to be controlled by himself and one hour by the gentleman from California [Mr. KAHN]. Is there objection?

Mr. SMITH of Minnesota. Reserving the right to object——

Mr. LENROOT. Reserving the right to object, I should like to ask the gentleman from Virginia whether it is his intention to yield some of his time to those upon his side who are opposed to the section?

Mr. HAY. I heard only a moment ago that some gentlemen over here wanted some time, but in view of the number of requests which I have had, I do not see how we can yield time to those who are opposed to the section.

Mr. LENROOT. Then, I want to ask the gentleman from California whether he is in favor of striking out this section?

Mr. KAHN. No; but all who have requested time of me are opposed to the provision.

Mr. HAY. I think the time should be apportioned between those who are in favor of the section and those who are opposed to it.

Mr. LENROOT. That is all I desire.

The CHAIRMAN. The Chair will state the question. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER]. The gentleman from Virginia [Mr. HAY] asks unanimous consent that debate upon section 82 and all amendments thereto shall be closed in two hours, one-half of the time to be controlled by himself and one-half by the gentleman from California [Mr. KAHN].

Mr. FERRIS. Reserving the right to object, which I do not intend to do, I merely wish to ask the gentleman from Virginia [Mr. HAY] if he does not think that inasmuch as some of us are opposed to it, and both the gentlemen controlling the time are in favor of it, that there ought to be some agreement——

Mr. HAY. But the gentleman from California has just stated that he was going to yield all his time to gentlemen who are opposed to this provision. Is that correct?

Mr. KAHN. Yes.

Mr. LEVER. Will the gentleman from Virginia yield for a question?

Mr. HAY. Yes.

Mr. LEVER. The committee divides itself in this way: There are those who are opposed to section 82 as it stands; there are those who are opposed to any provision on this line, even in the form of an amendment; there are some of us who are opposed to section 82 if we can get such a proposition as I have offered instead. Failing to get such a proposition as I have offered, some of us will probably vote for section 82 as it stands in the bill. Now, I want to ask the chairman of the committee if the proponents of the amendment which I have offered are going to be yielded any time out of the hour which he has requested for the affirmative side of this question?

Mr. HAY. I will yield five minutes to the gentleman.

Mr. LEVER. Oh, Mr. Chairman, I certainly think this side of the question ought to have more than five minutes, even if I do not control it myself.

Mr. HAY. But, Mr. Chairman, everybody knows the merits of this proposition. Everybody has been talking about it, and there will not be very much added to the sum of knowledge about it by a long debate. Everybody here is a more or less intelligent man. The proposition of the gentleman from South Carolina is a very plain one, and we all understand it, and I do not think we ought to take the time to debate this matter to any great extent.

The CHAIRMAN. Is there objection?

Mr. LEVER. Reserving the right to object, I wish to say to the gentleman from Virginia that personally I do not care for more than five minutes, but the gentleman from Illinois [Mr. RAINEY] here, for instance, wants to discuss the amendment which I have offered, and I feel that the proponents of the proposition which I have offered have a right, certainly, to more than five minutes out of an hour.

Mr. HAY. We will give the gentleman from Illinois some time out of our hour.

The CHAIRMAN. Is there objection?

Mr. SMITH of Minnesota. Reserving the right to object, Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Minnesota. In case unanimous consent is given according to the request of the chairman of the committee, Mr. HAY, will it preclude the offering of amendments?

Mr. HAY. It will not preclude the offering of amendments.

The CHAIRMAN. It will not preclude the offering of amendments, but it will close debate. Is there objection?

Mr. MADDEN. Mr. Chairman, I think if we voted now we would get along better. Everybody knows what we are going to do. Let us take the vote on it now.

The CHAIRMAN. Does the gentleman object to the request of the gentleman from Virginia?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. LEVER. I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 29, noes 103.

So the Lever amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Mr. McKENZIE moves to strike out section 82, page 88.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. McKENZIE) there were—ayes 122, noes 100.

Mr. HAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia [Mr. HAY] and the gentleman from Illinois [Mr. McKENZIE].

The committee again divided; and the tellers reported that there were 154 ayes and 128 noes.

So the amendment was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee had had under consideration the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HAY. Mr. Speaker, I demand a separate vote on what is known as the Gardner amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. DENT. Mr. Speaker, I demand a separate vote on the amendment striking out section 82.

The SPEAKER. Is there a demand for a separate vote on any other amendment?

Mr. AUSTIN. Mr. Speaker, I ask a separate vote on what is known as the Anthony amendment.

The SPEAKER. What is the subject of it?

Mr. HAY. That amendment is to section 11.

Mr. MANN. Mr. Speaker, I ask unanimous consent, notwithstanding the fact that the previous question is considered as ordered, that the gentleman from California [Mr. KAHN] may offer what is known as the Kahn amendment, to be disposed of without debate.

The SPEAKER. The gentleman from Illinois asks unanimous consent that, notwithstanding the previous question has been considered as ordered, the gentleman from California [Mr. KAHN] may be permitted to offer his amendment, to be disposed of without debate. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, does the gentleman couple with it the right to move to recommit shall be waived?

Mr. MANN. We shall not exercise the right as far as the gentleman from California is concerned, or as far as I am concerned. We do not expect to move to recommit, although I can not pledge everybody on this side or on the other side of the aisle.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. GARNER. Mr. Speaker, may I suggest that the other amendments be disposed of?

The SPEAKER. The question is on agreeing to the amendments other than those upon which separate votes have been demanded?

The amendments were agreed to.

The SPEAKER. The Clerk will now report the Gardner amendment.

The Clerk read as follows:

Amend, on page 26, by inserting, after the word "for," in line 9, the following:

"*Provided*, That after the expiration of one year's honorable service any enlisted man of the Regular Army, whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve, under such regulations as the Secretary of War may prescribe, in which event he shall not be eligible to reenlist in the service until the expiration of his term of seven years."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. On that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 198, answered "present" 2, not voting 30, as follows:

YEAS—203.

Anderson	Davis, Minn.	Glynn	Hull, Iowa
Austin	Dempsey	Good	Husted
Bacharach	Denison	Gould	Hutchinson
Bennet	Dillon	Graham	James
Britten	Dowell	Gray, N. J.	Johnson, S. Dak.
Browne	Drukker	Green, Iowa	Johnson, Wash.
Browning	Dunn	Greene, Mass.	Kahn
Butler	Dyer	Greene, Vt.	Kearns
Campbell	Eagan	Guernsey	Keating
Cannon	Edmonds	Hadley	Keister
Capstick	Ellsworth	Hamill	Kelley
Carew	Elston	Hamilton, Mich.	Kennedy, R. I.
Carter, Mass.	Emerson	Hamilton, N. Y.	Kent
Chandler, N. Y.	Esch	Haskell	Kettner
Charles	Fairchild	Haugen	Kiess, Pa.
Chiperfield	Farr	Hawley	King
Coleman	Fess	Hayden	Kinkaid
Cooper, Ohio	Focht	Hayes	Konop
Cooper, W. Va.	Foss	Heaton	Kreider
Cooper, Wis.	Frear	Helgesen	Lafean
Costello	Freeman	Hernandez	La Follette
Cramton	Fuller	Hicks	Langley
Curry	Gallagher	Hill	Lehlbach
Dale, Vt.	Gallivan	Hinds	Lenroot
Dallinger	Gandy	Hopwood	Liebel
Danforth	Gardner	Howell	Lindbergh
Darrow	Gillett	Hulbert	Loft
Longworth	Mott	Sabath	Swift
Loud	Mudd	Sanford	Tague
McAndrews	Nichols, Mich.	Schall	Temple
McArthur	Nolan	Scott, Mich.	Tilson
McCracken	North	Scully	Timberlake
McDermott	Norton	Sells	Tinkham
McFadden	Oakey	Sherley	Towner
McKinley	O'Shaunessy	Siegel	Treadway
McLaughlin	Paige, Mass.	Sinnott	Van Dyke
Madden	Parker, N. J.	Slemp	Vare
Magee	Parker, N. Y.	Sloan	Volstead
Mann	Peters	Smith, Idaho	Walsh
Mapes	Phelan	Smith, Mich.	Ward
Martin	Platt	Smith, Minn.	Wason
Matthews	Porter	Smith, N. Y.	Watson, Pa.
Meeker	Powers	Snell	Wheeler
Miller, Del.	Pratt	Snyder	Williams, T. S.
Miller, Minn.	Ramseyer	Stafford	Williams, Ohio
Miller, Pa.	Reavis	Steenerson	Wilson, Ill.
Mondell	Roberts, Mass.	Stephens, Cal.	Winslow
Mooney	Rodenberg	Sterling	Wood, Ind
Moore, Pa.	Rogers	Stone	Woods, Iowa
Moores, Ind.	Rowe	Sullowway	Young, N. Dak.
Moss, W. Va.	Rowland	Sweet	

NAYS—198.

Adair	Decker	Igoe	Rayburn
Adamson	Dent	Jacoway	Reilly
Aiken	Dewalt	Jones	Ricketts
Alexander	Dickinson	Key, Ohio	Riordan
Allen	Dies	Kincheloe	Rouse
Almon	Dill	Kitchin	Rubey
Anthony	Dixon	Lazaro	Rucker
Ashbrook	Dooling	Lee	Russell, Mo.
Aswell	Doolittle	Lesher	Russell, Ohio
Ayres	Doremus	Lever	Saunders
Bailey	Doughton	Lewis	Sears
Barkley	Dupré	Lieb	Shackleford
Barnhart	Eagle	Linthicum	Shallenberger
Beakes	Estopinal	Lloyd	Shouse
Beales	Farley	Lobeck	Sims
Bell	Ferris	London	Sisson
Black	Fields	McClintic	Slayden
Blackmon	Finley	McCulloch	Small
Booher	Fitzgerald	McGillicuddy	Smith, Tex.
Borland	Flood	McKellar	Sparkman
Bruckner	Flynn	McKenzie	Steagall
Brumbaugh	Foster	McLemore	Stedman
Buchanan, Ill.	Gard	Maher	Steele, Iowa
Buchanan, Tex.	Garner	Mays	Steele, Pa.
Burgess	Garrett	Montague	Stephens, Miss.
Burke	Glass	Moon	Stephens, Nebr.
Burnett	Godwin, N. C.	Morgan, La.	Stephens, Tex.
Byrns, Tenn.	Goodwin, Ark.	Morgan, Okla.	Stout
Caldwell	Gordon	Morin	Sumners
Callaway	Gray, Ala.	Moss, Ind.	Taggart
Candler, Miss.	Gray, Ind.	Murray	Talbott
Cantrill	Hamlin	Neely	Tavenner
Caraway	Hardy	Nelson	Taylor, Ark.
Carlin	Harrison	Nicholls, S. C.	Taylor, Colo.
Carter, Okla.	Hart	Oglesby	Thomas
Casey	Hastings	Oliver	Thompson
Church	Hay	Olney	Tillman
Clark, Fla.	Heflin	Overmyer	Tribble
Cline	Helm	Padgett	Venable
Coady	Helvering	Page, N. C.	Vinson
Collier	Hensley	Park	Watkins
Connelly	Holland	Patten	Watson, Va.
Conry	Hollingsworth	Pou	Webb
Cox	Hood	Price	Whaley
Crisp	Houston	Quin	Williams, W. E.
Crosser	Howard	Ragsdale	Wilson, La.
Cullop	Huddleston	Rainey	Wise
Dale, N. Y.	Hughes	Raker	Young, Tex.
Davenport	Hull, Tenn.	Randall	
Davis, Tex.	Humphreys, Miss.	Rauch	

ANSWERED "PRESENT"—2.

Crago Humphrey, Wash.

NOT VOTING—30.

Abercrombie	Evans	Johnson, Ky.	Stiness
Barchfeld	Fordney	Kennedy, Iowa	Sutherland
Britt	Garland	Littlepage	Switzer
Byrnes, S. C.	Gregg	Morrison	Walker
Cary	Griest	Oldfield	Wilson, Fla.
Copley	Griffin	Roberts, Nev.	Wingo
Driscoll	Henry	Scott, Pa.	
Edwards	Hilliard	Sherwood	

So the Gardner amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. HENRY with Mr. SWITZER.

Mr. ABERCROMBIE with Mr. GARLAND.

Mr. LITTLEPAGE with Mr. CRAGO.

Mr. OLDFIELD with Mr. BARCHFELD.

Mr. EDWARDS with Mr. GRIEST.

Mr. WINGO with Mr. SCOTT of Pennsylvania.

Mr. WALKER with Mr. SUTHERLAND.

Mr. SHERWOOD with Mr. ROBERTS of Nevada.

Mr. GRIFFIN with Mr. BRITT.

Mr. GREGG with Mr. FORDNEY.

Mr. DRISCOLL with Mr. CARY.

On the vote:

Mr. HILLIARD (against Gardner amendment) with Mr. STINESS (for Gardner amendment).

Mr. BYRNES of South Carolina (against Gardner amendment) with Mr. COPLEY (for Gardner amendment).

Mr. WILSON of Florida (against Gardner amendment) with Mr. KENNEDY of Iowa (for Gardner amendment).

Mr. HUMPHREY of Washington. Mr. Speaker, I desire to ask if the gentleman from Indiana, Mr. MORRISON, has voted?

The SPEAKER. He is not recorded.

Mr. HUMPHREY of Washington. Then I wish to withdraw my vote of "yea" and answer "present."

The name of Mr. HUMPHREY of Washington was called, and he answered "Present."

Mr. EVANS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. EVANS. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the Kahn amendment.

The Clerk read as follows:

Mr. KAHN moves to amend, on page 13, line 12, by striking out the words "one hundred and forty" and inserting in lieu thereof the words "two hundred and twenty," and add at the end of the section the following:

"That not exceeding 45,000 of the force provided in this section shall be distributed among the various arms of the line in such manner and in such proportion as the President may prescribe."

The SPEAKER. The question is on agreeing to the Kahn amendment.

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

Mr. HAY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 213, answered "present" 2, not voting 27, as follows:

YEAS—191.

Anderson	Flynn	Kreider	Riordan
Austin	Focht	Lafean	Roberts, Mass.
Bacharach	Foss	Langley	Roberts, Nev.
Beales	Frear	Lehlbach	Rogers
Bennet	Freeman	Lenroot	Rowe
Borland	Fuller	Loft	Rowland
Britten	Gallagher	Longworth	Russell, Ohio
Browning	Gallivan	Loud	Sanford
Bruckner	Gardner	McAndrews	Schall
Burke	Gillett	McArthur	Scott, Mich.
Butler	Glynn	McDermott	Scott, Pa.
Caldwell	Good	McKinley	Scully
Cannon	Gould	McLaughlin	Sells
Capstick	Graham	Madden	Siegel
Carew	Gray, N. J.	Magee	Sinnott
Carter, Mass.	Greene, Mass.	Maher	Slemp
Chandler, N. Y.	Greene, Vt.	Mann	Smith, Idaho
Charles	Guernsey	Mapes	Smith, Mich.
Chiperfield	Hadley	Martin	Smith, Minn.
Coady	Hamill	Matthews	Smith, N. Y.
Coleman	Hamilton, Mich.	Miller, Del.	Snell
Conry	Hamilton, N. Y.	Miller, Minn.	Snyder
Cooper, W. Va.	Hart	Miller, Pa.	Stafford
Cooper, Wis.	Haskell	Montague	Steenerson
Costello	Hawley	Moore, Pa.	Stephens, Cal.
Crago	Hayes	Moores, Ind.	Stone
Curry	Heaton	Morin	Sulloway
Dale, N. Y.	Hernandez	Moss, W. Va.	Sutherland
Dale, Vt.	Hicks	Mott	Sweet
Dallinger	Hill	Mudd	Swift
Danforth	Hinds	Nichols, Mich.	Tague
Darrow	Hopwood	Nolan	Temple
Dempsey	Howell	North	Tilson
Denison	Hulbert	Oakey	Tinkham
Dooling	Hull, Iowa	Oglesby	Treadway
Dowell	Husted	Olney	Vare
Driscoll	Hutchinson	O'Shaunessy	Volstead
Drukker	James	Paige, Mass.	Walsh
Dunn	Johnson, S. Dak.	Parker, N. J.	Ward
Dyer	Johnson, Wash.	Parker, N. Y.	Wason
Eagan	Kahn	Patten	Watson, Pa.
Edmonds	Kearns	Peters	Wheeler
Ellsworth	Keister	Phelan	Williams, T. S.
Elston	Kelley	Platt	Williams, Ohio
Emerson	Kennedy, R. I.	Porter	Wilson Ill.
Fairchild	Kent	Powers	Winslow
Farley	Kiess, Pa.	Pratt	Wood, Ind.
Farr	King	Reavis	

NAYS—213.

Adair	Browne	Collier	Dixon
Adamson	Brumbaugh	Connelly	Doolittle
Aiken	Buchanan, Ill.	Cooper, Ohio	Doremus
Alexander	Buchanan, Tex.	Cox	Doughton
Allen	Burgess	Cramton	Dupré
Almon	Burnett	Crisp	Eagle
Anthony	Byrns, Tenn.	Crosser	Esch
Ashbrook	Callaway	Cullop	Estopinal
Aswell	Campbell	Davenport	Evans
Ayres	Candler, Miss.	Davis, Minn.	Ferris
Bailey	Cantrill	Davis, Tex.	Fess
Barkley	Caraway	Decker	Fields
Barnhart	Carlin	Dent	Finley
Beakes	Carter, Okla.	Dewalt	Fitzgerald
Bell	Casey	Dickinson	Flood
Black	Church	Dies	Foster
Blackmon	Clark, Fla.	Dill	Gandy
Booher	Cline	Dillon	Gard
Garner	Kincheloe	Overmyer	Stedman
Garrett	Kinkaid	Padgett	Steele, Iowa
Glass	Kitchin	Page, N. C.	Steele, Pa.
Godwin, N. C.	Konop	Park	Stephens, Miss.
Goodwin, Ark.	La Follette	Pou	Stephens, Nebr.
Gordon	Lazaro	Price	Stephens, Tex.
Gray, Ala.	Lee	Quin	Sterling
Gray, Ind.	Lesher	Rainey	Stout
Green, Iowa	Lever	Raker	Sumners
Hamlin	Lewis	Ramseyer	Taggart
Hardy	Lindbergh	Randall	Talbott
Harrison	Linthicum	Rauch	Tavenner
Hastings	Lloyd	Rayburn	Taylor, Ark.
Haugen	Lobeck	Reilly	Taylor, Colo.
Hay	London	Ricketts	Thomas
Hayden	McClintic	Rodenberg	Thompson
Heflin	McCracken	Rouse	Tillman
Helgesen	McCulloch	Rubey	Timberlake
Helm	McGillicuddy	Rucker	Towner
Helvering	McKellar	Russell, Mo.	Tribble
Hensley	McKenzie	Sabath	Van Dyke
Holland	McLemore	Saunders	Venable
Hollingsworth	Mays	Sears	Vinson
Hood	Meeker	Shackleford	Watkins
Houston	Mondell	Shallenberger	Watson, Va.
Howard	Moon	Sherley	Webb
Huddleston	Mooney	Sherwood	Whaley
Hughes	Morgan, La.	Shouse	Williams, W. E.
Hull, Tenn.	Morgan, Okla.	Sims	Wilson, La.
Humphreys, Miss.	Moss, Ind.	Sisson	Wise
Igoe	Murray	Slayden	Woods, Iowa
Jacoway	Neely	Sloan	Young, N. Dak.
Jones	Nelson	Small	Young, Tex.
Keating	Nicholls, S. C.	Smith, Tex.	
Kettner	Norton	Sparkman	
Key, Ohio	Oliver	Steagall	

ANSWERED "PRESENT"—2.

Humphrey, Wash. Lieb

NOT VOTING—27.

Abercrombie	Fordney	Johnson, Ky.	Ragsdale
Barchfeld	Garland	Kennedy, Iowa	Stiness
Britt	Gregg	Liebel	Switzer
Byrnes, S. C.	Griest	Littlepage	Walker
Cary	Griffin	McFadden	Wilson, Fla.
Copley	Henry	Morrison	Wingo
Edwards	Hilliard	Oldfield	

So the Kahn amendment was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. BYRNES of South Carolina (against Kahn amendment) with Mr. COPLEY (for Kahn amendment).

Mr. HILLIARD (against Kahn amendment) with Mr. STINESS (for Kahn amendment).

Mr. WILSON of Florida (against Kahn amendment) with Mr. KENNEDY of Iowa (for Kahn amendment).

Until further notice:

Mr. LIEB with Mr. SWITZER.

Mr. LITTLEPAGE with Mr. MCFADDEN.

Mr. WINGO with Mr. FORDNEY.

Mr. WALKER with Mr. CARY.

Mr. HUMPHREY of Washington. Mr. Speaker, I voted "aye." I am paired with the gentleman from Indiana, Mr. MORRISON. I desire to withdraw my vote and answer "present."

The name of Mr. HUMPHREY of Washington was called, and he answered "Present."

Mr. LIEB. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. SWITZER. I voted "aye." I desire to withdraw that vote and answer "present."

The name of Mr. LIEB was called, and he answered "Present."

Mr. LIEBEL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. LIEBEL. No, sir.

The SPEAKER. The gentleman does not bring himself within the rules of the House and he can not vote.

Mr. LIEBEL. I was in the Hall, but not within hearing.

The SPEAKER. The rule is the gentleman must be in the Hall listening when his name is called. He knows whether he was within it or not.

Mr. LIEBEL. All right.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendments by Mr. ANTHONY:

Page 21, line 15, strike out "all of the said four arms combined" and insert in lieu thereof the words "the whole Army."

Page 21, on line 21, to include line 2, page 22, strike out the words "and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law for such grade and arm to the total number of officers now authorized by law other than this act for the corresponding grade in all of the said arms combined, exclusive of the extra and additional officers hereinbefore specified and excluded."

Page 22, line 16, to page 23, line 5, strike out entire proviso beginning "That after the apportionment," to include "decided by lot," and insert in lieu thereof:

"Every detail to fill any original or subsequent vacancy in the list of detached officers shall be made in such manner as shall tend most

effectively to equalize promotion in the Cavalry, Field Artillery, Coast Artillery, and Infantry, except that when a particular detached service can be performed by an officer of only one of the four arms above specified, the detail shall be made from that particular arm, but in such manner and from such grade as shall least tend to defeat the intent of this proviso, which is to utilize the detached officers' list as a means of equalizing promotion in the four arms above specified in so far as this may be done without prejudice to military efficiency: *Provided further*, That nothing in this section shall be so construed as to reduce any officer below the grade he now occupies or to change the relative position of any officer on the lineal list of his own arm or to transfer any officer from his own arm to another arm of the service or to separate any officer from the military service."

On page 23, line 5, after the word *"further,"* strike out all up to line 12 and insert:

"That if under the operation of the foregoing provisions of this section the number of officers in any grade of any arm of the service shall at any time exceed the number authorized by law for such grade in such arm, promotion to such grade in such arm shall close until the number of officers therein shall have been reduced below the number authorized by law."

Mr. AUSTIN. Mr. Speaker, I ask permission to withdraw my request for a separate vote on this amendment.

Mr. MANN. It has to have a separate vote now.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. ANTHONY. Mr. Speaker, I ask for a division.

The SPEAKER. Well, the Chair is going to put it.

The House divided; and there were—ayes 169, noes 198.

So the amendments were rejected.

Mr. MANN. Mr. Speaker, I ask unanimous consent to strike out the word "and," where it first occurs on page 39, line 25.

The SPEAKER. The gentleman from Illinois asks unanimous consent to strike out the word "and," page 39, line 25.

Mr. MANN. Where is says "Quartermaster and Engineer Corps and Medical Department."

Mr. HAY. Mr. Speaker, I have no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 25, strike out the word "and" where it first occurs in the line.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 88, strike out all of section 82, which reads as follows:

"SEC. 82. That to provide for the fixation of atmospheric nitrogen by the development of water power, or any other means, necessary to establish an adequate supply of nitrogen, the appropriation of such sum or sums of money to construct the necessary plant for such purpose is hereby authorized."

The SPEAKER. The question is on the McKenzie amendment striking out section 82.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. LENROOT and Mr. McKENZIE. Division, Mr. Speaker.

Mr. HEFLIN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 180, answered "present" 2, not voting 29, as follows:

YEAS—224.

Anderson	Dempsey	Guernsey	Lenroot
Anthony	Denison	Hadley	Lindbergh
Bacharach	Dillon	Hamill	Lobeck
Barchfeld	Dowell	Hamilton, Mich.	Loft
Beales	Driscoll	Hamilton, N. Y.	Longworth
Bennet	Drukker	Hart	Loud
Borland	Dunn	Haskell	McAndrews
Britten	Dyer	Hastings	McArthur
Browne	Eagan	Haugen	McCracken
Browning	Edmonds	Hawley	McCulloch
Bruckner	Ellsworth	Hayes	McDermott
Buchanan, Ill.	Elston	Heaton	McFadden
Burke	Emerson	Helgesen	McKenzie
Butler	Esch	Hernandez	McKinley
Callaway	Fairchild	Hicks	McLaughlin
Campbell	Farr	Hill	Madden
Cannon	Ferris	Hinds	Magee
Capstick	Fess	Hopwood	Mann
Carter, Mass.	Fitzgerald	Howell	Mapes
Carter, Okla.	Flynn	Hulbert	Martin
Chandler, N. Y.	Focht	Husted	Matthews
Charles	Foss	James	Meeker
Chiperfield	Foster	Johnson, S. Dak.	Miller, Del.
Coleman	Frear	Johnson, Wash.	Miller, Pa.
Conry	Freeman	Kearns	Mondell
Cooper, Ohio	Fuller	Keister	Mooney
Cooper, W. Va.	Gallagher	Kelley	Moore, Pa.
Cooper, Wis.	Gallivan	Kennedy, R. I.	Moores, Ind.
Costello	Gardner	Kent	Morin
Cox	Gillett	Kiess, Pa.	Moss, Ind.
Cramton	Glynn	King	Moss, W. Va.
Curry	Good	Kinkaid	Mott
Dale, N. Y.	Gould	Konop	Mudd
Dale, Vt.	Graham	Kreider	Nelson
Dallinger	Gray, Ind.	Lafean	Nichols, Mich.
Danforth	Gray, N. J.	La Follette	Nolan
Darrow	Greene, Mass.	Langley	North
Davis, Minn.	Greene, Vt.	Lehlbach	Norton
Oakey	Rogers	Snell	Tinkham
Oglesby	Rowe	Snyder	Towner
O'Shaunessy	Rowland	Stafford	Treadway
Paige, Mass.	Russell, Ohio	Steele, Iowa	Van Dyke
Parker, N. J.	Sabath	Steenerson	Vare
Parker, N. Y.	Sanford	Stephens, Cal.	Volstead
Patten	Schall	Stephens, Tex.	Walsh
Peters	Scott, Mich.	Sterling	Ward
Phelan	Scott, Pa.	Stone	Wason
Platt	Scully	Stout	Watson, Pa.
Porter	Sells	Sullowav	Wheeler
Powers	Sherley	Sutherland	Williams, T. S.
Pratt	Siegel	Sweet	Williams, Ohio
Rainey	Sloan	Swift	Wilson, Ill.
Ramseyer	Smith, Idaho	Tague	Winslow
Reavis	Smith, Mich.	Temple	Wood, Ind.
Ricketts	Smith, Minn.	Tilson	Woods, Iowa
Roberts, Nev.	Smith, N. Y.	Timberlake	Young, N. Dak.

NAYS—180.

Adair	Dickinson	Jacoway	Riordan
Adamson	Dies	Jones	Roberts, Mass.
Aiken	Dill	Keating	Rodenberg
Alexander	Dixon	Kettner	Rouse
Allen	Dooling	Key, Ohio	Rubey
Almon	Doolittle	Kincheloe	Rucker
Ashbrook	Doremus	Kitchin	Russell, Mo.
Aswell	Doughton	Lazaro	Saunders
Austin	Dupré	Lee	Sears
Ayres	Eagle	Lesher	Shackleford
Bailey	Evans	Lever	Shallenberger
Barkley	Farley	Lewis	Sherwood
Barnhart	Fields	Liebel	Shouse
Beakes	Finley	Linthicum	Sims
Bell	Flood	Lloyd	Sisson
Black	Gandy	London	Slayden
Blackmon	Gard	McClintic	Slemp
Booher	Garner	McGillicuddy	Small
Brumbaugh	Garrett	McKellar	Smith, Tex.
Buchanan, Tex.	Glass	McLemore	Sparkman
Burgess	Godwin, N. C.	Maher	Steagall
Burnett	Goodwin, Ark.	Mays	Stedman
Byrns, Tenn.	Gordon	Miller, Minn.	Steele, Pa.
Caldwell	Gray, Ala.	Montague	Stephens, Miss.
Candler, Miss.	Hamlin	Moon	Stephens, Nebr.
Cantrill	Hardy	Morgan, La.	Sumners
Caraway	Harrison	Morgan, Okla.	Taggart
Carew	Hay	Murray	Talbott
Carlin	Hayden	Neely	Tavenner
Casey	Heflin	Nicholls, S. C.	Taylor, Ark.
Church	Helm	Oliver	Taylor, Colo.
Clark, Fla.	Helvering	Olney	Thomas
Cline	Hensley	Overmyer	Thompson
Coady	Holland	Padgett	Tillman
Collier	Hollingsworth	Page, N. C.	Tribble
Connelly	Hood	Park	Venable
Crago	Houston	Pou	Vinson
Crisp	Howard	Price	Watkins
Crosser	Huddleston	Quin	Watson, Va.
Cullop	Hughes	Ragsdale	Webb
Davenport	Hull, Iowa	Raker	Whaley
Davis, Tex.	Hull, Tenn.	Randall	Williams, W. E.
Decker	Humphreys, Miss.	Rauch	Wilson, La.
Dent	Hutchinson	Rayburn	Wise
Dewalt	Igoe	Reilly	Young, Tex.

ANSWERED "PRESENT"—2.

Humphrey, Wash. Lieb

NOT VOTING—29.

Abercrombie	Fordney	Hilliard	Sinnott
Britt	Garland	Johnson, Ky.	Stiness
Byrnes, S. C.	Green, Iowa	Kahn	Switzer
Cary	Gregg	Kennedy, Iowa	Walker
Copley	Griest	Littlepage	Wilson, Fla.
Edwards	Griffin	Morrison	Wingo
Estopinal	Henry	Oldfield	

So the McKenzie amendment to strike out section 82 was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. HILLIARD (against McKenzie amendment) with Mr. STINESS (for McKenzie amendment).

Mr. BYRNES of South Carolina (against McKenzie amendment) with Mr. COPLEY (for McKenzie amendment).

Mr. WILSON of Florida (against McKenzie amendment) with Mr. KENNEDY of Iowa (for McKenzie amendment).

Mr. ESTOPINAL (against McKenzie amendment) with Mr. GREEN of Iowa (for McKenzie amendment).

Until further notice:

Mr. HENRY with Mr. KAHN.

Mr. LITTLEPAGE with Mr. SLEMP.

Mr. OLDFIELD with Mr. SINNOTT.

Mr. LIEB. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. SWITZER. I am against this amendment, but I wish to vote "present."

The name of Mr. LIEB was called, and he voted "Present."

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. MORRISON, and I voted "aye." I wish to withdraw that vote and vote "present."

The name of Mr. HUMPHREY of Washington was called, and he voted "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HAY. Mr. Speaker, on that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 403, nays 2, answered "present" 1, not voting 27, as follows:

YEAS—403.

Adair	Edmonds	King	Riordan
Adamson	Elston	Kinkaid	Roberts, Mass.
Aiken	Emerson	Kitchin	Roberts, Nev.
Alexander	Esch	Konop	Rodenberg
Allen	Estopinal	Kreider	Rogers
Almon	Evans	Lafean	Rouse
Anderson	Fairchild	La Follette	Rowe
Anthony	Farley	Langley	Rubey
Ashbrook	Farr	Lazaro	Rucker
Aswell	Ferris	Lee	Russell, Mo.
Austin	Fess	Lehlbach	Russell, Ohio
Ayres	Fields	Lenroot	Sabath
Bacharach	Finley	Lesher	Sanford
Bailey	Fitzgerald	Lever	Saunders
Barchfeld	Flood	Lewis	Schall
Barkley	Flynn	Lieb	Scott, Mich.
Barnhart	Focht	Liebel	Scott, Pa.
Beakes	Foss	Lindbergh	Scully
Beales	Foster	Linthicum	Sears
Bell	Frear	Lloyd	Sells
Bennet	Freeman	Lobeck	Shackleford
Black	Fuller	Loft	Shallenberger
Blackmon	Gallagher	Longworth	Sherley
Booher	Gallivan	Loud	Sherwood
Borland	Gandy	McAndrews	Shouse
Browne	Gard	McArthur	Siegel
Browning	Gardner	McClintic	Sims
Bruckner	Garner	McCracken	Sinnott
Brumbaugh	Garrett	McCulloch	Sisson
Buchanan, Ill.	Gillett	McDermott	Slayden
Buchanan, Tex.	Glass	McFadden	Slemp
Burgess	Glynn	McGillicuddy	Sloan
Burke	Godwin, N. C.	McKellar	Small
Burnett	Good	McKenzie	Smith, Idaho
Butler	Goodwin, Ark.	McKinley	Smith, Mich.
Byrns, Tenn.	Gordon	McLaughlin	Smith, Minn.
Caldwell	Gould	McLemore	Smith, N. Y.
Callaway	Gray, Ala.	Madden	Smith, Tex.
Campbell	Gray, Ind.	Magee	Snell
Candler, Miss.	Gray, N. J.	Maher	Snyder
Cannon	Green, Iowa	Mann	Sparkman
Cantrill	Greene, Mass.	Mapes	Stafford
Capstick	Greene, Vt.	Martin	Steagall
Caraway	Guernsey	Matthews	Stedman
Carew	Hadley	Mays	Steele, Iowa
Carlin	Hamill	Meeker	Steele, Pa.
Carter, Mass.	Hamilton, Mich.	Miller, Del.	Steenerson
Carter, Okla.	Hamilton, N. Y.	Miller, Minn.	Stephens, Cal.
Casey	Hamlin	Miller, Pa.	Stephens, Miss.
Chandler, N. Y.	Hardy	Mondell	Stephens, Nebr.
Charles	Harrison	Montague	Stephens, Tex.
Chiperfield	Hart	Moon	Sterling
Church	Haskell	Mooney	Stone
Clark, Fla.	Hastings	Moore, Pa.	Stout
Cline	Haugen	Moores, Ind.	Sulloway
Coady	Hawley	Morgan, La.	Sumners
Coleman	Hay	Morgan, Okla.	Sutherland
Collier	Hayden	Morin	Sweet
Connelly	Hayes	Moss, Ind.	Swift
Conry	Heaton	Moss, W. Va.	Taggart
Cooper, Ohio	Heflin	Mott	Tague
Cooper, W. Va.	Helgesen	Mudd	Talbott
Cooper, Wis.	Helvering	Murray	Tavenner
Costello	Hensley	Neely	Taylor, Ark.
Cox	Hernandez	Nelson	Taylor, Colo.
Crago	Hicks	Nicholls, S. C.	Temple
Cramton	Hill	Nichols, Mich.	Thomas
Crisp	Hinds	Nolan	Thompson
Crosser	Holland	North	Tillman
Cullop	Hollingsworth	Norton	Tilson
Curry	Hood	Oakey	Timberlake
Dale, N. Y.	Hopwood	Oglesby	Tinkham
Dale, Vt.	Houston	Oliver	Towner
Dallinger	Howard	Olney	Treadway
Danforth	Howell	O'Shaunessy	Tribble
Darrow	Huddleston	Overmyer	Van Dyke
Davenport	Hughes	Padgett	Vare
Davis, Minn.	Hulbert	Page, N. C.	Venable
Davis, Tex.	Hull, Iowa	Paige, Mass.	Vinson
Decker	Hull, Tenn.	Park	Volstead
Dempsey	Humphrey, Wash.	Parker, N. J.	Walsh
Denison	Humphreys, Miss.	Parker, N. Y.	Ward
Dent	Husted	Patten	Wason
Dewalt	Hutchinson	Peters	Watkins
Dickinson	Igoe	Phelan	Watson, Pa.
Dies	Jacoway	Platt	Watson, Va.
Dill	James	Porter	Webb
Dillon	Johnson, S. Dak.	Pou	Whaley
Dixon	Johnson, Wash.	Powers	Wheeler
Dooling	Jones	Pratt	Williams, T. S.
Doolittle	Kahn	Price	Williams, W. E.
Doremus	Kearns	Quin	Williams, Ohio
Doughton	Keating	Ragsdale	Wilson, Ill.
Dowell	Keister	Rainey	Wilson, La.
Driscoll	Kelley	Raker	Winslow
Drukker	Kennedy, R. I.	Ramseyer	Wise
Dunn	Kent	Rauch	Wood, Ind.
Dupré	Kettner	Rayburn	Woods, Iowa
Dyer	Key, Ohio	Reavis	Young, N. Dak.
Eagan	Kiess, Pa.	Reilly	Young, Tex.
Eagle	Kincheloe	Ricketts	

NAYS—2.

Britten	London

ANSWERED "PRESENT"—1.

Randall

NOT VOTING—27.

Abercrombie	Fordney	Henry	Rowland
Britt	Garland	Hilliard	Stiness
Byrnes, S. C.	Graham	Johnson, Ky.	Switzer
Cary	Gregg	Kennedy, Iowa	Walker
Copley	Griest	Littlepage	Wilson, Fla.
Edwards	Griffin	Morrison	Wingo
Ellsworth	Helm	Oldfield	

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. HELM with Mr. GRAHAM (both for the bill).

Mr. WILSON of Florida with Mr. KENNEDY of Iowa (both for the bill).

Mr. HILLIARD with Mr. STINESS (both for the bill).

Mr. BYRNES of South Carolina with Mr. COPLEY (both for the bill).

Until further notice:

Mr. LITTLEPAGE with Mr. SWITZER.

Mr. OLDFIELD with Mr. ROWLAND.

Mr. HENRY with Mr. DAVIS of Minnesota.

Mr. WALKER with Mr. ELLSWORTH.

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. MORRISON, and I voted "aye." I understand he would vote the same way if he were present, so I want to let that vote stand.

The result of the vote was announced as above recorded.

On motion of Mr. HAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the reference to the bill (H. R. 437) to make "The Star-Spangled Banner" the national anthem of the United States of America be changed from the Committee on the Judiciary to the Committee on the Library.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that reference of the bill (H. R. 437) making "The Star-Spangled Banner" the national anthem be changed from the Committee on the Judiciary to the Committee on the Library. Is there objection?

Mr. MANN. I object.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-day it adjourn until 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

Mr. MANN. My understanding, Mr. Speaker, is that the rule in regard to making the immigration bill in order will come in immediately when the House meets to-morrow?

Mr. POU. Yes. That is the purpose of the Committee on Rules.

Mr. SABATH. Mr. Speaker, may I inquire of the gentleman in charge of the resolution or rule whether I can have a copy of the latest resolution agreed upon?

Mr. POU. I will give the gentleman a copy right now.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARY, indefinitely, on account of illness.

To Mr. WALKER, for one week, on account of the failing health of his father.

CHANGE OF REFERENCE.

Mr. WATKINS. Mr. Speaker, I wish to ask for a change of reference of the bill (H. R. 9226) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, from the Union Calendar to the House Calendar.

The SPEAKER. What does it apply to?

Mr. WATKINS. It has reference to the development of electric power in the Hawaiian Islands.

The SPEAKER. Does it appropriate any money?

Mr. WATKINS. No.

The SPEAKER. Does it appropriate any land?

Mr. WATKINS. It does not.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that a change of reference of the bill mentioned be made from the Union Calendar to the House Calendar. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned, in accordance with the order previously made, until to-morrow, Friday, March 24, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent estimates of appropriations required for the support of the Army for the remainder of the fiscal year ending June 30, 1916 (H. Doc. No. 935); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Newton Creek, N. Y., with illustration (H. Doc. No. 936); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on the Library, to which was referred the bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class, reported the same without amendment, accompanied by a report (No. 418), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEATING, from the Committee on Pensions, to which was referred the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 417), which said bill and report were referred to the Private Calendar.

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 419), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3984) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 420), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6572) granting an increase of pension to John Rebstock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6987) granting an increase of pension to Foster Hedrick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2974) granting an increase of pension to Frederick A. Emery; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5159) granting an increase of pension to Alfred T. Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9158) granting a pension to Andrew Conley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9892) granting an increase of pension to Robert B. Stafford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11212) granting a pension to Elizabeth McGuiness; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRUCKNER: A bill (H. R. 13614) providing for the taking up of passports; to the Committee on Immigration and Naturalization.

By Mr. ANTHONY: A bill (H. R. 13615) for the erection of a public building at Holton, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SELLS: A bill (H. R. 13616) to provide for the promotion of Government employees, under certain conditions; to the Committee on Reform in the Civil Service.

By Mr. DAVIS of Minnesota: A bill (H. R. 13617) authorizing the Secretary of the Treasury to sell and convey certain land to the city of Faribault, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL of Missouri: A bill (H. R. 13618) to amend section 4931 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. GARD: A bill (H. R. 13619) for the purchase of a post-office site at Eaton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. McGILLICUDDY: A bill (H. R. 13621) to provide compensation for employees of the United States suffering injuries in the course of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY: A bill (H. R. 13622) for organizing and creating an efficient reserve and defense force of citizen soldiery for national defense among the members of military societies and fraternities; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 13623) to provide for the purchase of a site and the erection of a public building thereon at Anadarko, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. GRIFFIN: A bill (H. R. 13624) for erecting a suitable authorities of the United States; to the Committee on Appropriations.

By Mr. DAVENPORT: A bill (H. R. 13625) to reimburse certain eastern Cherokees who removed themselves to the Cherokee Nation under the terms of the eighth article of the treaty of December 29, 1835; to the Committee on Indian Affairs.

By Mr. SCOTT of Pennsylvania: Joint resolution (H. J. Res. 187) proposing the appropriation of $50,000 to be used by the President in offering and paying a reward for the delivery of the body of Pancho Francisco Villa to the constituted military authorities of the United States; to the Committee on Appropriations.

By Mr. KENNEDY of Rhode Island: Memorial of the General Assembly of the State of Rhode Island and Providence Plantation, favoring the use of the old Federal building at Providence, R. I., as a parcel-post terminal; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 13620) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 13626) granting an increase of pension to William W. Prather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13627) granting an increase of pension to Serena Carey; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 13628) for the relief of William Schenck; to the Committee on Military Affairs.

Also, a bill (H. R. 13629) for the relief of Orville F. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 13630) for the relief of James K. P. Lafferty; to the Committee on Military Affairs.

By Mr. BUCHANAN of Illinois: A bill (H. R. 13631) granting a pension to Richard A. H. Scheuler; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 13632) for the relief of John A. Gauley; to the Committee on Claims.

By Mr. CRISP: A bill (H. R. 13633) granting a pension to Berton E. Archer; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 13634) granting an increase of pension to Daniel C. Baswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13635) granting an increase of pension to William R. Hendricks; to the Committee on Invalid Pensions.

By Mr. DIES: A bill (H. R. 13636) for the relief of R. L. Jennings; to the Committee on Claims.

Also, a bill (H. R. 13637) for the relief of T. J. Ball; to the Committee on Claims.

By Mr. DUPRÉ: A bill (H. R. 13638) granting an increase of pension to Mrs. Angelica Jahn; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 13639) granting an increase of pension to John Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13640) granting an increase of pension to John Courtney; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 13641) granting a pension to Mary E. Jenks; to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 13642) granting a pension to Tucker McG. Simmons; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 13643) granting a pension to Charles H. Yeagle; to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 13644) granting an increase of pension to John A. Holland; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 13645) granting a pension to William Hecker; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 13646) for the relief of Clitsoe Dedman; to the Committee on Indian Affairs.

Also, a bill (H. R. 13647) granting a pension to Petra G. Cordova; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 13648) for the relief of the heirs of John Graham; to the Committee on Claims.

By Mr. HULBERT: A bill (H. R. 13649) granting a pension to Bertha Gibbs; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 13650) granting an increase of pension to Thomas S. Wineteer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13651) granting an increase of pension to Horace A. Brockway; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 13652) granting a pension to Walter A. Stanley; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 13653) granting an increase of pension to George Athey; to the Committee on Invalid Pensions.

By Mr. MILLER of Pennsylvania: A bill (H. R. 13654) granting a pension to Lititia Filson; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 13655) granting an increase of pension to Herschel C. Young; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 13656) granting an increase of pension to William H. Van Name; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 13657) granting a pension to Adolph Dirmyer; to the Committee on Pensions.

Also, a bill (H. R. 13658) granting a pension to Charity A. Blackburn; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13659) granting an increase of pension to William McDonald; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13660) granting a pension to Sarah E. Hardy; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 13661) granting a pension to Datus J. Seavey; to the Committee on Pensions.

By Mr. STOUT: A bill (H. R. 13662) for the relief of Lars T. Rykken; to the Committee on Claims.

By Mr. TAGUE: A bill (H. R. 13663) granting a pension to Pierce O'Connell; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 13664) granting an increase of pension to Charles J. Huftalen, jr.; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13665) granting a pension to Franklin A. Peters; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Shamrock Club, in opposition to any prohibition bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. ADAIR: Memorial of Rev. Charles W. Swander and 24 citizens of Farmland, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of Cincinnati Lodge, No. 4, I. O. B. B., protesting against the adoption of the literacy test incorporated in the Burnett bill; to the Committee on Immigration and Naturalization.

Also, memorial of executive committee of the National Conference of Mayors and Municipal Representatives, of St. Louis, on the subject of national defense; to the Committee on Military Affairs.

Also, memorial of board of directors of the Cincinnati Association of Credit Men, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Memorial of First Kansas district Republican convention, at Atchison, Kans., and Douglas County (Kans.) Republican convention, favoring national woman suffrage; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of citizens of Bellwood and citizens of Tyrone, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, protest of W. G. Housel, A. Riley, L. B. Greaser, C. W. Harpster, G. W. Green, E. M. Stewart, F. C. Yagle, S. T. Nisely, L. R. Vaughn, J. S. Kelly, L. S. Branis, R. E. Setterfield, M. E. Housel, R. E. King, J. L. Hoover, C. S. Griffith, F. G. Redduk, J. G. Miller, M. G. Hartman, G. W. Deters, A. H. Kirkpatrick, J. K. Miller, J. J. Rielly, H. D. Kirk, H. E. Griffith, W. A. Myers, A. Vardy, T. C. Templeton, C. A. Hoofnagle, H. R. Sturtzman, Wilmore Nash, Thomas Hartley, F. C. Landis, John R. Sturtzman, L. S. Bumgarner, H. J. Cain, H. W. Shingler, R. J. Noonan, R. C. Harnley, C. A. Cuist, Harry Wolf, James Denny, Carl Reighard, W. C. Crider, W. D. Heaton, C. E. Shope, N. E. Vaughn, H. W. Heller, W. W. Scott, J. A. Gray, F. C. Tomlinson, H. M. Burns, A. L. Hyle, W. L. Headrick, J. W. Fisher, O. A. Kelly, and J. F. Simms, all of Altoona, Pa.; W. H. Monghener, H. B. Bardell, A. B. Crawford, C. R. Markey, and L. R. Moore, all of Hollidaysburg, Pa.; and H. N. Glass, of Bellwood, Pa., against increased expenditures for military and naval purposes; to the Committee on Appropriations.

Also, petition of sundry citizens of Pennsylvania, opposing House bill 491; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: Papers to accompany House bill 6988, for relief of Adam E. Haughn; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: Memorial of citizens of the thirteenth congressional district of Massachusetts, favoring the Lobeck bill providing for the employees of the Bureau of Animal Industry; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of sundry citizens of Kenosha, Wis., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: Petitions of Carlos A. Bullock and 20 other citizens of Lapeer County; Hope Grange, No. 678, of Huron County; and Flint River Grange, of Lapeer County, all in the State of Michigan, protesting against the so-called Madden amendment to the Post Office appropriation bill limiting the size of parcel-post packages; to the Committee on the Post Office and Post Roads.

Also, petitions of Theodore Stringer and 10 others, of Lapeer County; A. C. Best and 18 others, of North Branch; and H. A. Goodman and 11 others, of Reese, protesting against bill for closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of Methodist Episcopal Sunday School of Davis, Macomb County, Mich.; Methodist Episcopal Church of Utica, Macomb County, Mich.; and Otto Hecker and 39 other citizens of Utica, in support of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petitions of Minnie Deverell and 84 other citizens of Lapeer, W. J. Webber and 27 other citizens of Reese, I. B. Austin and 33 other citizens of Lapeer, A. C. Best and 19 other citizens of North Branch, E. Howland and 162 other citizens of Lapeer, all in the State of Michigan, protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of Smith & Smith and 392 other business firms of the seventh congressional district of Michigan, in support of

legislation for the taxation of mail-order houses; to the Committee on Ways and Means.

Also, petition of Adolf See and 10 other citizens of Tuscola County, protesting against legislation that would prevent the sale of products made in whole or in part by prison labor; to the Committee on Labor.

Also, memorial of union meeting held at Presbyterian Church at Port Huron, Mich., in behalf of constitutional amendment forbidding polygamy; to the Committee on the Judiciary.

Also, petitions of Wesley J. Miller and 165 other citizens of the seventh congressional district of Michigan, in behalf of an embargo upon shipment of munitions of war; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of American Rights Committee of New York, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of National Legislative and Information Bureau of Washington, representing several unions, indorsing House bill 12541; to the Committee on the Judiciary.

Also, petitions of L. E. Palmer, S. B. Haig, and J. P. Coward, of New York, indorsing House bill 10845; to the Committee on Military Affairs.

By Mr. DALE of Vermont: Petition of citizens of Jamaica, South Londonderry, Hartland, Woodstock, and Wardsboro, all in the State of Vermont, against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Montpelier, St. Johnsbury, and Lyndonville, Vt., favoring joint resolution extending the right of suffrage to women; to the Committee on the Judiciary.

Also, memorials of Rising Star Grange, of Bethel, Vt., and Crystal Lake Grange, of Barton, Vt., favoring Government postalizing of wires; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Jamaica, Bondville, South Londonderry, Hartland, and Woodstock, all in the State of Vermont, against House bill 652, relative to Sunday work in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALLINGER: Petition of Melrose Circle, Florence Crittenton League, of Melrose, Mass., favoring Federal censorship of films; to the Committee on Education.

By Mr. DANFORTH: Petition of Amelia Moon and 11 others, of Rochester, N. Y., protesting against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of William A. Fundredmark and 64 others, of Elba, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Memorial of Logan County (Okla.) Bar Association, and Stephens County (Okla.) Bar Association, favoring the creating of the tenth circuit of the United States Court of Appeals; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of Morris Tucker and F. C. Helmkamp, of St. Louis, Mo., favoring reporting of embargo resolution from Committee on Foreign Affairs; to the Committee on Foreign Affairs.

Also, memorial of International Association of Machinists, of St. Louis, indorsing House bill 11169; to the Committee on Naval Affairs.

Also, memorial of St. Louis Lodge, No. 4, Amalgamated Association of Iron, Steel, and Tin Workers, indorsing the Burnett immigration bill; and Missouri Lodge, No. 22, I. O. B. B., of St. Louis; and Oscar Leonard, of St. Louis, Mo., protesting against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of St. Louis Cigar Box Co., of St. Louis, favoring 1-cent rate on drop letters; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petitions of Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Oakland district, Cal., for the passage of a bill to prohibit the sale of liquor in Porto Rico, Hawaii, and Philippine Islands; to the Committee on Insular Affairs.

Also, petitions of Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Oakland district, Cal., for the passage of a bill to prohibit the exportation of liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. FLYNN: Memorial of General Federation of Women's Clubs, indorsing House bill 8668; to the Committee on the Public Lands.

Also, petitions of G. E. Palmer, J. P. Edwards, and S. B. Haig, of New York, indorsing House bill 10845; to the Committee on Military Affairs.

By Mr. FULLER: Petitions of E. R. Goodall and 28 others, of Capron, Ill., opposing any change in the parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of W. G. Pierce, of Cortland, Ill., and 55 others, protesting against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, papers to accompany a bill granting an increase of pension to John A. Holland; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: Memorial of Samuel E. Vertreez, of Richmond, Ind., favoring legislation to prohibit the slaughter of calves and cows under certain ages and conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Petitions of sundry citizens of Scotts Mills, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petition of sundry citizens of Mountain View, Cal., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HELVERING: Petition from members of Golden Ridge Grange, No. 1609, of Wakefield, Kans., petitioning against the Madden rider to the Post Office appropriation bill and any legislation tending to curtail the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Petition of Park Street Presbyterian Sunday School, of Portland; Park Street Presbyterian Church Young People's Society, of Portland; Park Street Presbyterian Church, of Portland; Charles O. Ford and 17 citizens of Biddeford; Welcome Lodge, International Order of Good Templars, of Biddeford; Alvin Campbell and 28 citizens of Portland, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of citizens of Bethesda, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Memorial of National Security League, favoring preparedness; to the Committee on Military Affairs.

By Mr. KELLEY: Petition of Central Methodist Episcopal Church, of Lansing, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Mossberg Wrench Co., of Central Falls, R. I., against passage of House bill 8665, relative to shop management; to the Committee on Labor.

Also, memorial of Providence (R. I.) Chamber of Commerce, favoring passage of House bill 10405, relating to the grading of grain; to the Committee on Agriculture.

Also, memorial of Providence (R. I.) Chamber of Commerce, favoring appropriations for Bureau of Foreign and Domestic Commerce and Consular Service; to the Committee on Appropriations.

By Mr. KETTNER: Petition of Frank E. Page, Redlands, Cal., favoring House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of the College Woman's Club of San Diego, Edith Mason, secretary, San Diego, Cal., favoring bill providing for a national park service and an appropriation of at least $300,000 for a Yosemite National Park; to the Committee on the Public Lands.

Also, petition of Chamber of Commerce, P. G. Jones, assistant secretary, San Diego, Cal., protesting against the granting of exclusive privileges for private individuals in national parks; to the Committee on the Public Lands.

Also, petition of Bakery and Confectionery Workers', Vincent H. Boudrie, secretary, San Diego, Cal., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Bakery and Confectionery Workers', Vincent H. Boudrie, secretary, San Diego, Cal.; Society for the Study and Prevention of Tuberculosis, Dr. John Wehrly, secretary, Santa Ana, Cal.; La Jolla Woman's Club, Mary B. Ritter, president, Laura S. Crandall, corresponding secretary; and San Diego Society for the Prevention of Tuberculosis, Mina B. Brust, secretary, San Diego, Cal., favoring inspection of creameries and the tubercular condition of dairy cattle; to the Committee on Agriculture.

Also, petition of E. F. Ashcraft, carrier No. 1, Riverside, Cal., favoring House bill 6915, indefinite leave of absence bill, post office; to the Committee on the Post Office and Post Roads.

Also, petition of Allen Fletcher, Ruth Sterling Frost, Rancho Verde, Katheryn Y. Fletcher, Luella Skinner, Charley H. Belen, Mrs. Harriet E. Sperry, W. H. Conklin, Bertha M. Elsey, Allene Young, F. L. Talmadge, E. P. Marsh, Lucy Jane Rowe, Frank A. Fletcher, Olive T. Fletcher, and Laurestine Dinsmore, all of Victorville, Cal., favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of John Sleight, of Colton, and 25 others; W. A. Pou, of Colton, and 28 others; C. A. Olson, of Escondido, and 64 others, all in the State of California, protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of Christian Endeavor Society of the First Mennonite Church of the city of Upland, P. F. Schowalter presiding; Methodist Episcopal Church of Heber, William Parsons; Young People's Branch of the Woman's Christian Temperance Union of Santa Ana, Mrs. Estelle I. McElree, superintendent, all in the State of California, favoring Webb-Smith national prohibition resolutions (House joint resolutions 84 and 85); to the Committee on the Judiciary.

Also, petitions of G. D. Baldwin, of Colton, and 26 others; and W. A. Parr and 28 others, protesting against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday or any other like religious measure; to the Committee on the District of Columbia.

Also, petition of German-American Alliance, Louis Fritz, president, of San Diego, Cal., favoring House bill 14, House joint resolution 81, Senate bills 3033 and 3034, Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

Also, petition of W. R. Buchan, H. J. Smith, Bert Hadley, Ernst L. Reyber, Alex. Raggenlenst, Charles Hadley, and C. F. G. Bostelman, of Los Angeles, Cal., favoring the embargo resolution; to the Committee on Foreign Affairs.

By Mr. KINKAID: Petition of sundry citizens of Boelus, Nebr., against preparedness; to the Committee on Military Affairs.

By Mr. KONOP: Petitions of 20 people of Black Creek Epworth League, Woman's Christian Temperance Union, International Order of Good Templars, Beekin Lodge, and 60 people of Methodist Episcopal Church, all of Black Creek, in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Oconto County, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of T-Square Club, of Philadelphia, entering protest against the erection of a power station on the proposed site along the Potomac River; to the Committee on the District of Columbia.

By Mr. LEWIS: Petition of citizens of Ganges, Mich., opposing any change in parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LONDON: Resolution protesting against the invasion of Mexico by the troops of the United States, from 19 citizens of Montrose, Colo.; to the Committee on Foreign Affairs.

Also, petitions in behalf of the Warren bill, proposing that Members of Congress, editors, publishers, and others influential in behalf of militarism shall, in the event of war, be drafted as private soldiers and sent to the front with the first Army corps so dispatched, from citizens of Los Angeles, Cal.; to the Committee on Military Affairs.

By Mr. MAGEE (by request): Petition for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MEEKER: Petition of the United Brotherhood of Carpenters and Joiners of America Local No. 5, of St. Louis, Mo., representing 300 carpenters, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of 48 citizens of St. Louis, Mo., protesting against passage of House bills 491 and 6488, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Pennsylvania: Petitions of 43 citizens of Sheakleyville, 54 citizens of Jamestown and vicinity, and 101 citizens of Clarendon, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 21 citizens of Sheakleyville and sundry citizens of Warren, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petitions of Lee Hoffman, Laura Rosendorf, John A. Buckheit, Hannah Morris, Albert W. Edelman, Henry Hoffmaier, and others, of Philadelphia, Pa., against increased military or naval appropriation; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Frank Herring, of South Bend, Ind., in favor of House bill 13279; to the Committee on Military Affairs.

Also, petition of Pittsburgh Newspaper Publishers' Association, of Pittsburgh, Pa., in favor of Lee amendment to copyright laws; to the Committee on the Library.

Also, petition of I. Schachme, of Pittsburgh, Pa., in opposition to passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of General McClellan Council, No. 150, of Verona, Pa., in favor of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of Pulaski Grange, Patrons of Husbandry, of Oswego County; Riverbank Grange, Patrons of Husbandry, of Carthage; Oak Grange, Patrons of Husbandry, of Oswego County; Madison County Pomona Grange, Patrons of Husbandry; Lowville Grange, Patrons of Husbandry; and Fenner Grange, Patrons of Husbandry, of Cazenovia, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Petition of sundry citizens of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Lawrence County, Tenn., protesting against House bill 652; to the Committee on the District of Columbia.

By Mr. PETERS: Petitions of sundry citizens and church organizations of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of 180 citizens of Schuyler County, N. Y., favoring the Britten bill, imposing an export tax of 50 cents per gallon on gasoline; to the Committee on Ways and Means.

Also, petition of class of 1910, University of Buffalo (N. Y.) Law School, favoring increase in the Army and Navy in conformity with the plans of the Navy Board and the General Staff of the Army; to the Committee on Military Affairs.

By Mr. RAKER: Petition of B. G. Reeder and others, of Yreka, Cal., in regard to the codification and amendment of the mining laws; to the Committee on Mines and Mining.

By Mr. RANDALL: Memorial of To-Kalon Club, of San Francisco, Cal., favoring bill to inspect dairies, etc.; to the Committee on Rules.

By Mr. SCULLY: Petition of New Jersey House of Assembly, indorsing the Smith-Hughes vocational bills (H. R. 11250 and S. 703); to the Committee on Education.

Also, petitions of First Methodist Episcopal Church, of Red Bank, and Woman's Christian Temperance Union, of New Brunswick, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Trinity Presbyterian Church, of South Orange, N. J., favoring preparedness; to the Committee on Military Affairs.

By Mr. SHOUSE: Petitions of sundry citizens of Pretty Prairie, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petitions of Shiloh Presbyterian Church; Young People's Society of Pillsbury Avenue Lutheran Church; J. D. Thomas and others; Fredrick Kavli and others; H. C. Bowles and others, all of Minneapolis, Minn., for passage of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

By Mr. SNELL: Petition of C. F. Day, L. I. Houghton, H. H. Van Dyke, and W. H. Day, of Lake Clear Junction, N. Y., urging the passage of the Sisson resolution providing for an amendment to the Constitution prohibiting appropriation of Government money for sectarian purposes; to the Committee on Indian Affairs.

Also, petition of Mrs. C. M. Turner, C. L. Fishbeck, Lloyd Wilson, and Blanche Hill, secretary, in behalf of De Peyster Grange, No. 1049, De Peyster, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ship Masters' Association, Lodge No. 10, Ogdensburg, N. Y., protesting against a recent ruling of the Department of Commerce providing that it is a violation of the law for a freight vessel to carry any person other than the crew; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. F. Olin, secretary, in behalf of Silas Wright Grange, No. 427, Canton, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rose Stranahan, secretary, for Ausable Valley Grange, No. 973, Essex County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of numerous citizens of Piercefield, N. Y., and members of the I. B. of P. M., urging the appointment of a committee to investigate the sanitary conditions of dairies; to the Committee on Agriculture.

Also, protest of W. A. Childs, of Plattsburg, N. Y., against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Petition of Isaac Moses, of Providence, R. I., against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Rhode Island Branch National Association of Post Office Clerks, favoring certain legislation in interest of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of the United Presbyterian Church of New Bedford, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TINKHAM: Petitions of sundry citizens of Boston and Senior Christian Endeavor Society of Roxbury Presbyterian Church, Boston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WASON: Petitions of 53 citizens of Antrim, 7 citizens of Acworth, 23 citizens of Bath, 9 citizens of Bethlehem, 14 citizens of Canterbury, 44 citizens of Claremont, 8 citizens of Charlestown, 208 citizens of Concord, 12 citizens of Danbury, 13 citizens of East Andover, 17 citizens of Epsom, 1 resident of Franconia, 1 resident of Goffstown, 60 citizens of Hanover, 39 voters of Hopkinton, 23 citizens of Haverhill, 8 citizens of Henniker, 3 citizens of Hooksett, 12 citizens of Jefferson, 65 citizens of Keene, 18 voters of Lyndebor, 1 resident of Lincoln, 38 citizens of Lyme, 30 citizens of Lisbon, 10 voters of Milford, 3 citizens of Mason, 14 citizens of New London, 18 citizens of Newport, 6 citizens of Pittsburg, 10 citizens of Plainfield, 19 citizens of Rindge, 61 citizens of Sunapee, 1 resident of Stratford, 4 citizens of South Acworth, 12 citizens of Sullivan, 8 citizens of Suncook, 25 citizens of Swanzey, 1 resident of Warren, 18 citizens of Warner, 52 citizens of Weare, 21 citizens of Wilton, 8 citizens of North Woodstock, 26 members of the Young Men's Christian Association of Coos, 16 members of Sugar Hill Grange, and 15 members of the Methodist Episcopal Church of Berlin, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 19 citizens of Andover, 85 citizens of Antrim, 8 citizens of Acworth, 20 citizens of Berlin, 20 citizens of Bethlehem, 20 citizens of Bow, 22 citizens of Claremont, 137 citizens of Concord, 15 citizens of Canterbury, 16 citizens of Danbury, 8 citizens of Dunbarton, 16 citizens of East Andover, 16 citizens of Epsom, 25 citizens of Franklin, 1 resident of Goffstown, 48 residents of Hanover, 46 residents of Hillsboro, 48 residents of Hopkinton, 35 citizens of Jefferson, 132 citizens of Keene, 56 citizens of Lisbon, 55 citizens of Lyme, 1 resident of Lincoln, 8 citizens of Mason, 75 citizens of New London, 28 citizens of Newport, 13 citizens of Sullivan, 77 citizens of Sunapee, 8 citizens of South Acworth, 11 citizens of Troy, 20 citizens of Warner, 20 citizens of Warren, 11 citizens of Weare, 35 citizens of Weare, 30 citizens of North Weare, 8 citizens of Webster, and 1 resident of Pembroke, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of West Rindge; First Congregational Church of Sullivan; First Baptist Church of Nashua; Congregational Church of Warner; Baptist Church of Warner; Second Congregational Church of Wilton; Congregational Church of Andover; Woodbury Memorial Methodist Episcopal Church, of Antrim; Baptist Church of Weare; First Baptist Church of Meriden; the congregation of the Methodist Church of Keene; the congregation of the Baptist Church of Antrim; the official board of the Methodist Episcopal Church of Berlin; the congregation of the Methodist Episcopal Church of Woodsville; the Baptist Church of New London; the Congregational Church of East Andover; the congregation of the Methodist Episcopal Church of Bethlehem; the Union Church of Easton; the Advent Christian Church of Sugar Hill; First Congregational Church of Lyme, representing a membership of 160; the First Baptist Church of Cornish; the Congregational Church of North Weare; the congregation of the First Methodist Church of Concord, representing 250 people; the congregation of the Baptist Church of Whitefield; the Federated Churches of Hillsboro Center; the Baptist Church of Wilton; the Baptist Church of West Swanzey; the Free Baptist Church of Contoocook; the Congregational Sunday School of Gilsum; the Congregational Church of Gilsum; the congregation of the Baptist Church of Fitzwilliam; the Congregational Church of Hollis; the Young People's Society of Christian Endeavor of the Baptist Church of East Washington; the Young People's Society of Christian Endeavor of the Congregational Church of Gilsum; the Sunday School of the Baptist Church of New London; the Sunday School of the Methodist Episcopal Church of West Rindge; the Sunday School of the First Congregational Church of Sullivan; the Sunday School of the Congregational Church of Warner; the Sunday School of the Park Street Methodist Episcopal Church, of Newport; the Sunday School of the Second Congregational Church of Wilton; the Sabbath School of the First Presbyterian Church of Antrim; the Sunday School of the Woodbury Memorial Methodist Episcopal Church, of Antrim; the Men's Class of the Sunday School of the First Baptist Church of Meriden; the Sunday School of the First Baptist Church of Meriden; the Sunday School of the Baptist Church of Antrim; the Sunday School of the Methodist Episcopal Church of Whitefield, representing 125 adults; the Sunday School of the First Baptist Church of Keene; the Sunday School of the Advent Christian Church of Sugar Hill; the Sunday School of the Baptist Church of Cornish; the Sunday School of the Congregational Church of North Weare; the Sunday School of the Free Baptist Church of Contoocook; the Sunday School of the Baptist Church of West Swanzey; the Sunday School of the Methodist Church of Keene; the Sunday School of the First Baptist Church of North Stratford; the Sunday School of the Baptist Church of Wilton; the Christian Endeavor Society of the Congregational Church of Piermont; the Young People's Society of Christian Endeavor of the First Congregational Church of Lyme; the Christian Endeavor Society of the First Congregational Church of Sullivan; the Epworth League of the Park Street Methodist Episcopal Church, of Newport; the Christian Endeavor Society of the Second Congregational Church of Wilton; the Young People's Society of Christian Endeavor of the Presbyterian Church of Antrim; the Senior and Junior Christian Endeavor Societies of the Baptist Church of Antrim; the Epworth League of the Methodist Episcopal Church of Bethlehem; the Young People's Benevolent Society of the Methodist Episcopal Church of Bethlehem; the Pemigewasset Christian Endeavor Union, of Merrimack County; the Christian Endeavor Society of the Free Baptist Church of Contoocook; the Christian Endeavor Society of the Baptist Church of West Swanzey; the Epworth League of Grace Methodist Church, of Keene; the Judson Bible Class, of the First Baptist Church of Nashua; the Daniel Baraca Class, of the First Baptist Church of Nashua; the Women's Bible Class of the Willing Workers of the Methodist Episcopal Church of Sunapee; the Men's Fellowship Class of the Methodist Church of Whitefield, representing 32 members; the Bethany Bible Class, of the Methodist Episcopal Church of Claremont; the Wesley Bible Class, of Claremont, representing 67 members; the Young Men's Discussion Club of the Methodist Church of Claremont; the Men's League of the Methodist Church of Hillsboro, 20 persons voting; the Philomath Men's Bible Class, of the Methodist Episcopal Church of Lisbon; the Philothea Class of the Methodist Episcopal Church of Lisbon; the Men's Forum of the Methodist Episcopal Church of Bristol; the Brotherhood Class of the Baptist Church of Contoocook; the Women's Study Club of Whitefield; the Bethany Society of the First Baptist Church of Nashua; Profile Grange, of Woodstock; Starrking Grange, of Jefferson; Trojan Grange, of Troy; the Bow Grange, of Bow; the M. L. Wear Grange, of West Rindge; the Granite Grange, of Milford; the Joe English Grange, of New Boston; the Mount Israel Grange, of Sandwich; the New London Grange, of New London, 55 present and voting; Penacook Park Grange, of West Concord; Halestown Grange, of East Weare; the New London Grange, of New London, 55 present and voting; a public meeting of the Women's Christian Temperance Union, of North Weare; the Women's Christian Temperance Union of the Methodist Episcopal Church of Sunapee; the Women's Christian Temperance Union of Bath; the Women's Christian Temperance Union of North Stratford; the Women's Mission Society of the First Baptist Church of North Stratford; the Warner Grange, of Warner; Weare Grange, of North Weare; Ashuelot Grange, of Gilsum; 37 citizens of Gilsum; 15 citizens of Nelson; 15 citizens of Hollis; 8 citizens of Munsonville; 12 citizens of East Washington; 36 citizens of Hollis; 159 nonvoters; and 50 voters, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *March 24, 1916.*

Rev. G. Livingston Bayard, chaplain, United States Navy, offered the following prayer:

Almighty God, the high and mighty Ruler of the Universe, we humbly beseech Thee, as for the people of these United States in general, so especially for their Senate in Congress assembled, that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy church, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations.

O Lord our God, who hast vouchsafed to take to Thee this Nation, by wonders and by wars, by a mighty hand and by an outstretched arm, make us to know this day, and consider it in

our hearts, that Thou the Lord art God, in heaven above and in the earth beneath, and that there is no God else beside Thee.

O God and heavenly Father, we commend to Thy almighty protection our soldiers and sailors, who in the service of our country go forth to fight our battles. Strengthen them in the maintenance of our country's honor and safety and preserve them from the violence of the enemy.

And may it please Thee to direct all in authority, that our international troubles may speedily come to an end and result in the advancement of that happy day for which we fight and for which we pray when all nations shall dwell together in righteousness and peace to the glory of Thy holy name. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

EXPORTS AND IMPORTS (S. DOC. NO. 366).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of January 17, 1916, a report prepared in the Bureau of Foreign and Domestic Commerce on foreign commerce and the tariff, which, on motion of Mr. GALLINGER, was, with the accompanying papers, referred to the Committee on Finance and ordered to be printed.

Mr. SIMMONS. I desire to offer a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 147) was read as follows:

Resolved, That there be printed for the use of the Senate 20,000 copies of the report of the Secretary of Commerce in response to Senate resolution 10, relating to the value of imports and exports.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SMOOT. The resolution does not provide for the reprint of a public document?

Mr. SIMMONS. No. I will state to the Senator the matter was called for in Senate resolution No. 10, which is as follows:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to furnish to the Senate information regarding the value of imports, exports, and import duties under the present and the two preceding tariff acts, with a special statement for the period from the enactment of the existing tariff act to the outbreak of the European war, compared with a corresponding period of the previous year; the value of imports, compared with the value of domestic production, and the expenditure for wages in each industry before the outbreak of the European war; and the imports and exports of leading manufacturing countries during recent years.

Mr. GALLINGER. It is the report which has just come in in response to that request.

Mr. SIMMONS. It is the report in response to this request of the Senate.

Mr. SMOOT. I was wondering whether there was a necessity for 20,000 copies.

Mr. SIMMONS. The resolution calls for the printing of 20,000 copies——

Mr. UNDERWOOD. Will the Senator from North Carolina yield to me?

Mr. SIMMONS. I yield to the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I wish to say that I am heartily in favor of the adoption of this resolution. I assume it will go through as a matter of course, but I think the importance of the resolution, owing to the information that will be conveyed to the American people, is very great at this time.

We have had a great deal of talk in the newspapers, in the Congress, and in the country on the subject of the dumping of European industries after this war is over, the threatening of American industries on account of low tariff rates, and the importance of the selection of men supposed to be wiser than we are who can advise the Congress of the United States how to run the business of the Government and prevent a catastrophe that is feared by those uninformed as to present industrial conditions in this country and Europe.

Mr. President, when we attempt to determine the difference of cost between the great industries of this country and those abroad, we must find some standard by which it can be measured. Without a standard there is no way to ascertain the difference in cost. The question naturally arises in the beginning, Are you going to select the best industry in a particular line of business in this country or the worst, or are you going to select an average of the best and the worst, which means nothing, because any tariff rates based on a comparison of an average between your best and the worst would give too much protection of necessity to the best and of necessity injure the worst? When you go to the foreign country you meet the same difficulty. Are you going to compare your industries in America with the best or the worst in Europe?

Mr. President, it is unquestionably a fact that there is no basis of comparison. More than that, there can be no comparison made at this time. There is not an industry in Europe that is in a normal condition. More than 80 per cent of the manufactured imports that come into this country from abroad come from Europe. The imports that you receive from Asia and Africa are largely raw materials, and you do not need anybody to ascertain what the cost price is. You can take up a London paper or a New York paper any day and ascertain what wool is selling for in Australia or at what price other raw material is selling around the world.

The great manufacturing interests of the world that compete with the interests of America produce their products on European soil. There is not an industry in Europe to-day that is in a normal condition. In many of them the wheels of their factories and foundries are stopped. In many of them they have changed their entire labor conditions. Instead of working trained, well-organized men in their factories they have got raw recruits in women labor to turn out their products. The talk to-day of sending wise men to Europe to ascertain industrial conditions, to my mind, is about as absurd a proposition as it would be to measure the flood tide of a river at the time of an unusual drought.

But I am heartily in favor of this resolution. If the facts that are to be reported have been carefully and properly prepared, they will give some real idea of conditions, which the business interests of this country are entitled to know and entitled to meet. No matter what may be the difference in cost between production in this country and abroad, no matter how difficult it may be to ascertain it, there is one fact that you can ascertain, and ascertain with accuracy at the customhouse every day, and that is the amount of importations of certain goods coming into America. At least every 10 years, and as a rule every 5 years, we are furnished with the statistics by the Census Bureau showing us the amount of production of given articles in this country and the amount of the American consumption; and when you ascertain at the customhouse the amount of imports that are coming into the United States in any given industry and compare it with the production of that same industry and the consumption of that same industry in the United States, you have a reasonable basis on which to determine whether the American manufacturer is unduly driven to the wall by foreign competition, or as to whether you have built a tariff wall so high that you are giving the American manufacturer a monopoly within American territory and unduly cutting off your revenue at the customhouse.

The only safe guide, in my judgment, to the question as to whether importations are pressing unduly on American industry or not is gained at the customhouse. The Senator from North Carolina seeks to have printed that information for the benefit of the Congress and the American people, and I am glad to know that, although that information was provided for in the law passed more than three years ago, to-day it comes to the Congress and to-day we may get the benefit of it; and I hope the executive department will continue to furnish the Congress with this information that we may have the benefit of it to guide us in our future legislation.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

M'CLINTIC-MARSHALL CONSTRUCTION CO.

The VICE PRESIDENT laid before the Senate a communication from the governor of the Canal Zone, transmitting a copy of a letter sent to the Speaker of the House of Representatives relative to the claim of the McClintic-Marshall Construction Co., and requesting that the report received by the Senate through the Senator from Pennsylvania [Mr. OLIVER] be accepted as his report upon the claim to the Senate of the United States, which, on motion of Mr. OLIVER, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed a bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, in which it requested the concurrence of the Senate.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. I ask that the bill which has just come from the House be referred.

The bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States was read twice by its title and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Shamrock Club, of Washington, D. C., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. HOLLIS presented petitions signed by 2,213 citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented memorials of Sowhegan Grange, Patrons of Husbandry, of Amherst; of the Fruit Growers' Association, of Hollis; of Eureka Grange, Patrons of Husbandry, of Grafton; of Winnisquam Grange, No. 1998, Patrons of Husbandry, of Lochmere; of Sandown Grange, Patrons of Husbandry, of Sandown; of Pomona Grange, Patrons of Husbandry, of Walpole; of John Hancock Grange, Patrons of Husbandry, of Elmwood; of Pink Granite Grange, Patrons of Husbandry, of North Haverhill; and of C. Anderson Colburn, of Hollis, all in the State of New Hampshire, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of 232 citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the memorial of M. W. Harris, of South Merrimack, N. H., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. HARDING presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the faculty of Denison University, Granville, Ohio, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of Morris Grange, No. 256, Patrons of Husbandry, and of Pomona Grange, No. 31, Patrons of Husbandry, of Knox County, and of sundry citizens of Monclova, all in the State of Ohio, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. LEE of Maryland presented a petition of sundry citizens of Montgomery County, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JONES presented petitions signed by 126 citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. POINDEXTER presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Essex North District Medical Society, of Essex County, Mass., praying for an increase in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Pittsfield, Somerville, Boston, and Fitchburg, all in the State of Massachusetts, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Boston, Lynn, New Bedford, Nantucket, Somerville, Ashby, and Ashburnham, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a memorial of the Farmers' Club, of Fairfax, Minn., remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Duluth, Correll, and Hewitt, all in the State of Minnesota, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the International Order of Good Templars of Chisholm, Minn., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented a petition of Local Union No. 26, Laundry Workers' Union, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a petition of the Business Men's Association of Melrose-Oakland, Cal., praying that an appropriation of $300,000 be made for the Yosemite National Park and for the establishment of a national park service, which was referred to the Committee on Appropriations.

He also presented a petition of the Federation of Mothers' Clubs of Berkeley, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Health of San Francisco, Cal., praying for a reclassification of the salaries of employees in the Bureau of Animal Industry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. MYERS. I present a telegram in the nature of a petition signed by the president and secretary of the Flathead Motor Club, of Kalispell, Mont., in favor of an appropriation for a road through Glacier National Park in that State. I ask that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KALISPELL, MONT., *March 23, 1916.*

H. L. MYERS,
Washington, D. C.:

One hundred members of the Flathead Motor Club, assembled to-night at annual banquet, earnestly pray that the Montana congressional delegation use their best offices in securing an appropriation for a road through Glacier National Park, from the eastern to the western entrances.

W. M. BOTTORF, *President.*
FRANK STOOP, *Secretary.*

Mr. CLARK of Wyoming presented a petition of sundry citizens of Hot Springs County, Wyo., praying for an increase in armaments, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 1296) for the relief of John P. Wagner, reported it without amendment and submitted a report (No. 291) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 4479) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the metropolitan police of the District of Columbia,' approved February 28, 1901," reported it without amendment and submitted a report (No. 295) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts, reported it with an amendment and submitted a report (No. 296) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 5044) to continue in effect the provisions of the act of March 9, 1906, reported it without amendment and submitted a report (No. 292) thereon.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 3012) for the relief of Elizabeth T. Wells, reported it without amendment and submitted a report (No. 293) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 2544) to authorize the President of the United States to appoint John Q. A. Brett captain in the Quartermaster Corps of the Army, reported it with an amendment and submited a report (No. 294) thereon.

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 28. A bill for the relief of George T. Hamilton (Rept. No. 297);

S. 798. A bill for the relief of Kate Canniff (Rept. No. 298); and

S. 2530. A bill for the relief of the Buffalo River Zinc Mining Co. (Rept. No. 299).

COPYRIGHTS.

Mr. NEWLANDS. On December 17, 1915, the Senator from Pennsylvania [Mr. PENROSE] introduced a bill (S. 2740) to amend sections 5, 9, 11, 12, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, and as amended August 24, 1912, and it was referred to the Committee on the Library. A few days ago I received a communication in regard to the bill, stating that similar bills had always been referred to the Committee on Patents. I therefore ask that the Committee on the Library be discharged from the further consideration of the bill and that it, together with the accompanying papers, be referred to the Committee on Patents.

The VICE PRESIDENT. The bill and accompanying papers will be referred to the Committee on Patents.

HEIRS OF JOHN HOWARD PAYNE.

Mr. LEE of Maryland. From the Committee on Claims I report back favorably, without amendment, the bill (H. R. 2960) for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis, and I submit a report (No. 300) thereon. This is a small claim which has already been reported by the committee and passed by the Senate, a Senate bill which had been introduced by the Senator from Connecticut [Mr. McLEAN]. This is a House bill which has come over and was referred to the committee. I report it back and ask that it be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $205.92 in payment of the amount found to be due John Howard Payne, late United States consul at Tunis, and that the amount be paid to his heirs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 5240) to amend section 29, paragraph b, of the act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898; to the Committee on the Judiciary.

A bill (S. 5241) granting an increase of pension to Maria A. Hastings (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5242) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof; to the Committee on Interstate Commerce.

By Mr. SMITH of Arizona:

A bill (S. 5243) providing for flood control on the Gila River, in Arizona (with accompanying paper); to the Committee on Commerce.

By Mr. OLIVER:

A bill (S. 5244) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange; to the Committee on Commerce.

By Mr. CUMMINS:

A bill (S. 5245) granting an increase of pension to Samuel Lockwood (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5246) for the relief of the Jefferson County Building & Loan Association, of Birmingham, Ala.; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 5247) to provide for the widening of Woodley Road between Thirty-fifth Street and Wisconsin Avenue, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. SHIELDS:

A bill (S. 5248) granting a pension to Robert O. Dunn; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5249) granting an increase of pension to William D. M. Davis (with accompanying papers);

A bill (S. 5250) granting an increase of pension to Susan G. Snowden (with accompanying papers);

A bill (S. 5251) granting an increase of pension to Eliza Williams (with accompanying papers); and

A bill (S. 5252) granting an increase of pension to Ephraim Smith (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5253) granting a pension to Margaret D. Morgan (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5254) granting a pension to John Cary;

A bill (S. 5255) granting an increase of pension to Delight R. Allen;

A bill (S. 5256) granting an increase of pension to Samuel C. Burkholder; and

A bill (S. 5257) granting a pension to Clarence E. Steed (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5258) to prevent the disclosure of national-defense secrets; to the Committee on the Judiciary.

By Mr. LEE of Maryland:

A bill (S. 5259) for the relief of the West Baltimore Building Association; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 5260) granting a pension to Thomas W. Smith; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5231) to authorize the President of the United States to appoint pay clerks, Quartermaster Corps, United States Army, as second lieutenants, Quartermaster Corps, United States Army; and

A bill (S. 5262) for the appointment of John P. Markoe as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. NEWLANDS:

A bill (S. 5263) to amend the act to regulate commerce, as amended, and for other purposes; to the Committee on Interstate Commerce.

By Mr. POINDEXTER:

A bill (S. 5264) authorizing the President to appoint Frank B. Lawson a first lieutenant in the Regular Army; to the Committee on Military Affairs.

A bill (S. 5265) granting a pension to George W. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5266) giving the right to an additional homestead to all persons who have exhausted or who shall exhaust their original right of entry through the purchase of Uintah Indian Reservation lands; to the Committee on Public Lands.

By Mr. JAMES:

A bill (S. 5267) granting an increase of pension to James P. Hardin (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 5268) for the relief of the Copper River & Northwestern Railway Co.; to the Committee on Finance.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. HARDWICK submitted an amendment providing that the Rural Mail Delivery Service shall be extended so as to serve as nearly as practicable the entire rural population of the United States, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committe on Post Offices and Post Roads and ordered to be printed.

IMPROVEMENT OF CRUM RIVER, PA.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (S. 5053) authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel, which was referred to the Committee on Commerce and ordered to be printed.

SPANISH WAR PENSIONS.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China, which was ordered to lie on table and be printed.

AMENDMENT OF THE RULES.

Mr. OWEN. Pursuant to the notice which I gave a few days ago, I submit a resolution and ask that it be read and referred to the Committee on Rules.

The resolution (S. Res. 149) was read and referred to the Committee on Rules, as follows:

Resolved, That the standing rules of the Senate be, and they hereby are, amended as follows:

At the close of Rule XXII add:

"*Provided, however*, That when any 10 Senators, in writing, move that the debate should be brought to a close, the Chair shall, without permitting any debate thereon, put the question to the Senate—

"'Is it the sense of the Senate that the debate should be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then the pending question, bill, or resolution shall be in order to the exclusion of all other questions and business. And thereafter, the motion being so carried, no Senator shall be entitled to speak more than one hour in all on the question, bill, or resolution, or amendments thereto, or on any motion affecting the same.

"No dilatory motion shall be in order, and it shall be the duty of the presiding officer to declare such motion out of order when the question of order is raised by a Senator, or to immediately submit the question without debate to the Senate."

SHIPMENT OF FOOD SUPPLIES TO POLAND.

Mr. HITCHCOCK submitted the following resolution (S. Res. 148), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish to the Senate information as indicated below, if not incompatible with the public interest:

First. What is the present attitude of the British Government concerning the shipment of food supplies and other necessaries of life to the suffering people of Poland? Will Great Britain permit such supplies to be sent without interruption or delay from the United States to Amsterdam or any other neutral port in Europe?

Second. If the British Government makes limitations or conditions or requires guaranties from the Government of Germany, what are the conditions and restrictions and what are the terms of the guaranties required of the German Government?

Third. What action, if any, has Germany taken toward giving the guaranties that may have been required by the British Government?

Fourth. To what committees or authority in Poland may supplies be forwarded and consigned?

Fifth. To what extent is the actual work of relief in Poland being carried on, and under whose supervision and control?

Sixth. What are the facts at the present time as to the shipment, transportation, receipt, and distribution of supplies? Can these proceedings be taken, or are they delayed by pending negotiations with Great Britain and Germany, or either of them?

MR. SEWARD'S LETTER TO MR. CORWIN.

Mr. OWEN. Mr. President, I ask to have placed in the RECORD a letter from the secretary to the Counselor for the Department of State, transmitting a copy of a letter written by William H. Seward, Secretary of State, to Thomas Corwin, United States minister to Mexico, on April 6, 1861, in regard to intervention in Mexico.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE COUNSELOR FOR THE DEPARTMENT OF STATE,
Washington, March 15, 1916.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

DEAR SIR: As requested, I inclose herewith a copy of letter written by William H. Seward, Secretary of State, to Thomas Corwin, United States minister to Mexico, on April 6, 1861.

Yours, sincerely,
IRA H. PATCHIN,
Secretary to the Counselor.

[Inclosure.]

DEPARTMENT OF STATE,
Washington, April 6, 1861.

To THOMAS CORWIN, Esq.

SIR: The actual condition of affairs in Mexico is so imperfectly understood here that the President finds it very difficult to give you particular and practical directions for the regulation of your conduct during your mission.

Our latest information was, in substance, that the provisional government of President Juarez, so long confined to the seacoasts of the country, had finally overthrown its adversaries and established itself at the capital; that the opposing armies had been demoralized and dispersed, and that there was no longer any armed resistance in the States. That an election for President had been held in conformity with the constitution of 1857, and that the now provisional President had probably secured a majority of the votes, although the result was as yet not certainly known. The pleasure which these events have inspired is unhappily diminished by rumors that the Government is without sufficient authority or hold on the public confidence to maintain order; that robberies are of frequent occurrence on the high roads, and even that a member of our late legation in the country has been murdered on his way from the city of Mexico to Vera Cruz.

You will apply yourself at once with energy and diligence to investigate the truth of this last-mentioned occurrence, which, if found to have been accurately reported, will not only be regarded as a high offense against the dignity and honor of the United States, but will prove a severe shock to the sensibilities of the American people.

The President is unable to conceive that any satisfactory explanation of a transaction so injurious to the character of Mexico can be made. He will, however, wait for your report concerning it, though with the deepest anxiety, before taking action upon the subject.

I find the archives here full of complaints against the Mexican Government for violations of contracts and spoliations and cruelties practiced against American citizens. These complaints have been lodged in this department from time to time during the long reign of civil war in which the factions of Mexico have kept that country involved, with a view of having them made the bases of demands for indemnity and satisfaction whenever government should regain in that country sufficient solidity to assume a character for responsibility. It is not the President's intention to send forward such claims at the present moment. He willingly defers the performance of a duty, which at any time would seem ungracious, until the incoming administration in Mexico shall have had time, if possible, to cement its authority and reduce the yet disturbed elements of society to order and harmony. You will, however, be expected in some manner which will be marked with firmness as well as liberality, to keep the Government there in mind that such of these claims as shall be found just will in due time be presented and urged upon its consideration.

While now, as heretofore, it is a duty of this Government to reason with that of Mexico and deprecate a continuance of the chronic reign of disorder there, a crisis has unhappily arrived in which the performance of this duty is embarrassed by the occurrence of civil commotions in our own country, by which Mexico, in consequence of her proximity, is not unlikely to be affected. The spirit of discontent seems at last to have crossed the border and to be engaged in an attempt to overthrow the authority of this Government in some parts of the country which adjoin the Mexican Republic. It is much to be feared that new embarrassments of the relations of the two countries will happen when authority so long prostrated on the Mexican side finds the power of the United States temporarily suspended on this side of the frontier. Whatever evils shall thus occur it is much to be feared will be aggravated by the intervention of the Indians, who have been heretofore with difficulty restrained from violence, even while the Federal authority has been adequately maintained.

Both of the Governments must address themselves to this new and annoying condition of things with common dispositions to mitigate its evils and abridge its duration as much as possible.

The President does not expect that you will allude to the origin or causes of our domestic difficulties in your intercourse with the Government of Mexico, although that Government will rightfully, as well as reasonably, ask what are his expectations of their course and their end. On the contrary, the President will not suffer the representatives of the United States to engage in any discussion of the merits of those difficulties in the presence of foreign powers, much less to invoke even their censure against those of our fellow citizens who have arrayed themselves in opposition to its authority.

But you are instructed to assure the Government of Mexico that these difficulties having arisen out of no deep and permanent popular discontent either in regard to our system of government itself or to the exercise of its authority, and being attended by social evils which are as ruinous as they are unnecessary, while no organic change that is contemplated could possibly bring to any portion of the American people any advantages of security, peace, prosperity, or happiness equal to those which the Federal Union so effectually guarantees, the President confidently believes and expects that the people of the United States, in the exercise of the wisdom that hitherto has never failed them, will, speedily and in a constitutional way, adopt all necessary remedies for the restoration of the public peace and the preservation of the Federal Union.

The success of this Government in conducting affairs to that consummation may depend in some small degree on the action of the Government and people of Mexico in this new emergency. The President could not fail to see that Mexico instead of being benefited by the prostration or the obstruction of Federal authority in this country would be exposed by it to new and fearful dangers. On the other hand, a condition of anarchy in Mexico must necessarily operate as a seduction to those who are conspiring against the integrity of the Union to seek strength and aggrandizement for themselves by conquests in Mexico and other parts of Spanish America. Thus even the dullest observer is at last able to see what was long ago distinctly seen by those who are endowed with any considerable perspicacity that peace, order, and constitutional authority in each and all of the several Republics of this continent are not exclusively an interest of any one or more of them but a common and indispensable interest of them all.

This sentiment will serve as a key to open to you, in every case, the purposes, wishes, and expectations of the President in regard to your mission, which I hardly need to say he considers at this juncture perhaps the most interesting and important one within the whole circle of our international relations.

The President of the United States does not know and he will not consent to know with prejudice or undue favor any political party, religious class, or sectional interest in Mexico. He regrets that anything should have occurred to disturb the peaceful and friendly relations of Mexico with some of the foreign States lately represented at her capital. He hopes most sincerely that those relations may be everywhere renewed and reinvigorated and that the independence and sovereignty of Mexico and the Government which her people seem at last to have accepted, after so many conflicts, may be now universally acknowledged and respected.

Taking into view the actual condition and circumstances of Mexico, as well as those of the United States, the President is fully satisfied that the safety, welfare, and happiness of the latter would be more effectually promoted if the former should retain its complete integrity and independence than they could be by any dismemberment of Mexico with a transfer or diminution of its sovereignty, even though thereby a portion or the whole of the country or its sovereignty should be transferred to the United States themselves. The President is, moreover, well aware that the ability of the Government and people of Mexico to preserve and maintain the integrity and the sovereignty of the Republic might be very much impaired under existing circumstances by hostile or unfriendly action on the part of the Government or of the people of the United States. If he needed any other incentive to practice justice and equality toward Mexico, it would be found in the reflection that the very contention and strife in our own country, which, at this moment, excites so much domestic disquietude, and so much surprise throughout a large part of the world, could probably never have happened if Mexico had always been able to maintain with firmness real and unquestioned sovereignty and independence. But if Mexico has heretofore been more unfortunate in these respects than many other modern nations, there are still circumstances in her case which justify a hope that her sad experience may be now coming to an end. Mexico really has or ought to have no enemies. The world is deeply interested in the development of her agricultural, and especially her mineral and commercial, resources, which it holds in high respect the simple virtues and heroism of her people and, above all, their inextinguishable love of civil liberty.

The President, therefore, will use all proper influence to favor the restoration of order and authority in Mexico, and, so far as it may be in his power, he will prevent incursions and every other form of aggression by citizens of the United States against Mexico. But he enjoins you to employ your best efforts in convincing the Government of Mexico and even the people, if with its approval you can reach them, that the surest guaranty of their safety against such aggressions is to be found in a permanent restoration of the authority of that Government. If, on the other hand, it shall appear in the sequel that the Mexican people are only now resting a brief season to recover their wasted energies sufficiently to lacerate themselves with new domestic conflicts, then it is to be feared that not only the Government of the United States, but many other Governments, will find it impossible to prevent a resort to that magnificent country of that class of persons unhappily too numerous everywhere who are accustomed to suppose that visionary schemes of public interest, aggrandizement, or reform will justify even lawless invasion and aggression.

In connection with this point it is proper that you should be informed that the Mexican Government has, through its representative here, recently complained of an apprehended attempt at invasion of the State of Sonora by citizens of California, acting, as is alleged, with the knowledge and consent of some of the public authorities in that State. You will assure the Mexican Government that, due care being first taken to verify the facts thus presented, effective means shall be adopted to put our neutrality laws into activity.

The same representative has also expressed to the President an apprehension that the removal of the Federal troops from the Texan border may be followed by outbreaks and violence there. There is, perhaps, too much ground for this apprehension. Moreover, it is impossible to foresee the course of the attempts which are taking place in that region to subvert the Federal authority of this Government. The President, however, meantime directs you to assure the Mexican Government that due attention shall be bestowed on the condition of the frontier with a view to the preservation and safety of the peaceable inhabitants residing there. He hopes and trusts that equal attention will be given to this important subject by the authorities of Mexico.

These matters, grave and urgent as they are, must not altogether withdraw our attention from others to which I have already incidentally alluded, but which require more explicit discussion.

For a few years past the condition of Mexico has been so unsettled as to raise the question on both sides of the Atlantic whether the time has not come when some foreign power ought in the general interest of society to intervene to establish a protectorate or some other form of government in that country and guarantee its continuance there. Such schemes may even now be held under consideration by some European nations, and there is also some reason to believe that designs have been conceived in some parts of the United States to effect either a partial dismemberment or a complete overthrow of the Mexican Government with a view to extend over it the authority of the newly projected confederacy which a discontented part of our people are attempting to establish in the southern part of our own country. You may possibly meet agents of this projected new confederacy busy in preparing some further revolution in Mexico. You will not fail to assure the Government of Mexico that the President neither has nor can ever have any sympathy with such designs in whatever quarter they may arise or whatever character they may take on.

In view of the prevailing temper and political habits and opinions of the Mexican people the President can scarcely believe that the disaffected citizens of our own country who are now attempting a dismemberment of the American Union will hope to induce Mexico to aid them by recognizing the assumed independence which they have proclaimed, because it seems manifest to him that such an organization of a distinct Government over that part of the present Union which adjoins Mexico would, if possible, be fraught with evils to that country more intolerable than any which the success of those desperate measures could inflict even upon the United States. At the same time it is manifest that the existing political organization in this country affords the surest guaranty Mexico can have that her integrity, union, and independence will be respected by the whole people of the American Union.

The President, however, expects that you will be watchful of such designs as I have thus described, however improbable they may seem, and that you will use the most effective measures in your power to counteract any recognition of the projected Confederate States by the Mexican Government if it shall be solicited.

Your large acquaintance with the character of the Mexican people, their interests, and their policy will suggest many proper arguments against such a measure if any are needful beyond the intimations I have already given.

In conclusion, the President, as you are well aware, is of opinion that, alienated from the United States as the Spanish-American Republics have been for some time past, largely perhaps by reason of errors and prejudices peculiar to themselves and yet not altogether without fault on our own part, those States and the United States nevertheless in some respect hold a common attitude and relation toward all other nations; that it is the interest of them all to be friends as they are neighbors, and to mutually maintain and support each other so far as may be consistent with the individual sovereignty which each of them rightly enjoys, equally against all disintegrating agencies within and all foreign influences or power without their borders.

The President never for a moment doubts that the Republican system is to pass safely through all ordeals and prove a permanent success in our own country and so to be commended to adoption by all other nations. But he thinks also that that system everywhere has to make its way painfully through difficulties and embarrassments which result from the action of antagonistical elements which are a legacy of former times and very different institutions. The President is hopeful of the ultimate triumph of this system over all obstacles as well in regard to Mexico as in regard to every other American State, but he feels that those States are nevertheless justly entitled to greater forbearance and more generous sympathies from the Government and people of the United States than they are likely to receive in any other quarter.

The President trusts that your mission, manifesting these sentiments, will reassure the Government of Mexico of his best disposition to favor their commerce and their internal improvements. He hopes indeed that your mission, assuming a spirit more elevated than one of merely commerce and conventional amity, a spirit disinterested and unambitious, earnestly American in the continental sense of the word, and fraternal in no affected or mere diplomatic meaning of the term, while it shall secure the confidence and good will of the Government of Mexico will mark the inauguration of a new condition of things directly conducive to the prosperity and happiness of both nations and ultimately auspicious to all other republican States throughout the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

RURAL CREDITS.

Mr. SHEPPARD. Mr. President, I wish to give notice that on Monday next, the 27th instant, at the conclusion of the routine morning business, I intend to address the Senate on the subject of a Landschaft system of rural credit in the United States.

AFFAIRS IN MEXICO.

Mr. LEWIS. Mr. President, I beg to tender a resolution, and I ask that it be read and lie on the table. I desire to address the Senate at the earliest convenient moment upon the subject of the resolution.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 146) was read, as follows:

Whereas it is known to the authorities of the United States that funds and supplies are being furnished to the force and following of Francisco Villa in Mexico from foreign countries and from sources in the United States of America; and

Whereas such supplies and sustenance are being delivered for the purpose of being used against the soldiers of the United States and to oppose the authority of the United States: Therefore be it

Resolved by the Senate of the United States, That those who are furnishing such supplies and sustenance to the forces of Villa for the purpose of opposing the United States are the enemies of the United States, and those in the United States who are furnishing supplies and sustenance to the said Villa and his forces, either of money or provisions, arms and ammunition, are within the provision of the laws of the United States defining treason as giving aid and comfort to the enemies of the United States.

Resolved, That those in the United States who are giving such support, affording supplies, ammunition, and aid to the Villa forces against the soldiers of the United States are guilty of indirect treason, within the meaning of the law, against the sovereignty of the United States and its authority.

Mr. LEWIS. Mr. President, I ask that the resolution lie over.

The VICE PRESIDENT. Under the rule?

Mr. LEWIS. Under the rule, Mr. President. I shall call up the resolution at the proper time.

The VICE PRESIDENT. Then the resolution will go over under the rule.

Mr. BORAH. Mr. President, before that is done——

Mr. LEWIS. I yield to the Senator from Idaho, of course.

Mr. BORAH. Before that is done, may I ask to have the resolution reread? I only caught a portion of it. If it is as I understand it to be, I should like to offer a matter in connection with it.

The VICE PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. BORAH. Mr. President, I ask to have read the telegram which I send to the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the telegram, as follows:

DOUGLAS, ARIZ., *March 23, 1916.*

Hon. A. B. FALL,
United States Senate, Washington, D. C.:

Mexican general has 40 pieces of artillery and 3,000 cavalry stationed 10 blocks from center of Douglas and 7,000 cavalry stationed 6 miles south of Douglas. We have only 1,800 Infantry, 300 Cavalry, and 4 pieces of artillery. Our troops are stationed 2 miles east of Douglas. Am reliably informed that it would take one hour for our troops to reach Douglas in case of night attack. Our Army forbidden by administration from making any active defensive preparations for fear Mexicans might misconstrue such preparations. Mexicans have intrenched against United States side and have barb-wire entanglements. We have no intrenchments. Mexican troops could easily repeat Columbus massacre in Douglas on a much greater scale and return to Mexico with similar loss. All of these statements can be verified by our Army officers here. Help us, if you can, before it is too late.

D. A. RICHARDSON.

Mr. SHEPPARD. Mr. President, I ask to have the telegram read which I send to the desk. It is in relation to the same situation referred to in the telegram presented by the Senator from Idaho [Mr. BORAH] and has been sent and received to-day.

The VICE PRESIDENT. In the absence of objection, the telegram will be read.

The Secretary read the telegram, as follows:

DOUGLAS, ARIZ., *March 24, 1916.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

Reports yesterday appeared reliable, but seem now to have been exaggerated. Think, however, additional protection is needed.

S. W. WHITE.

Mr. THOMAS. Mr. President, I have received one or two communications of a similar import to those which have just been read, which I have delivered to the proper administrative authorities of the Government.

Mr. STONE. Mr. President, it would have been better if all these communications had been delivered to the War Department, instead of being read in the open Senate. I confess myself unable to understand why Senators desire at this critical period to present communications of this nature, and thereby give to them a kind of official dignity, if not sanction.

Mr. President, I do not know who the man is who sent the telegram to the Senator from New Mexico [Mr. FALL] and which has been presented by the Senator from Idaho [Mr. BORAH] except as the name was read, nor do I know anything of the man who sent the one presented by the Senator from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. If the Senator from Missouri will permit me, I wish to say that I know personally the signer of the telegram which I presented. He was a former county judge in Texas, and is a man of high character and of entire reliability. I introduced the telegram merely in order to allay any undue feeling of danger that might have been excited by the telegram sent to the desk by the Senator from Idaho [Mr. BORAH]. I received a telegram myself similar to the one which was presented by the Senator from Idaho, as did also the senior Senator from

Texas [Mr. CULBERSON]. I referred my telegram to the President and the War Department.

Mr. BORAH. I have no apology to offer for my action. This telegram relates to a matter this side of the border. It is an appeal for help of American citizens at home.

Mr. STONE. Oh, no; the Senator is not required to make an apology.

Mr. BORAH. Certainly not.

Mr. STONE. He acts on his own responsibility.

Mr. BORAH. Exactly; and not on that of the Senator from Missouri.

Mr. STONE. The Senator did not act on my responsibility. If he had, he would have acted with greater propriety.

Mr. BORAH. There seems to be no doubt about that at all in the mind of the Senator from Missouri. The record of the Senator from Missouri justifies that modest statement.

Mr. STONE. I think it does. That is one thing about which we agree.

Mr. President, when a man becomes obsessed with the idea that he is running for President of the United States, he is all too apt to be influenced by some vain delusion, and is likewise too apt to think he promotes one vain delusion by exploiting another.

Mr. President, of course Senators can do as they please. They can offer anything they wish; they can make any kind of speeches they wish; but just what public good is to be accomplished by a proceeding like that we are considering surpasses intelligent understanding.

I called and spent some time this morning at the State Department and at the War Department to ascertain what the latest official information is which these departments had received about Mexican affairs. Every man with sense enough to come in out of the wet knows that the situation in Mexico is critical at this moment; critical in this sense, that an effort is being made by numerous people in Mexico—and, I am sorry to say, outside of Mexico—to excite the people of that unfortunate country, to mislead them, to impress them with the idea that the United States contemplates aggression against the Government and against the people of Mexico, to their great injury. It is not true; but people with sinister motives, in and out of Mexico, are striving to create that impression and to excite the Mexican Government and people against the United States.

Mr. BRANDEGEE. Mr. President, is this proceeding by unanimous consent?

Mr. STONE. Yes; it is.

The VICE PRESIDENT. It is proceeding by unanimous consent.

Mr. BRANDEGEE. I have no objection whatever, provided unanimous consent may be allowed to other Senators to address the Senate on the same subject. On that understanding, I do not object.

Mr. STONE. I can not enter into any understanding about that. If the Senator objects, I will sit down.

Mr. BRANDEGEE. I do not object. I simply want in return the courtesy that, if any Senator on this side wants to reply, equal privilege may be accorded to him.

Mr. STONE. I shall not object.

Mr. BRANDEGEE. Very well.

Mr. STONE. I shall not myself object to any Senator saying what he pleases, but I can not agree that the Senator himself may not object or that some other Senator may not object.

Mr. BRANDEGEE. I do not ask the Senator to make any agreement; I simply desired to know whether the debate was proceeding by unanimous consent——

Mr. STONE. It is proceeding by unanimous consent.

Mr. BRANDEGEE. And to express the hope that if it was so proceeding, equal courtesy would be accorded to Senators on this side.

Mr. STONE. The Senator knew all that without making the inquiry.

I say, Mr. President, that influences such as I advert to are operating along the lines I have indicated. The President has given it out by proclamation and by diplomatic communication with the head of the de facto government in Mexico that the expeditionary force sent in pursuit of the bandits who attacked Columbus, N. Mex., was not in derogation of the sovereignty of Mexico nor in a spirit of unfriendliness to that Republic. The administration has sought to impress that correct and wise view of this Government's attitude on the people and on the de facto government of Mexico.

Mr. GALLINGER. Mr. President, and the Senate unanimously voted its opinion.

Mr. STONE. I was just about to make that observation. A day or two after the proclamation by the President and the publication of his communication to Gen. Carranza a resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE] was unanimously agreed to by the Senate indorsing the act of the President and reiterating the policy and purposes of this Government as announced by the President. Notwithstanding that, there are influences at work—and we know it—in this country as well as in Mexico, perhaps cooperating in some instances and perhaps acting separately in other instances, to arouse a hostile public opinion and to create a condition in Mexico that would embarrass this Government in carrying out the purposes it has in view, and thus precipitate a situation the end of which we know not of.

Mr. President, I hold in my hand a synopsis of reports received at the State Department this morning from consular representatives of the United States at different points in Mexico. Conditions in the City of Mexico on yesterday were comparatively normal. The people generally were giving approval to the action taken by this Government and to the declaration of the purpose of this Government. The general feeling at the capital of Mexico was one of sympathy with what was being done by this Government.

Consul Letcher, at Chihuahua, reports as follows:

Report of Gen. Herrera's defection from Carranza entirely unfounded.

In that connection I will read a dispatch from Gen. Funston to the Secretary of War, received this morning:

Gen. Herrera, in a telegram to Gen. Gavira—

Who is the commandant at Juarez—

strongly denies all reports that he has gone over to Villa; and Gen. Guiterres, governor of Chihuahua, in a letter to Gen. Gavira, also strongly denies that Gen. Herrera has gone over to the aid of Villa.

Yet, Mr. President, only yesterday and the day before certain newspapers were parading before this country with startling headlines that Gen. Herrera, with 2,000 cavalry, had deserted the Carranza government, allied himself with Villa, and probably was bent on cutting the communications between our national border and the expeditionary force under Gen. Pershing.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. I do.

Mr. SHERMAN. I should like to ask the Senator a question, if he will permit me. Does the Senator, who is chairman of the Committee on Foreign Relations, consider that our forces in Mexico are, from a military point of view, entirely safe under present conditions?

Mr. STONE. Mr. President, I am not, as is the distinguished Senator from Illinois, a great military expert. I would not put my judgment on that great question against his. He is so much better trained along those lines than I that if he thinks our forces in Mexico are in danger, and he must think that, for he has offered a resolution here for 50,000 volunteers to go to Mexico——

Mr. SHERMAN. Mr. President, will the Senator yield further?

Mr. STONE. To be sure.

Mr. SHERMAN. I asked the Senator from Missouri, who is chairman of the Committee on Foreign Relations, what his opinion was—not that of the military experts whom he quotes. Will the Senator answer?

Mr. STONE. I will. I will answer in this way: I get my information on this subject from men on whose judgment I have a right to rely. I would rather take the opinion of the Chief of Staff of the Army, of the generals in command, of the Secretary of War, and of the President of the United States, who are in daily, if not hourly, communication with the men at the front. If they were in danger, and additional forces are necessary, I assume—I am bound to assume—that the Secretary of War and the generals of the Army, who are in command of the situation, would know about it and would not hesitate, for the safety of our troops and the welfare of our country, to inform the Congress and take such action as the situation demanded. That is my answer to the Senator.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri further yield to the Senator from Illinois?

Mr. STONE. I do.

Mr. SHERMAN. The Senator, if I have understood his answer correctly, is still relying upon the opinions of others. I asked him for his opinion upon this situation, which up to this time I have not had. I am not professing to be an expert. The Senator's sarcasm is entirely wasted on the subject matter.

Mr. STONE. I really think so myself.

Mr. SHERMAN. My nerves are not exposed on that question either to ridicule or to sarcasm. My purpose was, if the Senator

will allow me to add the statement, to tender friendly help to the executive department in the event it was needed.

Mr. STONE. Yes.

Mr. SHERMAN. I asked the Senator for his opinion in answer to a question, which I have not had; and I again ask him what is his opinion upon the situation?

Mr. STONE. Mr. President, I apologize to the Senator for misleading him into the belief that I really thought he was a military expert. That was not really my intention.

Mr. President, if gentlemen want to force a fight, they can have all of it they want. Take that position, Senators, if you wish to embarrass the administration. If you are seeking to force war with Mexico, if that is what you want, have the courage to say so like men. Do not thrust yourselves into this situation in a half-masked, ungallant, and insincere way. Do it openly and boldly, if that is what you want.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. Oh, yes; I yield.

Mr. SHERMAN. I will ask the Senator if he thinks that a tender from even a single Senator, if he would be allowed to express his friendly solicitude, of help to protect the forces already in Mexico, if in the judgment of that Senator—however insignificant or lacking in knowledge he may be—such help was desirable, would be regarded as provocative of war in Mexico, although it might tend, if favorable action were had, to calling 50,000 volunteers? I ask the Senator whether he thinks that would promote war, under the wording of this resolution, when they are to join with the de facto government in Mexico for the mere precaution, upon the Senator's view, of moral suasion upon those gentlemen who are somewhat hostile in their attitude in the rear of Gen. Pershing?

Mr. STONE. Mr. President, if the Senator from Illinois had desired to proceed in this matter in a proper way along the line he is now suggesting; if he had wished really to get upon a high plane like that he has described, he would have sought the Secretary of War and those in command, and would have gotten from them the information upon which he might have predicated an intelligent judgment. He did not do that. He breaks forth here on his own motion, without consulting anybody who has a right to know and does know, and offers a resolution to enlist 50,000 men for use in Mexico—against whom? Not against Villa. So far as we know, the forces now under our command and available are ample to deal with any force under the command of Gen. Villa.

Mr. SHERMAN. Mr. President——

Mr. STONE. Wait a moment. Then, for what purpose are these 50,000 men desired?

Mr. SHERMAN. Mr. President——

Mr. STONE. It must have been to wage war upon somebody else. But such action would be a threat, and would naturally be accepted as a threat by the Mexican government and the Mexican people—a threat on our part to wage war not alone upon Villa, but upon the whole Mexican people.

Mr. WILLIAMS. And the de facto government.

Mr. STONE. Yes; and the de facto government.

Mr. SHERMAN. Mr. President, will the Senator from Missouri yield?

Mr. STONE. Yes; I yield.

Mr. SHERMAN. I fear the Senator has not sufficiently digested the resolution, nor has he read the accompanying statement.

Mr. STONE. Yes, I did. I beg the Senator's pardon.

Mr. SHERMAN. I ask the Senator to point out a threat in any tangible form, contained either in the resolution or in the accompanying statement.

Mr. STONE. Oh, I would not expect the Senator in terms to say that we asked the enlistment of these men to invade Mexico and wage war on the de facto government and its people with whom we are at peace. He would not have said that; but I can conceive of no other purpose, and no other conclusion could be reached by the de facto government or the people of Mexico.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. STONE. I will.

Mr. CLAPP. I certainly was very much impressed with the earlier remarks of the Senator from Missouri. I regret that these matters come up in this form; and while it may seem out of place for me to say anything in criticism, in view of the age and experience of the Senator from Missouri, I do regret the turn which the remarks have taken in the latter portion of them. I fear that there is too much of a proneness to attribute political partisan bias to action in this body.

I believe that the Senator from Illinois, while it might have been well for him to have consulted the War Department, felt that he and the Senate owed a duty to the country to show a willingness to tender practically unlimited support to the President of the United States. Yesterday, at the suggestion of Members on the other side that it might be unwise to precipitate a debate in this body upon this resolution, carefully guarded as it was, those who had prepared and had expected to say something upon the resolution, including the Senator from Illinois, upon the suggestion being made that it might embarrass the situation to press this matter or debate it in the Senate, very promptly acquiesced in the suggestion that it should not be taken up, that it might lie dormant for the present.

I fear the Senator from Missouri misjudges the motives and purposes of some. I think the motive of the Senator from Illinois—I know my own motive, and I believe the motive quite generally—is to avoid embarrassing the President.

Mr. STONE. I hope the Senator will conclude soon.

Mr. CLAPP. I will; but I feel, in view of the public criticism that is made of an apparent inactivity and apparent disregard of the necessities on the border and in Mexico, that the Senator from Illinois was warranted in proffering this support.

Mr. STONE. Mr. President, it is well understood that there is a purpose—a well-defined purpose—on the part of some Senators to precipitate this debate. They are constantly offering resolutions of this nature, offering dispatches, newspaper articles, and all that. Now, we ought to have a clear and distinct understanding here as to just what is the situation in the Senate. I certainly have no wish to debate this question. I do not think this is a proper time for this debate. I think such matters ought not to be brought before the Senate at this time; but if you keep bringing them here——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. I do.

Mr. OLIVER. I will ask the Senator if he is not the one who is now precipitating the debate, and if it is not all coming from him?

Mr. STONE. Oh, the Senator from Pennsylvania can have his own opinion about that. I am meeting——

Mr. OLIVER. I have a very decided opinion about it.

Mr. STONE. Well, keep it. The Senator is welcome to it.

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. The regular order is the presentation of concurrent and other resolutions.

Mr. SHERMAN subsequently said: Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. SHERMAN. It would seem, from the remark of the Senator from Missouri, the chairman of the Committee on Foreign Relations, at the conclusion of his comment this morning, which may or may not have been intended for myself, so far as I know, that it is simply a question of lacerated sensibilities; and, so far as I can poultice those sensibilities, I apologize to him. I hope there will be no further manifestations.

The VICE PRESIDENT. That does not seem to the Chair to be a matter of personal privilege.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. OVERMAN. Mr. President, there was a kind of a gentlemen's agreement yesterday at adjournment that we would have an executive session this morning, but I understand that the chairman of the Committee on Appropriations [Mr. MARTIN of Virginia] wishes to call up an appropriation bill; and as I do not desire to stand in his way at all, I shall refrain from making the motion at this time.

Mr. MARTIN of Virginia. I ask that House bill 13043, the urgent deficiency appropriation bill, be now taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is, on page 5, to strike out beginning on line 6 down to and including line 15, and insert:

That payment of the salary of Ewing C. Bland from the appropriation entitled "Salaries, fees, and expenses of marshals, United States courts, 1915," for the period from December 12, 1914, to and including January 6, 1915, during which period services were rendered by him in good faith as United States marshal for the western district of Missouri, is authorized, notwithstanding the fact that his appointment was not confirmed by the United States Senate.

The VICE PRESIDENT. A roll call has been commenced on the amendment.

Mr. SMOOT. So that the Senate may know just what we are voting on, I should like to have the Secretary read the amendment again. There was so much noise in the Chamber that no one could hear what was stated.

The VICE PRESIDENT. The Secretary will again report the amendment upon which the roll call has been ordered.

The Secretary again read the amendment.

Mr. ROBINSON. Mr. President, I do not desire to discuss the question, but——

Mr. MARTIN of Virginia. Mr. President, I make the point of order that we were in the midst of a roll call upon the adoption of the amendment, and that no debate is in order upon it.

Mr. ROBINSON. That is what I understood.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll, and called the name of Mr. ASHURST.

Mr. BORAH. Has the roll call proceeded so far as to shut off debate? I certainly want to know, if I can, what we are voting on. Does the amendment provide for salary——

Mr. ROBINSON. I rose for the purpose of explaining it.

Mr. BORAH. I should like to have the Senator do so.

Mr. ROBINSON. If there is no objection, I will explain it.

The VICE PRESIDENT. The Senate ought to know what it is voting on, at least.

Mr. ROBINSON. The amendment offered by the Senator from Virginia, or rather reported from the committee, will pay Mr. Bland for his services up until he was rejected by the Senate, but will not pay him for the time he actually served after he was rejected by the Senate. It was discussed the other day somewhat in detail. I am not going to attempt now to review the discussion that was then had, except to say that it is admitted the President had the power to make his recess appointment. It is unquestionably true that the rejection of this man by the Senate did not revoke the appointee's position, but that under the Constitution and under the law his commission continued until the 4th of March. If the Senate committee amendment is rejected, then the House provision will remain, which pays him for the time that he in good faith performed service. So if you want to pay Mr. Bland for the time that he served, the Senate committee amendment should be rejected.

Mr. BORAH. But if we desire to pay him only for the time before the Senate rejected the nomination then we vote for the amendment.

Mr. ROBINSON. If you desire to pay him only for the time he served prior to his rejection by the Senate you will vote for the amendment.

Mr. President, if the Senator from Virginia [Mr. MARTIN] does not object, I should like to call to the attention of the Senate a case exactly in point on this question. In Twentieth Federal Reporter, in the case In re Marshalship for the southern, and so forth, districts of Alabama, it was decided that the rejection by the Senate of a recess appointment does not revoke the commission, but that the commission, unless otherwise revoked, continues until the 4th of March or the end of the session following the recess appointment. That case is almost exactly in point, and the court held that in this language:

> Section 1769 of the Revised Statutes of the United States provides: "The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter * * *." The language used in the Constitution and in section 1769, in reference to the power of the President to fill vacancies is very much the same language in the act under consideration, authorizing the President to make temporary appointments in cases of suspended officers. The authorities on this subject—that is, the nature and duration of a temporary appointment made by the President to fill a vacancy—are that a commission issued by the President during a recess of the Senate continues until the end of the next session of Congress, unless sooner determined by the President, even though the person commissioned shall have been in the meantime nominated by the President to the office and his nomination rejected. (U. S. *v.* Kirkpatrick, 9 Wheat., 721; Case of Isaac Hill, 2 Op. Attys. Gen., 336; Gilpin *v.* O'Neil, 8 Int. Rev. Rec., 137; Ex parte Hennen, 13 Pet., 230.)
>
> It is said this is not a vacancy, and it is true it is not a vacancy in the absolute sense, such as results from the death, resignation, or expiration of term of office of the incumbent of the office, as contemplated by section 1769 of the Revised Statutes. In a case of the suspension of an officer there are contingencies upon the happening of which the suspended officer may resume the duties of the office—that is, where the Senate fails or refuses consent and advice to the nominations for office made by the President, and if this failure or refusal continues until the end of the session, and the former incumbent's time has not then expired, he will then, and not till then, resume the duties of the office. Whether it be a vacancy caused by the death, resignation, or expiration of term of office of the incumbent of the office, or whether it be a suspension of an officer by the President under section 1768, in either case the duration of the temporary appointment is the same; it is to the close of the session of the Senate, subject, as we have seen, to a concurrence of opinion and action by the President and the Senate, by the nomination and confirmation of a person other than the rejected nominee to the position.

That is exactly in point. In conclusion of the whole matter the commission of Mr. Bland was until the 4th of March. He served until that time. There was no one else who could have served, for the President had sent in a new nominee, but that nominee had not been confirmed. Therefore it was the duty of Mr. Bland to continue under his commission until the 4th of March, and it is the duty of the Congress to pay him up to the time he actually served.

Mr. CLARK of Wyoming. Before the Senator takes his seat, I wish to know if the amendment which the Senator has brought to the attention of the Senate is the amendment proposed by the committee or is it an amendment by the Senator from Virginia to the amendment reported by the committee.

Mr. ROBINSON. It is an amendment by the Senate committee to the House provision. I object to the amendment, and I think the House provision should be retained.

Mr. SUTHERLAND. Mr. President, the decision to which the Senator from Arkansas [Mr. ROBINSON] called attention undoubtedly states the law. The matter was discussed a day or two ago somewhat at length. I think we all conceded that that was the rule; that the mere fact that an appointment had been made during the recess which had been rejected by the Senate did not prevent the appointee from holding his office until the adjournment.

But that is not the real objection to this House provision. We have a general statute which provides that when a vacancy in the office happens while Congress is in session and an appointment is made by the President during the ensuing recess no salary shall be paid to an officer so appointed if he be thereafter rejected by the Senate.

That is precisely what occurred in this case. This vacancy originated while Congress was in session along in February, 1914. Congress remained in session until the following October, and during all of those months the President withheld any appointment to this office. Then Congress adjourned and was in recess from October until the ensuing December, a period of two months, and still the President withheld the appointment until within three days of the meeting of Congress, and then he made his recess appointment, the effect of which appointment would be that his appointee would hold until Congress adjourned, even though the Senate rejected the nomination.

If the President had waited three days longer, and sent the appointment in the regular way to the Senate, and it had been rejected as it was finally rejected, that would have ended the right of his appointee to hold office, but it is now proposed, by a special statute passed for the purpose, setting aside a wholesome general rule laid down in the general statute, without any excuse or semblance of excuse for so doing to pay this appointee a salary after his rejection by the Senate.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. The President could have made the appointment at any time after the vacancy arose if a satisfactory candidate could have been secured. I do not think it proper to criticize the President when he enjoys and exercises a constitutional prerogative. The President has this power under the Constitution. The statute to which the Senator refers was the product of a very bitter contest between President Johnson and the Congress, and surely the Senator from Utah would not feel justified in invoking such a statute in a case of this kind.

Mr. SUTHERLAND. I do not care how the statute originated; the statute is a sound and wholesome statute, and its purpose is to prevent the happening of just such a thing as happened here.

Mr. BORAH. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me just a minute, I would not particularly criticize the President for withholding an appointment under some circumstances, but the thing which appeals to me most as deserving criticism is the fact that the President delayed all action until within three days of the meeting of Congress, and then, when he could have just as well waited three days longer and sent his appointment in in regular course, he made this recess appointment. I do not say that he did intend to do so, but I do say that if he had intended by that to have his oppointee draw a salary and hold office in spite of the fact that it was expected that the Senate would reject him he could not have acted any differently than he did.

I can conceive cases, one I illustrated the other day, where the vacancy might happen within a day of the adjournment and there would not be time for the President to act, and the

appointment is made during the recess where Congress would be justified in setting aside the general statute by a special provision of this character. But certainly the general statute ought to remain in force, and it ought to be the guide and rule of Congress unless some reasonable excuse can be shown for departing from it.

Mr. BORAH. May I ask the Senator, suppose we vote "yea" for the adoption of the amendment, for what time will that allow pay to the marshal?

Mr. SUTHERLAND. It will give the marshal pay until the date he was rejected by the Senate.

Mr. SMOOT. From December 12 to January 6.

Mr. SUTHERLAND. And deny him pay after the Senate rejected him.

Mr. BORAH. Then we will be paying him for the time he served under the President's appointment up to the time the Senate passed upon it?

Mr. SUTHERLAND. Yes. Even that is a departure from the general statute and is as far as we should go.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. PENROSE (when Mr. OLIVER's name was called). My colleague [Mr. OLIVER] is unavoidably absent. If he were present, he would vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. Not knowing how he would vote if present, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Maine [Mr. BURLEIGH] and vote. I vote "yea."

Mr. TILLMAN (when his name was called). As the Senator from Michigan [Mr. TOWNSEND] and I have agreed to transfer our respective pairs so that we may both vote, I vote "yea."

Mr. TOWNSEND (when his name was called). Under the statement of the senior Senator from South Carolina [Mr. TILLMAN], I vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. DU PONT. I inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. DU PONT. I have a general pair with the Senator from Kentucky, and, in his absence from the Chamber, I will transfer that pair to the Senator from Washington [Mr. POINDEXTER] and vote. I vote "yea."

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I also announce the absence of the Senator from Indiana [Mr. KERN] and of the Senator from Florida [Mr. FLETCHER], both of whom are paired.

I also desire to announce that I am paired with the Senator from New Mexico [Mr. FALL].

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Indiana [Mr. KERN].

The result was announced—yeas 38, nays 25, as follows:

YEAS—38.

Borah	Gronna	O'Gorman	Swanson
Brandegee	Harding	Overman	Tillman
Catron	Hardwick	Page	Townsend
Clapp	Hitchcock	Penrose	Underwood
Clark, Wyo.	Jones	Phelan	Wadsworth
Cummins	Kenyon	Smith, Ariz.	Warren
Curtis	Lodge	Smith, Ga.	Weeks
Dillingham	McCumber	Smith, Md.	Williams
du Pont	Martin, Va.	Smoot	
Gore	Norris	Sutherland	

NAYS—25.

Ashurst	Johnson, Me.	Reed	Stone
Broussard	Lane	Robinson	Thomas
Culberson	Lee, Md.	Shafroth	Thompson
Hollis	Martine, N. J.	Sheppard	Vardaman
Hughes	Myers	Shields	
Husting	Owen	Simmons	
James	Ransdell	Smith, S. C.	

NOT VOTING—32.

Bankhead	Colt	Lea, Tenn.	Poindexter
Beckham	Fall	Lewis	Pomerene
Brady	Fletcher	Lippitt	Saulsbury
Bryan	Gallinger	McLean	Sherman
Burleigh	Goff	Nelson	Smith, Mich.
Chamberlain	Johnson, S. Dak.	Newlands	Sterling
Chilton	Kern	Oliver	Walsh
Clarke, Ark.	La Follette	Pittman	Works

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, after line 20, to insert the following:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1913, 33 cents.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert the following:

For bailiffs and criers, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $444.82.

For such miscellaneous expenses as may be authorized by the Attorney General, including the same objects specified under this head in the sundry civil appropriation acts for the fiscal years that follow:

Nineteen hundred and thirteen, $92.23.
Nineteen hundred and twelve, $218.17.
Nineteen hundred and ten, $82.80.

The amendment was agreed to.

The next amendment was, on page 6, after line 8, to insert the following:

For support of United States prisoners, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $101,893.05.

The amendment was agreed to.

The next amendment was, on page 6, after the amendment just agreed to, to insert the following:

National Training School for Boys: For 400 copies of the report of the board of trustees for the fiscal year 1913 delivered in June, 1914, $13.42.

The amendment was agreed to.

The next amendment was, on page 6, after line 12, to insert the following:

For subsistence, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $2,374.13.

The amendment was agreed to.

The next amendment was, on page 6, after line 16, to insert the following:

For clothing, transportation, and traveling expenses, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $1,146.80.

The amendment was agreed to.

The next amendment was, on page 7, after line 5, to insert the following:

For subsistence, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., in the sundry civil appropriation act for the fiscal year 1915, $15,154.11.

The amendment was agreed to.

The next amendment was, on page 7, after line 10, to insert the following:

For clothing, transportation, and traveling expenses, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., in the sundry civil appropriation act for the fiscal year 1915, $2,465.18.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert the following:

For hospital supplies, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., in the sundry civil appropriation act for the fiscal year 1915, $11.07.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments——

Mr. OWEN. Mr. President, I move to insert, on page 3, after line 20, the following:

INTERIOR DEPARTMENT.

NATIONAL PARKS.

To cover the cost of repairing damages to bridges, roads, trails, building, etc., in the Platt National Park, Okla., $10,000.

Mr. President, in regard to this item I want to say that an estimate has been transmitted by the Secretary of the Treasury, Mr. William G. McAdoo, dated February 12, 1916, to the House of Representatives to cover this item; also an explanatory letter from the Secretary of the Interior, Mr. Franklin K. Lane, dated February 10, 1916, and also a letter from the superintendent of the park, of January 23, 1916, showing what the damages were. There was a storm there which tore everything to pieces, and

an overflow which took out the bridges. The appropriation is very urgently needed, and I hope the chairman of the committee will feel that he can accept the amendment.

Mr. MARTIN of Virginia. My attention was diverted for a moment and I did not hear all the Senator said.

Mr. OWEN. I expressed the hope that the chairman of the committee would accept the amendment. It has been estimated for by the Secretary of the Treasury and explained by the Secretary of the Interior.

Mr. MARTIN of Virginia. Mr. President, I can not accept the amendment; and, if the Senator is through, I will endeavor to give such reasons as I can to sustain the action of the committee in rejecting the amendment.

It seems that some years ago Congress established a national park adjacent to the town of Sulphur, in Oklahoma. Sulphur is a small town, with about 3,500 population. Why a national park should have been established adjacent to it is incomprehensible to my mind. It does not appear to be national in any respect; there are no curiosities there or developments of any sort that would distinguish it from a park adjacent to any other village of 3,500 people in the United States.

If there is any reason why a national park should have been established for the convenience of those 3,500 people, I have not heard of it. I myself believe, Mr. President, that there are more than 1,000 towns in the United States which have just as good claim to have the Nation maintain a park for their convenience as has this little town of 3,500 people in Oklahoma. I am sure that in Virginia we have several hundred towns and cities with more than 3,500 people, all of which would be delighted to have the National Government keep up a park for their comfort, their pleasure, their convenience, and their enjoyment.

There has not been given to the committee one single thought, one single fact, one single idea why a national park should be maintained at the town of Sulphur, in Oklahoma, that can not be given in favor of a national park at every town in the United States with 3,500 people.

If there be any reason for this expenditure, it ought to be given to the Senate. None was given to the committee, although I appealed to those who appeared and asked the question, "Is there anything national in the character of this park that calls for an appropriation at the hands of Congress?" If I am not mistaken, the representative of the Interior Department answered that he could not give any reason why it was national in its character. All he could say was that it had been established as a national park, and therefore the department had asked for this appropriation.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Oklahoma?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. OWEN. I was not present when the request was made as to the reason for the establishment of this park. It has been established for many years. It was established before statehood in Oklahoma, and there would not have suggested itself to me any reason why the action of Congress many years ago should be constantly explained to the committee as a reason for continuing that which was justified in the first instance.

The Senator is under the impression, apparently, that this park was established for the convenience and benefit of the town of Sulphur. Nothing of the kind is true. This place, long before there was any town there, was a camping place to which people came from long distances in the Southwest, as many as four and five thousand people coming there to drink the waters found in this park, which are believed to have curative value. There are in that park various sulphur springs and bromide springs, and the reason why it was thought an advisable place to make into a public park belonging to the people of the United States was because of the number of people from the Southwest who came there in large numbers for the curative advantages of the water.

It is also in a way a natural park, containing, as it does, some large oak trees, which cover quite an area, and which make it a particularly attractive spot. About 175 feet above the place where this grove is located there are two great springs, flowing, I believe, 300,000 barrels of water a day. Altogether it is a very beautiful and attractive spot.

The late Senator Platt, of Connecticut, who had been long interested in Indian affairs, was interested in this matter, and afterwards the name was given to the park in honor of Senator Platt, of Connecticut.

There are only about six or eight hundred acres in the park, and the expense attached to its upkeep is very small.

It is true that the town of Sulphur has been built up there since the park was established by the Government, but the park was not established for the convenience of the town; the town came there because the Government took enough interest in this matter to establish the park and because of the curative value of the waters there. I did not know that it was necessary to explain every time the committee met what the original foundation of the park was, otherwise I should have presented the historical reasons; but I was absent at the time this matter came up, and I do not think the Senator is justified in refusing to carry on a public enterprise of this character because nobody appeared before the committee who was able to give a reason for the original foundation.

Mr. MARTIN of Virginia. Mr. President, in the first place, this is not a deficiency in any sense; it is a plain, straight appropriation to repair some damages resulting from a storm which occurred in a park adjacent to the town of Sulphur. It has no proper place on this bill, and I go further and say that the Senator has given no reason why the United States Government should maintain this park. He talks about there being a great spring there. Why, Mr. President, there are many places in my State which have great springs, one of them located in a ravine so that the water from the spring has a surface of more than 250 acres, making one of the most beautiful places in the whole country. There are other places all over the State where mineral springs are found, and to those places people go in great crowds every season; but it never entered anybody's mind that because there were one or more big springs or two or three big oak trees or because people went to the springs that the Nation ought to maintain a park for the amusement of those who come to drink the health-giving waters.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Virginia yield to the Senator from Oklahoma?

Mr. MARTIN of Virginia. I do.

Mr. OWEN. The Senator from Virginia, who lives in a country which is a park from one end to the other, does not realize the importance to a country which is a prairie country of having some great springs of this kind, which are not common in the West, but which are very common in the Commonwealth of Virginia. The Senator has so many springs in Virginia where people come from all parts of the country, and have been doing so for a hundred years, because of the health-giving properties of those springs, and has become so familiar with the benefits and advantages which flow from these springs, that he no longer regards them as of any consequence. It is a matter of great importance in the West.

I do not think the Senator's argument is sound that there is no justification in having a park maintained by the United States. The argument he makes, that the Government is not called upon to establish a park wherever there is a spring, is not a just and sound argument. The Government has followed the policy of establishing some parks in different parts of the country. There is not any other park down in the Southwest that I recall at this time. This poor little one-section park, just 600 acres, is the only park in the Southwest that I recall. I am astonished that the Senator from Virginia should try to kill the only enterprise of the kind that we have in the Southwest.

Mr. MARTIN of Virginia. Mr. President, the park will still be there, and these springs will still be there, whether the Congress appropriates to keep up the park or not. We do not propose to destroy the park or to dry up the waters.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Michigan?

Mr. MARTIN of Virginia. I yield.

Mr. TOWNSEND. The Senator would not object to a bill being introduced to transfer these lands to the State of Oklahoma, as I understand, so that that State may maintain them as a park?

Mr. MARTIN of Virginia. I should have no objection whatever. I should be glad to see the Government of the United States turn this park over to the State of Oklahoma or to the city of Sulphur; but I do say it is not just to the taxpayers of the United States to maintain a park there at national expense for the amusement and enjoyment of 3,500 people who happen to live in the town of Sulphur. I am utterly unable to differentiate it from any other town in the United States with 3,500 people. I think it ought to be stopped.

It is true this was established as a national park, but the appropriations ought to be discontinued. We can not maintain parks for the enjoyment of people all over the country; and unless we can, we ought not to make an exception for the people of the town of Sulphur. The committee did not think this was a deficiency at all; and they think, further, that as an original question the Government ought not to be required to maintain

a park for the enjoyment of the people of this little town of 3,500 inhabitants.

I think the amendment ought to be rejected.

Mr. CURTIS. Mr. President, I dislike very much to disagree with the chairman of the Appropriations Committee; and if the vote were to be taken over again I would oppose making a national park of Sulphur, as I did when the park was originally established. But the two tribes of Indians that were most interested asked the Government to take this property and make a park of it, and the Government accepted their proposition and did take it. I tried several times while a member of the committee to get the committee to consent to turn the park over to the State, but that action has not been taken.

The truth of the matter is that the Government does own the park, and took it over for sentimental reasons; and I think it is the duty of Congress to make the necessary appropriations. Therefore I shall vote for the amendment.

Mr. MARTIN of Virginia. Mr. President, if the Senator will yield to me for just a moment, I will read what the representative of the Interior Department said in respect to this matter. The question was asked him:

> But there is nothing in this park of a national significance. It is just a Government park?
>
> Mr. ACKER. There are no wonders of nature there. It is a very pretty park. The land is of an undulating character, and there is a very pretty stream meandering through it. It is adjacent to this town.
>
> The CHAIRMAN. Is there any reason for the maintenance by the Government of a park there any more than there would be for maintaining a park adjacent to any other city in the country?
>
> Mr. ACKER. No reason that I know of.

This is a representative of the Interior Department, who stated that he was familiar with the premises and had visited this park personally. That is his answer. I asked him the question, and he said he knew of no reason whatever for maintaining it as a park any more than there was reason for maintaining a park in every town in the country.

Mr. CURTIS. Mr. President, I think it is true that there is no reason; but until we do turn it over to the State there is an obligation upon the part of the Government.

As I said a moment ago, I voted against the establishment of this park originally, and I should vote against it if it should come up again, and I should vote to turn it over to the State; but as long as the Government does own it Congress should make the appropriation.

Mr. BRANDEGEE. Mr. President, did I understand the Senator from Oklahoma to say that there was a report from one of the departments here advocating this appropriation?

Mr. OWEN. The appropriation was estimated for by the Secretary of the Treasury, based upon a report from the Secretary of the Interior, supported by a report from the superintendent of the park. It is a Government obligation. It is not an obligation of anybody else. To belittle this Government obligation by charging that it is established for the amusement of 3,500 people in the town of Sulphur is not a sound argument for disregarding the obligations of the United States with regard to its public parks and its public property. The mere fact that it is in Oklahoma is no justification to the Senator from Virginia for denying this just claim.

Mr. MARTIN of Virginia. Mr. President, just one word in reply to the Senator from Oklahoma.

Mr. BRANDEGEE. I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. I have not belittled the State of Oklahoma. Only the distress of the Senator could have induced him to make such a remark. I have intimated nothing of the sort. I have asked that some reason be given why this exception should be made; but the Senator has given none, and he is driven to the necessity of making arguments of that character.

As for this being an obligation of the Government, how does it become an obligation? It is a gratuity from the Government, which it can continue if it chooses to donate that much to that neighborhood, and can stop whenever it sees fit to stop it.

Mr. BRANDEGEE. Mr. President, I have no interest whatever in this matter, and I am free to say that I have very little knowledge about the facts involved. What interest I have in it is purely of a sentimental nature. As the Senator from Oklahoma has said, my predecessor in the Senate, our great old Senator, Senator O. H. Platt, was an extremely good friend of the Indians. He served for years on the Committee on Indian Affairs, and was interested in everything that pertained to their welfare. Shortly after I came into the Senate, or possibly about the same time, this tract was made a national park by the Government. One of the first bills I introduced was a bill to name this beautiful little park in honor of my deceased and beloved predecessor, and I know that his widow was extremely gratified at the compliment.

I do not know of how much benefit the waters of these springs may be to the surrounding country; but I have been told that long before the town of Sulphur—if that is the name of the small town adjoining—was ever thought of these springs were visited by Indians and white men from all over that country, and that they had a great reputation in that part of the country.

The fact that the reservation or park may contain only six or eight hundred acres would seem to me to be not absolutely determinative of the merit of the appropriation. I know that in northern New York the region which contains all the variegated and most beneficial springs at Saratoga is an extremely limited area; but the medicinal value and the health-giving virtues of those springs and of that country are such that it is one of the most famous resorts in this country, and, I assume, has made as many cures in this country as the great spas of Germany have made abroad. Now, I understand that the Government, having made this area a public park, it has been devastated by some natural calamity—a flood, or something of that sort.

Mr. OWEN. A storm.

Mr. BRANDEGEE. A storm; and the matter of $10,000 is asked upon this bill to put it in the condition in which the Government had previously maintained it.

I am not speaking now of whether the Government ought to abandon it, ought to reverse its action in making it a park, or whether it ought to turn the park over to the State of Oklahoma or not. I have nothing to say about that. I do not know whether the amendment is in order on this bill or not under the technical rules of the Senate. If it is so that this is not a deficiency, and that nothing except a deficiency can go upon the deficiency bill, it may be so that the point of order would defeat this amendment.

Mr. MARTIN of Virginia. I have not made any point of order. I do not think it is open to a point of order. Whether it is a deficiency or not, if the Senate chooses to put it on, it has a right to do so.

Mr. BRANDEGEE. As far as that is concerned, then, it is not worth discussing, because, whether or not it is particularly germane to this bill, it is not subject to the point of order. If it does not go on this bill, the Senate could put it on some other bill, if it so chose. As I say, the Government has established this as a park, and has named it after one of its most distinguished public men, now dead. I take the word of the Senator from Oklahoma that it is of more than local benefit.

Mr. OWEN. It is.

Mr. BRANDEGEE. And I can not see how the Government very well in honor can allow this park, which it now controls and owns and for which it has heretofore appropriated, to remain in a dismantled and damaged condition and just decline to appropriate the money to repair the damage. We are appropriating money to relieve the temporary distress of many people who are injured by fire and flood and cyclones in other parts of the country, where the Government has no interest at all except one of humanity; but if this is one of the Government's works, adopted by it, and an existing project, personally I should feel very, very sorry to see this appropriation defeated, especially as it has been recommended by the agents of the Government in whose charge it is.

What I have said I have said without any especial knowledge of the desirability of maintaining this park; but if its abandonment is going to be discussed I think the Government had better put it in as good condition as it was before the calamity occurred, before it insists upon the State of Oklahoma taking it off its hands, at least.

Mr. WARREN. Mr. President, it is true that the amendment is in order, because it is estimated by the department; but it is oftimes the duty, although it is sometimes disagreeable, for those who are handling the appropriation bills to ask the department to fall within the law and to withhold from urgent deficiency estimates such items as are not actual deficiencies under the law. Otherwise there is no uniform control over appropriations.

This is not a deficiency in any sense of the word. A deficiency bill is to provide for matters where the law has required certain action and expenditures and the funds are short within the current year to carry out the law. Of course there may occur inconveniences sometimes where we can not include items in the deficiency bill and expenditures have to wait a little; but these national-park matters are handled in the sundry civil bill, which is now being framed, where all of the parks are taken up together.

As to the park itself, I do not think it is necessary to go into that, except that, as I remember, as to this feature of sentiment, which I respect with others—no man has ever served in the Senate whom I respected more than Senator Platt, of Con-

necticut—as I understood him at the time, and I lived in the same house with him, his idea was that that park would be taken care of eventually, exactly as in some other States; that is to say, that when Oklahoma became a State they would ask that the Government give them the park for a State park.

We have a mile square State park in Wyoming. It was cut off from the corner of a great Indian reservation. It has fine hot springs, medicinal waters, and so forth. The State has taken it over, built up sanatoriums and hotels, and a splendid town has sprung up there of considerable importance. It is now a county seat.

That is a matter which, of course, does not come into the consideration of this amendment. I shall be glad to see the United States Government give and the State receive this park in any event, but I do think this amendment should await the consideration of the sundry civil bill, where all these park matters are taken care of.

I therefore hope that the amendment may not prevail.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Oklahoma?

Mr. WARREN. I yield the floor.

Mr. GORE. I was intending to ask the Senator about the Yellowstone Park—whether that has been turned over to the State, or whether it ought to be turned over to the State?

Mr. WARREN. The Yellowstone Park, of course, is a park that the Senator in his wildest imagination would not compare with the Platt Park.

Mr. GORE. Certainly not.

Mr. WARREN. The State would be only too glad to take it; but the Government saw fit, before Wyoming was a State, to take possession of it. We are very glad to have the Government do so, very proud to have it there; but, of course, that is entirely another matter.

Mr. GORE. Of course, it is on a much larger scale; but does the Senator remember the amount——

Mr. WARREN. Let me say to the Senator that we are in exactly the same position. The roads leading in there have been washed out, and we have to appropriate for them, and there is no attempt made to get such an appropriation in on the deficiency bill. Perhaps the Senator did not understand that I make a distinction; I differentiate between a deficiency bill and the regular bills that provide for these parks.

Mr. GORE. Does the Senator think the pending bill is in a true sense a deficiency bill?

Mr. WARREN. I do.

Mr. GORE. Are there not a great many items in this bill that are in no sense deficiencies?

Mr. WARREN. I think not. What has the Senator in mind?

Mr. MARTIN of Virginia. I will say, if the Senator will permit me, that I do not think there is a single item in it that is not a deficiency.

Mr. WARREN. I do not think so, either.

Mr. GORE. Of course, that is largely a matter of definition; but, as I recall, there are items in this bill for naval expenditures and airships that were not provided for in any previous deficiency bill.

Mr. MARTIN of Virginia. They are deficiencies, every one of them.

Mr. GORE. As I understand, they are not shortages in some previous appropriation, but are new items. I gather that from a perusal of the bill.

Mr. WARREN. I do not so understand it.

Mr. MARTIN of Virginia. They are all deficiencies.

Mr. GORE. Very well, Mr. President. That is a matter of definition, and the Senators can read the bill and reach their own conclusions about that point.

Touching the pending amendment, I can add very little to what has been said by my colleague and by other Senators. This national park can not be said to be the diamond of the desert, but it certainly can be characterized as the diamond of the prairies. It is situated in a vast, almost limitless, prairie and this area of forest primeval is a source of great charm. It has an attractive scenic situation in that prairie country. It would, of course, attract little attention in the wildernesses of Virginia, but in a prairie country like Oklahoma it has its charms for all lovers of nature.

The Senator from Virginia has suggested that it is a matter of no consequence. My colleague [Mr. OWEN] has responded to that proposition. The Senator from Virginia has reversed the relation of cause and effect. The city of Sulphur followed the establishment of the park. The park was not created on account of the existence of the town of Sulphur. Long before there was a city situated upon this site, people came from far and near to avail themselves of the medicinal waters of these springs. These waters enjoy a wide and famable reputation. Not only from Oklahoma, but from adjacent States, people have recourse to this resort in order to avail themselves of these curative waters.

There are 12 national parks. According to the report, during the last season the Platt National Park ranked third in the number of visitors. As I remember, there were 32,000 visitors to this park during the last season. That renders it third upon the list of national parks. If it be proposed to dismantle all these parks Oklahoma is courageous and she will abide her fate along with the other States, but why should Oklahoma be singled out as a victim for this policy of vandalism?

Mr. President, the reason for urging this upon the deficiency appropriation bill is this: Sulphur has grown up on account of the establishment of this park. It has grown to be a summer resort. This is a matter of great consequence to the city of course. On the 17th of January a storm of exceptional violence occurred in that section of Oklahoma. The waters rose some 18 feet, 9 feet higher than had ever been known in the memory of the oldest citizen. Houses were washed away, the sewerage system destroyed, and the park was left in a state of wreckage.

Now, a different situation prevails with reference to a summer resort from that which would apply to any other city. A summer resort losing one season may lose many seasons. It is a matter of very serious consequence.

The PRESIDING OFFICER. The Senator from Oklahoma will please suspend. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. MARTIN of Virginia. I ask unanimous consent that that bill be temporarily laid aside until we can finish the pending appropriation bill. This is the last item so far as I know that will have to be considered.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the unfinished business be temporarily laid aside and that the bill which has been under consideration be proceeded with. Is there objection?

Mr. MARTIN of Virginia. I made the request, of course, with the consent of the chairman of the Committee on Indian Affairs.

Mr. ASHURST. I, of course, have no objection. I understand it will not take over 10 minutes to finish the bill; but however long it may take I want it understood that the unfinished business is laid aside only for the purpose of this bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Oklahoma will proceed.

Mr. GORE. The reason for urging the adoption of this amendment is the fact that unless work is commenced now and completed before the opening of the season it will entail serious injury upon the town. I take it it is largely a matter of time as to whether this appropriation be made now or be made upon some subsequent bill. We would not urge it now if the consequences of delay would not be out of all proportion to the amount asked for by the amendment. It would be a great service to the city to have the appropriation made now, to have the improvements made now, to have the conditions which formerly existed restored. If the Government is to make an appropriation of $10,000 now or a few weeks later it can be a matter of no concern to the Government, but it is a matter of serious concern to the city and the people of the city who have invested their money, have built up a splendid little city there largely on account of the establishment of this national park. That is the existing condition.

Originally the park was established as a matter of sentiment. It was the desire of the Indians that at least this small portion of the great Indian empire should be preserved in its original state; and out of that vast empire this is the only section which is reserved to perpetuate those memories, to keep alive the traditions of the great tribes of Indians who have found their destiny in this section of Oklahoma. It was out of consideration of that sentiment that the park was established, and it was christened in honor of a former distinguished member of this body, one who had long manifested unfaltering interest in the welfare and in the fortunes of those tribes. This park stands as a monument to his memory, and I trust it will not be ruthlessly demolished by his successors in this Chamber.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma. [Putting the question.] The ayes seem to have it.

Mr. MARTIN of Virginia. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is not in the Chamber, I withhold my vote. If I were at liberty to vote I should vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH] and withhold my vote.

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the Senator from Arkansas [Mr. CLARKE] and its transfer to the Senator from Maine [Mr. BURLEIGH], I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I inquire whether he has voted?

The PRESIDING OFFICER. He has not.

Mr. UNDERWOOD. I withhold my vote.

Mr. WADSWORTH (when his name was called). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The PRESIDING OFFICER. He has not.

Mr. WADSWORTH. I withhold my vote, having a pair with that Senator.

Mr. WEEKS (when his name was called). Has the senior Senator from Kentucky [Mr. JAMES] voted?

The PRESIDING OFFICER. He has not.

Mr. WEEKS. I have a general pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. CHILTON. I announce my pair with the Senator from New Mexico [Mr. FALL] and transfer it to the Senator from Alabama [Mr. BANKHEAD]. I vote "nay."

I desire to make the same announcement of the absence of the Senator from Indiana [Mr. KERN] and the Senator from Florida [Mr. FLETCHER] that I made on the former vote. My colleague [Mr. GOFF] is absent on account of illness.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. DU PONT. I observe that the junior Senator from Kentucky [Mr. BECKHAM] is in the Chamber, with whom I have a general pair, and I vote "nay."

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. I have a general pair with that Senator, which I transfer to the Senator from South Dakota [Mr. STERLING], and let my vote stand.

Mr. TOWNSEND (after having voted in the negative). I voted with the understanding that the pair I have with the junior Senator from Florida [Mr. BRYAN] was transferred to the Senator from West Virginia [Mr. GOFF], so that that allowed the senior Senator from South Carolina [Mr. TILLMAN] and myself to vote.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer that pair to the Senator from Texas [Mr. CULBERSON] and let my vote stand.

Mr. SMITH of Maryland (after having voted in the negative). I am paired with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Louisiana [Mr. BROUSSARD] and let my vote stand.

The result was announced—yeas 27, nays 23, as follows:

YEAS—27.

Borah	Gronna	Martine, N. J.	Sherman
Brandegee	Hardwick	Myers	Simmons
Catron	Husting	Norris	Smith, Ariz.
Clapp	Kenyon	Owen	Sutherland
Clark, Wyo.	Lane	Poindexter	Thompson
Curtis	Lodge	Shafroth	Vardaman
Gore	McCumber	Sheppard	

NAYS—23.

Chamberlain	Jones	Pittman	Thomas
Chilton	Lee, Md.	Pomerene	Tillman
Cummins	Martin, Va.	Robinson	Townsend
du Pont	Overman	Smith, Md.	Warren
Hitchcock	Page	Smoot	Williams
Hughes	Phelan	Stone	

NOT VOTING—45.

Ashurst	Colt	Hollis	Lippitt
Bankhead	Culberson	James	McLean
Beckham	Dillingham	Johnson, Me.	Nelson
Brady	Fall	Johnson, S. Dak.	Newlands
Broussard	Fletcher	Kern	O'Gorman
Bryan	Gallinger	La Follette	Oliver
Burleigh	Goff	Lea, Tenn.	Penrose
Clarke, Ark.	Harding	Lewis	Ransdell
Reed	Smith, Mich.	Underwood	Works
Saulsbury	Smith, S. C.	Wadsworth	
Shields	Sterling	Walsh	
Smith, Ga.	Swanson	Weeks	

So Mr. OWEN's amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is to insert the language on page 32, from line 4 to line 6 on page 33. The amendment has been read.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, in section 9, under the head of "Minnesota," on page 33, line 14, after "$5,500," to strike out "in all, $61,675" and insert "to gravel and improve the road leading from the school buildings to the south line of the reservation, $1,000; to blast out and deepen the ditch and creek on said reservation, $2,000; in all, $64,675," so as to make the clause read:

SEC. 9. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, $39,175; for general repairs and improvements and for remodeling building for dormitory purposes, $7,000; for mechanical and general utility shop building, $10,000; for septic tank, $5,500; to gravel and improve the road leading from the school buildings to the south line of the reservation, $1,000; to blast out and deepen the ditch and creek on said reservation, $2,000; in all, $64,675.

The amendment was agreed to.

The next amendment was, on page 34, line 7, after the word "act," to insert:

Provided, That not to exceed $60,000 of said amount and the one-fourth interest on the tribal funds of the Chippewa Indians of Minnesota now to their credit in the Treasury to be used for the maintenance of free schools shall be used for the compensation of employees in the Indian Service in Minnesota except for irregular laborers, and that the said Chippewas shall receive the preference in filling permanent positions in the service of the Chippewas of Minnesota where the compensation is paid from their tribal funds: *Provided further*, That not less than $10,000 of said amount of $185,000 may be used to furnish employment to the said Chippewas in building roads and making other improvements upon the Chippewa reservations in Minnesota for the benefit of the said Chippewas, and $10,000, or so much thereof as may be necessary, to establish an electric-light plant at the White Earth Agency, the boarding school there, and the village of White Earth, Minn., said plant or its proportionate share of expenses to be maintained by the residents of White Earth village under such rules and regulations as may be prescribed by the Secretary of the Interior.

So as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $185,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided*, That not to exceed $60,000 of said amount, etc.

The amendment was agreed to.

The next amendment was, on page 35, after line 9, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to convey by patent in fee simple to independent school district No. 1, of Mahnomen County, Minn., for the purpose of a demonstration farm in connection with the agricultural department of the public schools of said place, that certain tract of land which has been set apart for the now abandoned Mahnomen Indian day school, said tract being described as follows, to wit: West half of the southwest quarter of section 11, township 144 north, range 42 west of the fifth principal meridian, in Minnesota: *Provided*, That the purchase price of the property conveyed, which shall be not less than its appraised value, shall be divided equally among those members of the Pembina Band of Indians living on the date of passage of this act who were born prior to July 21, 1900, but were not included on the allotment schedule approved on that date; appraisement of the property and payment of the proceeds to the said Indians to be under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That this shall not be construed to affect any rights involved in pending litigation.

Mr. CURTIS. I notice from the proviso that there must be some litigation pending, and I am also advised that this property is claimed by an Indian as an allotment. I should like to have the Senator from Minnesota [Mr. CLAPP] or the chairman

of the committee explain what the effect of the passage of this act will have in case there is an Indian claiming that allotment and what the litigation amounts to, if anything.

Mr. CLAPP. Mr. President, there is a claim of allotment. I am not disposed to pass upon the merits of that claim, of course. I understood they had brought suit to test their rights, and, of course, the bill could not affect any rights where the suit was brought. Under the Federal statute a person who is eligible as an allottee, making application for a piece of land which is subject to allotment, can bring an action, and if he establishes those two facts he obtains a decree somewhat akin to our own decree of specific performance in equity. Of course, from the moment of making his application, nothing that can then be done can defeat the right, but in order to put it beyond any question and show that it was not intended that it should be hostile to the claim of the party in that litigation, this provision was inserted.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. With pleasure.

Mr. GRONNA. As I understand it there is no adverse claim to the particular land described in the amendment.

Mr. CURTIS. As I understand it, an Indian claims it as an allotment and there is a suit pending to determine whether or not he has the right. Is it not unwise for Congress to provide for selling this property as long as that question of allotment has not been settled?

Mr. CLAPP. My answer to that would be that as I understand it, the litigation, that is, the trial, has already probably taken place. I would not be certain about that, but I think it was set for sometime in February. We interfere with no rights by this provision. If before the next session of Congress the courts have decided against the allotment and the time of appeal has expired, then without waiting further action of Congress this authorization would become operative. That is why it is asked for at this time. It can not, of course, affect any rights that are involved in the pending litigation, and while I do not care to express an opinion as to the litigation I desire to say that this absolutely safeguards it, and if in the interim the litigation is finally determined then the department will be at liberty to go on and make provision for this school.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, I should like to recur, if it is not inconvenient to my colleague who has charge of the bill or to the Senate itself, to page 21, line 18, and to strike out the amendment which reads:

> For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation, in Arizona, in accordance with the plans and specifications submitted by the chief engineer of the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, $70,000, to remain available until expended: *Provided*, That the cost of said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Mr. President, I move to strike out the committee amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from Arizona that the amendment has already been agreed to.

Mr. SMITH of Arizona. I understand not.

The PRESIDING OFFICER. That is the record.

Mr. SMITH of Arizona. Does the record show that it was agreed to?

Mr. ASHURST. It was agreed to.

Mr. SMITH of Arizona. If that be true, as I was detained from the Chamber by sickness and could not possibly be here yesterday, I ask unanimous consent to reconsider the vote by which that was done. It is a matter of great importance to the city of Tucson.

The PRESIDING OFFICER. The Chair will inform the Senator that the amendment as amended was agreed to. The amendment to the amendment struck out the last proviso, the reimbursable provision.

Mr. SMITH of Arizona. I should like to have it reconsidered, and I make that motion.

The PRESIDING OFFICER. The Senator from Arizona moves to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

Mr. SMITH of Arizona. Mr. President, to give the Senate an appreciable idea, there is all that is left of Arizona [exhibiting map showing reserved lands in Arizona]. The green and red and other colored matter show the reservations in my State. The reservation in question is this one here [indicating the Papago Reservation]. This reservation of 2,700,000 acres was made the other day for these very Papago Indians. It is suggested to me by a Senator near me that there are other sanctuaries for birds and animals that are not yet on the map. There is all that is left of the State for its support [indicating]. Look at it. Now, we are attempting by this amendment to take water from the city in which I live, that happens to lie between these two Indian reservations, by going above this point [indicating on the map], cut the river bed, and thus cut off the water from Tucson, a city of 20,000 people, and irrigate this tract of Indian reservation lands. This is Indian land painted in red on this map, and at a glance see what portion of our State is so dedicated.

Mr. GALLINGER. What are the other colors?

Mr. SMITH of Arizona. The others are the forest reserves and military reservations, and there are some yet to come. Where they are going to place them I do not know, unless they place them over the little-inhabited valleys which are left still unreserved and actually inhabited by home builders.

Mr. GALLINGER. You have enough left for some bird sanctuaries?

Mr. SMITH of Arizona. One or two birds can find a home there probably when we carry out the promises of our platforms by opening lands to home seekers.

Mr. SHAFROTH. I should like to ask the Senator what proportion of the State of Arizona is now reserved by the Government for different purposes?

Mr. SMITH of Arizona. In round numbers half of it, and in the values of the land 90 per cent of it, and we are left to support a State on the treeless mountains and more forbidding deserts. You see the topographical condition of this country by this map. The unreserved lands are so valueless that even governmental greed would not consider them as an asset for posterity.

Mr. SMOOT. It is not as bad as in some of the other Western States.

Mr. SMITH of Arizona. If you make it any worse, you will soon find a larger emigration coming from there than you found going in in the last 20 years.

Now, the proposal is to tap this little river above the city of Tucson in order to irrigate that particular Indian reservation to which I have called your attention. I am convinced that the water to be developed by this amendment for use of the Indians has long since been appropriated by the city of Tucson and the irrigation project within that immediate vicinity. This amendment gives the right to the Indian Bureau to confiscate the property of the citizens of the State without even asking their leave in order to enrich the Indians at the expense of these home builders and prior appropriators of the full flow of that stream.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to his colleague?

Mr. SMITH of Arizona. Certainly.

Mr. ASHURST. I differ with my colleague on any question with a great deal of deference because of his vast experience and knowledge of the situation. I should like to ask my distinguished colleague if he would not consent to an amendment of something like this import, after the last word, to add the following proviso:

> *Provided, however*, That no part of this appropriation shall be used, directly or indirectly, to interrupt, diminish, or interfere in any way or manner whatsoever with the flow of the water or waters that may be necessary now or hereafter to, or used now or hereafter by, the city of Tucson.

I think that amendment to the amendment would meet my colleague's objection.

Mr. SMITH of Arizona. Mr. President, I appreciate the suggestion of my colleague; but there is this difficulty surrounding it: We would be in court and become involved in litigation immediately. Going above this Indian reservation, tapping the underflow of that river, and bringing it up on the reservation we are immediately in a quandry as to how that affects the underflow of the water from which Tucson itself is supplied and how it affects the great irrigating works now supplying water for the cultivation of some ten or twelve thousand acres of land long since appropriated at millions of dollars of expense. These Indians have been on this reservation where the old San Xavier del Bac Mission stands probably ever since that mission was built, which was some 200 and odd years ago—it is probably nearly 300 years old now—and they are now in almost exactly the same condition as when first discovered, except that some of them have teams and are hauling some little wood between the reservation and the city. I gave a very unwilling consent, though I could not have helped it had I tried to do so, to this other reser-

vation of some 2,000,000 acres being set aside for these same Indians, which was done only a few days ago. Almost one-tenth of this county was given to these Indians for the very purpose of relieving the situation at the San Xavier Reservation, as pathetically—almost tearfully—described by the Indian Commissioner or by some one designated by him to give light to the Committee on Indian Affairs while this amendment was under its consideration. The Indians are not without their usual supply of water, as I understand it, notwithstanding some would have us believe that all the water on that reservation would not equal the tears that have been lately shed concerning the awful condition of Poor Lo.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. SMITH of Arizona. With very great pleasure.

Mr. GALLINGER. When I voted to admit Arizona to statehood, I fully understood that there might be a scarcity of water in that State; but I never expected that there would be a scarcity of land.

Mr. SMITH of Arizona. The Senator was quite correct about that until the Government got in its work on reservations.

Mr. GALLINGER. And it really is very surprising to me to learn that the Government has taken half of the territory of Arizona, and is now wanting to take more. I confess I very deeply sympathize with the Senator from Arizona in his contention that there ought to be some remedy.

Mr. SMITH of Arizona. I feel grateful for the sympathy of the distinguished Senator from New Hampshire, not for myself alone but for the people of the West, who still need his friendship and his great influence in their discouraging fight for justice.

Mr. GALLINGER. This same complaint comes from many other States. I think the Senator from Utah [Mr. SMOOT] has said that a large proportion of the State of Utah has been confiscated, if I may use that term, in the same way; and that is the complaint of all the Western States. It seems to me—and I say it without meaning anything of a partisan nature—that the great party to which the Senator belongs might well, in its next national platform, declare in favor of restoring some of the land to the people of those States.

Mr. SHAFROTH. It did so in the last Democratic national convention.

Mr. SMITH of Arizona. And I hope we shall do so in the next. We did, I think, in our last platform promise to restore much of these reserved lands.

Mr. GALLINGER. In rather a mild way.

Mr. SMITH of Arizona. Yes; in rather a mild way—a great deal too mild. But if we had kept that pledge, as mild as it seems, certain water-power bills and land-leasing bills would never have shown their faces in Congress, at least from this side of the Chamber.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. SMITH of Arizona. In just a minute I shall yield to the Senator.

Mr. President, I take pleasure at this point, as I have taken pleasure ever since I have been in public life, in paying what slight tribute I can, and I do it from my heart, to the broad generosity that the Senator from New Hampshire, who has just interrupted me, has shown in the fight which has been made by the Western States for a proper recognition by the Federal Government. I want that Senator to feel that when he shall have quit the busy scenes of this life, when he shall be known no longer among us here, there will be grateful hearts everywhere in the West for his services to them, and that those people will pay a tribute of their intense admiration, aye, of their affection for the honored Senator, who never once in all our struggles has abandoned our cause, but who has stood alone, among all other New England Senators, in advocacy of justice to the people of the Western States. I am glad to see that his sympathy is still with us; and if we could only get the same spirit into the hearts of other Senators, who know so much less about these conditions than do we and than does the Senator from New Hampshire, we should have very little difficulty in relieving ourselves of many of the burdens with which we are now oppressed.

I now yield to the Senator from Oregon.

Mr. LANE. Mr. President, I was merely going to remark to the Senator from Arizona that I feared he was unduly alarmed, and that if the usual luck which attends the Indians still stays with them the whites will soon get all this land back. As soon as it becomes valuable the whites will get it.

Mr. SMITH of Arizona. Mr. President, I am not surprised at that statement from the Senator from Oregon; but I should like to put in contrast with that statement the broader one of the Senator from New Hampshire, to whom I have just alluded. It is very easy for us to go upon a reservation, to see a lazy, naked Indian wanting something to eat, and to come back and say that he must be given something to eat, no matter how naked or how poor are the American people who must pay for his rations. I can pick a hundred places in the poor mountain districts of the Eastern States where the lot of an equal number of poor white people are in an infinitely worse condition than the Indians on any western reservation known to me. The misery of poverty is comparative at last. There is not an Indian community to-day, despite all the statements being made by eastern men, which is not better off than the poorer classes in the East, and many of them are the richest people in the world. There is not an Indian reservation in the United States under the care of this Government where the Indians are not in an infinitely better condition than are the same number of white people that I might point out all over the Eastern States of the country. Tucson is the town in which I live. I know that reservation as well as I know the boundaries of this room.

Mr. CLAPP. How far from the city of Tucson is this proposed irrigation project?

Mr. SMITH of Arizona. The Senator will pardon me if I have to explain somewhat in answering him.

Mr. CLAPP. That is just what I want.

Mr. SMITH of Arizona. The Indian reservation lies above two approaching points of a mountain range on each side that holds the Santa Cruz River, and it empties itself into the lower valley between these two mountain points. On the river above the reservation a somewhat similar condition exists. Just above the city of Tucson an irrigation company dug enormous ditches across the valley, about which I have told the Senate, and put in, I do not know how many, pumps to raise the water. When I saw them in operation I think there were 10 or 12 reservoirs emptying into the pumping stations from which the water recovered from the sands was being used for farming purposes. Even the water for the city itself is pumped through the sand at a point some distance from the river bed, and by going above these works, where this amendment proposes to go, will tap the underflow of the city supply. There is no other water available. If they go above and cut this water off and begin to irrigate this reservation, then the irrigation works below are gone and the water supply of the city itself is threatened.

Mr. CLAPP. It is not, then, planned to build a diversion dam?

Mr. SMITH of Arizona. No.

Mr. CLAPP. Is it the plan to build a reservoir?

Mr. SMITH of Arizona. No. This is down in southern Arizona, at a point which I indicate here [indicating on the map]. The little Santa Cruz River runs in this direction [indicating]; here is where I live. The reservation is here [indicating], and they expect to tap the river which flows from that point into the city of Tucson. It can hardly be called a river; it is a small creek, and in the summer time there is nothing in it much except sand.

Mr. CLAPP. How far is the proposed dam or the point where the water is tapped for the city of Tucson?

Mr. SMITH of Arizona. There is no dam. The first supply of the city of Tucson, I should judge, would be about only a mile or so from the distributing pipe.

Mr. President, this matter should be investigated before intemperate action is taken. I will state to the Senate that I could not get home during the last session on account of the sickness of my brother at my old home in Kentucky, though, had I been able to go home, I had this particular matter in view. I expect to be in Arizona during the coming summer, however, and I want an opportunity to give this matter personal investigation again, to study the purposes and the plans, and to ascertain whether or not it is going to involve the ruin of the people below, and, therefore, I do not want the Senate, if I can help it, to adopt the amendment now.

I have no desire to cut off anything from the Indians. The Lord knows I have more sympathy for them than people who never saw them and never lived within a hundred or a thousand miles of them.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Colorado?

Mr. SMITH of Arizona. Yes.

Mr. SHAFROTH. The Senator has been speaking of the amount of land in the State of Arizona withdrawn from entry under the guise of forest reserves and Indian reservations. The Senator from New Hampshire [Mr. GALLINGER] suggested that

there ought to be some declaration in the Democratic platform with relation to the matter. I wish to call the attention of the Senator from Arizona, and also of the Senator from New Hampshire, to the clause in the Democratic platform on this subject, and I will also refer to the Republican platform upon the same question.

The public domain should be administered and disposed of—

It will be noticed that the words used are "disposed of"; there is no leasing proposition in it—

The public domain should be administered and disposed of with due regard to the general welfare. Reservations should be limited to the purposes which they purport to serve and not extended to include land wholly unsuited therefor. The unnecessary withdrawal from sale and settlement of enormous tracts of public land, upon which tree growth never existed and can not be promoted, tends only to retard development, create discontent, and bring reproach upon the policy of conservation.

The public-land laws should be administered in a spirit of the broadest liberality toward the settler exhibiting a bona fide purpose to comply therewith, to the end that the invitation of this Government to the landless should be as attractive as possible; and the plain provisions of the forest-reserve act permitting homestead entries to be made within the national forest should not be nullified by administrative regulations which amount to a withdrawal of great areas of the same from settlement.

Mr. President, that was the declaration of the Democratic national platform.

Mr. MYERS. Mr. President, I desire to ask the Senator a question. The platform does not say whether the public domain should be disposed of permanently or temporarily, does it?

Mr. SHAFROTH. Well, "disposed of" means, I presume, parting with title. Whenever a person attempts to dispose of something he is trying to get rid of it; but leasing is the most permanent form of holding that can be conceived of.

Mr. MYERS. I will ask the Senator if leasing land for 50 years is not a disposition of it for a good while?

Mr. SHAFROTH. Oh, no.

Mr. MYERS. I understand the Supreme Court of the United States has said that leasing land for five years is disposing of it.

Mr. SHAFROTH. No; the court said it was not disposing of it, but nevertheless——

Mr. SMITH of Arizona. Mr. President, I must resume the floor. I do not want to become involved in an outside discussion on a matter that is not pertinent to the subject immediately under discussion. The Senators will have time later to debate the question which has been precipitated, but I would rather get through with what I have begun, if I can.

Mr. SHAFROTH. I merely want to read to the Senator from New Hampshire [Mr. GALLINGER] the provision of the Republican platform on the same matter.

Mr. SMITH of Arizona. He knows it by heart already.

Mr. SHAFROTH. He does not know that clause of it.

The PRESIDING OFFICER. The Chair understands that the Senator from Arizona declines to yield further.

Mr. SMITH of Arizona. No; I will yield to the Senator.

Mr. SHAFROTH. Here is the plank in the Republican national platform in regard to Government reserves:

We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide homeseekers, prospectors, and miners in the acquisition of public lands under existing laws.

Mr. SMITH of Arizona. If you get a year's lease, that is an acquisition according to some of the arguments lately made on this floor.

Mr. SHAFROTH. It seems to me that where both of the political parties have referred to the disposal of the public lands in such a way, there ought not to be any division of sentiment in regard to a leasing bill.

Mr. WORKS. Mr. President, I should like to ask the Senator from Colorado if he thinks the Democratic administration has lived up to that platform?

Mr. SMITH of Arizona. Mr. President, I will answer that question myself. I refuse to yield further. I will say that neither Republican nor Democratic administrations have lived up to the doctrine stated. The Republican administration got as bad as it could get, and ours has not made half the improvement in regard to this question that it should have made.

Mr. WORKS. Mr. President, I should like to have the Senator point out any improvement that has been made by the Democratic Party since it came into power.

Mr. SMITH of Arizona. Yes; there has been some improvement. For instance, in several of the States the size of a number of reservations has been cut down, but not half enough, I admit.

Mr. SHAFROTH. I will state to the Senator——

Mr. SMITH of Arizona. I absolutely refuse to yield further. Mr. President, I do not wish to detain the Senate unduly. This interesting argument can come up after we dispose of my motion to strike out the amendment. I plead with Senators to let that question be disposed of, and disposed of favorably to my contention, before we get into any further argument on a collateral question.

Mr. CURTIS. Mr. President, when this matter was up yesterday I said to the Senate, on the authority of the Assistant Commissioner of Indian Affairs, that this amendment applied to 700 Indians and a reservation of 69,000 acres. In the report of the hearings before the House committee, on page 173, the assistant commissioner says:

There are about 700 Indians on this reservation.

He further says:

This appropriation will be used for the benefit of the Indians only. We have a reservation covering an area of 69,000 acres.

On page 175 Mr. Meritt says:

"Mr. Chairman, the important point in connection with this appropriation is that if we do not get appropriations this year those Indians may lose their opportunity to irrigate that land, because the water may be taken by this development company."

It seems to me that if those Indians can be assisted by an appropriation of $70,000 and each be given 10 acres of land to irrigate and farm, it will be a good investment.

I join with the Senator from Arizona in the regret that the Government has taken away so much of the land in Arizona and is not disposing of it; but it does seem to me that that does not justify Congress in refusing to appropriate the money to provide irrigation for these Indians, the opportunity for which otherwise may be lost to them, although the water may not go to the settlers nor to the town, but to an irrigation company.

Mr. SMITH of Arizona. To what company does the Senator refer?

Mr. CURTIS. I am only reading from what the commissioner has said. I have no personal knowledge at all of the matter.

Mr. SMITH of Arizona. Neither has the commissioner, I am afraid.

Mr. CURTIS. The name is not given here on this page and I will not take the time to find the name, but the commissioner said:

If we do not get appropriations this year those Indians may lose their opportunity to irrigate that land, because the water may be taken by this development company.

Mr. SMITH of Arizona. If the Senator will permit me an interruption, I shall not detain him long.

Mr. CURTIS. I yield to the Senator.

Mr. SMITH of Arizona. The Senator cites an authority who does not even know what company he is talking about and does not say where the company is located and whether above or below. I will tell the Senator what the assistant commissioner is referring to. He is referring to the same company to which I alluded in opening my remarks, which made an appropriation of water years ago; which made a filing on water that was not known to exist. They made it by cutting the valley from hillside to hillside, raising the water in deep cuts, and pumping it on the land at an enormous expenditure. That was the one and the full appropriation made years and years ago, and certainly neither the Senator nor anyone else would think for a moment of taking away appropriated water and giving it to the Indians merely because they happen to need it.

Mr. CURTIS. I said I had not had time to read the hearings to find the name of the company, but only read the statement that this company would appropriate the water. No. doubt the name of the company is given, because it is referred to as "the company heretofore mentioned."

I believe the Indians there are just as much entitled to water for irrigation purposes as are the settlers. They have been there for a long time and they are entitled to the water. There is nothing before the Senate to show that if $70,000 is used to put in wells or a dam or other works to control the underflow, or apart of it, that anyone will be deprived of it. If the underflow in that section is—and I understand it is—like the underflow of other sections of the United States, you can not exhaust it by an appropriation of $70,000 or even $70,000,000. There is a river underneath, and there is plenty of water not only to supply the Indians but also the settlers and the city to which the Senator has referred.

Mr. SMITH of Arizona. Mr. President, will the Senator excuse me for a brief interruption?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. CURTIS. Certainly.

Mr. SMITH of Arizona. Does not the Senator concede that geological conditions might have something to do with that matter?

Mr. CURTIS. Yes; but——

Mr. SMITH of Arizona. I have not finished my question, and I am sure the Senator and I do not want to have any disagreement as to the facts.

Mr. CURTIS. Certainly not.

Mr. SMITH of Arizona. Or to get excited about it.

Mr. CURTIS. Certainly not.

Mr. SMITH of Arizona. I am more apt to become excited, because of my disposition, than is the Senator from Kansas.

I have tried to explain that all of the water of the San Pedro River, or the Santa Cruz, as this little stream is called, passes between two points of the mountain that holds the whole watershed of the Santa Cruz River. It can find no other escape except under the bed of this river through the contracting gorge made by the approaching mountains from either side of it. Now, all the water has to come through that particular channel, no matter how deep its underflow, or else its underflow is so extremely deep that nobody could ever afford to go hunting for it. So, you see, it amounts, at least, to damming the river above the city.

Mr. CURTIS. I have studied the underflow of Arizona somewhat, and I find that, while it is sometimes true that the flow disappears in the bed of a river, it returns again at some other place. At some points by digging wells you find it at 75 feet, at others at 300 feet, and then a few miles beyond it comes back to the surface. I venture to say that the underflow there is not limited to the bed of the stream, or beneath the bed of the stream, but flows out over that entire valley and can be tapped anywhere in the valley. I am sustained in making that statement by the fact that wells have been put down on this reservation and water has been found in various places. There are now several hundred wells being operated upon that reservation, and I think it is only fair and just to the Indians that we give the department the $70,000 to protect their right to the water and prevent it from going to an independent company.

Mr. WORKS. Mr. President——

Mr. CURTIS. I am perfectly willing, if the senior Senator from Arizona will accept the amendment offered by the junior Senator from Arizona, to consent to such an amendment, because I believe there is plenty of water for them all. I now yield to the Senator from California.

Mr. WORKS. I was about to ask the Senator from Kansas what right the Indians have in the stream?

Mr. CURTIS. The Indians have no greater right than anyone else, but the Indians have been living there for many, many years; they have been appropriating what little water they needed, and now that the Government is trying to make farmers out of them they need more water, and they can not get it unless this appropriation is made.

Mr. SMITH of Arizona. And it has got to take it from somebody who has already appropriated it.

Mr. WORKS. What I am trying to arrive at is, whether the Indians really have any right to the water there that could be utilized if the expenditure were made. I do not know.

Mr. CURTIS. Mr. President, the report of the engineers is that they can utilize it. If they can not, then undoubtedly the Government will not use the money.

Mr. WORKS. The Senator has either not understood me or has not answered my question. There may be other claims to the water; there may have been previous appropriations, as the Senator knows. What I am trying to arrive at is, what is the right under the law that the Indians may have to use the water? I have not seen anywhere any of the inexhaustible underflow of streams of which the Senator has been speaking. I wish we could find some of them.

Mr. CURTIS. I have studied the underflows and I have found a good many of them, and if the Senator will examine the reports of the Geological Survey he will find them. I have gone over large sections of the country, two or three hundred miles, and found that some underflow could be located in some places at 20 feet and at some places from 69 to 100 feet; but, nevertheless, it was the same underflow.

Mr. WORKS. There is no doubt about that.

Mr. CURTIS. I think in Arizona the reports of the Geological Survey show that you may find the underflow at some places, as I have suggested, at 60 feet and at some places at 300 feet.

Before the Senator from California leaves the Chamber, I want to say that all I based my statements on in reference to the contest of rights was what is stated by the Assistant Commissioner of Indian Affairs, who says:

> The important point in connection with this appropriation is that if we do not get appropriations this year those Indians may lose their opportunity to irrigate that land, because the water may be taken by this development company.

That would indicate that it had not yet been taken.

Mr. WORKS. I was not undertaking to antagonize the position taken by the Senator from Kansas. I was trying to arrive at the facts, if I could, of what were the rights there.

Mr. CURTIS. I really do not know, and so I can not give the Senator the information; but if there are existing rights, no law we could pass would take those rights away.

Mr. LANE. Mr. President, I think the white settlers have a right to all the water that they need, and I will go as far as the Senator from Arizona will to procure it for them. At the same time I believe—I do not know whether the Senator will agree with me or not—that there is plenty of water there for all if it is apportioned properly and proper measures are taken to secure and conserve it; but I do not think that will ever be secured by any system of pumping, which is always expensive and precarious. If the Senator will come in here asking for an appropriation to go back into the mountains and dam the "arroyos," as they call them there, or the gulches or the ravines, as you like, and dam them all, both great and small, at intervals, at their heads, to hold the water, and hold it as it falls in the great rainstorms they have there, or from the snow when it melts, instead of letting it race away or sink into the ground, as it does in that section of the country, as it does in New Mexico, as it does in Nevada, and as it does in many portions of the western country, they will not have to pump water, but it will come over the top of the ground, it will irrigate that whole country, and it will become a garden spot of incalculable value. No man knows better than I do what water will do under the climate of Arizona. From a desert it will be turned into a veritable Garden of Eden and the lands become among the most valuable in America. That is the proper way to handle the proposition and to take care of the interests of Tucson, of the white settlers, and of the Indians alike. But the Indian has his rights, and I do not think the Senator is trying to deprive him of them. Naturally, however, he is jealous of the rights of his fellow citizens. I do not blame him for that. I do not criticize him. I do not want to put a straw in the way of his obtaining them; but this method will not do it. It is a case of one interest combating another, with the Indians in the long run, as the Senator must know, being deprived of their land. It was all their country at one time, and they have a right to live and exist, and I think fair treatment is due them.

I do not wish to give the Indians any rights which would imperil those of their white neighbors, but I would like to see them get what is justly due them. If the Senator can assure this body that they will be cared for in the future, I am quite willing to go with him just as far as he himself goes; otherwise not.

Mr. SMITH of Arizona. Mr. President, only a word in answer. I do not think even the tender heart of my friend the Senator from Oregon feels for the oppressed any more than I do, whether it be an Indian or a white man. This company, of which the Senator from Kansas spoke, at an enormous expense developed the water and all the water that flows through the buttes of the Santa Cruz River long before the question was raised about the Indians taking any of it above the point of its appropriation. That land has been disposed of to farmers and poor people in tracts of 10 acres up, and they are living on this water so pumped at enormous expense.

Mr. ASHURST. Mr. President, will my colleague yield to me?

Mr. SMITH of Arizona. Certainly.

Mr. ASHURST. My colleague, of course, expects soon to go to the State of Arizona, for various reasons, as I do. He lives at the city of Tucson. I think, upon the whole, that we should reject the amendment now under consideration, in view of his statements. He is more familiar with the facts—and I say it with all respect—than the department itself.

As far as I can do so on behalf of the committee, let the amendment be rejected; and then, when the next bill comes in for the next year, he will be here with first-hand knowledge, able to give us the details, although he has given a very remarkable statement of facts to-day, and I have no doubt accurate facts.

Mr. SMITH of Arizona. I shall be very glad to give the Indians what they are entitled to.

Mr. ASHURST. I do not want to press an amendment against any Senator, much less against my colleague, when it affects a situation in his town, where he knows and ought to know more about it than any other Senator, and more about it than the department.

Mr. SMITH of Arizona. I do know more about it than the department, if the hearings disclose the full sum of their knowledge.

Mr. PAGE. Mr. President, I certainly do not want to take any position here that is unfriendly to Arizona, or that the Senator from Arizona thinks is wrong; but I wish we were not compelled to kill an amendment which the Commissioner of Indian Affairs says is absolutely essential to the rights of the Indians, because if it is not done at this time he fears that within the next year it will be placed beyond our power to take care of the Indians.

Mr. SMITH of Arizona. I will assure the Senator that there is nothing in that, I do not care who states it, for the appropriation of water he is speaking of is below the point where the Indians reside on the stream.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. PAGE. Certainly.

Mr. ASHURST. In reply to the distinguished Senator from Vermont, I want to say this—and I say it with much respect—with regard to the commissioner and the assistant commissioner: They have shown a great familiarity with these 167 to 168 reservations; but in all candor, does the Senator believe that the department can know more about this question than my colleague, who lives there, and has lived there for thirty-odd years? Does the Senator think that anybody in the United States who never has been in Hyde Park but once or twice knows more about Hyde Park than the junior Senator from Vermont? I think the junior Senator from Vermont knows more about his own home town than people who do not live there; and I do think we should reject the amendment, so that my colleague can have an opportunity to investigate the facts and come before the committee next year with all the facts and fresh information. That is the reason why I am going to vote against the amendment.

Mr. PAGE. Mr. President, I desire to ask the chairman of our committee if he believes with the commissioner that the adoption of this amendment at this time is absolutely vital to the rights of the Indians?

Mr. SMITH of Arizona. I say, as far as I am concerned, residing there, that I know it is not. I do not think anything about it.

Mr. ASHURST. For myself, not living in Tucson, although going there very frequently, I think that no man in Arizona knows more about Tucson than my colleague.

Mr. PAGE. I agree with that.

Mr. ASHURST. I wish I knew as much about it as he does.

Mr. PAGE. What I desired to do, if possible, was to have the amendment passed over, with the hope that the department might suggest some way in which we might protect the rights of the Indians and at the same time get along with the rights of the whites there, to which the Senator refers.

Mr. SMITH of Arizona. I have to leave the city on account of illness, and I am extremely anxious that this amendment should be disposed of before I leave.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PAGE. Just one moment, and I will yield the floor. I want to say here that I am not disposed to press the matter against the views of the Senator from Arizona. If he says he knows that the Indians' rights will not be disturbed or imperiled, I am, of course, going to believe what he says absolutely, and I shall not vote against his motion.

Mr. SMITH of Arizona. I say that I am convinced, knowing that condition, as much as a man possibly can be. I do not want to have the statement go out that I say I am beyond any possible mistake of judgment; but I am speaking with all sincerity to the Senator when I say that I do not believe that the fact of rejecting this amendment now will affect one particle the ultimate rights of the Indians to any water that is above this point of irrigation; for whatever the people below there have they have gotten by actual appropriation. I do not see how it can possibly hurt the Indian, in the water that has to pass him before it gets to this point, to wait until I can come before the next committee, where I hope to be able to give an absolute demonstration of the matter. If I find it possible to help these Indians, with a due regard to the water already appropriated and in use by white people, who need it just as badly and have the unquestioned title to it, I shall be very glad to present it to the committee, for I have no desire on earth to injure the Indians.

Mr. GRONNA. Mr. President, I do not wish to be understood as opposing the rejection of this amendment, if that is the request of both of the Senators from Arizona; but I do feel that I ought to make a statement in order to justify the action of the Committee on Indian Affairs.

It was stated to the committee that the Papago Indians were sorely in need of water—so much so that the cattle belonging to these Indians were dying for want of water. That statement and those telegrams will be found in the RECORD. I simply want to say, in justification of the action of the committee, that it was with the very best motives that the committee acted to give to these Indians water which they certainly need, according to the statements made to the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 36, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee for 40 acres of land on the Nett Lake Indian Reservation in Minnesota, described as follows: South half of northeast quarter of lot 1; north half of southeast quarter of lot 1; south half of north half of northeast quarter of lot 1; north half of south half of southeast quarter of lot 1; south half of northeast quarter of northwest quarter; and south half of south half of north half of northeast quarter of northwest quarter, all in section 19, township 65 north, range 21 west of the fourth principal meridian containing 40 acres more or less; such patent to be in lieu of that authorized and directed in the act of August 1, 1914 (38 Stat. L., p. 591).

Mr. CURTIS. Mr. President, when this item was before the committee there was a question raised about the description. I want to ask the Senator from Minnesota [Mr. CLAPP], who offered the amendment, as I understand, whether or not the description contained in this amendment is the correct one?

Mr. CLAPP. Yes. Upon examination the Indian Office found this was the correct description and approved it. There was at one time in the hearings some question as to the description, but subsequently it was settled.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read the following paragraph, ending on page 37, line 18:

That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized to advance to any individual Chippewa Indian in the State of Minnesota entitled to participate in the permanent fund of the Chippewa Indians of Minnesota one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, may use for or advance to any Chippewa Indian in the State of Minnesota entitled to share in said fund who is incompetent, blind, crippled, decrepit, or helpless from old age, disease, or accident, one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided further*, That any money received hereunder by any member of said tribe or used for his or her benefit shall be deducted from the share of said member in the permanent fund of the said Chippewa Indians in Minnesota to which he or she would be entitled: *Provided further*, That the funds hereunder to be paid to Indians shall not be subject to any lien or claim of attorneys or other third parties.

Mr. GRONNA. Mr. President, I understand there is objection to the distribution of this per capita payment. The Senator from Minnesota [Mr. CLAPP] is so well informed that I wish he would give us some information about it. Of course, the language is just as it came from the House, but I have not the information that I should like to have concerning this matter.

Mr. CLAPP. Mr. President, I do not know exactly the objection to which the Senator refers. When this bill came over there was objection to the language of the House, because at one time in the genesis of the measure in the House a provision was inserted that no part of this fund that is to be distributed should be applied in payment of any debt contracted prior to the passage of the act. The Indian Office, when their attention was called to it, of course recognized that that was an inadvertence. They did not want to teach the Indians dishonesty and prohibit them from paying any debts they might have fairly contracted, and before the bill finally left the House that provision was changed, so that it now reads:

Provided further, That the funds hereunder to be paid to Indians shall not be subject to any lien or claim of attorneys or other third parties.

It exempts them from the lien if the Indian seeks to exempt them, but does not prohibit the Indian from paying a debt that he recognizes.

Mr. GRONNA. Mr. President, I will say to the Senator from Minnesota that the information I have is to the effect that some 86 Indians were suspended from the rolls there. Of course they object to this money being paid out, because they do not have the opportunity of participating in it. They will not get their share.

Mr. CLAPP. But the order suspending those Indians has been reversed. It was made a year or two ago; but the department has recently held that it had no authority to suspend them,

and they are now restored. That is, they never were taken off, but the suspension is abandoned.

Mr. GRONNA. I understand, then, from the Senator's statement that they will all participate in this distribution of funds?

Mr. CLAPP. There is no question but that the fact of that suspension will not interfere with their right to participate. All the Indians upon the rolls will be entitled to this participation.

The reading of the bill was resumed.

The next amendment was, on page 37, after line 18, to insert:

The superintendent of logging upon the Chippewa Reservations in Minnesota is hereby authorized to expend not to exceed $25,000, or so much thereof as may be necessary, from the amount derived from the sale of the pine timber of the Chippewas of Minnesota, in the payment of scalers, check scalers, as provided by the act of January 14, 1889 (25 Stat. L., 642), and such clerks as he may employ. Any act not in conformity with this provision is hereby repealed. A detailed statement of all the expenses hereinafter incurred and paid from the tribal funds of the Chippewas of Minnesota shall be reported to Congress annually.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause an examination to be made by experts of the Geological Survey of the ceded lands, for which the United States has not conveyed title, in the State of Minnesota, embraced within the provisions of an act entitled, "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889 (25 Stat. L., 642), and if there be found any lands bearing valuable deposits of iron ore or other valuable minerals, the said Secretary is hereby authorized to reserve, for the use and benefit of the Chippewa Indians in Minnesota, the minerals and the mineral rights pertaining to any of the such lands; and the said Secretary is hereby authorized to withdraw from the Treasury $10,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in Minnesota in order to make the geological examination herein provided for.

And to insert:

Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to insert:

That the sum of $6,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning on the second Tuesday of July, 1916, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the actual and necessary expenses of the delegates who attended the meeting of said general council, commencing June 12 and ending June 14, 1915, at White Earth, Minn., and at Detroit, Minn., October 4, 1915, and also the necessary expenses of the members of the executive committee of said council when attending to the business of the tribe, and to pay the expenses to Washington, in January and February, 1915, and in January, February, and March, 1916, of the delegations of the Chippewa Indians of the State of Minnesota, appointed by the president of said general council pursuant to the resolutions of said general councils of August 14, 1914, and June 14, 1915, to present the affairs of said Indians of the State of Minnesota to the officials of the United States; said $6,000 to be immediately available, and the expenses of said delegation to be paid by the Secretary of the Interior upon itemized accounts approved by the president of the executive committee of said council and certified to by the secretary of the council. The Secretary of the Interior may authorize an inspector, or special agent, or Indian superintendent, to attend future sessions of said general council and conventions to which delegates therefor are elected.

Mr. CURTIS. Mr. President, I make the point of order against that amendment.

Mr. CLAPP. I hope the Senator will not make the point of order.

Mr. CURTIS. I make it on two grounds: First, that it is a claim; second, that it is general legislation disposing of Indian funds—not Government funds, but Indian funds.

The PRESIDING OFFICER. Does the Senator from Minnesota desire to be heard upon the point of order?

Mr. CLAPP. I do.

I do not think the last point of order is applicable. The Chair ruled yesterday, when the Vice President was occupying the chair, that an amendment limited to any one tribe or any one person was not general legislation; nor do I think it is subject to the other point, because I can not but think it is in harmony with the spirit of carrying out the treaty of 1889, providing for the civilization and development of the Chippewas in Minnesota.

I want to say in that connection, Mr. President, that I do not believe any fund is used to better advantage than that which is devoted to education; and certainly the practical phase of education is as important as that contained within the school. This develops among these people the capacity for conducting their general business and discussing their questions of interest, and in this very bill there is evidence of the value of its existence. In the general appropriation of the Chippewa funds there are limitations provided as to the manner in which they shall be used, which proceeded from a suggestion of this council; and on page 37 there is a limitation as to the use of the funds derived from the sale of timber by the superintendent of logging on the reservation, and a requirement of an annual detailed full statement of expenses.

I regret very much that the Senator presses his point. Of course I may say, in passing, that among these Indians, like all other Indians, and among the white men, there are always factions; there is more or less friction; there is more or less difference of opinion. But it is out of that friction and difference of opinion that the white man has largely progressed and developed, and I do not think it is lamentable or to be regretted that there are these divisions of sentiment and factions and interests among the Indians.

Mr. CURTIS. Mr. President, there are three distinct claims presented in this amendment—one to pay the expenses to be incurred this coming July, one to pay the expenses incurred in May, 1913, and another to pay the expenses of a delegation to Washington, and therefore this amendment is subject to a point of order. It is also subject to a point of order because it is general legislation, in that we are taking the money of an Indian tribe that is in the Treasury of the United States and making a disposition of it by legislation in this bill. That makes it general legislation.

The Vice President did hold on yesterday on an irrigation project that because it applied to one tribe it was not subject to a point of order; but I called the Vice President's attention this morning to a ruling made within a year where he sustained a point of order on the very same item, and, no doubt, he was mistaken yesterday and was right a year ago. That, however, does not apply to this case, in my judgment, first, because this is clearly a claim, and, second, because we are appropriating money out of the tribal funds. It is not Government money. We are taking it out of the funds of the tribe, and it can only be done by legislation, and we change a law that provides how that money shall be distributed.

I want to say, on the general question, that there is a division. The full-blood faction of this tribe is opposed to the use of this money. I believe in standing by the full bloods whenever it is possible to do so, and I believe the delegation of full bloods know about what the full-blood members of the tribe want.

Mr. CLAPP. Mr. President, so far as appropriating this money is concerned, all of the original appropriation beginning on page 33, except the one-fourth of interest, which is provided for by the general law, is an appropriation out of their funds. If that rule were to be sustained we could make no appropriation from the general fund; but year after year and in this very bill this $185,000 is appropriated out of the general fund, and it is a mere question of the form of the appropriation, whether it should be in the larger item or in this separate item. The law contemplates that a certain amount of this money shall be used for their civilization and advancement.

As to the item for next June, we are simply following in this respect the provision of the bill of last year which failed, and the failure of which made necessary the provision in this item with reference to the 1913 meeting of the council. I sincerely hope the Senator will not press his point of order. I believe this is a good thing. I have always felt that it would be better if more Indians were brought here to Washington during the session of Congress. Sometimes they have views which are not in strict harmony with what would be considered as practical; again, they present practical views. They are able to go back to their people and discuss these things; and I think instead of discouraging we ought to encourage the coming of Indian delegations to Washington, especially during the session of Congress, during the development of the legislation upon this bill.

The PRESIDING OFFICER. A portion of this amendment seems to relate to authorizing expenditures for obligations already incurred. Another portion of it relates to authorizing expenditures for prospective obligations. The Chair does not think the authorization of expenditures for an obligation not already incurred would constitute a claim. In view of the circumstances, the Chair will submit the point of order to the Senate.

The question is, Is the amendment in order? [Putting the question.] By the sound, the "ayes" seem to have it.

Mr. CURTIS. I call for a division.

The PRESIDING OFFICER. As many as believe that the amendment is in order will rise. [A pause.] As many as believe the amendment is not in order will rise. [A pause.] The amendment is rejected.

The reading of the bill was resumed.

The next amendment was, on page 41, after line 4, to insert:

For the tuition, board, books and paper, and traveling expenses to and from their respective homes of two Chippewa boys for the school year ending June 10, 1915, $1,500; and for five Chippewa boys for the school year ending June 10, 1916, $3,250, at Keewaton Academy, Wisconsin, incurred under the authority of the general council of the Minnesota Chippewas, said amounts to be paid upon vouchers being submitted to the Commissioner of Indian Affairs, and approved by the board of Indian education of the said general council: *Provided*, That the said payments shall be made from the tribal funds of the Chippewa Indians of Minnesota in the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 41, after line 17, to insert:

That the sixth paragraph of section 9 of the act approved June 30, 1913 (38 Stat. L., p. 89), be, and the same hereby is, amended by striking out the words "one of whom shall be selected by the Department of Justice," in the third line thereof, and substituting therefor the words "one of whom shall be an assistant to the Attorney General, and who shall continue as such commissioner during the pleasure and under the direction of the Attorney General."

That the seventh paragraph of section 9 of the act approved June 30, 1913 (38 Stat. L., p. 89), be, and the same is hereby, amended to read as follows: "That the roll herein provided for shall be made in triplicate and shall show the allotment number or numbers, together with the description of the property allotted, and the name, age, sex, and whether the allottee is of full Indian blood or a mixed blood. The roll shall also state whether the person named is living or dead, and if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death as near as practicable. No allotment nor allottee thereof shall be enrolled where there is a suit now pending, or hereafter commenced, prior to the completion of such roll, to cancel any conveyance of such allotment, until such suit has been finally determined."

That the unexpended balance of the appropriation for carrying into effect the provisions of the act of June 30, 1913, making appropriations for current and contingent expenses of the Indian Service for the fiscal year ending June 30, 1914 (38 Stat. L., p. 89), creating a commission to prepare a roll of the allottees within the White Earth Reservation, in the State of Minnesota, and defining the duties of such commission, is hereby reappropriated and made immediately available for the payment of expenses incurred and salaries earned by the said commissioners, or under their direction, in carrying out the provisions of said act since June 30, 1914, and for the purpose of continuing the work of such commission under said act.

That for the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended by this Act, there is hereby appropriated the sum of $5,000, or so much thereof as may be necessary for that purpose. This appropriation shall continue available until expended or the work of the said commission shall have been completed.

Before the reading of the amendment was concluded,

Mr. CURTIS. It is all one amendment, commencing at page 41, line 18, and ending at page 43, line 16.

The VICE PRESIDENT. Let the reading be finished.

After the reading of the amendment had been concluded,

Mr. CURTIS. Mr. President, I make the point of order on that amendment that it is general legislation on an appropriation bill.

Mr. CLAPP. Mr. President, I wish to be heard on the point of order.

The VICE PRESIDENT. What is the act of June 30, 1913?

Mr. CLAPP. That is the act which provided for the creation of a commission to consist of two persons, to be approved by the judge of the United States district court for the district of Minnesota, one to be a citizen of the State and the other to be designated by the Department of the Interior. The first change is to change that method of selecting and provide that one of the two shall be an assistant to the Attorney General. I may say in passing that the Attorney General advises that he should be selected from among the special assistants to the Attorney General.

Then the act provided that they should make a roll, the roll to be submitted to the court and to become effective only when approved by the court. It provided that in making the roll the commissioners should determine the quantum of Indian blood, one of the courts having at that time held that an Indian was not of mixed blood unless he had at least one-eighth Indian blood. Hence it was important that the roll should show the quantum.

Since then the Supreme Court of the United States has reversed that position and holds that it is immaterial what the quantum of blood is. As a great deal of the work devolving on the commission would be the ascertainment of the quantum, a much more difficult proposition than the mere ascertainment of whether there is any mixed blood or not, it was thought that it would very much lessen the work and, as the quantum no longer served any purpose, leave the law just as effective to strike out the requirement of the quantum, leaving it only necessary to show that the party is of mixed blood or of full blood, as the case may be.

Then, owing to the failure of the Indian appropriation bill last year, of course, the appropriation that had theretofore been made failed and left the commission without sufficient funds. I think it is also suggested that an amount in addition to the original appropriation would be required.

That, briefly, is the situation. It is simply carrying out existing law, and the only change that is made is not general legislation, but simply affects the particular act.

Mr. CURTIS. Mr. President, the item clearly amends a general act of Congress. It can not amend——

The VICE PRESIDENT. Let us find out right at this point whether the act applies to the Indians in general?

Mr. CLAPP. No, sir; it does not.

Mr. CURTIS. It applied to each member of the tribe. It provided for the enrollment of the members of the tribe. It provided for the settlement of the questions of the right to be enrolled. It also settled the question of quantum of Indian blood, and it provided that selections or allotments should be made to all the members who were found entitled to be enrolled.

This act changes that by turning the first duty over to an assistant attorney general, which is an amendment, not very material but, nevertheless, an amendment. The next change is that the old law provided for the finding of the quantum of Indian blood, while this amendment simply says the commission shall determine whether the Indian is of full blood or mixed blood. There is a good deal of difference between finding whether an Indian is part blood or full blood and finding the quantum of Indian blood.

Again, the latter part of the amendment, on page 42, reads:

No allotment nor allottee thereof shall be enrolled where there is a suit now pending, or hereafter commenced, prior to the completion of such roll.

Mr. CLAPP. If the Senator will pardon me, that was in the original act.

Mr. CURTIS. If that was in the original act, then I have no further comment to make upon it, but the first part of it undoubtedly changes the existing law, a general statute, not a private bill but a general act.

The VICE PRESIDENT. Did the law affect the right of everybody?

Mr. CURTIS. In that tribe.

Mr. CLAPP. It applies, of course, to all who were entitled to enrollment where suits were not pending.

I may say in explanation, although not germane perhaps to the thought in the mind of the Vice President, that suits were pending here involving patents, and in order to clarify the situation it was thought that a roll ought to be prepared of those who clearly were not involved in litigation. The fact that it is a general act of Congress does not make it necessarily a general law. It is purely a local law.

The VICE PRESIDENT. Is there any doubt about this being true, that the law was applicable to any other person or persons who may come under its provisions, or is it a general law or a special law?

Mr. CLAPP. It applied to anybody generally who should come under it, but it is limited to one tribe of Indians. Now, the fact that it may allow 10 or 50 members of that tribe to come under it would not make it general legislation. It is limited to one.

The VICE PRESIDENT. It is not the understanding of the Senator from Minnesota that in order to be general legislation it must apply to all Indians?

Mr. CLAPP. No; not at all. But it should be general, and not purely local. It is a purely local act, applicable to one reservation.

The VICE PRESIDENT. Yes; but it applies to everybody on the reservation.

Mr. CURTIS. Or who claims a right to the tribal property.

Mr. CLAPP. A bill providing for the taxation of the Indians of a State would apply to all who had any property subject to taxation. It would not follow that it would be general legislation. It would be local.

The VICE PRESIDENT. Would the Senator say that we could amend that act on an appropriation bill?

Mr. CLAPP. Certainly this is not new legislation.

The VICE PRESIDENT. No; it is not new legislation. But the difficulty which the Chair is laboring under is whether in the clear definition of what constitutes general legislation the original act was not legislation, and whether this in not an amendment of general legislation.

Mr. CURTIS. This amendment was in an Indian appropriation bill, and Vice President Fairbanks held in the Creek claim that where it is attempted to amend an Indian appropriation bill, it is an attempt to amend general legislation, and that the point of order was well taken against the Creek claim.

I remember very well, because I made the point of order, when the Creek cliam was pending as an amendment on the Indian appropriation bill. There is no question but that this amendment changes an Indian appropriation act which is a

general act—it is not a private act—and this amendment is therefore general legislation.

Mr. CLAPP. Mr. President, there can be many items in an appropriation bill. Although the bill itself is a general act, the items would not in themselves be general. This was a purely local act in its inception. It was put on an appropriation bill. That did not change the character of the act. It was still a local act applicable only to one tribe of Indians.

Mr. SMOOT. Mr. President, I am not interested in the legislation particularly, but it does seem to me that if this legislation applied to one Indian in a tribe it would not be general legislation; but it is legislation affecting every Indian in the tribe, and I can not see but what it is general legislation. It appears to me that way. If the legislation became effective, it would affect Indians who are now denied the privilege of going upon the rolls. So it does not only affect the Indians now upon the rolls of that tribe, but it affects the Indians also who belong to the tribe who have been refused the privilege of going upon the rolls. If that is not general legislation, I do not know what it is.

Mr. CLAPP. The Senator does not understand the scope of the enrollment. The enrollment establishes no legal right at all. It is simply to distinguish and eliminate from controversy those particular Indians who were not involved in litigation. It fixes no right.

Mr. SMOOT. I understand the amendment virtually to open the rolls?

Mr. CLAPP. Oh, no; nothing of the kind.

Mr. LANE. If the Senator will permit me, I am informed that all the Indians who are left there are interested.

Mr. SMOOT. Upon the rolls?

Mr. LANE. Yes; upon the rolls. I am also informed that in addition to that it is almost impossible to determine who a mixed blood is, and that the Indians themselves are not permitted to testify; that their testimony is excluded. In a way it has been announced to them that, inasmuch as they have no records, they are not informed upon the subject. They claim it is discriminating against them—to discredit for the reason that they keep no family records.

Mr. CLAPP. As to the difficulty of determining whether an Indian is of full blood or mixed blood, no one can question that; but the broad statement that they are not permitted to testify would be a reflection upon the court, because this is under the management and control of the Federal district court.

The VICE PRESIDENT. Does this change enlarge the rights of persons to be placed on the rolls?

Mr. CLAPP. No, sir; this roll has nothing to do with the question whether an unenrolled Indian of that band, in deriving the benefits of enrollment, can secure a legal status that gives him those benefits.

The VICE PRESIDENT. What is the roll for?

Mr. CLAPP. As I have said, there were a number of suits brought. There is some question about the suits. They have been delayed. At the same time it has been thought advisable by the department and everyone interested that in the interim there might be made under the direction of the court, and with the court's approval, a list. It was called a roll, but it is not the kind of a roll which entitles an Indian to annuity or to allotment or to any other right as an enrolled member of a band or tribe. It was thought it would clear the situation if these two men, one to be selected by the Department of the Interior, and now proposed to be selected by the Department of Justice, and the other a citizen and resident of the State, might go to work and make a list of Indians about whom there could be no question, that list to be approved by the court. It does not add to or take from any Indian any legal right which he has.

The VICE PRESIDENT. But it becomes, does it not, a public document that might be introduced in evidence.

Mr. CLAPP. It is somewhat doubtful, perhaps, as to its effect in a court as evidence.

The VICE PRESIDENT. Does not the amendment change the persons who can be enrolled?

Mr. CLAPP. No, sir; it is not a question——

The VICE PRESIDENT. What is the change, then? Why is it in the bill if it makes no such change?

Mr. SMOOT. Why is the amendment asked?

The VICE PRESIDENT. Yes.

Mr. CLAPP. I tried to explain. The amendment was asked and very heartily concurred in by the Interior Department at first, to the end that under the direction of the court a list might be made that would be generally accepted as determining who were mixed bloods and who were half bloods. It is not an enrollment that gives rights in the tribal participation, like the ordinary rolls that are made up when a treaty is agreed upon. For instance, when this treaty was made——

The VICE PRESIDENT. Let the Chair interrupt there. What difference does it make as to whether an Indian is full blood or mixed blood if it has nothing to do with his interest in the tribal property?

Mr. CLAPP. The difference is this: In 1906 an act was passed removing the restriction from the mixed bloods. It does not interfere with their property. It does not interfere in any manner with their right to participate.

The VICE PRESIDENT. What does it designate?

Mr. CLAPP. It simply designates in an orderly way, probably to the satisfaction of most who would consult the list, that certain Indians are in fact mixed blood and consequently entitled to deed their property while a full blood under the law is still under restriction.

Mr. SMOOT. But is it not true, I will ask the Senator, that if an Indian is allowed to be placed upon the roll it affects the property of every Indian who is already upon the roll?

Mr. CLAPP. Not in the slightest. I have tried to make it plain that this is not the granting of any property right, nor does it in any manner affect an Indian's right to participate in the property. It simply means that if an Indian is of mixed blood he may sell his individual property that has been allotted to him. If he is not of mixed blood he can not sell his individual property. It gives him no right to participate——

The VICE PRESIDENT. Then it affects rights to that extent.

Mr. CLAPP. It does not affect the right. The right is there. If an Indian is of mixed blood on that reservation he has the right to sell. If he is not of mixed blood he has not the right. This does not make him a mixed blood nor a full blood. It does not take from him any right or grant any right. He could still go on if he was of mixed blood and sell his property and try that question out in the courts. He could still go on if he was a full blood and sell his property, and on establishing the fact that he was a full blood the deed would be void. It does not affect their property rights in the property of the tribe. It is not one of those cases.

I was proceeding to say when the President of the Senate interrupted me, that under the original treaty of 1889 it was provided that a roll should be made. That roll related to their rights to participate in the property of the tribe. That right is not affected at all by this roll. In this, if a person wants to rely upon it, they can simply say they believe this man is mixed blood or the other one full blood.

Mr. SMOOT. I do not want to discuss the question of the roll any further, but it does seem to me, on page 43, beginning in line 17, this is certainly general legislation:

> To carry into effect the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889, to provide for the establishment and administration of a forest reserve and for the sale of timber within the Red Lake Indian Reservation, Minn.," that the following-described lands within the Red Lake Indian Reservation, Minn.

The VICE PRESIDENT. That is another amendment.

Mr. CLAPP. It is another amendment.

Mr. SMOOT. I understood that the Senator from Kansas made a point of order against the whole of the amendment.

Mr. CURTIS. No; I made the point of order where it commenced just above that.

Now, Mr. President——

The VICE PRESIDENT. The Chair would like to have a little further information. The Chair wants to know whether this roll could be used in court?

Mr. CURTIS. Here is what the original act provides:

> When the roll so made is completed, it shall be presented to the said district court for final approval. If the commissioners disagree as to the proper status of any allottee, they shall submit the question to the court for determination, upon such final presentation of the roll.

That was under the old law, where the quantum of blood had to be found. Under this amendment they do not find the quantum of blood but find whether or not the Indian is full blood or part blood. This roll, when made under the existing law, shall be filed with the recorder of the county and upon it the right of the enrolled person to sell depends—that is, if it shows that he is a part blood under the law he may sell his allotment. Before they had to find the quantum before he could sell. Under this law, if he is a full blood and the rolls which have been filed with the register of deeds so show, he can not sell his allotment, and of course that record could be used in a court to show whether or not the party who sold was of part blood or full blood.

Mr. CLAPP. Mr. President, I am inclined to think that possibly it might be used prima facie; but no one will contend that the determination by this commission and the approval of the court can settle the question of the right of an Indian to sell or the validity of a sale which he has made in a proceeding in

which the parties in interest are not made parties. Notwithstanding these commissioners might find that John Smith was a full blood, nevertheless if some person had bought of John Smith, he not being a party to this proceeding, he would not be estopped from showing that John Smith was in fact of mixed blood. On the other hand, purchasing of John Smith as a mixed blood, neither he nor Smith's heirs would be estopped, nor do I think John Smith could be estopped. He is not cited in here. He may be examined. He may come here before this commission and testify before the court, but he is not cited here under this proceeding.

The VICE PRESIDENT. Does not the Congress of the United States retain control over the Indians and Indian property?

Mr. CLAPP. It does where they are full bloods.

The VICE PRESIDENT. Yes. Now——

Mr. CLAPP. Where they were mixed bloods at the time of the passage of the act of 1906, it has no control over them at all.

The VICE PRESIDENT. Now, suppose the Congress of the United States retains jurisdiction over the person and property of full-blood Indians. The former act provided what proportion of mixed blood there should be in order to show that they were not full-blood Indians. The Senator says that if a mixed blood was enrolled as a full blood, he could not be deprived thereby of his right to sell his land. But take the reverse of it. Suppose a full blood by an act of Congress is authorized to be enrolled as a mixed blood, he may sell.

Mr. CLAPP. But, Mr. President, he is not authorized to be enrolled as a mixed blood. If the commission enroll him as a mixed blood, they have made a mistake, and they are——

The VICE PRESIDENT. These rolls are either worth something or else they ought not to be——

Mr. CURTIS. Right on that point I should like to read the act:

> The copy of the roll filed at the agency office at White Earth shall at all times be open to public inspection and copies thereof may be made and filed for record with the registers of deeds of the various counties in which the lands described therein are situated, and such roll, when so made, approved, and filed, shall be final and conclusive as to the facts stated therein and shall be deemed a record of the United States District Court for the District of Minnesota, and entitled to be received in evidence as such.

That will settle the question.

Mr. CLAPP. That will be prima facie evidence.

The VICE PRESIDENT. Well——

Mr. CLAPP. Just a moment, if the Chair will pardon me.

The VICE PRESIDENT. Yes, the Chair would like to hear the Senator upon what theory of law he would hold that as against a full-blood Indian this was prima facie evidence.

Mr. CLAPP. I suppose you can always make a prima facie presumption against the existence of a fact. It is an inconclusive presumption based upon the fact that back of that inconclusive presumption is the fact which it does not overcome.

If that particular section of the amendment is considered at all decisive, while I think it is unfortunate to strike it out, because it would very materially lessen the work, I will agree to strike out the part beginning with line 3, on page 42, and ending on line 18, of page 42. It does not seem to me that it is decisive, but if the Chair thinks it is I am willing that it shall be stricken out.

The VICE PRESIDENT. The Chair has some notions on what constitutes general legislation. Legislation which may be for a tribe of Indians may be special and, on the other hand, it may be general in its character. This amendment seems to the Chair to be an amendment of a general statute, with reference to the enrolling of these Indians, and the Chair can not see with the Senator from Minnesota that that roll is only prima facie. It does not so express it in the act. It seems to be absolutely conclusive upon everybody who went on the roll.

Mr. CLAPP. Then, before the final ruling, I move to amend the amendment by striking out all of page 42 from line 3 to line 18, inclusive.

The VICE PRESIDENT. Without objection, that motion will be entertained and the amendment to the amendment will be made. Has the Senator from Kansas any suggestion to make as to the balance of it?

Mr. CURTIS. Of course, I made the point of order on the whole amendment—and I think the point of order should have been sustained—and then the Senator from Minnesota should have offered the other provision as an amendment. In my judgment, the first part of it is immaterial; that is, it simply delegates another man to take care of the work in the Department of Justice. But at the bottom of page 42——

The VICE PRESIDENT. That is only a reappropriation of money.

Mr. CURTIS. So far as I am concerned, I have no objection to those provisions. My main point was made on the amendment from line 3 to line 18. If that is stricken out, I shall not insist upon the point of order.

The VICE PRESIDENT. That is stricken out.

Mr. CLAPP. I did not care about that except that it did lessen the work.

Mr. LANE. Before we leave the subject, I should like to correct a statement. It seems as though the Senator from Minnesota understood me to say that Indians were not allowed to testify. What I meant to say, or should have said, was that no credibility is given to their testimony; at least I was so assurred by them.

The VICE PRESIDENT. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, I wish to suggest a mere formal amendment. At the bottom of page 41, I move to strike out the words, in line 24, "an assistant" and to insert the words "selected from among the special assistants," so that it will read:

> Shall be selected from among the special assistants to the Attorney General.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, I desire to make a suggestion as to the parliamentary procedure. I have an amendment to offer to the next committee amendment. Unless it is desired to first read the amendment as it appears in the bill, I will offer my amendment now, or perhaps I had better allow the committee amendment to first be stated.

The VICE PRESIDENT. The amendment proposed by the committee will first be stated.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 43, after line 16, to insert:

> To carry into effect the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889, to provide for the establishment and administration of a forest reserve and for the sale of timber within the Red Lake Indian Reservation, Minn.," that the following-described lands within the Red Lake Indian Reservation, Minn., be, and the same hereby are, created into a forest reserve, to be known as the Red Lake Indian Forest: Townships 150 and 151 north, ranges 32, 33, 34, 35, and 36 west, and townships 152 and 153 north, ranges 32, 33, and 34 west of the fifth principal meridian, except the lands in townships 151 north, range 36 west, which lie north of the north line of sections 26 to 30, inclusive, and except all lands within sections 4, 5, 6, 7, 8, 9, and 18, in township 153 north, range 34 west. The provisions of this section shall not apply to any lands which have heretofore been reserved for school, agency, church, or town-site purposes or granted to private parties or corporations within the area described, nor to the town site of Red Lake, for the creation of which provision is made herein: *Provided*, That when any of said lands are no longer needed for the purpose for which they are reserved, the Secretary of the Interior may declare such lands to be a part of the Red Lake Indian Forest.
>
> That lands within the area defined by section 1 of this act which in the judgment of the Secretary of the Interior are better suited for the production of agricultural crops than for timber crops may be allotted to individual Red Lake Indians at such time as allotments shall be made to these Indians: *Provided*, That no allotment shall exceed 80 acres nor have more than 40 rods fronting upon a lake shore: *And provided further*, That the merchantable timber on such lands at the time of allotment shall belong to the Red Lake Indians as a tribe, and patents shall not be issued to allottees until the merchantable timber has been removed.
>
> That the forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon. The said Secretary is hereby authorized to sell stumpage, logs, piling, poles, posts, pulp wood, lumber, lath, shingles, and other marketable products under such rules and regulations as he may prescribe, and to establish such sawmills and accessories as may be necessary to manufacture the timber into various products, and he may purchase such equipment and employ such persons as shall be necessary to carry out the purposes of this act, including the establishment of nurseries, and the purchase of seeds, seedlings, and transplants, when needed for reforestation purposes: *Provided*, That no contract shall be made for the establishment of any mill, or to carry on any logging or lumbering operations which shall constitute a charge upon the proceeds of the timber, until an estimate of the cost thereof shall have first been submitted to and approved by Congress.
>
> That the Secretary of the Interior may issue permits or grant leases on such lands for camping or other purposes. No permit shall be issued for a longer term than one year and no lease shall be executed for a longer term than 10 years. Every permit or lease issued under authority of this act to Indians, or to other persons or corporations, and every patent for an allotment within the limits of the forest created by section 1 shall reserve to the United States the right to cross the land covered hereby with logging roads or railroads, to use the shore line, or to erect thereon and use such structures as shall be necessary to the proper and economical management of the Indian forest created by this act; and the Secretary of the Interior may reserve from allotment tracts considered necessary for such administration.
>
> After the payment of all expenses connected with the administration of these lands as provided in sections 3 and 4, the net proceeds therefrom shall be covered into the Treasury of the United States to the

credit of the Red Lake Indians and draw interest at the rate of 4 per cent per annum. The interest on this fund may be used by the Secretary of the Interior in such manner as he shall consider most advantageous and beneficial to the Red Lake Indians. Expenditure from the principal shall be made only after the approval by Congress of estimates submitted by the said Secretary.

That the Secretary of the Interior shall select and set apart an area not exceeding 200 acres, in sections 20, 21, 28, and 29, township 151 north, range 34 west, cause the lands thus selected to be surveyed and platted into suitable lots, streets, and alleys, and dedicate said streets and alleys and such lots and parcels as he may consider necessary to public uses. The lands thus selected shall not be allotted, but held as an Indian town site subject to further legislation by Congress.

That the timber on lands of the Red Lake Indian Reservation outside the boundaries of the forest created by section 1 may be sold under regulations prescribed by the Secretary of the Interior, and the proceeds administered under the provisions of the general deficiency act of March 3, 1883 (22 Stat. L., p. 590), and the Indian appropriation act of March 2, 1887 (24 Stat. L., p. 463).

That all acts and parts of acts inconsistent with the terms of this act are hereby repealed.

Mr. CLAPP. Now, Mr. President, on behalf of my colleague [Mr. NELSON] I wish to offer an amendment to the amendment which has just been read.

The VICE PRESIDENT. The amendment proposed by the Senator from Minnesota on behalf of his colleague will be stated.

The SECRETARY. It is proposed to amend the amendment, on page 44, line 12, by striking out the word "section" and inserting the word "paragraph."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. Beginning in line 21, on page 44, it is proposed to amend the committee amendment by striking out down to the word "*Provided*," in line 20, on page 45, and inserting in lieu thereof the following:

That lands within said Red Lake Indian forest which are not covered with standing and growing merchantable pine timber and which are suited for the production of agricultural crops and which are fronting upon a lake shore may be allotted to individual Red Lake Indians: *Provided*, That no such allotment shall exceed 80 acres nor have more than 80 rods fronting upon a lake shore: *Provided further*, That in case an Indian has improved and cultivated more than 80 acres, his allotment may embrace his improvements to the extent of 160 acres.

That said forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon, and he is hereby authorized to sell and manufacture only such standing and growing pine and oak timber as is mature and has ceased to grow, and he is also authorized to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable, and he is further authorized to construct and operate sawmills for the manufacture of the timber into merchantable products and to employ such persons as he shall find necessary to carry out the purposes of the foregoing provisions, including the establishment of nurseries and the purchase of seeds, seedlings, and transplants when needed for reforestation purposes.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. GRONNA. Mr. President, before that amendment to the committee amendment is adopted, I desire to say that the Senator from Minnesota will remember when the matter was before the committee I objected to the word "marketable." Of course, that would include all of the timber. I understood that this timberland was being set aside as a forest reserve.

Mr. CLAPP. It is.

Mr. GRONNA. I can not conceive why we should permit all of the timber to be cut down and sold if the land is to constitute a forest reserve.

Mr. CLAPP. The word "marketable"——

Mr. GRONNA. If the Senator will pardon me, I should have no objection to disposing of the dead and down timber, but I do not believe that we ought to permit the sale of the timber if this legislation is for the purpose of conserving it.

Mr. CLAPP. The Senator from North Dakota will observe that the word "marketable" is simply the complement to the word "mature." The language is:

From time to time such other mature and marketable timber as he may deem advisable.

Above that the language relates solely to growing pine and oak timber.

Shall be administered * * * in accordance with the principles of scientific forestry.

The Secretary of the Interior is also authorized, in addition to pine and oak—

to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable.

I do not think it conflicts with the Senator's view of the matter.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The next amendment to the amendment proposed by the Senator from Minnesota, on behalf of his colleague, will be stated.

The SECRETARY. On page 46, in lines 2 and 3, it is proposed to strike out the words "or other purposes" and to insert in lieu thereof the words "or farming."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment to the amendment proposed by the Senator from Minnesota on behalf of his colleague.

The SECRETARY. On page 46, line 5, it is proposed to strike out the word "ten," and to insert in lieu thereof the word "five."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment to the amendment proposed by the Senator from Minnesota on behalf of his colleague.

The SECRETARY. On page 46, lines 16 and 17, it is proposed to strike out the words "in sections 3 and 4," and to insert, in line 16, on the same page, between the words "as" and "provided," the word "herein."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment to the amendment proposed by the Senator from Minnesota on behalf of his colleague.

The SECRETARY. On page 47, it is proposed to strike out all of lines 21 and 22.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment reported by the committee as amended.

Mr. LANE. Mr. President, if a point of order will lie against this amendment, I should like to make it. The full-blood Indians object to this legislation for the reason that it is realloting them a small portion of their lands and confining them to that portion when they own it all. They want to use these timber lands to camp in and to live in, and under this provision they only get a permit to do so, which has to be renewed from time to time. This is general legislation, which a majority of the full-blood Indians do not want and which they have petitioned us not to pass. They have written a brief on the subject which will appeal to the sense of justice and right of any man who hears it read.

This is a measure, I think, mostly in the interest of the whites and not for the benefit of the Indians. The lowlands, the swamp lands, are lands which are unfit for cultivation, for the reason that they are too wet. Now, their timberlands are going out of their possession, and they say that there is another timber reserve not a great many miles from them, and they ask that this provision may not be adopted.

Mr. GRONNA. Mr. President, I desire to ask the Senator from Oregon a question. So many changes have been made in this amendment that I really do not know what it now does provide for; but is it not the Senator's understanding that the timber is to be disposed of under the ordinary terms of stumpage, or is it to be disposed of on what we call "bank scales"? There is an act known as the Morris Act, and the timber on another reservation not very far from this one was disposed of under that act. I know that the Indians in that country want that act to be applied in case this legislation is passed, and I ask the Senator from Oregon if he knows whether or not that act would apply?

Mr. LANE. I will say to the Senator from North Dakota that I do not.

The VICE PRESIDENT. Is there not some general law with reference to this reservation relative to the rights of the Indians?

Mr. LANE. If there is such a law, this bill proposes to change it and to give them a permit.

The VICE PRESIDENT. The Chair is asking whether there is such a law?

Mr. LANE. I do not know. The Senator from Minnesota may know.

Mr. CLAPP. Mr. President, I should like to answer the question. In 1889 the so-called Nelson Act was passed and the treaty ratified. Following that we enacted the Morris Act with reference to the Cass Lake, Leech Lake, and Winnibigoshish Lake Reservations. The Morris Act would not apply to these plans at all. The Morris Act provided that a small area of land—I forget the amount, as the legislation was passed some years ago; but it seems to me that it was 10 sections—should be set apart as a permanent reserve and should not be touched at all. Then, the act provided that the land within certain large areas, including, I think—I am speaking now from memory—about 400,000 acres, should be sold down to 5 per cent of the timber—

5 per cent being left. Subsequently we changed that to 10 per cent. The timber that was in the reserve was then sold and the entire amount taken off, and outside of the reserve all of the timber was removed. The present pine stand in Red Lake Reservation is probably one of the best white-pine stands left in this country; and I want to pay my colleague [Mr. NELSON] the compliment of saying that this was very largely his thought, and the provision is largely due to his effort. I most heartily concur in the thought that instead of denuding that land of the timber we should maintain a system whereby the young and immature timber can be left standing, so that it may grow and mature.

Some years ago we adopted a plan somewhat similar to this in the Menominee Reservation, only there the Government went into lumbering operations; and while I think the experiment was a wise one with the light we then had, in this amendment the two plans are preserved—the Government will sell the timber which has ceased to grow and is practically what we call "dead and down," and also, aside from the oak and pine, the mature and marketable timber of other varieties—spruce, tamarack, and so forth.

Mr. LANE. Mr. President, I should like to ask the Senator from Minnesota a question right there. What does he mean by "mature and marketable," if it does not include both?

The VICE PRESIDENT. The trouble is that we are getting away from the point of order.

Mr. LANE. That is true.

Mr. CLAPP. But the Senator from North Dakota [Mr. GRONNA] asked certain questions with reference to the matter, and I desired to answer him.

The VICE PRESIDENT. The point of order has been made that the amendment is general legislation, and the Chair is inclined to think it is, but is perfectly willing to hear discussion on the question.

Mr. CLAPP. If the Chair will listen for a moment on that point, this is a bill "making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes." The amendment is for the purpose of carrying out the very act and the treaty. It is so recited in the beginning of the amendment itself.

The VICE PRESIDENT. The Chair understands as to that, but what is there in the treaty with the Red Lake Indians which requires this action on the part of Congress?

Mr. CLAPP. Because some disposition remains to be made of this timber following the treaty and the act completing the treaty enacted in 1889. To-day nothing can be done to carry out the treaty with reference to this pine until there is subsequent legislation. There can be no question about that.

Mr. GRONNA. The provisions of this bill clearly change existing law, in that it will permit all of the timber to be sold, instead of, as under the present law, requiring the Government to keep it under its control and providing that none of it can be sold except with the consent of the Government.

Mr. CLAPP. Yes; and the Government to-day is trustee, Mr. President, for the Indians. The Nelson Act of 1889 did not contemplate the fruition of the trusteeship of the Government. It simply made provision that as to certain reservations allotments should be made, leaving it for supplemental legislation to provide for allotments on other reservations.

The VICE PRESIDENT. Is this one of them?

Mr. CLAPP. This is one of them.

The VICE PRESIDENT. A reservation on which allotments could be made?

Mr. CLAPP. Oh, no. This is one of the reservations as to which there has been no legislation since then. This proposed legislation is to carry out the treaty and the law enacted pursuant to the treaty of 1889. I am so confident of that that I have no hesitation in making the statement.

Mr. GRONNA. Mr. President, I do not think any member of the committee disagrees with the Senator in regard to that; but is it not a fact, this being an Indian reservation on which no allotments have been made, that the amendment changes the law and permits allotments to be made?

Mr. CLAPP. Why, Mr. President, supposing there were an Indian reservation that had not yet been allotted, and that in the process of its development it remained unallotted, would it be urged that a provision to carry forward the allotment of that reservation would be subject to a point of order? The pending amendment is designed to carry out the agreement, the purpose, and the policy of the Nelson Act of 1889. On certain reservations provision was made for allotment. On certain reservations provision was made for cutting the timber. To-day not one thing can be done along this line without additional legislation, because it was contemplated by the Nelson Act—and anyone who will read and study that act will see that that was its purpose—that subsequent legislation to carry it out should be enacted. Whatever may be said of the defect of this plan, it seems to me beyond question that it is within the purview of an Indian appropriation bill, fulfilling treaty stipulations with various Indian tribes.

The VICE PRESIDENT. Is there anything in the treaty that calls upon the Government to take this action?

Mr. CLAPP. Why, the uncompleted condition——

The VICE PRESIDENT. The Chair is not talking about "uncompleted condition"; the Chair is talking about the treaty.

Mr. CLAPP. There is nothing that I recall now in the treaty that says that we should sell timber or that we should manufacture lumber. It is there, however; and every year, because of the lack of some legislation, hundreds of thousands of dollars' worth of it is being wasted.

The VICE PRESIDENT. That is not a question for the Chair to take into consideration.

Mr. CLAPP. I know that is not a question to be considered in connection with the point of order.

The VICE PRESIDENT. The point is this: Here is an Indian reservation; there is a general law by which the Indian Bureau manages such reservations; there is nothing in the treaty with the Red Lake Indians which requires the enactment of this provision. It is not, therefore, in fulfillment of any treaty obligation, but it does, as to the Red Lake Reservation, change the method of the administration of the Indian reservation; and the Chair can not see how it is otherwise than general legislation.

Mr. CLAPP. It is a provision which the treaty contemplated. We change nothing, except we move forward in order to bring about allotments and to provide for the preservation of the timber on that land.

The VICE PRESIDENT. Beyond all doubt, the right exists to do that by a general bill; but it does not carry out any agreement made with these Indians by being put on this bill, and that is the only ground on which it could be put here.

Mr. CLAPP. It is not carrying out the treaty, perhaps, in express terms; but when the Indians ceded a portion of this land and the reservation was diminished, provision was made, and in the nature of things had to be made, for allotment. We are not changing any existing law. There is no law that I know of—and I do not think a member of the Committee on Indian Affairs knows of any law—under which the department can cut the timber upon this reservation. Now, if there is no law authorizing the department to do that, it is not changing existing law; it is simply supplementing the absence of law by a grant of proper authority.

Mr. GRONNA. Mr. President, may I ask the Senator from Minnesota another question?

Mr. CLAPP. Yes, sir.

Mr. GRONNA. Does it not, then, change existing law in that it permits the timber to be cut and sold, which is something that can not be done at the present time without additional legislation?

Mr. CLAPP. It does not change a law that has been enacted; there has been no law enacted prohibiting the cutting and selling of this timber. In the absence of law, it is the mere granting of authority. I hope the Senator from Oregon will not insist upon the point of order.

The VICE PRESIDENT. If the point of order is insisted on, the Chair feels that this is general legislation on an appropriation bill, and that it is not carrying out treaty stipulations, so far as the Chair has been informed.

Mr. LANE. I insist on the point of order, on behalf of the Indians.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. The Chair may be wrong about it, and would welcome an appeal to the Senate.

Mr. CLAPP. Mr. President, an appeal will disclose a condition that will result, I apprehend, in the suspension of the consideration of the bill this afternoon, it being half past 4 o'clock. I will ask, however, if it is permissible, that the Chair withhold his ruling until to-morrow, when conditions may be different.

The VICE PRESIDENT. The Chair will withhold the ruling until to-morrow, but, like the Indiana justice, who said he would not rule until Monday morning next, although he would lay $5 that a certain man was beaten in the case, the Chair is of the opinion that the point of order will be sustained.

Mr. CLAPP. I understand that to-morrow the Chair will rule the same way, but there will then be a somewhat different condition, perhaps, in the Senate.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. OWEN. I thought the Senator had concluded.

Mr. CLAPP. I am not through, but I will yield to the Senator.

Mr. OWEN. I will not ask the Senator to yield now.

Mr. CLAPP. Under the law of Minnesota, in order to lay out highways the court can only approve of a plan whereby all the property benefited by the plan comes under the assessment scheme embraced in the general provision, and I send an amendment to the desk and ask that it may be read.

The VICE PRESIDENT. Is it a committee amendment?

Mr. CLAPP. It is an amendment that was omitted, I think; but it is not a committee amendment; so I will ask to have it printed and lie on the table.

Mr. GRONNA. I wish to inquire if that is an amendment to the paragraph which we just had under discussion?

Mr. CLAPP. No.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 47, after line 22, to insert:

MISSISSIPPI.

SEC. 10. To enable the Secretary of the Interior to investigate the condition of the Indians living in Mississippi and report to Congress on the first Monday of next December as to their need for additional land and school facilities, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Montana," on page 48, line 5, to change the number of the section from 10 to 11.

The amendment was agreed to.

The next amendment was, on page 48, line 9, after the word "employees," to strike out "$14,000" and to insert "$20,000, of which amount not exceeding $4,500 shall be expended for salaries," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $20,000, of which amount not exceeding $4,500 shall be expended for salaries.

The amendment was agreed to.

The next amendment was, on page 49, line 15, after the word "employees," to strike out "$5,000" and insert "$10,000," so as to make the clause read:

For the support and civilization of Rocky Boy's Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, $10,000.

The amendment was agreed to.

The Secretary proceeded to read the amendment, beginning at the top of page 51, which in full is to insert the following words:

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1, of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

The cost of constructing irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That the sum of $50,000 be, and the same is hereby, appropriated, out of any money not otherwise appropriated for continuing construction of the irrigation systems on the Blackfeet Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior.

That the sum of $750,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for construction of irrigation systems on the Flathead Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 15 of the act of May 29, 1908 (35 Stat. L., 448), shall be made as herein provided: *Provided further*, That nothing contained in the act of May 29, 1908 (35 Stat. L., 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of any or all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for continuing construction of the irrigation systems on the Fort Peck Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section 2 of the act of May 30, 1908 (35 Stat. L., 558), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May 30, 1908, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges, when collected, shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches, and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges, when collected, may be used for construction or maintenance of the systems through which such water shall have been furnished.

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $19,575 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $8,865 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

During the reading of the foregoing amendment,

Mr. CURTIS. That is all one amendment over to page 58.

The Secretary resumed the reading of the amendment and read to line 2, on page 54.

Mr. WALSH. Mr. President, at that point an amendment authorized by the committee, but not printed, should be offered, and, with the consent of the chairman, I will tender it at this time.

Mr. CURTIS. Mr. President, it is my purpose to make a point of order against that entire amendment, and I think we might save time by going ahead. Of course, if it is overruled, then the amendment could be offered. I have no objection to its being offered now, but I do not want the vote taken without making the point of order on the whole amendment.

Mr. WALSH. I desire to say that I think the Senator from Kansas is in error in assuming that the amendment just read, commencing at the top of page 53, forms a part of what precedes it. I think it will be found that what precedes page 53 is a separate subject.

Mr. CURTIS. It was all submitted as one item, and it is referred to all the way through as the same amendment. The first paragraph refers to the reservations, and it closes with a reference to the reservations.

Mr. WALSH. I tender the amendment at this time.

Mr. ASHURST. Let the amendment be agreed to.

Mr. CURTIS. I should like to call attention to the following language on page 58:

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service—

And so forth.

That language applies to the whole of the amendment from page 51 to page 58. It was submitted as a separate item, and estimated for in one item, and was so sent to the committee, and was put in and treated as one amendment.

Mr. WALSH. However, I offer the amendment here, as authorized by the committee. It should be inserted on page 54, after line 2. I ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 54, after line 2, it is proposed to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of $22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation in Montana in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation

Mr. WALSH. Mr. President, I submit with the amendment a letter from the Acting Secretary of the Interior explaining it.

The VICE PRESIDENT. Does the Senator from Montana wish to have the letter read?

Mr. WALSH. I do.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1916.

MY DEAR SENATOR: I have received your letter of March 16, 1916, regarding an amendment to the Indian appropriation bill for the fiscal year 1917, authorizing the settlement of the Cook and La Breche case on the basis of paying them $22,400 for lands and improvements located at Lower Two Medicine Lake, Blackfeet Reservation, Mont.

In compliance with your request I have had prepared and submit herewith the draft of an amendment for insertion in H. R. 10385, which, it is believed, fully covers the situation. The matter of the preparation of papers for execution by claimants will be deferred pending the necessary authority for settlement on the basis mentioned.

You will observe that provision is made in the accompanying draft for the use of funds heretofore appropriated, and now set aside for this purpose. Legislation, however, is required in order that land may be purchased, inasmuch as existing law prohibits the purchase of land without specific provision.

As to the offer of Miss Helen P. Clarke and her brother, Horace J. Clarke, to accept $700 in settlement of damages by reason of the construction of a highway across their lands, provided settlement is not unduly delayed, this matter was brought to the attention of the Northern Pacific Railway Co. under date of March 1, 1916, and just as soon as we are advised concerning the offer you will be promptly communicated with on the subject.

A carbon copy of this letter is also inclosed.

Cordially, yours,

ANDRIEUS A. JONES,
Acting Secretary.

Hon. T. J. WALSH,
United States Senate.

Mr. WALSH. The facts constituting the basis of the settlement and adjustment referred to in the letter of the Secretary just read are set forth in a letter which is addressed to the Commissioner of Indian Affairs under date of January 11, 1916, which I ask to have inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, that action may be taken.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1916.

The COMMISSIONER OF INDIAN AFFAIRS.

DEAR MR. COMMISSIONER: The department received your letter of November 27, 1915, transmitting the record in the matter of a hearing held at Blackfeet Agency, Mont., looking to the cancellation of allotments made to George W. Cook and David La Breche, Blackfeet Indians, under section 14 of the act of June 25, 1910 (36 Stat., 855, 859), providing for the acquisition of Indian allotments in connection with irrigation projects.

The law provides that any Indian whose allotment or part thereof is required in connection with an irrigation project shall be reimbursed for all improvements on his canceled allotment and allotted land of equal value within the area subject to irrigation by any such project. These Indians originally claimed $20,000, which included the value of the lands embraced in their allotments and compensation for loss of time caused by litigation in the courts. Prior to the issuance of trust patents to said Indians and the above hearing unsuccessful efforts were made to adjust their claims. As the result of said hearing the special supervisor designated to conduct the same recommended settlement on the following basis:

Mill plant on La Breche land	$12,172.07
Labor and teams in setting up mill, building roads, etc	2,728.00
Improvements on Cook land	1,500.00
Repairs on fence, Cook	55.00
Use of roads for four years, Cook	800.00
Use of roads for four years, La Breche	800.00
Cost of litigation	1,000.00
Loss of use of capital and loss of time	3,895.00
Total	22,950.07

The last three items of the above recommendation, to wit, $1,600 for use of roads built by the Indians to get to their sawmill, and which roads they claim have been used by tourists going to Glacier Park for the past four years; $1,000 for cost of litigation, and $3,895 for loss of use of capital and loss of time, your office recommends be eliminated, and that there be awarded to the Indians $16,455.07, as follows:

Mill plant on La Breche land	$12,172.07
Labor and teams in setting up mill, building roads, etc	2,728.00
Improvements on Cook land	1,500.00
Repairs on fence, Cook	55.00
Total	16,455.07

It is clear that the items which your office recommends be eliminated in the settlement of these claims do not come within the act of June 25, 1910, providing for the acquisition of Indian allotments for irrigation purposes. Consequently, payment for such items is unauthorized, they not representing proper charges against the Indians' tribal fund under the irrigation project. Aside from plain want of authority to pay for the use of the roads it would seem that as it is proposed to compensate the Indians for the cost of building said roads they will receive all they are reasonably entitled to in this particular. Any award to these Indians for cost of litigation or for their alleged loss of time would not be a proper charge under the law which limits reimbursements to "improvements." In addition to the award of $16,455.07, the Indians are to be allotted lands of equal value within the area subject to irrigation by the project, on account of which their allotments are to be canceled, so that they will more than likely obtain in value an amount equal to, if not in excess of, that originally claimed by them.

Upon consideration of the entire record the department is willing to approve the claim of these Indians in the said amount of $16,455.07, as recommended by your office, they being entitled also to select lieu allotments of equal value, and your office will advise them to submit a claim accordingly.

Very truly, yours,

_____,
First Assistant Secretary.

Mr. CURTIS. Mr. President, I understand this is an amendment to the amendment. If it is, I will wait until it is acted upon, and I will make the point of order on the amendment as amended. My intention is to make a point of order on the amendment, commencing on page 51 and ending on page 58, on the ground that it is general legislation; and I should like to be heard on it. I am willing to argue the whole question now or will wait. The point is against the amendment.

The VICE PRESIDENT. The difficulty about it is that the Chair has no way of ascertaining whether this is to be treated as one amendment or not.

Mr. CURTIS. Mr. President, the Chair can only determine by reading the amendment. It commences with a proposition for the three tribes, and it ends with a proposition for the three tribes; and the Book of Estimates shows that it was sent in as one item, and there is no question about its being one amendment. I am perfectly willing to raise the point on the various paragraphs as they come along, if that is desired.

Mr. WALSH. As I understand the Senator from Kansas, he is not raising the point of order now, until the amendment which I have tendered has been considered.

Mr. CURTIS. Not if that is intended as an amendment to the amendment.

Mr. WALSH. It is.

Mr. CURTIS. As an amendment to the amendment. So we will consider it all after it is acted upon. I have no objection to that amendment going in.

The VICE PRESIDENT. The amendment to the amendment will be agreed to, without objection.

Mr. SMOOT. The Secretary has not concluded the reading of the amendment as yet.

The VICE PRESIDENT. No.

The Secretary resumed and concluded the reading of the amendment as above set forth.

Mr. CURTIS. Mr. President, I make the point of order on the amendment as amended, on the ground that it is general legislation on an appropriation bill.

I desire to call the attention of the Chair to the following facts:

First. This amendment covers irrigation projects for three separate and distinct Indian tribes on three separate and distinct Indian reservations.

Second. It arranges for the charges against each acre of irrigable land.

Third. It provides for the payment of the charges.

Fourth. It provides for the distribution of the tribal funds in the Treasury in partial reimbursement.

Fifth. The reimbursement of the cost of construction is provided for, and it stops further reimbursement from tribal funds and extends the time of payment in addition.

Sixth. It provides for additional conditions upon the entrymen of the surplus lands.

Seventh. It arranges for the purchase of Indian allotments upon the approval of the Secretary of the Interior.

Eighth. It provides for the payment of proportionate costs by settlers on the surplus lands.

Ninth. It amends and construes the act of 1898.

Tenth. It changes the general allotment act of 1898.

Eleventh. It provides for the payment of the superintendent by the allottee, entrymen, and purchasers.

Twelfth. It authorizes the Secretary of the Interior to bring a suit.

Thirteenth. It authorizes the Secretary of the Interior to declare the area of land which may be irrigated.

Fourteenth. It provides that the work to be done and the amount to be expended shall be turned over to the Reclamation Service, thereby taking the matter out of the hands of the Indian Office and putting it into the hands of the Reclamation Service.

Fifteenth. The amendment offered and agreed to as an amendment to the amendment is admitted in the letter of transmittal to be general legislation.

Mr. CLAPP. Mr. President, will the Senator pardon me for a moment? I have to leave the Chamber. I wish to enter a motion to reconsider the vote by which the point of order was sustained to the language on page 39, beginning with line 11 and ending with line 18 on page 40.

Mr. CURTIS. Mr. President, in addition to all of these objections, this question came up in the Senate on June 22, 1914, in the form of separate items covering in part the same project; that is, the project covered in the proviso of one section. The point of order was made upon those amendments, and the Vice President, Mr. MARSHALL, sustained the point of order. The Chair will find it in the RECORD on page 10835, and on page 52 of the book of precedents. I should like to read just one provision:

> That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Flathead Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

This amendment does not provide for the repeal of laws in conflict, but it reserves the same rights and has the same effect.

Mr. MYERS. Mr. President, will the Senator yield to me for a minute? I want to make a statement that I think will obviate further argument on the point of order. Will the Senator yield for a second to hear what I want to do?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. CURTIS. I am perfectly willing to yield; certainly.

Mr. MYERS. Mr. President, I ask that the amendment be divided, so that each proposition contained in the amendment shall be voted upon separately. I ask this under rule 18:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

Mr. CURTIS. Mr. President, I object to that. The various items are offered as a single amendment.

Mr. MYERS. But I ask that it be divided.

Mr. CURTIS. I am making a point of order on the amendment, and I have a right to be heard on that.

The VICE PRESIDENT. The Senator from Montana would have the right to have it divided when it came to a vote.

Mr. MYERS. But, Mr. President, it looks to me as though this is a good deal like the ruling of a court on a bill of complaint. Would not the plaintiff have a right to amend his complaint pending a decision? This point of order is made to the whole amendment. Would not I have a right, pending the ruling of the Chair on that point of order, to ask for a division of the question?

The VICE PRESIDENT. Ordinarily, in the Senate of the United States, this being a committee amendment, having been submitted by the chairman of the committee, and a point of order having been raised to it, the Chair would with great hesitancy rule that any other Senator might take it out of the hands of the committee and take charge of the bill.

Mr. ASHURST. If the Senator from Kansas will pardon me, and the Senator from Montana will let me say a word, I need not and I do not pretend to conceal the fact that I am very heartily in favor of this amendment. I think it is a meritorious amendment; and while I do not arrogate to myself any great knowledge of the parliamentary procedure of this body, I think it is not subject to a point of order.

Mr. CURTIS. Mr. President, I did not yield for a speech and would like to complete my remarks.

Mr. ASHURST. Of course, I will not interject my remarks now.

Mr. CURTIS. Then, if there is anything to be said in reply, I shall be glad to hear it.

The first point I make is that the amendment applies to three Indian tribes—the Blackfeet, the Flathead, and the Fort Peck. That is shown in the amendment. It applies to three separate and distinct Indian reservations in the State of Montana.

Second, on page 51, existing law is changed, because it provides that—

> On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge.

That is a change in existing law.

The VICE PRESIDENT. In the general allotment act or the law with reference to these particular projects?

Mr. CURTIS. There is a general reclamation law in reference to these projects, I understand.

Mr. WALSH. Oh, no; the general reclamation law has no reference whatever——

Mr. CURTIS. I did not mean that. I meant it was a bill, a piece of general legislation, providing for the disposition of the Indian lands and the use of the money in putting in irrigation projects.

Furthermore, on page 52, it enables the Secretary of the Interior to extend the times of payment.

On the same page it provides a different method of disbursing and using the funds.

On the same page it provides for no further reimbursement, which is a change in existing law.

It also provides that a failure to make any two payments when due shall render the entry subject to cancellation, which is legislation.

It provides that—

> The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all the charges—

And so forth.

That changes the law in reference to the selling of Indian allotments.

On page 54, it amends section 15 of the act of 1898.

On page 55, it arranges for the payment by the entryman, which is a change in the payment.

It also amends the act of 1898.

It provides for the payment of the superintendent.

It authorizes the Secretary of the Interior to bring a suit.

And the amendment that was offered to the amendment authorizes the purchase of certain Indian lands, which the Secretary says in his letter can not be done without legislation.

So there is no question in my mind that this amendment is subject to a point of order. In reply to the Senator from Arizona [Mr. ASHURST], I will argue the merits of this case, if necessary, later on.

Mr. ASHURST. Mr. President, I desire to be heard very briefly.

We should premise the discussion as to the point of order first by remembering that each and every provision of this amendment as it appears in the bill was estimated for. It is in the Book of Estimates. The department not only submitted its estimates for the particular and exact amounts that are set out in this amendment, but the Interior Department itself sent the language to Congress; and the committee has, with the exception of one word, I believe——

The VICE PRESIDENT. Suppose they did do that, and suppose it is general legislation: What business has it on an appropriation bill?

Mr. ASHURST. Mr. President, I was going to say, if the Chair will pardon me: First, it is estimated for; secondly, it is carrying out the spirit, the intent, and the purpose of a previous law on this subject.

The VICE PRESIDENT. Is it amending it? Is it amending the previous law?

Mr. ASHURST. It amends it in some particulars.

Mr. WALSH. If the Senator will pardon me, it amends no general law at all. It amends the law applicable to this particular project. There is no general law that is modified by anything in this amendment.

Mr. ASHURST. I would not want to be understood as saying that it modified a general law. The Senator from Montana is quite correct.

The VICE PRESIDENT. What does the Senator from Montana define as a general law?

Mr. WALSH. The subject of general legislation is——

The VICE PRESIDENT. Somewhat hazy?

Mr. WALSH. Somewhat hazy, but in Gilfrey's Precedents, page 60, I find the following:

> The Century Dictionary says:
> "General legislation—that legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities."

There is not a thing in this amendment that affects the States generally. It affects only this particular locality and these particular persons.

Mr. President, this whole subject of these Indian reclamation projects are subjects of special legislation.

The VICE PRESIDENT. Does the Senator from Montana think the definition he has read is a full definition of general legislation?

Mr. WALSH. I do not know any better place to go for a definition than to the dictionary. That is the dictionary definition, and in a work generally referred to.

The VICE PRESIDENT. Suppose a law applicable to all the inhabitants of a State, would it be general legislation?

Mr. WALSH. No; if we had a law which was applicable to the entire State and we passed a special law which abrogated or modified that general act, we might very properly say it was general legislation. But, Mr. President, that is not the case at all. The project originated by virtue of appropriations made in the general Indian appropriation bills, and in the making of the various appropriations the bill proceeded to tell how the money was to be spent and how it was to be reimbursed. This amendment proposes now to make some changes in that special law applicable to that special project, made in just exactly the same character of a bill, as is the one which is now before us. Now, where would you go except in an appropriation bill to make the changes which originated in an appropriation bill?

The VICE PRESIDENT. Does it affect the rights of parties granted under former laws?

Mr. WALSH. The former law provided——

The VICE PRESIDENT. The Chair has not any opinion about it as yet.

Mr. WALSH. I am sure the Chair is asking for enlightenment.

The VICE PRESIDENT. What the Chair is trying to get at is whether the former laws fixed the lien, say, on real estate, either owned by Indians or owned by white men, in a certain way, to a certain amount, and whether this is shifting the amount of the lien and changing it in other particulars.

Mr. WALSH. I do not know that I can say that it is shifting the lien. I will state the fact about the matter, as far as the Blackfeet Reservation is concerned. There is no one involved except Indians. That reservation has not been opened to settlement at all. That part of the amendment affecting the repayment of the fund is desired by the Indian Bureau. They take the position—and it is a very just one—that the burden of these reclamation projects should be borne by the lands that are actually benefited by the irrigation projects. Under the law as it has been heretofore the charge comes out of the general funds of the Indians. The change is made for the purpose of imposing it upon those lands alone that are benefited by the work of irrigation. The others are mere matters of detail; but that is the general result sought to be accomplished. However, I should say that, even though some one clause of this long amendment should be subject to a point of order, it would not lie against the whole amendment.

Mr. PAGE. May I ask whether the Senator from Montana regards the amendment as only one amendment or as several amendments?

Mr. WALSH. I quite agree with my colleague [Mr. MYERS] that Rule XVI is applicable to this, and that it may very properly be divided into the various propositions involved. I should rather have the amendment acted upon as a whole, because, I will say to the Senator from Vermont——

Mr. PAGE. I should like to know how the Senator gets along with the proposition where we commence and go through with the different projects, and then the very last words of the amendment are as follows:

> *Provided*, That not to exceed $19,575 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects.

That applies to all three projects. I do not see how you can sever them.

Mr. WALSH. Will the Senator tell me what page he is reading from?

Mr. PAGE. I refer to page 58, from line 7 to line 16. There may be some part of this amendment that I should think ought to be enacted into law, but I can not quite see how you can sever this long amendment. If the Senator will turn to the hearings on the appropriation bill, I think he will agree with me that it was introduced as one amendment and must be considered as one amendment and can not be subdivided, as is proposed by the Senator's colleague.

Mr. WALSH. I do not agree at all with the Senator from Vermont on that matter, but I was not discussing that phase of the question at all.

I insist, Mr. President, that by no possible definition of general legislation can this be so characterized.

Mr. CURTIS. Mr. President, I was right in my statement that the amendment changes the general law. I referred to the act of 1898, which is an act for the survey and allotment of lands now embraced within the limits of the Fort Peck Reservation in the State of Montana and the sale and disposal of all surplus lands and allotments. If I might call the Chair's attention to it——

The VICE PRESIDENT. The Chair is paying attention.

Mr. CURTIS. There is a provision which, I think, settles this question as to what is general legislation. I should like to read it to the Chair. We find it on page 60 of Gilfrey's Precedents of the United States Senate:

> "General," with reference to the subject matter of the statute, is synonymous with "public" and opposed to "private," but with reference to the extent of territory over which it is to operate is opposed to "local" * * * and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction. * * * Further, when used in antithesis to "special" it means relating to all of a class instead of to men only of that class. * * * In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves, and the purpose of the legislation is germane thereto, they will be considered as a separate class, and legislation affecting them will be general.

The VICE PRESIDENT. It is laid down by the Supreme Court of Indiana, the Supreme Court of Michigan, the Supreme Court of Illinois, the Supreme Court of Tennessee, and is laid down and spoken of among law writers that a general law applies and operates uniformly upon all the members of any class of persons.

Mr. WALSH. I wish to invite the attention of the Chair to the history of the legislation.

Mr. CURTIS. Did I understand the Chair to rule on the point of order?

The VICE PRESIDENT. No; the Chair is not prepared to rule on this point; he is still in a hazy condition; but the Chair is clear on the proposition that it is not necessary that a law shall affect all the people of a State in order to be general, if it applies to them as a class. If it applies to any particular class of persons it is a general law, in the opinion of the Chair.

Mr. CURTIS. It applies to the three separate and distinct tribes of Indians, there is no doubt about that. It applies to three separate and distinct reservations there is no doubt.

The VICE PRESIDENT. But there is a further proposition.

Mr. CURTIS. It changes the general law that authorized the allotment of the lands and the sale of the surplus lands on the reservations, and affects the purchasers.

Then it provides a change of the law under which the irrigation system was put in by modifications, as admitted by the chairman of the committee, in reference to assessments, in reference to kinds of payment, the payment by the entrymen, in reference to the sale of allotments by the Indians; that is, it changes the general act, to which I called the attention of the Chair a few moment ago. It changes the mode of selling and authorizes the purchase of land, which the Indian Office says can not be done without legislation.

Mr. MYERS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana.

Mr. MYERS. May I have a ruling on my request to have the question divided?

The VICE PRESIDENT. The Senator from Montana, if it ever gets to a vote, is entitled to have the amendment divided and have a vote upon the different parts of the amendment.

Mr. MYERS. May I express myself in just a word, please? The Senator from Kansas has made one ground of his point of order that it embraces three different tribes of Indians. To obviate and overcome that objection, I want to divide it into at least three questions, so that each question shall apply to one tribe of Indians.

The VICE PRESIDENT. There is no doubt about the rule. The Senator is entitled to have it divided if it comes to a vote, but the amendment has been submitted by the committee as a single amendment and the point of order is made, and unless the committee takes some further steps about it the Chair, if he ever does rule, will be compelled to rule on it as a whole.

Mr. ASHURST. If it will facilitate the proceedings whatever or be of any benefit in any way or assist in promoting action upon the amendment or removing the objection, I also ask that it be divided.

Mr. CURTIS. The chairman of the committee has no more right to ask that it be changed than I have, and I challenge his right. No one can authorize that to be done except a majority of the committee.

Mr. ASHURST. I have a right to ask it.

Mr. CURTIS. The Senator has no authority.

The VICE PRESIDENT. Just a moment. There is no necessity to get excited. The chairman of the committee can withdraw the amendment and reintroduce it in such separate portions as he chooses, and we would get along just as well and get along agreeably.

Mr. ASHURST. If the Senator from Kansas will pardon me, I do not think the Senator from Kansas wants to defeat it on a technicality if his refusal to agree to divide it would defeat it. The Senator is too broad-minded to want to defeat it on a technicality. If it can be saved by a division, I know the Senator would be glad to do it.

Mr. CURTIS. Mr. President——

Mr. ASHURST. Just a moment. I did not mean to offend the Senator or anybody else when I said I, too, urged to have it divided. I have no power to divide it, but by virtue of the position that I occupy as chairman of the committee I do think that if a division will clarify the situation, if a division will assist the Vice President in reaching a solution, if it will assist any Senator here, it ought to be divided.

The VICE PRESIDENT. The difficulty about it is that it is all in the air, and nobody can propose to divide it in any way but the Chair.

Mr. MYERS. It is a committee amendment, and the rule says that any Senator may demand that an amendment shall be divided.

The VICE PRESIDENT. For what purpose?

Mr. MYERS. For a vote.

The VICE PRESIDENT. The Chair——

Mr. MYERS. One of the objections of the Senator from Kansas is that it embraces three subjects. I want to divide it into three.

The VICE PRESIDENT. The only person who is going to vote on that is the Chair.

Mr. MYERS. I ask for the ruling of the Chair.

The VICE PRESIDENT. The Chair rules that the Senator is not entitled to have it divided for the purpose of a ruling upon the point of order.

Mr. MYERS. It will be too late after the point of order is sustained.

The VICE PRESIDENT. The Chair has not sustained it yet. The Chair has gone this far. The mind of the Chair is clear that it is not necessary that a bill shall be applicable to all the people of a State in order to be general legislation. If it applies to any particular class of people it is general legislation. But that does not determine the question in the particular condition of this amendment as to whether the Chair shall sustain it or not, because the Committee on Indian Affairs is making an appropriation for Indian purposes and the question the Chair is not clear about is as to whether the terms and conditions of the appropriation are such as to render the legislation general rather than an appropriation for these particular Indian purposes.

Mr. WALSH. Before the Chair finally rules on that, if the Senator from Kansas will permit me, I desire to address myself to that feature.

Mr. CURTIS. Certainly; I yield the floor to the Senator.

Mr. WALSH. Of course, there is not anyone who would contend that legislation in order to be general and to be understood as general legislation shall affect all the people of a State nor indeed all the people of any subdivision of a State. A law may be made that will be applicable only to banking, and, of course, it would be general legislation. A law may be enacted that applies only to people living in cities of 5,000 inhabitants and it is general legislation. That really, as it seems to me, does not help us in the solution of the matter now before us.

The meat of this proposed legislation contemplates the making of appropriations to carry on three Indian irrigation projects in the State of Montana, projects which have been authorized by past legislation of Congress and that are now continued a long way toward completion at very great expense. All these appropriations, Mr. President, were made through the annual Indian appropriation acts.

I must say in this connection also, Mr. President——

The VICE PRESIDENT. If it will help any, the Chair is of the opinion that an appropriation can be made; but is there anything in the act that changes the general law?

Mr. WALSH. I say that there is no general law whatever which is applicable to it. Every law that there is on the subject is a special law; and I desire, if I may be permitted to proceed, to call the attention of the Chair to the history of the legislation.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH. I yield.

Mr. CURTIS. I want to call the attention of the Senator to the act of 1898, which is amended in several particulars by the proposed amendment. The act of 1908 is the general allotment act.

Mr. WALSH. The Senator will, of course, point out the general legislation which is affected. I have not heard him do so yet.

Mr. President, take the Blackfeet project, which was authorized under the provisions of the act of 1907—and this is a general Indian appropriation act, passed in accordance with a bill introduced, substantially similar to that which is now being considered by the Senate—which reads as follows. I read from page 1025, volume 34, Statutes at Large:

> That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation in the State of Montana.
>
> That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made, under the provisions of the allotment laws of the United States, to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation.

You will observe, Mr. President, that even the matter of making allotments to Indians on this reservation is the subject of a special act; it does not come under any general legislation at all except that the general legislation is referred to as defining the manner in which the allotments shall be made. Then follows the provision concerning the amount of land each is to take, and the act continues:

> *Provided*, That the Indians and the settlers on the surplus land, in the order named, shall have a preference right for one year from the date of the President's proclamation opening the reservation to settlement to appropriate the waters of the reservation which shall be filed on and appropriated under the laws of the State of Montana by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments and by the settlers under the same law. At the expiration of the one year aforesaid the irrigation system constructed and to be constructed shall be operated under the laws of the State of Montana, and the title to such systems as may be constructed under this act, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the

ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: *And provided further*, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within 30 years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: *Provided*, That the right to the use of water acquired under the provisions of the act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of right—

And so on.

Now, there is the special act under which this particular work was undertaken. Then, Mr. President, in each succeeding annual appropriation bill——

The VICE PRESIDENT. If it will not disturb the Senator from Montana, the Chair understands the Senator from Kansas claims there is a general act applicable to all these reservations.

Mr. CURTIS. I do not say there is a general act in regard to the Blackfeet Reservation, but as to the Fort Peck and the Flathead Reservations there are general acts, and I have them before me.

Mr. WALSH. Why, Mr. President, the Senator, if he has any such idea, is altogether in error about the matter. I am referring to the Blackfeet legislation as characteristic of the legislation with reference to these three reservations. I have the whole Flathead Reservation legislation right here. It follows exactly the same line, and I will be glad to take it up and read it for you, and give you the history of it, if you care to have it.

The VICE PRESIDENT. The Chair wants to hear the Senator from Montana, if he cares to be heard, but he does not care to prolong the discussion, unless it is necessary. The Chair understood from the Senator from Kansas that there was a general law, not with reference to the Blackfeet or the other Indian tribes, but a general law applicable to all the tribes.

Mr. WALSH. There is nothing of the kind, Mr. President; there is no general law applicable to Indian irrigation projects.

Mr. CURTIS. I should like to call the attention of the Senator to the act of May 30, 1898.

Mr. WALSH. I will be glad to listen.

Mr. CURTIS. It is chapter 237, and is entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment." That is a general act.

Mr. WALSH. Let me inquire what does the Senator mean by "general act"? That act applies especially—it applies only to the Fort Peck Indian Reservation; it does not apply to the Indian reservations in the State of Kansas.

Mr. CURTIS. Oh, no; of course not.

Mr. WALSH. It does not apply to all reservations in the State of Montana.

Mr. CURTIS. But it applies to all Indians claiming a right on the Fort Peck Reservation. It allots their lands; it provides for the selling of their surplus; it provides for entrymen paying a fee; it provides for putting in irrigation ditches; it provdes how they shall be paid for. It is a general act, and not an appropriation act at all.

Mr. WALSH. Mr. President, successive acts, then, make the appropriation for the purpose of carrying on this work. The provision in Thirty-fifth Statutes at Large, at page 793, reads:

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisement of the lands in the Blackfeet Reservation——

Mr. OVERMAN. Mr. President, does the Senator want to conclude this evening the matter he is now discussing?

Mr. WALSH. I think, probably, we have reached the time when we usually discontinue, and I should be very glad to suspend.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 25, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 24, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. (Junior Grade) George McC. Courts to be a lieutenant in the Navy from the 8th day of December, 1915.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 17th day of March, 1916:

Lockhart D. Arbuckle, a citizen of Georgia;
Ogden D. King, a citizen of North Carolina; and
John J. Loughlin, a citizen of New York.

Asst. Paymaster Harry W. Rusk, jr., to be a passed assistant paymaster in the Navy from the 7th day of June, 1914.

The following-named assistant paymasters to be passed assistant paymasters in the Navy from the dates set opposite their names:

William E. Moorman, August 22, 1915;
Harry T. Sandlin, August 22, 1915;
Stanley M. Mathes, August 22, 1915; and
Delos P. Heath, August 22, 1915.

The following-named assistant naval constructors to be naval constructors in the Navy from the dates set opposite their names:

James O. Gawne, March 24, 1916; and
Alva B. Court, March 24, 1916.

The following-named boatswains to be chief boatswains in the Navy from the dates set opposite their names:

Meade H. Eldridge, December 21, 1915;
Bernhard Schumacher, December 21, 1915;
Edward Crouch, December 21, 1915;
Otto J. W. Haltnorth, December 21, 1915; and
Daniel Dowling, December 21, 1915.

The following-named gunners to be chief gunners in the Navy from the dates set opposite their names:

Charles W. A. Campbell, December 21, 1915; and
Lawrence Wittmann, December 21, 1915.

Machinist Newton R. George to be a chief machinist in the Navy from the 30th day of December, 1915.

POSTMASTERS.

ALABAMA.

S. A. Borom to be postmaster at Hurtsboro, Ala., in place of O. C. Thigpen, resigned.

CALIFORNIA.

Ora A. Woods to be postmaster at Winters, Cal., in place of F. C. Hemenway. Incumbent's commission expired March 21, 1916.

COLORADO.

L. F. Allen to be postmaster at Littleton, Colo., in place of E. H. Albertson. Incumbent's commission expired March 1, 1916.

Minnie Johnson to be postmaster at Cortez, Colo., in place of F. M. Goodykoontz, resigned.

CONNECTICUT.

Nelson M. Watson to be postmaster at Kent, Conn., in place of E. A. Morehouse, deceased.

GEORGIA.

John H. Boone to be postmaster at Hazlehurst, Ga., in place of John H. Boone. Incumbent's commission expires April 11, 1916.

William E. Dunham to be postmaster at Cochran, Ga., in place of William E. Dunham. Incumbent's commission expires April 11, 1916.

J. G. Hicks to be postmaster at Reynolds, Ga., in place of E. A. Hollis, resigned.

Robert Hutchinson to be postmaster at Lagrange, Ga., in place of Nemie F. Awtrey. Incumbent's commission expires April 11, 1916.

Paul Latimer to be postmaster at Fairburn, Ga., in place of W. J. Campbell. Incumbent's commission expires April 11, 1916.

M. M. McCranie to be postmaster at Sparks, Ga., in place of M. M. McCranie. Incumbent's commission expires April 23, 1916.

J. J. Thomasson to be postmaster at Carrollton, Ga., in place of W. F. Brown, resigned.

HAWAII.

William C. Irwin to be postmaster at Waialua, Hawaii, in place of Henry K. Plemer, removed.

INDIANA.

Emmett Scanlon to be postmaster at Boswell, Ind., in place of Michael Scanlon, deceased.

IOWA.

Lester R. Hudgel to be postmaster at Anthon, Iowa, in place of Richard Hudgel. Incumbent's commission expires April 5, 1916.

W. H. Ward to be postmaster at Ryan, Iowa. Office becomes presidential April 1, 1916.

KANSAS.

F. N. Adam to be postmaster at Longton, Kans., in place of Sheridan Crumrine. Incumbent's commission expired March 8, 1916.

George W. Edwards to be postmaster at Alta Vista, Kans., in place of William C. Coates. Incumbent's commission expired March 21, 1916.

Charles V. Parrott, to be postmaster at Colby, Kans., in place of William H. Smith. Incumbent's commission expires April 15, 1916.

W. A. Morgan to be postmaster at Burrton, Kans., in place of M. M. Michael. Incumbent's commission expired March 21, 1916.

Bessie M. Williams to be postmaster at Belle Plaine, Kans., in place of James H. Large. Incumbent's commission expired March 1, 1916.

MARYLAND.

William H. Jacobs to be postmaster at Aberdeen, Md., in place of W. A. Aaronson. Incumbent's commission expired March 8, 1916.

MISSISSIPPI.

Harry B. Brooks to be postmaster at Merigold, Miss., in place of Harry B. Brooks. Incumbent's commission expired March 13, 1916.

Sallie Temple to be postmaster at Wesson, Miss., in place of J. R. Matthews. Incumbent's commission expires April 17, 1916.

MONTANA.

Nathalie Patton to be postmaster at Malta, Mont., in place of Fred W. St. Hill. Incumbent's commission expires April 3, 1916.

A. C. Sipe to be postmaster at Broadview, Mont., in place of T. H. Symms. Incumbent's commission expires April 24, 1916.

NEW JERSEY.

John A. Campbell to be postmaster at Highwood, N. J. Office became presidential January 1, 1915.

George Whetham to be postmaster at Haskell, N. J. Office becomes presidential April 1, 1916.

NEW MEXICO.

T. F. Gorman to be postmaster at Tucumcari, N. Mex., in place of S. M. Wharton. Incumbent's commission expires April 3, 1916.

NEW YORK.

Francis H. Alvord to be postmaster at Liverpool, N. Y., in place of Valentine Bahn. Incumbent's commission expired February 1, 1916.

Maurice A. Borden to be postmaster at Liberty, N. Y., in place of Solomon A. Royce. Incumbent's commission expires April 17, 1916.

Henry W. Bowes to be postmaster at Bath, N. Y., in place of Henry O. Elkins. Incumbent's commission expired December 19, 1915.

Chauncey G. Brown to be postmaster at St. Johnsville, N. Y., in place of Timothy Dinneen. Incumbent's commission expired December 16, 1912.

Homer Brownell to be postmaster at Northville, N. Y., in place of William D. Smith. Incumbent's commission expires May 31, 1916.

Roy Ferguson to be postmaster at Lake Placid Club, N. Y., in place of John C. Jubin. Incumbent's commission expired February 9, 1913.

John F. Gilmartin to be postmaster at East Hampton, N. Y., in place of Samuel H. Parsons. Incumbent's commission expired January 29, 1916.

Robert J. Hutchinson to be postmaster at Depew, N. Y., in place of C. A. Beeman. Incumbent's commission expired January 29, 1916.

Howard V. Kenyon to be postmaster at North Creek, N. Y., in place of Lee Waddell. Incumbent's commission expired December 18, 1915.

William H. Nolan to be postmaster at Little Falls, N. Y., in place of Nelson E. Ransom. Incumbent's commission expired December 19, 1915.

R. E. Purcell, jr., to be postmaster at Philadelphia, N. Y., in place of William J. Guthrie. Incumbent's commission expired February 13, 1916.

L. N. S. Rockwell to be postmaster at Otisville, N. Y., in place of G. H. Tymeson. Incumbent's commission expired January 11, 1916.

Frederick W. Schadt to be postmaster at Jeffersonville, N. Y., in place of H. V. Allington. Incumbent's commission expires April 3, 1916.

W. D. Schaffer to be postmaster at Newfane, N. Y., in place of Charles E. Tracy, deceased.

Jesse H. Shepard to be postmaster at Sherburne, N. Y., in place of Henry C. Lyman. Incumbent's commission expired December 18, 1915.

T. Benson Smith to be postmaster at Freeport, N. Y., in place of R. G. Anderson. Incumbent's commission expired February 20, 1916.

Mark A. Sweeney to be postmaster at Valley Falls, N. Y. Office becomes presidential April 1, 1916.

Charles Williamson to be postmaster at Glens Falls, N. Y., in place of Edward Reed, resigned.

NORTH DAKOTA.

Wallace W. O'Hara to be postmaster at Neche, N. Dak., in place of Charles N. Murphy. Incumbent's commission expired January 29, 1916.

OHIO.

H. H. McFadden to be postmaster at Steubenville, Ohio, in place of Richard Gilson, resigned.

John E. McFarland to be postmaster at Dresden, Ohio, in place of C. A. Schumacher, resigned.

OREGON.

George R. Mokel to be postmaster at North Portland, Oreg., in place of V. D. Crosby. Incumbent's commission expired January 18, 1916.

PENNSYLVANIA.

C. P. Gettier to be postmaster at Littlestown, Pa., in place of L. M. Alleman, resigned.

A. T. Groff to be postmaster at Confluence, Pa., in place of Thomas K. Pullin. Incumbent's commission expired December 14, 1915.

John A. McGinley to be postmaster at Bristol, Pa., in place of W. T. Johnston, deceased.

SOUTH CAROLINA.

George L. Hardy to be postmaster at Johnston, S. C., in place of Charles D. Kenney. Incumbent's commission expired February 21, 1916.

Clinton G. Rowland to be postmaster at Central, S. C., in place of Anna E. Ramseur. Incumbent's commission expired February 20, 1916.

SOUTH DAKOTA.

F. M. Crain to be postmaster at Redfield, S. Dak., in place of John D. Fango. Incumbent's commission expired February 8, 1916.

Edward McDonald to be postmaster at Deadwood, S. Dak., in place of R. E. Grimshaw. Incumbent's commission expires April 24, 1916.

C. W. Martens to be postmaster at Milbank, S. Dak., in place of A. A. Blomquist. Incumbent's commission expires April 5, 1916.

James M. Rasmussen to be postmaster at Viborg, S. Dak., in place of Martin V. Olsen. Incumbent's commission expired January 29, 1916.

TEXAS.

Abundio Contreras to be postmaster at Riogrande, Tex. Office becomes presidential April 1, 1916.

UTAH.

Heber J. Sheffield, jr., to be postmaster at Kaysville, Utah. Office becomes presidential April 1, 1916.

VIRGINIA.

William J. Kearney to be postmaster at Phoebus, Va., in place of Charles E. Wetch. Incumbent's commission expires April 17, 1916.

WASHINGTON.

S. Douglas Martin to be postmaster at Friday Harbor, Wash., in place of Fred E. Kirby. Incumbent's commission expires April 5, 1916.

WISCONSIN.

John Cremer to be postmaster at Cashton, Wis., in place of Peter E. Nelson. Incumbent's commission expired January 16, 1916.

A. W. Stiles to be postmaster at River Falls, Wis., in place of Cyrus C. Glass. Incumbent's commission expired February 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24, 1916.

POSTMASTERS.

KENTUCKY.

James B. Fitzpatrick, Hazard.

MISSISSIPPI.

Thirza I. Clarke, Marks.
J. H. Jones, Moorhead.
John G. Webb, Pickens.

WITHDRAWALS.

Executive nominations withdrawn March 24, 1916.

L. D. MacWethy to be postmaster at St. Johnsville, N. Y.
Elmer D. Buckey to be postmaster at Littlestown, Pa.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 24, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite Spirit, our Father in heaven, that we may come to Thee in prayer and be strengthened, purified, ennobled by the touch of Infinity, for we realize that no man is sufficient unto himself, however intellectual, for if his work lives it must be reenforced by moral and spiritual energy drawn from the fountain of life, as illustrated in the life of our Washington and Lincoln. Hence we pray for moral strength, spiritual energy, which will keep us in touch with Thee, that our lives may be worthy and our work acceptable, exemplified in the life, character, and work of Him who taught us to pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMMIGRATION.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 182.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10384 (with the amendments reported by the House Committee on Immigration and Naturalization); that the first reading of the bill shall be dispensed with; that there shall be seven hours' general debate, to be equally divided between those favoring and those opposing the bill; that while the bill is under consideration the House shall meet at 11 o'clock a. m., and the bill shall be in order on all legislative days except Calendar Wednesday; that when general debate is commenced it shall be concluded before the House shall adjourn for that legislative day. At the expiration of general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House on the state of the Union shall perfect and report the same to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. MANN. Mr. Speaker, I wish not exactly to make a parliamentary inquiry, possibly, but to get a little advice from the Speaker. The suggested rule proposes seven hours' general debate, and then says, practically, that the debate shall be finished on this legislative day. Suppose the House should adjourn before the seven hours of debate are concluded, would that end the general debate?

Mr. POU. Does the gentleman think that after the adoption of the rule the House could adjourn before the conclusion of the general debate?

Mr. MANN. Oh, I think the House can adjourn whenever it pleases. No adoption of any rule can prevent the House adjourning if it wants to.

Mr. POU. If the House should decide to adjourn, I imagine that would cut off the general debate.

The SPEAKER. The Chair thinks that if the House in its wisdom concludes to adjourn at any time this afternoon, under this rule that will be the end of the general debate.

Mr. RUSSELL of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL of Missouri. If I understand this rule correctly, it will dispense with the regular order of business and postpone consideration of bills on the Private Calendar for to-day. Is that correct?

Mr. MANN. It certainly would, unless they came up after the general debate on the immigration bill was concluded.

The SPEAKER. The Chair thinks so.

Mr. RUSSELL of Missouri. Then I ask unanimous consent that bills upon the Private Calendar that would be in order under the rules to-day be in order following the completion of the immigration bill as provided in this rule.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that bills on the Private Calendar which would be in order to-day shall be in order immediately after the completion of the consideration of this immigration bill, unless that happens to fall on Wednesday.

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, I desire to call the attention of the House to the fact that there are three general appropriation bills now on the calendar awaiting disposal, and two more will be reported before the expiration of next week. Under these circumstances I intend to object to the consideration of every class of business that I can object to while appropriation bills are under consideration.

The SPEAKER. Is the gentleman objecting now?

Mr. RUSSELL of Missouri. I hope the gentleman will reserve his objection.

Mr. FITZGERALD. I will reserve it in order to allow the gentleman to make a statement.

Mr. RUSSELL of Missouri. I am authorized by the chairman of the Committee on Invalid Pensions to say that he has no desire to interfere with the consideration of more important bills upon the calendar, or with the plans of the leaders of the House in charge of those bills. It will probably take an hour to dispose of the pension bills, and if we can not get unanimous consent to follow the completion of the immigration bill, we shall hope at least that the House will permit us to have our day two weeks hence to consider the two bills that will then be upon the calendar.

Mr. FITZGERALD. Mr. Speaker, I desire to call the attention of the gentleman from Missouri and of the House to the fact that if we devote our time to the appropriation bills and dispose of them, there will be ample time afterwards to dispose of legislation of the character described by the gentleman from Missouri, and at the same time enable Congress to adjourn early. If we defer action upon the appropriation bills we will so string out this session that we will not get away from here until fall. I for one propose to exercise my right in the interest of getting Congress adjourned by the first of July if possible. [Applause.] I hope the objections will not be considered offensive, but I intend to make objections to every character of business that will in any way delay or interfere with the adjournment of Congress.

Mr. POU. I understand this is all by unanimous consent. I do not want to yield the floor.

The SPEAKER. The gentleman has not yielded the floor. The Chair will protect the gentleman from North Carolina in his rights.

Mr. RUSSELL of Missouri. I want to submit a request for unanimous consent.

The SPEAKER. The gentleman will submit it.

Mr. RUSSELL of Missouri. I ask unanimous consent that bills reported by the Invalid Pensions Committee——

Mr. MANN. And the Pensions Committee.

Mr. RUSSELL of Missouri. Yes; the Pensions and Invalid Pensions Committees be in order to-morrow night beginning at 8 o'clock.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that bills which would be in order to-day—bills from the Pensions Committee and the Invalid Pensions Committee—be disposed of to-morrow night at a night session.

Mr. RUSSELL of Missouri. I ask that the House take a recess at 5 o'clock until 8 o'clock.

The SPEAKER. The gentleman asks that to-morrow at 5 o'clock p. m. the House shall take a recess until 8 o'clock and sit until 11 o'clock if necessary to dispose of bills——

Mr. RUSSELL of Missouri. At the suggestion of my friend from Alabama [Mr. BURNETT] I ask that the recess be taken at 5.30 instead of 5 o'clock. The gentleman from Alabama wants to continue consideration of the immigration bill until 5.30.

The SPEAKER. That to-morrow afternoon at 5.30 the House shall stand in recess until 8 o'clock and run not later than 11, the evening session to be devoted to consideration of bills reported from the Committee on Pensions and the Committee on Invalid Pensions. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

QUESTION OF PRIVILEGE.

Mr. MADDEN. Mr. Speaker, I rise to a question of privilege. The gentleman from Texas [Mr. DAVIS], under leave to print, published in the CONGRESSIONAL RECORD a speech, beginning on

page 5344, which ought not to be in the records of Congress. It is indecent, unjustifiable, and ought to be expunged from the records of the House. I move to strike the speech from the RECORD.

Mr. DAVIS of Texas. Mr. Speaker, I demand——

Mr. MADDEN. It is a speech criticizing Members of the House, using language that is indecent, not spoken in debate, washing dirty linen connected with some quarrel in Texas, using the CONGRESSIONAL RECORD as a cesspool for vile epithets, and using language that would not be published in any newspaper in the United States; and I contend that the CONGRESSIONAL RECORD ought not to be permitted to be used for purposes that would not be tolerated in any decent publication in America, and language that would be libelous if used anywhere else.

The SPEAKER. The gentleman from Illinois moves to expunge from the RECORD the speech of the gentleman from Texas [Mr. DAVIS].

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Is this a matter of higher privilege than the rule reported by the gentleman from North Carolina [Mr. POU]? If not, I object to its being taken up at this time.

The SPEAKER. The Chair thinks it is a question of high privilege.

Mr. BURNETT. Is it of higher privilege than the rule? And if not, I make the point of order.

The SPEAKER. It would seem to the Chair so at first blush.

Mr. GARRETT rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. I rise to suggest——

Mr. MADDEN. Mr. Speaker, I move that a committee of the House be appointed to investigate the language of this speech and report whether or not it ought to be expunged from the RECORD.

Mr. GARRETT. That is what I was about to suggest, Mr. Speaker. I have not read the speech, do not know anything about it, and do not care anything about it. There has been one occasion before during my service where a matter of this kind arose and a committee was appointed. I refer to the Willett case.

The SPEAKER. There have been three cases, I think, during the gentleman's term of service.

Mr. GARRETT. The Willett case was referred to a committee to investigate and report.

Mr. MADDEN. I make a motion that a committee of five be appointed to investigate it.

Mr. GARRETT. Can not it be referred to a standing committee?

Mr. MADDEN. I am willing that it should go to the Committee on Rules.

Mr. GARNER. Mr. Speaker, the precedents heretofore have been to refer it to a special committee appointed by the Chair, and it occurs to me that that would be the wiser course—to refer it to a special committee for the purpose of investigating the speech to see whether or not it is proper to remain in the RECORD.

Mr. DAVIS of Texas rose.

The SPEAKER. Does the gentleman from Texas ask for recognition?

Mr. DAVIS of Texas. Mr. Speaker, I want to know under what rules the House proposes to act in regard to this matter and if I will be apprised and have notice of what rights I am entitled to as a Member of this House.

The SPEAKER. The House will act under the general practice of the House and under the general rules of the House. The Chair will explain to the gentleman that if the gentleman from Illinois [Mr. MADDEN] stood on his first resolution to expunge it from the RECORD, the matter would come up immediately. If it follows the practice, so far as the Chair recollects since he has been here, to appoint a committee to investigate it, which was done on three different occasions, then the gentleman can appear before the committee either in person or by counsel.

Mr. DAVIS of Texas. Very well. I thank you.

Mr. BARNHART. Mr. Speaker, the precedents, as I have looked them up in two of the three cases last disposed of similar to this, were by special committees. In one a motion was made by the gentleman from Massachusetts [Mr. GARDNER], and it was immediately voted upon. Another was the Hopkins case, in which the Chair appointed a committee of three, and the other was the Willett case, in which the Chair appointed a committee of five.

The SPEAKER. And there is another case, the case of Mr. Lilley, of Connecticut.

Mr. MADDEN. Mr. Speaker, I move that a committee of five be appointed by the Chair to investigate the language of this speech and report whether it should remain in the RECORD.

The SPEAKER. The gentleman from Illinois moves that the Chair appoint a committee of five to investigate this matter and make a report to the House.

The question was taken, and the motion was agreed to.

The SPEAKER subsequently appointed the following committee: Mr. WEBB, Mr. BARKLEY, Mr. MONTAGUE, Mr. COOPER of Wisconsin, and Mr. PLATT.

IMMIGRATION.

The SPEAKER. The gentleman from North Carolina is recognized for 20 minutes.

Mr. POU. Mr. Speaker, it was agreed between the members of the Committee on Rules that the debate on the rule should be limited to 20 minutes on a side, at the end of which time the previous question shall be considered as ordered, and I ask unanimous consent to that effect.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that debate on the rule be limited to 20 minutes on a side, one-half to be controlled by himself and one-half by the gentleman from Kansas [Mr. CAMPBELL]; that at the end of that time the previous question shall be considered as ordered. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I desire to submit a question to the gentleman from North Carolina. I notice that the rule provides for seven hours' debate. It also provides that when general debate is commenced it shall be concluded before the House adjourns on that legislative day. There is no question in my mind that it will be absolutely impossible to-day to avail ourselves of the number of hours provided for in this resolution. Therefore I am going to ask the gentleman whether he is not willing to strike out that provision.

Mr. POU. No; I can not strike it out, but I will say to the gentleman that he will get his half of the seven hours.

Mr. SABATH. Is it agreed that we will get seven hours' general debate? I want to say to the gentleman that I have promised all the time to various gentlemen.

Mr. POU. The gentleman will get his time.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

Mr. POU. Mr. Speaker, this matter has been before the House so many times that there is very little disposition to discuss this rule on the part of the majority members of the Rules Committee. In our desire to expedite the business of this House it is provided that general debate be concluded on this legislative day. So far as I am concerned I have no desire to discuss the merits of the Burnett bill further than to say that no human being can tell what will be the result of the present great conflict in Europe. We do not know whether immigration will come pouring into this country or not. If there shall be an influx of undesirable immigration, this bill will have the tendency to check it. If there is no immigration at all, as some predict, then no harm can result from the passage of the Burnett bill. In any event, those of us who are supporting the rule and who are in favor of the Burnett bill have felt that it is a wise and necessary precaution to take at this time. For that reason we have presented the rule providing that general debate on the measure shall be concluded in one legislative day.

Mr. Speaker, I am heartily for the bill and could say a great deal more, but having, I hope, made my position clear, I am content to leave the discussion to gentlemen who know very much more about the question of immigration in general than I.

I reserve the remainder of my time.

Mr. CAMPBELL. Mr. Speaker, the acting chairman of the Committee on Rules [Mr. POU] has just stated that it was the desire of the majority members of that committee to expedite the business of the House. A statement of similar import was made by the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations. I will state to both of these gentlemen that the minority members of the Committee on Rules have found it necessary to take hold of the business of the House in order to get it out of the hopeless condition into which it has fallen and endeavor in every way the minority Members can to aid the House in doing the work that it must do before it adjourns.

Mr. FITZGERALD. What have they done?

Mr. CAMPBELL. They will insist, however, that all of the business of the House shall be transacted.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. FITZGERALD. What have the minority Members done to help expedite the business of this House?

Mr. CAMPBELL. They have agreed to seven hours of general debate upon this rule, and they have further agreed just now that there should be only 20 minutes of debate on a side on the rule.

Mr. FITZGERALD. But I guess the minority Members could not help either one of those agreements.

Mr. POU. Mr. Speaker, I know the gentleman wants to be perfectly fair. I desire to illustrate the way in which they have helped expedite the business of the House. The suggestion was made upon the Democratic side that debate be limited to four hours, but objection to that came from the Republican side.

Mr. BENNET. Mr. Speaker, I rise to a point of order. The gentleman can not disclose what takes place in the committee room.

The SPEAKER. The point of order is well taken.

Mr. POU. It must not be started on that side.

Mr. BENNET. If we start that sort of thing, we can remain here for some time stating what takes place in committee rooms.

The SPEAKER. The matter is not debatable.

Mr. CAMPBELL. Mr. Speaker, this is a fair rule and gives the House an opportunity to dispose of one of the great questions that the rule brings before the House to-day. There is nothing more important than the consideration of the immigration bill. As stated by the gentleman from North Carolina [Mr. POU], no one knows what the conditions of immigration will be at the close of the European war. This country must take every step that is necessary to protect itself by regulating further the character of the immigration that shall come to it. It has that right and it owes itself that duty. The bill made in order by this rule will give the House an opportunity to take into consideration rules and regulations further governing immigration into the country.

I reserve the remainder of my time.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I am pleased that for once I can agree with the gentleman from Kansas [Mr. CAMPBELL], that the rule reported is a fair one. I have no fault to find with the rule or with the provisions thereof, but I do object to its being brought in at this time.

I feel satisfied that if the Committee on Rules and the membership of the House were thoroughly familiar with conditions as they exist to-day they would realize that it is not necessary to urge the passage of the immigration bill at this time.

I am inclined to believe that the Committee on Rules has been imposed upon and made to believe that this legislation is necessary. I have been told by several Members of this House within the past few days that we have no immigration legislation at the present time, and that they are in favor of some kind of a bill.

This ridiculous report has been spread broadcast, and, consequently, the general public and the membership of this House have been misled.

Mr. Speaker, I desire to say that we have strict immigration laws at the present time—laws that are more stringent than those of any other country.

Under our present law we exclude all of the undesirable aliens, and for the information and enlightenment of the House I will read a part of section 2 of the present law, which will speak for itself:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving mortal turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents. * * *

Mr. Speaker and gentlemen of this House, do you not think that this is drastic enough? Can anyone point out any other class that should be added to the excluded classes already mentioned?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Speaker, I ask the gentleman to yield a few minutes more.

Mr. POU. Mr. Speaker, I will yield the gentleman two minutes more.

Mr. CAMPBELL. Mr. Speaker, I will also grant the gentleman two minutes more.

The SPEAKER. The gentleman is recognized for four minutes.

Mr. SABATH. Mr. Speaker, our present exclusion laws adequately provide against the admission of undesirables, and in connection therewith I desire to say that these laws have been strictly enforced by the Department of Labor and the Bureau of Immigration. As a result of this action on the part of the Government, the steamship companies have been very careful in admitting passengers to their vessels for transportation to the United States. In 1915 only 326,000 immigrants entered this country, and of those who came 24,111 were debarred. From this you will see that we not only have stringent laws, but that they are stringently enforced. Not only this, but the present law gives the Secretary of Labor and the Bureau of Immigration the power to deport any alien who is found to have become a public charge, who has been here in violation of law, who has been charged with a crime involving moral turpitude, or who has been guilty of the violation of many of the provisions of the present immigration law, within a period of three years from the date of landing in the United States. During the last year 2,670 such aliens were deported as having been found undesirable.

So you see, gentlemen, that these reports which have been circulated, declaring that there is an imperative need for immigration legislation, are unfounded and unjustifiable.

I have previously said that our present immigration laws are stronger and more stringent than the laws of any other nation, and that therefore there is no need of this bill or a like bill to keep out the undesirable classes of immigrants, as the present law is effectively doing so.

Mr. Speaker, I realize that there are certain organizations, and even patriotic lodges, which have been circulating unfounded rumors in an effort to make the Members of this House believe that there is a country-wide demand for this legislation. I want to assure the membership that this is not a fact. There are some organizations which call themselves patriotic and there are some labor organizations which are being misled by these so-called patriotic organizations or societies into advocating the passage of this bill, but they will in time realize that they are committing a grave mistake in urging and demanding this proposed legislation. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. POU. Will the gentleman from Kansas use some of his time?

Mr. CAMPBELL. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York [Mr. BENNET] is recognized for 14 minutes.

Mr. BENNET. Mr. Speaker, I yield four minutes to my colleague Mr. FITZGERALD.

Mr. FITZGERALD. Mr. Speaker, there are certain provisions of the immigration bill which I favor; there are some to which I am heartily opposed. Regardless of my attitude toward the bill, however, I am opposed to the adoption of this rule. It seems to me to be indefensible to propose to consider at this time legislation for which there is no actual necessity or any really imperative demand. The country is demanding action upon measures pending before this House and of vital importance, and the House should devote itself to the consideration of those measures, giving such full opportunity for their consideration as will result beneficially when the legislation is perfected.

I was somewhat amused at the statement of the gentleman from Kansas [Mr. CAMPBELL] that the minority of the Committee on Rules was compelled to take control and help shape things in this House. Unless I be mistaken, the gentleman

from Kansas is in favor of the immigration bill. He intends to support it. He is in favor of this rule. He is in favor of bringing legislation into the House, unnecessary at this time, to use the time of the House so as to exclude from consideration business of much more importance and more imperatively needed. He is anxious, while pretending to expedite the business of the House, to have it so delayed that the appropriation bills will not be enacted into law before the 1st of July.

I have known members of the minority to have the same high ideals and patriotic motives publicly as the gentleman from Kansas, while privately they were proceeding to cooperate for a very different purpose. I wish to say to this side of the House that whatever our personal desires or beliefs regarding legislation may be, that we should demonstrate to the country our willingness to take up legislation that must be disposed of, demonstrate our capacity to dispose of it expeditiously, and try to adjourn the Congress at as early a day as possible. If we do this, if we put aside for the time being measures which are not imperatively required or demanded, we can complete the important business pending before the House within a reasonable time. But if we are to be diverted from the consideration of essential legislation for the consideration of bills that are not essential at this time, then the House will not be able to complete its labors within the time the country expects and demands. I simply express the hope that bills of this character will not be brought in, and I especially warn the Members of this side of the House not to expect any assistance of the gentleman from Kansas and those like him, if this is the manner in which it is to be rendered. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, the rule which is now before the House for consideration providing for the taking up of the immigration bill is one which is fair and which is liberal. There has been a demand for several years, and there is now throughout the country, for some kind of further legislation looking to the restriction of immigration. Like my friend the gentleman from New York [Mr. FITZGERALD], who has just spoken, I am for expediting the public business, and I believe that this House should put in its time in trying to pass legislation that is necessary and that has been demanded by the people throughout the country. I would like to go home at an early date, as do many other Members of this House, and I believe we ought to endeavor to adjourn at as early a date as possible; but I believe that this side of the House desires to remain here until legislation has been passed which the Democratic Party has advocated, and this side of the House is willing to take a little longer time, if necessary, to do that and pass legislation we have told the people we would enact into law when we came into power.

Mr. FITZGERALD. But this bill was never pledged by the Democratic Party?

Mr. FOSTER. I will say to my friend from New York I did not say this was pledged by the Democratic Party and did not have in mind this particular bill, but I mean other matters that as a party we stand for.

Mr. FITZGERALD. Then, why not take up what we did pledge to do and not what we have not promised?

Mr. FOSTER. In due time, let me say to the gentleman from New York, we hope to do that, and we ought to do it just as speedily as possible.

Mr. GALLAGHER. Will my colleague allow me to ask him a question——

Mr. FOSTER. I will.

Mr. GALLAGHER. I would like to ask my colleague whom he means by his remark that there is a demand for it; whom did we promise?

Mr. FOSTER. I did not mean to say as a party we had promised this legislation, as it is not a party question. I will say that there are those who are opposed to this legislation—and I give every man who opposes this legislation just as much credit for honesty, integrity, and patriotism as the men who favor it—but I do say to my colleague, as has been demonstrated in this House on former occasions, that a large majority of the membership of this House favors the restriction of immigration into this country and they will, when the vote is taken this time, say that they are still for restriction. Now, I will say to my friend from New York that I am with him, and will stand with him, in expediting the public business, but I am not ready to run home until we have enacted the measures for which we stand, and I know we all feel the same way about that. There is no question about it. The gentleman from New York works hard. No Member of this House is more industrious than the gentleman from New York, as chairman of the Committee on Appropriations, in his endeavors to expedite business by passing appropriation bills, but it seems to me that the gentleman from New York must remember that when a large majority of this House, without regard to party, stand for a measure that the House has a right to consider it, which we have in this case. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. BENNET. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, the Members of this House ought to be fair with the House. Notwithstanding the criticisms of the cheap paragraphers throughout the country, this is a hard-working body. Notwithstanding the numerous contentions set up by lobbyists and others, no man works harder nor respects less the eight-hour rule than the average Member of Congress. There is no earthly reason why we should be forced to do business here in this irregular way. We began this session in December, and if all signs are not awry, we probably will remain here until next September. There is no good excuse for this delay nor for forcing us to do business under a rule.

I say, the House ought to be fair to itself. There is no reason why we should begin to hold night sessions. We have had plenty of time to do business since December last. I objected a moment ago to a night session, because I think it is unfair to the individual Member. Why should we all be worked up into a state of nervous prostration every two or three days, and lay aside all the regular business, in order to take up some splurge legislation, because, perchance, the gentleman from Alabama [Mr. BURNETT], or some other gentleman, has on his desk a stack of petitions to press forward a certain bill? We understand where these petitions originate. The immigration bill will be reached in the regular way, and it ought to be, and this business of constantly resorting to a rule to push forward special bills that should be deliberately considered ought to be disregarded. This is an important bill, to be sure. It involves very important questions. It is a bill that stirs up racial hatred. It is a bill that stirs up party and personal strife. It is a bill that involves international relations, and it ought to be considered; but I hope it will not be forced upon us under a rule. I hope the rule will be defeated so that the bill may come up when it is reached in the regular order.

Mr. POU. Mr. Speaker, I will say to the gentleman from New York [Mr. BENNET] that we have but one more speech on this side.

Mr. BENNET. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] a moment ago exhibited a good deal of anxiety about getting appropriation bills through this House. It is now the 24th of March, and none of the regular appropriation bills has yet been enacted into law. One small deficiency bill has become a law. The gentleman from New York now insists upon passing the appropriation bills so Congress may adjourn during the middle of the summer. What will he do with the administration program for further legislation? On the question of preparedness there is yet another bill to pass the House. There is the question of raising revenue to pay the running expenses of the Government in time of peace, to say nothing about the expenses of preparedness. There is the antidumping law, a sort of protective-tariff measure; the ship-purchase bill; the Philippine freedom bill; the Porto Rican bill, giving a larger degree of self-government to Porto Rico; the tariff-commission bill; the Mississippi River permanent-improvement measure; amendments to the corrupt-practice act; conservation measures; rural credit legislation; and some other measures, all in addition to the appropriation bills. Does the gentleman ignore the necessity of carrying out the administration program?

Mr. FITZGERALD. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. FITZGERALD. I am in favor of considering the legislation the administration wishes considered at this time. Will the gentleman help to facilitate the consideration of those measures?

Mr. CAMPBELL. The minority members of the committee have been endeavoring to expedite the business of the House in every way possible. We help you all we can, but we want you to help yourselves. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. BENNET. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] considers this a very important measure. I believe it is one of the most useless propositions that we ever wasted the time of the House with. [Applause.] It is not necessary, and it is uncalled for, and I have to differ with my colleague from Illinois [Mr. FOSTER] when he says that there is a great demand by the people for this legislation. I deny it. There may be a demand on the part of certain organizations, but not on the part of the people. The fact is that you are proposing to legislate to prohibit immigration that is practically prohibited now. There is little or no immigration at present. Still you are wasting the time of this House over a proposition to prevent immigration.

Now, the chairman of the Immigration Committee said that no one could tell what the immigration is going to be after the war. I agree with him, and therefore we ought to wait until after the war to consider it and then pass legislation to regulate immigration. I want to say to my manufacturing friends and men in business, and those representing the farmers, that it would be a peculiar state of affairs if after the war we had no immigration at all to this country.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET. Mr. Speaker, have I five minutes remaining?

The SPEAKER. The gentleman has five minutes remaining.

Mr. BENNET. Mr. Speaker, the gentleman from Illinois [Mr. FOSTER], my colleague on the Committee on Rules, said that merely a small minority of this country is opposed to his proposition. He is a Democrat; I am a Republican. His party in national convention did not put a single line in their 1912 platform about the restriction of immigration. Mine advocated the restriction of immigration. His party ran first, mine ran third, so far as there has been any evidence on this question recently that indicates what the people of the United States want. [Applause.]

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. BENNET. I can not. I have but five minutes.

Not only is this bill useless, but it does two very deleterious things. I was one of the conferees, of whom there were four Republicans, that had to do with the political end of it in 1907, when we passed the present law. And I know why we put in the provision in relation to Japanese labor, and I know that we put it into the statute at the request of the Secretary of State.

I have read this bill, and I want to say, with the responsibility of knowledge, that if you pass this bill unamended in its present form we will be in war inside of six months. Do you think that the raid of Villa over the line at Columbus, N. Mex., was an accident? Do you think he went over there for anything trivial? If you do, you have not kept track of recent history.

What does it do with respect to our official policy? We welcome the oppressed. Let us take one class that we are barring out. When this war started there were 2,000,000 Armenians. There has been massacred by the Turks 800,000, and of those 1,200,000 that remain many have friends here that would welcome them into this country.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Washington?

Mr. BENNET. I can not yield. I promised to yield to one gentleman, and I decline to yield to anybody else. If this bill goes through unamended, we prevent the Armenians in this country from rescuing those 1,200,000, or any portion of them.

Those people over there are starving. Every Christian Armenian church in all the Ottoman Empire is gone, and yet we bring this bill up at this time for that purpose.

Mr. Speaker, I traveled as a member of the Immigration Commission, as did my friend from Alabama Mr. BURNETT, in Europe, through the Jewish pale that has been ravaged by this war five times, and I see now that the Russians are going over that devastated, desolated region again at Czernowitz. If this bill passes unamended, 25 per cent of those refugees from Poland, that according to all the great traditions of our free America ought to be let in here, will be barred out, because that is about the proportion that can not read; and although there is an attempt at exemption of those people—a piece of favoritism to the Hebrew people—if the bill is not amended that favoritism will not be worth a snap of the finger.

That is the kind of a bill we are taking up, and taking it up at a time when the immigrating peoples are being killed far more rapidly than they ever immigrated to this country.

What was the net immigration in 1915? Roughly speaking, it was something like 3,000. It will be 10 or 15 years after this war before we have something like normal immigration, and for the first two or three years after the war there will be more people going out of this country to look up friends and estates and matters abroad than will come in. There is no need of haste about this matter. I do not know how much time it will take; two or three days, possibly. I am not particularly concerned about two or three days, I will be frank to say, but I am concerned to have the Congress of the United States take up a matter so full of menace, so full of possibilities of stirring up race and religious hatreds at a time when we ought to be united, as we were practically united in this House yesterday, when a vote for national preparedness was taken, 402 against 2. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired. Does the gentleman from North Carolina [Mr. POU] want to use his time?

Mr. POU. Mr. Speaker, I yield six minutes to the gentleman from Alabama [Mr. BURNETT].

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized for six minutes.

Mr. BURNETT. Mr. Speaker, there never was an opportune time to take up this bill, in the opinion of the gentleman from Illinois [Mr. SABATH] and in the opinion of the other opponents of the bill. The gentleman from New York [Mr. BENNET], who has just spoken, undertook to scare the House by talking about wars and rumors of wars if this bill is passed. He forgets, Mr. Speaker, that we have a President who, during the last three years, has steered the ship of state safely between Scylla and Charybdis, and no war has ever yet come.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. BURNETT. No; I can not yield. I will not yield during the six minutes.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. BURNETT. Mr. Speaker, the gentleman from New York [Mr. BENNET] has just intimated that the reason why the candidate of his choice, Hon. William Howard Taft, ran third in the presidential race of 1912 was due to the fact that his platform contained a restriction plank, while those of President Wilson and Col. Roosevelt said nothing about restriction. He declares that, "so far as there has been any evidence on this question recently," the result of the vote of 1912 "indicates what the people of the United States want."

The gentleman neglected to state that while President Taft had never declared himself in his annual messages on the subject, Col. Roosevelt, as President, again and again urged Congress to pass restrictive legislation, and particularly the reading and writing test, as well as an economic and other tests, propositions that, whatever he may have done in private, he has never publicly repudiated.

Likewise, the gentleman neglected to call attention to the official statement of the chairman of the Republican national campaign committee, Hon. Charles D. Hilles, who was also President Taft's secretary, issued in the gentleman's own city, New York City, October 21, 1912, and carried from coast to coast and border to border in all the morning dailies of October 22, 1912, just a fortnight previous to election, and which assured the country that President Taft had repudiated the restriction plank in his party platform and would veto the Burnett bill, then pending in the Senate, and which he did three months later. The statement was, in part, as follows:

VITAL ISSUE IN CAMPAIGN—THE DILLINGHAM-BURNETT BILL.

[By Charles D. Hilles, chairman Republican national committee.]

NEW YORK, *October 21.*

The Democratic candidate has not been able to explain away his "Know-Nothing" ideas concerning immigrants. Foreign-born voters really have a vital issue in the campaign * * *. The Dillingham-Burnett bill has been condemned by the German-American Alliance and other associations. Its chief provisions are still indorsed by another element. Dr. Wilson is looked to, if elected, to bring these immigration restrictions into operation with the help of a Democratic Congress.

Representative HENRY, of Texas, an apologist for Dr. Wilson and for Bryan, has said BURNETT would reintroduce the Dillingham bill in Congress. President Taft, if reelected, would positively prevent any such proposed legislation from becoming effective. He is not afraid to use the veto power, as he has shown in the instances of the Democratic popgun tariff bills. With Taft reestablished in the White House no straining for the limitation of immigration on any such lines as laid down in the Dillingham-Burnett bill and taught by Dr. Wilson will be tolerated. Reports from all parts of the United States show that President Taft will receive the active support of the army of foreign-born citizens.

There is the direct official assurance on the part of the secretary to President Taft and the official head of the gentleman's party that President Taft, if reelected, would veto the Burnett bill, and I submit that the gentleman's deductions are wrong.

I want next to call the attention of the House to President Woodrow Wilson's big speech on immigration during the cam-

paign of 1912, delivered in New York City, from which place the gentleman hails, on September 4, 1912, and the extract from it that I quote was carried in the daily press of the country next day throughout the length and breadth of this land of ours. It is as follows:

If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and a career here for themselves, but have been induced by steamship companies or others in order to pay the passage money, then we will have what we will all agree upon as Americans. I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but those who declare themselves Americans. I am not saying that I am wise enough out of hand to frame the legislation that will meet this idea. I am only saying that it is the ideal, and that is what we ought to hold ourselves to. * * * Of course, if the immigrants are allowed to come in uninstructed hosts and to stop at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness, there is going to be deterioration, there is going to be everything that will be detrimental to the immigrant.

Then there was what President Wilson had written in his five-volume History of the American People in 1902, and with which, unquestionably, even the rank and file were more or less familiar. Among other things in that splendid history, the President wrote:

Throughout the country men of the sturdy stock of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of the country, or else men of the Latin-Gaelic stock of France and northern Italy; but now there came multitudes of men of the lowest class * * * and men of the meaner sort, * * * men out of the ranks where there was neither skill nor energy, nor any initiative nor quick intelligence; and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and work were such as American workmen had never dreamed of before.

Still further, with reference to the attitude of the people and their conception of who was in favor of rational restriction and the legislation in this very bill, it is interesting to note what is unfairly indicated in a news item that appeared in the New York Times and other big dailies on July 29, 1912, and from which I read the following:

The editors and publishers of the foreign-language newspapers in the United States have issued an address to their readers advocating the reelection of President Taft and condemning Gov. Wilson for his so-called attacks upon foreign-born Americans. The document is signed by 120 different newspaper publishers, representing 120 different newspaper publishers in foreign languages, saying: "President Taft has shown himself to be a friend of the immigrant, while Woodrow Wilson has publicly condemned all immigrants except the Chinese. President Taft has not only discouraged the enactment of laws for the unreasonable and unfair restriction of immigration, but on more than one occasion has conferred with representatives of the foreign-language press and with various committees. Our representatives have been welcomed at the White House, and their arguments against unreasonable and unjust restrictions upon the immigrant have always met with most favorable responses from the President. In strong contrast to President Taft's public acts and declarations is Woodrow Wilson's attitude toward our foreign-born population. * * *

"Woodrow Wilson is the foe of the laborer, as he is unfriendly to the immigrant. He has shown himself to possess no sympathy for the toiling masses."

The fact is that no party dares declare in its national platform against this needed legislation, and if I understand party declarations they are binding until publicly repudiated by the party. As far back as 1896 both parties went on record in their national platforms in favor of this kind of legislation, thus making it clearly a nonpartisan question, and those pledges to the workingmen of this country still remain unfulfilled, but are about to be and will be if this bill is only brought to a final determination, as I am confident it will be, this session of Congress and before election.

And now another final word with reference to the attitude of one of the presidential candidates of 1912. President Taft has written a letter to Congressman SIEGEL, which the gentleman from New York quotes, showing that President Taft is "of the same opinion still" that he was when he vetoed this bill at the suggestion of Secretary Nagel because it contained the reading test. In answer to that I merely wish to read a clipping from the Boston Journal of March 10, 1916, which is a still more recent expression of opinion on the part of Judge Taft with reference to the "readin' and writin'" test. It is as follows:

TAFT CALLS MEXICAN GOVERNMENT A JOKE.

SAUGUS, *March 9.*

"The Government in Mexico is a joke," said former President Taft in an address here to-night. "Revolutions are a regular business and Mexicans can not develop patriotism unless they have access to a customhouse. This condition is not to be wondered at, when it is considered that 80 per cent of the population can neither read nor write."

Mr. Speaker, if this bill had been in force for the last 15 or 20 years we perhaps would not have had the Columbus tragedy that occurred down in New Mexico a few days ago. There is no doubt in my mind but that these Mexicans that are on our side and came in under our present immigration laws furnished aid and comfort and information to the bandits who came over here and burned houses, killed women, and murdered sleeping soldiers.

Gentlemen talk about there being no time for this bill when we wisely spent several days on a bill for national defense against the Nation's enemies, and yet the chairman of the Committee on Appropriations thinks we are wasting time when we spend perhaps three days for the purpose of defending the labor people of this country against the encroachments of those brought here for the purpose of beating down the price of labor and setting up standards of living that no decent white man wants his family to be compelled to confront. [Applause.] That is the kind of defense provided for, Mr. Speaker, by this bill. That is the kind of defense that the two gentlemen from New York both want.

The gentleman from New York [Mr. BENNET] talks about the people of Armenia being kept out. I read that scarecrow the other day in his speech. Why, we provide that those who are fleeing from religious persecution, whether that persecution be manifested by overt acts, positive laws, or regulations, shall not be subjected to an illiteracy test; and the gentleman, with that specious kind of argument that the gentleman is so much given to, undertakes to say that the steamship companies would not receive them, because they would be afraid they would be turned back on them when they got over here.

But, Mr. Speaker, watching carefully the career of those steamship companies for years, I undertake to say that no law scarcely ever deters them, because last year when only 400,000—the gentleman says only 3,000—came in, when only 400,000, even with war all over Europe, came in, 25,000 were sent back on account of the lawlessness of these steamship companies.

I submitted the point that the gentleman made to the law officer of the Bureau of Immigration, as to those who are brought over here by the steamship companies, whether, if they were not admissible, the steamship companies could possibly be fined for having brought them over here, and he said that such a construction would be perfectly absurd.

Mr. Speaker, we have a law against the admission of those who are liable to become a public charge. How can the steamship companies on the other side know whether those people are liable to become a public charge? They take the chances on that. They took the chances on those 25,000 that were turned back because they were liable to become a public charge. But certainly when we double the fine, when we double the price of transportation over, it will make the agents of these steamship companies a great deal more cautious in bringing over those who are not admissible, and at the same time they will not keep out those who are admissible.

Now, the part of the bill that has got teeth in it is the illiteracy test. That is what the gentlemen clamor and kick against, and that will keep out those who come here who were in the Youngstown strike a few weeks ago. Seventy per cent of them were illiterate aliens. It will keep out people like those who, in the Lawrence, Mass., strike a few years ago, were following in the wake of some literate aliens, some literate leaders; but behind them was a long line of Industrial Workers of the World, who flaunted on their flag the words, "No God, no law, no master." Those are the people whom it will keep out. A few years ago my friend from Kansas, Mr. CAMPBELL, and the other Kansas Members, received from the railroad companies in Kansas a protest against the passage of this bill, because the railroad companies said, if I recollect aright, that 99 per cent of the Mexicans were illiterate. Those are the fellows we are after, Mr. Speaker. Those are the ones whom the people want kept out, and whom this House is going to vote to keep out. [Applause.]

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 134, noes 49.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this rule will, when their names are called, vote "yea" and those opposed will vote "nay."

The question was taken; and there were—yeas 284, nays 73, answered "present" 7, not voting 69, as follows:

YEAS—284.

Adair	Anthony	Bell	Buchanan, Tex.
Adamson	Ashbrook	Black	Burke
Alexander	Aswell	Blackmon	Burnett
Allen	Austin	Browne	Byrns, Tenn.
Almon	Ayres	Browning	Callaway
Anderson	Barkley	Buchanan, Ill.	Campbell

Candler, Miss.	Glass	Lewis	Russell, Ohio
Cantrill	Glynn	Lindbergh	Sanford
Caraway	Godwin, N. C.	Lloyd	Saunders
Carlin	Good	McArthur	Schall
Carter, Okla.	Goodwin, Ark.	McClintic	Scott, Mich.
Charles	Gould	McCracken	Sears
Chiperfield	Gray, Ala.	McCulloch	Sells
Church	Gray, Ind.	McFadden	Shackleford
Clark, Fla.	Gray, N. J.	McKellar	Shallenberger
Cline	Green, Iowa	McKenzie	Sims
Coleman	Greene, Vt.	McLaughlin	Sinnott
Collier	Hadley	McLemore	Sisson
Connelly	Hamilton, Mich.	Magee	Slayden
Cooper, Ohio	Hamilton, N. Y.	Mann	Slemp
Cooper, W. Va.	Hamlin	Mapes	Small
Cooper, Wis.	Harrison	Martin	Smith, Idaho
Copley	Hastings	Matthews	Smith, Mich.
Crago	Haugen	Meeker	Smith, Tex.
Crisp	Hawley	Miller, Del.	Snyder
Cullop	Hay	Miller, Minn.	Sparkman
Curry	Hayden	Miller, Pa.	Steagall
Dale, Vt.	Hayes	Mondell	Stedman
Dallinger	Heaton	Montague	Steele, Iowa
Darrow	Heflin	Moon	Steele, Pa.
Davenport	Helgesen	Mooney	Steenerson
Davis, Tex.	Helm	Morgan, La.	Stephens, Cal.
Decker	Helvering	Morgan, Okla.	Stephens, Miss.
Dempsey	Hensley	Moss, Ind.	Stephens, Nebr.
Denison	Hernandez	Mott	Stephens, Tex.
Dent	Hicks	Mudd	Sterling
Dewalt	Hill	Murray	Stout
Dickinson	Hinds	Neely	Sulloway
Dies	Holland	Nelson	Sumners
Dill	Hollingsworth	Nicholls, S. C.	Sweet
Dillon	Hood	Nolan	Taggart
Dixon	Hopwood	North	Talbott
Doolittle	Houston	Oakey	Tavenner
Doughton	Howard	Oliver	Taylor, Ark.
Dowell	Huddleston	Olney	Taylor, Colo.
Dunn	Hughes	Overmyer	Temple
Dyer	Hull, Iowa	Padgett	Thomas
Eagle	Hull, Tenn.	Page, N. C.	Thompson
Ellsworth	Husted	Park	Tillman
Elston	Jacoway	Parker, N. J.	Timberlake
Emerson	Johnson, S. Dak.	Parker, N. Y.	Treadway
Esch	Johnson, Wash.	Peters	Tribble
Evans	Kearns	Porter	Van Dyke
Farr	Keating	Pou	Venable
Ferris	Keister	Powers	Vinson
Fess	Kelley	Pratt	Volstead
Fields	Kent	Quin	Walsh
Finley	Kettner	Ragsdale	Ward
Focht	Key, Ohio	Rainey	Wason
Foss	Kincheloe	Raker	Watkins
Foster	King	Ramseyer	Watson, Pa.
Frear	Kinkaid	Randall	Watson, Va.
Freeman	Kitchin	Rauch	Webb
Fuller	La Follette	Rayburn	Wheeler
Gandy	Langley	Reilly	Williams, T. S.
Gard	Lazaro	Ricketts	Williams, Ohio
Gardner	Lee	Rodenberg	Wilson, Ill.
Garland	Lehlbach	Rouse	Wilson, La.
Garner	Lenroot	Rubey	Wise
Garrett	Lesher	Rucker	Young, N. Dak.
Gillett	Lever	Russell, Mo.	Young, Tex.

NAYS—73.

Beakes	Davis, Minn.	Kennedy, R. I.	Roberts, Mass.
Bennet	Dooling	Konop	Rogers
Booher	Dupré	London	Rowe
Borland	Estopinal	Loud	Sabath
Britten	Farley	McAndrews	Sherley
Bruckner	Fitzgerald	McDermott	Sherwood
Burgess	Flynn	McGillicuddy	Shouse
Caldwell	Gallagher	Madden	Siegel
Cannon	Gallivan	Mays	Sloan
Capstick	Gordon	Moore, Pa.	Stone
Carew	Greene, Mass.	Moores, Ind.	Tague
Carter, Mass.	Hamill	Morin	Tilson
Casey	Hardy	Nichols, Mich.	Tinkham
Chandler, N. Y.	Haskell	Norton	Towner
Conry	Howell	Oglesby	Winslow
Costello	Hulbert	O'Shaunessy	Woods, Iowa
Cramton	Igoe	Phelan	
Crosser	James	Platt	
Dale, N. Y.	Kahn	Riordan	

ANSWERED "PRESENT"—7.

Bailey	Humphrey, Wash.	Lieb	Switzer
Barnhart	Humphreys, Miss.	Smith, Minn.	

NOT VOTING—69.

Abercrombie	Edwards	Lafean	Scott, Pa.
Aiken	Fairchild	Liebel	Scully
Bacharach	Flood	Linthicum	Smith, N. Y.
Barchfeld	Fordney	Littlepage	Snell
Beales	Graham	Lobeck	Stafford
Britt	Gregg	Loft	Stiness
Brumbaugh	Griest	Longworth	Sutherland
Butler	Griffin	McKinley	Swift
Byrnes, S. C.	Guernsey	Maher	Vare
Cary	Hart	Morrison	Walker
Coady	Henry	Moss, W. Va.	Whaley
Cox	Hilliard	Oldfield	Williams, W. E.
Danforth	Hutchinson	Paige, Mass.	Wilson, Fla.
Doremus	Johnson, Ky.	Patten	Wingo
Driscoll	Jones	Price	Wood, Ind.
Drukker	Kennedy, Iowa	Reavis	
Eagan	Kiess, Pa.	Roberts, Nev.	
Edmonds	Kreider	Rowland	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. VARE (against rule on immigration) with Mr. ROWLAND (for).

Mr. DANFORTH (against rule) with Mr. LINTHICUM (for).

Mr. LIEB (against rule) with Mr. SWITZER (for).

Mr. BARNHART (against rule) with Mr. LAFEAN (for).

Mr. STINESS (against rule) with Mr. HART (for).

Mr. SMITH of Minnesota (against rule) with Mr. WINGO (for).

Mr. CARY (against rule) with Mr. WILSON of Florida (for).

Mr. PAIGE of Massachusetts (against rule) with Mr. LONGWORTH (for).

Mr. BACHARACH (against rule) with Mr. AIKEN (for).

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. WM. ELZA WILLIAMS with Mr. GRIEST.

Mr. FLOOD with Mr. KIESS of Pennsylvania.

Mr. GRIFFIN with Mr. HUMPHREYS of Mississippi.

Mr. BYRNES of South Carolina with Mr. BEALES.

Mr. COX with Mr. BARCHFELD.

Mr. EDWARDS with Mr. FAIRCHILD.

Mr. BRUMBAUGH with Mr. BRITT.

Mr. COADY with Mr. DRUKKER.

Mr. DOREMUS with Mr. MCKINLEY.

Mr. GREGG with Mr. EDMONDS.

Mr. DRISCOLL with Mr. FORDNEY.

Mr. EAGAN with Mr. GRAHAM.

Mr. HILLIARD with Mr. GUERNSEY.

Mr. LIEBEL with Mr. HUTCHINSON.

Mr. LOBECK with Mr. KENNEDY of Iowa.

Mr. MAHER with Mr. KREIDER.

Mr. OLDFIELD with Mr. ROBERTS of Nevada.

Mr. PATTEN with Mr. MOSS of West Virginia.

Mr. PRICE with Mr. STAFFORD.

Mr. SCULLY with Mr. SUTHERLAND.

Mr. SMITH of New York with Mr. SWIFT.

Mr. WALKER with Mr. WOOD of Indiana.

Mr. WHALEY with Mr. REAVIS.

Mr. ABERCROMBIE with Mr. SNELL.

Mr. LITTLEPAGE with Mr. SCOTT of Pennsylvania.

Mr. SMITH of Minnesota. Mr. Speaker, I voted no. I wish to withdraw my vote and answer "present," as I am paired with the gentleman from Arkansas [Mr. WINGO].

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The resolution is agreed to, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. BURNETT. Mr. Speaker, before the House goes into Committee of the Whole I want to state an agreement as to the division of time. The rule provides for three and a half hours on each side. Of that I have agreed to give the gentleman from California [Mr. HAYES] an hour and three-quarters to use as he sees fit to distribute it, and I to control an hour and three-quarters on this side.

Mr. SABATH. That is in favor of the bill.

Mr. BURNETT. Yes.

Mr. SABATH. And, Mr. Speaker, I have agreed with the gentleman from New York [Mr. SIEGEL] that the three and a half hours on our side against the bill shall be divided equally; that he shall control 1 hour and 45 minutes and I control 1 hour and 45 minutes.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the time be divided in that way.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this seven hours of general debate shall be divided as follows: That the gentleman from Alabama shall control 1 hour and 45 minutes, the gentleman from California [Mr. HAYES] 1 hour and 45 minutes, the gentleman from New York [Mr. SIEGEL] 1 hour and 45 minutes, and the gentleman from Illinois [Mr. SABATH] 1 hour and 45 minutes. Is there objection? [After a pause.] The Chair hears none.

Under the rule the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of bill H. R. 10384, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. BURNETT. Mr. Chairman, I believe under the rule the first reading of the bill is dispensed with.

The CHAIRMAN. It is.

Mr. BURNETT. I yield, Mr. Chairman, 15 minutes to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the committee. See Appendix.]

Mr. SABATH. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. SIEGEL. And I also yield him eight minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 28 minutes.

Mr. GALLIVAN. Mr. Chairman, if the provisions of this bill which have just been discussed by the gentleman from California [Mr. RAKER] were the only provisions to be considered here, I am persuaded to believe that this House would adopt them almost unanimously. We who are opposed to the bill object to it chiefly because of the literacy test. I have heard many arguments emanate from the distinguished gentleman from Alabama [Mr. BURNETT] in support of his measure. I have heard him on the floor of this House even plead the cause of organized labor, but only when this bill was up for consideration. I have heard him here plead the cause of the patriotic societies of this country; he has told us many times this fight is their fight; but I have never heard until this hour that, because the literacy test is not in the immigration law to-day, the recent raid of the Mexican bandits over our line could not have been prevented. For the first time we have learned that Villa and his bandit highwaymen were able to come within the confines of our great country and "murder our sleeping soldiers" because we have no literacy test. [Laughter.] I wonder if the gentleman takes himself seriously. Oh, we will hear him before the day is over appealing to "My Old Kentucky Home" and "Down on the Suwanee River," and his heart will weep for organized labor once more; but I never heard his voice in debate when we were trying to pass an act to do something for the white-faced children of this country who work out their young lives in mine and mill and factory and cannery, a measure fathered by the distinguished Congressman from Colorado [Mr. KEATING]. [Applause.]

Mr. Chairman, I have on previous occasions, and in this same hall, inveighed against the literacy test in this bill, which, in my judgment, is un-American, un-Christian, and almost inhuman. I have said that a literacy test will bar from our land its most vital necessity—strong, vigorous, simple, God-fearing peasants, who come here to find homes and to make the wilderness blossom into fertility—but will your literacy test keep out a single criminal, whose record and antecedents we are ignorant of? You will find some illiterate criminals who have been guilty of crime of sudden passion, of violence; men who united ignorance with illiteracy; but it is everlastingly true that the crimes most injurious to society, most detrimental to business, commerce, finance, are never the work of illiterates.

The forger, the conspirator, the crooked promoter, the business defaulter, the blackmailer, the bank thief, the political grafter, and all that class of criminals, outside of and outnumbering the criminals of passion and violence, are literate. They read and write, for these vicious talents must be supplemented by literacy to make them profitable. Vicious talent sharpened and developed by letters is the most serious problem society has to deal with. Yet this absurd literacy test will admit the dangerous European criminal of the continental cities and bar out the honest and hard-working and badly needed peasant—farmer and laborer—whether he be English or Irish or French or German or Hebrew or Polish or Italian or Lithuanian.

But enough of the literacy test for the present.

Mr. Chairman, movement is the law of life; the running rivers refresh and fertilize the world; the constant flow and ebb of the tides keep the ocean from stagnation and the earth from death; and above and beyond the circling spheres in their ordered march around the center of our system—itself in flight through space round vaster systems—control, maintain, and direct the movement and motion of our sphere, which is Life.

The sun draws from the deep the rains it scatters over hill and dale to feed the rivers, supply the springs, and renew the seas; the earth moves the moon, which is the mother of the tides; and so all the forces of God and nature, from the green things growing in our yard even to the outermost rim of limitless space, unite to compel this universal movement, which is Life.

Man—the races and nations, the tribes, and the clans—is subject to this universal law; it has been so since the beginning of recorded time; and this human movement is immigration. The race has ever been on the move. Out of the cradle of the race in the mysterious heart of Asia, stream after stream of races and tribes have flowed, pushing their predecessors onward before them, following the march of the sun from east to west, urging the vanguard out of the mountains into the deserts and the plains of Asia and onward into Europe, battling and contending for life and empire, mingling the bloods of the human elements into the fabric of nationality. Movement, eternal movement, the ceaseless marching of the peoples, the constant waste and restoration that eliminated the weak and made the strong, that selected the brawn and developed the brain that gave us the splendid thing we call civilization, that plowed and cultivated the fields from whose soil have sprung religion and culture, law and letters, trade and commerce, and the freedom, peace, happiness, and order that are ours to-day.

Under the providence of God and the inspiration of a great soul America was discovered and given to the world, and the human waters, left over from the war and waste of the centuries and bidding fair to stagnate, stale, and putrify in a Europe dammed by a mighty ocean from its instinct to move on began to flow across the sea to fill and fructify America and build up the America of to-day.

That constant addition of new men and new blood to the Republic is as necessary for the health and refreshment, the expansion and continuance of civilization and all it means to-day as always. Mr. Chairman, the springs of the race have dried up in Asia, and in the lands deprived of its fresh and life-giving elements, decay, desolation, ignorance, barbarism, and retrogression reign in desert silence where once power and empire flourished.

Immigration, the advent of new men, new blood, new brain and brawn in our land, is not a question of philanthropy for America, not a merely sentimental tribute paid to humanity and hospital; it is a matter of life and death, for the nation that seeks to arrest or stifle the natural laws of life and movement must eventually pay the penalty of lawlessness in stagnation and arrested growth. [Applause.]

Only those who will not read the story of the race, only those who refuse to see and recognize the reasons for the growth and greatness of the American Republic will be blind to the blessings of immigration and its necessity in our national life. The wars of the French Revolution and the Napoleonic era which kept Europe plunged in turmoil and wasteful struggle for 30 years were coeval with arrested growth and progress in this Republic and mark the age the stream of new life from Europe to America was at its feeblest and our national existence was in most peril from internal dissensions and weaknesses.

With the downfall of Napoleon and the cessation of war a stream of immigration set in which has been growing in volume ever since. Its flow has been westward into the virgin lands that had waited all the ages for the coming of the man with the plow and the ax, and out of them was carved the splendid Commonwealths that extend from the Mississippi Valley to the Pacific Ocean and that hang like a chain of jewels about the breast of the Republic. Wherever that refreshing and invigorating stream of new life flowed, wherever the life-giving tides of immigration swept, agriculture has flourished, industry has sprung up, cities have grown, and colleges have been founded; peace and prosperity have followed in its wake; education has been fostered, schools erected, churches planted, railroads built, and civilization has blossomed as the rose.

This is no fanciful picture. Look around! See and believe the evidence of your senses! If you ask me why the splendid resources and fruitful fields of the Sunny South have never yielded the fullness of their riches to their inhabitants, and why in many ways they lag behind their northern sisterhood of States, I answer you bluntly because, discouraging and discrediting the newcomers, you have missed the new blood and brain and brawn you need most urgently to give a new stimulus, a new vigor, a fresh reinforcement to your human forces.

You have fought the laws of nature and you have paid the penalty; you have deceived yourselves with the follies of provincialism, with the vain conceits you termed race pride, and with empty claims of superiority to races that in the fields of human endeavor have been outclassed by none. Judge the newcomer by his fruits, by his contributions to our national life, and you will learn that the last immigrant to America is as good—to put it modestly—as the first. [Applause.]

We need new blood, Mr. Chairman, new labor, new brain and muscle to-day, to-morrow, and the day after. The waste places are filling up; new vistas for a great and expanding Republic are opening up; new deserts to conquer, new fields to till, new rivers to span, new mountains to pierce and climb, for not always will the march of the Nation and the demands of our growth and civilization tolerate the anarchy and evil battling at our doors and desolating the fields and destroying the harvests that a sane humanity needs. Oh, take the scales of prejudice and provincialism from your eyes! Wake to the age you live in! Life and labor are of the universe! Humanity and

destiny are stronger than all the littlenesses of provinces and peoples! Immigration is the seed and succor of the greater life that awaits this Republic; when it ceases the onward march ceases. [Applause.]

Men there are who are too proud to fight, esteeming war and waste a folly; some of us are too wise to commit the folly of seeking to hold back the tide of humanity that has been in flux since the dawn of time. King Canute was urged by his courtiers to command the tides to go back that he might show his powers, and when he uttered the royal mandate the unheeding waters rolled over him and his. The little King Canutes of America should hesitate before attempting and repeating his ancient folly. The stream of immigration may be dammed, regulated, and canaled to where its power and invigoration may do the most good; but if we attempt to divert this life-giving stream away from our lands to others less fortunate, we and not the immigrants will in the end be injured.

Movement is the law of life. Immigration is power and wealth for the land which draws it; and only national perversity and legislative stupidity will deprive us of its blessings. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CASEY having taken the chair as Speaker pro tempore, a message from the President, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On March 16, 1916:

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

On March 17, 1916:

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency; and

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery.

On March 20, 1916:

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rock, Pa.;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across the Mississippi River;

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.; and

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River.

On March 21, 1916:

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

IMMIGRATION.

The committee resumed its session.

Mr. SABATH. Will the Chair inform me how much time the gentleman has occupied?

The CHAIRMAN. The gentleman has yielded back eight minutes.

Mr. HAYES. Mr. Chairman, I now yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, you can not keep up a high standard of living if you do not draw good pay, and you can not draw good pay if you are going to let into this country every day thousands of men who will go to work for less wages than you are getting. Now, that is all there is to this problem. It is a question of supply and demand of labor. I was talking to a man down in my district the other day—a man who works in a cotton mill at one of those semiskilled jobs—and I got to discussing with him this question of the restriction of immigration. "Why," he said, "they say that is nothing but this old A. P. A. bigotry." I said, "I do not care what they call it; names do not affect facts; how much pay are you getting?" He said that he was getting $13.50 a week. I said, "How much do you think you ought to get?" He said he thought he ought to get $16 or $18 a week. Said I, "My friend, how do you expect to get $16 a week when every year in normal peace times we are admitting to this country hundreds of thousands of immigrants who will take your job and work at it for $10 a week, or even less?"

Mr. SABATH. Will the gentleman yield?

Mr. GARDNER. I have only five minutes. I would rather not.

Now, Mr. Chairman, my objection to this bill is that in ordinary times it will only cut down immigration by 300,000, or thereabouts. If I had my way, I should be glad to vote for a bill that would either suspend immigration altogether for the next 10 years or come mighty near it. [Applause.] There are 20,000,000 men mobilized in Europe. In the course of this year or next they are going to start to demobilize those 20,000,000 men. They are going to project 20,000,000 men on the ruined industries of Europe, and I have an idea that those demobilized men are going to try to come over here in vast numbers. If we wish to keep them out, you will need some laws a mighty sight more drastic than any educational test in order to do so.

Mr. SABATH. Is the gentleman acquainted with the statistics of the immigration after the different wars of Europe?

Mr. GARDNER. Yes; I looked it up last year. But the situation after the present European war will in no wise resemble the situation after the Franco-Prussian War, when the armies and populations involved were small. You might as well compare a full cistern with an empty one. But, nevertheless, if it is true that we are not going to have immigration after this war, what is the objection to passing the bill?

Mr. HAYES. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MCKENZIE].

The CHAIRMAN. The gentleman from Illinois [Mr. MCKENZIE] is recognized.

Mr. MCKENZIE. Mr. Chairman, I do not think I can do better than reiterate what I said on the matter of immigration when the subject was up for discussion in the Sixty-third Congress.

In the discussion of a great public question such as is involved in this bill for the restriction and regulation of immigration to our country all personal or individual interests and prejudices should be laid aside, and we should enter upon the discussion with open minds, striving solely for the ultimate and lasting welfare of our country. I regret that in this discussion and in former discussions on similar measures some of the speeches delivered have bristled with statements plainly indicating the prejudice and bias of those engaging in debate. For myself, I feel that while an advocate of the pending legislation I am not constrained in my support of the same from any desire to unjustly curb or handicap the aspirations of the people of any other land in their efforts to better their condition in life.

I trust that not only I but all who believe in the wisdom of the proposed legislation have more exalted reasons to offer in support of our position. In passing I wish to say that it is true that our country has been peopled by those coming from foreign lands in order that they might enjoy greater opportunity for improving their condition. It is true that in the past they came by thousands from the sturdy middle classes of northern and western Europe—the Irish, Dutch, English, Scotch, Swiss, Germans, Russians, French, and Scandinavians—and here with turgid muscles and hopeful hearts they proceeded to make new homes for themselves. It is true they felled the forests and reclaimed the wilderness and quickly adjusted themselves to our form of government. Practically all these different nationalities were of Anglo-Saxon, Celtic, and Germanic origin, all races well qualified by nature to understand and submit to constitutional representative government, being able to readily comprehend the great basic principle underlying our form of government—majority rule and peaceable acquiescence by the minority.

At this point I wish to say that my position on this measure has been criticized, and it has been said to me, "Your father was an immigrant. How can you favor such legislation?" True, my father was a Highland Scotchman of the most pronounced type, and the memory of old Scotland's lochs and heather were ever dear to him; but he, like the millions from the countries I have mentioned who migrated to our country, became an American citizen and gloried in the institutions of his adopted country. In view of my origin, I might be charged by some with lack of charity for the unfortunate of other lands and that I am narrow minded. God forbid that any other motives than love of country and patriotic devotion to the welfare of our people should influence me in the performance of my duty as a representative of the people.

In the enactment of laws such as is proposed in this bill, bearing directly on the very life and destiny of our Government, we should not be controlled by the present or immediate future effect of such legislation. But we should have in mind the welfare of unborn generations and its effect upon the perpetuity of the Government. I contend by this legislation we aim to remedy some present evils, but the great controlling factor in it is to

forestall future impending danger to the Republic. This danger may now seem to be remote, but is none the less certain. For my part, I am willing to concede that some of the provisions of this bill are aimed at the immigration from southern Europe and oriental countries. It is contended by those opposing the bill that the immigrants from southern Europe, while perhaps illiterate, are honest and industrious and make good citizens, and that we are unjustly and purposely discriminating against them. It is further stated that we need them to perform our common labor and should welcome them with open arms, assuring us that the shrine of liberty will never be desecrated by them. True, they admit that the standard of living of these people is lower than the American's; but what of that? They dig our ditches, grade our railroads, and perform the bulk of our common labor. We need them in our business, so let them come. They dwell on the magnanimity of such a course on our part, extending our hands to the poor and the oppressed of the earth. Have we not listened to the recounting of the long list of poets, philosophers, soldiers, and statesmen of southern Europe? Certainly; and we also read that the light of liberty flickered for a time in Greece and Rome, until extinguished by corruption and barbaric force centuries ago. I am willing to concede all these things to be true. But we are legislating for the future welfare of America, not Greece and Rome.

I intend to support this bill because the class of immigrants it is intended to prevent from coming here, by their ways and manner of living, tend to lower the standard of American labor, and by this statement I do not simply mean the lowering of the wage of labor, but also the social tone or standard of labor. I am inclined to think no one will dispute this. However, if such there be, permit me to ask him, if he had a son, would he considered him occupying as high a plane of labor when placed upon a public work with a gang of such laborers, with whom he could not converse and who inhabit crowded tenements or box cars, as if he were laboring alongside men who recognize the American standard of living? I am speaking of the son who labors, not a foreman or timekeeper. Of course no one would admit such to be the fact. What has been and is the present effect on the standard of labor? To any observer it is plain, so far as common labor is concerned upon public works in our country, the standard has fallen to a level where Americans refuse to engage in it, both on account of the wage and the association. All will agree that labor should be exalted, and no man should blush to admit he labors for a livelihood, and that callouses on the hands produced by honest toil should be considered badges of honor rather than disgrace. But under existing conditions the American youth feels humiliated and disgraced when classed as a common laborer. Why? To my mind it is, in a great measure, due to the lowering of the standard of labor.

While it may be possible for the present generation of American boys to escape common labor, the unborn generations of the future will be unable to do so, and we should have a thought for them.

This is our country. Our posterity must abide here. Shall we consider their welfare, or shall we, unmindful of them, rush recklessly on, blocking every avenue of opportunity, and all done in the name of the downtrodden of other lands? Let us raise the standard of labor now, or at least make an effort to prevent it going still lower. How much better it would be if those who employ a large number of laborers would aid in raising the standard, pay better wages, and get better results even from Americans. I am fully aware that many of those opposed to this legislation are governed by humanitarian instincts, but I fear there are those more selfish and whose sentiments are expressed in the following lines—the name of the author I do not know:

Breed us more men, ye daughters of toil;
Ye alien mothers in far-off lands;
Sire them strongly, clean brawn and bone,
For we sift from the chaff the wheat alone,
When they come to die at our hands.

Think on our greed in your travail throes;
Think of us when ye bare your breast;
Mine and smelter shall claim their toll,
Roads shall be broken and reach their goal,
Though ye smell their blood from the west.

We build us strong on your woman's woe
Pier of granite and iron span,
Glare of furnace and caisson's gloom,
Of him whom ye gave us—a man.

Seas shall not bar your sons from harm;
Steppe or forest or alpine slope,
Our arms are long to grasp what we need,
The New World springs from your trampled seed;
Ye drain the dregs of our draught of hope.

So much for the effect of immigration on the standard of American labor. What of the ultimate effect upon our Government of the unlimited immigration of southern European and oriental races? Is it problematical? We are assured there is no danger. I am apprehensive. Not that I consider these races more criminally inclined than others, but the nature and characteristics of these people and their past history causes me to doubt their proper assimilation without danger to our country. I do not make this assertion intending to cast any reflections upon them. I know the story of the many brave and brilliant men of southern Europe. But I can not but feel that the people of northern and western Europe have demonstrated to a much greater degree their capacity for self-government and the ability to control themselves at such times when a more hot-blooded race would have plunged into revolution. I am satisfied in my own mind that the admission of countless thousands of immigrants into our country from southern Europe and oriental countries is a danger—remote, perhaps, but no less certain—to the life of our Government. It is revolution within, not danger from without, that will be the ever-present menace to our country. [Applause.]

The congenial assimilation of races so different in temperament and traditions as those of southern Europe and oriental countries with the races of northern and western Europe is a practical impossibility, even in this land of freedom. The former, lacking in comprehension of the true spirit of our institutions, can not be elevated to the true standard of American citizenship by assimiliation, but the tendency would be to proportionately lower the present standard. The incentive which brings these people to our shores is different from the incentive which caused the migration of northern and western Europeans to our country.

With perhaps some exception the immigrants we seek to bar from our shores do not come here with the avowed purpose of making this their permanent abiding place, but for the time being to take advantage of the greater opportunities here afforded to earn and save some money and later on to return to their native land, there to spend their declining years in comparative comfort on the small fortune accumulated here. They do not come with any clear understanding of the meaning and purpose of our Government, nor do they join with patriotic impulse in the hopes and aspirations of our people; they simply come to labor for the gold given as a recompense, never realizing the true sentiment of American citizenship. Strangely different were the feelings of the men of northern and western Europe, who, perhaps, possessed as great a love for native land, gave it up when they landed on our shores, and not only entered into the labor necessary to carve out for themselves homes here but they enter into the spirit of our political institutions, and, as soon as possible, under our laws, swore allegiance to our flag, and with joyous hearts sang in unison with native-born Americans "My country, 'tis of thee," and so forth. More than this, when revolution threatened our country's existence these men rallied around the old flag, and no braver defenders did it have than the sons of Erin who followed the banner of Sheridan and Birney and brave Phil Kearney; and the Scots, under McPherson, McArthur, and others; and the Germans who fought with Sigel, who after a hard day's battle in defense of our flag could be heard around their camp fire singing the songs of the fatherland. Thus was our country made strong and mighty by these classes of immigrants. But it is no argument, because this is true, that we should have unrestricted immigration into our country.

Much of the criticism of this bill is directed against that provision which provides for a literacy test, alleging that this is an unreasonable and indefensible provision, that it will permit the educated criminal to come in but will bar out the honest, industrious illiterate. I do not contend that illiteracy necessarily makes one a bad citizen, but I do contend that in a country such as ours the safety of the Government depends upon the intelligence of the people. To my mind it is not an unreasonable requirement to ask of those coming from foreign lands seeking all the privileges and opportunities of American citizenship. Surely to ask a man to be able to read 30 words in his native language as a passport into this land of ours is a very insignificant limitation, and will not be seriously objected to by anyone who favors restriction at all.

In supporting this bill I feel we are performing a patriotic duty. To charge us with having no charity for the unfortunate of other countries is idle declamation. If our friends who are opposing this bill are sincere in their devotion to the poor and unfortunate of other lands, why bar the pauper immigrant? Why not let him come in, where he will have an opportunity to participate in the generous charity and hospitality of our friends, who undoubtedly are better able to contribute to his need than his own countrymen? The truth is that the position of the advocates of this legislation is reasonable, logical, and patriotic. We have our own poor needing our care and charity;

we have our own laboring man, whose interest we should guard; we have our country's future welfare to consider.

Our own people, our laborers, artisans, and tradesmen, are entitled to our first consideration. Our institutions should be protected from destruction by improper immigration. Certainly this is our plain duty, and I would say, in the language of that great American, Abraham Lincoln, "with malice toward none and charity for all," I stand first for America, her citizens, her homes, her hopes and aspirations, with a profound desire to see her flag, the emblem of the free, continue to float with ever increasing glory through the coming years. [Applause.]

Mr. SIEGEL. Mr. Chairman, I yield 45 minutes to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized for 45 minutes.

Mr. CANNON. Mr. Chairman, I have in manuscript largely what I desire to say, and this is the third time in my life that I have ever had a manuscript. I do not intend to read it entire. I will, however, place it substantially in the RECORD if I have leave to extend my remarks, which I now ask.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANNON. And before I either read or talk further, before I forget it—and I will refer to the gentleman later, before I sit down, if I do not forget it—let me say a word to the gentleman from Massachusetts [Mr. GARDNER] with reference to his position touching this bill. It is wonderful how some people, who, upon all other subjects, from my standpoint, are, as they ought to be, wise in the main, can stumble touching some vital questions, especially touching immigration. The gentleman from Massachusetts has been opposed to immigration as far back, I know, as 1907, when the law substantially now on the statute books was enacted, and when the literacy test reported from the committee was in the bill, but not as finally enacted in the bill, and since that time he has been consistent.

Oh, he is a good protectionist. He tears passion into tatters when it comes to protection, and yet he starts out with the story of a man who was getting $10 a week or $12 a week who would like to have $16 a week. "How can you expect to get $16 a week when people can come over here and compete with you and work for $10 a week?" And yet he is not consistent when 300,000,000 people now in contest upon the other side—substantially all of them will be there, and their children, for a long, long time—manufacture and ship their products to the United States and come in competition with that man he talked to who was getting $12 a week, they working at half the wage he is receiving. And, O, my southern friends, you are agonizing about this competition from immigrants who you seek to keep out, and yet you stand for free trade and let in the products of those 300,000,000 people abroad, and then you turn around, not consistent, and make the same argument that the gentleman from Massachusetts makes.

So much for that. I have lived almost 80 years. [Prolonged applause.] I date back fairly well in my recollection to 1846. I was then a lad of 10 years of age, living on the Wabash. My parents were pioneers from North Carolina to the Wabash. They were Quakers and small landholders in North Carolina—my father, a Quaker by adoption, and my mother, from George Fox down, by inheritance. They left North Carolina, bearing testimony against slavery, as hundreds and multiplied thousands, I might say, like them did—they and Moravians and other small landholders. What for? To get away from servile labor that was performing similar labor which they performed into a country where servile labor did not exist. [Applause.]

And yet I am not here to dwell greatly on ancient history except as it illustrates present conditions and is germane to this bill. Now, so far what I have said is not in the manuscript. We all belong to the human race. I am glad to belong to it. We are divided into great racial divisions. The Caucasian race takes in all those people, 300,000,000 strong, who are waging that desperate war, such as the world never saw before, on the other side. I am not afraid of the Caucasian race, whether it be French, German, Irish, Scotch, English, or Slav; and as to the Italian, I am not afraid of it, whether it is literate or illiterate, so long as it substantially by labor lives in the sweat of its face, supports its family, makes a small saving, and cares for and educates its children; and in this country it must educate its children, because in our common schools 20,000,000 of those children are compelled to go to school, whether their parents assent or not, and become literate, whereas their parents, many of them, were illiterate.

Mr. KONOP. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. KONOP. Is it not a fact that the children of the immigrants educate their children far better than the native Americans do?

Mr. CANNON. Oh, I do not think that is a fact, stated so broadly. Yet it is true, from my own observation in Indiana and in Illinois and from what I read generally, that the children of the immigrants, the second generation of them—the first generation came to this country—it is true that they are quite equal in the common schools and the high schools with "our people," as we call them, whose parents came here three or four or five generations ago; quite as competent, and quite as wise, and quite as anxious for education, and quite the equal of the ancient "first families" that came to this country, some of them 300 years ago, but not a great many, and many of them 100 years ago, and many 50 years ago.

Now, the human family is a peculiar one. Man naturally is a religious animal. I believe the gentleman from Massachusetts is a direct descendant of some one of the people who came over in the *Mayflower*. A great people they were. Why? Because there was no place on the Continent of Europe or in Great Britain where a man could have freedom of religion and conscience without persecution. [Applause.] Well, they came over and had a pretty hard time. They were the common people, the Puritans; but no sooner did they get over here than they wanted to have a close corporation [laughter], and they did not want anybody but Puritans; others were not encouraged.

FIRST GUARANTY OF RELIGIOUS FREEDOM.

It ran along that way for several generations; but early there began to be protests against immigration that was not Puritan. There was old Roger Williams, that old Baptist, you know, who did not agree with the Puritans. In civil affairs he wanted everybody to obey the law, but in religious affairs he wanted every individual in Massachusetts Bay and everywhere to have freedom touching his religious views, without persecution. Well, they banished old Roger. He went down to Providence and Rhode Island Plantations. I said that on my mother's side from George Fox they were Quakers. Well, there was one branch of them, the Folgers, the Coffins, the Macys, and others, who were residents in Massachusetts. They went to Nantucket, because they had to choose between going there and being hanged if they stayed in Massachusetts. [Laughter.] So there you are.

Roger Williams, the Baptist, went down to Providence and Rhode Island Plantations, and he secured a charter from King Charles the Second, who, if I recollect aright in my reading of history, succeeded the Protectorate. That charter guaranteed to him and all people in that colony under that grant religious liberty. The historian says—I have not verified it, but I have no doubt it is true—that in all the history of the world from the beginning of time there never before had been written into law any enactment which guaranteed religious freedom.

A little before that a liberal charter was granted to Calvert, Lord Baltimore, the Catholic. Under the leadership of Calvert they organized a government in Maryland, and the Toleration Act was passed, which gave religious freedom, and the historian records the fact that the few Puritans who were in Virginia, where the Church of England was the leading church, the State church, went to Maryland because of persecution in Virginia. Oh, there is much of instruction if you will run back a little bit in the history of the settlement of this country. Our forebears, worthy as they were, made their mistakes. The historian tells us that Maryland was called the Sanctuary. Well, in the fullness of time, there being much disagreement about immigration and much of persecution in most of the colonies—in the fullness of time came the Revolution; and then it was that the Irishman, the Scotchman, the German, the Hollander, and the descendants of the Pilgrims came together as one man, with La Fayette, Von Steuben, Kosciusko, and Pulaski aiding Washington and his generals in military strategy, and shoulder to shoulder they won out and obtained their liberty. [Applause.]

And, lo and behold, after the Confederation, when they came to frame the Constitution in 1789, in a convention presided over by Washington, they wrote into that Constitution, where it stands to-day and has stood from that time to this, the guaranty of religious liberty and a divorce between church and state, and so it has remained until this day. [Applause.]

A step further. Immigration was invited. It came. A great many immigrants came from abroad. There were complaints once in a while. About 1816 there were people agreeing with my friend the gentleman from Massachusetts [Mr. GARDNER], and agreeing with many gentlemen from the South and the West. I am not abusing them, but it was thought that there were almost too many coming, and that they were poor—many

paupers, and so forth—the same complaint that you have now, although it is only a complaint now, because but few paupers or undesirable people are coming now from abroad, since 1907, when the present law was enacted. There was a good deal of flurry just 100 years ago. But about the same time when western New York was a rich and unpopulated land, and Ohio invited immigrants, whole villages, townships, and cities were substantially depopulated by that stream of emigration of our kind of people who went West. Common labor could not be had. Skilled labor was not very plentiful, and then again immigration was courted and invited, and it came in great streams. Why was that? It was because there was nobody to do the common labor that was absolutely necessary to be done.

THE AMERICAN ASSOCIATION.

It went on until about 1836 or 1837, and they kept coming and coming, sent over by Governments and by organizations. Agents were sent over, because we needed the labor. That was some time prior to 1836. They came and helped build the railroads and dig the canals and do the common labor. But here in 1836 or 1837 the native-American movement was organized, and a demand was made which was promoted throughout the length and breadth of the country against that immigration. The organization demanded that the naturalization laws be repealed and that the ports of the country be closed against all immigration. My friend the gentleman from Massachusetts [Mr. GARDNER] wants to close the ports for 10 years, but then it was demanded that they be closed entirely.

Those agitators of 1837 had more excuse for their opposition than have those of to-day. There had been years of assisted immigration.

In England the parish officers sold houses belonging to the parishes to secure the funds to aid emigration to America. In 1828 the health officer of Baltimore, in his annual report, declared that many people had come from foreign ports who were absolutely destitute. A year later he mentioned "some lame, blind, and others in a state of idiocy," and told of the arrival of immigrants whose passage had been paid by the parishes in England. Again, in 1830, he described the condition as deplorable, with "the halt, the lame, and the blind" among the immigrants. The American consul at Jamaica was visited in 1831 by the captains of American ships who complained of a law which compelled them to carry away one pauper for each hundred tons of cargo or pay a fine of £100 currency.

INTERNAL IMPROVEMENTS.

So the native Americans again sought to check immigration and naturalization, but the internal improvements which we had inaugurated called for labor beyond the home supply; we had begun to build canals and railroads. The contractors on the Baltimore & Ohio Railroad and the Chesapeake & Ohio Canal could not secure in this country the unskilled labor necessary to carry on those great works; so they turned to Europe. They sent agents to Great Britain and Ireland and imported workmen. They contracted to pay those men $12 a month and board, and the men contracted to work out their passage.

The historian of the times admits that the open door was abused; that England, Ireland, Scotland, and other countries emptied their poorhouses and jails and shipped their paupers and convicts to America. New York put up the bars against convicts and was urged to deny admission to paupers. In that day Congress and the country looked to the States, and insisted that New York, Massachusetts, Pennsylvania, and Maryland close their ports to convicts and paupers to protect the country.

The agitation begun in 1837 against immigration ran along until the forties, when great floods destroyed the crops in Germany, when multiplied thousands were stricken with poverty, were without subsistence, and there was a terrible condition, and again emigration was promoted by Germany. Just a little later came the potato rot in Ireland, where a whole people were starving. Then, a little later—and I will bunch the three together—came the revolution of 1848, when, as I understand it, Mr. RODENBERG, that revolution having failed, your father came with Schurtz and Sigel and many others to this country, 300,000 strong. [Applause.] Well, they were welcome. We were very sorry for the Irish and the Germans—especially for the Irish—because they were in abject want. You know charity made great contributions, and the United States furnished the ships to carry the cargoes of food across the oceans to them. Congress was appealed to, but Congress did not respond, and the reason it did not respond, assigned then, and honestly assigned, was a condition somewhat similar to that which we have now. The Treasury was empty and they did not have the wherewithal to appropriate the half million dollars that had been asked for. [Laughter.]

Those who came here found work, wages, and food, and prospered. They wrote back to friends of the opulence of America, where the people had three and four meals a day, with meat for everybody; they said that bullocks' and sheep's heads were thrown away and there were no empty bellies in this land of plenty. So the stream of aliens continued to come year after year from Ireland and Germany. The Irish generally settled in the cities of the East, while many of the Germans came in colonies and pushed on to the West. Chicago has one-third of its population made up of aliens. New York, Boston, Philadelphia, and other cities in the East and St. Louis in the West had larger foreign population in percentage than they have to-day. These new immigrants lived in colonies, spoke their own languages, had their own social customs and amusements, read their own newspapers and books, and had their own military companies, uniformed as in the land of their birth, so that it was said that an assembly of these military companies on training days resembled a mimic review of the armies of the world.

It ran along, and now we come to a time that I recollect. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 22½ minutes.

Mr. CANNON. I am like the gentleman from California, I have hardly begun; but I must hasten along, because there are some interesting things that I want to say. I have the permission of the House to print, so I will jump along.

THE KNOW-NOTHING MOVEMENT.

The native American opposition broke out anew and became a powerful political organization threatening the supremacy of the old parties. Its popular name, the Know-Nothing Party, was due to its secrecy and the professed ignorance of its plans by those identified with it, for no member would admit that he knew anything about it. It worked in secret, all movements directed from a central agency. It proscribed not only aliens but all native Americans who refused to cooperate with it.

I recollect it. I was a tolerably husky lad at that time, 20 years old, and since then I have frequently thanked God that I was not old enough to join it. Probably if I had been old enough I would have joined it, because it abounded greatly on the Wabash. [Laughter.] Its blows were delivered in the dark. It proposed that none but native born should be eligible for public office. Its hostility to the alien ramified, until it proscribed religious as well as political organizations, developed antipathies toward churches as well as toward foreign born, encouraged riot and religious persecution, which resulted in the burning of churches and convents, and it created divisions in other churches until it almost appeared that the Christian religion had become a Babel of warring sects instead of a great, harmonious army following the Master. What would have been the outcome of the antagonisms encouraged by this new development of native Americanism, much of it less than two generations here, no one knows had it not been absorbed or sidetracked by the great antislavery movement which led to the Civil War.

UNION OF ALIENS FOR NATIONAL DEFENSE.

That great American tragedy developed the fact that there was no alien sentiment in our population. The Irish, the German, the Italian, the Scandinavian, and the Greek societies in the North became military units in the Union Army, and they contributed no small part in the preservation of the Union. The men who followed Sheridan and those who fought with Siegel made history in that war, and it is said that Jefferson Davis attributed to the aliens of the North the defeat of the Confederate armies and the preservation of the Union. [Applause.]

We have had no such violent outbreaks against the alien immigrant since the Civil War as those that recurred from time to time in the generation preceding that war. We have continued to find work for all our own people and for millions from abroad. We have increased our population from 31,000,000 in 1860 to 100,000,000 in 1910, and our national wealth from $16,000,000,000 to $187,000,000,000. We have created new empires in the West, made conquest of mountain and desert, and have developed a homogeneous union out of the most discordant contributions of the world to testify to the vitality of the principles on which this Government was founded.

ALIEN CONTRIBUTIONS TO PROSPERITY.

The alien immigrant has contributed to this result, and I have been unable to see any more danger from the alien of recent years than from those who came in the early days of the Republic. The Italian, the Hungarian, the Pole, the Lithuanian, and the Russian Jew are just as anxious to work as

were the Irish and the German 100 years ago, and they are developing into Americans more rapidly, because we have found better means to educate the immigrant and make him understand what this Government means. Should this Nation be forced to defend itself against any other power on earth I have not the slightest doubt that the alien part of our population would, without exception, bear its share in the defense of the Government as it did from 1861 to 1865. A literacy test in the past would have shut out millions of people who helped to develop this continent and build this Nation, and I believe the future may be judged by the past. [Applause.]

Who are the aliens in America? They are so large a part of the Nation that we would not be a Nation of 100,000,000 without them. A recent census report estimated that in 1900 the population resulting from immigration since 1790 amounted to more than one-third of the whole, or from 25,000,000 to 30,000,000 out of 76,000,000 as the total population, and that they had produced $40,000,000,000 of the total wealth, which then was less than $100,000,000,000.

IMMIGRATION GOVERNED BY DEMAND FOR LABOR.

The tide of immigration has risen and receded in response to the demands for labor in this country, particularly for unskilled labor. The Commissioner of Immigration expresses the opinion in his report that a great part of those who give their occupations as farmers and mechanics come to accept unskilled labor, not from choice, but because there is a constant demand for unskilled labor in this country that can not be supplied at home. It is work, not the wage, that now, as in the past, throws a great part of this unskilled labor to the immigrant. He begins at the bottom, where he does not compete with native labor, and he does not come into competition with our own labor until he has risen in the scale by industry and intelligence to produce skilled labor.

Whenever this tide of immigration has risen to numbers that have alarmed native labor, or there has been a depression in business, the tide has receded. In 1872 we had a very large immigration, but in 1874, after the panic, immigration dropped to less than one-half of what it had been. In 1892 there were 623,000 immigrants, and in 1895 only 280,000. Mr. Gompers, in his report to the American Federation of Labor in 1894, said that there were 3,000,000 unemployed in this country.

In 1905, 1906, and 1907 there were more than 1,000,000 immigrants each year, but in 1908, after the business depression, the number of immigrants fell to 782,000.

Mr. Morrison, secretary of the American Federation of Labor, is reported in the hearings of this committee as estimating that there were between 4,000,000 and 5,000,000 unemployed last year. The net immigration of 1915 was 43,000. In the last six months of 1915 the net gain by immigration was 2,392, and in December there were 570 more departures than arrivals. The Commissioner of Immigration says: "These figures show quite clearly that the decline in immigration had begun prior to the outbreak of the European war and was probably a reflection of industrial conditions in the United States."

WHENCE COMES DEMAND FOR RESTRICTION.

This demand for the restriction of immigration comes largely from sections of the country which receive little immigration; the Southern States receive only 2 per cent.

Mr. HARDY. If the gentleman will allow me, is Texas included in the Southern States that he mentions?

Mr. CANNON. Yes.

Mr. COOPER of West Virginia. Is West Virginia included in the statistics?

Mr. CANNON. I think not; still I will not answer certainly. These statistics were gathered for me. I have respect for the leaders of the great labor organizations, but I sometimes think they become unduly alarmed over this question and fail to understand the real sentiments of the people whom they represent. We have here petitions from the United Miners' Union, and yet the majority of the miners are immigrants who are aiding to bring their friends here and secure work for them. It is the same in many other branches of labor, and I have been unable to find the same hostility to the immigrant in the ranks of labor that is represented by the leaders of the labor organizations. There has always been a kindred feeling in the ranks of labor, which extends the hand of fellowship to newcomers.

PRESENT INCREASE IN POPULATION.

What reason is there for greater restriction now when we have practically no immigration? The increase in population of the United States in the census decade was the lowest recorded since the Government was organized. From 1790 to 1800 the increase was 35.1 per cent; in the next decade, 36.4 per cent; the next three decades, 33 per cent; from 1840 to 1860, 35.5 per cent; from 1860 to 1870, 22.6 per cent; from 1870 to 1880, 30 per cent; from 1880 to 1890, 25.5 per cent; from 1890 to 1900, 21.2 per cent; and from 1900 to 1910, 21 per cent. The downward tendency will probably be greater in the present census decade than in the last decade.

President Lincoln, in his message of 1862, estimated that the population of the United States in 1910 would be 138,918,526, or 40,000,000 greater than it was recorded by the last census. He saw in an increase of population a boon for the country, but some of our people to-day are less optimistic and see only danger in the growth of population. I can not agree with them, for the development of the great resources of this country depend upon its population.

The forests, the iron ore, the coal, and the prairies have been here for untold ages, but America only became the richest Nation on earth when there were people here to develop and utilize these natural riches; and, let me tell you, brawn has played quite as great a part in this development as brain. While I want to see all our people educated, I have often found as much brain action in those who could neither read nor write as in the products of some of our colleges. The State prisons of New York have as many college and academy graduates as they have of the illiterate [laughter], and the head teacher at Sing Sing reports that many of those who possess ability to read are unable to understand the meaning of what they read. I prefer understanding to such a literacy test. [Applause.]

We have corrected the mistakes of the past, and no longer may the mentally, morally, or physically deficient enter our ports; nor may they come under contract, nor in the old, crowded condition of immigrant ships. We have now well-considered laws to guard this country from the immigrant when he becomes a charge on our own people; we admit only those who may contribute by labor to the upbuilding of the country, its industries, and its wealth. The literacy test has not in the past, as applied to our own people, produced better and more efficient workers, especially in the shops and mines and on the farms. I do not believe it will improve the quality of our immigration.

Some gentlemen here fear that the close of the European wars will increase the tide of immigration, but I do not so believe. Europe will have need for all her able-bodied men to make up for the ravages of war. Our laws now prevent the coming of those who would become a charge upon this country.

WHO ARE THE NATIVE AMERICANS?

But who are the native Americans? I have for years tried to find the native element in our population. I recently turned to a report of the Census Office, under the title of "A Century of Population Growth," in which is given a list of the family names which appeared in the First Census in 1790. This does not give all of the names of the more than thirty hundred thousand people living then in the United States, but it does pretend to give all the family names that represented 100 or more people, on the assumption that the "heads of families in 1790 were the founders of the Republic," and that these names, numbering 27,337, would be "the basis for our American genealogy." There were then thirty-one hundred and seventy-two thousand four hundred and forty-four white people in the United States, and less than 30,000 family names. These were the native whites in this country when the Constitution was adopted and Washington became the first President.

How many of us can trace our lineage back to those first American families, and how many of us are compelled to trace our lineage back to the alien immigrant? I tried to trace the membership of this House back to that American "Almanac de Gotha," and I could not locate one-third of you. [Laughter and applause.] There are 135 Members of this House whose family names can not be found in the First Census of the United States. These 135 Representatives represent the alien immigrants to this country, but who will deny that they have American names? I found the name of the gentleman from Massachusetts [Mr. GARDNER], who is one of the later pioneers of this movement, written in 15 different ways, and that may justify his position. [Laughter and applause.] I found the name of the chairman of the Committee on Immigration and the author of this bill, but few of the other members of the committee can trace their lineage back to the first families. I was able to find my own name there spelled in six different ways, from Cannon to Canine, but I have other historical records that some of my ancestors were driven out of New England long before this First Census on pain of having their ears cut off if they remained; so I have no particular pride in finding my name among the first families of the Republic. I am willing to be put down with the aliens of this House. [Laughter.]

The Senate is not better represented in that old list than the House. While my friend [Mr. GARDNER of Massachusetts] is,

as I said, represented by 15 different spellings, I have been unable to find the name of his distinguished father-in-law, the senior Senator from Massachusetts, who is one of the most brilliant and cultured men in public life. That ought to be a consolation to some of you. If Senator LODGE is an alien, who among us may not be proud of the title? [Applause.]

The Congress of the United States is not the only place where scions of the first families do not monopolize the membership. There were no McKennas, no McReynolds, no Pitneys, no Van Deventers, and no Brandeis for the membership of the Supreme Court; no McAdoos, no Burlesons, and no Houstons to sit around the Cabinet table. Business, commerce, manufacture, science, literature, art, and labor, as now represented in our great American family, would have lost in nomenclature if not in development had the first Congress of the United States enacted such legislation as this and closed the ports to the alien immigrant. I can find in that list of first families in 1790 no Agassiz, Edison, or Westinghouse; no Carnegie, Harriman, Havemeyer, or Mackey; no Astor, Belmont, Lorillard, or Leiter; no Funston or Pershing; no Watterson or Pulitzer; no St. Gaudens or La Farge; no Gompers or Morrison; no Billy Sunday or Mary Pickford.

Mr. SIEGEL. And there was no Hughes.

Mr. CANNON. I did not look far enough to find out.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SIEGEL. I yield to the gentleman from Illinois 15 minutes more.

Mr. CANNON. These are a few of the names which would never have appeared in American history had Congress in 1790 seen fit to legislate against the alien immigrant. But there is one other name absent from this old list of first families with which we have all become familiar in recent years, for it has appeared in the public prints more, perhaps, than any other associated with stirring events in both military and civil life; at the head of a regiment of rough riders, as governor of New York, as Vice President and President of the United States; as lion hunter, explorer, naturalist, discoverer of the River of Doubt, as idol of many people who call themselves the true Americans of this composite people; the name of Roosevelt does not appear in any form, synonym, or root in the list of first families. [Laughter and applause.]

Who, then, are the native Americans who have for 100 years periodically grown hysterical about putting up the bars to protect themselves against alien blood, and then opening wide the gates to welcome immigration to an enlarged field of labor in this melting pot of the world, which has for 300 years been pouring from its crucible a new composite American to stand as a type both like and unlike those of the older civilizations from which the virile blood of America has been drawn? [Applause.]

SERVILE LABOR.

Before I sit down I want to ask why is it—and I call the attention of the gentlemen from the South to that—why is it that the gentleman from Alabama reports this bill? Why is it when only 2 per cent of the immigration that comes from abroad goes south of Mason and Dixon's line? I think I can explain it without abusing anybody. I do not abuse anybody. I was born in North Carolina, and I have a warm feeling for that State and for its climate, and my mother's eyes would fill with tears whenever she talked about it. You had servile labor and you had a white aristocracy. Labor was not considered honorable by the men south of Mason and Dixon's line. There would have been no struggle if it had not been for the fact that on the southern bank of the Ohio labor was servile and not considered honorable, while on the north side the labor was performed by American citizens.

Mr. QUIN. Will the gentleman yield?

Mr. CANNON. I will yield to the gentleman, if he will be quick.

Mr. QUIN. I think the gentleman is mistaken about servile labor in the South; a man who worked was considered just as good as anybody else.

Mr. CANNON. And yet you take the mountainous spots, and it was a common saying that the negro slave was cared for in his old age, and although he did not vote he looked down upon the poor white with disdain. Take Dixon's book, Leopard's Spots. It is an overdrawn picture of the conditions before the Civil War. I was acquainted somewhat with the immigrants that came from the Southland to Illinois and Indiana. It was not very lovely for the white man down there that did not own slaves. But that is all behind us. It is wonderful how well you have done, but think of it. The hum of the spindles is being heard, the mines are being opened, your lumber is being marketed, and with it all there has been prosperity.

Good heavens! If you could get 20 per cent or could have received 20 per cent of the immigration that the Northland has been getting since the close of the Civil War, if it could have gone down there, you would have been 50 years ahead in your material development, and I believe 50 years ahead in every kind of development of where you are now. [Applause.] It will come in time, and Godspeed the time!

QUALIFICATIONS FOR VOTING.

But, Mr. Chairman, I have some very interesting figures here which I desire to call to the attention of the committee. I get these figures from the World Almanac—and you can not dispute what the World Almanac says, you are estopped. [Laughter.] I presume it is correct. I gathered these statistics from that publication last night. In the State of Alabama an alien who has declared his intention, or taken out his first papers, as it is called, and who has lived in the State for two years, is made a voter.

Mr. BURNETT. Mr. Chairman, the gentleman is mistaken, and if the World Almanac says that it is mistaken. He has to be a naturalized citizen in order to vote.

Mr. CANNON. How long has that been the case?

Mr. BURNETT. Ever since the new constitution of 1901, and possibly further back.

Mr. CANNON. Thank God, there is progress there. [Laughter.] I am merely taking these from the World Almanac, and I am glad that the gentleman has interrupted me.

Mr. BURNETT. Oh, I knew that the gentleman did not intend to misrepresent anyone, and I desire to call his attention to the fact that Indiana is one of the States that he has in mind.

Mr. CANNON. Oh, yes; I am coming to that in a moment. Take Arkansas: First papers and one year's residence is all that is necessary to entitle a man to vote. Is that correct? Now we come to Indiana—Indiana, a State in which I grew up, of which I am proud, and I live within 6 miles of the western border now; Indiana, with her great Democratic representation in this House, solid two years ago; Indiana, composed of our kind of people and so represented—and what do we find the case to be there? An alien on declaring his intention to become a naturalized citizen, if he lives in the State for six months, is entitled to vote. Oh, judging from the votes of some of our Indiana friends. Great heavens! [Laughter.] Why do you not take the beam out of your own eye and do what you can to cure alleged abuses, rather than to come in here and vote for and advocate this literacy test? Now comes Kansas: A declaration of intention and a residence of six months let these illiterate people vote there. Missouri—show me! A declaration of intention and a residence of one year permits this illiterate alien to vote there. Now we come to Michigan: A declaration of intention and a residence of two years is all that is necessary.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. McLAUGHLIN. That has not been the law in Michigan for nearly 20 years.

Mr. CANNON. I am very glad to hear that.

Mr. McLAUGHLIN. I am sorry to find the gentleman from Illinois so far behind.

Mr. CANNON. Oh, I am not behind. It is this table and information in this World Almanac that is behind.

The World Almanac has this note at the head of this table of statistics:

Communicated to the World Almanac and corrected to date by the attorneys general of the respective States.

And now comes Nebraska: Halt! First papers and six months' residence entitles a man to vote. Is that right? Think of it! The home of William Jennings Bryan! [Laughter.] Texas: A great State. Some one said that it is larger than Germany. One year's residence and first paper, so the World Almanac says, entitles the illiterate alien to vote.

ALIEN LABOR FOR SOUTH AND NEW ENGLAND.

Mr. Chairman, before I forget it I desire to call attention to a particularly vital matter in this bill, and I desire to read it now. I will ask Members to turn to page 3. Speaking of the poll tax, it is provided:

That the said tax shall not be levied on account of aliens who enter the United States from the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico for a temporary stay—

Does that let in the factory labor for a temporary stay in the State of Massachusetts, I will ask the distinguished gentleman from that State [Mr. GARDNER]? I want to ask the gentlemen from Texas, does that let in Mexican laborers from the Republic of Mexico when you desire laborers to pick your cotton and harvest your crops? I am reliably informed Mexicans cross the border there periodically for agricultural labor. I guess it does; I guess it does.

Mr. SLAYDEN. Mr. Chairman, if the gentleman desires me to answer that question I will do so, but I do not want to take up the gentleman's time.

Mr. CANNON. Very well. I will be very glad if it can be answered, because the gentleman from Alabama [Mr. BURNETT], in his remarks upon the adoption of this rule, said that the present Mexican war, in his opinion—I think I quote him correctly; or threat of war, at least—the condition down there on the border, which caused the death of citizens in Texas and of our soldiers, was due to the fact that there was no literacy test.

Mr. GALLIVAN. That is what he said.

Mr. CANNON. Mr. Chairman, I want to tell a little story if I can in my time. I knew Judge Holman of Indiana very well. I served with him for many years. He was one of the most distinguished men who ever served in Congress from that State; a perfect gentleman, an able legislator, but he had the reputation of being the "watchdog" of the Treasury. Years before he died once in a while I would meet him, and we would take a drink together. Now, I can take a drink, and it will not affect me much, but if he ever took one or two he became exceedingly bright, and he would reminisce. [Laughter.] One day he met an old friend of his from Vermont who had served with him in former years, who was second auditor under Grant; I forget his name. He shook hands with us, but he did not drink; he would not drink at all. Holman said to this gentleman, "Oh, I recollect our service with very great pleasure. We were both called watchdogs of the Treasury. So we were, so we were, but we always had sense enough not to growl when our friends were around." [Prolonged laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Oh, just one minute more.

Mr. SIEGEL. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. CANNON. I have enough here to talk three hours, but I want to apply that story. There is to be no head tax of $8 for people who come in from Canada or Mexico and these other places—temporarily! [Laughter.]

Mr. Chairman, I am proud of this country; I am glad to have been born in this, or perhaps I had better say in the last, generation. I would like to live to see the swing of the twentieth century and what it will bring. Nature is kindly; I can quit whenever the man with the scythe comes, but I desire to say that I have this faith, that we will grow stronger and stronger, and that we will continue to become so and to live under the Constitution of the United States which guarantees property, liberty, freedom in religious opinion, with legislation that shall cover the rich and poor, the great and small, the high and low, everyone within our borders, native born or naturalized, like the grace of God, and that under it we will make our laws strong enough to restrain the strongest and to protect the weakest, and that for more centuries than I can say the great Republic will grow and grow and continue to retain as it ought to our privileges and our civilization. [Prolonged applause.]

Mr. BURNETT. Mr. Chairman, I yield one minute to the gentleman from California [Mr. KENT].

Mr. HAYES. Mr. Chairman, I yield to the gentleman from California three minutes.

Mr. KENT. Mr. Chairman, the eloquence of the gentleman from Illinois [Mr. CANNON] has not swerved me from laying before this House some fundamental conceptions of democracy.

Democracy is the last development of government and of human experience, only possible among peoples that have had long training in independence and self-control; only to be exercised by those who have learned how to make their own laws and to obey and respect those laws when made. Democracy can not be conferred upon the unripe or the unfit; it is and must be inherent.

Bitter has been this Nation's experience in our Southern States, when by injudicious action we conferred upon an immature race responsibilities for which it was unequal; and even after that experience gentlemen talk as though all people that come to our shores should be cheerfully admitted and should participate not only in governing themselves but in governing the rest of us, who are born of ancestry capable of self-government. For my part, I believe in a real democracy not stratified by differences of fortune.

We who are capable of self-government should not feel that we ought to import people to do the hard work that we ought to do for ourselves, for under such conditions democracy is impossible. Our people should be driven into productive labor, our sort of folks should consider no work as dirty work to be laid upon the backs of the despised and the downtrodden, for under such conditions democracy is impossible.

Importations of labor to be heedlessly exploited brought the need for contract-labor legislation to prevent Carnegie from further debauching the citizenship of Pennsylvania.

Importations of the unfit mean no less than the privilege to exploit them by those who possess the capital and the land of this country.

Unless a man can go from below to the top, as his merit shows, in our society, there is a denial of democracy.

It sounds well to talk of offering a refuge to the oppressed of all the world, but we must also ask ourselves whether these oppressed are all of them capable of ruling not only themselves but of ruling us and our children, for this is democracy.

I favor this bill and the literacy test. If I could stop all immigration until we could master our insistent problem, I would do so. The literacy test will in the average check the undesirables. I would rather have it a test of blood and race, and confine our immigration to northern Europe; but failing that, the literacy test.

The illiterate are those most subject to oppression, and oppression is worse for the oppressors than the oppressed. This is proven by history.

We can not afford to hold open our labor market to those who break down American standards of living. Protection of American goods and free trade in labor are the absurd conditions which can only exist in a prodigal waste of natural resources. In the name of democracy and in the hope of free government we must sort the population, which is the Nation; otherwise our pretense of democracy is but a farce and a fallacy. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. HOOD].

Mr. HOOD. Mr. Chairman and gentlemen of the committee, I beg your indulgence for a few moments while I, as a member of the Immigration Committee, submit a few reasons why I think this measure should pass.

I take it that there is no opposition to the admirable administrative provisions contained in the bill and none to the sections excluding those that are morally, mentally, and physically unfit. The controversy therefore hinges upon the literacy test.

I believe that we, as representatives of the people, should be eternally on guard and be ready and willing to remedy any cause that in our judgment might endanger or menace the American Republic; anything that would have a tendency to sap its vitality, its strength, its power, its glory, or to correct any conditions that may arise to disturb and injure our moral, economic, social, and political status. It is true that this bill does not in any way affect the millions of foreigners now in our midst, nor does it interfere with the great opportunities this land of freedom and liberty affords them. Many of them have contributed largely to our success as a people and nation. Time will enable them, if it has not already done so, to assimilate our ideas, our customs, our habits, and thereby to have the proper conceptions of our Government and all its glorious institutions. My thoughts are directed largely to the future and to the effect of the continued influx of aliens to this country, especially the undesirable.

The commissioner general, in his 1914 report, says:

> Immigration, judged from the results of the year, has apparently reached the million mark permanently.

In fact, during the year 1914, 1,218,480 of them landed here; the year prior, 1913, there came over 1,197,892. Doubtless as many would have arrived last year had it not been for the European war.

I believe when this war terminates, if it ever does, that the desirable immigrants will remain at home, while those that are undesirable, encouraged by steamship companies, will emigrate to America.

Hon. Bourke Cockran, in his splendid speech before the committee against this bill, said:

> It is true [speaking of the immigrant] that he crowds sometimes into a great city like New York, and it is also true that in more than one quarter of a great city you can find a population almost entirely foreign; signs over shops are in foreign characters, the language actually spoken is foreign, the habiliments of the people foreign, of the women especially, among whom that tendency to color so strong in certain European populations is very pronounced. As you see these aliens leading their lives according to habits that have grown up across the sea you might well wonder, as you go from one district to another, each inhabited apparently by people differing wholly from the others, if, indeed, there be not here a multitude of races beyond the capacity of even this Nation to digest.

[Applause.]

In justice to Mr. Cockran, I desire to say he then gives his reasons why this Nation can digest such conditions.

Judge Goldfogle, ex-Member of Congress from New York, admitted in his argument before the committee against the bill that such congestion did exist in New York.

Doubtless we will find similar conditions in many other large centers of population. I believe such conditions are dangerous. This Republic can not long survive half American and half foreign. We must Americanize them or they will foreignize us. [Applause.]

I know, Mr. Chairman, that the literacy test is not a perfect test. No law is perfect. Individuals, who are all fallible, create and make the laws, and we can not expect perfection out of imperfection. The best thought of the Nation seems to have evolved the literacy test as equitable, just, and fair.

On account of the continuous flow of immigrants to this Nation, Congress, a few years ago, appointed a commission to make a thorough investigation and determine whether or not it was necessary that immigration be restricted. This commission, after years of study and travel, decided that immigration should be restricted, and recommended the following methods of restriction:

The exclusion of those unable to read or write some language.
The limitations of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.
The exclusion of unskilled laborers, unaccompanied by wives or families.
The limitation of the number of immigrants arriving annually at any port.
The material increase in the amount of money required to be in the possession of the immigrant at the port of arrival.
The material increase of the head tax.
The levy of the head tax so as to make a marked discrimination in favor of men with families.

A large majority of the commission favored the reading-and-writing test as wise and effective.

THE HEBREWS.

The Hebrews in my district and State, who are splendid citizens, have protested against the literacy clause, but an examination of the records will disclose that they will be scarcely affected if this measure becomes a law.

I am a great admirer of the Jew. Hosmer, the historian, says of them:

It is the marvel of history that this little people, beset and despised by all the earth for ages, maintains its solidarity unimpaired. Unique among all the peoples of the earth, it has come undoubtedly to the present day from the most distant antiquity. * * *
The most powerful races have not been able to assimilate them—the bitterest persecution, so far from exterminating them, has not eradicated a single characteristic. * * *
Language, literature, customs, traditions, traits of character—these, too, have all survived. * * *
There is no other case of a nation dispersed in all parts of the world and yet remaining a nation. * * *
Who will deny to the Jews preeminent force of passion and intellect in the most various directions?

If the bill was enforced strictly in accordance with the following provision—

All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish—

it would only keep out 18 per cent male and 30 per cent female of the Hebrews.

On the other hand, the following liberal exemption certainly makes ample provisions:

All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

In that event the literacy test does not apply.

The Commissioner General of Immigration, in his report for 1915, shows that last year 19,703 Hebrews over 14 years of age immigrated to this country. Only 765 males and 2,223 females of this number could not read and write.

Many of these could have probably taken advantage of the foregoing provision. Many of the females certainly could take advantage of the exemption from the literacy test, which is as follows:

Provided, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not, and such relative shall be permitted to enter.

THE FARMER.

A distinguished North Carolina capitalist, writing me opposing this bill, said:

The counties which you represent are an empire in themselves if developed, but they can not be developed without bringing in new population.

I wrote him stating that I was very much interested in the development of my district and State, that I heartily welcomed the moral, the thrifty, and the worthy immigrant, but seriously objected to the undesirable, the criminal, the anarchist, the ignorant, and the vicious, and that I was of the opinion that we ought to have moderate restriction.

I recognize the fact that I represent a vast territory of undeveloped farm lands, and I would like to see bursting from its bosom the golden grain, the fleecy staple, and other products of the soil; but rather than disturb the peace, the contentment, the happiness of my people by a horde of ignorant foreigners unfitted for our citizenship I had rather the soil remain in woodland, weeds, and grass.

As a matter of fact, I do not believe this bill, if enacted into law, will retard our growth or development.

The last annual report of the Bureau of Immigration shows that out of a total immigration last year of 434,244 aliens only 9,215 were farmers and 29,247 were classified as farm laborers. They prefer remaining in the congested districts of the larger cities. The farmers themselves are in favor of a restriction. The National Farmers' Union passed the following resolution:

Whereas the Immigration Commission, after eight years of investigation and a 42-volume report, recommended legislation contained in a 58-page bill that passed the Senate and House during the last Congress, only to fail by a few votes to receive the necessary two-thirds in the House needed to make it a law over a 12-line veto, after it had passed the Senate by the decisive vote of 72 to 18; and
Whereas the same bill has been introduced recently in the Senate by the chairman of the Senate Committee on Immigration and in the House by the chairman of the House Committee on Immigration: Therefore be it

Resolved by the Farmers' Educational and Cooperative Union of America in national annual convention assembled at Salina, Kans., this 4th day of September, 1913, representing over 3,000,000 members throughout 33 States, That we reiterate our earnest demand for this needed legislation and urge upon the President and Members of the Senate and House that this bill, which is Senate 2453 and H. R. 6060, be put upon the Federal statute books at the earliest possible opportunity.

In November, 1914, the National Grange, a farmers' organization, adopted the following:

Among the thinking people of America there is an unusually strong feeling that the time has come when our immigration laws should be further amended so as to prevent the ignorant, dishonest, vicious, and physically defective from entering our country. While recognizing that ignorance is not a badge of dishonesty and crime, we are satisfied that the higher the average education of our people the better it is for our happiness, prosperity, and stability. When the war now raging on the Continent is over Europe will unquestionably dump untold numbers of undesirables upon our shores. The better element from those countries will not be permitted to leave, if such can be prevented.
Therefore we demand the passage by Congress of such immigration laws as will adequately protect our present citizenship from those of other countries whose mode of living, ideals, and beliefs are inimical to those which have made us great.

I believe if this legislation is enacted, it will give us a better class of immigrants, and those desiring to engage in farming will then be better equipped for this kind of work because of their educational qualifications.

Quoting from the brief of the Immigration Restriction League:

The passing of this law will be good politically, socially, and educationally.
The literacy test would largely cut down the number of undesirable immigrants, thus promoting the assimilation of other immigrants.
It would improve the quality of immigration.
It is a certain and definite test, easily applied.
Elementary education on the part of the immigrants is desirable.
The illiteracy test is demanded by intelligent public opinion.

The farmers want the legislation, the workingmen want it, and I believe an overwhelming majority of the people favor it. I know that the preservation, perpetuity, and glory of the American Republic demands that we guard well our gateways.

Wide open and unguarded stand our gates,
And through them pass a wild, a motley throng—
Men from the Volga and the Tartar steppes,
Featureless figures of the Hoang-Ho,
Malayan, Scythian, Teuton, Kelt, and Slav,
Flying the Old World's poverty and scorn;
These bringing with them unknown gods and rites;
Those tiger passions here to stretch their claws.
In street and alley, what strange tongues are these?
Accents of menace alien to our air;
Voices that once the tower of Babel knew!
O Liberty, white goddess, is it well
To leave the gate unguarded? On thy breast
Fold sorrow's children, soothe the hurts of fate,
Lift the downtrodden, but with the hand of steel
Stay those who to thy sacred portals come
To waste the gift of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust, for so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf unmolested made her lair.

[Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

Mr. HAYES. Mr. Chairman, when I have consumed 10 minutes, if I consume so much time, I desire the Chair to call it to my attention.

Mr. Chairman, there is in this bill a provision of the greatest interest and importance to the people of the State which I represent in part on this floor. On page 7 will be found a provision which is intended to relate exclusively to the oriental peoples beyond the Pacific Ocean. That provision, in substance, is this: That the Hindu, who claims to be a Caucasian, shall be excluded, and all other peoples who, under our naturalization laws, are ineligible to become citizens of the United States, unless their exclusion is provided for by agreements as to passports, treaties, or conventions now existent or which may hereafter be entered into.

There is another amendment to the law which I know will also be very pleasing to the people of the Pacific coast, and that is that, although the bill excepts from the exclusion provision merchants, students, travelers, religious teachers, and scientific men, all of whom may come freely to this country, when any person belonging to one of these excepted classes ceases to maintain in this country the status which entitled him to enter and joins the ranks of labor he becomes deportable under the law.

Now, if I understood the reference of the gentleman from New York [Mr. BENNET] to this bill as a menace, I want to say to the gentleman that this bill does not change existing conditions in reference to any Asiatic who comes or has been coming to the United States except the Hindu. He is the only man whose status will be changed by this bill. It will not change the so-called Japanese gentleman's agreement at all, but explicitly recognizes it as in full force and operation. I was familiar—much more familiar than the gentleman from New York—with the inception of that gentleman's agreement with Japan, because I was called in consultation before it was made, and I know from knowledge thus acquired that that agreement was then acceptable to the Japanese Government. The Committee on Immigration and Naturalization has not formulated and proposed this addition to the law in regard to orientals without taking into consultation the Secretary of State and the various executive officers of the Government who are familiar with present conditions. They have advised us that they do not see that the provision could be offensive or objectionable to the Japanese or any other Government. I myself see nowhere any menace in this amendment to the law. I would be very loath to vote for any provision that would be an offense to the pride or sensibilities of any nation on the face of the globe, though I could not be deterred by this from taking such action as would fully protect us from any threatened oriental immigration menace.

In this connection I want to say that the people of California and the people of the Pacific coast generally have no ill will toward the people of Japan or any other Asiatic country.

Mr. MOORE of Pennsylvania and Mr. BENNET rose.

The CHAIRMAN. To whom does the gentleman from California yield?

Mr. HAYES. I yield first to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I am glad the gentleman has referred to that paragraph. It seems to me to be one of the most serious in the bill. As I construe it, it seems a challenge or a menace.

Mr. HAYES. Not at all.

Mr. MOORE of Pennsylvania. And if the gentleman has any authority as to the attitude of the Japanese Government I wish he would state it?

Mr. HAYES. We have the authority of the Secretary of State. That is the only authority we have. We took this matter up with the Secretary of State before this provision was incorporated in the bill, as the committee were unanimously of the opinion that we do not desire under present conditions to include in the bill anything that would be seriously offensive to the Japanese or any other Government or people.

Mr. MOORE of Pennsylvania. May I ask whether it was the former Secretary of State?

Mr. HAYES. It was not. It was the present Secretary of State.

As I have said, the people of California and the Pacific coast generally cherish no ill will toward the Asiatic at this time, and I know I speak advisedly. They admire the Japanese people and their energy and progress. In proof of this I want to say that I know of no case in California where any citizen of the Japanese Empire has been insulted or abused, or assaulted or killed because he was a Japanese. No such incident has occurred in our State except as it might have occurred between Caucasians. There is no antipathy, as some people here think, against the Japanese people as a race.

The only motive that actuates the people of the Pacific coast in this matter is the desire to protect themselves, first, from the menace of the oriental in a commercial sense. Our people can not compete with them. The oriental can work and live and grow rich at a wage upon which the Caucasian would starve. That is our first consideration. And the second is fully as important to us, and that is that we do not desire to see imported upon the Pacific coast another great race problem. We want all the races that are not akin to ours to be excluded if they are liable to come to our shores in large numbers. We are perfectly willing that the students, the travelers, the scientific men, and business men of Japan, and all the Orient shall be allowed to come to this country freely. We have no objection to this, and many would have no objection to the laborers coming, only that we know if they are allowed to come it means that the Pacific coast would soon be submerged and overwhelmed by oriental immigration, just as the Hawaiian Islands have been overwhelmed. That is the reason why, upon every possible occasion, we are insisting upon provisions of some kind that will take care of us.

I want to say, in addition, that the people of the Pacific coast are grateful to the Empire of Japan and to its Government that the gentlemen's agreement above referred to has been kept in such good faith, and that the laborers of Japan by that agreement and by the action of the Government of Japan itself have been prevented from overwhelming us on the Pacific coast. We are grateful to them for this, and I feel that it is due to the officials of Japan that this should be stated publicly at this time.

Now, Mr. Chairman, I can not discuss this bill in detail as I would like to without more time. I do want to say, however, that this bill is not aimed at any particular element of the Caucasian race. It is not aimed at any religion. The illiteracy test, so strongly objected to by some, affects only one class of people, and that is the class that is ignorant and generally stupid. That is all. It has been said here that there is just as much intelligence among the aliens who can not read as there is among those who can. I deny it. I have had a large experience as an employer of labor and in living among aliens in my earlier life, and I say to you that generally in this age in our public schools the children of the aliens who can not read are not up in development and intelligence with the children of those who can read. The conditions of this day are very different from what they were 50, 75, or 100 years ago. To-day, with all the books and newspapers in the world everywhere, there is no excuse in most of the nations of the world for any man who comes to the years of manhood without being able to read in his own language except his stupidity or lack of ambition.

The CHAIRMAN. The gentleman from California [Mr. HAYES] has consumed 10 minutes of time.

Mr. HAYES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. HAYES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KENT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, if it is permissible in the Committee of the Whole, I would like to ask general permission for the extension of remarks.

The CHAIRMAN. It is not permissible in the Committee of the Whole.

Mr. HAYES. Mr. Chairman, I now yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, in the few moments at my command I can present but two or three statements in behalf of the need for a restriction of immigration and in behalf of this particular measure, the Burnett bill. All who have given the matter any thought agree that if restriction of immigration is not now actually necessary there will some day come when such a step must be taken. Nearly all of those who appeared at the hearings of the House Committee on Immigration and Naturalization in opposition to this bill admitted that the time must come when the United States shall cease to be an asylum for the oppressed peoples of all the world. Others admit that the time has now come for restriction, but contend that the literacy test is not the best method to adopt in order to curtail the hordes that were pouring in for a number of years prior to the outbreak of the European war, and who will again, in my opinion, come pouring in at the conclusion of that fearful struggle.

The opposition to the literacy test seems based on sentiment chiefly—except, of course, the opposition of those who, for various reasons, oppose all restriction of immigration, and find the literacy test a convenient peg upon which to hang their opposition. But, as those who at first blush reject the literacy test as unfair, study the question, they find it not unfair. If we are to restrict at all, we must have some method. The percentage restriction will not do for it will admit liberal numbers of all the oriental races, races with which we can not assimilate, and which most of us agree should not be permitted to secure a further foothold in the States of this Union. An excessive head tax is not desirable, as it is subject to more objection than this simple, so-called literacy test, which requires aliens coming in to be able to read 30 to 40 words in his native language or jargon—40 simple words in any tongue the new arrival may select.

The bill exempts grandfathers and fathers beyond a certain age. It exempts the young. It permits those religiously or politically persecuted to come in if they can not read even one single word. Can any restrictive test be as fair? The danger is, in my opinion, that the test will not be sufficient to keep out as many as its hopeful advocates wish. But it is a step toward restriction, and if enacted into law it will mean those nonpersecuted persons who can not read one single line will not start for America. The steamships will not bring them. It will stop the influx from that great area around Constantinople. But even those, if persecuted, can come.

Mr. Chairman, I am glad my colleague from California [Mr. HAYES] has called attention to the clause by which we would prohibit the entrance of the Hindu to the United States. James J. Hill, known as the "empire builder," the constructor of a great railroad across our continent, is reported to have said that, speaking for himself, that he would like to see 250,000 Chinese come to the United States, inasmuch as he thought we needed them to do our work. Mr. Hill is reported also to have said that China has solved problems that we have not even attempted to solve, among them the problem of living on 10 or 12 cents a day. God forbid that the United States shall have to solve such a problem in the next thousand years.

A short time ago Mr. Hill had a scheme to fill both sides of our boundary line, from St. Paul to Seattle, with Hindu laborers, to work at 40 cents or 50 cents a day. That proposed importation of Asiatic labor was stopped only through the prodigious efforts of the present Commissioner General of Immigration, Mr. Caminetti, aided by leading citizens of the Pacific Northwest, who induced the steamship companies to cease bringing Hindus until some legislation, as proposed in section 3 of this bill. So much for the Asiatic question.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HAYES. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Washington is recognized for five minutes more.

Mr. JOHNSON of Washington. Mr. Chairman, I presume that every Member in this House read in the Washington Star published last Wednesday, March 22, the story of the digger of graves in Arlington Cemetery, employed by the United States Government at $40 a month, who broke down and cried while trying to tell a committee of the House that he was endeavoring to support his family—a wife and two children—on the wages which he is receiving. He testifies that he can buy them only beans and hominy; never meat.

Five dollars of that forty dollars he is required to pay out in going to and from his work as a gravedigger. He is an American. That is a standard that I had hoped would never come to the United States, and yet it is already here in the very shadow of the great dome of the Capitol of the United States. [Applause.] Every Member of Congress must have felt some qualms when he read that story. Every Member must have felt instinctively that something is wrong somewhere.

Mr. BOOHER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BOOHER. Is it, in the gentleman's opinion, the direct fault of Congress that the gravedigger he refers to is working for only $40 a month?

Mr. JOHNSON of Washington. When such a condition is brought to the attention of Congress or to a committee of Congress, some one always says that somebody else is waiting to take the job.

Mr. BOOHER. Does not the gentleman think that it is the duty of Congress to appropriate a proper wage for such work?

Mr. JOHNSON of Washington. Yes; and I think if there would be more difficulty in finding a man to work for $40 a month he would get more pay.

Mr. BOOHER. Will he get more under the terms of this bill?

Mr. JOHNSON of Washington. He will get less, I may say to the gentleman, if the United States continues to permit great numbers of foreigners from Constantinople and the country thereabouts to come in and bid for such jobs.

Mr. BOOHER. It will be the fault of Congress if that is done, because Congress has control of the law.

Mr. JOHNSON of Washington. I will always vote against paying him only $40.

But, Mr. Chairman, the Arlington Cemetery grave diggers, janitors, and employers in customhouses and post offices all over the country receive only $55 a month. Out West they can not live for that, neither can they live on an American standard anywhere else in the country for that. Mail carriers, and substitute carriers particularly, are woefully underpaid. And to every outcry the answer is always the same—that some one else is ready and willing to take the job.

Some employers seem to think the way to give labor a chance is to keep always employed three crews—one coming, one working, and one going. I have here a report on business and trade and general conditions, issued by the National City Bank of New York for February, 1916, in which the labor situation is discussed. It says:

> In nearly all the industries expansion is now limited by the labor supply, and manufacturers are bidding against each other for help. If they are not doing so directly within the same industries, there is a sharp competition between the industries. The textile mills, in which perhaps wages have advanced less in recent years than in some other lines, complain of losing people to other employments. A general increase of about 5 per cent has been granted in the mills.

Now, my friends, I believe that when manufacturers and employers compete for men to labor, labor has a chance to exist and advance in the United States, and not unless such a condition does exist. As I just said, I am opposed to that form of business that wants one gang of men coming and another working and another going. That is what keeps the workingman down. I have never been opposed to legitimate big business. I believe that without big business we can not have little business, and without business we can not have jobs and prosperity. I believe, too, that all business should have a chance for a legitimate profit.

Mr. BOOHER. The gentleman spoke of laborers coming here from abroad and then going back. Does the gentleman hold that those remaining here affect the wages of employees?

Mr. JOHNSON of Washington. I feel sure that that is so. Too many men for the job never yet increased wages. The City Bank report from which I have just read complains that the industries in February were competing among each other for labor. Does anyone contend that that is a bad condition? The war abroad has made some factories go day and night. The war abroad has cut down the influx of aliens. The factory owners are making big money, and the money centers are alarmed because the industries are competing among each other for men to help those industries make money. If immigration is resumed after the war, the competition for labor will speedily end.

It was stated a few moments ago that no one could say what the prospects would be at the conclusion of the European war as to whether we should have or should not have heavy European immigration. I want to read to you an extract from the Jewish Bulletin of January, 1916.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. HAYES. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Washington is recognized for two minutes.

Mr. JOHNSON of Washington. This Jewish Bulletin says, under the caption of "Immigration situation in Seattle":

> As a direct result of the war, a situation has developed with surprising suddenness in Seattle, Wash., to meet which required immediate and energetic effort on the part of the Hebrew Sheltering and Immigrant Aid Society of America.

It goes on to say that several hundred Hebrews had recently come there from Russia. I read:

> Suddenly, like a bolt from the blue, Jewish refugees began landing in great numbers. Within less than two months several hundred immigrants had arrived, practically all from Russia. They had come by way of Vladivostok and Harbin, Siberia, and Yokohama, Japan, the only available route afforded them at the present moment of entering the United States. These brought the news that about 500 Russian Jews were in Japanese ports awaiting passenger accommodations to this country.

This situation so upset the city of Seattle, a place of some 300,000 people, that the Jewish people there were obliged to call upon their associates in New York to take care of that immigration which had come in by the back way, as it were. Some of them were actual deserters from the Russian Army.

Mr. Chairman, straws show which way the wind blows, and, in my opinion, the war in Europe will be followed by much of just such immigration as that, not only from Russia but from all countries. Can we care for all who may come?

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, one of the most interesting statements made before the Committee on Immigration and Naturalization at its recent hearings was the statement of the Hon. Bourke Cockran, of New York, formerly a Member of this body. He is opposed to the literacy test, and he is opposed to this bill, and yet he stated that he foresaw that the necessity for restriction of immigration would arrive. In his opening remarks Mr. Cockran said:

> I think it is entirely safe to say that millions of human beings in other lands have been enabled to sustain conditions harsh beyond our power to conceive merely because over where the sun was setting beyond the Atlantic they knew there was a country that offered them hospitality and opportunity to enjoy in security all that they could produce by their industry.

All agree, I think, with the distinguished gentleman. Hope sustains the humblest peasant in far-off Russia, just as it sustains that poor gravedigger over at Arlington. Both are wondering, no doubt, where their children will find homes and how they shall exist. The gravedigger knows that the free public lands of the United States are about all gone; the peasant in Russia does not know it. The peasant thinks that he or his children might get to America. The gravedigger knows that he can not get to a sustaining western farm out West. He knows that no such farm is free to him, and he knows that he could not move if he wanted to.

Then Mr. Cockran proceeds—and I call your particular attention to this:

> But while that is a very attractive feature of this policy and affords abundant reason for patriotic rejoicing that it has been adopted by this country, yet we would be justified in continuing if it did not make for our own prosperity.

Now, then, my friends, the question is, Does a heavy influx of immigration make for our own prosperity? I think not.

Then Mr. Cockran says to the members of the committee:

> You are not sworn to advance the interests of alien people; nor are you allowed, in my judgment, to consider their interests if considering them would in the slightest degree imperil the prosperity we have or becloud the prospects we enjoy.

Next he says:

> The proposition, as I understand it, which underlies this measure is that these immigrants arriving in this country tend to debase industrial conditions of life, because in some way or other they displace American laborers—take the bread from their mouths. If that be so there could be no necessity for going any further. The justification for this bill would be complete.

And that, so far as I am concerned, states the situation. Our cities are jammed. The newly arrived aliens flock among themselves in them, according to nationality, read their own papers, attend their own schools. Our good free public lands are either mostly all taken or locked up in great reserves—laid aside for posterity. We can not invite the immigrant as we used to 100 years ago, 60 years ago, or even 25 years ago. Our opportunities for the foreigner are disappearing. And those of the old class of immigrants know it and do not come as freely as of yore. The newer immigration is not so desirable, not so adaptable, and not so amenable. They come in droves and are herded into jobs to the disadvantage of the children of those who came before and to the detriment, I believe, of the country.

I regret that I can not quote further from Mr. Cockran's argument. He contends that every man who comes does common labor that creates a job for the man next above him, and that he never dislodges a man who has a job, but rather makes opportunity for more jobs. I can not agree with him. If times were always prosperous, if there was always abundance of work, it might be so, but I have noticed that even when times are good those who employ unskilled and semiskilled labor feel secure if they think that two men are available for every job. I have noticed, too, that even when times are good in the United States there are always in every town, every city, plenty of men who will take a gravedigger's job, or its equivalent, at $40 a month, to support wife and children in a manner that is not American and of which we can not be proud.

Mr. BURNETT. Mr. Chairman, I yield to the gentleman from Georgia [Mr. VINSON].

The CHAIRMAN. The gentleman from Georgia [Mr. VINSON] is recognized.

Mr. VINSON. Mr. Chairman, one of the great questions confronting the American people to-day is that of immigration. There is an unusually strong sentiment throughout the length and breadth of this country that the time has come when our immigration laws should be so amended as to prevent the thousands upon thousands of ignorant, dishonest, vicious, and physical defectives from entering our country.

I fully recognize that ignorance is not a badge of dishonesty or crime, but the higher the average of education of our own people, the better it is for our happiness, prosperity, and stability.

When the war that is now devastating Europe from the Euphrates to the Thames is over, and peace restored, there can be no doubt that Europe will dump untold numbers of undesirable aliens upon our shores. The better element from the countries now engaged in war will not be permitted to leave or else will not care to abandon their stricken land, but will give their time and attention to the rehabilitation of their war-swept countries, but the ignorant, vicious, and criminal will pour into this country as never before.

Such a thing should be prevented, and this bill, if enacted into law, will accomplish the desired results. Now is the accepted time for action.

Mr. Chairman, the provisions of the bill are not new to the American people. A similar bill has passed both branches of Congress three times, and its failure to become a law has been due to vetoes. The people are thoroughly conversant with the literacy test and demand that it be incorporated in the immigration law.

As evidence of the widespread sentiment in favor of restricted immigration with a literacy test, analyze the vote on the bill in February, 1913, when an effort was made to pass it over President Taft's veto, and also the vote on the veto of President Wilson in 1914. Let me quote to you from the committee's report on this subject, which says:

> In 1913, on the question of passing the bill over the veto, out of a possible 476 votes in both branches, only 131 were cast against passing the bill over the veto, 57 "not voting," and 2 "present." There was not a single vote against passing the bill over the veto from 18 States, namely, Alabama, Arizona, Idaho, Montana, New Hampshire, North Carolina, Tennessee, Vermont, Washington, Florida, Georgia, Mississippi, Nevada, Oklahoma, Oregon, Virginia, West Virginia. Both Senators and every Representative from the 10 States first named voted to pass the bill over the veto. Twenty-one States were divided in their vote, but did not cast a majority against passing over the veto. In only 9 States—Illinois, Iowa, Louisiana, Minnesota, New Jersey, New Mexico, New York, North Dakota, and Wisconsin—were a majority of the delegation in favor of sustaining the veto, and in these cases it was only a bare majority; in Illinois, 13 out of 25; Iowa, 8 out of 13; Louisiana, 5 out of 9; Minnesota, 7 out of 11; New Jersey, 7 out of 12; New Mexico, 3 out of 4; New York, 19 out of 37; North Dakota, 2 out of 3; Wisconsin, 7 out of 13.
>
> The vote by which the Burnett bill passed the House in February, 1914, and in the Senate January 2, 1915, shows the same demand of the people for this legislation. The fight against the bill was the hardest ever made (the measure was fully debated for five days), so that this vote registers the deliberate feeling of the Members as to the merits of the question and the wishes of their constituents. From 21 States every vote cast was for the bill; 13 gave a majority for the bill; 3 split even; 6 gave a majority against the bill; and only 4 voted solidly against the bill—Connecticut, New Mexico, Rhode Island, Utah—or 10 votes.
>
> Of 256 Democrats voting, 166 voted for the bill; of 106 Republicans, 71 voted for the bill; 14 out of 15 Progressives, and 1 Independent voted for it. The majority in its favor was, therefore, made up of 76 Democrats, 36 Republicans, 13 Progressives, and 1 Independent (KENT).
>
> The 21 State for the bill were Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Kansas, Mississippi, Montana, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wyoming—or 100 votes.
>
> In view of much that is alleged as to the demand of the South and West for immigration, it is interesting to note that the vote in favor of the bill was: Southern States, 78 to 6; Southwestern States 33 to 9; Northwestern States and the coast, 38 to 14; the Pacific coast alone being 17 to 1.

The people of this country have become aroused on this subject, and in response to the sentiment of their respective States the Legislatures of Arkansas (house), California, Massachusetts (house), Nevada, Ohio, Oregon, Pennsylvania, Tennessee, Vermont, Virginia, Washington, and Wyoming have passed resolutions indorsing legislation of this kind. Not only have the legislatures of various States become active, but important bodies throughout this country have also indorsed it. It has the indorsement of the American Federation of Labor, Knights of Labor, Farmers' Educational and Cooperative Union, Farmers' National Congress, United Mine Workers, National Board of Trade, National Grangers, Order of United American Mechanics, Junior Order of United American Mechanics, Brotherhood of Locomotive Engineers, Brotherhood of Railway Train-

men, United Textile Workers, Cotton Growers' Association, and 40 boards of associated charities in our largest cities.

These organizations, representing millions of American citizens, favor and demand that Congress amend the present immigration laws so as to prohibit the ignorant, vicious, and criminal aliens from landing upon our shores.

Mr. Chairman, from whence comes the opposition to this bill? It has its origin at some source. A portion of it emanates from the trust-owned steamboat companies, whose coffers are annually filled to the extent of over $60,000,000 for bringing and carrying back again the immigrants who come to our shores.

It also comes from the employers of cheap labor, who are trying to reduce the American laboring man's wages by the employment of cheap foreign labor. The large corporations of this country want this class of immigrants, because they want cheap labor, and an easy way to get cheap labor in the United States is by having plenty of foreign labor to compete with American labor.

These corporations, who are opposed to the strengthening of our present immigration law with a literacy test, have no thought as to the effect upon American labor that this influx of ignorant immigrants may have in reducing the standard of American ideals, American politics, American labor, and American citizenship. Nothing is further from their minds. These corporations, secure in the possession of great wealth, the individuals who constitute them, as well as their families and caste associates, have no fear of any undesirable effect from such a source, in so far as they themselves are concerned. They are members of the moneyed aristocracy of America; they expect that they and their posterity will ever be above association with the classes that would be affected.

Were it possible for these moneyed lords and barons, these plutocrats, who desire cheap labor, they would have the laws repealed that exclude Chinese and Japanese from our shores, and would, in addition to welcoming the ignorant immigrants of Europe, open wide the doors of admission to the hordes of Asiatic coolies. What care they about the standard of American wages, the standard of American ideals, the standard of American citizenship, and the standard of American politics. Greed and vanity predominate their very souls, and to them the ideal economic conditions are those that would reduce the great mass of the country's wage earners to such a condition of subjection and semistarvation as to make them ready to do servile homage to the wealthy. The only persons in America who are benefited by the invasion of these undesirable, ignorant, criminal, and vicious immigrants are those who employ them at a lower wage than they would have to pay for American labor.

The American wage earners throughout the length and breadth of this country, wherever they may be, whether it be in the shops, the factories, or deep down in the capacious bosom of Mother Earth bringing forth the hidden metal, or out on our broad fields of agriculture, have no objection to the worthy immigrant. A hearty welcome is extended to those who come honestly seeking a home under our flag, a refuge from oppression of tyrannical monarchial Governments of the Old World.

As the corporations have no care for the protection of American labor and have preyed upon it more ferociously than did the vulture that preyed upon the vitals of Prometheus, Congress should certainly have more regard for the common citizenship of the United States than to permit American labor to be brought into constant competition with this class of immigrants. Numbers of undesirable immigrants are at present, and have for years in the past, been swarming to this country, and labor should be protected from this kind of competition. The "infant industries" have been protected by an outrageously high tariff law for years, and the protection afforded to them by Congress has enabled the fully developed mammoth trusts, which, being thus guarded from competition from abroad, have enjoyed a monopolistic control of the necessities of life at home, and, without any restraint whatever, have extracted from the masses of the people prices vastly in excess of what those commodities should sell for, without due regard to a fair profit to the producers and the middleman.

Mr. Chairman, the American wage earner, whose hands are calloused by hard and honest toil and whose back has been scourged by the lash of greed, has received no such consideration at the hands of Congress. Far from protecting American labor by a tariff of any kind or giving to it any protection, the freest and fullest competition has been maintained throughout the practically unrestricted influx of foreigners without any regard as to their desirability as American citizens. For many years ignorant, illiterate foreigners have been coming in millions to the United States, the vast majority of them being entirely oblivious as to the history of the country and the character of its institutions and absolutely indifferent as to their purposes.

The influence of large corporate employing interests has in the past and are now operated to prevent the enactment of legislation to restrict such immigration.

Mr. Chairman, foreign immigration ebbs and flows like the ever-restless waves of the sea. It follows the prosperity of the country, and as a consequence the American laborer is the last to feel the high tide of good times. The alien is given preference in employment because he will work for less. And the American laborer is given the crumbs that fall from Dives's tables. He is given what is left and oftentimes made to go without a job.

When adversity sets in, and the depression becomes general throughout this country, as it did during the panic of 1907, about the first to be reduced from service is the American laborer, because the corporations know that the foreigner will be more contented to remain at work under conditions and for wages which would be unbearable to the American workman.

When the time comes that the depression finally reaches the alien worker, he packs his belongings in a red bandana handkerchief and starts back to his native land, with his earnings rolled up in a wad and tucked out of sight about his person. This drain upon the resources of our country and this competition which our American workmen are forced to meet should be stopped.

The influx of unskilled labor should be checked either by imposing a larger head tax or by a literacy test, or some other test that will prevent them from being brought into competition with American labor. The American laborer, who by his toil earns his bread in the sweat of his face, has penetrated the depths of the forests bristling with giant oaks and soughing pines, which have bowed their heads to his arm, and in their stead to-day golden grain and snow-white cotton respond to every shifting breeze. Mountains that have frowned down upon humanity for ages stand as silent sentinels to guard their hidden treasures; but when American labor knocks at the door their bowels are penetrated, and the locomotives that scream along their steel-ribbed ways carry forth the commerce of the world through the black-throated tunnels made by the hands of American labor.

Rivers that have been unnavigable for centuries, disgorge when American labor approaches, and where once naught but the birch-bark canoe American labor has built and put into motion a floating city of steamers to carry the products of labor along the shore to bless humanity and civilization.

American labor has contributed to the glory and grandeur of this Republic. They have given their best efforts to help make this Republic what it is. Civilization is the offspring of labor. There can be no civilization without labor first having preceded it. American labor has bared its breast to the storm of battle on fields of death and carnage in glorious defense of the country's flag, not only in our own country but on a foreign soil. He stands ready and willing to defend the flag of his country whenever danger imperils it. He has contributed much to this Government and will continue to do so as the years go by. He has the right to expect Congress to protect his labor; he has the right to expect Congress to close the doors of admission to the cheap labor of Europe which is his competitor.

Mr. Chairman, there are two classes of American citizens toward whom the Government, by its neglect to care for and protect their interests, has almost been guilty of criminal negligence. One is the American laborer and the other is the great American farmer. They elect no special representative to this body to plead their cause, but they rely upon that manhood and justice that should dwell within the breast of every Member elected. I enter here to-day a solemn protest on behalf of American labor being forced to compete with the cheap foreign labor that comes to this country through our present lax immigration laws.

The corporations, the large business interests, the moneyed institutions, and the favored classes have received special legislation advantageous to their business; but the American laborer and the American farmer, upon whose backs rest the burdens of the country and upon whose labor the prosperity of the Nation depends, have never been so favored.

The entrance of this foreign labor from southern and eastern Europe has exposed the original employees to unsafe and unsanitary conditions of employment; it has set a standard of living far below that of the native American; it has hindered and demoralized labor in all of its branches; it has led to the displacement of the highest class of labor formerly employed; and in a great many cases this employment of cheap foreign labor has been a cause of economic disasters and depredation. I point to the recent occurrence at Youngstown, Ohio, where over 15,000 foreign laborers were employed.

"Choose you this day whom ye will serve." You can not serve God and mammon; you can not serve two masters. Whom will you serve? Will it be the steamboat companies and the trust-owned corporations or shall it be the American people? For my part, Mr. Chairman, I cast my lot with the American people—the American wage earner—for I know his trials and tribulations; I know his joys and his sorrows; his cradle songs and funeral hymns have been my cradle songs and my funeral hymns, and every pulsation of my heart beats in harmony and unison with his. I thank God that I have an opportunity to-day to cast my vote to help raise the standard of American citizenship, the standard of American ideals, the standard of American politics, and the standard of American labor.

Mr. Chairman, there is no test which can be provided that will shut out every undesirable alien and admit every desirable one. A great many desirable immigrants by the literacy test will probably be denied admission to this country, and a great many undesirable ones will probably be admitted under the literacy test; but the present law lets in a very large number of aliens who are below the average both of our and their own country, and this is the object and purpose of this legislation to prohibit.

Ability to read is necessary for the understanding of American ideas and institutions, even down to health and police regulations. It is no answer to say that the children of aliens will be taught in our schools, because the children in many instances do not attend school, and the adults do not learn.

It can not be successfully claimed that ability to read is in itself a test of mental or moral character. The test would, nevertheless, go so far as to exclude the less desirable element of our present immigrants.

A literacy test is not un-American. It is not un-American to insist on education. We do it in the case of our own children. We spend in America millions upon millions of dollars annually to establish and equip and maintain a public-school system. We have applied the doctrine of the Apostle Paul, "Behold, I have set before you an open door and no man shall shut it," to the schoolhouses of this country. The hope and salvation of the Government rests upon the schoolhouse flying over its door the American flag and confined within its walls the Book of Books. By laws in a great many of our States our children are forced to take advantage of the open schoolhouse. We say to them, "You must take advantage of these schools. We do not consider you fit for adult participation in the life of this country unless you have the rudiments of an English education." Is it logical to say to the foreigner who comes without any knowledge of American life or ways, "It makes no difference whether you are educated or not; you will get along all right; but our own children, who are familiar with the customs of this country and its purposes, must be educated, but it is a matter of indifference about you."

Suppose a family of immigrants come to this country bringing a child. The child must be compelled in some States to go through the public schools, and then we would say he is fitted to enter into the active life of the Nation. If that same child remains in Europe and comes to this country at the age of 16 years, shall we say to him, "Education is a matter of indifference"? Under which condition would he need education the most? If he had grown up in this country, familiar with the customs, or if he has grown up in a foreign country?

I know that it will be claimed and argued with considerable force that the test of literacy is a test of opportunity and not of character, and that it will be un-American to test people on the basis of opportunity, but that we should judge them on the basis of character.

Giving, Mr. Chairman, my personal views of legislation of this kind I would like to see the test based not only on education but also on character, and this would eliminate a great many who can pass the educational requirement, but it can not be successfully contended that it is un-American to test people on the basis of opportunity if by "un-American" we mean that it is not in harmony with the established usage and custom of this country. In the present immigration law we have numerous tests. Take our pauper test. Many a pauper immigrant is deported because of meager opportunities in his youth, not because of any flaws in character. It is a test of opportunity applying primarily to people who have grown up in certain lands. There is the test of polygamy. The Hindu grows up in polygamous society and adopts that form of life just as naturally as those who grow up in European countries adopt the monogamous form of life. It can not be successfully contended that it is un-American to test people on the basis of opportunity. If we once start to try to sift out the characteristics of ourselves or anyone else, which are due to opportunity and separate them from those which are due to character or heredity, we have ourselves in a hopeless muddle, because after all, opportunity and environment, being one and the same, are closely bound up with heredity and character.

The only thing to be determined is what is necessary for the welfare of this Nation and to act on the facts as they exist. It is often said, "A man is not a better man because he can read or write." It is not claimed that ability to read is the test of moral worth or even, in some cases, industrial value, but in a law of this kind classes must be considered and not individuals.

Take the history of the immigrants, as reported by the Bureau of Immigration, and it discloses the fact that a large percentage of the immigrants in this country who are ignorant of languages are also ignorant of trades, are of poor physique, and are less thrifty. They tend to settle in and create the city slums, tend to become dependents upon public charities, and even if not actual criminals and paupers, they have little interest in this country and are unfitted for citizenship in a free and enlightened republic. Let the immigrant who desires to cast his lot here and enjoy the blessings of a free government take at least the trouble to acquire the slight amount of training necessary to satisfy the requirement of section 3 of this bill and thus show that he appreciates the privilege he seeks to share.

Mr. Chairman, the democratic nations of the world and nations with democratic tendencies have long ago inaugurated public-school systems through which their citizens go, and consequently they contain a lower percentage of illiteracy, compared to those undemocratic, in thought or ideas. The democratic nations have a higher percentage of literacy, so that illiteracy appears not so much of an evil in itself as an indication of the different conditions in which illiterates have grown up and conditions which we count to be necessary in this country. The illiterate groups tend to be those who are the most difficult to assimilate; most difficult to harmonize into the life of this country. The reason is simple. They have not been trained in democracy, consequently they are the groups that should be reduced in number as we admit them to our shores.

The mere threat of a literacy test, I am informed on good authority, two years ago started schools upon the vine-covered hillsides of southern and central Italy, where there had been none before, and when the bill failed the schools were closed. What greater service can we render than to establish a standard which will stimulate the progress of popular education in foreign lands?

Mr. Chairman, I understand that in 1909, the officers charged with the enforcement of the present immigration law applied to the incoming immigrants a literacy test—that is, they asked each one entering the different ports of this country if he could read. No actual test was made, and in that connection let me quote to you a portion of a speech made before the Immigration Committee by the distinguished author of this bill in 1910. He says:

> The Bohemians over 14 years of age who came last year were 11,015 in number; of that entire 11,015 there were only 216 over 14 years of age who could not read.

Those are all that would be cut out, Mr. Chairman. Then you take the Finnish. While they are Russian citizens, in a Russian country, they are up there contiguous to the Scandinavians, to Norway and Sweden, and they are virtually of the same class of people. Although they are under the same laws with many of the illiterates of Russia, although they have the same king and the same legislative bodies, of the 13,893 who came only 351 were illiterates.

Take the English, and of 43,144 who came there were only 536 illiterates. Of the French, of 8,390 who came there were only 170 illiterates. Of the Germans, of 78,091 who came there were only 5,310 illiterates. Of the Greeks, of 45,464 who came—I mean over 14 years of age in each of these statements—there were 13,883 that could not read a word, even of their own language. And here in passing, let me remark, Mr. Chairman, that there were really more of each one of these nationalities that could not read than I have stated, because no test was applied to them. The mere question is asked by the men in charge of the immigration stations as to whether they can read or write or not. Then these people state, without any test being applied, as to whether they are able to read or write, and no doubt many of them state falsely as to this.

Of the Irish there were 36,463 that came who were over 14 years of age and only 713 of them were unable to read. Of the north Italians—now, here I want to call your attention again to the difference between the north and the south Italians. Of the north Italians there were 47,555 who came and only 4,741 were unable to read, about 10 per cent. Of the south Italians there were 217,607 who came and 115,803 of them over 14 years of age were unable to read. Of the Russians there were 16,000 in round numbers who came and there were 6,998

who were unable to read. Of the Scandinavians there were 47,500 who came and only 475 who were unable to read. Of the Scotch there were 17,274 who came and of the illiterates there were only 149; while of the Syrians there were 5,216 who came and of that number there were 2,870 who were unable to read.

This test proves conclusively, to my mind, the wisdom of this law.

It will be seen by this test that the larger percentage of illiterates come from southern Europe, from such countries as Greece, Italy, and a portion of Russia.

Applying the same percentage of illiterates that entered in 1909 to the number of immigrants from these countries entering in 1914, the passage of this law would exclude about 50 per cent of the Italians, about 40 per cent of the Greeks, about 30 per cent of the Russians.

From 1820 to 1914, 32,027,424 immigrants have entered this country, and, according to the annual report of the Commissioner of Immigration during the year 1914, 251,612 came from southern Italy, 138,051 came from Greece, 174,365 came from Poland, 51,472 from Roumania. Prior to 1882 the overwhelming majority of the immigrants that came to this country were from northern Europe and were the type of immigrants that have helped develop this country and made it what it is to-day. They sought this country as a home from political and religious persecution, but since that time the best type of citizenship of Europe has ceased to come. To-day the country is being flooded annually with over a million immigrants, the major portion of them coming from countries of southern Europe. It is this type that this bill will exclude. We could not exclude them by race or nationality, as probably it might involve some treaty rights of this country, but we are clearly within our rights when we specify certain tests that must be complied with before any immigrant, it makes no difference from what country he comes, can be admitted to this country.

Mr. Chairman, our naturalization laws do not require that the alien be able to read and write before taking the oath and becoming a citizen of this Republic. When he becomes a citizen of this Republic he is given the privilege of the franchise. Ability to read is absolutely necessary for the intelligent use of the franchise. The ignorant, criminal, and vicious immigrants, fresh from scenes of oppression and environment that operate to help develop brute instincts and to stifle the better instincts of their nature, after being naturalized, care little about our institutions and are entirely indifferent as to their character and perpetuity. They congregate in the slums of our large cities and become the tools of the political bosses who, through the agents of the padrone, utilize their collective voting strength to fortify and perpetuate the corrupt political machines which dominate the politics of some of the large cities of the country. The ignorant voter is the bulwark, the mainstay, and support of the political machine and by his vote oftentimes even controls the politics of the State.

If it be true that the proper study of mankind is man, it is equally true that the proper study of the citizen is his Government. In our Republic, unless one knows the theory upon which it is founded, unless one knows the principles by which it is maintained, unless he has a knowledge of the duty and responsibility of citizenship in it, he can not be a good citizen. We should all know and understand that the weal or woe of our country, for its glory or its shame, rests upon the individual citizen. What does the ignorant naturalized citizen know about the principles of this Government? What does he care for the weal or woe or the glory or shame of this Nation? Does he raise the standard of American life, the standard of American wages, the standard of American politics? He does not; but, on the contrary, he lowers each one of them. He has but one hope and purpose in view, and that is to enrich himself and take back to his native land the riches of his temporary sojourn here.

Let me tell you, sir, that a large percentage of the immigrants reaching our shores to-day and that have come in recent years and that have become naturalized and been given the right of American citizenship, the greatest blessing that can be bestowed upon mankind, are of such a type that the countries from which they come are better for their leaving. Among some of the ignorant aliens that have been naturalized are to-day to be found the most dangerous, conscienceless, and brutal criminals that are at large, and while our present immigration law makes a pretense of excluding the criminal element, it is an absolute impossibility for the officers charged with the execution of these laws to exercise sufficient vigilance to detect the criminals amongst such a vast conglomerate number.

If this constant inflow of immigrants is not stopped our great cities will soon be hardly American.

This is one blessing in disguise the negro has been to the people of the South, the fact that by his simple presence in the Southland he has kept from our doors a considerable number of the overwhelming tide of ignorant and degenerate immigrants that year by year have swept into America. This has enabled us to keep our Americanism pure and uncorrupted, as it was when first given in charge to us.

The immigrants arriving are not animated by the desire for a religious or political freedom in a self-governing Republic. They bring with them scenes of political and social conflicts in Europe; tendencies adverse to the American citizenship, American labor, and American principles of government.

The vast majority that arrive here do not look forward to establishing a permanent home in this country. They have been urged forward by misrepresentations of interested agents of transportation companies or deluded by the glowing description of friends and relatives who preceded them.

Mr. Chairman, to-day a majority of the nations of Europe are armed military camps and engaged in the most destructive war in the history of the world. They will soon be forced to the condition once so picturesquely described by that French statesman Gambetta, "a beggar at a barracks door."

The force and fury of the conflict now raging in Europe has shaken the very foundation of the earth, laid in the depth of ages, and it behooves us in this day of almost world war to take note of our bearing and see where the policies of this Nation are leading.

On more than one occasion within the last 15 months the war clouds have gathered upon our own country's horizon, and who can tell what the future may bring forth? Wars are contagious, and the neutral nations of to-day, before the conflict raging in Europe is ended, may be drawn into the whirlpool of destruction and war.

When we stop to think of the spirit that has grown up in this country in some quarters on account of the position this Government has taken in regard to maintaining its freedom of commerce and the protection of humanity upon the high seas it is astounding to know what efforts have been made, both direct and indirect, against this Government.

Why, sir, efforts have been made to destroy this very building in which we now legislate. It has become necessary to patrol and guard the tunnel beneath yonder Plaza. Even the Sergeant at Arms of this House, by special act of Congress, has been authorized to place additional police on the force to protect this building from injury and destruction. Yet we are at peace with all the nations of the earth. This spirit which seeks to place other governments above this Government by some citizens of this Republic who enjoy the blessings of this Nation is dangerous to a free Republic, for it strikes at the very foundation of the Government.

The time has come when we should know where we stand. Have we in the past, through our lax immigration laws, permitted the entrance of a Trojan horse?

In conclusion, Mr. Chairman, let me say that in the great cities of the country, where the steamboat companies have their offices and agents, the defeat of this bill will be hailed with hilarious shouts of approval. In the moneyed centers and the offices of the trust-owned corporations, who have grown fat and rich from the oppression of American labor, they will receive with shouts of joy the defeat of this legislation; but, sirs, out on our broad fields where men, women, and children toil, and oftentimes in a mortgaged crop; out on the ever-receding waves of the restless ocean, where men drive the leviathans of the sea laden with commerce produced by the strong arm of toil throughout mills and black-throated factories; deep down under the earth, where men bring forth the hidden metal to cheer and gladden the hearts of mankind—these men, these women, and their children, weary with the care and toil in all walks of life, will bend their knee and offer a solemn prayer of thanks to the American Congress, should this bill become a law, as they know the passage of this legislation means the continued progress and prosperity of this American Republic; they know it means the elevation of the American citizenship; they know it means the purging of the corrupt political machines of the ignorant voter; they know it means that at last the shackles have been broken from the strong arm of labor; and, above all else, they know it means the preservation of our American ideas of government.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. VINSON. I ask permission, Mr. Chairman, to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia [Mr. VINSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYES. Mr. Chairman, I now yield 20 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. BURNETT. And I yield him five minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. MEEKER] is recognized for 25 minutes.

Mr. MEEKER. Mr. Chairman, I shall not, in the time that has been allotted to me, discuss the administrative features of this bill. Some questions have already been raised by gentlemen who have preceded me that will be answered or explained as we go along in the reading of the bill. Suffice it to say that if there were no need for this legislation, the gentlemen who are not opposed to it should not fear it. If we are to have no influx of immigrants following the European war, there is no law that can do this country or the foreigner any particular harm.

It is true that for years past many of the splendid features that are in this bill have failed of being enacted into law because of the presence of a single item, namely, the literacy test. I believe that had that been left out much of what is proposed in this bill should have been law long ago, and it seems to me that at the present time we, as Members of this House, should candidly and frankly raise the question for our own Nation, and for no one outside of our country, as to what is the wise policy in regard to the literacy or illiteracy of those who are within our borders or who may come in. We have as much right to raise that question as we have to raise any other question that should be considered as a part of our national program.

LITERACY ESSENTIAL IN OUR GOVERNMENT.

Kingdoms, monarchies, and despotisms may continue with an illiterate population; democracies can not. [Applause.] Where the Government rests upon the people it may be better if they are not literate, but where the Government is the people we must have not simply intelligence but literacy if we expect to maintain our institutions. I am not here to say for one moment that there are not and have not been plenty of men born and reared in this country, and others who have come to this country, just as good in character and otherwise as some who were able to read; but the plea of the man who defends illiteracy, if followed to its logical conclusion, would mean the closing of every schoolhouse on every hillside in our Nation. You can not follow that argument to its last analysis. You can not make your plea for the illiterate without making your plea for illiteracy at the same time. We are facing the question of how much illiteracy we can permit in this country and at the same time maintain our American institutions. The man who stands in the American Congress and pleads for illiteracy, or the man who attempts to make this House or this Nation believe that this bill as it is brought to the House will mean the shutting out of all who might apply for admission, misleads the House and misleads the Nation. This is nothing more nor less than a selective program. It by no manner of means shuts out all who apply.

RELIGIOUS AND POLITICAL REFUGEE PROVIDED FOR.

As I shall mention a moment later, it has made special provision for those for whom the gentleman from Illinois [Mr. CANNON] made such an eloquent plea, namely, the refugees from religious persecution and the refugees from political persecution. But, sirs, this afternoon we men had just as well face this——

Mr. SIEGEL. Will the gentleman point out anything in section 3 which will permit a person fleeing from political persecution to enter this country?

Mr. MEEKER. Page 9, line 13. The gentleman has read it many times.

Mr. SIEGEL. Will the gentleman yield——

Mr. MEEKER. I have no time to yield further. The gentleman will speak later on, will he not?

Mr. SIEGEL. Yes.

Mr. MEEKER. Well, the gentleman can take it up then.

Mr. SIEGEL. Will the gentleman yield for one more question?

Mr. MEEKER. Yes.

Mr. SIEGEL. Will the gentleman point out the page which admits people fleeing from political persecution?

Mr. MEEKER. Page 9, line 13, where it says:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

I can think of nothing more specific than that. We will vote on the bill later.

We are facing a question of policy. I will say to the gentleman from New York, if he can demonstrate that this does not admit a political refugee then I will vote for any amendment which he may bring in that will provide it. I would never vote for any bill that would deny admission into this country of any man who is seeking his religious or political liberty; and if it is not provided in this bill, let us provide it now, before the bill becomes a law.

Now, gentlemen, we have heard much talk to-day, and will hear much more as to the foreigner who may seek our shores, but we are forgetting some very vital things as regards our own national life. A gentleman in St. Louis, a friend of mine—Mr. Williams—some time ago in discussing this bill before a club said a rather significant thing. He said we should remember that this is a Nation and not a sewer. [Applause.] We have things to take into account as to ourselves; and I submit to the gentlemen this afternoon that if they can show me—and I am from Missouri—how in the political program of a democracy men who can not read our language, or any other language or dialect thereof, can ever hope to be anything other than the tools of commercial and political bosses, I would like to know where else they can find their place. [Applause.]

But they say that some men who are literate are criminals. Yes; that is true; and some who are not are criminals. But that does not solve anything. We Republicans on this side of the House have made many long and eloquent speeches about a protective tariff. We have appealed to the men who toil, saying to them, "Vote for us and we will put a law on the books that will shut out the cheap labor of Europe." This was a plank in the great protective platform of '96. I have been met from the platform time and again with the question from the fellow in the audience, "But how about permitting the cheap laborer to come here?" And I have never been able to answer that question. That is the weak spot in our armor at the present time. [Applause.]

Mr. MOORE of Pennsylvania. Has it ever occurred to the gentleman that labor is very well organized in the United States, and that this helps to maintain the wage of the worker in the United States?

Mr. MEEKER. Yes.

Mr. MOORE of Pennsylvania. And that the foreigner who comes here does not work for the foreign wage in the United States?

Mr. MEEKER. I am aware of that.

Mr. MOORE of Pennsylvania. That he works under the union wage scale in the United States?

Mr. MEEKER. Not always.

Mr. MOORE of Pennsylvania. Does not that answer the gentleman's question?

Mr. MEEKER. Not by any manner of means. I am well aware of the fact that in some districts not very far from where we now are, in the coal mines and in the steel mills, it is the fly-by-night, ignorant foreigner, with his low standard of living, who beats the life out of the American workingman. [Applause.]

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the wages paid to the union worker in the mines of Pennsylvania?

Mr. MEEKER. I am not. Does the gentleman think those wages are too high?

Mr. MOORE of Pennsylvania. I do not, but I think the unions maintain a fair standard of wages in Pennsylvania, and they have a great deal of force and effect there; and they do not usually let the alien get away with the trick there, I will tell the gentleman.

Mr. MEEKER. Well, the foreign labor in this country must be working somewhere, either in the mines or elsewhere.

Mr. BURNETT. Did the gentleman ever see the advertisement put in the papers in the gentleman's city a few years ago by one of the members of the Steel Trust, asking for laborers, which said "Italians preferred"?

Mr. MOORE of Pennsylvania. Does the gentleman know anything about the development of the garment workers in the city of New York or in the city of Philadelphia, and the wages paid to them?

Mr. MEEKER. Is the gentleman from Pennsylvania talking to the gentleman from Alabama or to me?

Mr. MOORE of Pennsylvania. Has the gentleman heard of the union scale by which those garment workers obtain an increase wage for that class of labor? And also, has the gentleman ever heard of the wages paid to the cotton pickers and mill workers down in the State of Alabama?

Mr. MEEKER. I have, and I will say that if Alabama and the Southern States, where wages are low, had a higher grade of literacy, the wages would be higher. [Applause.]

ILLITERACY MEANS LOW WAGES.

You can not get away from the fact that illiteracy means low wages. You can not deny it. If it is not true, then your educational program is a farce and a sham. You are either for it or against it, and when you come in with the specious plea that we have not been able to hold up wages in any par-

ticular State by the organized union-labor movement, you know, just as surely as you know that we are men on the floor of this House, that it is the illiterate man who can be used to lower wages, and not the man who reads. We hear much said about the foreigner. I wish to say right here that the illiterate alien is the only individual in our Nation who can not be reached through any means or channel, and to whom information that is commonly used by men can not be brought. The foreign-language press of this country is doing a great work. Men little realize what that body of men is doing. More than 750 newspapers and magazines, circulating by the millions, teaching the great ideals of Americanism, talking to their people about fundamentals of life and liberty of this Nation, but they can not reach the illiterate countrymen who go up and down the land in herds. The gentleman from Pennsylvania, or any other State, can not deny but what it is in the herding of labor that the market is played, just the same in the labor market as it is in the cotton and the wheat market. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. MEEKER. I can not yield any more.

Mr. SABATH. The gentleman has not yielded to me yet.

Mr. MEEKER. Then I will yield to the gentleman.

Mr. SABATH. I want to ask the gentleman whether he is familiar with the wages of the laboring men in 1890 as compared with the wages that they are receiving now, after 10 or 12 years of the largest immigration in the history of the Nation. If he does not, I wish to say that it is 37 per cent higher now than before.

Mr. MEEKER. Well, Mr. Chairman, I could answer that easily in two or three ways, and the gentleman from Illinois knows it. First, during the past year we only had a net gain of 3,000 or 4,000. The European war shows us where the alien lives and who he is. It is rather a significant fact. I ask myself the question, Suppose the war had been declared on us 18 months ago, with nearly 400,000 unnaturalized men in our midst, what would have occurred? It would have been an interesting circumstance, to say the least, considering the fact that the emigration from this country during the war has been the best evidence that we should be a little more particular about our immigration. [Applause.]

Again, the gentleman from Illinois knows full well that it is the high tariff, or rather the war, more than anything else, that makes wages high at the present time; that it is because we must supply Europe now that wages are up. They never refer to the time prior to the breaking out of the war when they are talking about wages; it is just now. But men who understand anything of the present situation know full well what it is. We talk about Democratic prosperity——

Mr. SABATH. The figures that I gave the gentleman were the figures of 1912, before the war.

Mr. MEEKER. Very well, that was under a Republican administration. [Laughter and applause on the Republican side.] But I would not for a moment, under any administration, say that I wished to see American workmen anywhere in a Republican or Democratic administration be forced to accept wages below the American standard of living because some men from the other side have been brought in against them. You can not get away from that fact. We as Republicans only make ourselves ridiculous when we talk of a protective tariff against the product of cheap labor to be brought here, but nothing against the importations of cheap labor itself. The illiterate laborer is the man who takes the bottom of the line. Some Members talk as if we could not ever have any more railroads built if we became a literate Nation. They say that mining and all other industries of that kind would disappear if we become more particular as to who comes in.

Do you know that this afternoon while we are discussing the question of literacy the greatest nation the world ever saw, so far as efficiency is concerned, has for years been following an educational policy laid out under the supervision of a man who said that "illiteracy is a crime?" Do you know there is practically no soldier of the German Army that is not literate? Whenever you are making a plea for illiteracy you are making a plea to weaken the strong part of your national life. [Applause.] And whatever you may say as to one side or the other of the contest in Europe as a fighting force, you must admit that that nation which has kept itself at school, the nation that has stopped emigration from its borders, the nation that has made itself grow as no other has in Europe, has been developed in mind first before it has been developed in any other way.

EVERY PROBLEM FIRST ONE OF THE MIND.

Gentlemen, every great problem of this world was first worked out in intellect before it was worked out anywhere else. [Applause.] It is only because these men are able to think together that they can think clearly and in straight lines. Whenever you see a mob put against intelligence, intelligence will win with the odds 10 to 1 against it. [Applause.]

IF COMPULSORY EDUCATION FOR HOME, WHY NOT FOR THE FOREIGNER?

We men of the States who are talking seriously of education for our own people, how can we come here and boast of schools—how can we come and boast of laws—for our own people at home and at the same time say that the illiterate man may come marching in as he chooses? I believe in compulsory education. I believe it is the only mainstay of our Government.

NATIVE ILLITERACY A DISGRACE.

I want to say to men this afternoon who, from different States, come on the floor of the House, and some one asks you about the literacy in your own State—whatever there may be in Missouri or Indiana or Illinois or Alabama or any other State—it is just that much of a black mark on what should be a clean record.

We get nowhere by pointing the finger of scorn at ourselves, if we have not been faithful in forwarding the educational program of our own people. You beg the question when you say, "How about these people at home; why not let the illiterates come from the outside?" The gentleman from Tennessee [Mr. AUSTIN] is going to speak a little later, and he will give you some facts, not taken from the World's Almanac, but facts taken from the department, as to what the trend of illiteracy has been in this country since the bill was vetoed by our ex-President. It is well worth our while to stop and consider whether we should offer to the aliens of the Old World carte blanche in coming into our country or whether we should put somewhat of a premium upon citizenship. I want to say just in the closing moments that I have that I have grown somewhat impatient in the last few months hearing this constant appeal that Uncle Sam should always play favorite to some one else. We have always been asked to do the brotherly act. All the brotherly love and everything else is to come from our side.

THE BATTLE FOR DEMOCRACY HERE.

I have heard men say on this floor that a certain group of men in Europe are fighting the battles of democracy. Oh, no; the battles of democracy are to be fought out here. [Applause.] Any nation that maintains a king need not boast about genuine democracy, for it is playing at the game. It is high time that we men in our own Nation should begin to look primarily to the literacy of our people, for, without literacy, intelligence after all means but little. We men in this Nation should look first to the interests of our people, and any measure that will strengthen the intellectual power of this Nation should be welcomed by everybody. Any man who pleads for any other, certainly has not taken into account his own people first. [Applause.]

A great contest is being waged against this bill, and I ought to say that all of the lobbying, as you call it, is not all from one side. Do not fool yourselves for a moment into thinking that there are not plenty of forces being brought to bear on both sides of this question. Those who desire to use the illiterate to glut the labor market are on the job.

WE ARE FOR ABSOLUTE RELIGIOUS FREEDOM, BUT FOR KEEPING CHURCH OUT OF POLITICS.

We men in this country long ago discovered that the wisest thing to do for both the church and the State was to separate them. You will find no place in history where the church and State has joined hands that it did not ruin both of them. [Applause.]

I would say incidentally to some of you good gentlemen here on the floor of the House, who are the mouthpieces for a certain so-called reform organization that claims to be "the church in action," that the greatest menace you are bringing to this Nation is your introducing the church into politics through this organization. I refer to the Anti-Saloon League.

We think that the great danger in this country just now is the liberties of men. It was the desire for liberty that brought on the Revolutionary War. That was fought for liberty and not for law. There is no menace at this hour in this country that is greater than the increase of political power in this organization that says it represents the church.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SIEGEL. Mr. Chairman, I yield the gentleman three minutes more.

Mr. MEEKER. We learned that the state and the church must be kept apart, but at the same time there is nothing that should be so dear to a man as his religious conviction. From the time that the psalmist sung of his love for Jerusalem and of his right hand forgetting its cunning if he forgot Jerusalem

down to now it has been the devotion that men and women have had for God as they know Him that has told the story of heroism, and their persecution is largely the history of bloodshed in the world. We have provided in this bill—and no man can deny it—that under the law any religious refugee from any land under the sun can find his asylum here. We have provided also for the political refugee. If we have not, it must be done before this bill goes into law. But after that asylum has been provided in those two particular cases, I say from that time on it is a question as to whether the American Congress shall stand for literacy in its Nation, for intelligence and enlightened conditions, or whether it shall continue to look into the dim distant past, when we rode in oxcarts, when we used tobacco for money, in the golden days that are gone we hope never to return.

Of all the flags flung to the breeze
In all the lands beneath the sun;
Of all the flags on all the seas,
I claim but one, I love but one.

There may be other flags for some
Which seem to be of equal worth,
But as for me that flag spells "home"—
It is the dearest flag on earth.

I love Old Glory most, because
No king can claim her as his own,
And from her spring great eagle claws
When anyone suggests a throne.

Baptized was she in blood of men,
And consecrated by the tears
Of brave though weeping women, when
They sent their loved ones forth with cheers.

The men who raised that flag waged war;
They bled, they died without complaint;
They knew what they were fighting for;
They gave themselves without restraint.

And so it is that here and now
We hoist thee, old "Red, White, and Blue,"
And underneath thy folds we vow:
"We'll fight for you; we love but you."

[Applause.]

Mr. SIEGEL. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I was deeply interested in the statement of the previous speaker, the gentleman from Missouri [Mr. MEEKER], regarding conditions in Germany. I agree with him fully as to what he said about the splendid education that the people of Germany receive in their schools and colleges and universities. I have traveled throughout the Empire on a number of occasions. I have seen great masses of workingmen employed in the construction of railroads. I want to say to you that practically every railroad laborer in Germany comes from Greece or southern Italy. I have seen them there by the thousands. Similar conditions existed prior to the present war in most of the countries of northern and western Europe. The German people, like our own people, who are educated, do not want to do that manual labor that compels them to stand on our western plains under the burning midday sun, earning their bread in the sweat of their brows. The educated American will not do that kind of work, and that work must be done in this country if the country is to attain its manifest destiny.

Take the history of the development of our country. The men who came to America and founded the colonies, the men whose posterity to-day are proud of the blue blood, as we jocosely call it, that flows through their veins, in many instances were so-called redemptioners, who could not read and who could not write, and who even did not have the money to pay their passage to the colonies. They lacked opportunity in their native land and hoped to find it on these hospitable shores. They came over here by the shipload, and when they arrived the master of the vessel rented them out at so much per year until they could work out their passage money. Such were many of the men and women who constituted our first families. Their descendants are not ashamed of these ancestors. They have no reason to be ashamed of their ancestors. But if there had been a literacy test in those days they never would have been allowed to land. They were illiterate because the opportunity to learn reading and writing had been denied them. Strike the literacy test from this bill, and I feel that almost every Member of the House will be willing to vote for it.

But, Mr. Chairman, the literacy test is no test of character. There are in the United States to-day thousands of young men who sprung from Irish immigrants. They constitute much of the bone and sinew of the land. They make splendid citizens. Yet in many, many instances their fathers and mothers could not read and write. That was not their fault. It was the fault of the conditions that existed in the country in which they were born. Take our own country to-day; take our country to-day in many of its sections. Do you find illiteracy? Of course you do. You find altogether too large a percentage of it. Do you blame the people in those sections? I hope not. It is not their fault. They have not had the proper opportunity. There are no schools to which they can go to learn how to read and write. Let us sweep our own doorsteps; let us educate all the people of these United States before we talk about illiteracy in other portions of the globe. Let us give every boy and girl, no matter what the race or creed or color, an opportunity in the United States [applause] to learn how to read and write. When we have done that, then we can criticize illiteracy, and not until then.

Take the great labor organization that is fighting for this legislation. Its president was born in England; its secretary was born in Canada; many of its officers were born abroad. They have made splendid records for themselves in the United States, and we are proud of the work that they have done for the uplift of the downtrodden and oppressed. This wonderful land of opportunity gave them the opportunity that might never have come to them had they been denied admission to this country. Why should they want to prevent other human beings from finding a similar opportunity in this land of the free?

Oh, the gentleman who preceded me [Mr. MEEKER] said that he was glad this country did not become involved in the war 18 months ago. He said he feared the American citizens of foreign birth——

Mr. MEEKER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. MEEKER. I referred to the aliens who have gone back; not American citizens of foreign birth, but those 30,000 last year who went under other flags.

Mr. KAHN. There is one beautiful thing about it all, my friends, and that is this: When an alien comes to the United States and becomes an American citizen he generally becomes an intensely loyal, patriotic, devoted, American citizen. [Applause.] He is willing to lay down his life for this land of freedom. He teaches his boys as they grow to man's estate that it becomes their duty, if ever the country should call upon them to defend its institutions and its flag, it becomes their duty to respond to the colors in case of need and fight to the very death for this great Republic. [Applause.]

Mr. MEEKER. Will the gentleman yield further?

Mr. KAHN. I will.

Mr. MEEKER. I want to ask the gentleman what in his opinion the men who have gone back under other flags, who are not our citizens, would have done in case of war; for which flag would they have fought?

Mr. KAHN. For the flag of this country, I honestly believe. They were not citizens of the United States; they were reservists, as I understand it, of other countries. This bill would not keep them out. They can all read and write. They were not illiterates. The gentleman would still allow them to enter this country. But, even as far as they are concerned, I believe if their respective countries had become involved in war with the United States they would have been ready to fight for the United States. [Applause.] I believe that honestly and sincerely of the many, many thousands of those who have come from foreign lands. Oh, they have a natural sympathy for the land of their birth; they would not be human if they had not.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KAHN. I can not just now. Walter Scott expressed it more beautifully than I have ever heard it expressed when he said:

Breathes there a man, with soul so dead,
Who never to himself hath said,
This is my own, my native land!
Whose heart has ne'er within him burned,
As home his footsteps he hath turned,
From wandering on a foreign strand!
If such there breathe, go, mark him well;
For him no minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as wish can claim;
Despite those titles, power, and pelf,
The wretch, concentrated all in self,
Living, shall forfeit fair renown,
And, doubly, dying, shall go down
To the vile dust from whence he sprung,
Unwept, unhonored, and unsung.

[Applause.]

Ah, Mr. Chairman, we have heard the loyalty of our foreign-born citizens and the descendants of foreign-born citizens seriously questioned in recent months. They have been referred to sarcastically as hyphenated Americans. I have constantly asserted that they did not hyphenate themselves. The American politicians hyphenated them for political purposes. They love the Union. No matter whether they or their fathers were born in other lands, they and their children are loyally devoted

to these United States. And they will never hesitate to show their devotion in case this country should need their services in its defense.

Here in the United States we have a kind of hyphenated Americans among our own citizens. We have citizens of one State going to other States of the Union. For instance, we have in the State of California, a State which I have the honor to represent on this floor in part, native-born citizens from all over the Union. They are intensely loyal and patriotic and devoted Californians. But they invariably belong to the societies of their own States. The man from Vermont belongs to the Vermont Association. The man from Missouri belongs to the Missouri Society. The Ohioan belongs to the Ohio Society, the Mississippian, the Mississippi Society, and the New Yorker, the New York Society. Whenever New York does anything that is exceptionally laudable you will find your Californian who hails from New York proudly saying: "Oh, you little old New York, you bet." [Applause.]

Now, it is just the same with all these Europeans. They may have a sympathy for the land in which they first saw the light of day; but their hopes, their love, their devotion, their ambition, is centered in these United States of America. Here is where they have found opportunity. Here they have builded their homes. Here they have reared their children. Here even the unfortunate illiterate from foreign lands is giving those children the splendid advantages of an education that was denied the parents in the old country. I, for one, hope the doors of opportunity may still swing open for the downtrodden and the oppressed of every land. I would keep out the criminals, the mentally and physically defective, the anarchists, and the blackhanders. I would make character a test for admission. But I would never deny to those unfortunates who by reason of environment or social condition were unable to secure an education in their native lands the right to seek better surroundings, better educational facilities, better opportunities beneath the glorious Stars and Stripes.

Mr. SABATH. Mr. Chairman, I yield eight minutes to the gentleman from New York [Mr. LONDON], and I understand that the gentleman from New York, my colleague [Mr. SIEGEL] is going to yield him a little time himself.

Mr. SIEGEL. I yield to the gentleman seven minutes.

The CHAIRMAN (Mr. CASEY). The gentleman from New York [Mr. LONDON] is recognized for 15 minutes.

Mr. LONDON. Mr. Chairman, as I do not expect to cover all the ground I want to cover in 15 minutes, I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. LONDON. Now, Mr. Chairman and gentlemen, I am not going to recite any poem, nor will I talk about my love for the flag. No man who really loves or respects his wife hires a brass band to advertise it.

I do not see why men permit themselves to be constantly proclaiming to the world how deeply they love the flag of the Republic. Let us come to the point.

The opposition to immigration is traceable to three principal sources. First, there is the chauvinist element, which fears contamination from foreign stock. They are the successors of the Anti-Alien movement, of the Know-Nothing movement, of the A. P. A. movement. This element is to be found in every country of the world. It is the man who is so proud of himself because of his birth in a particular land, and because of his ancestry, that he considers it superfluous that he amount to something himself. To the chauvinist Chinaman, his country is the Celestial Empire; to the Japanese, the Land of the Rising Sun; the German has, of course, the greatest culture; the Frenchman the noblest civilization; the Englishman rules the world; the Americans are, of course, the free and the brave.

While this sort of national frailty is excusable in old nations, Asiatic or European, it is utterly incomprehensible when found among the American people, full of the vigor of youth and absorbing unto itself all that is strong and virile in the human stock. This sort of man can not be reasoned with.

We come to the second element. We find year after year and Congress after Congress a solid vote for the restriction of immigration from the representatives of those States where children are exploited, where industry is undeveloped, where agriculture is in a primitive state, and where there is a particularly submissive class of labor.

These States suffer because of lack of immigration. Not only have they not developed their natural resources, but they have been suffering periodically from floods and inundations which they seem to be utterly incapable of coping with. The white immigrant, bringing with him the germs of discontent, coming here in quest of better opportunities, a rebel seeking a larger freedom, is feared by these elements. And the strange thing about it is that it is these very States that have an illiteracy of distressing proportions among the native white population.

Thus, Alabama, from which comes the distinguished author of this bill, has 15.7 per cent native white illiterates. North Carolina has 16 per cent; South Carolina, 15 per cent; Tennesee, 11 per cent; Louisiana, 17 per cent. One is tempted to ask the question why these gentlemen who are so opposed to illiteracy do not get busy in their own States.

Some of these States have an area larger than some of the Empires of Europe.

Alabama, with 52,000 square miles area, has a population of 2,270,000. Germany, with just four times the area of Alabama, or 208,000 square miles, has 67,000,000 people, or more than thirty times as many inhabitants as has this State.

Mississippi, with only 1,902,000 inhabitants, is larger than the combined area of Switzerland, Denmark, and Holland, though these three European countries support a total of 13,000,000 people in comparative comfort.

Texas, with a population of 4,250,000, is larger than France, Holland, Denmark, and Switzerland combined, with their 53,000,000 inhabitants.

Oregon, which is 10 per cent larger than England, Wales, and Scotland, has less than 1,000,000 people, as compared with the 42,000,000 in this British Isle.

Europe, almost identical in total area with the United States, supports a population of 450,000,000 souls.

There is something wrong with American statesmanship if America can not comfortably take care of 100,000,000 souls while Europe supports 450,000,000.

The third element is organized labor. We have organized labor invoked in support of this bill by elements which have consistently and persistently, in season and out of season, thwarted every effort and defeated every aspiration of the working people. It is true that a large number of the official representatives of the trades-unions ask for this bill. The working people, surrounded by enemies, engaged in a life and death struggle with the superior forces of capitalism, in sheer desperation seek to limit the supply of labor.

The trades-unions fear not only the competition of numbers but the rivalry of large masses of foreign workers not familiar with the language and easily exploitable.

But that is where organized labor is on the wrong track. Organized labor, with its magnificent record of accomplishment, permits itself to play into the hands of the unreasoning chauvinist and of the most reactionary labor-hating element, in the vain hope that labor will improve its condition by limiting the working population of the United States through restrictive immigration. There would be just as much logic in limiting population by prohibiting childbirth. Every child added to the poor man's family is a burden which weakens the power of resistance of the worker to oppression.

I know that the trusts and the corporations have their own designs in seeking free and unrestricted immigration. I know that steamship companies have by alluring advertisements been stimulating immigration into certain industrial sections of the country, although the extent of the practice is exaggerated. But this is not the kind of immigration that I am fighting for. I am opposed to immigration artificially stimulated in the interests of capital. I will join you in adopting the most rigorous rules to prevent greedy capital from taking advantage of helpless immigrants. I will certainly go the limit in prohibiting the importation of workers which has for its object the breaking of strikes or the crushing of organized labor. No; I will go a step further, and I will demand that the power of the Congress of the United States be invoked to prohibit the transportation of strike breakers, whether native or foreign, from one portion of the United States into another.

The truth is that normal immigration automatically regulates itself. If times are good, relatives from abroad are induced to come to America. If times are bad, relatives are warned to stay away. Thus the beginning of every panic is followed by an increased emigration from the United States, and there is no surer sign of returning prosperity than an increasing tide of immigration. A study of membership of labor unions and of strikes teaches the same lesson. Improving times are accompanied by larger union membership and by a growing number of strikes.

I speak for the immigrant who, being a victim of religious, economic, or political oppression, seeks access to the United States to improve his condition. If he is illiterate, it is so much more reason why an opportunity should be given to him to give to his child the light which was denied to the parent. See with what avidity the children of the immigrant rush to

your schools. As long as the schoolhouse exists there need be no fear of the illiterate.

Come to the city of New York, with its schools and colleges and universities, with its evening extension courses, with the best free lecture system in the world, and you will realize what the American school is doing for the immigrant.

I put my faith in the American school.

The trouble with the average representative of organized labor is that he is incapable of that broader vision which sees above and beyond the narrow needs of the moment. That is the misfortune of the trade-union movement. What lack of intelligence! The politician is afraid to tell them that they are stupid. The average member of Bricklayers' Union 6879 does not give a rap what happens to the rest of the world so long as Bricklayers' Union 6879 is taken care of.

We find in Ward's "The Ancient Lowly" a reference to a remarkable historical incident which is typical of the narrowness of craft statesmanship. Ward tells us that the early Christians obeyed literally the injunction of the Bible against the making of images. There was an organization in ancient Rome engaged in the carving of images—a sort of a union. This image carvers' union refused to see the spiritual significance of the new faith, the beauty of the conception of one God, the higher ethical code, and it stoutly opposed the spread of Christianity to the last, for no reason other than that it threatened the image-carving business. And that is how the bricklayer, with the bricklayer's mind, has always judged big things. He has one remedy—to reduce the number of bricklayers.

And it is the same unthinking and unreasoning method that has checked the progress of the whole labor movement. The bricklayer does not give a snap for the carpenter; the carpenter does not give a care for the metal worker; none of them for the railroad worker or the telegrapher or the printer. That is how it came that stereotypers recently lost a bitterly contested strike against newspaper owners—because the typesetters kept on working while the stereotypers were on a strike.

The railroad workers could have crowned many an effort of other unions with immediate success by refusing to haul the products of any industry in which a strike was pending. But that requires a broad vision, it requires a higher intelligence, a deeper grasp of things. It is so much easier to look out for oneself.

Mr. QUIN. I would like to ask the gentleman a question.

Mr. LONDON. No; I can not yield. I do not want to be interrupted. I am approaching the subject from an entirely different angle, and I should not be disturbed.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used nine minutes.

Mr. LONDON. The question was asked here, "What do you think of those 400,000 men who went to Europe after the declaration of the present war to join the colors?" I want to say something about those 400,000 men. I say that the man who, enjoying safety in the United States, went abroad to fight belongs to the noblest and best stock that the United States could ever hope to get. Why do you not look at the thing from this standpoint?

Mr. KAHN. They could all read and write, too, could they not?

Mr. LONDON. Oh, yes; undoubtedly.

The gentleman from Alabama [Mr. BURNETT], in the few remarks that he made here during the discussion of the rule this morning, said that he did not like to see a repetition of what happened at Youngstown, at Lawrence, and down at Columbus, N. Mex. That gives away his case. Some people do not want any white labor, because white labor organizes into unions and fights. They want child labor; they want the subservient, docile labor of an oppressed and submerged race.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. LONDON. Yes.

Mr. COOPER of Ohio. Were the men who were in the labor trouble at Youngstown members of organized labor?

Mr. LONDON. I assume that they were not; but if they were not organized it was the fault of the narrowness of the labor movement that does not know how to reach the masses. The union should greet the immigrant as a brother. The union man should teach him unionism. Instead of that, the labor leader looks upon every immigrant as an enemy. If you are going to keep down the supply of labor by keeping out immigration, why not limit childbirth? That would be a way of keeping down the population. In 1798 a Presbyterian minister by the name of Malthus suggested that—and now and then the theory crops up—that the population is too large.

I have no faith in the friend of labor who encourages every stupid demand of the worker, checking at the same time every real aspiration of the working class for a greater share in life's joys.

I find it hard to reconcile a vote for restriction of immigration in the name of labor with a vote against child-labor legislation. We have had that exhibition here. The Representatives of many a State voted solidly for restriction of immigration and against child labor legislation.

Nor have I much respect for the labor leader who permits himself to be a tail to the kite of the politician. The union card should not be used for political trade. Had there been genuine friendship for labor there would be an irresistible demand that the 2,000,000 children be taken out of the factories and quarries and mines by legislation which would completely eliminate child labor instead of the present meaningless makeshifts of child-labor legislation, which by regulating child labor, retain it; that the 4,000,000 women slaving their lives away in factories should be returned to the homes where they belong, so that wife and child should not compete with husband and father. Had there been a real interest in labor's cause this Congress would get busy to provide unemployment insurance, health insurance, and old-age pensions. Natural resources of vast extent still unexploited and held by the Nation would under the guidance of the Nation have been found to offer remunerative employment to tens of millions of men.

A national network of unemployment exchanges would have been spread all over the country to aid the jobless in reaching the job. Facilities would have been offered for the free transportation of workers during the movements of labor incident to the gathering of harvests. Vocational education would have been promoted. The rising cost of living would then engross our attention. The concentration and increase of the total wealth of the Nation, accompanied by an increased poverty of the many, the social problem in all its ramifications and in all its depth would then become the object of our studies.

The true friend of labor would seek to qualify the workers to take a larger and larger share in the administration of the Government and in the running of industries, thus paving the way for industrial democracy.

But we hear none of these things.

What has become of our reforestation projects? Have all our arid lands been irrigated? What measures have been taken to prevent disastrous floods that have been devastating tens of thousands of square miles of fertile land? Have our physical resources been exhausted? Have our mental resources been exhausted? What about the development of the natural resources, about which the platforms of all political parties speak so eloquently?

I protest most solemnly against that narrowness of mind, against that lack of vision, against that absence of sympathy for our fellow men which refuses to a fellow human being a refuge and a resting place.

The captain of a ship who would refuse to take on board a drowning person would be shunned as inhuman unless he could plead in justification that the addition of a passenger would result in the sinking of the ship with all on board. Not unless all opportunities are exhausted, not unless there is no room left to shelter one more, will the American people be justified before their own conscience and before history in adopting the philosophy of Cain, "Am I my brother's keeper?"

Adopt the literacy test, refuse admission to the man without a knowledge of the alphabet but with hands willing to work and with a soul free from the contamination of commercialism. Paralyze industry, check progress, reverse the policy which has given to America life and sustenance, surround the country with a Chinese wall of exclusion, smother all humane instincts, punish the unfortunate man for being illiterate by depriving him of an opportunity to earn his bread. But remember that no free people can long remain unjust. The day of retaliation will come. The narrower the policy you pursue the quicker will you be overthrown. The American people will again be as just as they are free. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BURNETT. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILSON].

The CHAIRMAN. The gentleman from Louisiana [Mr. WILSON] is recognized for 10 minutes.

Mr. WILSON of Louisiana. Mr. Chairman, the legislation proposed in this bill, in substance and spirit, has been before Congress for many years and has established a record and made a history both interesting and unusual. Many legislative battles have been fought over its provisions, the literacy test being and constituting the chief cause of contention and the storm

center around which the controversy has raged since 1896. In 1896 the House and Senate passed an immigration bill containing the literacy test. It was vetoed by President Cleveland. The House passed the bill over the President's veto. It failed in the Senate by the expiration of the Congress. In 1898 a like bill passed the Senate, but was not considered by the House on account of the Spanish-American War. In 1902 the House of Representatives passed an immigration bill containing the literacy test. In 1906 the Senate passed an immigration bill containing the same test. When the matter reached the House the Federal Immigration Commission was created as a substitute for the pending bill. This commission consisted of nine members, who, after a very thorough investigation of the immigration question, both in this country and in Europe, by a vote of 8 to 1, settled upon the literacy test as the most satisfactory and practical means of restricting, limiting, and regulating immigration.

In 1913 the Senate and House adopted and passed a bill embodying the recommendations of the Immigration Commission and containing the literacy test. President Taft vetoed this bill, which passed the Senate over the President's veto, but failed in the House by only a few votes.

In 1914 the House and Senate, by large majorities in each body, passed a like immigration bill, which was vetoed by President Wilson, and which failed in the House to pass over the veto by a margin of 8 votes. Therefore the literacy test has been indorsed by one or both branches of Congress six times during the past 20 years, and in several instances has failed to pass over the veto of the various Presidents by a very limited margin. In view of this record, it might be asked if any legislative proposition has ever been more thoroughly approved or so often indorsed by the American people through their representatives in Congress? The question has been asked if any political party has ever committed itself to this particular proposition. In the Democratic platform of 1896 the following appears:

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

It is generally conceded and acknowledged after the most thorough investigation that the literacy test is the best means by which this may be accomplished. It is true that the Democratic Party and its candidates were not successful in 1896, but it was certainly not due to this declaration in the platform that defeat overtook Democracy in that year, as the following plank appeared in the Republican platform of 1896:

For the protection of the quality of our American citizenship and the wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

Mr. SABATH. Mr. Chairman, will the gentleman yield there for a question?

Mr. WILSON of Louisiana. Yes.

Mr. SABATH. I desire to know from what platform the gentleman is reading.

Mr. WILSON of Louisiana. From the Republican platform of 1896.

Mr. SABATH. It is something unusual for the gentleman to support anything in the Republican platform.

Mr. BURNETT. The Democratic platform for the same year is even stronger on that subject.

Mr. WILSON of Louisiana. Ordinarily the advisability of any legislation which had been halted by so many presidential vetoes might be seriously questioned, and no doubt will be; but, on the other hand, when any piece of legislation has for so many years been approved and indorsed by the majority of both branches of Congress, irrespective of party or section, the necessity and desirability of such legislation must seriously impress itself upon the minds of thoughtful men. Propositions without merit can not stand the test of time nor the light of full and open discussion and extended publicity. Here we have an attempt to enact certain legislation urged by its advocates as being in the interest of the American people, for the protection of American labor in shop and on the farm, and for the maintenance of the American standards of living and the permanence and security of American civilization and ideals.

The struggle to place this law upon the statute books of this country has been going on for nearly 20 years. The question has been most thoroughly investigated; it has had the fullest publicity. Members of Congress who have advocated it and voted for the proposition have been continually returned to Congress, and the majority favoring the literacy test appears to have increased from session to session. In addition to this unusual record before the Congress and this unequivocal indorsement in the two great party platforms, the literacy test has been indorsed by the American Federation of Labor, with its allied organizations, comprising about 2,000,000 members; the National Grange, composed of about 1,000,000 members; the National Farmers' Congress, embracing about 3,000,000 farmers; and the National Farmers' Union, with a membership of about 3,000,000, making a total of 9,000,000 members of these various organizations, representing the wage-earning and agricultural classes and interests of the country.

The wage earners of this country plead for the enactment of this bill into a law, not through any feeling or spirit of antagonism toward the laborers or peoples of other countries, but for the protection of those of their own country, already here.

Mr. Frank Morrison, secretary of the American Federation of Labor, in his statement before the Immigration Committee, gives the position of organized labor upon this question, as follows:

The wage earners believe in an effective regulation of immigration because they desire to retain the American standard of living. The standard of wages for both skilled and unskilled labor in this country is the result of many years of effort by organized labor. When an immigrant accepts work at less than the standard wage he not only takes the place of the man working at the higher rate but he assists in forcing downward the prevailing rate of wages in that industry, which result carries with it a corresponding reduction in the physical, moral, and intellectual standard of American life.

The class of laborers in relation to whom restriction is desired, can, on account of their lower standard and habits of living, accept work at a lower wage and prosper, where the American, accustomed to the standards he has established for himself here, would fail and be forced to retire.

The American laborer, much to his credit, and a fact that should be to the pride and glory of this country, can not compete with the cheap labor of other countries. Not because he lacks in skill, industry, or energy, but because for himself and his family he has builded toward higher ideals and become accustomed to a higher and better plane of existence.

The high wage, the wholesome conditions, and the continued improving opportunities surrounding the American workingman must, of course, in some measure be due to the high character and the public spirit of his employer. Such conditions could not exist permanently without some degree of cooperation and mutual sympathy. This must be the general rule, to which there are no doubt, noted exceptions.

Wages may naturally be affected by the number of the unemployed, and the employer may profit when there are a number of men seeking each job, and such conditions may be expected to occur and obtain in this country for certain periods, but no man or interest should be given the opportunity to profit by an oversupply of cheap labor imported into this country. The American laborer is entitled to be protected against that. He asks Congress to adopt and pass this bill as a means of affording to him this protection.

Many schemes and remedies have been devised by others and offered to the working classes as a protection against the pauper labor of other countries; for instance, a protective tariff high enough to prevent the importation of articles manufactured and produced by that pauper labor, so as to avoid, it is claimed, competition between the man receiving the high wage here and the one receiving the low wage there.

This has been adopted and tried for the laboring man, but to him it has been a disappointment and a delusion and a snare. So why not give him the remedy he has asked for, something he has recommended for himself?

The same causes and motives which have prompted the wage earners of the country to urge the adoption of restrictive measures in relation to immigration have actuated the farmers of the country in their desire and efforts to secure the same legislation. Since this matter has been before Congress the National Farmer's Union, the Farmer's Educational and Cooperative Union of America, the National Grange, and the Farmers' National Congress have repeatedly in numerous conventions held in various cities of the United States passed resolutions indorsing restricted immigration and the literacy test as the most practical means of securing the proper limitations upon the flow of immigration to this country. The position of all these organizations upon this matter is summed up in the following statement issued by the National Grange at Wilmington, Del., November, 1914:

Among the thinking people of America there is an unusually strong feeling that the time has come when our immigration laws should be further amended so as to prevent the ignorant, dishonest, vicious, and physically defective from entering our country. While recognizing that ignorance is not a badge of dishonesty and crime, we are satisfied that the higher the average education of our people the better it is for our happiness, prosperity, and stability. When the war now raging on the Continent is over Europe will unquestionably dump untold numbers of undesirables on our shores. The better element from these countries will not be permitted to leave, if such can be prevented. Therefore, be it resolved by the National Grange in Forty-eighth an-

nual session assembled, that we demand the passage by Congress, at its next session, of such immigration laws as will adequately protect our present citizenship from those of other countries whose mode of living, ideals, and beliefs are inimical to those which have made us great.

This correctly states the position of organizations representing more than 7,000,000 farmers upon this question. They favor restricted immigration because that is necessary to preserve and protect the American standard of living upon the farm, and to insure that American ideals and civilization will not be lowered or forced to take a backward step. And further, because the American farmer feels that he should not be forced into competition in the results of his toil and the products of his industry with a class of immigrants who have been accustomed to conditions in farm life, manner and habits of living to which the American farmer could not adjust himself, and to which he should not be forced to endeavor to adjust himself, because that would be and result in the lowering of his ideals, and the abandonment of the social standing he has with so much pride and industry erected for himself and his family.

These various organizations, representing 7,000,000 farmers, with members and local organizations in every agricultural State in the Union, after a study of this question for 20 years, ought to know what is for the best interests of the farmer and the agricultural classes. Their conclusions, reached after so much deliberation, are certainly entitled to the highest consideration by this House. Where it is shown that organizations representing any particular interests have purely a selfish purpose in securing the enactment of a law, the chances are that such a law would be class legislation. But where the purpose and motive is the upholding of higher wages, maintaining better prices for products of the soil, and the preservation of conditions which secure the prosperity of the very class and portion of the population upon which rests the welfare and happiness of the whole people, then the motive results from an unselfish devotion to the public interest and from a spirit of exalted patriotism. I can not agree with those who say that the farmer has been without influence shaping legislation in this country. The real basis for complaint is that he must be so patient and long-suffering in getting and securing the proper consideration of the justice and fairness of his claims. Henry Grady once said that "the farmer, segregated and deliberate, does not move on a slight provocation, but organizes only under deep conviction, and that when once organized and convinced he is terribly in earnest, and is not going to rest until his wrongs are righted," and quoted abundant history to prove this.

The farmers led the fight for the parcel post. They secured that. The farmers have been the pioneers in the good-roads movement, and have long urged Federal aid for road building. We have just passed a bill appropriating $25,000,000 to assist in the construction and maintenance of rural post roads. The farmers have long urged a change in our banking system that would free the currency and credit of this Nation from the control of the Money Trust, and place the same under the control of the Government, where the people have a voice. The Federal Reserve System is in answer to this demand. They have long fought for a rural credit system, free from Wall Street influence, and independent of the commercial banking interests of the country, with Federal supervision and Federal aid, and if we do what we ought to do, and what we have promised to do, they will secure that. And now, in this particular bill, they are demanding better regulation and restriction of immigration, which, in my opinion, is as essential to their continued prosperity and general welfare as any other reasonable demand they have ever made upon Congress.

The present bill is practically a reproduction of House bill 6060, of the last session of Congress. To those excluded in the former bill are added vagrants and persons of "constitutional psychophatic inferiority." To those included in the admissible class are added all those "seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt act or by laws or governmental regulations that discriminate against the alien or the race to which he belongs, because of his religious faith." There was a similar provision in the former bill, but there seemed to be grave doubt as to whether it would be effective for the purposes intended, that purpose being to enable those fleeing from religious persecution to find here a city of refuge. The objections urged by those who opposed the former bill on account of the uncertainty of the terms in this provision have been met by changes in respect thereto in the bill now under consideration.

This is the land of religious freedom. Our institutions have been founded and our civilization constructed so that as a part and through it all is interwoven the thought and principle of freedom in religion—the right to believe and practice according to the dictates of the individual conscience.

No one truly American would close the gates here against the man deprived of these sacred rights and privileges elsewhere and seeking entrance to our shores on that account.

The objects and purposes of this legislation are to further regulate, restrict, and limit immigration. The provisions of this bill have been adopted as the most practical and effective means of securing the results desired; that is, a check in the stream of immigrants constantly flowing to this country of a class that can never become a part of our American life and civilization, who can never appreciate and enter into full sympathy with our ideals and the underlying principles of our governmental structure, but who, on the other hand, constitute an obstruction to our development as a people and a menace to our institutions—a class who do not come here for the purpose of becoming American citizens and who are not good material out of which to make American citizens.

The effect of the adoption of the literacy test would be in normal years, taking for instance the year ending June 30, 1913, the year before the outbreak of the European war, as a normal year, to exclude about 30 per cent of the immigrants arriving on our shores or to reduce the number at the rate of about 300,000 each year. Those excluded from northern and western Europe would be, on the average, about 3 per cent of the whole and from southern and eastern Europe about 43 per cent of the whole. It appears that illiteracy among the immigrants from southern and eastern Europe is more than twelve times as great as that among the aliens from northern and western Europe, and that more than three-fifths of the total immigration for the five years preceding the breaking out of the present war in Europe was from these illiterate races.

No one can foresee or tell what effect the European war will have upon our immigration problem here. It is generally admitted, however, that every possible effort will be made to retain in those countries, whose ranks of able-bodied men are being so ruthlessly decimated, and whose resources are being exhausted, all who may be capable, competent, and qualified, either physically or mentally, to assist in the work of rehabilitation and reconstruction. The more desirable, useful, and worthy, actuated by the same patriotic motives and impulses that caused them to rush to the colors, will choose to remain, regardless of the fate of their native land in this struggle. Experience has shown that the soldier, even in the hour of defeat, with a determination and heroism unsurpassed on the battle field, will return to his home and reconsecrate himself to his native soil and to the work of reestablishing its industries and the reorganization of his civic structure. Out of such conditions here have grown the very best and highest types of our own civilization.

It will be the shiftless, the irresponsible, those devoid of patriotic spirit and impulse, who would come from the countries now at war and seek entrance to our shores at its close. Therefore it will be more important than ever that we have a system or method by which our immigration may be selective.

It has been stated here and elsewhere that the passage of this bill would indicate on our part a lack of appreciation for our foreign population, for those who have come from other shores and become a part and parcel of this country and who have added so much to its growth and worth, and who have been an important factor in every phase of its development. But this is not true. The very fact of what these people have been able to accomplish here, the honors that have been conferred upon them, the opportunities that have been open to them, and the protection afforded them by this Government is sufficient answer to that contention. Every man who has come to this country fit to be an American, and who wanted to be and has become an American, has been given every opportunity, endowed with every privilege, and surrounded with every blessing that this country affords and secures to the native born. And when we speak of protection for the American people, and the preservation of the standards of American life, and for the security and perpetuity of American institutions in the scope and spirit of the fathers, we speak for all who are now Americans. There is no danger in this country from hyphenated Americans, if by that is meant those who have come here from other countries and their descendants; who have assumed in truth and in fact all the responsibilities of American citizenship, and who have become in all respects a part of this people, with no allegiance elsewhere. There is considerable argument in favor of a man's loyalty to this country, growing out of the fact that he has selected America as his home, and this loyalty ought to be accentuated by the further fact that he has had conferred upon him a privilege of inestimable value, an honor unobtainable elsewhere, and that is, of being made an American citizen.

It is only natural that the citizen here, foreign born or of foreign parentage, should sympathize in this hour of stress and conflict with his native land and kindred and that his

sympathy and hopes would be with that land and his people in this great struggle, and also that, enjoying the privileges of free speech and free press guaranteed him here, he should so express himself, even to the extent of disagreeing with the policies of this country in dealing with belligerents. That is not any more than is done by the native-born American, dating his ancestry to the Puritan in New England or the Cavalier in Virginia. The policies of this Government—executive, judicial, and legislative—are freely and openly discussed in every nook and corner of this Nation, in every business center, and at every crossroads, and there are at each place champions of every side; but there is nothing in any of it detracting from loyalty and devotion to America, and should it become necessary to repel invasion or to maintain "peace with honor" or to pay the price that peace may eventually cost it would be found that the Jewish-American, the German-American, the Franco-American, the Irish-American, and everyone else who is any sort of American at all would rally to the flag of this country, as they have always done in the past, and all the powers of earth could not prevail against us. Germany knows that. There is no reason why Great Britain should forget it.

This is a condition and a spirit that we should protect and preserve. The conditions as to immigration have during the last few years undergone a rapid and startling change. For the 90 years preceding 1910 only about 30,000,000 immigrants were admitted to the United States, and these from the very best stock of Europe. The gentleman from Illinois [Mr. RAINEY], discussing this question in this House on February 4, 1915, said:

> From 1819 to 1883, 95 per cent of the total immigration from Europe originated in the United Kingdom, Germany, Scandinavia, the Netherlands, Belgium, France, and Switzerland. The immigration prior to 1883 was exceedingly desirable, and we were able to add to our population the very best of the red-blooded people of these north Europe countries. The immigration prior to 1883 from these countries has been referred to as the "old immigration," but after 1883 there was a rapid and distinct change in the character of the influx of European immigrants. From that time to this 70 per cent of the movement originated in southern and eastern Europe, and the old-immigration movement in the last 30 years has materially declined.

Speaking on the same subject, February 25, 1914, the gentleman from Massachusetts [Mr. GARDNER] said:

> The report of the Commissioner of Immigration also shows that from September 30, 1819, down to June 30, 1903, a period of 84 years, 21,095,614 immigrants came to this country, whereas during the 10 years from June 30, 1903, to June 30, 1913, no less than 9,713,330 immigrants have arrived. Think of it! Nearly one-third of all the immigration of the last 100 years has arrived since June 30, 1903.

This educational test would bar the very portion of the immigration that we do not want and should not have. It is an indorsement of our own effort and progress in education.

We are spending nearly $1,000,000,000 per year on public schools. Those of our own people who were so unfortunate as to be deprived of educational opportunities are the most ardent advocates of our American school system and are now making the greatest sacrifices to relieve their own sons and daughters of the disappointments and handicaps resulting from a lack of education. While they are doing all this, let us not here in Congress place a premium on ignorance and illiteracy, but instead of that let us stand for the doctrine that the greatest asset of this Nation, and the most essential element of its power, lies in the intelligence, the equipment, the efficiency, and the character of its people.

Now, in view of all this, is it not of the highest importance that our immigration be regulated and restricted? Our first duty is to this country, and our foremost thought in legislation should be America first and America for Americans first. That would mean safety all the time. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CASEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, and had come to no resolution thereon.

Mr. BURNETT. Mr. Speaker, I think it is rather apparent that it will be very late when we get through with the seven hours' debate, and I have asked that the committee rise in order that we may have an agreement in the House, if we can secure it, that at 6 o'clock the committee rise, and that the House then take a recess until 11 o'clock in the morning.

Mr. SABATH. And that the general debate shall be resumed at that time.

Mr. BURNETT. Certainly.

The SPEAKER. The gentleman from Alabama asks unanimous consent that at 6 o'clock the House shall stand in recess until to-morrow at 11 o'clock a. m. Is there objection?

There was no objection.

JAMES H. SCHNEIDER—LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. TILLMAN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of James H. Schneider, Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WM. ELZA WILLIAMS, indefinitely, on account of illness.

To Mr. FLOOD, for three days, on account of a death in his family.

To Mr. HART, for 10 days, on account of official business.

To Mr. WOOD of Indiana, on account of the illness of his father.

LEAVE TO PRINT.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that all who have spoken or who may speak on the bill now under consideration be allowed five legislative days in which to extend their remarks.

Mr. MANN. I suggest to the gentleman from Alabama that if he is going to give consent to all who speak, he might as well at once get consent for all Members.

Mr. BURNETT. I shall be very glad to include that in my request.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all Members have five legislative days in which to print remarks on House bill 10384. Is there objection?

There was no objection.

IMMIGRATION.

Under the rule the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, with Mr. CASEY in the chair.

Mr. SABATH. I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I rise simply to state my position on this question. I have heretofore at a former session discussed it briefly before the House. I voted against the rule bringing the matter at this time before the House. I believe that we could have better used our time in perfecting and passing a useful piece of legislation which we have promised in our platform, to wit, legislation on the subject of rural credits. It seems to me that this particular bill has occupied a vaster space in public discussion and in our deliberative time than the magnitude of its results or its relative importance will justify.

I am not sure just what number of helpless, hopeless, and unfortunate immigrants may be turned back or prevented from coming to our shores on account of the literacy test, but I do know that as the years pass by the number of illiterates in the Old World will be less and less, and that the effect of this legislation in each succeeding decade will be far less than it is now. The peasant immigrant of the white race is the under dog in this fight, and we know how prone the stronger and bigger dogs are to jump upon the under dog. Somehow or other I have always felt sympathy for the under dog, and tried to look at things from his eyes; to put myself in his place; to weigh justice and right with his scales. I can not help feeling that in this piece of legislation we are not making a merit of virtue, but we are making a crime of misfortune. It does seem to me that the literacy test is the one test which, applied to the conditions of the nations of the earth to-day, speaks less for our humanity than any other test under the sun. Under our laws to-day we exclude the unfit morally, physically, and mentally. We exclude those who would be a burden upon our institutions and our people, and now we seek to close the door of hope, the gates of our country, to him who is not criminal, who is not a pervert, who is not wicked, but who is simply unfortunate. As I came into the House a moment ago, a gentleman was figuratively wrapping the folds of that flag above the Speaker's desk about his manly form and making an appeal, under that flag which floats over the free, to us to rivet the chains upon the

limbs of the helpless of other lands so that they might be everlastingly bound, and I could not help thinking—

Oh, for the rarity of human charity
Under the sun!

[Applause.]

Just a little freedom, just a little chance in life, is dear to us; but how little some of us care to lessen the burdens and light up the hearts and hearthstones of God's children who are hard pressed in the struggles of life. How many of us read the story of the Good Samaritan and then fold the cloak of our sanctimony about us and pass by on the other side? Lazarus and the rich man is a pretty story, but not for our practical use. The dogs may eat the crumbs that fall from our table—the fashionable lap dog may even sit at our table—but the poor we turn from our gate. For one, I will not close the door of hope to the helpless.

Mr. SABATH. How much time did the gentleman from Texas use?

The CHAIRMAN. The gentleman yields back one minute.

Mr. HAYES. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I had not intended to say anything on this measure in the general debate, but twice to-day the name of the city of Youngstown, in which I live, has been used on the floor of this House. The gentleman from Alabama [Mr. BURNETT] in his opening remarks mentioned the city of Youngstown, and just a few moments ago the gentleman from New York [Mr. LONDON] had occasion to say something in regard to that city.

About two months ago there was a strike in one of the steel plants of East Youngstown. I want to make it clear at this point that East Youngstown is entirely separate from the city of Youngstown. It has a separate village government. Things that happened in East Youngstown could not, in my opinion, have occurred in the city of Youngstown. Youngstown has received an undeserved reputation on account of what happened in East Youngstown. The people of Youngstown are law-abiding, representative American citizens, who have looked with keen regret upon the disgraceful occurrence in East Youngstown, and we have a city government and police force which, I believe, is fully competent to control any condition such as developed in East Youngstown. In fact, at the same time that the strike occurred in East Youngstown there was also a strike in one of the mills located in the city of Youngstown, without any of the disorder such as occurred in East Youngstown..

Now, what was the condition that existed during this trouble? The suburb of East Youngstown has a population of about 10,000 people, who speak 11 different languages; and in that population of 10,000 people there are not more than 500 or 600 citizens of the United States. A large body of foreign-born workingmen in this community who were employed in one of the industrial works went on strike for higher wages, and what was the result? The police of East Youngstown were unable to handle the situation and before the State militia could reach that community a drunken mob had burned down $650,000 worth of property and several people were killed in this riot.

The gentleman from New York [Mr. LONDON], referring to this situation a few moments ago, said that the gentleman from Alabama [Mr. BURNETT] did not want a repetition of Youngstown, because he did not want the workingmen to become organized, thereby insinuating that this howling, drunken mob that caused this destruction of property and loss of life in East Youngstown were members of organized labor. I resent such a statement as this by the gentleman from New York [Mr. LONDON], for there was not one man in all this mob that took part in this riot in East Youngstown that was affiliated in any way, shape, or form with any union labor organization in the United States of America. [Loud applause.] And, Mr. Chairman, it ill becomes any man to stand on the floor of this Congress and insinuate that the thousands of good, clean, honest workingmen, who are good law-abiding American citizens, that live in the vicinity of Youngstown are ready to uphold such anarchy as was exhibited by the mob during the East Youngstown strike. Mr. Chairman, ever since I was a small lad it has fallen to my lot to associate with the working people, and I feel proud of the fact that my name is recorded in the records of one of the great labor organizations of our country, and I for one, while I am a Member of this body, will rise on these floors and resent anything that is said which has a tendency to reflect on the patriotism and law-abiding spirit of the large majority of the American workingmen who are affiliated with organizations of labor. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. SCHALL].

Mr. BURNETT. And I yield 15 minutes to the gentleman from Minnesota [Mr. SCHALL].

The CHAIRMAN. The gentleman from Minnesota is recognized for 25 minutes.

Mr. SCHALL. Mr. Chairman, there has been introduced this afternoon considerable poetry in the argument upon this bill. If I can get some friend, Roman, countryman to lend me his eyes, I shall introduce a little poetry myself on this occasion. The title of the poem is "The literacy test." The authors of the poem are the people of the tenth district of the State of Minnesota, whom I have the honor to represent.

Mr. MEEKER. This is a result taken by Congressman SCHALL in his own district on this question. Out of 5,958 votes which were cast the total for the literacy test is 4,478 and the total against the literacy test 1,480, and they are by counties for and against the literacy test, as follows:

Counties.	For.	Against.
Anoka	263	114
Chisago	293	61
Isanti	238	147
Mille Lacs	279	78
Pine	227	154
Kanabec	241	97
Wright	349	61
Hennepin	2,588	748
Total	4,478	1,480
Grand total	5,958	

Mr. SCHALL. Mr. Chairman, in this bill the literacy test seems to be beyond question the one bone of contention. This test, as far as we can find out, has been in one way or another before this House and the other branch of the legislature some 17 times. It has been thoroughly discussed from every possible viewpoint in the last two Congresses. I can not add any new information to the debate, but merely tell you from my angle that which you yourselves do know. My mother could neither read nor write. But I warrant that had the spirit which burned within her Irish breast desired to enter this country it would not have been brooked by the petty test of learning to read 30 words in her own language. [Applause.]

From the age of 9 to my admission to the bar I earned my living by the use of my hands and the sweat of my brow, and if I did not to-day raise my voice with the weak of this country against the strong, with the humble cobbler, carpenter, mechanic, laborer, and in general against the minions of Midas, with the tiller of the soil against the speculator, gambler, and seeker for riches and glory unearned by the sweat of the brow, I should be unworthy of being one of the common people. [Applause.]

Mammon and his millions behind the throne may ultimately defeat this so-called literacy test, but the people who toil and labor all over this broad land will know that we have stood in defense of their rights as God gives us the light to see them.

Some time ago one of my little sons, who was then about 4 years of age, crawled upon my lap and said to me, "Daddy, can't you see me with your eyes?" And I said, "No, darling; I can't." After a moment's reflection he said, "But you can see me with your heart, can't you, daddy?" In his innocent prattle he had struck the keynote of life. It is with the heart that we all see. It is with the heart that we all understand. The heart is the source of power, the source of love, the source of all that is good in the world, and men and women and nations are great as their hearts are great, as their souls are great, as their characters are great. [Applause.] I would not bar any aspiring heart who seeks the haven of our shores, but I do not want any to reach our shores who has not an aspiring heart. Those that will not try and are content with "I can't," I would have remain where God put them, and while I am in accord with the sentiment that runs high for the unfortunate foreigner seeking admission, my sympathy begins at home where millions of pitiful, unkempt little children, despondent, dispairing American citizens, show us our distressing political conditions, the product of money-maddened industry, the divine right of the dollar kings whose avarice creates this insatiable demand for the spiritless man who does not know his rights, and if he did would not have spirit enough to assert them.

The man who can not read 30 words in his own language or dialect and desires to enter this country, gentlemen, if he has the right stuff within his heart to entitle him to become an American citizen, will learn to do it before he knocks at our door.

It is no longer sufficient to be merely good. We must also be lucid; we must know what we do and why we do it. God gave us a mind capable of choice, and he gave us a soul to direct that choice, and the faith that the soul contains will spur the mind to better things in striving to compass the aspirations of the heart. If, then, the soul that would enter our midst will not compass so slight a test, it is too feeble to be one of us, it has shown no sign of lucidity, and therefore no sign that it is capable of becoming an American citizen. Mr. Chairman, character will always draw after it its own conditions and shape its own environments.

Where religion bars a people from educational opportunities, political or property rights, as in the case of the Armenian in Turkey or the Jew in Russia, the eminent fairness of this bill is shown in exempting them from the test, in order that no man on account of his religion may be deprived of entering that country, one of whose fundamental principles is the right of its citizens to worship God as they choose. When kings could not read their names and monks were spelling out their litanies, the Jews were lecturing on scientific, political, and ethical subjects. They are a people martyred for principle, because they feared the wrath of their God more than that of men and loved truth more than life. All Europe is stained with their blood. Even to-day we witness the same old sight of thousands of innocent human beings fleeing for their lives, they know not whither. If suffering ennobles, the Jews have reached the acme and are entitled through merit to our protection.

All the expert opinion of the last 30 years recommends this test as the only practical and feasible one to meet the conditions of to-day. The test is so simple that they who value our citizenship can not complain. All it requires is the first ray of enlightenment, an entering wedge, a feeble aspiration. Is our citizenship so despicable that the knowledge of a 7-year-old school boy is too dear a price? Are our constitutional rights for which we have spent 140 years of treasure, of strife, and of blood so worthless that an alien should not be expected to give even a part of his ocean voyage for them in learning to read three lines? This test is a test of disposition, of aspiration, of character, of energy. It is a test of moral attitude, not as the opposition would have you believe, of literary achievement. To-day when popular education, colleges, public schools, newspapers, books, not only in this country but in all Europe, are the rule, I submit that to read 30 words in one's own language or dialect is in no sense a literacy test. The opposition tell you that you can not test a man's character until after he has lived and died. Thus they relegate this test to the next world. [Laughter.] But, Mr. Chairman, the elements of successful judgment are foresight, not hindsight; not a post mortem, but a prospectus; not ancient history, but modern; not superstition, but science; not the procrastination of the ignorant, but the faith of the prophetic engineer, who maps your project and names your dividends before you invest a dollar.

Shall we legislate to guard the quality and character of the rod in the engine, the brick in the wall, to raise the standard of cotton and corn, to improve the breed of the cow and the hog, to ward against the weevil in the cotton boll and the smut in the wheat, to protect public health by rigid tests, and then proceed to overthrow it all by leaving open our ports to the world's mass of illiteracy? We are not legislating for the seventeenth or the eighteenth or even the nineteenth century. We are legislating for the twentieth century, for the year 1916 and beyond. We are not legislating for the colonial period, when public schools were almost unknown in the world. We are not legislating for the period of the American Revolution, though the founders of this country must have believed that the safety of the Republic rested upon the intelligence of the individual citizen, for they established our public-school system in the same mortar in which they set our Constitution. We are not legislating for the generation immediately following our Civil War, when over 90 per cent of our immigration came from an enterprising, thrifty, alert, adventurous, energetic, courageous class of men, who easily became Americans, who had American ways, who respected American laws, and who loved American institutions, from the fisherman of Norway to the vine grower of France, who came here not at the behest of the agents of the great steamship companies, but of their own free will to carve out for themselves a future and conquer a wilderness. But, Mr. Chairman, the frontier is gone, and most of our natural resources, God's provision for the people, have passed into the hands of great corporations who control mines, mills, forests, fisheries, food products, and the highways of traffic over which they are carried, and who are to-day exploiting the people by on the one hand urging us to protect the products of their industries so that the toiler and laborer of this country may be protected from the products of cheap foreign labor and on the other hand are fighting this test, tooth and nail, that the cheap immigrant laborer may be had to defeat the just demands of the intelligent American laborer. [Applause.]

Mr. Chairman, on the wings of steam and with the voice of electricity they rally their discipled forces for aggression or defense as speedily as the devil in the ancient legend showed to Jesus all the kingdoms of the earth. It is the boast of one of the largest mining corporations in this country that it has rid itself of all labor troubles by substituting for its former mine hands, largely recruited from Cornwall, Wales, Scotland, Ireland, Norway, Sweden, Denmark, and northern Italy, a new labor admixture, made up of 17 nationalities from south and southeastern Europe, who are not only too spiritless to learn the English language but are too spiritless to assert their own rights.

Is it agriculture that desires the illiterate immigrant? I asked Judge BURNETT the other day, and though I am not positive, I think he will bear me out in the statement that 17 States of the Union have memorialized Congress to grant this test. Your committee of immigrant investigation put the question to the governors of the various agricultural States, and the answer in each instance was for intelligent farmers and farm hands, capable of mastering scientific agriculture; but for the illiterate of south and southeastern Europe there was no demand. During the last 15 years 75 per cent of our immigration came from Asia, Mexico, south and southeastern Europe, of which 43 per cent is illiterate. Over 95 per cent of these illiterates are without a trade. They are below the average human unit physically and mentally. Bowed by the weight of centuries, weakened by want and misery, they huddle together in the slums of our great cities, where they become an easy prey to corruption. In 1914 out of a total immigration of 1,200,000, 900,000 came from countries where from 30 to 90 per cent can not read. Our present immigration law without this test places a premium upon illiteracy and repels that class of citizens who desire to live and bring up their children under a Government that sets value upon enlightenment and gives progress the right of way. It also retards immigration coming from countries like Great Britain, Norway, Sweden, Denmark, Holland, Germany, Switzerland, where the percentage of illiteracy is less than 1 per cent.

Gentlemen, our present immigration law is not the right kind of advertisement for the right kind of men. Will this test keep out desirable immigrants? The great bulk of the immigration to this country is due to the enterprise and energy of the steamship companies. This test will not lessen their energies. It will simply prompt them to secure a better class. They will say to their agents, "America is getting more particular; she is now demanding men who can read 30 words. Having improved the breed of her cattle and hogs, she is now taking note of the kind of men she is getting." [Applause.]

Now, the opposition come in here and tell us that for 300 years—I guess Brother CANNON went back further than that—for 300 years this country got along fine without any citizenship standards. True; but it is also true that for 3,000 years the world muddled along somehow without either science or order; but, gentlemen, that time has passed. We live in another age, the age of science, the age of progress based on the test of experience. In every branch of our civilization except citizenship, the most vital of all, our progress rests upon standardization.

Mr. GORDON. Would it divert the gentleman if I should interrupt him at that point?

Mr. SCHALL. It will not divert me, but it may bother me some to answer.

Mr. GORDON. Why does the gentleman say——

Mr. SCHALL. Let the gentleman put his question and I will try to answer it.

Mr. GORDON. Why does the gentleman speak of citizenship? This bill does not refer to that.

Mr. SCHALL. I am aware of that; but this bill does refer to the timber from which we propose to make our citizens. In getting a chunk of wood you should see to it that while getting it you pick out a good stick. [Applause.]

Mr. GORDON. That it does not affect the naturalization laws is the point I want to make.

Mr. SCHALL. No; it does not; but that is the material you are going to make citizens of later, and let us get the material without holes and knots. Let us get some good stuff [applause] while we are getting it.

Mr. GORDON. I could not read or write when I came to this country.

Mr. SCHALL. I could not read and write when I was 12 years of age, either, but I would be ashamed to-day if I could not read or write. I do not read very fast now, but I can write well enough to get money out of the bank when I have any in

there. [Laughter.] Every form of our Government to-day gentlemen, rests upon standardization. Science, business, and government rest to-day upon foresight. The difference between ancient and modern civilization and superstition and science is preparedness, foresight which reads the signs before the breaking of the storm, applies the acid test before the poison enters the system, the sifting, testing process which knows the quality and character of every stone, stick, lock, and bar that goes into the foundation and superstructure, anticipating the time of storm and shock.

Now, gentlemen, if science guards us against individual loss, why should we not employ it to guard us against national loss? We demand efficiency in every department except citizenship, upon which the whole fabric of our civilization stands. [Applause.] It is no kindness, gentlemen, to thrust upon people duties for which they have no understanding nor means of understanding. Is it unjust that the immigrant should exhibit capacity for citizenship or at least an intelligent desire for it? To-day, when books, schools, and newspapers penetrate even darkest Africa, is it unjust that the immigrant shall show some spark of aspiration, some inclination toward enlightenment?

Is it unjust to the boy who wants to attend high school that he first know the common branches? Is it unjust to the workman who wants employment in a trade that he should have first served an apprenticeship? Why, gentlemen, this test asks less of an alien seeking a life job as an American than any office in this country would ask of a 10-year-old colored messenger boy. [Applause.]

Give us a sign, brother, that we may know you understand or have the means of understanding; that we may know that you know that you live in the age of the printing press; that you have emerged from the stone age and the condition of the cave man to the age of electricity, where men have powers and duties as citizens of a republic. Give us a sign, brother. What is the sign? Why, just read us a few words in any language you please, and we will take for granted the rest.

Gentlemen, character is the test of life, and the simple test in this bill will drive from our shores no alien who has the courage and purpose worthy of citizenship in the world's greatest Republic. [Loud applause.]

Mr. SABATH. Mr. Chairman, I yield 10 minutes to my colleague from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, this is the third time since I have been a Member of this body that this bill to prohibit immigration has been before Congress, and it is surprising, to say the least, that it should so soon again make its appearance in this House, after having been vetoed by three different Presidents. Its adoption would be a reversal of a policy that has been in force in this country since the day Columbus landed on this continent. I do not believe the people of the United States are in favor of it, nor do I believe they want it to become a law. The real objectionable feature of this bill, and the principal point in controversy, is as follows. I read from page 7, section 3, of the bill:

THE OBJECTIONABLE FEATURE.

That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age; his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Now, let me call to the attention of the House the reason why a minority of the Committee on Immigration felt it incumbent upon them by "a strong sense of patriotic duty" to dissent from the report favoring this provision. They said:

The literacy test provided in the bill will not serve to keep out the viciously inclined, the criminal, or otherwise undesirable alien. Experience has demonstrated the fact that with the educational facilities afforded in this land, thousands of illiterates who, unhappily, were denied educational opportunities in their native lands, have learned to read and write here and have shown eagerness to acquire knowledge and fit themselves to become good citizens.

In our opinion, the desirable immigrant is the healthy law-abiding worker, who comes to this country in good faith, and the undesirable immigrant is the clever and educated schemer who immediately upon his arrival begins to find fault with our institutions.

UNAMERICAN AND UNDEMOCRATIC.

There must be a peculiar influence at work somewhere when such extraordinary efforts are put forth to stop immigration under the guise of the so-called literacy test which, to my mind, is unjust, undemocratic, and un-American. The real object of the backers of this proposed legislation is to prevent immigration altogether, but they have not the nerve to come out squarely for what they want. They are afraid to show their hand. If our country had had such patriotic Representatives in Congress in the early days of this Republic and as influential apparently as the men that are promoting this legislation, our glorious flag would fly with fewer stars than are counted upon it to-day. And what seems stranger still is the large number of sympathizers this legislation has in and about this Capitol advocating and promoting the passage of this restrictive measure, men who know little or nothing about immigration; the strongest supporters of this bill have few if any immigrants in their districts. They do not know by experience or personal contact the people they are talking about.

As I have stated before, I come from and live in a district that is made up entirely of foreigners. I doubt if there is another district like it in the country. I think it is safe to state that I represent more Polish people and a greater number of Polish-American citizens than any Member of this House; they are honest, industrious, and law-abiding, and have done their share in the work of building up the city of Chicago; that I, in part, have the honor to represent here a city whose rapid growth and development has been one of the surprises of the country, and the Poles that I know have helped and are still helping to make Chicago the greatest and the most progressive city in all the world. We should feel grateful to and sympathize with the people of Poland. That most unfortunate country has been pillaged plundered, and oppressed, its people cruelly suffering for generations under inhuman and despotic rule. Poland gave to our struggling Colonies, when they needed help most, the distinguished patriots and courageous Gens. Pulaski and Kosciusko, who did so much to aid and assist Washington to secure for this Republic its liberty and independence. [Applause.]

THE ITALIAN IN AMERICA.

I am sure I represent more Italians than any other Member here, and they come mostly from the south of Italy at that; a people that are very harshly criticized by those who do not know them and who never come in contact with them. Let me quote what the chairman of the Immigration Committee says about them on page 5 of the hearings of Thursday, January 20, 1916. He says:

I had a conversation a few years ago with one of the great mine operators in the Birmingham district, in which I asked, "Who are your best laborers?" and he mentioned the Welsh as the best miners, and then came along with other nationalities from northwestern Europe, and the Americans. I said, "Who are your poorest laborers?" He said, "The southern Italians." I said, "Why is it that you employ them? Are they poorer laborers than the negro?" He said, "They stay on the job better than the negro, but otherwise they are poorer than the negro." I said, "Why, then, do you employ the—?" And he said, "For the purpose of regulating wages."

Again, the chairman says they are not like the Germans and the Jews, who come here to become citizens. Oh, what insolence, what an insult and a slander! I hope you do not believe it, gentlemen. They, too, have suffered in the past the misfortunes of war. They come from a section of their country where conditions are such that many of them have been deprived of an opportunity to obtain an education. The Italy of Dante, Raphael, and Michelangelo! What land has done more to influence the destiny of the human race? In my city they are a hard-working, sober, and industrious people and are fast becoming naturalized; many of them have homes of their own. There are no warmer-hearted people on earth anywhere, and none are more faithful to the land of their adoption or more contented than the grateful sons of sunny Italy.

I have quite as many Jews as any other district, and, like the Poles and Irish, they are another persecuted race; and I do not have to tell you of the progress they are making; you can not stop them.

The largest colony of Greeks in Chicago reside in my district. They are industrious, prosperous, and law-abiding people and are fast becoming citizens.

I have the Irish and the Germans. They need no praise from me. I have a few of almost every other nationality on the face of the earth. I know of few native Americans in the district.

CHURCHES, COLLEGES, AND BEAUTIFUL HOMES.

We have in that district great churches, schools, and colleges which compare favorably with those of any other district in this country; also large mercantile houses, immense stores, and manufacturing plants that will equal in size and importance those to be found anywhere on earth.

These people are building and purchasing homes for themselves—beautiful, comfortable, and happy homes—wherein you will find prosperity, contentment, and happiness. They do not patronize the divorce courts and race suicide is something that is unknown among them.

I have a clipping from the Chicago Examiner, referring to the last school census, which will throw a little light on that subject. Listen to what one of the enumerators reported in one block in my district.

TWELVE HUNDRED CHILDREN IN BLOCK.

CHICAGO, *May 19.*

Twelve hundred children in one block were found this week by school-census enumerators. This is believed to be the prize baby block of Chicago, if not of the world. The block is bounded by Division, Blackhawk, Holt, and Dickson Streets. The population is almost exclusively Polish. Louis Link, with 17 children, is the largest contributor to the imposing total.

[Applause.]

If the bill that you now are considering had been the law in the early days of this "land of the free and home of the brave," many of these people who have done so much to build up Chicago and develop the great West would have been deprived of an opportunity to come here to do this great work or to better their own condition.

The people seeking admission to this country who can not read or write are not the unsafe or undesirable people; a great majority of the unfortunates who fill our jails and penitentiaries no doubt can read and write well, and the cunning criminal and the dangerous classes will be able to defeat the objects of this law. They will be allowed to come in, while the honest and deserving but unfortunate will be refused admittance. We have people in my district who are honest, upright, and trustworthy who can not read or write, who have made just as much progress and have just as much money and are just as good citizens as there are in any other district in this country. They understand the duties, responsibilities, and privileges of citizenship under our form of government; the young men growing up are as loyal to the Stars and Stripes as the youth in any other district. In the recent disturbance with Mexico, at Vera Cruz, one of the first of our soldiers to lose his life in that skirmish was a Jewish boy from Chicago.

A CRIME TO BE ILLITERATE.

Because a man has had the misfortune to be ground down by poverty and deprived of an opportunity to educate himself, is that a crime? Is he to be classed as an undesirable? Many immigrants come here from countries where public education is unknown. Oh, America, how far we are wandering away from the spirit of our fathers! In their day they extended a welcoming hand to the oppressed of every land.

In my district we have the children of immigrants in our schools who are making as much progress as children are able to make in schools in any part of the civilized world. Our night schools are largely attended by immigrants, men and women, who are anxious to learn how to read and write the English language. In our high schools and colleges many of the children of immigrants are preparing for their life work in the various professions, in music, art, and in the sciences. And to-day many of them are to be found in the professions and in positions of trust and responsibility; they are alike prominent in the commercial and industrial life of our progressive, prosperous, and typically American city.

Where would Chicago be to-day without these immigrants and the children of immigrants? They are our bankers, manufacturers, doctors, lawyers, artists, and teachers, and in public life they have been signally and conspicuously honored. They are to be found in public office from the lowest to the highest office within the gift of the people of my State, and they render honorable and faithful service to the people or the community that they serve.

Six of the 10 Congressmen representing Chicago on the floor of this House are sons of immigrants.

One of the surprising things in connection with the passage of this bill is the display of confidence on the part of its advocates that they have votes enough to pass it over the President's veto, but when you think of the powerful lobby that is maintained here in Washington in season and out of season working and lobbying for this bill one ceases to wonder. What are the mysterious influences that are back of this legislation that is so persistent in pushing this bill?

ORGANIZED LABOR NOT A FACTOR.

It is not because some of the officers of the American Federation of Labor favor it and it is not because of your love for organized labor that you are crying for it to pass. That is not the reason. Many who are anxious to vote for this bill were formerly the principal opponents of the bill that was passed by the House a short time ago to prevent the shipment of goods in interstate commerce made in whole or part by child labor.

I regret that the religious issue has been injected into this debate, but I am of the opinion and have always believed—now more than ever—that the anti-Catholic organizations in this country favor and are pressing the passage of this bill. It was so stated on the floor of this House the other day, that they are behind this legislation, and at the hearings of the committee it was said they are in favor of it and anxious for it to pass. It was further asserted at the hearings "that many people are opposed to present immigration because it is Catholic and Jewish instead of Protestant, as the earlier was," and "that religious prejudices existed in Congress against immigrants." That is the actual reason this bill has been introduced again after having been defeated so many times. It is unpatriotic and shameful to allow religious intolerance and bigotry to enter this immigration question. It was also stated at the hearings before the committee that every anti-Catholic and anti-Jewish paper in this country condemned President Wilson for his veto of the last immigration bill. It is the old cry of "America for Americans," the "Know-nothing," "A. P. A." spirit that is still alive and again at work.

Another thing that has caused many of these guardians of liberty to become considerably agitated of late is the hyphen, and malicious and unwarranted attacks are made against a class of citizens that do not deserve it. The hyphenated Americans have done as much to protect the Union of States when their services were needed as the Junior Order of American Mechanics or any other element within our borders. They have taken part in all our wars, and have shown themselves to be as brave, reliable, and patriotic as the most gallant defenders of the Stars and Stripes.

REMEMBERING THE LAND OF OUR BIRTH.

Because a man remembers with love and affection the land of his birth and may have sympathy for the land of his fathers, is that a reason why he should be charged with being disloyal to the land of his adoption? If trouble comes between this and any other country most of the hyphens will vanish, and a great majority of the so-called hyphenated Americans, who have always been and are as loyal to our Government as any other class of citizens under our flag, will again be ready and willing to defend it.

I wish to call your attention to another feature of this bill. It increases the head tax from $4 to $8; and this is another proposition that I believe ought to be stricken from the bill, as it is unnecessary, unfair, and unjust. Four dollars is an ample amount to exact from these poor, struggling immigrants coming here to better their condition, with the hope that they may be allowed to share in the liberty and freedom we enjoy.

I am aware of the apology the chairman of the committee makes for increasing this tax, but I still believe that to increase it above an amount necessary to defray the expenses of the Government in administering the immigration laws is unjust. Upward of a million dollars annually in the past has been wrung from these poor people and turned over to the general fund in the Treasury.

The birthday of Abraham Lincoln was observed in this House a short time ago, and we were told he said at Gettysburg "that our fathers brought forth on this continent a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal," and also it was said on that occasion "that the secret of our love for Lincoln was his own love for his fellow man." Now, what were his views regarding immigration? In his message to Congress December 6, 1864, he said:

I regard our immigrants as one of the principal replenishing streams which are appointed by Providence to repair the ravages of internal war and its waste of national strength and health. All that is necessary is to secure the flow of that stream in its present fullness, and to that end the Government must in every way make it manifest that it neither needs nor designs to impose involuntary military service upon those who come from other lands to cast their lot in our country.

NOT RESTRICTION BUT EXCLUSION.

It was not a question in his day whether immigrants could or could not read or write, nor did they dream at that time of excluding immigrants for such a cause. Now, I have no doubt that the real object of this legislation is to prohibit, if possible, immigration altogether. If you pass this bill, where do you expect to obtain the help that is required to do the work that these men who come here are now doing? Perhaps it is expected that the graduates from our schools will do it. With compulsory-education laws in force, will our school system prepare our youth for such work as cleaning the streets and alleys, handling garbage, and cleaning our sewers? Will our graduates build our railroads, go to work in our mines and upon our farms? We are informed the farmers are in favor of this legislation. Where do they expect to obtain their help? With illiteracy far greater among women arriving here than men, where will you get servants if this bill is passed? Tell us who will do the many difficult kinds of work that women are now doing?

The more I think of this whole question, the more I am convinced that any bill favoring such a test should be defeated. The great army of immigrants that have come to our shores have come here to work to improve and better their condition and to labor for the common welfare and glory of all.

For the benefit of the House, I wish to call your attention to the veto message of Grover Cleveland, when President, calling attention to what a radical departure from our national policy such a law would be; yet how beneficial, he points out, was this immigration to the growth of the country:

VETO OF PRESIDENT CLEVELAND.

MARCH 2, 1897.

To the House of Representatives:

I hereby return without approval House bill No. 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admission to the United States the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language * * *."

A radical departure from our national policy relating to immigrants is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to rouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

And now let me present for your consideration the veto message of President William Howard Taft, wherein he declares that he can not sign a bill which in its chief provision violates a principle that ought to be upheld in dealing with immigration.

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, February 14, 1913.

And before I close I wish to call the attention of the House to the veto message of President Wilson, in which he states that he believes such a law would deprive many deserving persons the right of asylum. True Americans all over the United States are of the opinion that he did our country a distinct service when he vetoed this bill. Let me read:

WORDS OF PRESIDENT WILSON.

To the House of Representatives:

It is with unaffected regret that I find myself constrained by clear conviction to return this bill (H. R. 6060, "An act to regulate the immigration of aliens to and the residence of aliens in the United States") without my signature. Not only do I feel it to be a very serious matter to exercise the power of veto in any case, because it involves opposing the single judgment of the President to the judgment of a majority of both the Houses of the Congress, a step which no man who realizes his own liability to error can take without great hesitation, but also because this particular bill is in so many important respects admirable, well conceived, and desirable. Its enactment into law would undoubtedly enhance the efficiency and improve the methods of handling the important branch of the public service to which it relates. But candor and a sense of duty with regard to the responsibility so clearly imposed upon me by the Constitution in matters of legislation leave me no choice but to dissent.

In two particulars of vital consequence this bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

Restrictions like these, adopted earlier in our history as Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatriots of these illustrious Americans must stand amazed to see the representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed and adopted, and it is impossible for me to assent to it in the form in which it is here cast.

The literacy test and the tests and restrictions which accompany it constitute an even more radical change in the policy of the Nation. Hitherto we have generously kept our doors open to all to who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential relationships of life. In this bill it is proposed to turn away from tests of character and of quality and impose tests which exclude and restrict; for the new tests here embodied are not tests of quality or of character or of personal fitness, but tests of opportunity. Those who come seeking opportunity are not to be admitted unless they have already had one of the chief opportunities they seek, the opportunity of education. The object of such provisions is restriction, not selection.

REVERSAL OF AMERICAN POLICY.

If the people of this country have made up their minds to limit the number of immigrants by arbitrary tests and so reverse the policy of all the generations of Americans that have gone before them, it is their right to do so. I am their servant and have no license to stand in their way. But I do not believe that they have. I respectfully submit that no one can quote their mandate to that effect. Has any political party ever avowed a policy of restriction of this fundamental matter, gone to the country on it, and been commissioned to control its legislation? Does this bill rest upon the conscious and universal assent and desire of the American people? I doubt it. It is because I doubt it that I make bold to dissent from it. I am willing to abide by the verdict, but not until it has been rendered. Let the platforms of parties speak out upon this policy and the people pronounce their wish. The matter is too fundamental to be settled otherwise.

I have no pride of opinion in this question. I am not foolish enough to profess to know the wishes and ideals of America better than the body of her chosen Representatives know them. I only want instruction direct from those whose fortunes, with ours and all men's, are involved.

WOODROW WILSON.

THE WHITE HOUSE, *January 28, 1915.*

In conclusion, let me say that you may be able to secure a sufficient number of votes to pass this bill, also enough to pass it over the veto of the President, regardless of his stated objections to this iniquitous literacy test. This evidently was the intention of the promoters of this legislation when the bill was again introduced at this session of Congress. Liberal and devoted Americans everywhere will be dissatisfied and disgusted by the passage of such an act; it does not chime with their sense of justice. By vetoing this bill when passed by the last Congress, President Wilson rendered a distinct service to his country and to his party. It seems strange any faction of that party would bring into Congress at this time a bill that if made a law is bound to prove disastrous to many of those supporting it. It is unnecessary and indefensible legislation and is not demanded by the public. If placed upon the statute book, it will prove discouraging and disheartening to liberty-loving people all over the world, and especially to those who are hoping and longing that some day they may be able to come here to enjoy freedom and to escape oppression and intolerance. This bill ought to, and I hope it will, be defeated. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN of Texas. Mr. Chairman, I merely want to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. SAUNDERS). There is general authority to that effect, the Chair will state.

Mr. SLAYDEN. Mr. Chairman, my colleague [Mr. BUCHANAN] wishes to insert a speech which is not confined to this bill, and I yielded him time in order to get into the RECORD with his speech.

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN] asks unanimous consent to extend his remarks by inserting the speech indicated. Is there objection?

Mr. BENNET. Reserving the right to object, what is the nature of the speech?

Mr. SLAYDEN. I do not know.

Mr. BUCHANAN of Texas. The nature of the speech relates to the committee that was appointed this morning to expunge from the RECORD a certain speech which I think undoubtedly ought to be expunged.

Mr. BENNET. I object, Mr. Chairman.

Mr. SLAYDEN. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. MOORE of Pennsylvania. A parliamentary inquiry. This is rather a delicate matter. Is it in order to discuss questions extraneous to the bill at this time?

Mr. SLAYDEN. I think the practice of the House perfectly justifies it, and probably the practice of the gentleman from Pennsylvania [Mr. MOORE] will justify it.

Mr. BENNET. The only reason I objected was this: There was a committee appointed, the matter is under discussion, and it did not seem to me that the matter ought to be complicated by further discussion at this time.

Mr. SLAYDEN. The gentleman does not wish to complicate it by discussion, but clarify it by publication at this time.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is the answer?

The CHAIRMAN. That we can talk of anything under general debate.

Mr. MOORE of Pennsylvania. There was no agreement?

Mr. BENNET. I did not understand the last words the gentleman from Texas said.

Mr. SLAYDEN. I said I had secured some information that the gentleman's speech will not complicate the situation here as it touches the committee. It is chiefly, I think, for publication in Texas, and for illumination.

Mr. BENNET. The gentleman from Texas is a man of long service and one who would not make a statement of that kind lightly. Therefore I withdraw my objection.

Mr. BUCHANAN of Texas. Mr Chairman, I will not take the two minutes.

Mr. SLAYDEN. Mr. Chairman, how much time did the gentleman consume?

The CHAIRMAN. Two minutes.

Mr. SLAYDEN. Did he use it, or did the gentleman from New York use it? [Laughter.]

The CHAIRMAN. At any rate, it was used.

Mr. SABATH. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. COADY].

Mr. COADY. Mr. Chairman, like the other Members of the House I listened with a great deal of attention and interest to the remarks made by the gentleman from Missouri [Mr. MEEKER]. He talked very forcibly and very vigorously, but, in my judgment, not very accurately or very consistently. He made this statement that intelligence and literacy were inconsistent; that they never went hand in hand. I desire to challenge that statement.

Mr. MEEKER. Will the gentleman yield?

Mr. COADY. Yes; I yield.

Mr. MEEKER. I will have to see the notes before I admit I said it that way.

Mr. COADY. I am confident he made that statement.

Mr. MEEKER. The gentleman may be confident of it.

Mr. COADY. I want to say that among the best men I know, men who have contributed greatly to the progress and development of this country, are men who can not read or write, and never could read or write; but they are men who have raised large families, raised them in the Christian faith, raised them well, and did more than the gentleman from Missouri for the progress and development of the cities in which they lived. [Applause.] Why, the lack of an education, unfortunate and undesirable as it is, does not, in my judgment, unfit a man for the duties and responsibilities of citizenship.

Now, Mr. Chairman, I say the gentleman talked very inconsistently. When the distinguished gentleman from California [Mr. KAHN] was addressing the House, the gentleman asked him about the Italians who came to this country and harked back to Italy on the breaking out of the war in Europe, and the gentleman from California frankly told him that they were Italian reservists and not American citizens.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there?

Mr. COADY. Yes.

Mr. MEEKER. I object, Mr. Chairman, to being misquoted. I never mentioned Italians.

Mr. COADY. Well, the gentleman mentioned foreigners. I do not believe the gentleman did mention Italians, but he mentioned foreigners who were in this country, and I have not the slightest doubt in the world but that he had Italians in mind, although I am confident he did not say Italians. But whilst the gentleman has been complaining about the foreigners who have harked back to their native heaths to fight for their own countries, he has sat here mute and silent without complaining of the American citizens who have left this country to fight for the allies. [Applause.]

The distinguished gentleman from Illinois [Mr. CANNON], the former Speaker of this House, said he had the greatest respect for the labor leaders of this country when they kept within the law, and so have I the greatest respect for the labor leaders of this country. I have received some communications from them. I have respect for men in this world who fight for principle, but I have no respect for the men who have signed labor letters that have been sent to me, because in almost every instance these men are the sons of foreigners, men who left their native land to come here and seek an asylum and have prospered, and now they would enjoin others from coming here and enjoying the benefits of this great country of ours.

Let me read to you some of their names. I have received a letter from Boston, the home of my distinguished colleague from Massachusetts [Mr. TAGUE], bearing the name of Martin T. Joyce. Apparently he was ashamed to sign the letter, because the letter is not signed, although his name is at the top of the letter. He neglected to sign the letter.

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield there?

Mr. COADY. Yes.

Mr. GALLIVAN. Mr. Joyce is against this bill. No wonder he did not sign the letter.

Mr. COADY. Another letter was signed by Mike Donohue and another by Mike Tighe. Still another was signed by Heinrich Hoehn, and still another by George Schmidt, men whose forbears came to this country seeking an asylum here. I have nothing but contempt for men with names like those who would exclude others from coming to this country. [Applause.]

Mr. Chairman, two years ago a bill similar to the one under discussion, and introduced and fathered by the gentleman from Alabama, was before the House for its consideration and action. After a study of its provisions and the effect of their enforcement I became convinced that it was not a good measure and should be defeated, and I voted against it, and later on voted to sustain the President's veto.

I shall vote against the pending measure because of my conviction that a literacy test is not only undesirable, but is unfair, unreasonable, and un-American and violates our time-honored principles that this country shall be a refuge for the oppressed of other lands, an asylum where the persecuted may come and worship their God according to the dictates of their own consciences without the fear of molestation from any source.

Those of us who oppose this unfair educational test do not oppose those restrictions that are designed to exclude the criminal, the anarchist, the insane, those who suffer from contagious diseases, and others who are likely to become public charges. We do not want such as these, and we favor their rigid exclusion.

Ex-Secretary Nagel, who in the Taft administration presided over the department of which the Bureau of Naturalization was a part, made an exhaustive and close study of this question and reported to the President that the administration of a law with such a test would cost the Government over a million dollars more annually to operate this bureau and that the application of the literacy test could not be fairly and justly made.

The gentlemen on the other side of this question, when confronted with the opposition of President Cleveland to such a test, invariably retort with the excuse that conditions were different during his incumbency of the great office of the Presidency. But, Mr. Chairman, that great President, in his veto message, said that this action was governed by principles—not conditions—and principles never change.

It is needless for me to tell you of the veto of President Taft, whose disapproval of the measure passed during his term of

office was made after the report to him by Secretary Nagel, and after an independent and thorough study by himself.

President Wilson said he was constrained by clear conviction to veto the Burnett bill passed two years ago.

Most of our greatest and clearest thinkers are opposed to this test, including Prof. Eliot, president emeritus of Harvard University.

The great metropolitan dailies with one accord have registered their opposition to it, and in doing so they reflected the intelligent and best thought of their communities. Their opposition is based on their belief that the ability to read and write, as required in this bill, does not supply satisfactory evidence of desirable citizenship; that the tests prescribed are not tests of quality or of character or of personal fitness, but they are rather tests of opportunity. They said educational tests should be applied not at the time of entrance of the foreigner but when he submits to an examination for the high privilege of citizenship, and that there had been no lowering of our standards by the immigrants, but that they had lived up to our ideals and had cherished them.

The demand in this country for unskilled manual labor to dig trenches, burrow out openings for subways, do heavy work on railways, is greater than the supply, and it has been this way for years. We need the foreigners to do this rough, heavy manual work, and there is so much of it to be done in a great undeveloped country like ours. Where can you get these laborers? The Irish and the Germans, who formerly did this work, have passed away, and their descendants have prospered to such an extent that they are beyond this kind of work. We have been educating the children free and compelling their attendance at school, as we should do. I believe in free education and I believe it should be as free as the air we breathe. You do not suppose after we educate them that they will go into cellars and ditches to dig. We have educated them far beyond that.

We have educated the negro so that he will not do heavy, rough work.

Then whom have we to do it except the foreigners from the southern part of Europe? Restrict their immigration to our shores and we will shut out the unskilled labor we need in the great work of developing our resources, and at the same time we will limit the work and the opportunities of the skilled mechanics, who need the unskilled laborers to blaze and prepare the way for them. We need more men in this country to help develop our latent resources. There is an admitted scarcity of labor.

In discussing the Keating child-labor bill here on the floor a few weeks ago the gentleman from North Carolina [Mr. WEBB] said that the problem of the landowner in his district is to get sufficient help to run his farm.

Gov. Spry, of Utah, in an address of welcome to the members of the American Bar Association, held in Salt Lake City last August, said, in speaking of the greatness of his State and its opportunities, that they had the land, the water, and the resources, and all they needed is to have people come, locate there, and help develop their resources.

We want immigrants to come over and help us on the farm; we want them to help us develop our latent resources; we want them to fill the places and to embrace the opportunities mentioned by the gentleman from North Carolina [Mr. WEBB] and Gov. Spry.

The immigrants arriving here, realizing the opportunities awaiting the tillers of the soil, are going into the country districts in large numbers. In the year 1913 over 300,000 immigrants who came to our shores were men who till the soil.

Labor is in demand, and I believe this demand will soon exceed the supply.

According to an article in the New York Evening Sun, the Canadian Government has arranged to advertise in 5,000 American newspapers for farm laborers. It is said over 30,000 farm laborers are needed to harvest the crops of the prairie Provinces of Canada. This is sure to take from us many men—more, no doubt, than we can spare.

The problem of distributing immigrants over the country has been, I believe, successfully solved. The Jewish Agricultural and Industrial Aid Society is doing a great work in this respect. It is promoting agricultural colonization in the United States on a large scale. It has loaned over $2,000,000 to farmers, and its operations extend over 35 States.

Let us not to-day reverse the wise policy of those who have gone before us; let us not bar our doors against the downtrodden and oppressed of other climes; let us not deny to others the privileges and blessings your forbears and mine found here in America; but let them come in and share with us these privileges and blessings and help us to keep our country what it is—the greatest and most prosperous in the whole world. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. COADY. I think I have the right to extend my remarks under the general privilege that has been granted.

The CHAIRMAN. Yes; the gentleman has that right.

Mr. SIEGEL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CHANDLER].

The CHAIRMAN. The gentleman from New York [Mr. CHANDLER] is recognized for 10 minutes.

[Mr. CHANDLER of New York addressed the committee. See Appendix.]

Mr. SIEGEL. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, I think I represent one of the most cosmopolitan congressional districts in this country. I think in numerical strength it is first, or near first, in foreign population. As to qualification of its citizenship I think it has not its equal anywhere. I have been associated for 10 years in public life and civic activities with the people now living in what is known as the tenth congressional district, including as it does the population in the vicinity of Brooklyn known as Brownsville, with a Hebrew population of approximately 200,000, and in another part of the district a large Italian citizenship and a scattered population of other foreign nationalities. After a close association with these people for 10 years I am able as an expert, with that experience, to say that they are an unexcelled contribution to the advancement of our progress and civilization. [Applause.]

I want to say that in 1914, when I was a candidate for Congress in that district, there was an overwhelming protest by the people there, not only by this foreign population of which I speak, but many of our native-born population as well, against the Dillingham-Burnett bill, which was then under discussion. In that campaign I know that I and other candidates as well pledged ourselves to vote against bills of that nature. I took a pledge in that campaign to the people of the tenth congressional district that if I were elected to the Sixty-fourth Congress and legislation similar to the Dillingham-Burnett bill came up I would vote against it and all similar bills. I shall not only vote against the bill but I thought I would be remiss in my duty to my constituents in the tenth congressional district if I did not say a word here to-day in opposition to the Burnett immigration bill. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I am for this bill. The gentleman from New York [Mr. CHANDLER] stated that it is nonsensical and silly to have this literacy test in it. It seems to me this Burnett immigration bill will keep out annually about 350,000 foreigners, according to the way they were coming here before the war started. If that is so, every man who wants to hold up the dignity of this country and safeguard our institutions and properly protect labor in this country ought to be for the bill.

We have a hundred million people in the Republic now. Some men seem to think that we ought to let all the foreign elements come in and overpower the original American citizen. The gentleman from Illinois [Mr. CANNON] said there were very few people in this country who were here and had American names in 1790. That may be true, and I do not dispute it. He further said that in this country in the Southland they had only 2 per cent of the immigration, because there was servile labor with which the foreigner would have to mingle and upon which an aristocracy looked down. He is still mistaken in that suggestion. The great majority of the white people in the South make their living by the sweat of their brow, and character is the standard of society instead of wealth or where a man might come from. Of course no decent white man associates with the Negro race.

Labor is honorable in my country. We all work for a living.

This Republic has vital questions confronting it now. Some speakers on this floor have said that all the people of foreign birth are true to the American flag. It strikes me that within the last few months there have been some people in this country publishing in magazines and periodicals articles against the American flag and against the American Government, and even against the American Nation.

Mr. SABATH. Will the gentleman yield?

Mr. QUIN. I have not the time to yield; I have only a few minutes. Public opinion in this Republic against America comes from foreigners. I do not believe that a man born and reared

in this country is responsible for any upheaval against our flag. [Applause.]

We all know that a great many foreigners who have become naturalized are good citizens and loyal Americans. Yet we know there is a large foreign element in our country now that has been sowing the seeds of discord ever since the development of delicate diplomatic questions with the European nations involved in the war now raging in Europe. Before the war began in that country about 1,500,000 aliens were pouring into the United States every year. Since the war has been in progress the average is about 400,000 a year. When that bloody struggle is over, do you not think the desire will be greater to emigrate to the United States? I fear a great flood of immigration will then be headed this way. Our country can not assimilate this great horde of foreigners. Who wants them to come to the United States? The great trusts, corporations, railroad companies, mine owners, and other large employers of labor. They want them here for the purpose of beating down the price of wages. They use these ignorant foreigners as sledge hammers to beat over the heads of laboring men.

The steamship companies want them to come for the profit of transporting them. The political bosses in the large cities where the ignorant element congests itself use the ignorant foreign element to carry on the nefarious work of machine and corporate domination over the people.

I for one know that the great majority of the laboring people and the farmers of this country do not want this great flood of foreign immigration pouring into the United States. The people who study this question seriously realize what a menace unrestricted immigration is to the Republic.

Some of the gentlemen who have addressed this House to-day appear to be more solicitous about the welfare of the people of other countries than they are about the people of our own country. Gentlemen, I stand for America first. I consider it my duty to my constituents and to my country to look out for and protect our people. It is my judgment that the best interests of our people and of our Government demand that we pass this bill with the literacy test in it. I voted for this bill on former occasions, and I shall vote for it every time it comes before this House.

How can this Republic stand if we continue to permit all the scum of creation—the anarchist, the blackhand, and the bomb thrower—to come here from every portion of the world to undermine our institutions, destroy society, and overthrow the Government? If my voice and vote will shut the gates against them, they shall not come here and endanger and despoil fair America.

Mr. MEEKER. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, the Republican Party in 1896, when the lamented McKinley was a candidate, adopted a plank in its platform favoring this legislation—an educational test. A similar plank was carried in the platform of the Democratic Party. Both parties were pledged in favor of the restriction of undesirable immigration. President McKinley was elected upon that platform by an unprecedented majority. No subsequent party platform has repudiated or changed or modified the declarations proclaimed by both parties at that time. How many foreign immigrants were we receiving in the year when both parties went upon record in favor of keeping out undesirable immigration? We were receiving 343,267; and the illiterates over 14 years of age numbered 83,196.

The population of the United States at that time was 70,884,554. In 1914, prior to the present European war, we received 1,218,480, and the illiterates over 14 years of age numbered 263,226. We increased our foreign population, our immigration, in the year 1914, 875,000 over the number landed the year the Republican and Democratic Parties declared in favor of restricting immigration. President Wilson, in 1902, in his history of the American people, stated we were receiving too many of what he termed "the lowest class of people from southern Italy and the meaner sort from Hungary and Poland," and that "the Chinaman was to be preferred as a workingman, if not as a citizen, to the coarse crew" we were receiving from those countries. How many were we receiving at that time? We received that year 165,101 illiterates and in 1914, 263,225. Now, taking the total number of immigrants, in 1913 we received more than double the number landed the year President Wilson wrote his condemnation of undesirable immigration. The gentleman from Maryland [Mr. COADY] is indignant about an alleged criticism made on the floor of this House against the immigrants from southern Italy. I call his attention to the criticism of the President of his own party on the character of immigrants we have received from southern Italy.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Not in 10 minutes, unless the gentleman can give me some time.

Mr. SABATH. I wish I could.

Mr. AUSTIN. Mr. Chairman, the most serious, vital, and far-reaching question involved here—and it is above party, above creed, above class—is the enormous increase in our population. We increased by immigration 2,645,707 in 24 months—1913 and 1914—prior to the present war in Europe. We have now 30 people to the square mile. The Russian Empire has 20, Italy 51, Germany 60, and Japan over 300. I made a trip through Japan last summer, and there are 525,000 Japanese women and girls working in textile mills for from 8 to 15 cents a day. Skilled mechanics in Japan, in the steel mills, in the railroad shops, in the factories, arsenals, and so forth, are receiving the highest wage paid, and that is 37½ cents for a day's work. No wonder the working people of all classes in this land feel a deep and earnest interest in this proposed legislation. Continue to keep our doors wide open and the time will come when we will have an overpopulated country, just as they have in Italy, where they work longer hours for lower wages; just as they are doing in Germany, in Poland, in Hungary, in Austria, in China, in Japan, and in other overcrowded countries, where they work for one-third and as low as one-tenth of what is paid in the American workshops. Keep the doors wide open and the ceaseless tide of immigration to our shores, and our women will work for from 8 to 15 cents a day in the textile mills of America, and skilled mechanics will labor longer hours at lower or starvation wages. Our high standard of wages and living will be a thing of the past. No wonder the faithful engineer at the throttle appeals to our patriotism; no wonder the representative of more than 2,000,000 honest American farmers knocks at the doors of Congress for relief; no wonder Mr. Gompers, at the head of an organization of over 3,000,000 of organized workers, petitioned against the coming danger to the American wage earner; no wonder not only organized but unorganized labor is urging the passage of this bill. You may stop it, you may halt it, you may delay it, by an unpatriotic veto or otherwise, but the American people are determined to write it on the statute books. [Applause.]

The sure and certain way to retain our high standard of wages and living, the highest and best in all the world, to continue and insure advancement, prosperity, and happiness in the United States is to stop the flood of cheap foreign-made goods and the coming to our shores annually of more than a million idle men.

No man will ever again be elected President of the United States who does not pledge his support to legislation of this kind. Never again will we choose a President who thinks more of the men who live beyond the seas than he does of American freemen, American workingmen, and American firesides.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. No. Recently 400,000 of these people returned to fight in Europe and 200,000 more could not secure passage. Yet you praise them for leaving America to fight in Europe. The American taxpayers are educating their children, America was giving them work, and our institutions caring for their sick, their insane, and their poor and unfortunates. They owe allegiance and obligation to this country higher than to any foreign land. We should write upon the statute books of our country a law compelling these people when they come here to share in the blessings of our prosperity, to enjoy the benefits of our public schools and our free institutions, to become a part of the American citizenship, and they should declare within 48 hours after they land that they intend to become American citizens. They send back every year $250,000,000 to foreign shores earned in America which should remain here for the purchase of homes and aid in the development of the United States.

Mr. SABATH. Have they not produced double that amount?

Mr. AUSTIN. They are coming here because they live in an overpopulated country, where every calling and trade is overcrowded, where the standard of wages and living is much lower than in the United States. [Applause.]

Mr. SABATH. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. BURKE].

Mr. BURKE. Mr. Chairman, believing that I can add nothing new or interesting in this debate, and that my remarks if extended in the RECORD may be of some interest to my constituents, I ask the privilege of extending them in the RECORD.

The CHAIRMAN. The gentleman has that privilege already.

Mr. BURNETT. Will the gentleman from California use some of his time?

Mr. HAYES. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, with the rest of the committee I have listened with much interest to the discussion of this question. In the Legislature of Pennsylvania a bill that had

been up before the two branches as often as this has been here would be denominated an "old soldier," and yet I am convinced that the import of this legislation transcends the consequences of any other question now before the American people.

Mr. Chairman, I have heard it stated here to-day that there are those in favor of the bill who have an ill feeling toward certain nationalities. For my part I am ready to welcome the Jew, the Armenian, and the Dago, and any other race or nationality, providing, Mr. Chairman, they can measure up to some reasonable conception of what this great country means. I say, Mr. Chairman, that never anywhere in all the history of all the world has there been a country with institutions as broad and great and liberal as this, and hence I believe it is time for us to look about and inquire whether at any time there is to be in this country such a thing as a distinctive nationality. In other words, when will the time ever come that a man may have his shoes shined on the sidewalk and know the language of the man who shines them, or that he may have a meal served him and know the language of the man who serves it, or, may I say, have a refreshment passed over a bar or counter by a man whose language he understands, or where in any of the great cities he may offer a street car fare and be able to get an answer in the English language?

My friends, I know a man up in New England who went down to New Haven and on the street of that city inquired for the register's office, where he desired to have some papers recorded in connection with his property, and he walked three squares and asked of every man he met, and he was unable to find anybody who could speak the English language until he met a colored man. [Laughter.] That is true enough. Now as to the conditions. Where, my friends, is the opposition to this bill coming from? You and I all know. We have great sympathy for you gentlemen, our good friends, excellent associates here, and we sympathize with you. In this one great instance you come from centers of population and it suits you better to yield a little to the importunities of those who may want to have their friends come over here or for some reason not assigned; but nevertheless it happens, as it happened in two previous sessions, when I was here and voted for this bill, and when the President vetoed it, that I noticed particularly that the vote against the bill came from the centers of population, and really there is great justification——

Mr. OAKEY. Will the gentleman yield?

Mr. FOCHT. I have not very much time and I have a lot to say; but I will yield; go ahead.

Mr. OAKEY. In the absence of my colleague from Connecticut [Mr. TILSON]——

Mr. TILSON. I am here.

Mr. OAKEY. The gentleman should not be on that side of the House. I want to say that there are men in Yale University who speak the language.

Mr. FOCHT. Yes; and I know some of them in Yale University, when the inquiry was made, who said there was a French teacher who could speak not only French but 10 different languages, and the gentleman who inquired about it said that certainly English was not one of them. Now, the only protests against this bill I have received from eight of the great counties which I represent, constituting one-seventh of the area of the State of Pennsylvania, are but two, and it is self-evident what inspired them. I notice what we call in the printing business a boiler-plate petition, a sort of patent inside, and to a newspaper man it is sometimes a little suspicious. I happened to turn on the other side and I found some language there to me impossible, but I judge from my sojourn in several colleges it must be Hebrew, and I will submit it to the Public Printer to be printed in the RECORD. [Laughter.]

Mr. BENNET. It is Yiddish.

Mr. FOCHT. I will say to you that I am a Republican protectionist, a real protectionist. I am not only for a tariff, but I am in favor of protecting American industry and American labor.

In this connection I would like any gentleman who will follow me to explain this away and clear us all before the American workingmen, whose votes we all seek and whom we all promise before we are elected what we are going to do for them. I would like to ask any American protectionist what protection it is to unskilled labor to have all the mountain-high tariff laws you can erect if you are going to allow this free flow of a million and a quarter of foreigners to come here and compete with that labor?

My friends, it is possible—and we subscribe to it cheerfully—for this Government to take away all our property, tax it away. This Government can come and, as some one here said, draft us, as was incorporated in a bill the other day, and not only take our possessions, but take us to protect the country. Now, if we are willing that that should be done—and we surely are—then it is the duty of this Government to protect her citizens. And that is not done when a million and a quarter of foreigners are allowed to come here to compete with American labor and prostitute and degrade the dignity and lower the standard of living of our workingmen.

Now, in proof, Mr. Chairman, that a condition most horrible exists in this country in that respect let me read a letter written by a minister living in Vermont. He tells us what the American workingman must compete against. And this is what he says about the tariff we read so much about and about which we speak so much here:

> Why can not Congress see the fundamental relation of the whole matter of protection and immigration? Certainly the great hordes of men and women who face low European wages after the war ceases will not remain in Europe if they can come here. Some time ago we made a survey of our town. We found within a stone's throw of the main street that runs by our church three houses remade from small stables, such as one has when he keeps a horse and cow, with place for a buggy and a hayloft. In these three houses there were 47 Polacks, made up of 9 families (9 men and 9 women), 17 children, and 12 boarders. These men can and do undercut American wages, for Americans can not and will not live as these people live. I am for Americans first, last, and always, in labor, in preparedness, and everything else. One gets a little different view of such things when one gets away from an agricultural district into a region where American industry should thrive.

In the discussion of foreign immigration the nativity of our own ancestors is naturally suggested. Voltaire said great and good men do not need to stand on what ancestors did or did not do. A young man in Philadelphia spent a great sum of money having the genealogy of his family run out, only to be told after some considerable time that he was merely an adopted son. An Irish lady when asked where her ancestors sprang from replied, "My ancestors did not spring from anywhere; they always sprung at 'em." When "Uncle JOE" CANNON was asked as to his nationality, his response was that he was part English, part Irish, part Hungarian, and quite some American, but that it made little difference as to his forbears, for, after all, the mongrel pup often made the best trick dog. Of course it is only human nature to be proud of great and good ancestors and to say little about and try to forget those who were not.

The question with us now is not one of ancestors and how we got here, but it is a question of vital importance and interest to determine where we are going and how we will get there, carrying as we do this excess baggage in the shape of 1,200,000 illiterate foreigners added to the Republic's load each year. In any argument we may offer we will not undertake to justify our ground by presenting or attempting to present comparisons with the past, for there is no country and no past that is great enough and broad enough and comprehensive enough in any division of government or economy to be in any sense a guiding lamp for this the mightiest Nation and only successful confederated democracy the world has ever seen. Being without counterpart, the future of this Nation must be therefore uncharted, and the hope of its perpetuation must necessarily rest upon the sheet anchor of Christianity, patriotism and intelligence. We find in Goldwin Smith's book the interesting story of our early colonization, but there is nothing even there that could act as a guide or precedent in measuring up to the requirements of the present crisis. For me I care little about history or tradition in connection with this immigration business. I would much prefer to stand on the ground held by that great philosopher and Republican statesman, Thomas B. Reed, who once said he cared not so much for the pedantic maxims and theories of the bookmen, nor so much as to how a proposal might sound or look; what he wanted to know as influencing his decision and conclusion in the last analysis was, How does it work?

It is too often the tendency in public discussion for scholars to point to Rome and Greece and endeavor to frame a comparison of conditions with then and now. It is all pointed out with splendid imagination why and how these once great States rotted and fell into decay. Many thousands have accepted as accurate the conclusions of these scholars, but there are others who are skeptical as to whether these Governments of Rome and Greece ever were as great and potential as the historians record. But even if correct, Rome, in her highest glory under Augustus Cæsar, had but 54,000,000 population, and it is said that more than 60 per cent counted within her dominions were slaves and barbarians. When the great battle of Marathon was fought the population of Greece is estimated to have been but three and one-half millions. There is certainly nothing bewildering about this, and surely these Governments could not possibly have been called upon to solve the many complex economic questions which the great American people have successfully negotiated; and no man will contend that we could not in a single day raise more and better fighting troops right

in Pennsylvania than ever fought under the standards of Greece at any one time. These countries may have fallen and their glory departed because of corruption, but that corruption was due to the fact that those countries were pagan and not Christian. This Nation will live because it is Christian. Although this question of immigration is more vital than the trust issue and the tariff question and has direct bearing on both, it relates in no way to your ancestors and mine, but does have much to do with the future of our children. It is a question to be determined whether Americans or foreigners are to govern and control the United States. Let us accept Tom Reed's method of holding the scales and arriving at results, and not be misled and swayed by momentary impulses because our ancestors came from somewhere some time ago, or be blinded by the sentiment of the hour when the country stands in such imminent peril. There is nothing analogous in the causes which caused Rome and Greece to fall with the perils which beset this country, and there is no relationship or analogy with the kind of people who came here 100 or 200 years ago and those who are coming here now.

Even of the kind coming here now we might assimilate a few, but if the onrushing horde continues in unabated numbers the dominance of the Anglo-Saxon is doomed on this continent. With me it is a question of number and kind, and therein rests my opposition to unrestricted immigration.

Your ancestors and mine perhaps came from the north of Europe, emigrating from the fair valleys of the Palatinate. They were people whose ancestors were first heard of as emerging from the Baltic Sea section, and were referred to by Tacitus and Cæsar. They swept everything before them, beating back the best soldiers of the Cæsars, until the gates of the Eternal City were battered down. Or your ancestors may have been among the good Dutch or Swedes, or those Scotch-Irish who depopulated Ulster County to come here and become nation builders, or they may have come as natives from the Emerald Isle to become nation rulers, for the Irish are said to rule every country excepting Ireland. But when these pioneers came they came to stay. They came for religious and political liberty, they came to make a country. They cut away the wooded hills and cultivated the plains, and when their flag was assailed or even endangered they quickly laid aside the implements of peaceful industry and took up the sword. And for their homes and their country countless thousands on many battle fields gave up their lives.

But what about a vast majority of those coming here now? A misfit picture has often been painted of the incoming immigrant and has excited the sympathy of many unwary and unthinking. It is this: The great ocean liner appears off Sandy Hook, she is slowly piloted through the Narrows, and as the mists rise from the inner bay the Statue of Liberty, the immigrant's beacon light of hope, is beheld; then as he passes up Broadway he observes the statue of Nathan Hale, in Park Place, which patriotically inspires him as he reads the inscription on the monument, "The only regret I have is that I have but one life to give to my country." Then the immigrant is further inspired as he beholds the statues of Lafayette, Lincoln, Sumner, George Washington, Daniel Webster, and Simon Bolivar as he passes along the great thoroughfare and through Central Park. He crosses New Jersey and in every direction he sees points closely associated with the conflicts of the Revolution. Then, upon arriving in Philadelphia, he walks in the shadow of Independence Hall and is within 20 miles of Valley Forge where the snows were reddened with the blood of Continental patriots.

But this picture is all moonshine so far as the immigrant of to-day is concerned. The men who come here to-day, or most of them, have no comprehension of what all this means—these glorious heritages, these memories of a divine struggle, this test, and successful test, of man's ability to operate a representative government. And it seems that many, at least, do not wish to know, for the commissioner's report shows that more than 40 per cent of those who do come go back and annually take with them $350,000,000 of our good gold, which is gone forever.

The kind of immigrants we want now are the sort who will become producers, those who will produce the things which sustain human life. While they consume little, yet what they do consume helps raise the price of what you and I must have to maintain an existence and support our Government. The colonization of many of these immigrants in our great cities is the bane of our land. Assimilation is our only hope, but too many come for that, and there must be restriction. Certainly, if a foreigner is not sufficiently anxious to come to be stimulated to the trouble of learning to write his own name, then he should not be allowed to enter; and if he is mentally incapable of learning, then he is an undesirable and unfit to enjoy the protection of a government even as paternal as this one. In some of the Southern States before a colored man is allowed to vote he must not only be able to read the Constitution but to explain it. In addition to this, in some cases he must pay from $1.75 to $2.50 poll tax to enable him to be registered. Some of my colleagues propose to be much more liberal with these new-coming foreigners than the southerners are with real Americans, although of African descent.

When I say we want producers, I assert that very few of those who are coming now engage in agriculture. Of 1,030,000 from southern Europe landed here in recent years but 10,000 are engaged in farming. Therefore to this horde of unproducing foreigners may in some measure be attributed the present high cost of living.

We have the report of the commission which investigated this whole subject. That commission gave to the world most astounding information, revealing a condition of avarice and degradation never before dreamed of. Not only the white-slave traffic, which horrified all men and women of clean morals, but the industry of the foreign Steamship Trust in advertising and even canvassing every European village for immigrants was a shock to the American people who have been sitting supinely by while the country has been flooded with the ignorance of Europe. I do not protest against the coming of the healthy, intelligent, upright immigrant who wishes to make the United States his home, who comes here to become a part of the Republic and follow and aid in working out its destiny. I believe in freedom and free men and a free country, and I believe intelligent men are capable of self-government, but ignorant men can only add vexation and complication to the many hard problems of state now confronting the Government.

My answer to all the arguments against this literacy test—and that is all the act requires—is written in the laws passed by the States of Minnesota, Wisconsin, Massachusetts, New York, and Pennsylvania. These great States found it necessary to enact laws providing for the deportation of aliens quartered upon these Commonwealths. As chairman of a committee appointed by the Senate of Pennsylvania, I personally visited every public institution in the State, and my report shows that at that time there were quartered upon the Commonwealth 20,000 aliens, who cost approximately $2,000,000 annually of State funds to sustain. If this be relatively true in other States of the Union, then the burden imposed upon the country by these aliens must mount into tens of millions. And while these enormous sums are being spent in a public way to take care of the indigent of other countries, thousands upon thousands of true Americans stand in need of better pay that they may properly provide for their own families.

In opening my remarks I stated that immigration bore relationship to the tariff, and so it does. The protective tariff theory conceived by Hamilton and advocated by every public man of broad conception since his day, was that competition between American industries should bring about unhampered and unhindered the operation of the law of supply and demand, and at the same time protect our market and our labor. But the result in recent years has seen competition strangled, and in many instances price-fixing trusts developed and become almost impregnably entrenched. The Democratic theory is to smash the trusts and monopolies by sending our money abroad for the purchase of foreign goods, and then in case of a deficit to raise revenue by means of an income tax. The Democratic policy of free trade will unquestionably very speedily destroy the trusts and monopolies, but it will at the same time destroy everything and everybody else. My theory is to enact and maintain a sane and sensible tariff. The tariff originally designed to raise revenue and protect industry and labor has been a success in accomplishing the former, but so far as the laboring man is concerned, in the presence of 1,200,000 unskilled laboring immigrants coming in each year, it is a farce and a joke. Immigration as conducted to-day puts unskilled American labor on the free list. And with 10 workingmen to 1 in the professions or in business, what chance has the Republic to live on if the American laboring man is not given wage enough to sustain himself, support his family, and send his children to school, and who must compete for his wage with a foreigner who can and does often live on 10 cents per day?

We do not hear much said against immigration in public speech or the public press. If anything is said, it is usually a protest, and sometimes the protest is a gentle hint, but more frequently a violent assault, against those whose attitude like my own is assumed from purely patriotic motives and through a desire to save the workingmen of the land from the penury, degradation, and competition with the foreigner of low-standard living, and which condition must speedily grow worse unless

this bill offers relief. In the same newspapers which oppose the bill may be noticed many clothing store advertisements and in some displayed steamship announcements. The absence of outspoken interest for this bill might be because lawyers are afraid of their clients, members of the legislature and State senate tremble in the presence of a few recently naturalized foreigners, and in some instance because Congressmen residing in centers of population where there is a congestion of foreigners and a large foreign vote do not wish to commit political suicide, and so it is left to those of us who do not have many foreigners in our districts to speak out in meeting and speak the truth and what we think and what others think, as well.

We have accepted the responsibility of supporting and sustaining this Republic. The foreigner of to-day, in many instances, does not do this. He accepts one thing only, and that is the opportunity to come here, live on husks, horde his gold, then leave the country poorer for his having been here, but himself enriched.

I hope this measure may be effective in keeping out a vast number of foreigners, and that the day may come when there will be a distinct and recognizable type of American citizenship. That is not the case to-day, and is less so than 50 years ago. Let us check the inflow until we have assimilated the more recent invoices, and until they have learned to know what that flag stands for, and not only what it symbolizes, but the cost of life and treasure it has taken to sustain its integrity. Let us close the gates, in part at least, for a time and teach these aliens already here that the flag stands for liberty but not license, that it will protect the weak and unfortunate but abominates and despises the vicious and criminal, and that intelligence is the rock of our Constitution and the hope of the future. Patriotism purified and sanctified by the blood of countless thousands of men and the suffering and tears of women, scattered the stars on that field of blue which typifies the expanse of God's own sky. It is the purest emblem ever unfurled in the mighty tide of time. Let all men who enjoy its protection love and revere it, but first know its cost and what it represents.

Mr. HAYES. Mr. Chairman, I yield five minutes to the gentleman from West Virginia [Mr. COOPER].

Mr. COOPER of West Virginia. Mr. Chairman, I feel somewhat confused, as this is the first time I have attempted to address any remarks to the House; but as I come from a State and district largely industrial, I feel I should make my position clearly known on the pending immigration bill.

I thought when I came to Washington it would be my first duty to listen to the words of wisdom which fall from the lips of the older Members, and we who are serving our first term should see and be seen, should "stop, look, and listen" before undertaking to make a speech on the floor of this House; but I have, after observation and experience, come to the conclusion about one-half of the speeches made in this House are not made with the expectation of influencing the final vote on a bill, but the speeches are made for the people at home, having for their purpose the intention of convincing the dear people at home their Representative is making good in Washington.

I have the honor to represent in this House a district in West Virginia that produces almost one-half of the coal produced in that State, and, as you are aware, West Virginia is second only in the production of coal to the great coal-producing State of Pennsylvania. Any law written upon the statute books by the lawmakers of the Federal Government in any way affecting capital or labor will of necessity be felt in the district I represent in this House.

I feel I know something about coal mines, industrial plants, and the employment of labor in coal mines and industrial plants. I have spent practically 30 years of my life working in coal mines or aiding in the industrial development of the coal mines of West Virginia. Like the distinguished chairman of the Committee on Labor, Mr. LEWIS, I have been all along the line. I have occupied every position in a coal mine except fire boss. At the age of 10 I was a trapper boy in a coal mine, the proud possessor of a miner's cap and lamp. I opened and closed a door in order to properly divert the air currents in the mine. I have driven the kicking mule in the mines, I have dug and loaded the coal, have assisted in running cutting machinery, locomotives, both steam and electrical, and was, a short time prior to my election as a Member of this House, manager of three of the largest coal-mining companies in my district, so I feel my experience in the mines and about the mines and my acquaintance with labor give me peculiar knowledge as to the employment of labor, both native and foreign, in the coal mines and industrial plants of this Nation, and especially in the State of West Virginia. Only one county in my district does not produce coal, and my district comprises 12 counties, having a population of over 300,000 souls.

There are over 1,000 coal mines at this time in the State of West Virginia, producing over 70,000,000 tons of coal annually. Over 80,000 men are directly engaged in the mining of coal in that State. The very life of the State depends upon the coal industry. Over $55,000,000 are annually paid out in pay rolls by the coal companies operating in the State. The welfare of cities, towns, and villages is tied up and dependent upon the success of the coal industry. Every single railway, except a branch of the Baltimore & Ohio Railway Co., was built into the State for the purpose of engaging in the transportation of coal, coke, and lumber. Over 400 lives are sacrificed annually in the coal mines of West Virginia in order that heat, power, and the light which reflects in this Chamber to-day be given the Nation.

We passed in this House the other day the child-labor bill. I felt when the bill passed it would have its disadvantages as well as its advantages, as I know from experience it will drive hundreds of widows to the washtubs to earn an honest dollar to support their children; but I realized sooner or later this legislation would have to pass, and I felt, in the language of the governor of the State of West Virginia, "The boys and girls of West Virginia are the most precious asset the State has, and to-morrow they will become the men and women of the Nation," and for that reason I voted for the child-labor bill; but I would have felt much better had I had an opportunity to vote for and seen passed at the same time a national mothers' pension bill.

In this connection it is fair to say that no word of protest did I receive from the coal operators or the manufacturing interests of West Virginia against the passage of the child-labor bill. In view of the fact that bill has for its purpose the better development of the youth, both physically and mentally, to meet the conditions of life, I insist we should go a step further and pass legislation which will restrict immigration and not put our labor on an equality with the ignorant labor which has been flooding this country for years.

Mr. SABATH. Will the gentleman yield?

Mr. COOPER of West Virginia. Yes.

Mr. SABATH. Do not these common laboring people, whom you call ignorant immigrants, make it possible for American laboring men to secure higher positions?

Mr. KING. The gentleman made no such statement as that.

Mr. COOPER of West Virginia. What is that?

Mr. SABATH. You said that the immigrant will take away and does take away the position of the American laboring man. I ask the gentleman if it is not a fact that due to immigration the American laboring man secures higher positions, the same as you have, because they do the rough and common work?

Mr. COOPER of West Virginia. It beats down the price of labor in this country every time you bring a laboring man from Europe. [Applause.]

Mr. SABATH. Mr. Chairman, I will ask the gentleman if it is not the fact that the price of wages is higher to-day than it was when the gentleman started to work in the coal mine?

Mr. COOPER of West Virginia. The price of labor to-day is higher by reason of the fact that thousands of these men have gone back to lose their lives in the trenches of Europe instead of in the coal mines of Pennsylvania and West Virginia by by reason of their ignorance. [Applause.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. COOPER of West Virginia. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that privilege.

Mr. COOPER of West Virginia. Mr. Chairman, released from the schools of the States at the age of 16, thousands of the youth of the land will be forced by necessity to enter the mills, mines, and manufacturing plants of the Nation to "earn bread by the sweat of their faces"; educated to at least the limit required by State and national law, capable, both mentally and physically, to meet successfully the problems of life; I ask in the name of justice, in the name of right, in the name of humanity, if it is fair to these boys, to my boy, perhaps your boy, who have followed the rules and regulations written into law by the lawmakers of the Nation, to keep open wide the doors of this country to the ignorant labor of Europe, when it is well known these men from Europe will be freely admitted to the mills, mines, and manufacturing plants of our

country, and will work side by side with our boys, putting in peril their lives, and when it is well known an ignorant brain can and will in the end destroy, not only himself, but perhaps every one of his fellow workmen?

It appears to me you have undertaken to prescribe a bill of health the youth must follow to prepare him for life, and after he has followed your rules and regulations and kept his body and mind clean and pure turn into his room a man infected with smallpox, scarlet fever, leprosy, or other dangerous contagious disease, and tell him to live or die with him. Admitting ignorance and greed to enter our mills, mines, and manufacturing plants, and increase to a large degree the dangers of an already hazardous occupation.

Safety first is flashed from the hilltops in letters of light in the mining camps of West Virginia. The State maintains an expensive mining department to fight the dangers ever found lurking in the coal mines of the State. The National Government, after years of neglect decided it was imperative to cooperate and lend governmental aid to a scientific study of the greatest of all our industries, and to-day we see mine-rescue stations established all over this land; we see experimental stations established, endeavoring by experiment to find out the causes of explosions which in the twinkling of an eye send so many men to meet their Maker.

We see the States passing rigid mining laws; we see laws on the statute books of the States requiring a thorough understanding of the same before a man be permitted to work in a coal mine; yet we see the laws of the National Government allowing ignorance and poverty freely admitted into our fair land, to nullify and make of no legal force the good work being undertaken by the State mining departments, the Bureau of Mines, and the safety-first promoters. Millions spent for State and Federal research; but as long as ignorance and poverty are allowed to come to America and make this home, we shall continue to see the coal and the manufacturing products of our Nation washed in blood. I make the assertion without fear of successful contradiction more lives are sacrificed to-day in the coal mines of America through ignorance than through the ordinary accidents which are likely to occur in any coal mine, and this ignorance is manifested through failure or inability to read and study the rules and regulations, and thereby be better able to protect life and property by following the rules and regulations written by men of experience. "An ounce of prevention is worth a pound of cure."

It is not the experienced miner I fear in the coal mine, not the miner who reads, studies, and follows the rules; but the greedy, ignorant foreigner, the man who will take the chance, and in order to earn a dollar quickly and without labor fire a shot from the solid, which may result in blowing himself and every man in the coal mine to eternity. The man who undertakes to accomplish with an ignorant brain that which he should do with a lazy muscle; the love for the American dollar is dearer to him than the life of his fellow workman.

List showing the foreigners and Americans killed inside and outside of the coal mines, by counties, for the fiscal year ending June 30, 1914.

[Annual Report of Department of Mines of West Virginia.]

County.	Foreigners inside.	Foreigners outside.	Americans inside	Americans outside.
Barbour	2		2	
Braxton	2		2	
Brocke	3			
Clay	1			
Fayette	21		26	9
Grant	1			
Harrison	17		3	1
Kanawha	5		8	1
Lewis			1	
Logan	12	1	4	1
Marion	16	1	6	1
Marshall	5			
McDowell	43	6	60	5
Mercer	4		6	2
Mingo	6	3	11	
Monongalia	2	1		
Ohio	5			
Preston	2	1	3	
Putnam			2	
Raleigh	96		116	1
Randolph	1			
Taylor	2	1	2	1
Tucker	3		3	
Wyoming			1	
Total	249	14	256	22

Of the 78,041 employees directly connected with the production and distribution of coal and coke for the fiscal year ending June 30, 1914, 28,830 were foreigners and 49,211 Americans.

The above statement of the West Virginia Mining Department for the year ending June 30, 1914, shows that more than two foreigners to every American, based on numbers employed, were killed in the mines of the State for that year. This, in my opinion, is due to the fact that the foreigners coming to our shores for the past several years have been the ignorant, uneducated of Europe.

Since 1897 there have been killed inside the mines of the State as follows:

Killed by falls of roof and coal	2,230
Killed by mine cars	446
Killed by gas explosions	340
Killed by dust explosions	590
Killed by electrocutions	144
Killed by other causes	641
Total	4,391

The experience of persons killed and injured for the past 14 years, from 1901 to 1914, inclusive, is as follows:

Having an experience of 1 year or less	2,287
Having an experience of 2 to 5 years	3,147
Having an experience of 6 to 10 years	1,539
Having an experience of 11 to 25 years	1,073
Having an experience of 25 to 50 years	196
Having an experience of many years	296
Having an experience of unknown years	2,083
Total	10,621

The above table shows conclusively that the persons with little experience are the persons who are most frequently injured or killed.

Since the year 1883 the average lives lost inside for every 1,000 persons employed inside the mines is 6.51.

Ratio per 1,000 employed inside during 1908	12.24
Ratio per 1,000 employed inside during 1909	6.72
Ratio per 1,000 employed inside during 1910	5.61
Ratio per 1,000 employed inside during 1911	5.17
Ratio per 1,000 employed inside during 1912	6.89
Ratio per 1,000 employed inside during 1913	5.00
Ratio per 1,000 employed inside during 1914	8.33

Fatal accidents and their causes since 1897.

Causes.	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906
Fall of roof	47	67	64	61	76	79	96	95	105	99
Mine cars	6	6	7	11	11	13	12	12	18	16
Gas explosions	0	1	0	50	10	0	24	3	1	4
Dust explosions	0	0	0	0	0	0	0	0	0	0
All other causes	7	2	8	11	24	18	15	13	25	131
Total	60	76	79	133	121	110	147	123	149	250

Causes.	1907	1908	1909	1910	1911	1912	1913	1914
Fall of roof	130	155	144	215	184	207	160	213
Mine cars	20	28	31	44	59	36	46	62
Gas explosions	29	2	3	1	3	18	8	183
Dust explosions	0	368	116	0	24	83	0	0
All other causes	136	46	70	60	62	65	94	83
Total	315	599	364	320	332	409	308	541

The most dangerous condition I can imagine in a coal mine would be to turn loose into the mines of this country ignorance from abroad and place in its hand a jacket or keg of black powder, a 6-foot auger, and allow shooting from the solid the coal from the mines of the Nation. I would as soon visit a powder plant with tacks in my shoes as to visit a coal mine under such conditions, and yet this will be what we shall have if we continue to allow ignorance to freely enter our harbors.

Our laborers, our men with American blood flowing through their veins, and who go into the bowels of the earth and dig the black diamonds from the mountains of West Virginia and Kentucky, from the plains of Illinois, Indiana, Ohio, from mother earth in Pennsylvania and Maryland and the far Western States, have a right to appeal to you in the fight for life, for an equal chance, and have you exclude from the shores of America the labor which is a blot on the fair name of a free and independent Nation.

I believe in the language of the martyred McKinley:

It is better to open the mines and mills of this country to the laboring men of America than to open up the harbors of this country to the pauper-manufactured articles of the Old World.

I think it is equally the right of the American laboring man to ask that a certain class of undesirable citizens or subjects of Europe be kept away from our shores, and who are now engaged in the manufacture of articles of commerce which we should by tariff laws keep away from our country.

I do not mean to say, nor do I hope you will so understand me, that I am in favor of keeping men of industry, men of thrift, men of intelligence away from our shores; but I am in favor of keeping by legislation, if necessary, a certain class of ignorant

and undesirable peoples away from this country; making this, a country ruled by intellect, holding out the glad hand to men of industry, intelligence, and honesty of purpose toward our land, who desire to make this home in the true sense of the word, and holding away from the shores of our country that class of men who come here for the purpose of receiving the benefits of our country, but who are unwilling to take upon themselves the responsibilities of citizenship.

I desire to give some statistics furnished me by the Bureau of Mines, showing number of fatal accidents for years 1907 to 1915, inclusive, and also statement released for publication February 26 by the Department of Interior, Bureau of Mines, showing decrease in fatal accidents for year 1915.

Statistics of coal-mine fatalities, United States, 1907–1915.

Year.	Number employed.	Number killed.		Per million short tons mined.	Production per death (short tons).
		Total.	Per 1,000 employed.		
1907	674,613	3,242	4.81	6.78	147,407
1908	678,873	2,445	3.60	5.97	167,407
1909	666,535	2,642	3.96	5.73	174,416
1910	725,030	2,821	3.89	5.62	177,808
1911	728,348	2,656	3.65	5.35	186,887
1912	722,662	2,419	3.35	4.53	220,945
1913	747,644	2,785	3.73	4.89	204,685
1914	763,185	2,454	3.22	4.78	209,261
1915[1]	767,553	2,264	2.95	4.37	228,798

[1] Subject to slight revision.

DEPARTMENT OF INTERIOR,
BUREAU OF MINES,
Washington, February 25.

"Safety first" is beginning to show substantial results in lives saved in the coal-mining industry, according to a statement made by Secretary Lane, of the Interior Department, to-day. A report of the casualties in the coal mines for the year 1915, made by the Bureau of Mines, shows that—

The actual number of men killed is the lowest in the last eight years.

The death rate for each 1,000 men employed is the lowest in the last 16 years.

The number of tons of coal produced for each miner killed is the largest in the entire history of coal mining in the United States.

Statistics gathered by the bureau show that more than three-quarters of a million men were employed in coal mining last year, and that of this number 2,264 were killed, which is 190 less than in 1914 and 521 less than in 1913. The death rate for each 1,000 men employed was 2.95, as against 3.22 in the previous year and 3.73 the year before that. This means that as a result of the general safety campaign that has been proceeding for several years there was one additional man saved in every 4,000 employed as compared with the previous year, and 3 more men saved in every 4,000 employed as compared with the year 1913. There were 228,799 tons of coal produced for every life lost, as compared with 208,078 tons in the previous year.

"This is the most gratifying report the Bureau of Mines has been able to make since it was established," said Secretary Lane. "It indicates very forcibly to me that 'safety first' has come to stay in the coal-mining industry, and that it is being practiced more assiduously in mining camps than ever before. Every effort along this line spells lives saved, suffering lessened, and poverty and want prevented. It is such a report as this that leads us to translate, as President Wilson did, 'safety first' into 'America first,' for I do believe that to-day there is more regard in the United States for the welfare and safety of the working man than in any other country in the world.

"It is especially gratifying that this movement is progressing so rapidly in an industry that is one of the greatest in the world. The United States to-day mines 40 per cent of the entire coal of the world; as much coal as Great Britain and Germany combined; and employs an ever-increasing army of men that has now reached beyond the three-quarter of a million mark.

"It is difficult to say what might have been had the various agencies throughout the United States not cooperated with the Bureau of Mines in the 'safety-first' movement. All we do know is that if, instead of decreasing, the death rate had continued to increase as it did up to the year 1907, there would be to-day several thousand more dead miners in the United States.

"While it is not possible to attribute this reduction of deaths to any one of the many agencies striving to reduce mine accidents, each deserves credit for the part it has taken in this work. The saving of lives has been the result of closer and more careful inspection by the State mine inspectors; the better enforcement of laws and regulations by the operators; the miner's realization of the dangers attending his daily work, and his own efforts to reduce accidents; the more general use of safety lamps in doubtful mines; the use of permissible explosives passed upon by the Bureau of Mines; the watering of dusty mines to keep down the dangerous coal dust; first-aid and rescue training, which save lives that otherwise might be lost by reason of injuries received; the enactment of industrial accident compensation laws; and last, but not least, the splendid spirit of cooperation on the part of all concerned."

I agree with Secretary Lane entirely that the fatal accidents have been much reduced all over the United States, and the Department of Mines and the Bureau of Mines are to be congratulated on the part they have played in the reduction of fatal accidents. Efficiency has much to do with the results obtained, and I feel education has played an important work in this splendid showing; but I would call the attention of the House to what I believe the main reason for the decrease in fatal accidents, and it is summed up in a very few words. I think the main reason for the decrease in the fatal accidents for the year 1915 has been caused, not alone from the endeavors of the State mining departments, Bureau of Mines, and safety-first promoters' good work, but the war which is now going on in Europe and which on the 1st day of August, 1914, called back to Europe from America ignorance to fight in the trenches and be destroyed there instead of being destroyed by ignorance in the coal-mine and industrial plants of America. Hundreds, yes, thousands, of foreigners answered the call of their "first love" and returned to their country to fight for the country they love, and thereby reduced to a very material extent the dangers of coal mining in this Nation.

The table herewith published from the United States Department of Labor, Bureau of Immigration, shows my conclusions are correct that the foreign labor has to a great extent emigrated, and very few immigrants have come to this country to replace those which have left, and the class we are now getting is far superior in intelligence to the class heretofore received in this country.

TABLE 1.—*Immigration.*

(Nonimmigrant arrivals are not recorded in this table. See footnote.)

Races.	Years ended June 30—										July, 1915, to January, 1916.	January, 1916.
	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915		
African (black)	3,786	5,235	4,626	4,307	4,966	6,721	6,759	6,634	8,447	5,660	2,364	131
Armenian	1,895	2,644	3,299	3,108	5,508	3,092	5,222	9,353	7,785	932	415	74
Bohemian and Moravian	12,958	13,554	10,164	6,850	8,462	9,223	8,439	11,091	9,928	1,651	408	46
Bulgarian, Serbian, Montenegrin	11,548	27,174	18,246	6,214	15,130	10,222	10,657	9,087	15,084	3,506	1,860	108
Chinese	1,485	770	1,263	1,841	1,770	1,307	1,608	2,022	2,354	2,469	1,561	146
Croatian and Slovenian	44,272	47,826	20,472	20,181	39,562	18,982	24,366	42,499	37,284	1,942	547	61
Cuban	5,591	5,475	3,323	3,380	3,331	3,914	3,155	3,099	3,539	3,402	2,282	105
Dalmatian, Bosnian, Herzegovinian	4,568	7,393	3,747	1,888	4,911	4,400	3,672	4,520	5,149	305	85	5
Dutch and Flemish	9,735	12,467	9,526	8,114	13,012	13,862	10,935	14,507	12,566	6,675	3,734	367
East Indian	271	1,072	1,710	337	1,782	517	165	188	172	82	58	7
English	45,079	51,126	49,056	39,021	53,498	57,258	49,689	55,522	51,746	38,662	21,747	2,499
Finnish	14,136	14,860	6,746	11,687	15,736	9,779	6,641	12,756	12,805	3,472	2,732	284
French	10,379	9,392	12,881	19,423	21,107	18,132	18,382	20,652	18,166	12,636	9,830	1,034
German	86,813	92,936	73,038	58,534	71,380	66,471	65,343	80,865	79,871	20,729	6,568	911
Greek	23,127	46,283	28,808	20,262	39,135	37,021	31,566	38,644	45,881	15,187	11,465	1,619
Hebrew	153,748	149,182	103,387	57,551	84,260	91,223	80,595	101,330	138,051	26,497	9,397	1,477
Irish	40,959	38,706	36,427	31,185	38,382	40,246	33,922	37,023	33,898	23,503	13,373	953
Italian (north)	46,286	51,564	24,700	25,150	30,780	30,312	26,443	42,534	44,802	10,660	2,836	429
Italian (south)	240,528	242,497	110,547	165,248	192,673	159,638	135,830	231,613	251,612	46,557	12,520	1,923
Japanese	14,243	30,824	16,418	3,275	2,798	4,575	6,172	8,302	8,941	8,609	5,060	651
Korean	127	39	26	11	19	8	33	64	152	146	65	14
Lithuanian	14,257	25,884	13,720	15,254	22,714	17,027	14,078	24,647	21,584	2,638	344	59
Magyar	44,261	60,071	24,378	28,704	27,302	19,996	23,599	30,610	44,538	3,604	630	108
Mexican	141	91	5,682	15,591	17,760	18,784	22,001	10,954	13,089	10,993	6,619	57
Pacific Islander	13	3	2	7	61	12	3	11	1	6	3	.....
Polish	95,835	138,033	68,105	77,565	128,348	71,446	85,163	174,365	122,657	9,065	2,420	363
Portuguese	8,729	9,648	6,809	4,606	7,657	7,469	9,403	13,566	9,647	4,376	6,065	714

TABLE 1.—*Immigration*—Continued.

Races.	Years ended June 30—										July, 1915, to January, 1916.	January, 1916.
	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915		
Roumanian	11,425	19,200	9,623	8,041	14,199	5,311	8,329	13,451	24,070	1,200	512	122
Russian	5,814	16,807	17,111	10,038	17,234	18,721	22,558	51,472	44,957	4,459	2,802	519
Ruthenian (Russniak)	16,257	24,081	12,361	15,808	27,907	17,724	21,965	30,588	36,727	2,933	915	76
Scandinavian	58,141	53,425	32,789	34,996	52,037	45,859	31,601	38,737	36,053	24,233	9,422	604
Scotch	16,463	20,516	17,014	16,446	24,612	25,625	20,293	21,233	18,997	14,310	7,904	977
Slovak	38,221	42,041	16,170	22,586	32,416	21,415	25,281	27,234	25,819	2,069	403	99
Spanish	5,332	9,495	6,636	4,939	5,837	8,068	9,070	9,042	11,064	5,705	3,657	421
Spanish American	1,585	1,060	1,063	890	900	1,153	1,342	1,363	1,544	1,667	995	104
Syrian	5,824	5,880	5,520	3,668	6,317	5,444	5,525	9,210	9,023	1,767	389	58
Turkish	2,033	1,902	2,327	820	1,283	918	1,336	2,015	2,693	273	88	15
Welsh	2,367	2,754	2,504	1,699	2,244	2,248	2,239	2,820	2,558	1,390	608	57
West Indian (except Cuban)	1,476	1,381	1,110	1,024	1,150	1,141	1,132	1,171	1,396	823	465	47
Other peoples	1,627	2,058	1,530	1,537	3,330	3,323	3,660	3,038	3,830	1,877	1,007	49
Total	1,100,735	1,285,349	782,870	751,786	1,041,570	878,587	838,172	1,197,892	1,218,480	326,700	154,155	17,293

TABLE 1.—*Immigration*—Continued.

Period.	Number.	Period.	Number.
Year ended Sept. 30—		Year ended June 30—	
1820	8,385	1867	303,104
1821	9,127	1868	282,189
1822	6,911	1869	352,768
1823	6,354	1870	387,203
1824	7,912	1871	321,350
1825	10,199	1872	404,806
1826	10,837	1873	459,803
1827	18,875	1874	313,339
1828	27,382	1875	227,498
1829	22,520	1876	169,986
1830	23,322	1877	141,857
1831	22,633	1878	138,469
Oct. 1, 1831, to Dec. 31, 1832	60,482	1879	177,826
Year ended Dec. 31—		1880	457,257
1833	58,640	1881	669,431
1834	65,365	1882	788,992
1835	45,374	1883	603,322
1836	76,242	1884	518,592
1837	79,340	1885	395,346
1838	38,914	1886	334,203
1839	68,069	1887	490,109
1840	84,066	1888	546,889
1841	80,289	1889	444,427
1842	104,565	1890	455,302
Jan. 1 to Sept. 30, 1843	52,496	1891	560,319
Year ended Sept. 30—		1892	579,663
1844	78,615	1893	439,730
1845	114,371	1894	285,631
1846	154,416	1895	258,536
1847	234,968	1896	343,267
1848	226,527	1897	230,832
1849	297,024	1898	229,299
1850	310,004	1899	311,715
Oct. 1 to Dec. 31, 1850	59,976	1900	448,572
Year ended Dec. 31—		1901	487,918
1851	379,466	1902	648,743
1852	371,603	1903	857,046
1853	368,645	1904	812,870
1854	427,833	1905	1,026,499
1855	200,877	1906	1,100,735
1856	195,857	1907	1,285,349
Jan. 1 to June 30, 1857	112,123	1908	782,870
Year ended June 30—		1909	751,786
1858	191,942	1910	1,041,570
1859	129,571	1911	878,587
1860	133,143	1912	838,172
1861	142,877	1913	1,197,892
1862	72,183	1914	1,218,480
1863	132,925	1915	326,700
1864	191,114		
1865	180,339	Total	32,351,121
1866	332,577		

NOTE.—Table 1 records permanent immigration only. The temporary or nonimmigrant arrivals, however, in recent years have been numerous and if added to this table would increase the totals about 20 per cent since 1907. Tables 2, 3, 4, and 5 show only permanent arrivals and departures.

TABLE 2.—*Race.*

Races.	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
African (black)	5,660	2,364	131	1,644	1,078	66
Armenian	632	415	74	444	552	11
Bohemian and Moravian	1,651	408	46	219	30	3
Bulgarian, Serbian, Montenegrin	3,506	1,860	108	2,354	274	8
Chinese	2,469	1,561	146	1,959	1,568	266
Croatian and Slovenian	1,942	547	61	2,381	50	3

TABLE 2.—*Race*—Continued.

Races.	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
Cuban	3,402	2,282	105	2,536	911	120
Dalmatian, Bosnian, Herzegovinian	305	85	5	105	4	.....
Dutch and Flemish	6,675	3,734	367	1,340	450	52
East Indian	82	58	7	162	80	20
English	38,662	21,747	2,499	10,372	5,202	496
Finnish	3,472	2,732	284	845	303	39
French	12,636	9,830	1,034	5,799	1,245	154
German	20,729	6,568	911	2,749	580	55
Greek	15,187	11,465	1,619	9,767	3,718	226
Hebrew	26,497	9,397	1,477	1,524	141	12
Irish	23,503	13,373	953	2,948	1,263	139
Italian (north)	10,660	2,836	429	7,539	2,826	222
Italian (south)	46,557	12,520	1,923	89,969	66,167	2,253
Japanese	8,609	5,060	651	825	517	65
Korean	146	65	14	47	17	2
Lithuanian	2,638	344	59	988	28	1
Magyar	3,604	630	108	2,262	219	15
Mexican	10,993	6,619	57	573	372	59
Pacific Islander	6	3	.....	5	1	1
Polish	9,065	2,420	363	7,912	264	14
Portuguese	4,376	6,065	714	2,526	1,811	71
Roumanian	1,200	512	122	899	95	3
Russian	4,459	2,802	519	11,256	2,824	230
Ruthenian (Russniak)	2,933	915	76	860	5	2
Scandinavian	24,263	9,422	604	3,473	2,150	104
Scotch	14,310	7,904	977	2,714	1,427	219
Slovak	2,069	403	99	1,398	42	2
Spanish	5,705	3,657	421	4,347	2,008	163
Spanish American	1,667	995	104	560	297	41
Syrian	1,767	389	58	433	84	4
Turkish	273	88	15	208	28	8
Welsh	1,390	608	57	253	164	18
West Indian (except Cuban)	823	465	47	480	390	30
Other peoples	1,877	1,007	49	511	548	27
Not specified	.....	.....	.....	16,888	6,896	709
Total	326,700	154,155	17,293	204,074	108,569	5,915

TABLE 3.—*Occupation.*

Occupations.	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
PROFESSIONAL.						
Actors	1,126	462	25	201	68	10
Architects	270	115	8	76	33	3
Clergy	1,164	535	50	315	151	14
Editors	173	117	23	23	22	1
Electricians	640	329	39	107	59	4
Engineers (professional)	1,494	1,059	102	353	193	16
Lawyers	350	167	11	37	21	.....
Literary and scientific persons	283	161	13	53	32	1
Musicians	752	445	34	139	79	15
Officials (Government)	425	194	16	82	51	19
Physicians	476	207	17	138	77	6
Sculptors and artists	504	211	22	56	30	1
Teachers	2,070	1,061	108	256	150	4
Other professional	2,552	1,124	105	476	303	26
Total	12,279	6,197	573	2,312	1,275	120

TABLE 3.—*Occupation*—Continued.

Occupations.	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
SKILLED.						
Bakers	1,086	404	43	257	110	17
Barbers and hairdressers	1,186	527	75	345	781	27
Blacksmiths	1,187	468	50	188	132	4
Bookbinders	106	47	8	21	14	.....
Brewers	34	8	1	14	.....	.....
Butchers	845	328	44	168	69	6
Cabinetmakers	251	151	15	73	27	1
Carpenters and joiners	5,474	2,326	261	1,004	671	33
Cigarette makers	24	14	.....	7	2	.....
Cigar makers	852	582	38	1,125	536	55
Cigar packers	51	15	.....	3	6	.....
Clerks and accountants	8,318	4,710	580	1,881	1,228	101
Dressmakers	2,694	855	69	303	160	12
Engineers (locomotive, marine, and stationary)	962	451	45	205	74	10
Furriers and fur workers	183	130	26	20	3	1
Gardeners	546	199	28	165	78	5
Hat and cap makers	209	97	18	20	14	.....
Iron and steel workers	807	414	49	200	78	4
Jewelers	223	104	14	43	14	1
Locksmiths	285	34	6	4	2	.....
Machinists	1,394	916	145	774	343	34
Mariners	3,346	1,313	236	721	381	22
Masons	1,625	702	56	371	219	15
Mechanics (not specified)	778	315	39	4,481	2,151	245
Metal workers (other than iron, steel, and tin)	281	169	22	55	26	2
Millers	119	60	9	13	6	.....
Milliners	537	217	35	23	20	.....
Miners	2,931	1,360	142	3,206	824	71
Painters and glaziers	1,350	590	61	235	265	12
Pattern makers	30	19	2	20	5	1
Photographers	239	108	14	24	14	1
Plasterers	338	152	19	68	35	3
Plumbers	376	201	26	55	90	4
Printers	534	268	30	89	151	4
Saddlers and harness makers	116	72	8	20	25	1
Seamstresses	2,817	810	84	135	47	1
Shoemakers	1,736	619	79	622	719	25
Stokers	1,061	357	51	424	127	10
Stonecutters	487	157	12	129	49	6
Tailors	5,221	1,716	208	817	319	8
Tanners and curriers	64	46	3	16	5	.....
Textile workers (not specified)	416	131	12	715	363	27
Tinners	227	111	22	40	30	.....
Tobacco workers	39	25	.....	7	5	1
Upholsterers	101	44	9	10	3	1
Watch and clock makers	203	72	14	25	18	2
Weavers and spinners	1,031	371	45	219	54	6
Wheelwrights	36	10	.....	2	1	.....
Woodworkers (not specified)	173	111	13	14	5	.....
Other skilled	2,709	1,282	196	702	224	21
Total	55,638	24,188	2,960	20,078	10,523	790
MISCELLANEOUS.						
Agents	1,059	788	163	155	91	9
Bankers	239	157	17	86	29	6
Draymen, hackmen, and teamsters	447	233	33	100	230	7
Farm laborers	24,723	9,661	1,732	2,474	1,094	97
Farmers	6,518	3,684	570	3,435	1,690	164
Fishermen	723	297	33	207	100	6
Hotel keepers	389	147	16	80	32	3
Laborers	48,351	27,336	2,831	127,868	71,223	3,078
Manufacturers	268	183	34	70	35	1
Merchants and dealers	8,562	4,306	494	3,292	1,766	158
Servants	39,774	15,183	1,256	12,487	5,664	317
Other miscellaneous	10,790	5,980	636	2,965	1,504	104
Total	141,843	67,955	7,815	153,219	83,464	3,950
No occupation (including women and children)	116,940	55,815	5,945	23,465	11,307	1,055
Grand total	326,700	154,155	17,293	204,074	106,569	5,915

TABLE 4.—*Country*.

Countries.	Coming from.			Going to.		
	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
Austria	9,215	1,684	348	6,776	124	6
Hungary	9,296	1,390	354	5,059	321	22
Belgium	2,399	743	68	333	13	1
Bulgaria, Servia, and Montenegro	1,403	571	59	1,964	246	8
Denmark	3,312	1,365	22	412	333	15
France, including Corsica	4,811	2,937	308	5,751	1,232	143
German Empire	7,799	1,797	218	1,419	317	19

TABLE 4.—*Country*—Continued.

Countries.	Coming from.			Going to.		
	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
Greece	12,592	11,173	1,299	9,775	3,711	224
Italy, including Sicily and Sardinia	49,688	11,976	1,938	95,903	68,696	2,445
Netherlands	3,144	1,492	144	612	234	28
Norway	7,986	2,571	198	1,211	813	8
Portugal, including Cape Verde and Azore Islands	4,907	5,896	657	2,661	2,030	70
Roumania	481	51	.....	244	43	1
Russian Empire and Finland	26,187	3,963	718	18,297	3,463	244
Spain, including Canary and Balearic Islands	2,762	2,244	290	3,042	1,456	89
Sweden	6,585	3,035	174	953	682	43
Switzerland	1,742	339	1	349	133	23
Turkey in Europe	1,008	179	9	164	17	.....
United Kingdom:						
England	21,532	8,573	732	7,715	3,632	344
Ireland	14,185	6,603	109	2,218	859	86
Scotland	4,668	1,685	120	1,847	937	139
Wales	1,037	303	16	169	89	9
Other Europe	1,180	555	83	80	33	1
Total Europe	197,919	71,129	7,865	167,954	83,414	3,968
China	2,669	1,671	161	2,011	1,547	275
Japan	8,613	5,040	648	840	502	57
India	161	47	2	179	102	23
Turkey in Asia	3,543	1,095	259	593	6	.....
Other Asia	234	136	21	214	635	12
Total Asia	15,211	7,989	1,034	3,837	2,792	367
Africa	934	535	73	85	68	6
Australia, Tasmania, and New Zealand	1,282	1,078	108	608	310	36
Pacific Islands (not specified)	117	57	3	17	6	.....
British North America	82,215	56,951	7,354	23,225	9,750	1,014
Central America	1,252	629	40	436	288	57
Mexico	12,349	7,203	88	651	362	52
South America	3,801	1,976	261	988	547	42
West Indies	11,598	6,589	407	6,243	3,005	368
Other countries	31	19	.....	30	27	5
Grand total	326,700	154,155	17,293	204,074	106,569	5,915

TABLE 5.—*State*.

States.	Coming to.			Going from.		
	Immigrant aliens admitted.			Emigrant aliens departed.		
	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
Alabama	430	135	12	175	112	4
Alaska	693	225	23	40	40	2
Arizona	2,100	1,528	29	606	185	21
Arkansas	147	86	23	25	8	.....
California	20,116	10,847	1,094	7,063	4,951	502
Colorado	1,339	573	57	607	403	28
Connecticut	6,620	2,867	262	4,995	2,494	140
Delaware	245	94	11	141	245	3
District of Columbia	1,087	446	52	209	203	13
Florida	4,810	2,315	267	3,555	1,442	156
Georgia	356	119	13	89	37	1
Hawaii	2,934	1,975	412	561	180	18
Idaho	1,226	489	65	195	189	14
Illinois	19,062	6,681	612	11,682	5,683	259
Indiana	2,146	922	68	1,331	278	22
Iowa	3,407	1,231	97	755	401	28
Kansas	744	322	28	110	53	1
Kentucky	268	83	12	90	26	.....
Louisiana	1,451	545	63	369	243	25
Maine	4,401	3,457	248	665	336	16
Maryland	1,883	443	41	999	548	25
Massachusetts	27,482	15,049	1,529	14,612	8,680	440
Michigan	17,438	13,743	2,023	5,524	1,533	110
Minnesota	9,115	4,333	453	1,501	816	35
Mississippi	138	67	10	21	18	6
Missouri	2,743	846	99	1,426	561	43
Montana	3,454	1,890	203	732	215	20
Nebraska	1,388	482	24	280	321	27
Nevada	387	183	14	168	99	3
New Hampshire	2,832	1,743	215	978	304	19
New Jersey	11,248	4,098	486	7,108	3,858	161
New Mexico	561	189	10	206	65	5
New York	95,028	42,448	4,937	67,016	40,817	1,837
North Carolina	267	119	11	47	18	2
North Dakota	3,290	1,270	86	114	112	5

TABLE 5.—*State*—Continued.

States.	Coming to. Immigrant aliens admitted. Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.	Going from. Emigrant aliens departed. Year ended June 30, 1915.	July, 1915, to January, 1916.	January, 1916.
Ohio	9,341	4,356	564	7,640	3,738	117
Oklahoma	387	166	21	71	16	2
Oregon	2,629	1,121	143	583	457	36
Pennsylvania	24,596	7,987	1,060	27,499	11,441	462
Philippine Islands	16	7	1	20	2	.....
Porto Rico	812	535	100	849	356	19
Rhode Island	3,621	2,102	223	2,566	1,081	30
South Carolina	132	42	6	33	21	.....
South Dakota	1,095	352	19	60	72	3
Tennessee	306	93	16	60	94	5
Texas	9,447	4,948	62	371	173	29
Utah	1,296	629	83	718	208	10
Vermont	1,928	1,291	162	483	165	6
Virginia	855	455	96	233	516	25
Washington	13,093	5,826	680	1,491	1,159	105
West Virginia	2,030	898	134	2,617	1,071	37
Wisconsin	3,850	1,298	134	1,824	910	30
Wyoming	430	161	30	167	35	6
Unknown	.....	.....	.....	22,922	9,574	999
Total	326,700	154,155	17,293	204,074	106,569	5,915

[Reports of Immigration Commission, vol. 6, Bituminous Coal Mining.]

CHAPTER 6.—SALIENT CHARACTERISTICS.

LITERACY.

As regards the literacy of mine workers, the following table shows for 86,908 individual bituminous mining employees, by general nativity and race, the per cent who can read and the per cent who can both read and write.

TABLE 94.—*Per cent of male employees who read, and per cent who read and write, by general nativity and race.*

(Study of employees.)

[This table includes only races with 40 or more males reporting. The totals, however, are for all races.]

General nativity and race.	Number reporting complete data.	Per cent who— Read.	Read and write.
Native born of native father:			
White	18,097	96.9	96.1
Negro	6,479	75.3	73.0
Native born of foreign father, by country of birth of father:			
Austria-Hungary	813	96.4	95.8
Belgium	50	98.0	98.0
Canada	47	100.0	100.0
England	1,775	98.5	98.1
France	168	97.6	97.6
Germany	2,184	99.1	98.9
Ireland	1,340	98.3	97.8
Italy	182	94.0	93.4
Russia	171	95.9	94.2
Scotland	906	99.6	99.6
Sweden	64	100.0	100.0
Wales	462	98.5	96.5
Foreign-born, by race:			
Bohemian and Moravian	737	94.6	93.6
Bulgarian	176	78.4	76.7
Croatian	2,404	66.9	64.8
Dutch	104	98.1	97.1
English	2,478	97.7	97.1
Finnish	70	95.7	91.4
French	765	91.0	89.9
German	2,659	96.8	96.1
Greek	113	65.5	62.8
Irish	924	93.5	91.9
Italian, North	6,584	87.8	86.2
Italian, South	4,197	65.7	62.7
Italian (not specified)	112	89.3	87.5
Lithuanian	1,878	79.5	74.2
Magyar	4,515	89.2	88.0
Mexican	107	81.3	74.8
Montenegrin	134	69.4	68.7
Polish	7,293	77.3	74.1
Roumanian	154	74.7	72.7
Russian	1,826	70.8	67.1
Ruthenian	303	59.4	57.4
Scotch	1,148	99.1	98.5
Serbian	130	77.7	75.4
Slovak	11,238	82.4	80.3
Slovenian	1,877	83.6	81.6
Swedish	305	100.0	99.3
Welsh	396	94.7	92.7
Grand total	86,908	86.7	85.1
Total native-born of foreign father	8,240	98.3	97.9
Total native-born	32,818	93.0	92.0
Total foreign-born	54,090	82.9	80.9

Of the 86,908 male employees covered by this table, 54,090 are foreign born and 32,818 are native born.

Well do I remember the day I decided to become a candidate for Congress from the fifth congressional district of West Virginia. I immediately sent to the city and had printed on cardboard four or five thousand pictures of myself, and they were nailed to almost every telegraph post in my district. Under my picture was printed my name, and under my name I had printed the words, "Vote for him and he will vote to protect your interests." That promise was the promise of an honest candidate made to the great body of workingmen of my district, men who supported my candidacy almost as a unit, because they had confidence in my word, and in so far as I am concerned I propose to vote for the pending immigration bill, as I believe the interests of the laboring men will be best protected by the passage of this bill.

I have been taught from infancy that whenever a commodity is scarce in the market it is high. Whenever the wheat crop is scarce, wheat is high. When the potato crop is short, potatoes are high; the same with oats, corn, hay, or any other necessity of life. Skilled labor is scarce, and skilled labor is high and able to obtain the best possible price for its hire; therefore the best possible way to conserve to the workingmen of this country the best possible price for labor is to create a shortage of labor, and the most practical way to do that is to pass the pending immigration bill, and to reduce to a great extent thereby the underpaid labor of Europe which has been flooding this country for years.

I know it will be said we must have the labor, that capital can not expand unless we allow immigration to continue, but, in so far as I am concerned, I would rather have 100 competent Americans working for me than 200 incompetent foreigners. Give me the 100 contented, satisfied, happy Americans working in the coal mines rather than 200 discontented, dissatisfied, incompetent foreigners, whose one thought is to hear the whistle blow at 6 o'clock, hoping the next day will be pay day, so they can send three-fourths of the money earned back to the country from which they came. [Applause.]

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TAGUE].

The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE] is recognized for five minutes.

Mr. TAGUE. Mr. Chairman, following the line of thought pursued by the previous speaker [Mr. COOPER of West Virginia], who deplored the fact that because we have enacted a child-labor law we are going to send back to the washtub the mother of the child, I say to him then that it is for him and for every other legislator on the floor of this House of Congress to see to it that his State enacts a law, as my State of Massachusetts has done, that protects that mother, worthy as she is.

One would believe from all that we have heard here to-day that all the Americanism in the country is wrapped up in the bodies and in the hearts and in the minds of the men who have addressed this House of Congress to-day in favor of this bill.

I come, Mr. Chairman, from the city of Boston, the second largest port of entry in this country; a city made up, as are all the large cities, of a cosmopolitan people, people from every clime and from every part of the world; and into that city, Mr. Chairman, naturally goes the immigrant, who goes where he is welcomed among his friends, and not among his foes; and to know him as we know him is to know that in him we have one whom we can respect and admire.

Mr. Chairman, in the district that I have the honor to represent and where I live and was born towers the shaft of Bunker Hill, which marks the spot where Warren fell, shedding his blood for this great Nation of ours; and I wondered in listening to all the addresses that have been made here to-day how many of those men who stood with him on that eventful day were literate or illiterate. I wondered whether the great Chrispus Attacks, the colored patriot who shed his blood on State Street, in Boston, at the beginning of the Revolution, and unable to read or write, was not a patriot for his country.

Mr. Chairman, this literacy test is not in keeping with the traditions of Bunker Hill and Faneuil Hall. It is not in keeping with the traditions that have made this country the great country that it is. Oh, we have heard much to-day of our flag and of the story of the flag. We have seen some of the Members wave it, figuratively speaking, in the eyes of the Members. I would like to take those Members back to my home district, where the child of the Italian, where the child of the Jew, of the Pole, of the German, and of the Irish is being taught daily the lessons of patriotic devotion to the adopted home of his beloved father and mother. I would like them to see how proud are the parents of those little children as they listen to them sing of the flag of their adopted country, and then say, if you will, whether or not they are fit for citizenship.

Mr. Chairman, we have all received petitions from organized labor. I have received them, as every other Member has. But, coming from that great commercial and industrial center, the city of Boston, I have yet to have one individual in my district ask me to vote for this bill. [Applause.]

No, Mr. Chairman; not one individual in the great city of Boston has come to me in the interest of this bill; and as I looked upon the petitions that were presented to me and looked over the names I wondered from whence they sprung, and I wondered how many of the men who signed those petitions would have had the privilege of petitioning this Congress if this literacy test had been applied to their fathers and to their mothers. [Applause.]

Mr. Chairman, the time has not come in this country of ours when we can afford to shut the doors of opportunity afforded by these great institutions of ours against the people of a foreign clime. Educate the whole world. Yes, Mr. Chairman; that is why God ordained that this Nation should be what it is. He ordained that we should preach to and teach the rest of the world and take them out of the darkness in which they were born. It was intended that this Nation should give them the chance, and it was never intended that because you and I may have preceded those who are attempting to come now that we shall say to them that because our forefathers came from abroad and shed their blood for this Nation we shall now shut the door of opportunity to the children of the less fortunate people across the sea. [Applause.]

Mr. Chairman, I have been endeavoring to find some good substantial reason for the passage of this bill, and I am frank to confess that so far during the debate no sound, just cause has been advanced that would lead me to believe that this bill should become a law.

It appears that many of those advocating its passage come from sections of the country almost free from immigration, and I contend that they are not qualified to speak in favor of such a proposition as this, because they have not the knowledge of conditions existing among this class of people. I am inclined more to listen to the argument of those who daily come in contact with this element of our people, who know their ways and also their worth in the communities. Coming from a city made up mostly of an immigrant population, with whom I come in daily contact, I believe the arguments so far advanced by the proponents are very misleading.

Mr. Chairman, in the district that I have the honor to represent are many persons unable to read and write, who, if this law had been in effect at the time of their entrance, would have been unable to enter and our country would have been deprived of many of our beloved and honored men and women, whose children have since become the leading citizens of our land.

This alone proves to my mind the inadequacy of this law, and also proves that a literacy test is not necessary to the welfare of our country.

These people, suffering from the oppression in a foreign land and seeking an opportunity to better their conditions, with eagerness, hope, and gladdened hearts at the chance of enjoying the benefits of the freedom of a nation only enjoyed in this land of ours, come amongst us willing and anxious to do their part in building up and maintaining the honor and integrity of our country. The opposition to this class of people is not new, and I am afraid it is prompted by other than broad American motives. Our country is made up entirely from the immigrant, each and every one of them having the same aims and desires, and I do not believe the time has come when we should close the doors of opportunity against them.

I believe the claim that it is in the interest of labor is misleading; and while it may come from those who are the accredited representatives of the large labor organizations, yet I believe they have permitted their honest views to overcome the better part of their judgment, and, could this question be left to a vote of the individual members of organized labor, it would never receive their sanction.

I do not believe that the literacy test reflects the best judgment and wisdom of the rank and file of the toilers of our Nation, and if this bill was in the interest of toiling masses, I am confident that every Member now opposing its passage would instead be standing in his place on this floor defending and advocating the passage of this bill.

I do not hesitate to say as one Member of this House who has always worked in the cause of labor, and coming from a great industrial and commercial center, that I am speaking the wishes of the working people of my city, whom I have the honor to represent, when I oppose this legislation.

But, Mr. Chairman, I can not believe that this is the real purpose of this bill, and I am confident that it is aimed in another direction. It is aimed to keep from our shores the immigrant who comes to our land seeking opportunity for himself and family. Neither can we deny that to the immigrant from across the sea does this Nation of ours owe, in a substantial way, its great progress and advancement, for it was founded by the immigrant and it is to the immigrant and his children that the Nation can always look in the hour of need.

I can not forget that as a Member of this House I stand here as a son of an immigrant, and while he could read and write the English language, it is, nevertheless, a fact that many of his countrymen may have been less fortunate. Illiterate you may call them, but as soon as the opportunity was allowed them they took advantage of the splendid institutions of our country, educated themselves, and became good citizens.

It was the oppression of tyrannical England that drove the thousands of Irishmen from their homes to this land, and they brought with them strong hearts, beating warm for freedom, and while enjoying the privileges of American liberty and her grand institutions they have always been ready and willing to give up their lives in protecting the land of their adoption. The history of this country can not be written without giving credit and praise to the Irishmen in America.

In every field of endeavor, whether upon the field of battle, where the sons of Ireland have shed their blood freely in the patriotic devotion to their country, at the signing of the Declaration of Independence, or in the sciences or arts, they have added to the material and patriotic advancement of the Nation.

The same motives actuated the immigrants of other nationalities coming to our shores. It was the same unfair, inhumane oppression of Russia that drove so many of the people of the Jewish race to our land, and I know of no man who will say that this great race of people have not done their share in the advancement of our Nation and to the uplift of humanity. It was the great Columbus, an Italian, who discovered our country; and to-day you say to the children of that country that unless they can read and write they can not enjoy the fruits of his endeavors.

The opposition to the immigrant is nothing new. It has been carried on unsuccessfully almost since the beginning of our Nation by those whose narrow views would have prevented this Nation from being what she is to-day—the greatest Nation in the world.

We are all immigrants or children of immigrants, and not one of us can deny our ancestry. First, it was the opposition to the Irish, Germans, and Scotch, but the day of their migration to this country is almost a thing of the past. Now it is the opposition to the people of southern Europe, who, seeking the same opportunities of freedom and social advancement, are met with the same unfair, un-American claims, which are against the best traditions of our beloved country.

I shall vote against the immigration bill, because I do not think the literacy test a test of fitness or character and because I think it unfair and un-American. I am in favor of restriction that will exclude the criminal, the insane and mentally defective, the pauper, the morally unfit, and those who are incapable of earning a living. I am also opposed to the clever, educated schemer who immediately upon arrival begins to find fault with our institutions, and the immigration bill in its present form would not keep out such clever, educated schemers. I could not vote for a bill that ranked lettered scoundrelism above untutored industry and virtue.

Mr. Chairman, I am opposed to the pending measure and sincerely hope that it will not become a law as I am not in favor of an educational qualification as essential to the right of persons of foreign birth to come into our country. Such a law is repugnant to every idea that I have ever entertained of the relations borne by our people to the people of the balance of the world, and, if adopted into a law, would falsify a record which to my mind makes for the integrity and glory of our country. I am not unmindful, I hope, of the advantages of cultivation in those who are to come amongst us, whether native or foreign born, but to say that only those who have some degree of education and letters may come to our shores is, in my judgment, to exalt an important, but not indispensable, incident to the position of an essential and overruling factor. The essential factors of immigration, to my mind, are health and virtue, and, having these makes any man or woman desirable as a resident and in course of time as a useful and valuable citizen.

I am opposed to the policy of this legislation, and with its departure from the broad and liberal spirit which has hitherto guided our legislation on the subject, and I am also astonished that it should be seriously considered in this National Congress. Ignorance in the foreigner is a misfortune and not a crime. He is ignorant because it has pleased the Almighty to plant him on a barren soil and under an inclement sky, there to live in sub-

jection to a cruel and wicked policy which has kept him in ignorance and darkness.

It is known that many of the countries of the Old World from which we draw a large immigration not only furnish no educational facilities to the masses of their people, but they consider it unwise and unsafe to do so, and the victims of such a policy deserve to be commended for seeking to escape from such cruel conditions. Striving for a chance to do better things is highly commendable in them, and must they be told on approaching our shores, the asylum of the oppressed of every land, that their misfortune must remain unchanged?

Mr. Chairman, have the fountains of Christian charity and humane benevolence in this country, so rich and copious in the past, dried up and ceased to flow? I do not believe this to be the fact, and know the people of this country will never favor such a policy. For myself, I would as soon refuse food and drink to the hungry and thirsty as to turn away from our shores the poor, struggling unfortunate who seeks for himself and his children the blessing of freedom and enlightenment at our hands. Such a course is not in accord with the policy of this country, with the spirit of the people of this country, with the genius of our institutions, or with the history and the traditions of our Republic. No argument I have ever heard in its favor commends itself to my judgment or my conscience. Can it be said that education and learning are an indispensable equipment for the right of entrance into society with our fellow men? Have we reached the stage of development which abandons forever the mandate that man shall earn his bread by the sweat of his brow? If not, then strong hands are as indispensable as ever and energy of action is as necessary to the propagation of the race as profound mental calculation. Is virtue centered in learning and merit measured by the extent of our information? Such a proposition can never be maintained. The poet says, "A little learning is a dangerous thing," and the amount of learning which this measure requires is extremely small, indeed; just sufficient, in fact, to create an odious distinction accomplishing no just or useful purpose.

Virtue is not the handmaid of learning, however profound the latter may be. That jewel may be found at the seats of learning and in the midst of wealth and culture, but it is more often discernable on the farm and in the factory, at the plow, the bench, and the counter, and in the lowly cottage, where happiness reigns in the midst of the family circle. Learning is important as an aid to moral culture, and to the duties of a citizenship I think it is altogether essential. This I appreciate as much as any man, but I deny that its possession is or should be considered as indispensable to the right of entrance into our great national family.

I will never vote to deny any man the protection of our laws and the benefits of our free institutions on the score of learning. The Committee on Immigration proceeds on the theory that vice and ignorance go hand in hand, and that in order to bar out the vicious it is necessary to bar out the ignorant. It neither requires statistics nor arguments to prove that the ignorant are more prone to vice than the learned, but it will require stronger argument than the friends of this legislation have so far advanced to convince me of the truth of their contention.

The claim is made by the Committee on Immigration that immigrants, when freed from the ship, are accustomed to congregate in the largest cities of the country. This is so. They go wherever they can, and it is usually toward the densely populated communities, which are largely recruited from the foreign population in our cities in which they find many friends and where they always are welcomed. They remain there for awhile, but when once they learn the ways of our people they become ambitious and anxious to better their own conditions by striving for a higher standard of living.

Mr. Chairman, we can not deny that a large proportion of our immigrant population is illiterate. This is to be expected when we realize the conditions from which they came; but it is a deplorable fact, when so many opportunities for education exist, that so many of our own native population are also illiterate, and if applying for admission to the country they would be unable to pass the literacy test now proposed in this bill. While our immigrants are not the most distinguished of our people, yet they have signally contributed to the development of our national life, and we are not therefore justified in putting this proposed ban upon them.

We could not have accomplished what we have without them. They were the pioneers of our civilization on its westward march, and though they had little, if any, learning they blazed the pathway that others followed, and when pressed too hard at times by the trammels of a superior culture encountered on their journey, they pushed on and on until the entire continent gave way to their superior efforts and the barren wastes and the wilderness yielded to their useful purpose.

This class has done its part reasonably well, both in peace and in war, and I do not believe that the officers of our Army or Navy would undertake to recruit their armies with a spelling book. They know too well that courage and endurance are not bred in the school alone. In every contest which our country has had, whether internal or external, it has been proven that men may be heroes although untutored in the belles-lettres of their more fortunate brothers.

Every class of our population has done its part in building up this advanced civilization of our mighty Republic, and the time has not yet come when we can dispense with any part of it. We have yet many battles to be fought in this country. The battle with stubborn nature is never ending, and a conflict with jealous nations may come to-day or to-morrow, or at any time, and no man can foresee its end. In the one contest I apprehend that our generals would prefer good red blood in the rank and file to bulging brows and shrunken limbs, and our statesmen would be wise if in the other contest they would recognize the importance of virile manhood in the enlistment of a virile citizenship to fight the battles of democracy.

I am aware that there is a clamor from certain quarters for a restriction of immigration on general grounds, as it is thought that our population is already overcrowded and the stress of competition is lessening the rewards of labor. We have also been inopportuned by some of our constituents to adopt any expedient which would cure the evil, and the committee confess that this is the purpose of this bill.

I am not in favor of giving way to clamor, however urgent it may become, unless I believe it to be wise and just; but no argument so far advanced has proven their contention. I do not think that this country is overpopulated, and I do not believe that it can ever be said to be overpopulated until its people have reached the stage of density greater than that of any other people on earth, because in no other country has nature been so lavish and so diffuse in her bounties. Given these conditions, every addition of human energy not only adds to the potential wealth of the Nation but it adds to the prosperity, the comfort, the convenience, and the happiness of all the people of the Nation.

It is idle to talk about the necessity of restricting immigration on the grounds claimed in this bill—because we have too many of this kind of people. We have not too many people, Mr. Chairman, for there are still vast stretches of unexplored and unimproved lands in this country waiting to be subdued; there are still millions and millions of acres of virgin soil which have never been pricked by the plow or the spade. Our forests are illimitable, and with proper care will prove to be inexhaustible. The wealth of coal and minerals of all kinds has hardly been touched and can never be worked out during our age.

Cities are yet to be built which will rival the most opulent and populous of the present day. Commonwealths are yet to be founded—or, at any rate, are yet in their infancy—which in time will vie with the strongest and most powerful of the States now composing the Union. We are in the infancy of our development, and we never had greater need for people than have we to-day; and yet it is at this time this cry for restricted immigration comes up to retard our development, and it comes from the section of the country that are greatly in need of development.

Mr. Chairman, I should be ashamed to stand up in my place in the Congress of the United States and put forth such a pitiful and contemptible plea as that. It has been our policy from the inauguration of the Government to invite immigration, and it has been our proud boast that none who were worthy and deserving were ever turned away from our shores. A distinguished statesman once said that the gates of Castle Garden swung inward but never outward. These words were intended to emphasize the fact that conditions in this country were such as not only to invite immigration but to make it welcome and desirable when it came. Our liberal policy of immigration is almost as well known to the world as our flag, and to see the one has always been to herald the other. That glorious emblem has been an inspiration and a hope to the people of the entire world. It has whispered to them not only an inspiration and a hope but a promise, and to now deny that hope or to repudiate that promise would be to dishonor our flag and make it contemptible in the eyes of the world.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and had come to no resolution thereon.

RECESS.

Mr. BURNETT. Mr. Speaker, I suppose, under the order, the House will stand in recess until 11 o'clock to-morrow morning?

The SPEAKER. Under the order adopted by the House this afternoon, the House stands in recess until 11 o'clock a. m. to-morrow.

Accordingly (at 6 o'clock p. m.) the House took a recess until Saturday, March 25, 1916, at 11 o'clock a. m.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12904) granting a pension to Mary E. Breen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3921) granting a pension to Walter S. Reece; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9090) granting a pension to Carleton E. Bradley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and memorial were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 13666) to establish a school and home for feeble-minded persons of the District of Columbia, to be known as the Columbia Training School, and providing for the legal commitment of feeble-minded persons, and for other purposes; to the Committee on the District of Columbia.

By Mr. LLOYD: A bill (H. R. 13667) authorizing the establishment of a plant at or near Hannibal, Mo., for the manufacture of munitions and implements of war; to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 13668) for the purchase of a site and the erection of a public building at Brownsville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. RAUCH: A bill (H. R. 13669) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: A bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines; to the Committee on Naval Affairs.

By Mr. MADDEN: A bill (H. R. 13671) appropriately designating, fixing the status of, and granting an increase of pay to certain clerks employed with the Army at large; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 13672) to authorize the transfer of the property of the United States at Mount Weather, near Bluemont, Va., from the Department of Agriculture to the Department of the Treasury, for use as a sanatorium by the United States Public Health Service; to the Committee on Agriculture.

By Mr. GRAY of Alabama: A bill (H. R. 13673) providing for a survey of Bayou Marmotte, in the State of Alabama; to the Committee on Rivers and Harbors.

By Mr. TINKHAM (by request): A bill (H. R. 13674) to amend section 11 of chapter 308 of the acts of 1909; to the Committee on Claims.

By Mr. GARLAND: A bill (H. R. 13675) providing that an imprint shall be placed on all articles manufactured in the United States and becoming the subject of interstate commerce, and providing that no manufactured articles or goods shall be admitted to the United States unless bearing an imprint; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of Massachusetts: Memorial adopted by the Massachusetts Legislature, favoring a national law regulating the employment of labor; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 13676) granting a pension to Margaret J. Deaver; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13677) granting a pension to Emma Stover; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 13678) granting an increase of pension to Carrie Porter; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 13679) granting an increase of pension to John W. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13680) granting an increase of pension to Hannah I. Fortune, widow of William M. Fortune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13681) granting an increase of pension to Mary A. Hicks, widow of Andrew E. Hicks; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 13682) granting a pension to Mary Ann Flannigan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13683) granting a pension to Bridget McAndrew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13684) granting an increase of pension to Anna S. France; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 13685) granting an increase of pension to Sarah A. Harrison; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 13686) granting an increase of pension to Charles O. Manley; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 13687) granting an increase of pension to Lenora N. Hoyt; to the Committee on Pensions.

By Mr. HENRY: A bill (H. R. 13688) granting a pension to James B. Smith; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 13689) granting an increase of pension to Daniel W. Rank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13690) granting a pension to Philip E. Hartman; to the Committee on Pensions.

Also, a bill (H. R. 13691) granting a pension to Charles W. Hanson; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 13692) granting an increase of pension to John J. Collins; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 13693) granting an increase of pension to Levi M. Wolff; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana. A bill (H. R. 13694) granting an increase of pension to Wood Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13695) granting an increase of pension to Daniel H. Wise; to the Committee on Invalid Pensions.

By Mr. NEELY. A bill (H. R. 13696) granting a pension to Harriet J. Youst; to the Committee on Invalid Pensions.

By Mr. RAMSEYER. A bill (H. R. 13697) granting an increase of pension to Isaac J. Knight; to the Committee on Invalid Pensions.

By Mr. RODENBERG. A bill (H. R. 13698) to remove the charge of desertion standing against the record of William T. Fenton; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri. A bill (H. R. 13699) granting an increase of pension to A. Calmes; to the Committee on Invalid Pensions.

By Mr. SHERWOOD. A bill (H. R. 13700) granting an increase of pension to Rebecca Hoge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13701) granting an increase of pension to Sarah R. Sanks; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan. A bill (H. R. 13702) granting an increase of pension to Frederick A. Greening; to the Committee on Pensions.

By Mr. STEELE of Pennsylvania. A bill (H. R. 13703) for the relief of Bertrand W. Heim; to the Committee on Military Affairs.

By Mr. TAGGART. A bill (H. R. 13704) granting an increase of pension to John D. Patterson; to the Committee on Invalid Pensions.

By Mr. TINKHAM. A bill (H. R. 13705) granting a pension to Michael S. Kane; to the Committee on Pensions.

By Mr. THOMAS S. WILLIAMS. A bill (H. R. 13706) granting a pension to Charles A. Lasater; to the Committee on Pensions.

Also, a bill (H. R. 13707) for the relief of Brooksey Crabtree; to the Committee on Claims.

Also, a bill (H. R. 13708) to correct the military record of Zachariah T. Wood; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's deck and referred as follows:

By the SPEAKER (by request): Memorial of Carlot Poultry Dealers' Association, urging revision of the bankruptcy law; to the Committee on Banking and Currency.

Also (by request), memorial of Maryland Federation of Labor, indorsing House bill 9548; to the Committee on Reform in the Civil Service.

Also (by request), memorial of St. Louis Intermediate Christian Endeavor Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. AUSTIN: Memorial of Jone Chapel Methodist Episcopal Church, of Knoxville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Memorial of the People's Church of the District of Columbia, against preparedness; to the Committee on Military Affairs.

Also, protest of Thomas H. Dupert, Josiah Zimmerman, M. L. Patterson, J. A. Claar, J. M. Over, J. S. Ritchey, J. G. Earnest, W. H. Marshall, A. H. George, George W Schaller, Carl F. Schaller, William E. George, Charles H. Coyle, Louis Sievers, Andrew Walker, C. A. Lambert, William Miller, S. M. Wilson, P. M. Smith, J. H. Zimmerman, Wilmer Trexel, and W. H. C. Springer, all of Cambria County, Pa., against House bill 491, to restrict the use of the mails by certain publications; to the Committee on the Post Office and Post Roads.

Also, memorial of Camp Corporal Lucian D. Woodruff, No. 64, United Spanish War Veterans, Johnstown, Pa., favoring passage of House bill 54, to pension widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. BEAKES: Petition of W. E. Allen and 32 citizens of Ann Arbor; Rev. William H. Hoffman and 13 citizens of Saline; Rising Star Lodge, No. 53, Detroit; Hudson Woman's Christian Temperance Union, representing 85 people, Hudson; First Baptist Church, Hudson; Manitou Beach Baptist Church and Sunday School, Manitou Beach; Lenawee County Woman's Christian Temperance Union, representing 650 people, Adrian; First Baptist Church, Ypsilanti, all in the State of Michigan, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of W. W. Crabbs and seven business houses of Morenci, Mich., favoring House bills 270 and 712, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of Godfrey Goetz, William J. Luft, J. Henry Heiss, and William C. Cune, of Monroe, Mich., in favor of House joint resolution 127; to the Committee on Ways and Means.

Also, petition of Woman's Club of Ann Arbor, Mich., favoring censorship of motion pictures; to the Committee on Education.

By Mr. BRUCKNER: Memorial of sundry citizens of New York, favoring resolutions adopted at conference of mayors and mayors' committees in St. Louis on national defense; to the Committee on Military Affairs.

By Mr. COPLEY: Memorial of Association of Commerce, of Joliet, Ill., urging legislation providing for national control of Mississippi floods; to the Committee on Flood Control.

Also, memorial of Association of Commerce, of Joliet, Ill., urging Congress to purchase a site for the proposed new post office at Chicago sufficient in area to insure room for growth for at least 25 years; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Batavia, Ill., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hinsdale, Ill., protesting against the passage of Senate bill 645, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. CRAMTON: Petition of Young Men's Christian Association of Sanilac County; Rev. John Caldwell and 25 other citizens of Sandusky; Methodist Episcopal Sunday School of Meade, Macomb County; and of C. W. Campbell and 21 other citizens of Macomb County, all in the State of Michigan, in support of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. T. Trumble and 13 other citizens of Elkton, Huron County, Mich., protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of citizens' committee on the fire department of the District of Columbia, of Washington, D. C., favoring passage of House bill 433, relative to pension system for fire department of the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Association for the Equitable Federal Income Tax, relative to Federal inheritance tax; to the Committee on Ways and Means.

Also, memorial of engineers' committee on military lectures and Chamber of Commerce of the State of New York, relative to national preparedness; to the Committee on Military Affairs.

By Mr. DANFORTH: Petition of 46 members of Presbyterian Church of Corfu, N. Y., favoring national prohibition in Porto Rico; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of the San Antonio (Tex.) Council of Mothers, favoring Kent bill for Government aid for care of stranger consumptives in the Southwest; to the Committee on Appropriations.

Also, petitions of Tarrant County Farmers' Union of Texas and others, favoring reenacting into law the Smith-Lever bill, relative to control, etc., of American cotton exchanges; to the Committee on Agriculture.

Also, petitions of Mission Route Lodge, No. 399, Brotherhood of Railroad Trainmen, and others, of Texas, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of sundry citizens of the State of Texas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens of Minnehaha County, S. Dak., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of C. M. Keach and 29 others, of Jackson County, Wis., protesting against the passage of House bills 491 and 6468, relative to amending the postal law; to the Committee on the Post Office and Post Roads.

By Mr. FARR: Memorial of Pennsylvania Division of Sons of Veterans, United States Army, in favor of preparedness; to the Committee on Military Affairs.

Also, protest of Charles B. Engel, of Scranton; Mr. Meyer Pensak, Dickson City; Mr. Samuel Eisner, Scranton; and Morris Hollander, Old Forge, all in the State of Pennsylvania, against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Memorial of Frank E. Cornell, favoring House bill 702, tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Cooper Union, New York, relative to raising revenue by income tax; to the Committee on Ways and Means.

Also, memorial of Presidents' Association of the Farmers' Educational and Cooperative Union of America, favoring cotton-futures act; to the Committee on Agriculture.

Also, memorial of New York Zoological Society, recommending that the Federal Government take immediate steps to convert any or all of the forest reserves of the United States into game refuges for such period and to such extent as is necessary to assure the preservation of threatened species and continuance of the game supply of the surrounding districts; to the Committee on Agriculture.

Also, memorial of National Guard Association of the State of New York, favoring placing National Guard under Federal control; to the Committee on Military Affairs.

Also, petition of Washington Lodge, No. 15, Benevolent and Protective Order of Elks, favoring a referendum of the prohibition question before any prohibition law be enacted or become effective in this District; to the Committee on the District of Columbia.

Also, memorial of Chamber of Commerce, protesting against the erection of a power plant at Fourteenth and Water Streets, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. FLYNN: Petition of M. F. Stuckard, of New York, favoring House bill 7625; to the Committee on Reform in the Civil Service.

Also, memorial of Association for an Equitable Federal Income Tax, relative to Federal inheritance tax; to the Committee on Ways and Means.

Also, memorial of military engineering lectures and Chamber of Commerce of the State of New York, relative to preparedness; to the Committee on Military Affairs.

By Mr. FULLER: Petition of the Chamber of Commerce of the State of New York, favoring preparedness; to the Committee on Military Affairs.

Also, petition of New England Grange, No. 1785, of Durand, Ill., against Madden amendment prohibiting parcel-post packages of more than 50 pounds; to the Committee on the Post Office and Post Roads.

Also, petition of the Association for an Equitable Federal Income Tax, protesting against a Federal inheritance tax; to the Committee on Ways and Means.

Also, petition of citizens of Shabbona, Ill., protesting against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GRAY of New Jersey: Memorial of citizens of Kearny, N. J., favoring preparedness; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petitions of 25 citizens and First United Baptist Church of Lee; Young People's Society Christian Endeavor of Dexter; Woman's Christian Temperance Union of Silvers Mills; Croostock County Pomona Grange; Dover and Foxcroft Free Baptist Church and Sunday School, of Dover, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of citizens of Machias and members of Machias Lodge, No. 60, International Order of Good Templars, Washington, D. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Richburg, N. Y., protesting against passage of House bill 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Jamestown, N. Y., favoring passage of the Emerson resolution; to the Committee on Ways and Means.

By Mr. HASTINGS: Petition of Trinity Methodist Episcopal Church, of Muskogee, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Resolutions by members of Pleasant View Grange and Manhattan Grange, No. 748, of Detroit and Manhattan, Kans., opposing the Madden rider in the Post Office appropriation bill and other measures tending to curtail the parcel-post system; to the Committee on the Post Offices and Post Roads.

Also, petition by members of the Methodist Brotherhood of Junction City, Kans., petitioning for national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of Simon G. Low and 7 citizens, of Bridgeport, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Grace Methodist Episcopal Church, of Bridgeport, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Memorial of general committee of Cumberland Bar Association, on House bill 12773; to the Committee on the Judiciary.

Also, petition of York District Lodge, Independent Order of Good Templars, of York, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOPWOOD: Petitions of First Methodist Episcopal Church and 11 voting citizens of Brownsville, 103 citizens of Stoyestown, and 36 citizens of Uniontown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 78 citizens of Fayette County, Pa., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Memorial of Brotherhood No. 111, National Association of Letter Carriers, of Salt Lake City; Camp 338, Woodmen of the World, Salt Lake; Homestead No. 1132, Brotherhood of American Yeomen, favoring Penrose-Griffin bill, for relief of certain employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Petition of 159 citizens of Puyallup and Hope Lodge, No. 20, International Order of Good Templars, Puyallup, Wash., and 17 citizens of Hoquiam, Wash., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of United Presbyterian Church of Parnassus and 25 citizens of Export, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Westmoreland County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petitions of churches and citizens of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of citizens of Warren, Ill., against passage of House bill 652, relative to Sunday work in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Warren, Ill., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE: Memorial of Young People's Society of Christian Endeavor of Reformed Presbyterian Church of Syracuse, N. Y., favoring prohibition in Porto Rico; to the Committee on the Judiciary.

Also (by request), petition of Jesse Ketchum and others, of Syracuse, N. Y., relative to bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of William Phelps and others, of Onondaga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petitions of citizens of Lake Odessa; Crystal Trout Lodge, No. 11, International Order of Good Templars; and Methodist Episcopal Church of Lake Odessa, all in the State of Michigan, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of students and faculty of the Western Theological Seminary, of Holland, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petitions of 54 citizens of Deshler, 34 citizens of Dixon, and 109 citizens of Napoleon, all in the State of Ohio, against passage of House bills 49 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Pennsylvania Division, Sons of Veterans, United States Army, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Vessel Owners' and Captains' Association, of Philadelphia, Pa., against House bill 8036, relating to inspection of vessels on inland waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORES of Indiana: Petition of 11 citizens of Indianapolis, Ind., opposing the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of Cape Vincent (N. Y.) Grange, Patrons of Husbandry; B. H. Wooding and others, Otto Anderson, and F. H. Smith and 10 others, of Wallingford, Conn.; and Vincent Grange, Patrons of Husbandry, of Cape Vincent, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of the McWhorter Sunday School, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Wheeling, W. Va., against House bills 491 and 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petition of Betheny Church and sundry young people of the city of Madison, Wis., in favor of the national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of sundry merchants of the third congressional district of Wisconsin, in favor of House bills 270 and 712, providing a tax on persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

Also, petition of sundry citizens of Arena, Barneveld, and Spring Green, Wis., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of sundry citizens of Montour Falls, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Snyder Hill Church, L. Rowe William, pastor; Snyder Hill Ladies' Aid Society, Mrs. A. P. Willsey, president; and Snyder Hill Christian Endeavor Society, Oswald Baker, president, of Tompkins County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. O. B. Goff, Mrs. Betsy Waight, Mrs. Lucy Richards, and Mrs. Anna Ordway, of Canisteo, N. Y., favoring the passage of the Ashbrook widows' pension bill; to the Committee on Pensions.

By Mr. RANDALL: Petition of Short Avenue Christian Sunday School, of Watts, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of citizens of Brooklyn, N. Y., in re Emerson resolution; to the Committee on Foreign Affairs.

Also, memorial of Kings County Republican Club, of Brooklyn, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Bronx Board of Trade, of New York, in re rivers and harbors legislation; to the Committee on Rivers and Harbors.

Also, petition of Holy Name Society, of St. Gregory's Church (Charles G. Reynolds, president), favoring House bill 6468; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Frank J. Britton and 56 citizens, of Kalamazoo, favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of Sunday school of First Baptist Church and 16 citizens of Allen, favoring House joint resolutions 84 and 85, Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of the Rotary Club, Battle Creek, Mich., favoring adequate national-preparedness legislation, the Chamberlain bill; to the Committee on Military Affairs.

Also, petition of W. B. Shumway and four citizens of Waldron, favoring House bills 270 and 712; to the Committee on Ways and Means.

Also, protest of C. B. Waller and 42 citizens of Charlotte, against House bill 652, the Keating bill; to the Committee on the District of Columbia.

Also, petition of E. L. Morgan and 26 citizens; and Methodist Episcopal Church, East Avenue, Sunday School; the Congregational Sunday School, of Litchfield; and the Methodist Episcopal Sunday School, of Amboy, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, protest of John R. Carter and 20 citizens, of Battle Creek, Mich., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, protest of John F. Criswell and 15 citizens of Batavia, Mich., against military and naval expansion, except in case of actual war; to the Committee on Military Affairs.

Also, protest of John R. Carter and 22 citizens of Battle Creek, Mich., against House bill 652; to the Committee on the District of Columbia.

By Mr. STEENERSON: Petition of Mrs. John Holten, Mrs. G. J. De Mars, and Mrs. A. D. Gullickson, committee of the Woman's Christian Temperance Union of Fertile, Minn., for a reasonable expenditure for military purposes, "preparedness for peace, not for war"; to the Committee on Military Affairs.

Also, petitions of 42 citizens of Merrifield, 75 citizens of Viking, 19 citizens of Kittson County, 80 citizens of Dodge Center, C. T. Olim and 20 other citizens of Marshall County, and Otto Nyaard and 65 citizens of Kittson County, all in the State of Minnesota, protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of George H. Hanson and 51 citizens of St. Hilaine and vicinity and 76 citizens of Crookston, all in the State of Minnesota, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Los Angeles Branch, United National Association of Post Office Clerks, of Los Angeles, Cal., favoring House bill 7656; to the Committee on Reform in the Civil Service.

Also, letters favoring House bill 55, Federal emergency tax, from Progress Mutual Loan Association and California Building Loan Association, of San Francisco, Cal.; to the Committee on Ways and Means.

Also, petition of American Veterinary Medical Association, Berkeley, Cal., favoring House bill 5792, the Lobeck bill; to the Committee on Agriculture.

Also, letter favoring House bill 8352, United States Government aid in the care and support of indigent stranger consumptives in the Southwest, from the San Diego Society for the Study and Prevention of Tuberculosis; to the Committee on Interstate and Foreign Commerce.

Also, letters protesting against House bills 6468 and 491, postal law amendment, from Woman's Christian Temperance Union of Boyle Heights, Los Angeles, Cal., and Mrs. Effie S. Dickey, of Los Angeles, Cal.; to the Committee on the Post Office and Post Roads.

Also, letter favoring House bill 12421, to permit mailing of medicinal preparations containing small amount of poison, from Western Wholesale Drug Co., of Los Angeles, Cal.; to the Committee on Interstate and Foreign Commerce.

Also, communications favoring an appropriation of $300,000 for Yosemite National Park from Civic Outlook Club, of Redondo Beach, Cal; the Ebell Society, Oakland, Cal.; College Woman's Club, San Diego, Cal.; Highland Park Ebell and Friday Morning Club, of Los Angeles, Cal.; to the Committee on Appropriations.

Also, letters favoring prohibition for District of Columbia from Olivet Congregational Church, the Woman's Missionary Society of Olivet Church, and Women's Federation of Christian Missionary Workers, of Los Angeles, Cal.; to the Committee on the District of Columbia.

Also, letters favoring House bill 10845 and Senate bill 3946, for military training in schools, from William Drew, Los Angeles, Cal.; W. S. Steele, Compton, Cal.; and C. W. Burkett, San Francisco, Cal.; to the Committee on Military Affairs.

Also, letter favoring Keating bill from Central Labor Council of Los Angeles, Cal.; to the Committee on Labor.

Also, petition of Irving P. Austin and 41 other citizens of Los Angeles, Cal., favoring the Warren bill; to the Committee on Foreign Affairs.

Also, memorial of International Brotherhood of Electrical Workers, of Los Angeles, Cal., favoring Federal inspection of dairies and dairy products; to the Committee on Interstate and Foreign Commerce.

Also, letter favoring sum for support of the Bureau of Education from California Congress of Mothers; to the Committee on Education.

Also, letters favoring Burnett immigration bill from United Brotherhood of Carpenters and Joiners of America; Sons and Daughters of Liberty; Los Angeles Mailers' Union, No. 9; and International Union of Steam and Operating Engineers, all of Los Angeles, Cal.; to the Committee on Immigration and Naturalization.

Also, petition favoring embargo on munition shipments and against loans to belligerents, etc., from J. H. Porter and 194 other citizens of Los Angeles, Cal.; to the Committee on Foreign Affairs.

By Mr. STINESS: Memorial of General Assembly of the State of Rhode Island and Providence Plantations, favoring the use of the old post-office building in the city of Providence as a parcel-post terminus; to the Committee on Public Buildings and Grounds.

Also, memorial of sundry citizens and church organizations of the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of board of directors of the Providence (R. I.) Chamber of Commerce, favoring certain appropriations for the work of the Department of Commerce; to the Committee on Appropriations.

Also, memorial of board of directors of the Providence (R. I.) Chamber of Commerce, favoring passage of House bill 10405, relating to grading of grain; to the Committee on Agriculture.

By Mr. SULLOWAY: Petition of citizens of Grasmere, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Horeb Lodge, No. 25, Independent Order B'nai B'rith, New Haven, Conn., opposing Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Hubert Warner and others of Clintonville, Conn., opposing House bills 491, 652, and 6468, for closing barber shops on Sunday in District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mrs. D. J. Clark and others of East Haven, Conn., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of F. H. Smith and 10 others and B. H. Wooding and others, of Wallingford; Otto Anderson and 24 citizens and Svea Lodge, International Order of Good Templars, of Branford, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of citizens of Loveland and Lyons, Colo., against passage of House bill 652 and Senate bill 645, for closing barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of citizens of Loveland, Fort Lupton, and Lyons, Colo., against passage of House bills 491 and 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of sundry citizens of Troup, Tex., against passage of House bills 491 and 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *March 25, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee with our morning prayer, in a full assurance that the deeds of this day and all the work of our lives must come in last review before Thee. We seek not only to measure up to the moral ideals of our own time or those interests which seem to be the interests of the day, but we would remember that at last we must stand before Thee and give an account of the deeds done in the body. We fear not so much an austere judge as a loving Father, who has given to us the revelation of His will and bestowed upon us the unmeasured tokens of His love.

Grant us this day hearts responsive to Thy love and wills obedient to the Divine will, that we may perform the tasks of the day in obedience to Thy law and with hearts full of gratitude to Thee for Thy love. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

HEADS OF DEPARTMENTS IN CONGRESS.

The VICE PRESIDENT. The Chair lays before the Senate a communication addressed to the Vice President, and desires to have it inserted in the RECORD. It has to do with the intelligent dispatch of business in the Congress of the United States. The Chair calls the attention of Senators to it that they may consider the subject of the communication.

The communication referred to is as follows:

WASHINGTON, D. C., *March 4, 1916.*

The VICE PRESIDENT.

DEAR MR. PRESIDENT OF THE SENATE: The presence of the heads of the departments before Congress is not suggested by the parliamentary systems of other Governments. The bill of Representative MONTAGUE, of Virginia, to provide, through a mere change in the rules of procedure, that the heads of the executive departments may occupy seats on the floor of the Senate and House of Representatives to give information in reply to questions propounded under the rules of the Senate and the House, is as follows:

"That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor shall be entitled to occupy seats on the floor of the Senate and House of Representatives, with the right to participate in debate on matters relating to the business of their respective departments, under such rules as may be prescribed by the Senate and House respectively.

"That the said Secretaries, the Attorney General, and the Postmaster General shall attend the sessions of the Senate on the opening of the sittings on Tuesday and Friday of each week, and the sessions of the House of Representatives on the opening of the sittings on Monday and Thursday of each week, to give information asked by resolution or in reply to questions which may be propounded to them under the rules of the Senate and the House; and the Senate and House may, by standing orders, dispense with the attendance of one or more of said officers on either of said days." (64th Cong., 1st sess., H. R. 4.)

The suggestion belongs to the development of our own laws, and must be discussed within its capacity of adjustment to our American system.

No encroachment by the legislative branch upon the constitutional privileges of the President or of his Cabinet is suggested, and no invasion by the Executive of the jurisdiction of the legislative branch, nor does it involve any modification of the constitutional distribution and separation of the functions of the three departments of our Government, its distinctive and characteristic feature. Nor would such a change in the rules of procedure interfere with the existing methods of communication, by written reports or by the personal presence before congressional committees of members of the Cabinet and subordinate chiefs of bureaus of the executive departments.

The inquiry is nonpartisan and impersonal, whether executive supremacy has gradually developed to such a degree as to require an effort in order to restore the equilibrium between the executive and legislative departments of the Government. It is not a result of usurpation of arbitrary power by any of our Presidents, nor has it been brought about by general consent expressed in amendment of the Constitution. The enormous development of national wealth and industrial energy has created a collective pressure of local interests represented in an overwhelming mass of legislative measures, general and special, forced upon the attention of Congress. The consequent subordination by Congress of national and external, or especially of foreign, policies to the exigencies of internal or domestic policy has accompanied the centralization of power and has had the effect of largely diverting to the executive department the consideration of national policies, yielding to the President a practically exclusive control over them. The impossible is required of him and the impossible attributed to him.

The President must remain independent of Congress as to the manner in which he may choose to communicate information in regard to executive matters. The heads of the executive departments are there to aid him in the performance of certain duties, and so far are responsible to him alone. But Congress creates offices by law, and all the heads of the departments are creatures of congressional legislation. The legislative branch could not require the President to come in person and compel answers to interrogatories, but Congress, having created the office held by the heads of the departments, may assign new duties to them.

The law organizing the Treasury may be accepted as a solution of this question. Congress in creating the office of Secretary of the Treasury declared that the Secretary "shall make report and give information to either branch of the Legislature, either in person or in writing, respecting all matters which shall appertain to his office," as either House may require.

The heads of departments were at first, with the exception of the Secretary of the Treasury, little more than mere adjuncts of the President. By subsequent acts of Congress, and especially since the tenure of office act, the relations between the heads of departments and the Chief Executive have been modified. The First Congress gave the President power to remove from office without the assent of the Senate. But during the administration of President Johnson the lawmaking power declared, in effect, that the President could not remove even a Cabinet officer without the Senate's consent.

The President is invested with the authority to make treaties and appoint foreign ambassadors and ministers, with the consent of the Senate. The Secretary of State is not required by the law creating his office to make report or give information to either branch of the Legislature; but whatever is said in respect to foreign affairs is usually said directly by the President in his annual message. Congress has not the power to compel the Secretary of State to give such information as might be required in respect to an appointment, the negotiation of a treaty, or the management of the foreign affairs of the country. But as to matters relating to the Department of State there is no reason why Congress should not claim and exercise the same power which is established in the law organizing the Treasury. To the Executive is given the power to carry out in secret certain measures of foreign policy. Yet if Congress should invite the Secretary of State to the floor, even in regard to such matters, information which in his opinion should be made known could in this way be communicated, and with great benefit to the country.

The Constitution does not contain the words "Cabinet officers" or "constitutional advisers." It says that the President may require the opinion, in writing, of the "principal officer in each department." And for this reason such officers are said to be "constitutional advisers" to the President. As it is within the scope of the law and the spirit of the Constitution that the executive officers or heads of the departments may be admitted to discuss public measures on the floor of Congress, it is only a question of expediency whether or not such a change in the method of procedure ought to be adopted.

The relation of the executive department and Congress engaged the attention of the men who formed the Confederate Government and modeled its constitution and laws upon those of the Federal Government. Long experience of the Federal system suggested to them in framing their provisional and permanent constitution as well that to allow the members of the Cabinet seats on the floor of their congress would be an improvement. They therefore preserved the existing provision of our Constitution distributing the functions of government, and after the words "and no person holding any office under the Confederate States shall be a member of either house during his continuance in office" they introduced the following clause: "But Congress may by law grant to the principal officers in each of the executive departments a seat upon the floor of either house with the privilege of discussing any measures appertaining to his department."

The proposition for the presence of members of the Cabinet in Congress is merely that they should be requested to communicate orally and directly what they now communicate in writing. The volume of printed matter is growing enormously, until it becomes physically impossible for Members of either House to deal with it effectively. The great number of printed reports, although of value for reference, are in the mass practically unavailable for the purpose of supplying Congress with facts and information. They have created a situation in which Congress is unable to act with any degree of promptness.

Leaders in both Houses are expressing the opinion that we are reaching the point where continuous sessions of Congress must be expected. No method has been suggested to avoid this apparently inevitable situation. Information from the heads of the departments would enable Congress to be more quickly advised by direct oral communication, rendering legislation much less subject to the present serious delays. A few words spoken by a competent head of a department would place the whole of Congress on the same vantage ground as the members of a committee. Such direct information and communication would be most useful to the purposes of legislation and administration as well, and would inevitably shorten the sessions of Congress.

Much has happened recently in confirmation of the advantage of the proposed effort to minimize, without the slightest change of our Constitution, the dangers of personal government—that the President be not enabled to initiate personal policies of which the consequence even so great and powerful a Nation as ours might have cause to regret. The Executive may initiate a policy which Congress opposes, and the absence of authorized means of oral communication may prevent establishing the harmony of action necessary to the public welfare. When, on the contrary, there exists an agreement between the executive and legislative branches, an intercourse resulting from a common purpose would be promoted by free oral communication.

The executive officers of our Government would be subject to more definite form of accountability, having great advantage over the purely parliamentary systems of Europe, in which the cabinet or government is in reality a committee of the majority in the parliamentary body to carry into execution its general policy. Such a cabinet is subjected to the instability resulting from parliamentary changes of opinion. An adverse vote is generally interpreted as involving the resignation of the government. If the head of one of our departments, under the proposed system, were seriously opposed by the majority in Congress, there would be more than one course open to him. He might resign, and the President could then appoint some one to take his place, without being under the necessity of removing any other member of the administration; or the head of the department might modify his views, submitting a new and more acceptable proposition.

There is no legislative body in the world containing men of higher qualifications of ability and character for legislative and executive office, including the Presidency, than are found in our Senate and House of Representatives. To have served with distinction many years in Congress greatly adds to the important qualifications for that great office and may be considered the most desirable.

The majority are men of good standing in their respective States and congressional districts, who fully deserve the consideration in which they are held by those whom they represent. While this is true with regard to its individual membership, the collective membership of Congress is comparatively unknown to the country. It is the habit to decry the CONGRESSIONAL RECORD, and although, as in the legislative journals of all other countries, features appear now and then that are open to criticism, speeches are delivered upon the floor of our Senate and House of Representatives that are the highest order of merit. Our congressional debates contain contributions of the greatest value to the subjects discussed, possessing a wealth of research and power of presentation which are more liable to excite the admiration of the representatives of foreign Governments at the National Capital

who, in the course of their duties, are called upon to read them, than of our own people. The reason of this is that we all feel it is a laborious and apparently useless task to follow the debates in Congress; nor is the press to blame if comparatively slight public attention is given to them. A complete change of attitude would undoubtedly be brought about if the intercourse between the legislative and executive branches of the Government were open, direct, and more responsible to public opinion. A discussion on the floor of either House between the leaders of the legislative branch and the heads of departments or members of the Cabinet, or what are now so erroneously termed the members of the President's official family, would go far toward restoring the equilibrium that should exist between two great coordinate branches of the Government of the United States. The press would certainly turn its full attention and devote a larger space to such open, verbal, and officially responsible intercourse. The knowledge that the country, through the agency of the press, would be fully informed of such discussions, would have a decided influence on the character of the debates. The membership of the House and of the Senate would, jointly with the executive department, address itself directly and officially to the whole Nation, the constituency which now daily hears, in various ways, from the President alone.

With assurance of the highest esteem, I am,

Very sincerely,

PERRY BELMONT.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, certified copies of the findings of fact and conclusions filed by the court in the following causes:

James Roberts *v.* The United States (S. Doc. No. 377);

Phillip Parker *v.* The United States (S. Doc. No. 376);

Henry Woodson *v.* The United States (S. Doc. No. 375);

Walker Brown *v.* The United States (S. Doc. No. 374);

Addison Fillmore *v.* The United States (S. Doc. No. 373);

William H. Davis *v.* The United States (S. Doc. No. 372); and

Marion Madella, widow of John H. Madella, *v.* The United States (S. Doc. No. 371).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and discontinued on motion of the claimants' attorney (S. Doc. No. 369), which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and dismissed by the court on motion of defendants for want of prosecution (S. Doc. No. 370), which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and dismissed by the court on motion of claimant and defendant (S. Doc. No. 367), which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and discontinued by the court on motion of the claimant's attorney (S. Doc. No. 368), which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH. I present resolutions adopted by the Temperance League and the Church of Christ of Bayamon, P. R., in favor of a prohibition amendment to the Constitution for the island of Porto Rico, and I ask that one of them, being only a few lines, may be read.

There being no objection, the petitions were referred to the Committee on Pacific Islands and Porto Rico, and the Secretary read as follows:

To the Senate of the United States:

Resolved, That this meeting hereby authorizes its presiding officer to petition the Congress of the United States, in behalf of this body, to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHERMAN. I offer a letter from the American Rights Committee of date March 22, 1916, and accompanying it a printed copy of certain resolutions adopted by that committee on March 13, 1916, in New York City, N. Y. I offer the letter and resolutions and ask that they be printed at length in the RECORD as an evidence of the kind of neutrality this association is in favor of. They invite direct cooperation with the allies at the proper time.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE AMERICAN RIGHTS COMMITTEE,
New York City, March 22, 1916.

DEAR SIR: We are inclosing with this the resolutions that were passed (by a vote of 3,500 yeas to 50 nays) at a meeting held at Carnegie Hall, New York City, on the evening of Monday, March 13, under the direction of the American Rights Committee. These resolutions have interest and importance as representing the opinion of a great group of the citizens of New York. Resolutions similar in purpose and character were passed some three weeks back (by a vote of 2,500 to 1) at a meeting held under the direction of the Massachusetts branch of the American Rights Committee at Tremont Temple, in Boston.

We are, yours, respectfully,

GEORGE HAVEN PUTNAM,
President.
L. L. FORMAN, *Secretary.*

AMERICAN RIGHTS COMMITTEE,
New York City.

Resolved, That we, the members of the American Rights Committee and their friends, in general meeting assembled, hereby pledge our hearty support to the President of the United States in his firm stand in defense of the rights of American citizens, as announced by him in his letter of the 24th day of February, 1916, to the chairman of the Senate Committee on Foreign Relations, and we condemn all Members of the Congress of the United States who are willing to surrender those rights under the pressure of German threats.

AMERICAN RIGHTS COMMITTEE,
New York City.

Whereas we hold that Prussian imperial militarism has brought about the subjection of the people of Germany to an ambitious and unscrupulous autocracy and the corruption of the ancient German ideals through a dream of world dominion; and

Whereas we believe that the success of the schemes of this Prussian autocracy means the crushing of friendly nations and the subjection of their peoples to a brutal and cruel military rule; and

Whereas we believe that, intoxicated with the military successes of 1864, 1866, and 1870, and by the wonderful development of the economic strength of the country, the ambitions of the Prussian leaders have expanded until they have culminated in a world war for imperial domination; and

Whereas this war has been conducted by Prussia and her allies with practices of unprecedented barbarity, including the killing, under official orders, of thousands of noncombatants, women, and children, and including the crowning atrocity of the Armenian massacres; and

Whereas we believe that the Monroe doctrine and even the territories of our own countries have been, and now are, an avowed aim of Prussian aggression, and that, in the event of the success of the Teutonic powers, the next attack would be made against the United States; and

Whereas, without undertaking to approve all the acts of the entente allies in the present war, we hold that the republicanism of France and the democracy of England are united in contending for those rights of the people and those ideals of humanity which are essential to the preservation of civilization; and

Whereas we believe that neutral nations look to the United States as the leading power that should maintain the principles of international law and defend the sacred principles of humanity, that the peoples of these nations are convinced of the righteousness of the allied cause but hesitate to declare themselves, and that action by the United States would have a potent influence upon hesitant neutrals and would tend materially to shorten the war, to save further sacrifice of human life, and to assure the more speedy triumph of law and justice: Now, therefore, be it

Resolved, That the safety and honor of the American people and their duty to defend and maintain the rights of humanity require us to approve the cause for which the entente allies are fighting and to extend to these allies by any means in our power not only sympathy, but direct cooperation at the proper time, to the end that government of the people, by the people, for the people, shall not perish from the earth; and

Resolved further, That in spite of the unwarranted destruction of American lives there should be between the American people and the German people no enmity, and that when the Germans shall abjure, with the dream of empire, the pernicious ideals of their present rulers the Americans will rejoice to come again into fellowship with them in the work of advancing the true ideals of justice, humanity, and civilization.

Mr. WORKS presented a petition of sundry citizens of Colfax and Auburn, in the State of California, praying for Government ownership of water-power utilities, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Kalamazoo, Mich., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Dundee, Bay City, Detroit, Manton, Alma, St. Louis, and Sault Ste. Marie, all in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIELDS presented petitions of sundry citizens of Grand Junction, Dunlap, Westport, Cowan, Bradford, Henderson, Sparta, Routon, McMinnville, Petersburg, Como, Cumberland City, Tullahoma, Sevierville, Big Sandry, Awalt, Raleigh, Philadelphia, Hazel, Theta, Nashville, Knoxville, Whitlock, Stantonville, Chattanooga, and Columbia, all in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the Ebell Club, of Oakland, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Colton and San Bernardino, in the State of California, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Merchants' Association of Stockton, Cal., praying for the placing of a tax on trading stamps and coupons and prize-giving tickets, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of 17 citizens of Derry, 17 citizens of Newport, and 28 citizens of Greenville, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Local Grange No. 244, Patrons of Husbandry, of Pelham; of Marshall P. Wilder Grange, Patrons of Husbandry, of East Rindge; of Local Grange No. 223, Patrons of Husbandry, of Colebrook; and of Lawrence Grange, Patrons of Husbandry, of Belmont, all in the State of New Hampshire, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of William S. Bellows, of Springfield, Mass., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS. I present resolutions adopted by the General Court of Massachusetts, favoring a national law regulating the employment of labor. I ask that the resolutions be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions in favor of a national law regulating the employment of labor.

Whereas the diversity of the labor laws in the several States causes unfair and unequal competition and results in much confusion and injustice: Therefore be it

Resolved, That the General Court of Massachusetts hereby expresses its belief that the Congress of the United States should take the steps necessary to provide for a national law regulating the employment of labor throughout the entire country.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In the house of representatives, adopted, February 25, 1916.
In senate, adopted, in concurrence, March 1, 1916.
A true copy.
Attest.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. WEEKS presented a petition of the Woman's Suffrage Association, of Roxbury, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the Essex North District Medical Society, of Lawrence, Mass., praying for an increase in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of Major Herbert A. Clark Camp, United Spanish War Veterans, of Attleboro, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Middlesex County, Mass., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Pittsfield, Mass., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Massachusetts Indian Association, of Cambridge, Mass., remonstrating against the enactment of legislation relative to the control of the affairs of certain Indians in Oklahoma, which was referred to the Committee on Indian Affairs.

Mr. McLEAN presented memorials of sundry citizens of Hartford, Bloomfield, Darien, Gilead, Colchester, Wallingford, Stafford, Berlin, New Milford, and Wapping, all in the State of Connecticut, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Civil League, of Stamford, Conn., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union, of Enfield, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of Thompsonville, Conn., praying for the enactment of legislation to provide for improving the Connecticut River between Hartford, Conn., and Holyoke, Mass., which was referred to the Committee on Commerce.

He also presented a petition of the Jewelers' Club, of Hartford, Conn., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of South Willington, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Franklin Bartlett Camp, No. 11, Sons of Veterans, of Bridgeport, Conn., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the executive board of the Connecticut State Federation of Women's Clubs, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. POINDEXTER presented a petition of sundry citizens of Orting, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Diamond Lake Grange, No. 506, Patrons of Husbandry, of Scotia, Wash., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Men's Club of the Free Congregational Church, of Providence, R. I., praying for an increase in armaments, which was ordered to lie on the table.

Mr. JAMES. I present a communication in the nature of a petition from the Mayfield Chapter, United Daughters of the Confederacy, of Mayfield, Ky., favoring legislation to provide homes for Confederate veterans of the Civil War. I ask that the communication be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

MAYFIELD, KY.

Senator OLLIE M. JAMES,
Washington, D. C.

DEAR SIR: The Mayfield Chapter United Daughters of the Confederacy at their regular meeting in February indorsed Mr. WORKS'S bill to provide homes for Confederate veterans of the Civil War, and hereby petitions our Senator and Congressman to do all in their power for passage of same.

Done by order of the Mayfield Chapter, United Daughters of the Confederacy, at the regular meeting, February 15, 1916.

Mrs. J. L. STUNSTON,
President of Chapter.
Mrs. W. D. DODDS,
Recording Secretary of Chapter.
Mrs. GEO. T. FULLER,
Chairman,
Mrs. MAMIE D. HARRIS,
Miss JEAN CARTER,
Committee.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3423. A bill to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla. (Rept. No. 302); and

S. 4253. A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States (Rept. No. 303).

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, reported it with an amendment and submitted a report (No. 301) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3270. A bill for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine (Rept. No. 304); and

S. 3533. A bill for the relief of Mike G. Womack (Rept. No. 305).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 12766) to increase the efficiency of the military establishment of the United States, reported it with an amendment.

TREATMENT OF LEPROSY.

Mr. RANSDELL. From the Committee on Public Health and National Quarantine I report back favorably, with an amendment, the bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, and I submit a report (No. 306) thereon. I ask that the photographs accompanying the report and attached to the hearings be printed as a part of the report.

Mr. SMOOT. The Senator from Louisiana does not ask that they be printed in the RECORD?

Mr. RANSDELL. Not at all; in the report and the hearings accompanying the report.

The VICE PRESIDENT. The bill will be placed on the calendar, and, without objection, the request of the Senator from Louisiana will be complied with.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CHILTON:

A bill (S. 5269) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, as amended by an act approved April 5, 1910, to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 5270) for a public building or buildings at Paris, Tex.; to the Committee on Public Buildings and Grounds.

A bill (S. 5271) providing for an exhibit by the Secretary of Agriculture in connection with the International Soil Products Exposition to be held at El Paso, Tex., in the fall of 1916; to the Committee on Agriculture and Forestry.

A bill (S. 5272) to enlarge the military post at Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. WARREN:

A bill (S. 5274) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. CLAPP:

A bill (S. 5275) making appropriation for publishing the name, service, and post-office address of persons who were granted pensions on account of service in the Revolutionary War; to the Committee on Printing.

By Mr. CUMMINS:

A bill (S. 5276) granting an increase of pension to Harvey W. Cory (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5277) granting a pension to Lilias E. Knapp; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 5278) granting a pension to Isaiah S. Watkins; and

A bill (S. 5279) granting a pension to Sarah A. Herndon; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 5280) granting an increase of pension to Elvira J. Sweet; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5281) to reserve certain lands and incorporate the same and make them a part of the Cœur d'Alene National Forest Reserve; to the Committee on Agriculture and Forestry.

By Mr. WALSH:

A bill (S. 5282) providing for the equalization of the cost of the irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations, in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. SMOOT. I introduce a bill, which I ask be referred to the Committee on Agriculture and Forestry.

The bill (S. 5273) to provide for an increased annual appropriation for agricultural experiment stations, to be used in researches and experiments in home economics, and regulating the expenditure thereof, was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. Mr. President, I desire to give notice that at the first opportunity in the coming week I shall address the Senate on the bill.

NATIONAL DEFENSE.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was referred to the Committee on Military Affairs and ordered to be printed.

UTAH-IDAHO YELLOWSTONE HIGHWAY.

Mr. SMOOT submitted an amendment proposing to appropriate $75,000 for a proportionate share of the amount required to construct the Utah-Idaho Yellowstone Highway through the Targhee National Forest, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

JOHN A. MUSE.

Mr. SWANSON submitted the following resolution (S. Res. 150), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas John A. Muse was appointed on the United States Senate rolls as a laborer January 16, 1897, at a salary of $720 a year, and assigned to the Maltby Building as a watchman; and

Whereas in the discharge of his duties the said John A. Muse was injured permanently and was discharged from the service of the Senate during the month of April, 1901: Therefore be it

Resolved, That the said John A. Muse be paid the sum of $1,440 from the contingent fund of the Senate, or the equivalent of two years' salary at the rate of pay he received when injured in the services of the Senate.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. SHAFROTH, and Mr. WARREN conferees on the part of the Senate.

AFFAIRS IN MEXICO.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that the Senate may resume consideration of the Indian appropriation bill.

Mr. LEWIS. Will the Senator from Arizona yield to me for just a moment?

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. LEWIS. I have asked the Senator to yield with a view of having disposed of the resolution I introduced yesterday. It was laid over to be called up. I desire to ask if under the rules I may have it specifically set for Monday one week, as I desire to lay before the Senate some data and other Senators desire to be heard. I respectfully move, if it is consistent with the rules, that next Monday be set for the resolution.

The VICE PRESIDENT. It can be made a special order by a two-thirds vote of the Senate.

Mr. LEWIS. Then I do not wish to supersede——

Mr. STONE. If my friend from Illinois will permit, would it not be proper to let the resolution go over informally for a week?

Mr. LEWIS. In view of the fact that certain Senators desire time in the matter, I will agree to that suggestion.

Mr. STONE. Not to be called up until the Senator calls it up.

Mr. LEWIS. I will take any course to accommodate Senators that will accord with their wishes. If the motion to let it go over for that length serves my purpose, that I desire to make.

The VICE PRESIDENT. There is no necessity for a motion. The resolution is over now, and there is no necessity for a motion. It can be taken up on motion at any time when the Senator can get the votes to take it up.

Mr. LODGE. It can be called up at any time.

The VICE PRESIDENT. Yes.

Mr. OVERMAN. Yes; the Senator can make a motion to take it up at any time.

Mr. STONE. Would there be objection to a request of the Senator from Illinois to let it go over for a week, retaining its present position?

Mr. SMOOT. None whatever.

Mr. LEWIS. That disposition is satisfactory.

The VICE PRESIDENT. If there is not any objection, the resolution can go over for a week without prejudice. If that is satisfactory to the Senator from Illinois, it will go over for a week.

Mr. LEWIS. I accept the suggestion.

The VICE PRESIDENT. It goes over for a week, without prejudice, by unanimous consent.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of House bill 10385, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. We were on certain appropriations last night, and the Chair is inclined to make a statement. There was a point of order raised as to the committee amendment under consideration when the Senate adjourned.

The Chair as now constituted knows something about the Salt River irrigation project, in the State of Arizona, and, after some considerable thought on the subject, the Chair believes that he either has an opinion or a very great prejudice, one or the other, about the expenditures of money in these irrigation projects. The Chair does not believe that under those circumstances the mental attitude of the Chair is such as to decide this question, and the Chair turns the point of order over to the Senate for decision.

Mr. ASHURST. Mr. President, I have been authorized and directed by the Committee on Indian Affairs at a meeting this morning, and acting on behalf of the committee I desire to withdraw the amendment or amendments commencing in line 1, page 51, down to and including line 16, page 58. I have been authorized by the committee this morning to withdraw or to ask for the withdrawal of those amendments or this amendment, and I therefore withdraw them.

The VICE PRESIDENT. From line 1, page 51?

Mr. ASHURST. From line 1, page 51, down to and including line 16, on page 58.

The VICE PRESIDENT. That for the present takes out the point of order.

Mr. ASHURST. Now, having withdrawn those amendments or that amendment, I offer on behalf of the committee, having been duly authorized thereto this morning, the following amendment.

The VICE PRESIDENT. The Secretary will read.

The SECRETARY. Commencing at the bottom of page 50:

For continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended.

Mr. WALSH. Mr. President——

Mr. CURTIS. If the Senator will allow me, I understand that the committee agreed to a number of amendments. If agreeable to Senators, I should like to have them all offered and let them go over until Monday that I may have a chance to read them.

Mr. ASHURST. It is very difficult to hear just what the Senator from Kansas says.

Mr. CURTIS. I say, I understand the committee agreed to, I believe, four or five amendments. I should like to have them offered and read and printed in the RECORD so that I may have a chance to read them between now and Monday. Of course if we could get through with the bill to-night so that we would be in a position to go back to them I would not object to going back to them later, but I should like to read them.

Mr. WALSH. I was about to state for the information of the Senate what the committee had done. Perhaps it would be better to act on that matter after the statement is made.

Mr. ASHURST. Let me present the additional amendments and have them read. I offer four additional amendments which I am directed on behalf of the committee to offer and ask that the whole five be read.

The VICE PRESIDENT. The amendments will be read.

The SECRETARY. At the bottom of page 50 insert:

For continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended.

After that amendment insert:

For continuing construction of the irrigation systems on the Fort Peck Indian Reservation in Montana, $100,000 (reimbursable), which shall be immediately available and remain available until expended.

Also the following:

For continuing construction of the irrigation systems on the Blackfeet Indian Reservation in Montana, $50,000 (reimbursable), which shall be immediately available and remain available until expended.

Following that amendment insert:

That the Secretary of the Interior is hereby authorized to expend the sum of $22,400, from any money now available for construction of irrigation systems on the Blackfeet Reservation in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $19,575 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $8,865 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

Mr. WALSH. Mr. President, in order to expedite the consideration of this measure and to get rid of the point of order that has been made against the amendment first reported by the committee, which was under consideration on adjournment last evening, the committee has decided to withdraw that amendment and to offer in lieu seriatim the amendments which have just now been read. The three amendments embrace the appropriation solely—$50,000 for the Blackfeet project, $100,000 for the Fort Peck project, and $750,000 for the Flathead project—as in accordance with the estimate and as provided in the amendment which has now been withdrawn.

The fourth is the substance of an amendment to the amendment which was adopted on yesterday.

The fifth provides that the work shall be done under the direction of the Reclamation Service, and limits the amount of the appropriation that may be used for certain specified purposes.

The remainder of the amendment, Mr. President, I have incorporated in a separate bill, which I shall ask leave at this time, by unanimous consent, to introduce. I do so, Mr. President, because this portion of the amendment originally tendered was included in it upon the earnest insistence of the Indian Bureau. After a long series of conferences between them and the representatives from the State of Montana it was agreed that the provision should find a place in the appropriation bill in connection with the items that are now the subject of consideration. The representatives from Montana feel that in a way they are pledged to the Indian Bureau to secure the adoption of this legislation; and being denied by the point of order the oppor-

tunity to carry out that pledge exactly as it was made, they want to do the next best thing, namely, to use every effort that they can to secure the adoption of the legislation through the medium of a separate bill.

Mr. President, in justice to myself as well as to the Indian Bureau and for the information of Senators, I feel obliged to say a word concerning the essential features of the measure, which must now take the regular course of a bill and be subject to all the embarrassments and exigencies which ordinarily confront a measure other than a general appropriation bill.

Under the various acts by which these projects were undertaken—and all of them are far progressed toward completion, at the expenditure of very considerable sums of money in each instance, running into the millions in the case of the Flathead project, about $800,000 in the case of the Blackfeet project, and nearly or quite as much in the case of the Fort Peck project—under the legislation heretofore it was provided that so much of the expenses of conducting the work as was properly chargeable to the Indian lands should be paid out of the tribal funds.

Mr. President, the Indians on these various reservations in the selection of their allotments were at liberty to take land under the project or to take land outside of the project—land that would be in no way benefited by it. Accordingly, many Indians who would derive no direct advantage at least from the project, were burdened with the original cost as well as those who took their land under the project. That was manifestly unfair to those Indians, and it was a burden which ought not in justice to have been imposed upon them.

The Indian funds have, in accordance with that legislation, been resorted to for the payment of a large portion of this work. This bill and the amendment which has gone out provide that the general Indian fund shall not be subject to be resorted to for the purpose of reimbursing the Government on account of these appropriations that have from time to time been made; but, as in the case of the general reclamation law, the burden is by this proposed legislation put upon the very lands that are benefited.

In the case of the Flathead project and the Fort Peck project, some of the lands under the project are owned by the Indians and some have been entered by the whites. No whites have been allowed to take any land thus far under the Blackfeet project, that reservation not yet having been opened.

The legislation now proposed imposes the burden on the lands under the project, and relieves the lands outside of the project from any lien which may have been created by legislation heretofore enacted.

Speaking for my colleague [Mr. MYERS] as well as for myself, I am at liberty to say that if the legislation as it was devised by us, acting conjointly with the Indian Office, does not, in the opinion of any Senator, fully safeguard all of the rights of the Indians we shall be glad to unite with any Senator in amendments to the bill that will, to any extent whatever, so safeguard their rights.

But, Mr. President, in view of the request made by the Senator from Kansas [Mr. CURTIS], I desire to say that there is nothing left in the amendments now presented which ought to require us to delay the consideration of those amendments, and I can see no reason why delay should take place in that regard.

The bill itself is intended to protect the rights of the Indians, and that will not now be here for consideration. Abundant opportunity will be given to study that bill. As the matter is now before the Senate, it is a sole question of whether the appropriation shall be made or shall not be made. I think the Senator from Kansas ought not to ask any time upon that question.

Mr. CURTIS. Mr. President, while the Senator from Montana was on the floor I listened to him; I have also read the amendments, and, so far as I am personally concerned, I am ready to proceed to their consideration.

The VICE PRESIDENT. The question is on the first amendment, which the Secretary will state.

Mr. SMOOT. Mr. President, may I ask the Senator having the bill in charge to allow the amendments which have just been read to be printed and taken up for consideration on Monday? That would give us an opportunity to examine them. I do not know their full scope, although they may be all right.

Mr. WALSH. Mr. President, I wish to say to the Senator from Utah that they are not new; they have been here before us all this time.

Mr. SMOOT. That may be true; but, as they were read from the desk, I could not follow them in connection with the amendment printed in the bill.

Mr. WALSH. I will say to the Senator that the language is identical. They are just taken out of the committee amendment at it stands, eliminating what is said to be general legislation.

The VICE PRESIDENT. They are plain appropriations.

Mr. SMOOT. Mr. President, it is not a question of a point of order being raised against them. That question, I understand, has been entirely eliminated by the form in which the amendments have now been offered.

Mr. MYERS. Mr. President, if the Senator will permit me to make a suggestion, the amendments are very short and simple, comprising a few words each, and, if read from the desk one at a time, I think there should be no trouble about understanding exactly what each one means.

Mr. SMOOT. What amendment is now before the Senate?

Mr. ASHURST. Let the pending amendment be stated.

Mr. SMOOT. Yes; let it be stated, and I will try to follow it in connection with the amendment printed in the bill and withdrawn.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Following page 50, in lieu of the amendment withdrawn it is proposed to insert the following as amendment No. 1:

For continuing the construction of the irrigation system on the Flathead Indian Reservation, Mont., $750,000, reimbursable, which shall be immediately available and remain available until expended.

Mr. CURTIS. Mr. President, I hope the Senate will not agree to that amendment, and I should like the attention of the Senate while I give a few reasons why, in my judgment, it should not be agreed to.

There are 2,302 Indians on this reservation. The Government has already expended $1,566,337 on this project; and yet last year there were only 950 acres of land under the project farmed by the Indians. The Government has been reimbursed to the extent of $440,000, leaving the amount expended and not reimbursed $1,126,000. Adding to that the $750,000 now proposed to be appropriated, will make $1,872,000; and the department says it will cost $6,000,000 to complete the project.

There were in the original reservation 1,700,000 acres of land. There have been allotted 226,000 acres, and there are 150,000 acres of surplus lands.

The Indians have on hand only $248,000; that is all the money that is left. Their total property is given as worth $7,000,000. That includes all their possessions—lands and properties of all kinds. Here is a project that would take every dollar of the money the Indians have, even if it only cost what the Government says it will cost, and yet there is a statement from the department that last year these Indians, with all this expenditure of over $1,500,000, only irrigated and farmed 950 acres.

Senators, this is the best case of the three cases presented to us for action, and, for the life of me, I do not see how this Congress can afford, in view of the showing made by the department, to continue this project. I should like to see the Senators from Montana withdraw all these amendments from the bill and confer with the department so as to see if some plan can not be devised to save this vast sum for the Indians, and, I think, at the same time save a vast sum for the Government, because I do not believe the expenditure will ever be reimbursed out of the money the Indians now have or out of their property.

As I said a moment ago, if you complete the project it will take every dollar of the Indians' money to pay for it. That is what is reported by the department. There has already been expended the vast sum I have indicated, and, as a result, as I have said, only 950 acres of land were farmed last year by the Indians. I repeat that the best showing is made as to this reservation of any of the three, and I do hope the Senate will refuse to continue these appropriations and this waste of money.

Mr. SMOOT. Mr. President——

Mr. CURTIS. I yield to the Senator.

Mr. SMOOT. The Senator said that there were only 950 acres of land irrigated by these Indians last year. Do the Indians lease their land to the white men, and, if so, how many acres are irrigated altogether under the project?

Mr. CURTIS. I regret that I have not the data at hand; but I think altogether some 10,000 acres were irrigated; I am not, however, sure about that.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. CURTIS. Certainly.

Mr. WORKS. I want to ask the Senator whether the whole burden of maintaining this project rests upon the Indians and whether there is any other land under the irrigation system aside from reservation land?

Mr. CURTIS. The burden of putting in the project has been upon the Indians. The settlers under the project, in accordance with the law, are required to pay for their share of the project, but so far the reimbursement has only been $440,000.

Mr. CLARK of Wyoming. Will the Senator yield for another question?

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. Where is the water from this irrigation system to be used? Is it to be used entirely upon the reservation?

Mr. CURTIS. It is to be used upon the reservation and the surplus lands which have been sold.

Mr. CLARK of Wyoming. Which were originally a part of the reservation?

Mr. CURTIS. Which were originally a part of the reservation.

Now, it seems to me that Congress, upon the advice of the department, has made a very serious mistake in dealing with these Indians. The Senate knows it is difficult to get the ordinary Indian to engage in farming, even when it is not necessary to employ methods of irrigation; and, of course, it is much harder to farm irrigated land than it is ordinary land, which does not have to be irrigated. On irrigated land one must understand how to use the water and he must have other information that is not necessary in the case of farming on land which need not be irrigated; and yet the attempt is being made to transform the Indian from an ordinary owner of ponies and of cattle into an irrigation farmer, and after all of his money has been spent. What is the result? In this instance the result is 950 acres of land farmed by the Indians.

Now, why spend all this money? If you are going to irrigate this land and want to sell it, sell it; but sell it for what it is worth for the benefit of the Indians.

I have not looked into the question, but the Senator from Oregon [Mr. LANE] stated the other day to the committee that it was estimated that it would cost on an average of $30 an acre to put in the project to irrigate this land. He also stated that the Indian received on an average of $4.50 an acre for the land, and circulars are sent out from Montana that the minute this water is ready to go on this land the land will be worth $100 an acre, and yet the Indian only has $4.50 an acre for it, and the Indian's money was used to put the water on and the settler pays back his share for putting in the project, or about $30 per acre.

Mr. MYERS. Mr. President, may I make a statement there?

Mr. CURTIS. The Senator may ask a question. I understand from the Senators—I want to be perfectly fair with them—that this new project or bill they are going to introduce will change that. I do not know whether it does or not. I have not had time to study the measure——

Mr. WALSH. Mr. President——

Mr. CURTIS. And I do not know enough about the irrigation project to pass upon a question of this kind.

Mr. WALSH. Mr. President——

Mr. CURTIS. But it does seem to me that rather than appropriate this money you should send this measure back to the committee, and let them agree upon and bring in here a proposition that will protect the interests of the Indians and that will save this money. I say to you that if you finish this project and expend this $7,000,000, there will not be 10,000 acres of it farmed by the Indians. I say to you that you never will be reimbursed from the fund. You will have to lose a part of the money. It seems to me, though, that you could agree upon a plan for turning this matter over and handling it and only giving the Indians the surplus lands—the grazing lands—or just 10 or 15 or 20 acres each to irrigate and farm, and then arrange for the sale, the money derived from the sale to be put to their credit to pay these expenses; not pay $4.50 an acre or $34.50 an acre, but pay what it is worth. That is what it seems to me should be done by the Senate.

Mr. MYERS. Mr. President, will the Senator yield to me?

Mr. CURTIS. Certainly; I yield to the Senator for a question.

Mr. MYERS. I just want to state, in regard to the Senator's statement as to what was stated before the committee, that that was stated before the committee, it is true; but I think it is now established and recognized that the cost of putting this water on this land will be much more than $30 an acre; probably about $50 an acre.

Mr. CURTIS. Then, Mr. President, we should stop this business until we have some one at the head of it who can tell. It was stated upon the floor of this Chamber yesterday that $70,000 would be necessary for one project, and that that was all the money that would be required. I have in my possession this morning a letter written from the department stating that it will take about $400,000 more to complete it. If these Senators and the department do not know how much money it is going to require, then I think we ought to stop this waste of money until the Senate is furnished with definite information as to what the project is going to cost.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. WALSH. I dislike to interrupt the Senator in the course of his remarks, and I would not do so except that I know he is not familiar with the facts and he would not like to misstate them.

Mr. CURTIS. I do not know anything about irrigation, and I do not want to misstate anything. If I have made a misstatement, I shall be glad to have it corrected by the Senator from Montana.

Mr. WALSH. The Senator, perhaps, was not present when the information was given to the Senate that regardless of what these lands may be worth when they are watered they have all been sold—that is to say, they have all been entered already, under the provisions of the act—except a very small area. Not only that, Mr. President—I feel justified in speaking about this now; I will say something about it later—not only that, but they have been sold by the Government of the United States, and the money has gone into the Treasury for the benefit of the Indians, under the promise to the persons who bought the lands that this irrigation project would be carried on. Now, the Senator proposes to repudiate that obligation to these people——

Mr. CURTIS. Oh, no.

Mr. WALSH. And to say to them: "The great Government of the United States induced you to come here and buy this land at the figure for which they offered it to you, under a promise that this irrigation work should be carried on; but now, having induced you to go there, we propose to repudiate the whole thing and abandon the project."

Mr. CURTIS. No, Mr. President. If the Government has induced the settlers to go there, if they have settled and taken up the land, I say keep the contract.

Mr. WALSH. That is what we are asking.

Mr. CURTIS. But let the Government pay the expense, if the Indians' money has been misused—take it from the Government and not from the Indians.

Mr. WALSH. Mr. President, that never would have been done at all. There never was a time when the Indians' money was to be used to pay for irrigating the white men's land. I want to say this, sir, in vindication of the men who stood upon this floor and advocated this measure before I came here, and men standing upon the other side of this Chamber, too. This project was introduced and was urged by them and not by us. They asked you for this appropriation, and you gave it to them. It is to their credit; and I do not care to have anybody stand here and assert that they have asked this Senate for Indians' money for the purpose of paying for the irrigation of white men's lands. The law never did impose such an injustice as that; and I speak in defense of the men who are not here to speak for themselves.

Mr. CURTIS. The fact remains, Mr. President, that every acre of Indian land is pledged to reimburse this Government. The fact remains that every dollar received has been turned back. Can the Senator from Montana defend a proposition that expends $1,566,000, supposedly for the benefit of the Indians, when only 950 acres have been farmed by the Indians?

Mr. WALSH. No, Mr. President; the Senator from Montana wanted to have legislation passed to correct that error, and the Senator from Kansas struck it out by reason of urging his point of order.

Mr. CURTIS. The Senator from Kansas urged this point of order because he was not satisfied that the rights of the Indians were protected. I say now, as a member of that committee, that I am ready to meet with the Senators from Montana and the other Members and with the officers of the Indian Bureau and prepare, if we can, a measure that will save this money; but I am opposed, Senators, to continuing this project until we know that there is to be a sure return of the money taken to put in the project.

I have nothing further to say upon this subject. I want to discuss these other two amendments as they come up. I want to say to the Senators that the best showing is made here. The best amendment has been offered first. The others, I will show as we reach them, are not in anywhere near as good condition as is the Blackfeet; and yet they are insisting on going on and going on and providing that the Government shall be reimbursed, when they know that in the other projects there is nothing to reimburse the Government with.

If we want to give them the money, why, let us give it; but let us not take it with an idea that it is going to be reimbursed when we know that it can not be reimbursed.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. CURTIS. I yield the floor.

Mr. ASHURST. I wish very briefly to refer to one point made by the Senator from Kansas.

The Senator asked: "Why do not the Senators from Montana have a full, free conference with the Department of the Interior?" Why, Mr. President, the legislation that is proposed is a result of conferences between the Montana delegation and the Interior Department—not one conference, but many conferences, lasting, I should say, from time to time for two years.

The Senate knows that in the Indian appropriation bill which passed the Senate, but failed in the House because the conference report was not agreed to, this legislation—not verbatim, but this plan of legislation—was agreed to by the Senate, after much discussion; and I think the Senator ought to know and the Senate ought to know that this proposed legislation was in the estimates for this year. The language was prepared by the Interior Department, and is the result, I repeat, not of one but of repeated interviews and conferences on the part of the Montana delegation with the Interior Department. I think I state the facts correctly.

Mr. MYERS. That is a correct statement.

Mr. PAGE. Mr. President, I shall not take the time of the Senate very long in what I have to say upon this amendment. I wish, however, to refer briefly to the committee hearings that were held last year upon this same project.

The Deputy Commissioner of Indian Affairs, Mr. Meritt, came before us and said that he hoped that by legislation which he would suggest we might prevent the great wrong which was being done to the Indians in the way of providing that they could make beneficial use of water so as to save in part the money that was being appropriated, reimbursable out of their funds. When that matter reached the Senate the very provision recommended by the Commissioner of Indian Affairs was stricken out, leaving the Indian so that all this money which is being appropriated, presumably for his benefit, might be an absolute waste, so far as he was concerned, because the beneficial use of the water, of which the Indian was supposed to avail himself, was going to be so far delayed that the white man would step in in advance and make prior beneficial use of that same water.

Mr. ASHURST. Mr. President, will the Senator yield to me just on that point?

Mr. PAGE. Certainly.

Mr. ASHURST. The Senator has stated the matter correctly; and yet, if he will pardon me, he has only half stated it. That did not apply to this project. The Senator will remember that the provisions which the committee inserted in the bill, which the committee thought and I thought were necessary and were salutary legislation, went out on a point of order; but I call the Senator's attention to the fact that the provisions in the bill which failed last year with respect to the Montana project which we are now discussing were agreed to by the Senate. The language which the commissioner, Mr. Sells, and his assistant, Mr. Meritt, and Secretary Lane said was necessary for the adequate and complete protection of the Indian was the language agreed to, so far as this particular item is concerned, by the Senate. So the Senator certainly can not make the point that any language the Senate committee agreed to for the protection of the Indians in Montana was stricken out by the Senate, because the Senator wants to be accurate.

Mr. PAGE. Mr. President, answering the Senator from Arizona, I want to say that my recollection is quite distinct about that matter. It may have gone out on a point of order; but every feature suggested by the Commissioner of Indian Affairs to protect the Indian's rights was wiped out either by the vote of the Senate or on a point of order, leaving him absolutely helpless, and leaving him, as has been well said here, with the right to make beneficial use of this water, but with no power on his part to do so. He has no money with which to purchase cattle, no money with which to purchase plows, no money with which to purchase any of the equipment which is necessary to make beneficial use of this water. The Commissioner of Indian Affairs in all of his recommendations last year for the Montana irrigation appropriation conditioned them absolutely upon the fact that the Indian was going to be safeguarded and protected by legislation suggested by him, to wit, that if the Indian was unable to seasonably make beneficial use of his irrigable water, he should not thereby be deprived of his rights.

I remember that in discussing this matter before the committee last year the Senator from Montana [Mr. WALSH] made use of this language:

> Now let me remark, Senator, that nothing that our State can do can by any possibility take away from the Indians any rights which they acquire by virtue of any treaty.

The facts are that before Montana was admitted to the Union a treaty was made with the Indians which gave them the right to sufficient water to irrigate their lands. I think I am correct about that. I know that under what is known as the Winters case that point was decided in favor of the Indian; but that law is not regarded as good law by the Senators who come from the Indian States.

I want to read further what Senator WALSH said:

> I think you will appreciate that no matter how much we were disposed to do it, we could not do it. Now, what you mean is that although the Supreme Court of the United States decided in the Winters case that by virtue of that treaty the Indians were entitled to priority of right to the water of the Milk River as against the people who appropriated the water, and it was not necessary for the Indians to make any appropriation, they had their priority of right under and by virtue of that treaty. Now, those gentlemen still insist that the decision of the Supreme Court was wrong; that the only way that its effects can ever be obviated is by the Supreme Court reversing itself.

That matter, Mr. President, was discussed last year at length. I remember that my good friend from Arizona, Senator SMITH, took the position that the Winters decision was not good law. I think I am right about that. But if it is not good law, and if the Indians are putting in all this money, relying upon that decision for protection, may it not eventually turn out that the white man will step in and avail himself, by priority of appropriation, of the use of the Indian's water, and practically take away from him the very water which he is made to pay for by this appropriation?

As the junior Senator from Kansas has well said, we are taking the money which belongs to the Indians and investing it in a project from which, in my judgment, they are quite liable never to reap any fair return.

Here is a statement made by Mr. Meritt with regard to one of these projects. In answer to an inquiry by Senator CURTIS, "Is this a success?" he said:

> Senator CURTIS. Is this a success?
> Mr. MERITT. Yes, sir; it is a success, and the Indians as well as the white people under that project will get full value for the money invested. I can not say so much for the irrigation system on the Blackfeet Reservation. I have been on that reservation, and it is my personal opinion that it was a mistake ever to have begun that irrigation project on the Blackfeet Reservation. The Government has expended already about a million dollars on that project, and the Reclamation Service has estimated that it will cost approximately $3,000,000 before the project is completed as planned by them.

Mr. President, I believe that this legislation is in the interest of the whites and absolutely against the interest of the Indians, and I can not feel that I have any right to stand here and vote for appropriations which I think will eventually mortgage the Indians lands with no other idea than that if the project is a success he will get very little benefit from it, and if it is not a success he suffers the entire loss. As the Senator from Kansas has well said, if we are going on with this project let us not take the money from the Indian fund, let us not mortgage his land to pay for it.

Mr. MYERS. May I ask the Senator a question?

Mr. PAGE. As soon as I finish the sentence. If we are to take that money, let us make it a gratuity appropriation; but do not let us take it from the Indian fund under a reimbursable clause, as we find it in this amendment.

Mr. MYERS. The Senator from Vermont has served upon the Committee on Indian Affairs for a long time and he is thoroughly informed in Indian matters and Indian legislation. If he thinks, as he says, that this appropriation is solely in the interest of the whites and entirely against the interest of the Indians, I will ask him how he would fix it in order to be fair to both whites and Indians? What change would he suggest? What course of legislation would be suggest?

Mr. PAGE. I would suggest that the interests of the white citizens of Montana be brought to the Senate and the question fairly placed before us, namely, shall we make a gratuity appropriation for the benefit of this project? So far as some of these irrigation projects are concerned, the Indian Department assures us almost unqualifiedly that they have been foolishly made, and that if we go on with them we shall spend three or four million dollars on them with very little benefit to the Indians.

Mr. MYERS. Will the Senator vote to take money out of the Treasury of the United States and expend it on this project as a gratuitous appropriation?

Mr. PAGE. When you ask me to take money from the Federal Treasury for that purpose I want an opportunity to care-

fully study and consider the matter. I would say, however, that if I were placed where I would have to accept one or the other, I would make a gratuity appropriation rather than take the money from the Indian fund, knowing, as I should, that the Indian was thereby going to be wronged.

Mr. MYERS. Has the Senator ever advocated that in the Committee on Indian Affairs?

Mr. PAGE. I do not say that I now suggest a gratuity appropriation. If made, I would only make it on good grounds being shown therefor.

Mr. MYERS. I ask the Senator if he would suggest a gratuity appropriation?

Mr. PAGE. I will meet that question when we get to it, and meet it squarely. I simply say that the Indians are being wronged, in my judgment, in this great appropriation. More than $900,000 are taken from the Treasury under these three amendments. They are taken with the understanding that they are reimbursable from Indian funds.

Another word. Let me read what was said in answer to a question asked at a committee hearing by the Senator from Kansas [Mr. CURTIS]:

Senator CURTIS. I am told, Mr. Meritt, that these Indians are in a deplorable condition—the Blackfeet Indians—and I would like to know whether this legislation will enable them in any way to better take care of themselves in the way of producing more crops or encouraging them to go into the stock business, or something that will relieve them from their present unfortunate condition.

Mr. MERITT. This proposed legislation will not benefit the Blackfeet Indians to any great extent along industrial lines, unless they begin farming the lands that are now irrigable on the reservation.

Now, the facts are that the Indians are not in position to do this, and I wish to refer to a statement made by the Senator from Oregon [Mr. LANE]. He has been there and investigated this matter with a great deal of care. He says:

It would require three or four thousand dollars perhaps each to build their houses and barns and to furnish them plows and horses and harrows, and have enough left on hand to keep them until the crop came in. It is a country that is frost bitten at times, and only the hardier vegetables could be raised, and the Indian, unused to farming, if he went on the land, would have to have this capital, which he has not.

Mr. MYERS. I suggest that we are now considering an amendment for the Flathead project. The propositions are entirely different. We have not yet reached the Blackfeet amendment.

Mr. PAGE. All three of these amendments came to us as one. They are all substantially alike; they are taking the money of the Indian and paying it out for the benefit of the whites, in my judgment. I do not think the Indian is receiving a tithe of the benefits that come from this legislation. The white man, in my judgment, receives practically all of it; and it is wrong, it is robbery, and we, as Senators of the United States, have no right to stand here and see nearly $1,000,000 appropriated as a reimbursable fund when the universal verdict of those who have studied the matter seems to be that the Indian will probably be grossly wronged in so doing.

Mr. MYERS. That is not Mr. Meritt's testimony as to the Flatheads. He says as to the Flatheads that the expenditures of the Government have been all right.

Mr. PAGE. But it was the testimony of one who has been there, and I again refer to the Senator from Oregon [Mr. LANE]. He says, "I have been there."

Mr. MYERS. The Senator from Oregon has never been on the Flathead reservation. I will ask the Senator from Oregon if he was ever on the Flathead reservation.

Mr. PAGE. I know that Senator LANE's statement before the committee was that these Montana Indians, at least some of them, have nothing with which to purchase material so that they could make beneficial use of these irrigation projects. I will be very glad to yield to the Senator from Oregon.

Mr. LANE. No; I do not want the Senator to yield. The testimony, as the Senator says, shows that the Flatheads are in a most deplorable state, but I did not personally investigate that matter. However, that testimony will not be successfully disputed.

Mr. MYERS. I say the testimony is that there are a few indigent and invalided Indians there in poverty on the Flathead reservation, just as there are some such Indians on every reservation in the United States.

Mr. PAGE. Mr. President, I think I do not care to say more. I do not feel that I can vote for this amendment, and I should like to put myself on record as opposing any measure that I think is so grossly wrong to the Indians.

Mr. WALSH. Mr. President, I would not say a single word at this time if it were not for the statement made by Senators who are not advised about the facts in regard to this matter that ought not to go uncorrected upon the record. If the Senators present will give me their attention for a few minutes, I want to say a few things that will give a much more nearly correct view of the situation.

We are discussing the Flathead Indian appropriation. The Flathead Indian Reservation was opened under the provisions of the act of Congress passed in 1904. It contemplated that the Indians should select their allotment, and that the excess lands should be entered by the whites after their value had been appraised, and it also contemplated that there should be an irrigation system upon that land. The Indians were permitted to select their allotments under the project, and any allotments they did not select were then open to selection by white settlers.

Now, that original act—and I want it made perfectly clear—never provided for the payment of this work out of any Indian money. Appropriations were made from year to year, aggregating now $1,625,000, exclusive of the appropriation here contemplated. I am saying much of this for the benefit of the Senator from Vermont [Mr. PAGE]. The act provided that the white settlers who took that land should pay their proportionate share of the expense of the project. I say this because, Mr. President, the act was passed when neither I nor my colleague was here, when our State was represented by two Senators who sat upon the other side of the Chamber. I read, accordingly, from the appropriation act of 1908, as follows:

Provided, however, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section 14 of this act shall, in addition to the payment required by section 9 of said act, be required to pay for a water right the proportionate cost of the construction of said system in not more than 15 annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

So, Mr. President, every dollar that has been thus far appropriated for this project is to be paid, so far as any part of it goes to the improvement of lands that were lands of the whites, out of those lands, and is to be paid back and reimbursed to the Government not out of any Indian money except so far as the Indian lands shall bear their just proportion, but by the white men who take the excess land. Now, if that matter is clear in the minds of Senators, I want to pass to another error industriously instilled here in the minds of the Senators, honestly enough, but by Senators who are not informed of the facts.

Mr. JONES. Mr. President, I want to see if I understand the Senator correctly. I understand the act providing for the opening of this reservation provided that the surplus lands should be disposed of to white settlers and it also, in effect, promised that an irrigation system should be developed under which the lands could be irrigated, and that whatever the cost per acre might be any settler who took a tract of that land should pay that cost himself.

Mr. WALSH. His proportionate cost.

Mr. JONES. Of course, if it was $30 an acre, he paid $30 an acre for his 80 acres or 160 acres or whatever he took. Was there anything in the act anywhere that pledged any of these Indian funds toward the payment of that sum?

Mr. WALSH. Not at all, except as far as it was chargeable against the Indian land.

Mr. CURTIS. I should like to read right here for the information of the Senate——

Mr. WALSH. Just a minute.

Mr. CURTIS. Right on this point.

Mr. WALSH. I object to the Senator interjecting anything here. I am going to make my statement about this matter.

Mr. JONES. I merely wanted to get that point clear.

Mr. WALSH. If the Senator desires to ask me a question, I shall be glad to answer it.

Mr. JONES. If it is as I understand it, I can not see where there could be any objection to this amendment. This is the amendment appropriating $750,000?

Mr. WALSH. Yes, sir.

Mr. JONES. That the Senator says is reimbursable, but, as I understand the Senator, it does not mean reimbursable out of the proceeds that belong to the Indians.

Mr. WALSH. Not at all. I will say to the Senator that the attendant legislation we have been obliged to excise made specific provision in respect to that matter, and it explains entirely the reimbursable feature. I hope that that legislation will go along with it, and if it does not, I will say to the Senator that it will be reimbursable in view of the past statute, which makes the part chargeable against the white men's land reimbursable by them.

Mr. JONES. There would not be any objection to placing in this amendment "reimbursable by the payment of whites for the land they occupy and out of the Indian moneys for the lands which they have the benefit of"?

Mr. WALSH. Not the slightest.

Mr. JONES. Then that would make it, it seems to me, perfectly clear right on its face.

Mr. WALSH. If there is any want of clarity about it, I would be very glad to have it made clear.

Mr. JONES. The impression I had when the amendment was read was that this sum will be reimbursable out of the Indian moneys, and I thought that that was the position the Senator from Vermont was taking; but when the Senator made his statement and read the section from the act it seemed to me that that was not correct, that it is not reimbursable out of the Indian money at all, but that so far as any Indian allotment is benefited he has to pay, and so far as any white man's tract is benefited the white man has to pay—not from the Indian fund at all.

Mr. WALSH. Exactly. May I say for the information of the Senator that under the law as it has been heretofore the amount chargeable to the Indian land is reimbursable out of the whole body of the tribal funds, thus imposing the burden as well upon the Indian who takes an allotment above the ditch as upon the Indian who takes an allotment below the ditch.

Mr. JONES. I do not think that is fair or just.

Mr. WALSH. No; that is what we wanted to correct.

Mr. JONES. I think that ought to be corrected. That is not right.

Mr. WALSH. That is what I insisted, and we very readily joined with the Indian Department in the legislation which was designed to correct it.

Now, Mr. President, if I have made myself clear to the Senator from Vermont and the other Senators who do me the honor to listen I desire to go a little further.

Mr. JONES. I do not want to interrupt the Senator except that I want to get this clear. The Senator from Kansas has just called my attention to a statement from the department that I would like to have some explanation about.

Mr. WALSH. I would be very glad to hear the Senator.

Mr. JONES. Mr. Meritt says:

> Under existing law every dollar will be reimbursed out of the Indians' funds. It is reimbursable. The Government has been advancing funds for this project. The Indians' funds are held responsible for repayment to the Government, and we also hold the white owners on that reservation responsible for the charge for irrigating their land.

What does he mean by that?

Mr. WALSH. He means that the Indian lands are reimbursable out of the general body of the Indian funds, and so far as the white man's lands are concerned that portion is reimbursable out of them, and he wants the law changed with respect to the Indian lands. The language is perfectly plain and in entire conformity with the statement which I have made.

Mr. JONES. If that is correct, the statement of the Senator from Vermont is not correct.

Mr. PAGE. May I interrupt the Senator?

Mr. JONES. I can not see why he can make a statement of general language in that way unless there is something in the context or something that qualifies it to show what he really does mean.

Mr. PAGE. Let me say that not once but a dozen times——

Mr. WALSH. I objected to any argument by the Senator from Kansas, and I will be obliged to object to an argument by the Senator from Vermont.

Mr. PAGE. Very well.

Mr. WALSH. I will be glad to answer any questions.

Mr. PAGE. I will ask a question. The Senator is a member of the Committee on Indian Affairs. Was not the question asked many times of the commissioner during our hearings whether the Indians had the funds from which these appropriations could be made good, and did not he universally reply, "Yes; we have the funds, and every acre of land holden and every dollar of money holden to make good"? I ask the Senator if that was not the general language?

Mr. WALSH. I would not undertake to recall what was said about the matter. If any colloquy of that character took place at all, I am perfectly clear in my mind that the commissioner intended to say to the committee that the Indian lands, the allotted lands, will easily stand the charge, and that there is enough coming to the individual Indians in the way of tribal receipts and tribal funds to fully reimburse the Government for whatever portion of the expenditure is properly chargeable against their land.

Now, Mr. President, if I may proceed to another point, the Senator from Kansas wants this whole project abandoned and dropped—a million six hundred and twenty-five thousand dollars already spent in carrying out this project absolutely dismissed. He says the Indians are not making use of this project, and the Senator from Vermont is troubled very much in his mind, because he says this is an appropriation of Indian money for the benefit of the land of white men.

Mr. President, when that land was thrown open to settlement it was appraised under the provisions of the act. Of course, all lands under the irrigation project were appraised at a very high price—$10 per acre, exclusive of the water. The lands outside of the project were appraised at anywhere from $2.50 to $7 an acre. A settler had his choice. He could go and take land under the irrigation project, paying into the Treasury of the United States for the benefit of the Indians $10 per acre, or obligating himself to pay his proportionate cost of the expenditure necessitated by the project, or he could go outside of the project and take land that he could get for $2.50 an acre or $4 an acre or $5 an acre. A map was put upon the wall. The Indian Service, acting under the authority of Congress, laid out this project, set out upon the map the lands which were to be covered by water, and said to every comer, "Take your pick of these lands; take lands under the project or take lands outside of the project." Practically every acre of these lands under the project had been taken, and only 400 acres were left at the close of the year ending June 30, 1915. They had been taken at the appraised price; taken by those settlers under the promise of the Congress of the United States that, if they paid that $10 into the Treasury for the benefit of these Indians, the Government would carry on this project, so that their lands could be irrigated. Now it is proposed to let those settlers occupy those dry lands, worth not a dollar more than the lands above the project, which they could have gotten for two dollars and a half an acre; it is proposed to let them stay there, and to say: "Although we held out these inducements to you to take these lands under the project, although you paid two or three times the value of these lands, if it were not for the fact that they were under the project, and the Indians now have the benefit of this money, we propose to abandon the whole thing and to leave you high and dry."

Why, Mr. President, I am astonished that any Senator should so compromise the honor of the United States and of the Congress of the United States as to make such a proposition in this body. Do you recognize no kind of obligation to those white settlers who went there at your invitation and upon your promise that this irrigation work should be carried on and that appropriations should be made, so that it should be hurried to completion as rapidly as the circumstances would permit? I want to ask the Senator from Kansas, if he will do me the honor to answer, what would he do as to those settlers?

Mr. CURTIS. Mr. President, I stated a few moments ago that I was not in favor of taking anything from the settlers. I would return this bill to the committee, and I would have the Senators from Montana and the other members of the committee meet with the Commissioner of Indian Affairs and with the men in the Reclamation Service and prepare a bill that would protect the rights of all. Then I would bring the bill in here as a separate measure, put it through, and protect the rights of the white settlers, protect the rights of the Indians, and protect the rights of the Government. That is what I would do.

Mr. WALSH. Mr. President, that is very honorable in the Senator from Kansas; that would be the right thing to do. Unfortunately he has not been here for two years; but that is what we have been doing for the past two years. Mr. President, this language is exactly the same as the language in the appropriation bill of last year, and it was tendered as an amendment in the appropriation bill of the year before. We have done just the thing which the Senator from Kansas wants us to do. Now, because, forsooth, the Senator has not been here for the last two years, he wants to push this aside and have us do the whole work over again, so that he may participate in the deliberations. I insist that his request is rather ungenerous.

Mr. CURTIS. Mr. President, I do not care whether I participate in the deliberations or not. What I desire is to see the interest of all concerned fully protected.

Mr. MYERS. Mr. President, I want to supplement what my colleague [Mr. WALSH] has so ably said by adding a few observations, largely from what I personally learned and observed on the Flathead Reservation when I visited it last summer. I first, however, want to make a few comments on some of the remarks made by the Senator from Kansas [Mr. CURTIS] in his usual earnest and vigorous manner.

I am greatly surprised that the Senator from Kansas should take the position which he now does in regard to this project. When the Senator from Kansas honored us with his membership in this body once before—up to three years ago, I believe it was—he was a member of the Senate Committee on Indian Affairs. The same projects, involving the same annual appro-

priations, under the same circumstances and conditions, were then each year before the Senate Committee on Indian Affairs, and he and I were both members of that committee. The Senator from Kansas at that time did not take the stand in regard to this project which he now does, and I thought he understood then just as thoroughly what he was doing and what the committee was doing as he now does. In fact, at that time and up to the time that the Senator from Kansas retired from the Senate, three years ago, I want to say that he was most helpful to me on the Indian Committee in behalf of this project.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. MYERS. With great pleasure.

Mr. CURTIS. It is true that I was a member of the Committee on Indian Affairs at the time to which the Senator from Montana refers, and it is true I did not then oppose these projects; but the Senator from Montana will remember that I expressed grave doubt as to the matter. However, because it had been recommended by the department, I was then willing that Congress might make the experiment. I think the experiment has failed, and it having failed, I think we ought to stop spending the money.

Mr. MYERS. I think the Flathead reclamation project had then passed the experimental stage; the appropriations had been made annually for several years at that time; but I remember that on one occasion—I think it was the last year that the Senator from Kansas served here before he retired—the Senator very ably and kindly assisted me, and very efficiently assisted me, on the committee in getting the appropriation for the Flathead reclamation project increased from $200,000, the amount which was contained in the House bill, to $400,000, the amount at which it was placed by the Senate committee, and in getting the appropriation through the Senate at the latter figure. I am surprised now at the changed attitude of the Senator from Kansas, although I do not doubt he is entirely conscientious about it. The Senator from Kansas must have understood what he was doing then as well as now. Therefore I am greatly surprised at his change of attitude. I am not surprised at the opposition of the Senator from Vermont [Mr. PAGE]. His opposition to the Flathead project is perpetual. He has always opposed it.

Mr. PAGE. Mr. President, may I make a suggestion?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Vermont?

Mr. MYERS. With great pleasure.

Mr. PAGE. If the Senator from Montana will convince me that the statement of his colleague [Mr. WALSH] is correct—that these payments are not chargeable to the Indians; that they are not absolutely reimbursable out of their property or their money—I will withdraw my opposition to the amendment.

Mr. MYERS. Mr. President, I do not think it is necessary for me to convince anybody that the statements of my colleague [Mr. WALSH] are correct. If my colleague did not convince the Senator from Vermont by his very clear and lucid statement of the matter, then I would be hopeless of anything convincing him.

Mr. WALSH. Mr. President——

Mr. PAGE. At the time we were hearing matters relating to Montana, the Senator from Montana [Mr. MYERS] was very faithful in his attendance upon the meetings of the Committee on Indian Affairs. I will ask if he does not recall the fact that Mr. Meritt was asked in regard to the Flathead property and whether the money was sufficient, so that the tribe could reimburse the Federal Treasury if they were finally compelled to do so?

Mr. MYERS. I do not recall all that was said, but I shall be satisfied with whatever the RECORD shows.

Mr. PAGE. Here is what Mr. Meritt said in reply to a question:

> The Flathead Indians have tribal property worth $7,000,000. There is no question about the Government being reimbursed.

That is the statement of Mr. Meritt.

Mr. MYERS. I subscribe to that; I think it is correct. If there were any question about it, I would not be here urging this appropriation; but there is no question about it.

Mr. PAGE. That is the point of difference between the Senator from Montana and myself. If all these payments are chargeable against those $7,000,000 of Indian funds, then I say it would be doing the Indian wrong; but if, as the Senator's colleague has just stated, it is reimbursable only out of moneys received from the sale of the lands, I should say that you had removed a part of my objection.

Mr. MYERS. Has the Senator from Vermont ever read the law providing for the opening of this project to settlement? That is stated in that law. Has the Senator ever read the law?

Mr. PAGE. No; I have not.

Mr. MYERS. It is in the law, and I would advise the Senator from Vermont to read it, and he will be better informed. He will know more of what he is talking about.

Mr. PAGE. The plain, unequivocal statement of Mr. Meritt upon this matter is this:

> Under existing law every dollar will be reimbursed out of the Indians' funds.

Mr. MYERS. Every dollar that is expended for irrigating Indian lands is reimbursed to the Government out of the Indians' funds, and the white settlers reimburse the Government for expenditures made in placing water on their land. That is fair.

Mr. PAGE. I understand that if the project proves to be a success and there is money enough to pay out, the Senator is correct. But suppose it should be a failure, what then?

Mr. MYERS. Then, if the white settler does not pay, the Government still owns the land in trust for the Indians, and some other settler will come along and it will be sold to him; it will be sold to somebody eventually who will pay. The settler who does not complete his payments forfeits everything he pays; it goes to the Government. The land, however, is there; it is security; it can not get away.

Mr. PAGE. That is right; but I should like to know the meaning of the English language when Mr. Meritt says:

> Under existing law every dollar will be reimbursed out of the Indians' funds.

Mr. MYERS. In view of the plain provision of the law, I take it that Mr. Meritt must have been talking about money which is appropriated for irrigating Indian lands.

Mr. PAGE. He was talking about this provision of the bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. With great pleasure.

Mr. JONES. I think I see in the law a reason why the department makes that statement and why they take that position.

Mr. MYERS. I will be glad to have the Senator read the provision of the law.

Mr. JONES. I have it here, through the kindness of the Senator from Montana [Mr. WALSH], and it reads as follows:

> SEC. 14. That the proceeds received from the sale of said lands—

That is, all of the lands in this reservation appraised and disposed of—

> in conformity with this act shall be paid into the Treasury of the United States, and after deducting the expenses of the commission of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land shall be expended or paid as follows:

Now, that takes in the money that comes from the surplus lands, from the settlers, and from anybody who pays any money—

> So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation.

I take it that, under that language, the Secretary of the Interior, if he sees fit, can use every dollar, whether coming from white men or from the Indians, for the purpose of constructing these irrigation systems. As I understand, there is not now money enough to carry on the work, so that we are advancing the money. Consequently I think that under that law the department is justified in saying that this whole fund is a guaranty for the repayment to the United States of whatever money we appropriate for irrigating these lands.

I think we ought to change the law right here, if it is possible to do so, and expressly provide that for the lands the white settler has he shall be responsible for repayment.

Mr. MYERS. We tried to do that yesterday——

Mr. JONES. That is what ought to be done.

Mr. MYERS. But the Senator from Kansas made a point of order, which compelled us to abandon it.

Mr. JONES. I am sorry that he did, for that is what ought to be done——

Mr. MYERS. We wanted to do that. We are willing to do it.

Mr. JONES. And I think, if the Senator from Kansas really understood the situation there, he would not object to a proposition of that kind, because the settlers are going in there and irrigating the land, and we owe something to them.

Mr. ASHURST. Mr. President, if the Senator from Montana [Mr. MYERS] will allow me, as chairman of the committee I

want to say that it took us two years to reach that. That is exactly what this legislation does. The Commissioner of Indian Affairs agrees that it does; the Secretary of the Interior agrees that it does; the Senators from Montana believe that it does; I believe that it does; and I feel quite sure that, after the faithful service the Senator from Kansas has rendered to his country, he would not want to step in, put up his hand, and stay the execution of a law that would protect the Indians. I assert that the proposed legislation which the committee reported will protect the Indians, and I think the Senator ought, in justice to himself, withdraw his point of order and withdraw his opposition. It is a brave thing when a man sees he is wrong to withdraw from a position which he has taken. I have had that to do when I saw I was wrong, and the Senator from Kansas is big enough and brave enough to do it, and he ought to do it now.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I will yield for a question, but not for a speech to be made in my time.

Mr. GRONNA. I shall address the Senate later on.

Mr. MYERS. If the Senator wishes to ask a question, I will be very happy to answer it, if I can.

Mr. GRONNA. I will be satisfied to proceed in my own time, I will say to the Senator.

Mr. MYERS. If the Senator wants to make some remarks, I would rather he would proceed later; but if he wants to ask a question, I assure him I will be most happy to answer it, if it be in my power to do so.

Mr. GRONNA. May I ask the Senator from Montana, then, if there is any doubt in his mind that the Indian tribal funds are all held responsible for the payment of the cost of this irrigation project?

Mr. MYERS. The Indian funds are held responsible for the payment of the expense of putting the water on the Indian's land, but for putting the water on the white man's land the white settler himself is required to pay the expense and the Government holds the white man's land as security for that payment.

Mr. GRONNA. Is it not true that the white man's land would be simply a collateral security; and, in the first instance, are not the tribal funds responsible for all the money expended for this irrigation project?

Mr. MYERS. No; because the land is the primary and principal security; it is there; and if you do not get the money out of the land that land goes to the Indians. It is very plain. The land of the settlers is held as security for the cost of putting the water on it. The settlers themselves must pay that. Their land is held for it. They do not get patents to the land—they get no title—until all payments are made for the cost of putting the water on the land. If they do not pay it, the land is held for it. That part costs the Indians nothing. The cost of putting the water on the land of the Indians is held out of the tribal funds of the Indians. That is as plain as I can make it.

Mr. President, I will conclude soon, and I would rather not yield further unless for questions. I do not want to take too much time on this matter. I now want to comment on a few of the statements made by the Senator from Kansas [Mr. CURTIS].

The Senator from Kansas referred to the fact that very little of the Indian land covered by the water from this irrigation project is being farmed by the Indians. I want to say to him that a great proportion of that Indian land is leased to the whites. There is a ready demand for it. There are white farmers ready and willing to lease it at all times and to pay a good price for it under rules and regulations of the Indian Bureau; and if it be true that the Indians are not farming their land, the fact is that most of it is farmed by whites under leases, the Indians getting the proceeds. In that way they probably get more benefit from it than if they farmed it. The Senator from Kansas says we should get together and agree on some plan for the better protection of the Indians.

So far as getting together and devising adequate legislation is concerned, that suggestion is most discouraging. All suggestions of that kind are most discouraging. Some three years ago, I believe it was, the Indian Bureau under its present management began to object to the system under which appropriations were made for this project, although that system had never been objected to before. The predecessor in office of the present Commissioner of Indian Affairs had never objected, but had pronounced the plan of the project fair. But about three years ago there began to be objection, and for the last three years the Indian Commissioner, the Assistant Commissioner, the members of the Montana delegation, and the Secretary of the Interior have labored on a plan of legislation to conform to what the Indian Bureau thought would be fair and adequate and afford protection to the uttermost limit to the rights of the Indians in this matter. The Indian Commissioner and his assistant, together with the Secretary of the Interior and their legal counsel, got up the very plan of legislation which was put into this bill this year; and the members of the Montana delegation were all consulted about it and agreed to it. We were only too willing and ready to agree to anything that might be considered fair to the Indians. Counsel approved of it, and I want to say that the Secretary of the Interior, Mr. Lane, himself was personally cognizant of the proposed legislation which had been prepared and approved of it. I want to say, furthermore, that it went into the Indian bill last year in connection with these projects, and was actually adopted by the Senate, so that the bill was passed by the Senate last year containing the identical legislation of which I am speaking and which was put in the bill this year with our consent and at the request of the Indian Commissioner and the Secretary of the Interior.

The Indian appropriation bill failed last year not because of failure to pass the Senate, but it failed in conference because the conferees could not agree upon some items that had nothing whatever to do with Montana, items relating to Oklahoma and South Dakota and other States, but not Montana; so that this identical legislation was approved and adopted by the Senate last year. We consented to it again this year, and now the Senator from Kansas meets it with a point of order that it is not permissible in an appropriation bill, and we are compelled to give it up. We are willing to adopt either one of two courses: We are willing to have the appropriation without the legislation and to have the legislation in a separate bill, or we are willing to have the appropriation and the legislation combined in the pending bill. We have done all we could in the last two or three years to get together, and if we have not gotten together and devised something fair it is impossible to do it. There would be no use of trying further. The Indians, under the allotment system followed, get the first choice of land. The land on this project was divided into dry land and irrigable land. If the Indians preferred to do so they had the privilege of going up on the foothills and benches and taking 320 acres of dry land, in no way subject to the costs of this irrigation scheme, and many of them did that. But the Indians who took irrigable lands down in the valleys and bottoms did it with their eyes open and knowing what they were doing, knowing it would be subject to irrigation charges.

I want to say right here that in my long and intimate connection with this project, covering now about five years, I have never yet heard of an Indian objecting to the prosecution of work on this project or to finishing it. I have been on the Flathead Reservation time and time again. Delegations have visited me at Missoula when I have been out there, and there never has been a word of objection coming from an Indian to the completion of this project. I have never heard a word from a Flathead Indian complaining that the plan pursued was not fair, right, and just to the Indians. There never has been an Indian from the Flathead Reservation down here at Washington objecting to the completion of this project. On the other hand, there was a delegation of Indians down here from the Flathead Reservation a few years ago which urged me and my colleague to secure an early completion of this project. They wanted the water on their lands and they wanted the money coming to them out of the lands from the whites. They were insistent on going ahead with the project. At Missoula a year or two ago a delegation of Indians from the Flathead Reservation waited on me and urged me to procure the early completion of this project.

No, sir; there never has been a word of protest from the Indians on the Flathead project against the completion of this project. All of the objection arises down here in Washington. It does not come from the Indians themselves. It comes from Senators who think they know better what the Indians want than do the Indians themselves.

There has been a good deal said about the value of this land. It was appraised, and practically all of it has been allotted to Indians or sold to white settlers. It has been disposed of. That is done for and past; but I want to say that before the water was put on the land the greater part of it was worth very little or practically nothing; a nominal sum, a dollar or two or three dollars an acre was a fair price for it.

Mr. JONES. Mr. President——

Mr. MYERS. I yield with pleasure to the Senator from Washington.

Mr. JONES. Right in that connection I want to ask the Senator whether, when the appraisement of these lands was made, account was taken of the probability of the irrigation of

some of the lands and lack of probability of irrigation of others and the appraisement made accordingly?

Mr. MYERS. Yes, sir. Those that were likely to be irrigated were appraised much higher than those that were not to be irrigated.

Mr. JONES. Can the Senator tell me the figure at which some of these lands that it was thought might be irrigated were appraised?

Mr. MYERS. Some of them were appraised as high as $30 an acre.

Mr. JONES. Some as high as $30 an acre without water rights?

Mr. MYERS. Yes, sir.

Mr. JONES. So that the settler who has gone on that land will pay $30 an acre, and then, in addition, he will be required to pay whatever the charge is for a water right?

Mr. MYERS. That is the status; yes, sir. He will pay what they are appraised at, and the cost of putting on the water in addition.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. MYERS. With great pleasure, for a question.

Mr. LANE. What has been the average appraisement?

Mr. MYERS. Oh, I should judge about $5 an acre for irrigated land, probably; five or six dollars an acre.

Mr. JONES. What was the average appraisement of the other lands?

Mr. MYERS. One or two dollars an acre, I think.

I shall not have much more to say, Mr. President. I have been interrupted a good deal, and have yielded freely. I always like to impart what information I can and to be courteous to my fellow Senators; but I have some things I want to say. Last summer I visited the Flathead Reservation four times, and I was over the project extensively; I went over all parts of it. If the Senators could see the condition of the white settlers, the poor, struggling homesteaders, on that project, who were invited there by the United States Government, who were solicited to go, and who went there in good faith, accepting the word and the faith and the honor of this Government to fulfill its obligations and its promises, relying on the good faith and honor of their Government to deal justly and honestly with them; if you Senators could see the plight they are now in, as I have seen it, I believe that some Senators here would view this matter in a different light. My heart bleeds for some of those unfortunate people and their pitiable plight. They are good people, patriotic people; industrious, law-abiding, peace-loving, home-making citizens. They are of the bone and sinew of the country; the class of people who have made the great West what it is; the people who fell forests, blaze the way of civilization, break the prairies, erect school houses and churches and build communities. They went there believing they would get a square deal from this great Government, and they feel they have not received it. They are right. They have not. I know they have not. I know their treatment.

The land under this project was thrown open to settlement. It was the announced determination of the Government from the beginning to irrigate it. In the first place, ninety-nine one-hundredths of the land is unfit for cultivation without irrigation. It is not a dry-land farming country. You can not go there and make a success of dry-land farming. The nature of the soil is such, and the lack of precipitation of moisture is such, that you must have irrigation in order to make farming it a success. More than that, if you are going to try dry-land farming at all you must have at least 320 acres. You can not make a success of 40 or 80 acres at dry-land farming, either there or anywhere else.

So the Government determined that this would be an irrigated project in large part. It was segregated. The land that was not to be irrigated was either allotted to the Indians or sold to the whites, as the case may be, in 320-acre tracts, intended for grazing purposes. The land that was to be irrigated, either for the benefit of the Indians or the whites, was divided into 40, 60, and 80 acre tracts, according to value and circumstances, the tracts ranging from 40 to 80 acres. The land was thrown open to settlement and to entry at the United States land offices in the vicinity. It was advertised that it would be an irrigated project as to all except the bench land 320-acre tracts. The people were invited to come there and enter it as irrigated land, and the tracts were divided, in large measure, into 40 and 80 acre tracts for that purpose. People who came there were asked at the land office, "Do you want a dry tract of 320 acres up there on the bench or 40 or 80 acres in the valley?" Those who wanted irrigated lands took the 40 and 80 acre tracts.

To show good faith on the part of the Government, the reclamation project was actually started some six or seven years ago, and legislation to that effect was enacted after the Flathead Reservation had been thrown open to allotment and settlement. The Government started the reclamation work, made the surveys, had engineers on the ground, allotted a good sum of money with which to begin the work, and the settlers went there with every assurance that this reclamation project would be completed; that the work would be pushed expeditiously, and that water would soon be put on their lands; and they had every reason to believe that the work would be prosecuted with due diligence and completed at an early day in a businesslike manner. So the settlers went on there, paying the prices of irrigated lands—five, six, seven dollars per acre—and contracted with the Government to pay in addition the cost of putting the water on the land, and they broke the ground and built houses and went to farming, assuming that within a reasonable time, and at most two or three years, the project would be completed and water would be put on their lands.

That was about six years ago; and to-day, as to a large part of those irrigable lands settled by those poor white settlers, not a drop of water has ever reached the land; this, owing to the slow progress of the work and the parsimonious action of the Government in doling out a hundred thousand or two hundred thousand dollars a year, when the Reclamation Service was able to handle a million dollars a year and complete it in five years in a businesslike manner. It ought to have all been completed before now.

I was in the Little Bitter Root Valley, which is a part of this project, last summer. There never has been a drop of water put on any of the land in that valley. It is a big part of the project and a good part; and the poor settlers went there—honest people, law-abiding, patriotic American citizens, who are entitled to believe that they will get fair treatment from their Government, to which they give allegiance, and which they help to support by their services, their labor, and money. They came from Iowa, Illinois, Minnesota, Nebraska, the Dakotas, from eastern Montana, and some of them from the State of Washington to the West, and went there and took up land, believing that water would be put on it, and that they would be enabled to make a living. They believed their Government would keep faith with them. For six years they have starved and endured indescribable hardships there, some of them suffering for want of the necessaries of life for themselves and their families, for food and clothing, and for shoes for their children in the wintertime, just because the United States Government would not keep its plighted word of honor with them and complete this project and put water on their lands and enable them to make a living and pay for their land, as they were induced to believe would be the case; old soldiers, some of them, who fought in the Union Army during the Civil War and offered their lives for their country and preserved this country from destruction in the time of its peril and the hour of its distress; they are now begging for justice at the hands of their Government. Shall they have it? Will you give it to them or will you turn a deaf ear to their appeals?

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. I yield, with great pleasure.

Mr. JONES. I want to ask the Senator how much money we have appropriated to put in this irrigation plant?

Mr. MYERS. About $1,600,000.

Mr. JONES. And what has been done with that?

Mr. MYERS. It has been expended on the project.

Mr. JONES. But what has been accomplished? That is what I want to know.

Mr. MYERS. Ditches have been put in, the main ditches, mostly. The laterals are yet to go in, mostly. Considerable of the land has been covered by ditches, but much has not been reached—not nearly as much as ought to have been.

Mr. JONES. Will the water for most of the land that is to be irrigated on this reservation be taken out in one main ditch, and then distributed in other ditches?

Mr. MYERS. Several main ditches; a system of canals.

Mr. JONES. Out of the stream?

Mr. MYERS. A system of canals, out of streams and reservoirs.

Mr. JONES. And you have to construct reservoirs?

Mr. MYERS. Yes, sir.

Mr. JONES. Has anything been done toward the construction of reservoirs?

Mr. MYERS. Oh, yes; a number of reservoirs have been constructed, and others are in process of construction, and there are plans for others.

Mr. JONES. And you have ditches now that will cover about how many acres of this land?

Mr. WALSH. Forty-nine thousand four hundred acres.

Mr. MYERS. That is correct. It is given in the latest report of the Reclamation Service.

Mr. JONES. How many acres are there altogether that it is expected to irrigate?

Mr. WALSH. One hundred and forty-three thousand.

Mr. MYERS. Yes; that is correct; about 143,000 acres. These figures are all found in the report of the Reclamation Service, which I have on my desk. Why, about one-third of this work has been done. Would you now stop it and throw away what has been done, and tell the settlers whose lands have not yet been reached by the irrigation system to get hence and look not to the Government to keep faith with them? What perfidy that would be!

Mr. President, I say it is a burning shame! Last summer I was in the Little Bitter Root Valley; and I want to say to you that three-fourths of the homesteaders' shacks in that part of this reservation are nailed up, the windows are boarded up, and the settlers and their families have taken to the road; have gone to some other part of the country to hunt for employment, where they could make a living, because their own Government has refused to keep its word with them, and has literally starved them out. I say that is not a fair way to treat citizens of our country. Three-fourths or four-fifths of the houses in the Little Bitter Root Valley are nailed up and the farms are deserted, because the United States Government would not keep its faith with the people who were drawn there through the representations of the Government.

It is pitiful. It is deplorable. It is a bunco game. It is not honorable conduct on the part of the Government. This land has practically all been taken up. There has been more than a million and a half dollars expended, and nothing is in keeping with good faith and fair dealing but to go ahead and finish this project. Why, if you should abandon it right now there would be hundreds more of settlers who would have to leave with their families and go out and face the world without a dollar. Some of them have sunk as much as $5,000 or $10,000 in their homesteads there, and they are not worth a dollar unless you go ahead and complete this project and put the water on the land. Others have put in a few hundred dollars, five hundred, a thousand, fifteen hundred dollars; their all, the savings of a lifetime. It is all to them; all is gone. They are now in desperate straits. They cry out for justice at your hands. Will they get it? Will they get simple justice? That is all they ask. For five long years they have waited for it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield with pleasure for a question.

Mr. BORAH. I wanted to ask if there is any doubt about the practicability of this project, or of its being good agricultural land?

Mr. MYERS. None whatever. I am glad the Senator asked that question. I want to say that last summer they had an exceptionally rainy season, the greatest rainfall they have had in 40 years, and they raised crops there that will equal any in the United States—oats running as high as 100 bushels to the acre and wheat as high as 60 and 70 bushels to the acre—but they have not had before such a year in 40 years in that part of the country, and probably will not have another in 40 years to come. That shows what the land will do with water on it. It is rich land, wonderfully rich, but it has to be irrigated. These people can not make it pay without irrigation. With irrigation it will be a marvelous success, equal to any in the United States.

Mr. PAGE. Mr. President, may I ask the Senator a question?

Mr. MYERS. Yes; although I am in a hurry to close. My time is nearly out.

Mr. PAGE. Before the Senator sits down I want to ask him a question.

Mr. MYERS. All right. I want to say that this project was started in good faith by the Government. It was conceived and started by former Senators Carter and Dixon, our predecessors here. They were acting in good faith when they started it, and we are acting in good faith in asking for its completion.

It is tiresome to hear the Montana delegation accused continually, year after year, of standing here and trying to rob the Indians for the benefit of the whites. Robbing somebody! We have no such motive, and I know that our predecessors had no such motive in starting it. We want to rob nobody. We want justice. This thing is thrashed over every year. There is the annual fight made on it by Senators who, it would seem, would kill this project, murder it, and turn the innocent settlers loose on the highways to become tramps on the face of the earth, they and their families.

I want to say that last year we received some very valuable aid and support from Senators on the other side of the Chamber, especially the Senators from Utah, the Senators from Idaho, the Senators from Wyoming, and other States which are represented on the other side of the Chamber. I do hope that their sense of fairness and justice will lead them to give us some help this year. Give us justice. Give us a square deal. That is all we want. We should have a million dollars this year, and will not be satisfied with less than three-quarters of a million.

Mr. PAGE. Mr. President, I should like to ask the Senator from Montana if what he has said in regard to these projects is applicable to all the projects for which he has applied for an appropriation at this time?

Mr. MYERS. The same conditions largely prevail on the Fort Peck project, because it has been thrown open to allotment and settlement. They do not prevail on the Blackfeet Reservation, because that never has been thrown open for allotment and settlement.

Mr. PAGE. I was going to remark that you ask for an appropriation for the Blackfeet Reservation. I think it appeared before our committee that the Government had already expended about a million dollars on the Blackfeet Reservation, and that the estimate of the Reclamation Service was that it would cost $3,000,000 more in order to complete that.

Mr. MYERS. I will discuss the Blackfeet Reservation when we get to it. This amendment applies only to the Flathead Reservation.

Mr. PAGE. If the Federal Government has made any promises to Montana, I want to have it keep those promises. I have not the slightest objection to the Federal Government taking from its Treasury all that it ought to take to make good any pledge it has made. I do not know about those pledges. When they come up and are presented to us in a proper way I will consider them, and I do not know why I will not agree that a reasonable sum may be taken from the Federal Treasury as a gratuity appropriation. What I am objecting to is this: We have begun those measures, and many of them are said to be failures. When we spend a million dollars on a project, and it will cost $3,000,000 more to complete it, and confess that it is a failure, I want to know before we go on and appropriate, as we have under the proposals of this bill, over $900,000 this year, that the sums so appropriated are not coming out of the Indians in the end. Just convince me that their money will not be taken for this purpose and I think I will support any reasonable measure.

Mr. JONES. Mr. President, I agree with the Senator from Vermont [Mr. PAGE] that this money ought not to come out of the Indians. I think that under section 14 of the act probably the department is justified in holding all moneys that come into that fund as a guaranty of the payment or repayment of the moneys that may be advanced; but the situation appeals to me in about this way: I know something about irrigable lands. I know something about what they are worth without water, and I know something about what they are worth in my section with water.

Under the act that we passed for the opening of these reservations we held out to the people of the country that there were lands on the reservations that could be irrigated, and from the statement of the Senator from Montana this was taken into account when these lands were appraised. Lands that it was possible to irrigate were appraised at a higher price than other lands, some of them as high as $5, $6, $7, $8, $9, and $10 an acre, and, as he says, even as high as $30 an acre. The act provided then that the settlers on the land should pay this appraised price. When they took the land they had a right to expect that the lands would some day be irrigated.

There is not, however, any promise in the act that we would advance money out of the Treasury for the irrigation of that land. In other words, there is not any real promise from the Government of the United States that it would see to it that the lands were irrigated within any particular time, and not at all out of the Treasury of the United States. But the act does provide, in section 14, that of the funds received from the sale and disposition of these Indian lands the Secretary of the Interior may take such amount as he deems necessary for the construction of different irrigation works. So, taking it strictly, no settler has any ground of complaint against the Government that these lands are not irrigated unless there is some-

thing in the fund that can be used for their irrigation, and sufficient for that purpose.

But, as I understand it, we commenced several years ago to appropriate money out of the Treasury of the United States for the purpose of carrying on this reclamation with a provision, I suppose, that it should be reimbursable. Practically, we have taken money out of the Treasury and put it into this fund for the purpose of irrigating these lands. Possibly many settlers have gone on the lands since we have begun that policy. I do not know whether that is true or not; it is very likely, however.

Mr. MYERS. They have.

Mr. JONES. I think it is very likely. So they had in effect the promise of the United States that we would irrigate those lands, and that promise was especially made by our action in appropriating money out of the Treasury and putting it in this fund.

Mr. MYERS. Undoubtedly they so considered it.

Mr. JONES. I think they have a right to consider it so. I think if the Senator from Vermont [Mr. PAGE] had been induced to go upon land, in the absence of any positive assurance but with the suggestion implied in the fact that he would have to pay more for this land because of the possibility of reclamation, and with a positive provision in the law that out of some certain fund the land should be irrigated, he would have a right to expect those lands to be irrigated; and if the person who induced him to go on appropriated money from some other source and put it into this fund for the purpose of hurrying the reclamation, I think he has a right to assume that obligation will be carried out, and that these lands will, as soon as possible, be reclaimed so that he will get the benefit of the money that he paid in the first instance for the land and is then required to pay for the water cost.

That seems to be the situation here. It may be a bad proposition; I do not know about it; but I doubt it. I have seen some of this land in the Bitter Root Valley; I have seen some things they do and can do there by irrigation and reclamation; and unless extravagance and incompetence are practiced in the development of this irrigation system, I am satisfied that ultimately these lands will repay every dollar that is necessary to reclaim them.

The terms, as I understand it, are about 15 years for the payment of the water costs, and I think under that provision they will be able to take care of it.

These lands without irrigation, as the Senator from Montana said, are practically worthless. If they are of the character of desert lands in my State that are irrigated they are absolutely worthless without irrigation, and the more sure the probability is of irrigation the more you can get for the lands before the water is put on. But without water, and without any insurance of water rights, the lands are worthless.

These lands were appraised, I judge, at a pretty reasonable value. That money will go into the Treasury, and, in my judgment, even though this may cost more than we expected, and more than we think it probably ought to cost, it seems to me we have gone too far now to draw back. We have spent a million and a half dollars, and there is not any chance of ever getting that back unless we furnish water and make it possible for men who have gone on the lands to make a living and pay it back. Then, if we should abandon this proposition we would work a very great injury to men who have gone in there innocently, and with a perfect right to assume that some day, at any rate, the Government would irrigate and reclaim the lands.

In my judgment, the Government of the United States can not afford to work such a hardship upon the individual because it may be afraid that it will lose a little bit of money. I doubt if it will lose any; but even if it should lose some it can better afford to lose it than the men who have gone on this land upon the inducement of the Government, who not only spent the money for the land itself, but who have put in valuable improvements which would be absolutely all lost and destroyed if the lands are not reclaimed.

There is the situation, and I think we ought to take care of it. I agree with the Senator from Vermont and the Senator from Kansas that the Indian funds should not be held as a guarantee for the money that we advance for the reclamation of this land. It is not fair; it is not just to the Indian, and we owe them something; but under section 14 of the law we passed I am inclined to think the department is justified in holding every dollar that goes in that fund for the reimbursement of any money that we may appropriate. So I would urge that we appropriate the money to carry on this project and put in a provision in our law that the Indian land which is irrigated belonging to the individual Indian shall pay its proportionate part of such cost, and that the land upon which a settler has located shall pay its proportionate part, and that we do not have the Indians guarantee that payment.

Mr. MYERS. That is just what we do.

Mr. JONES. I think that would be very easily covered by a provision something like we have in this same bill, put in by the House, in reference to the Yaquina Indian Reservation.

Mr. MYERS. That is just what the proposed legislation does.

Mr. JONES. I understand that, and I am sorry it was cut out; but I think possibly it might be done in a shorter way with a very simple provision. We ought to repeal that provision of the law which, in my judgment, really authorizes the department to hold all this fund and make it so that the Indian allottee shall be responsible for the cost of whatever water he gets for his land and the white settler shall be responsible for whatever water he gets for his land, and if anybody loses in the transaction it ought to be the Government of the United States instead of the Indians or the white settlers who have gone in there under the proposition as proposed by the law under which the land was reclaimed.

Mr. LANE. Mr. President, I should like to ask the Senator from Montana [Mr. MYERS] how much the Indians receive as rental for this irrigated land?

Mr. MYERS. I could not answer that question now. The lands are leased on bids. They get whatever the bids may be.

Mr. LANE. The Senator may have an idea about it, how much an acre per year?

Mr. MYERS. No; I do not now recall.

Mr. LANE. There is one thing that must have attracted the attention of anyone who has listened to this argument, and I think it applies pretty generally down the line to the management of Indian affairs. According to the statement of the Senator from Montana [Mr. WALSH] the people who have gone upon these irrigated lands are in a bad state. They have had their confidence betrayed and they are hard up and starving and are an unfortunate people. The Senator made a pathetic appeal for them on that subject.

On the other hand, if you look around to the Indians and see the unfortunate aborigines you will find them in equally as desperate a condition. Millions of dollars are to be spent and mortgaged upon their property, and the Indians in many cases are haunting the rear ends of the residences of the white people searching for food out of the swill barrels, and humbly thankful and grateful to God for a good, fat swill barrel when he finds one of that kind and it is possible for him from its contents to select something to eat for himself and his children.

I have introduced a bill and I am going to use this argument as presented here to-day to aid its passage. It is a bill to free the Indian of all such bad management and get rid of a condition which has been going on for 60 years apparently with no improvement.

Now, there is another phase of this matter which has not been studied. These lands subject to irrigation are paid for by the white settlers at the rate of not to exceed $10 an acre, as near as I can ascertain. The most of them, I have been informed by the department, or representatives of the department, in the examinations we have had on the subject, probably go at an average price of, say, $4.50, $5, or $6 an acre.

The whites, on the other hand, claim that when the lands are under irrigation these identical lands will be worth a hundred dollars an acre and can be sold for that price. The commissioner, through his assistant, informed me they could be irrigated for about $30 an acre. Some one has since informed me that he has raised that figure.

The difference between the $4.50 or $10 an acre paid to the Indians for this land, plus the $30 or $40 an acre which it costs to put it under water, would leave a surplus of about $50 or $60 an acre, which does not go to the Indian. He does not get a dollar of that, not a penny of it. It goes to the white settler.

There is an injustice. If the lands are worth $100 an acre to the whites, who will pay for it only $35 to $45, the difference between that sum and $100 an acre should in justice go to the Indians and not to the white speculator, as it will under the present law. He is allotted about 80 acres of land. I will ask the Senator from Montana if that is correct?

Mr. MYERS. Of irrigable 80 acres and for nonirrigable 320 acres.

Mr. LANE. Eighty acres of irrigable land. It has been conceded by some one that unirrigated land is not worth a cent.

Mr. MYERS. No; I said not over $2 an acre.

Mr. LANE. The irrigable lands are the most valuable, but what happens? The Indian is allotted 80 acres of land. He has not a dollar to go out and spend upon the land, either to build a house, a barn, to buy a harrow or a plow or so much as a package of garden seed. He must go on it with bare hands. He

has no capital. None of this surplus goes to set him up in business. It goes to the white man, and the Indian is left worse off than he was before it was made subject to reclamation and allotted to him, for then he could have gone out once in a while and killed a jack rabbit and ate it, or he could have killed a prairie chicken or a sage hen; but now he has not even that right left him. He is circumscribed, shut in on 80 acres, of which he can make no more use than he could out of a slice of the moon, for lack of money with which to improve it. He is unable to buy a bale of barbed wire to put a fence upon it, and it is expected that he shall show to the people of this country that when thrown upon his own resources he is equal to the white man and ought to become self-supporting. You might as well take him by the neck and drop him over the side of a ship in mid-ocean and tell him, "Here, there is good swimming and lots of it, and the water is full of fish." It is just about the same kind of a proposition. That is a part of the policy to which I object. They are a lot of poor, unfortunate, and helpless wards whom we have reached out for and grabbed by the scruff of the neck and then placed them under such conditions. The whole wretched business is a humbug and ought to be stopped.

I want to say to the Senators from Montana and to everyone else that if the Indian will not use his land and if the Indian can not use his land and the whites need it and must have it, let the whites have it; let them go and farm it. The Indians are not farmers. Those Indians were stockmen, and they are cut off even from raising stock. They have 320 acres of sagebrush land to raise stock upon. You can not do it. That does not pay; everyone who has ever tried it knows. If the whites need the land, let them have it; but, in the name of ordinary plain decency, let them pay the Indian its fair value for it. I do not see how a man who helps to continue the present condition can go out and look an ordinary burglar in the face without blushing. Let us get for the Indian what his land is worth and let him have a little of it to live upon.

It is a pitiable condition; it is a most miserable one. Here are those people with hundreds of thousands of acres of land, land that you can safely mortgage and raise $7,000,000 on, and many of them are eating, as I said before, the cast-out refuse of the white people who live in certain portions of Montana. We have a special appropriation in this bill, if my memory serves me correctly, to relieve them of a little of their distress. An Indian can do nothing with his 80 acres of land. The Indian will lose on it. There is no chance for him to make a cent anywhere out of the transaction.

From the representation made by the senior Senator from Montana that the white man is in fully as bad a condition, the whole thing ought to be thrown out in fairness to both, and it seems to me it would be doing an act of merciful kindness to let them both get out. But if we could get for the Indian some provision for his future, something which would even give him the bare hope of getting out whole some day, I would not object. The white man is a better farmer than the Indian. The Indian never has farmed. By the evidence of the Senator from Montana, and I know it to be true, he feels that even a large percentage of those men—a respectable percentage—in Idaho, Oregon, Montana, Arizona, California, and Nevada have failed under like conditions, and when an Indian who knows nothing of farming is forced to go up against that kind of a game he is sure to lose. That is what I object to.

There is another point. The Indian must pay for this irrigation $30, $40, $50 an acre, whatever it is. He must go on his 80 acres without a plow, without a harrow, without a horse, without garden seed, without a pick, a shovel, or a bale of barbed wire, and in 15 years pay back the cost of this irrigation and other expenses of establishing himself on the land, and no way on earth to get a cent of money with which to undertake the task. It is hopeless.

Mr. MYERS. Mr. President, just a minute. It is paid out of the tribal fund; that is, the Indian fund. He does not have to pay it.

Mr. LANE. Does he not have to pay a part of it?

Mr. MYERS. It is paid out of the tribal fund, whatever it may be.

Mr. LANE. He is one of the tribe and a part of the tribal funds belong to him. It is wrong.

Mr. GRONNA. Mr. President, I am a member of the Committee on Indian Affairs, and I do not wish to do an injustice to the able Senators from Montana, nor do I wish to do an injustice to the settlers who have gone out West and are now occupying those lands. I believe that some legislation must be enacted. I believe that some relief should be given to those settlers who are now occupying these Indian lands. But I think it is a mistake not to change the present law and relieve the Indians from the responsibility of reimbursement, or, in other words, relieve the tribal funds from being convertible for the payment of this irrigation project after a large portion of the land has been sold to the white man.

The junior Senator from Montana [Mr. MYERS], in reply to a question a moment ago, indicated that the Indian funds are not subject to or held in payment for this project. If the Senator will kindly give me his attention——

Mr. MYERS. With great pleasure.

Mr. GRONNA. I read from the House hearings in 1914, page 183——

Mr. WALSH. Will the Senator yield to me for a moment?

Mr. GRONNA. Certainly.

Mr. WALSH. I desire to state to the Senator that the Senator from Kansas has signified to me that if this amendment were adopted he proposes to offer as additional amendments practically the whole of the amendment as it originally came before the Senate, and that will dispose of this whole matter. I will say for myself I shall be very glad to have the Senate adopt the amendment.

Mr. GRONNA. I am very glad that some change will be made. My interest in the matter is to protect the Indian, I will say to the Senator.

Mr. WALSH. I am sure of that.

Mr. GRONNA. But I wish to insert in the RECORD what the commissioner said in regard to this matter; and whatever disposition the Indian Office makes is final.

I quote:

The CHAIRMAN—

Speaking now of the Flathead Indian Agency—

Have they any money in the Treasury of their own?

Mr. MERITT—

Mr. Meritt is assistant commissioner, and, as we all know, a very able man—

They have some money in the Treasury, but it is largely hypothecated on account of work on irrigation projects.

The CHAIRMAN. Is it available for present use?

Mr. MERITT. No, sir.

Mr. President, I insist that the Indian money is being held for the purpose of repaying the Government of the United States for these irrigation ditches; and I am opposed to that. If anyone is to lose any money for these projects, then, sir, let the Government of the United States stand the loss and not these unfortunate Indians. I am in favor of an appropriation that will make it possible for the men who have gone out on these plains or these valleys to make their homes to get water and irrigate their lands; but, sir, I shall never submit to any proposition that will take this money out of the Indian fund and not out of the Treasury of the United States.

Mr. ASHURST. Will the Senator from North Dakota pardon me a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. Certainly.

Mr. ASHURST. I wish to take a moment to announce the status of the bill. Within five minutes I expect to ask the Senate to lay aside the bill. I understand that the differences regarding this amendment have been composed. I was just wondering if we could dispose of the amendment before the hour of 2.30.

Mr. GRONNA. Mr. President, I will say to the able Senator from Arizona that I did intend to occupy the floor for a few minutes, but with the statement of the Senator I am perfectly willing to desist at any moment. I simply wanted to say what I have said, that I am friendly to any legislation that the Senators from Montana ask that will be in the interest of that great State and the people of that great State—the settlers who have gone on that domain—but it must not be done at the expense of the Indians.

Mr. CURTIS. Mr. President, I think it would be better to let the whole matter go over until Monday. I should like to have a quorum here when this item is voted upon. I shall insist upon a vote upon each of the amendments, and I shall oppose each of the amendments.

Mr. ASHURST. Then, Mr. President, I beg pardon of the Senator from North Dakota for having taken his time. I did not mean to take his time, but if the Senator does not wish to continue I will ask that the bill be laid aside. Does the Senator wish to continue?

Mr. GRONNA. I will say to the Senator that I will make my speech at some other time, and I am very glad to yield to the Senator.

Mr. ASHURST. I thank the Senator. I ask unanimous consent that the bill be now temporarily laid aside.

The PRESIDING OFFICER. Is there objection to laying the bill temporarily aside? The Chair hears none, and it is laid aside.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WITHERSPOON.

Mr. VARDAMAN. Mr. President, I ask that the resolutions of the House on the death of Hon. SAMUEL A. WITHERSPOON, late a Representative from the State of Mississippi, may be laid before the Senate.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Chair lays before the Senate resolutions from the House, which will be read.

The Secretary read the resolutions (H. Res. 157), as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 5, 1916.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. SAMUEL A. WITHERSPOON, late a Member of this House from the State of Mississippi.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. VARDAMAN. Mr. President, I offer the following resolutions (S. Res. 151) and ask for their adoption.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL A. WITHERSPOON, late a Member of the House of Representatives from the State of Mississippi.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, in order that the Senate may pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. VARDAMAN. Mr. President, the Senate of the United States has set apart this hour to pay fitting tribute to the life, character, and achievements of one of the most excellent men and useful statesman that has occupied a seat in the House of Representatives since the formation of this Republic. In the sublimity of his character he is splendidly unique.

SAMUEL ANDREW WITHERSPOON, son of Dr. Elias Bourdenot Witherspoon and Mrs. Elizabeth Dowd Witherspoon, was born in Lowndes County, Miss., near the city of Columbus, May 4, 1855, and died at his home in Meridian on Wednesday, November 24, 1915. In his early youth he attended the common schools in the neighborhood in which he lived. His father died when he was quite young; after which his mother, who was in rather impecunious circumstances, in order that she might afford her children educational opportunities, with SAM and two younger brothers moved to Oxford, Miss., in 1872. Young WITHERSPOON entered the University of Mississippi as a student in the preparatory department in October, 1872, and was graduated with honors from that institution in June, 1876. After his graduation he was for a while assistant professor of Latin in the University of Mississippi, during which time he prosecuted his study of the law. In 1879 he moved to Meridian, Miss., where he resided until his death. By close application and intense intellectual effort he advanced rapidly in his profession and became one of the most accomplished lawyers at the bar of Mississippi. But the study of English and American law did not affect his mind as is sometimes the case with men who attain great prominence in that profession. He was never a slave to precedent, but his mind preserved its native originality, and the elasticity of his reasoning faculties were not hindered nor handicapped by what somebody else may have said, however great its antiquity.

With a delicate sense of justice and the power to make accurate discriminations, he approached every subject, and through all of his mental processes the end invariably sought was the truth. His mind never moved in a groove, but rather in the broad field of uncircumscribed research.

In 1910 he was elected from the fifth congressional district of Mississippi to the House of Representatives, and was serving his third term at the time of his untimely death. Mr. WITHERSPOON'S election to Congress in 1910 was due very largely to the peculiar political conditions which existed in the State of Mississippi at that time. It was the result of a campaign for civic righteousness and was an emphatic protest by the people of the State against conditions which had culminated in what appeared then to be, and which we now know to have been, a complete denial by those in authority of the right of the people to rule the State for the benefit of the people. The man and the occasion met, and he took up the work to which he was called with the ease that always characterizes the ordering of destiny.

His services in the House of Representatives were of short duration, but they were long enough to make a record that will live as long as heroism is a virtue; as long as independence of thought and intellectual honesty are regarded as attributes of real statesmanship in America; as long as fidelity to country, love of home, and adoration for God animate and glorify the human heart.

The majesty of his character consisted in the work he did, and the greatest ornament of his reputation was the dignity which characterized the doing. Though of modest demeanor and of a disposition to avoid all show and ostentatious display, his towering abilities attracted attention, and—

> As some tall cliff that lifts its awful form,
> Swells from the vale and midway leaves the storm,
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head—

his name will live among the greatest and most useful men who have occupied seats in either House of Congress, and his fame will be cherished as a national asset.

I believe the most useful lessons are the lessons learned from other lives—from conduct and character. And I am also convinced that the real greatness of this Nation consists not in its unparalleled material riches, but rather in the moral qualities and intellectual acquirements of the men and women who compose its citizenship. Coming from a virile, rugged stock of clean-lived people, born and reared in the country, close to nature and to nature's God, with eyes trained to see things in their due proportions and ears attuned to hear the wise teachings of nature—by contact with men he became familiar with the wants, hopes, aspirations, and longings of the human heart, and his sympathy always went out to the silent toilers of the realm. His great heart was stirred to its profoundest depths by injuries wrought by unjust laws. He heard the howl of the wolf of Want at the door of Poverty, and from a distance the strains of music from the halls of mirth of the rich fell in melancholy cadences upon his sympathetic ears.

He was an omnivorous reader and broadly learned in the art of statesmanship, familiar with the forms of law, the history of peoples; he knew the causes that contributed to the building of great cities, the influences that wrought the civilizations, and the agencies which created the empires of the past; and he was also familiar with the influences that caused and brought about their disintegration and downfall and scattered the skeletons of bygone greatness upon the desolate shores of time.

A more splendidly equipped, superbly proportioned, patriotic character I have never known. He was gifted with a vision which enabled him to "dip into the future as far as human eye could see," and he saw the "visions of the world and all the wonders that would be." He possessed to as large degree as I have ever known that power which enables one to "hear the ocean in one shell" and see the "whole world's winter in one leaf." He was gifted with a rare power of speech, which often compelled men against their will. His logic was irresistible, as faultless and irrefragable as truth itself, and his devotion to the Constitution amounted to a religious zeal. When a question was presented to him he never sought for the popular or unpopular side—his only desire was to find the truth. If he determined that a certain course was the right course, he pursued it; his face was at once set in that direction, and no power beneath the stars, except the same cause that started him on his course, could make him change.

He was a Democrat after the strictest sect and devoted to his State. But above and beyond all, as high as the sun hangs above the earth, he was an American. I think the most beautiful trait of Mr. WITHERSPOON'S character was his devotion to the interests of the toiling masses. The great, silent, suffering, slow-thinking, toiling multitude, whose labor produces the wealth of the world—maintains its commerce in time of peace and fights its battles in time of war—these were the dearest objects of his heart's deepest solicitude.

He was brave and unyielding in his purpose. Like the "Hebrew children," who were threatened by the pagan king with death if they refused to bow to the golden god of infidelity, he answered the commands of predatory interests to bow to their behests by standing erect and declining to yield to any power or influence under the stars, save the truth. The fiery furnace of slander had no terrors for his heroic soul, and the detraction and vilification heaped upon him by the hired agents of the enemies of good government were brushed aside as inconsequential vaporings. The one god, the true god of duty, was the object of his adoration and the guiding star of his official course. He rather preferred to be right than popular. The approval of his own conscience and sense of justice were the end and object of his ambition.

I am reminded in this connection of an heroic incident of ancient history, which illustrates the habit of thought of Mr.

WITHERSPOON. It is said that when the Romans met the Volcians, Marcius inquired of Cominius in what manner the enemy's armies were drawn up and where their best troops were posted. Being told that the Antiates were placed in the center and were the bravest and most warlike, then Marcius replied, "I pray thee, place me immediately in front of them." Mr. President, that was always the request of SAMUEL ANDREW WITHERSPOON when fighting the battles of righteousness and defending the interests of the plain people of America, either in the Halls of Congress or on the field of politics. The furiousness of the conflict, the hardship of the campaign, did not concern him.

The more deadly the rain of shot and shell of misrepresentation, the fiercer the slander and detraction, the more truculent the opposition, the greater was his eagerness to be in the vortex of the contest. To do battle for the right was the consuming passion of his life. Armed with the truth, with an eloquence capable of charming the "wildest tempers" and moving to patriotic action the most sordid soul, absolute mastery of his subject, shielded with the armor of righteousness, and clothed with the consciousness of the rectitude of his own conduct and the unselfishness of his lofty purposes, these missiles of malignancy and hate fell harmless at his feet. From every conflict he emerged stronger with the people, more deeply intrenched in their love, and more highly exalted in their estimation than ever before.

I have seen him in the depths of pessimism, when the lowering cloud of doubt almost smothered his subdued soul, and then I have seen him come forth with an optimism as radiant as sunlight. Defeat gave him strength, and the righteousness of his cause always stimulated hope for the future of the Republic. He was—

One who never turned his back,
But marched breast forward;
Never doubted clouds would break;
Never dreamed though right were worsted wrong would triumph.
Held, we fall to rise, baffled to fight better;
Sleep to wake.

Pertinacity of purpose was one of the striking characteristics of his career. Really, it is the distinguishing difference between the truly great man, and the near-great man. Most men are capable of distinguishing between right and wrong—between the wise course and the unwise course—but very few men are willing to go the wise course if it happens to be unpopular or temporarily difficult of travel. Physical courage is a common attribute which belongs to the ordinary man as well as the lower animals, but moral courage is rare. And that is why all men admire it. Even the physically dauntless, moral coward, respects it. Mr. WITHERSPOON possessed that quality or attribute of character to a very large degree. He was in truth and in fact the sort of man described by Markham when he said:

Made of unpurchasable stuff,
He went the ways when ways were rough.
He, when the traitors had deceived,
Held the long purpose and believed.
He, when the face of God grew dim,
Held through the dark and trusted Him;
Braver soul that fought the mortal way
And felt that faith could not betray.

But like most men who live above the fog in conduct and speech, who refused to grovel with mere timeservers, he was misunderstood. Some people spoke of Mr. WITHERSPOON as a mere dreamer, an insubstantial idealist. He pleaded guilty to the charge; he was grateful for the compliment; and, to show his appreciation, he continued to dream, and from the coign of vantage of an uncommon soul he looked through the dim vista of the future and read the story of destiny. He realized that the man with a vision is the only safe leader, and that the vision itself is the one unfailing guide. He appreciated the fact that the practical man will clear away the forests, cultivate the lands, hold the offices, make money, and grow rich in the sordid things of life, but the dreamer is the protagonist, the pioneer who must blaze the way through the trackless wilderness. He was able to see himself in the perspective—to understand when he was right and, therefore, if he himself were misunderstood by others, he was willing to wait for the latest, best judgment.

He had a sustaining faith in the ultimate triumph of righteousness. He was intensely religious, but without bigotry. He knew by the witness of his own spirit that an "atheist laugh is a poor exchange for Deity offended," and when upon the rough sea of life, "tempest driven," with a "conscience but a canker," he realized that "a correspondence fixed with heaven is sure a noble anchor." He believed with all his heart that—

Out of the twilight of the past
We move to a diviner light,
For nothing that is wrong can last;
Nothing's immortal but the right.

There was more pleasure derived from the consciousness of duty well done than in the insincere applause which often accompanies ephemeral success. He would—

In spite of the stare of the wise and the world's derision,
Dare travel the star-blazed road, dare follow the vision.

He knew that it would—

Break like a hush on the soul in wonders of youth,
And the lyrical dream of the boy is the kingly truth.
The world is a vapor, and only the vision is real;
Yea, nothing will hold against hell but the winged ideal.

Flattery could not change his course. Defeat could not daunt him.

Tho' every leaf were a tongue to cry thou must,
He would not say the unjust thing was just.

Mr. President, I am a devout believer in the inspiration of the Scripture and the sovereign saving purpose of Christ's mission to earth. With all my heart I believe in the divinity of the Gallilean Carpenter. But I also believe in the divinity of every good man and woman who have lived and walked among men as the highest expression of God's love for "fallen humanity." To paraphrase the language of another:

We may all be saviours of the world if we believe in the divinity which dwells in us and worship it, and nail our grosser selves, our tempers, greeds, and unworthy aims upon the Cross, who giveth love to all, pays kindness for unkindness, smiles for frowns, and lends new courage to each fainting heart.

Never in the history of America was the need quite so great for men of Mr. WITHERSPOON's type as right now. The great issues which confront our people, and our manner of dealing with them, may be the crucial test of our capacity for self-government, our ability to preserve American institutions, and continue this Government for the people. Every national election in this country is a crisis in the life of the Republic. I believe that this time marks a turning point in the history of the Nation. The wave of hysteria, savored of blood lust, that is sweeping over the land seems to have destroyed the old landmarks and changed the viewpoint of men whose ability to guide the ship of state into the right channels has heretofore never been questioned. There is, I fear, a secret, silent, sinister influence affecting unconsciously the hearts and judgment of some of our bravest and best men.

Mr. WITHERSPOON's great ability would have served a noble purpose just now as an impregnable dike against the mad current of popular frenzy which runs through the present as an uncontrolled flood. Just why he should have been taken at the time he was is one of the mysterious dispensations of an All-Wise Providence. We can not understand.

Oh, why has worth so short a date?
While villains ripen grey with time,
Must thou, the noble, gen'rous, great,
Fall in bold manhood's hardy prime?

It is not ours to inquire why. But we know it is. In the hour of doubt, when question marks, like stars across the blue canopy of heaven, stand out before us, we can only wait. Our finite judgment tells us that his death was a national disaster; that his place can not be filled. He stood alone in the great work in which he was engaged. But in the darkness of doubt I am going to trust, I am going to draw inspiration from his life, which was to me a benediction. And it should be an inspiration, a beacon light to lead benighted men, blinded by selfish interests, into paths of rectitude and duty.

Such a life as his not only serves to mark the way to better living—a soul tonic to stimulate to higher endeavor—but it is also a rebuke to the timeserver, the sycophantic creature who would dishonor himself by "crooking the pregnant hinges of the knee that thrift might follow fawning." A truer, nobler, manlier man I have never had the honor and privilege of knowing. The world is better for him having lived in it. He contributed something to the stock of human goodness, and added to the sum total of human happiness—the highest accomplishment of all human effort. Peace to his sacred ashes and rest to his sublime soul.

Mr. SMITH of South Carolina. Mr. President, I am glad to have the opportunity to speak on this occasion, for the reason that I met Mr. WITHERSPOON under circumstances peculiarly qualified to give me an opportunity to know something of his real character. It was during the stormy days of 1904, 1905, 1906, 1907, when the cotton producers of the South revolted against the commercial system that had impoverished them, and was in a fair way to still further impoverish them and to perpetuate the disastrous conditions.

The Southern Cotton Association was organized for the purpose of stemming this tide of disaster. To organize for the purpose of protecting the weak and helpless producers against

the greed and avarice of the unrestrained financial pirates, the call of the association was to every southern man who was willing to contribute what he might to the betterment of this intolerable condition. No vocation or avocation, profession or calling, was barred from membership in this organization. A great majority, of course, who joined were farmers. They were the actual, or, more properly speaking, the principal, sufferers. Quite a number of merchants joined, not so large a number of bankers, and a few lawyers. There was not so great incentive for the merchants to join as the farmers, though the merchants were indirectly dependent upon the products of the farmers' crops, the bankers to a degree dependent, and the lawyers to a very much lesser degree, if really dependent at all. Thus the lawyers who came to our relief, who rendered the service of their time and brain and money, did it, perhaps, with a more unselfish and patriotic purpose than any other members of the organization. Among these was Mr. WITHERSPOON.

As an official of the national organization, I came into close contact with him more or less during a period of three or four years.

Mr. WITHERSPOON was unquestionably a Democrat in the real meaning of that term. He was so constituted that I do not believe he could have enjoyed wealth and leisure and luxury while the masses of his fellow men were suffering the privations of poverty and its attendant burdens. He realized that the proper adjustment of our laws, both financial and commercial, would be to give to everyone, under the law, an equal opportunity. He knew, as all of us know, that men are not equally endowed with power to seize and improve opportunity; but he knew that the function of law in a democratic government should furnish like opportunity to all and place the burden of failure upon him who was either incapable of seizing and improving the opportunity or who squandered or neglected it.

We are often unfair and unjust in our criticisms of a fellow man, because we have not taken the pains to know his viewpoint, to study the problems that have been thrust upon him, and to realize with him the things necessary to their solution. Mr. WITHERSPOON realized the burdens and limitations placed upon the impoverished farmers of the South. He realized the acuteness of their suffering—a proud people, the purest Anglo-Saxon blood in America, the highest ideals, the last expression in virtue, chivalry, and bravery; victims of a conflict that had stripped them of the opportunity of realizing the circumstances they were so splendidly qualified to enjoy.

He was impatient and intolerable of any compromise of the rights of the masses of the people. He believed, and fearlessly spoke the belief, that those who produced the wealth of the country were entitled to have such legislation as to guarantee them the enjoyment of a legitimate percentage of the wealth they produced. Both as a member of the great southern organization and of the Federal Congress, he never abated one jot or tittle his zeal for his people, and in his death the South has lost a valient officer in her army of patriots.

In every great reform, in every human conflict, opportunity is given to test and to know the real value of the individual. The tragic experience of the South from 1860 until now have given peculiar opportunity to know the real value of the American's character. Mr. WITHERSPOON met the test and proved his worth.

When a man dies there seems to be but an eddy in the current, a moment's pause, and then the steady stream of human events flows on seemingly undisturbed and unaffected. But the influence of that life, its contributions to the solution of human problems, are borne upon the tide of events and are forever factors in the progress and uplift of the race.

I am glad of this opportunity to hear this testimony to the memory of SAMUEL A. WITHERSPOON, to pay this tribute to his worth and character. In the vale of his character alone and the work he did, he has left a heritage to his family and loved ones that can never be measured in terms of silver and gold.

Mr. THOMAS. Mr. President, my acquaintance with Judge WITHERSPOON was somewhat brief. It had its beginning in the year 1913. We came into occasional contact only, but as time progressed our acquaintance ripened into friendship, and I am sure that if he had been spared we would have become intimate associates. His capacity, his convictions, and his views of public life were so completely in accord with my own that I was naturally attracted to him from the outset.

It so happened that in the month of February, 1913, I went to the other end of the Capitol upon an unimportant business errand. Upon entering the Chamber of the House of Representatives I noticed a group of interested and enthusiastic Members surrounding a gentleman who was engaged in the discussion of the naval bill of that winter. I joined the group and soon became enthralled with the absolute familiarity exhibited by the speaker, who was Judge WITHERSPOON, with every fact and every detail not only of the American Navy but of all the navies of the world. With a facility that bordered upon the marvelous, he discussed the number and caliber of guns, the complements of officers and of men, the vessels of our own and of other navies, making comparisons between and drawing contrasts concerning them with the ease and perfection of a master. I have heard many discussions, Mr. President, but never have I heard one proceeding from a man so thoroughly familiar with the subject to which his address related. Upon the close of that argument I requested an introduction, and that was the occasion of my meeting Judge WITHERSPOON.

It was said by the Senator from Mississippi [Mr. VARDAMAN] a moment ago that the death of this most useful and well-informed public official at this time was a great misfortune. When I learned of his death that was the first thought that obtruded itself upon my mind, and I could not but contemplate the fact that in so many instances men are removed from their spheres of action in the very midst of usefulness and of need. I wonder, and have often wondered, why this should be so. It may be that, in the providence of God, the subsequent developments of time might operate to impair, if not to destroy, the splendid prestige which had reached or was approaching its meridian, and that, for reasons which will be in the great future disclosed to us, it were better that it should be so. But our poor human judgment protests against such conditions and fain would change them if it could.

Mr. President, the rarest manifestation of genius in this country is that which concerns itself with details, with the various facts and circumstances which underlie great propositions and great movements. It is, to my mind, the most useful because it is the most practical of all forms of genius; and it is genius, Mr. President, not only because of its rarity, but because of that peculiar mental structure the possession of which is essential to its exercise and development.

I venture to say that in the Congress of the United States to-day there are not 50 men capable of applying themselves to and mastering the homely, commonplace details of those great subjects and propositions with which we are called upon to deal, and thus become competent for the appropriate discharge of the duties devolved upon them. We differ in this respect from the Germans and the Japanese, where the prosaic, everyday, matter-of-fact affairs of life seem to appeal to the average intellect, in consequence of which the marvelous material progress of those two peoples has so long been manifest. When this country finds itself in possession of a public servant who has the will and the power, the industry and the inclination, to acquaint himself slowly, painfully, but thoroughly with every fact and every element affecting the subject matter to which for the time being he has devoted himself, his loss is a great public calamity.

I know of no man—although the occasion always produces the man—who is capable of filling the void made by the death of Judge WITHERSPOON. We are living, Mr. President, in parlous times. With the exception of the United States of America, every great nation in the world is engaged in a conflict which has no parallel in the history of civilization. We can no more escape the contagion of its influences than we can avoid the law of gravitation. Those influences manifest themselves in many ways, not the least of which is in the development of that hysteria which sees an armed enemy upon every coastline, and entertains visions of wars and rumors of wars which distract the judgment and unsettle the reason. At such times we are prone to magnify our dangers, and to rush into various schemes of protective legislation, some of which may be essential, but all of which may be condemned by the reflections of our more sober judgment. Hence, it was a sad day when, under circumstances like these, the Nation was deprived of the services of this great and most useful statesman, whose accumulated wisdom gave influence to his counsel and strength to his suggestions.

Judge WITHERSPOON's conceptions of duty were those prescribed by Edmund Burke, who said that every sense of public duty must be based upon a consciousness of public responsibility. He knew the responsibilities of his position; he observed those responsibilites, and was, therefore, animated by a sense of duty which, stimulated by the spirit of unquenchable industry, made him at all times an authority upon those subjects which fell to him and belonged to his peculiar province of legislation.

This man honored his people as their representative. They can not pay him too much honor by mourning at his bier.

Mr. BROUSSARD. Mr. President, it is unfortunately but too often that this life at the Capitol of the Nation, so full of moving events, finds itself impelled to halt from its busy activities to pay tribute to a departed colleague and friend. This is one of these occasions. Perhaps it is mete that this halt should take place, that the mind of the Members should turn from the public business and the grind of details, incident to the life of a legislator, to commune within itself and to take its bearings upon the circumstances of the coming and the going of those forming this important branch of our democratic Government.

We are too busy from day to day to mark attention to anything beyond the excitement of contending sides, in their several efforts to enact or defeat proposed legislation. But for these halts unfortunate as are the causes which command them, deeply as we grieve over these causes, much as we mourn those who depart from our very midst to the eternal borne, yet when they occur, they furnish a wholesome lesson. They bring forcibly to our mind the destiny of all living things which our activities in this Capitol would otherwise cause us to entirely forget. They remind us of the uncertainty of life, of the necessity for that preparedness which is as essential to the soul, that it may live eternally, as nourishment is to the body, that it may escape early dissolution.

We have suspended the transaction of important business of the highest order to pay tribute to the memory of SAMUEL ANDREW WITHERSPOON, of the State of Mississippi, whose death occurred during the pending session.

SAMUEL ANDREW WITHERSPOON was born at Columbus, Miss., on the 4th day of May, 1855. The death of his father, when he was but a youth, left him to the tender care of a loving mother, who, besides him, had other children whose welfare she must look after. She must have been a self-sacrificing as well as a loving mother, for in 1872, when SAMUEL A. WITHERSPOON had matured into young manhood, she realized the necessity of preparing him, so far as she could, for the exigencies of life. A proper education clearly was the first thing she thought of, and as an institution for higher learning was not in existence at her home, she that year moved to Oxford, Miss., so as to permit her son to enter the State University. SAMUEL WITHERSPOON graduated from that university, taking the degree of B. A. and subsequently, further pursuing his studies, took the degrees of M. A. and LL. D.

His education completed, and armed with authority to practice law, which his last diploma granted him, he cast about to find a location where there was prospect of advancement in his chosen profession. His eyes, scanning the many available places in Mississippi, selected Meridian as the proper field, and in 1879 he moved to that splendid little city. It did not require a long residence at Meridian for this ambitious young man, so well equipped under the loving guidance of a devoted mother, to build himself a position both socially and professionally. He was a good lawyer, lucid, logical, and forcible. I shall not speak much of this, because I did not have the pleasure of his personal acquaintance during the years to which I refer, and know of him during this period of his life only through hearsay. From my acquaintance with him, however, during the time when together we served in the House of Representatives, I can easily conceive of his power as an advocate in any branch of the law to which he directed himself. For he was possessed to a marked degree not only with the qualities which I have just described but he was one of the few really eloquent men that it has been my pleasure to listen to.

I first became acquainted with SAMUEL A. WITHERSPOON in 1910, shortly after his election, and on the day on which he was sworn in as a Member of the House, to which body I then belonged. I served with him for two full terms and continued my acquaintance with him after having become a Member of the Senate. I soon learned to like him and then to admire him. I liked him because he was a scholarly man, kind, considerate, and of as lovable a character as can be said of any man. He was honorable to the utmost and in the extreme faithful and loyal to principle. But he did his own thinking, accepted orders from no one, was always willing to discuss the belief which he had in him, and was open to conviction, if facts could be produced to overcome any erroneous conclusions which he might have reached. But he was tenacious of his conclusions, and it required facts and logic to compel his attention and change his conclusion.

He was a Democrat in the broadest sense of the term, and when I use that expression I do not mean to say that he was a man who was a Democrat exclusively because of his regularity to a party's action, but a Democrat who could give a reason for his democracy, and doing so he was not easily moved to take a position purely upon assertions. It required that the matter at issue mensured up to a principle of democratic ideal.

His intellectual honesty was not less developed than his personal honesty. I can best illustrate that which I wish to convey with regard to that splendid trait of the character of SAMUEL A. WITHERSPOON by calling attention to the fact that as a member of the Naval Affairs Committee, believing, as he did, that a democracy does not rest upon the power of might but upon the principle of right, he was immovable from his purpose to hold down governmental expenditures to the smallest amount commensurate with his conception of the safety of the country. True, I did not agree with him upon that question, since in applying this principle he invariably voted for insufficient sums to meet the governmental needs, but I none the less admired the intellectual honesty of the man who could neither be cajoled nor threatened to abandon those convictions which to him, student of our form of government, as he was, appeared to rest upon unassailable conclusions.

I said that his intellectual honesty was as marked as was his personal honesty, and I can illustrate the thought which I had in mind with regard to the latter quality of SAMUEL A. WITHERSPOON by calling attention to the fact that on entering upon the performance of his duties as a Representative, his first thought was to acquaint himself with the legal obligations, the legal powers, and the legal restrictions placed by the law upon the position he assumed. Investigation revealed to him the fact that there was a law on the statute books requiring that the absence of a Member of Congress from attendance upon the House on days of session without a legal reason deprived the Member of pay for that day's absence. This law has long been on the statute books, but is seldom applied. I even doubt, but for the fact that occasional resolutions are adopted in moments of emergency when public business is likely to suffer because of large numbers of absentees and a resolution is adopted directing the enforcement of this law, that Members of Congress generally are acquainted with this statute.

The fact that a resolution has to be adopted at times would indicate how dead that law would seem to be. I recall that at one time a great many Members were absent from the House attending to political campaigns in their various localities. It was hard to keep a quorum and the public business was threatened with suspension. Senator UNDERWOOD, of Alabama, was at the time the Democratic leader on the floor of the House, and, in order to insure the attendance of a quorum that the public business might be transacted, a resolution was introduced by him and adopted by the House requiring the Sergeant at Arms to withhold pay of absentees for days of absence while the House was in session. With the enforcement of this resolution, inquiry was made about the matter, and for the first time the membership of that House learned that SAMUEL A. WITHERSPOON had religiously docked himself for every day's absence, when not on official business, from his very admission as a Member of the House of Representatives.

This incident describes the man's character better than anything that can be said. He followed the law, obeyed it in every respect, and never questioned others about him who looked upon it as a dead law. His personal integrity compelled him to obey the law regardless of the course of his neighbors concerning the same law.

It is a great pity that traits of character such as SAMUEL A. WITHERSPOON possessed are not more universally prevalent. But there remains of such virtues the example which such conduct always compels for the guidance of surviving humanity, so that even after death these virtues serve their useful purpose. They enlighten and encourage those who remain behind to emulate them.

Mr. POINDEXTER. Mr. President, perhaps it is sufficient praise of the late Representative WITHERSPOON to say that he was worthy of the traditions of Mississippi. In the formative period of our growth, when government under the Constitution was in its experimental stage, Mississippi, although one of the newer States, wielded a powerful influence in the councils of the Nation. In her earlier days, in the first flush of the prosperity which the opening of her fertile lands produced, there were congregated in her borders bold and aggressive leaders. They adapted themselves to the spirit of the times and the conditions of a new State. Physical courage, enterprise, and energy were in the ascendant. Among her leaders, however, were men of brilliant intellect who have left their names in the annals of the law and of the Government. It would be invidious to name any of them without naming them all, and I will not undertake it upon this occasion. The State became a leader in all the issues of those times.

In the heroic days of the Civil War, when she constituted one of the brilliant galaxy of States which sought to establish an independent government of their own, she was alike distinguished. From the poverty and ruin of that war Mississippi gradually arose, weakened it is true, but with her spirit unimpaired. Patiently and courageously she reestablished her institutions. Her courts have been distinguished for their learning and ability. Her schools, colleges, and churches have preserved the best educational and spiritual standards of the land.

It was inevitable that the man who achieved great and permanent distinction in such a State and among such a people should possess exceptional merit. It was a great compliment to Mr. WITHERSPOON that, though the people who had chosen him from among all their sons to represent them in the councils of the National Parliament may have differed with him at times upon specific questions, yet such was their confidence in the purity of his character and in the general soundness of his judgment that at the time of his death there was no indication that he might not have remained in honorable public life for an indefinite period.

I had no special opportunity or reason to form the acquaintance of Representative WITHERSPOON, but his activities attracted attention, and I knew him well. The demands and exactions of congressional duties are such that many of us here in different Chambers of this Congress collaborate for years together upon the legislation of the country without becoming personally acquainted, and with little or no opportunity for individual personal and social intercourse.

Very shortly, however, after Representative WITHERSPOON's appearance in the House of Representatives his exceptional qualities of mind and character had so impressed themselves upon his associates that he became a man of marked distinction, even among the many distinguished men who sat with him in that Chamber. He very soon became a leader in the particular fields which he had chosen. In some positions which he took upon the difficult problems of the day I reached a conclusion entirely at variance with his, and yet such was his evident singleness of purpose, his love of justice, his tremendous thoroughness in what he undertook, that I formed a friendship and admiration for him.

I can not undertake with the limited opportunities I have had to give a complete analysis of his character, but I had many personal interviews with him, and deem it an honor and privilege on this occasion to pay a tribute to a man who I verily believe never had a thought in his public service but the public good; who loved justice and hated unfairness and oppression; who did his work thoroughly and well.

In the warfare of modern congressional life WITHERSPOON was a knight without fear and without reproach. He served his country well and left a stainless name.

Mr. ROBINSON. Mr. President, during the last 15 years the Congress has numbered among its membership no one more courageous in his official conduct or more decisive and independent in his views than the Hon. SAMUEL A. WITHERSPOON, late a Representative from Mississippi.

There is a tendency to develop a spirit of indecision concerning public questions among Members which sometimes approaches insincerity, and which too often is destructive of that firmness which should characterize our convictions.

It is, of course, proper and desirable that legislators should be informed as to the views of their constituents. It is also true that due consideration should be given to public sentiment concerning all questions with which we are called upon to deal. It is right that elective officers should take counsel of those who choose them. We may differ as to whether and when a Representative should waive his own convictions or conform them to the sentiment of the people whom he represents. No one can doubt that all important legislative reforms either originate with the people or find momentum among them. One of the greatest impediments to the proper discharge of legislative duties is found in the abuse of this principle. The practice now frequently pursued by unscrupulous or unselfish interests of manufacturing or misrepresenting public sentiment to coerce or influence the conduct of officers is subversive of the true representative spirit, but it is, nevertheless, quite potent and often successful. Taking advantage of the power of public sentiment, unfair agitation is often conducted, and by means of inaccurate and one-sided information widely distributed the real public sentiment on an issue may be clouded and obscured, to the detriment of interests which in justice should be promoted and conserved. We all know how often stereotyped letters are devised for the purpose of having them signed by our constituents, who thus appear to assert an opinion which, in fact, they may not hold, but which, to oblige another, they may thus express. Prompted or inspired communications of this nature have little value in assisting the legislator to arrive at a correct conclusion. On the contrary, they are misleading and confusing. Sometimes a Congressman who has announced his position on a public question is besieged to change or modify it by appeals or threats from his constituents, who are induced to address him from no consideration of the public interest but through the activities of designing persons and organizations, whose ends and aims may deserve severest censure.

An executive officer is not charged with discretion in the enforcement of the law. His task is comparatively simple. The same is true in a different sense of a judicial officer. He sometimes finds great difficulty in determining what is meant by the law in a given case, but whatever he finds it to be he must declare it. The legislator, however, is concerned primarily with questions of policy and may rightly take into consideration the uncorrupted sentiment of the public concerning any measure presented. Few Congressmen are indifferent to public sentiment when fairly formed and expressed, and all are anxious to maintain the respect and confidence of the people whom they serve.

The late SAMUEL A. WITHERSPOON, a Representative in Congress from the State of Mississippi, was in many respects an unusual and interesting man. The dominant trait in his character was independence of thought and loyalty to his convictions of public duty. He exercised his best conscience and judgment in determining the merits or demerits of a measure, and when he reached a conclusion promptly and frankly announced his attitude. No influence could shake him. Of all the men whom I have known in public and in private life, he was the most decisive in his views on public issues. Mr. WITHERSPOON rarely hesitated and never vascillated. He was cautious and deliberate in the study of a problem, but when he reached a solution he never doubted its correctness, and maintained it without apology.

Many Congressmen experience great anxiety and worry over their attitude on public questions, even when they have done their best to promote the right. Mr. WITHERSPOON never feared to meet any issue presented, and once having taken his stand, felt no fear of disapproval by others and yielded to no influence however great which sought to move him. He advanced aggressively to every legislative combat, strengthened and sustained by the conviction that his cause was just.

This attribute of true greatness, the ability to know his own mind, and to be true to it, was his most distinguished characteristic. Enjoying the advantages of a comprehensive education, trained in forensic contests by 30 years' experience at the bar, his services in the House of Representatives were of recognized and permanent value. Mr. WITHERSPOON engaged in many sharp contests and in some bitter controversies. He emerged from them all with the unqualified respect of his adversaries. However his associates in Congress may have differed from him on public questions, not one doubted his sincerity or questioned his ability. It is inspiring to contemplate the career of a man devoted always to his duty, fearless always of opposition. It is not a mere eulogy to ascribe to him unyielding loyalty to his conscientious convictions. We need not invoke the license which custom grants when men pay tribute to their departed friends. Mr. WITHERSPOON earned this tribute. He enjoyed this reputation while living. His acquaintances universally ascribe to his memory the honor and the devotion which courage and determination alone command. In the annoyances and uncertainties of political life which at times must be experieced, the will to do right in defiance of the powers that some times make us hesitate, may be an unfailing source of strength and happiness.

Mr. WILLIAMS. Mr. President, the grave is a great equalizer and silencer, not only of social and other differences of station but of all human passions and human feelings. In its presence everything else sinks into insignificance. Men are no longer Democrats, or Republicans, or Presbyterians, or Catholics, or Frenchmen, or Germans, or Christian, or Jew; they are simply men, and men who have passed away. By its open portal all old acts of friendship are revived and remembered and emphasized; all old enmities are annihilated in the minds and hearts of all gentlemen.

Upon this occasion I recall my first race for Congress in the State of Mississippi in 1892, now a generation ago, and I recall that among the useful and efficient friends who then advocated my cause, who then strove to advance it and imposed upon me a debt of gratitude, gladly recognized, was SAMUEL ANDREW WITHERSPOON, of Lauderdale County, Miss. Both of us at that time were young men; he was born on May 4, 1855, and I less than a year previously.

I recall with particular appreciation a speech made by him at a banquet given in the city of Meridian, in which he paid me undeserved but much appreciated compliment. In all my association with him, though we had differences of opinion later, I never forgot that occasion or the kind and entirely too partial words which there flowed from his lips.

There is a philosophy of life which takes in "a contemplation of death." I am, in my humble way, a disciple of that philosophy. Its central point is to remember pleasant traits about others and pleasant points of contact between one's self and other people.

Mr. WITHERSPOON was a man far above the average in learning, breeding, and intellectual attainments and in liberal culture. He graduated from the University of Mississippi in 1876. The faculty showed its recognition of his scholarship by making him a tutor in Latin there for three years afterwards. Having earned the degree of A. B., the degrees of A. M. and LL. D. were subsequently conferred upon him by that institution, which has given to Mississippi and to the United States so many men of whom Mississippi is proud.

There is something better in the world, however, than educational equipment and mental culture, and that is personal and intellectual integrity. Mr. WITHERSPOON possessed it. However much one might differ from him about questions of public policy, nobody, I think, ever doubted his sincerity or his personal honesty and courage of conviction. He was a good husband, a good brother, and a good father. Much more than that can not remain to be said of any man.

I have always regretted very much that I was not able to attend his funeral, in the city of Meridian, when he died. I live out in the country, and the news came too late for me to make the railway station in time to be there. I especially regretted it because he had disapproved of some of my public conduct and opinion, and I wanted his wife and his children and his kinspeople, and him himself, in the other world, to know that, so far as I was concerned, all differences were buried in his grave, and that so far as I was concerned no real enmity had ever existed in my heart.

Mississippi has adorned the pages of American history with some men of great intellectual force and eloquence. She has seldom disgraced those pages by sending to either House of the Congress of the United States or to the Cabinet or to the field of battle any man who was not honest and brave and true and loyal to the best traditions and to the loftiest ideals of the American Republic. I do not think that those who stood against the opinions advocated by Mr. WITHERSPOON would or could say that he had ever been otherwise than honest, personally and intellectually, and true to his conception of what constituted the best traditions and ideals of his country.

The name is an old one. It was borne by one who signed the Declaration of Independence and by one who was a Member of the Continental Congress. The name was not dishonored by SAMUEL A. WITHERSPOON during his lifetime, but was worn in honor.

Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, March 27, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 25, 1916.*

(Legislative day of Friday, March 24, 1916.)

The recess having expired, the House met at 11 o'clock a. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House was requested:

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Senate Report No. 166, Fifty-seventh Congress, first session, entitled "The Improvement of the Park System of the District of Columbia," of which 500 shall be for the use of the Senate and 500 for the use of the House of Representatives.

The message further announced that the President had approved and signed bills and joint resolution of the following titles:

On March 16, 1916:

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

On March 17, 1916:

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency; and

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery.

On March 20, 1916:

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River;

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.; and

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River.

On March 21, 1916:

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL A. WITHERSPOON, late a Member of the House of Representatives from the State of Mississippi.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended in order that the Senate may pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

URGENT DEFICIENCY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the urgent deficiency bill (H. R. 13043), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the urgent deficiency bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON.

LEAVE OF ABSENCE.

Mr. WATKINS, by unanimous consent, was given leave of absence indefinitely, on account of serious sickness in his family.

IMMIGRATION.

Mr. SLAYDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the immigration bill.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10384, the immigration bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

Mr. HAYES. Mr. Chairman, I yield eight minutes to the gentleman from Pennsylvania [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, although I have but a few minutes at my disposal, I wish to pay some attention to the address of the distinguished Representative from the State of New York [Mr. BENNET] delivered on this floor some days ago. And in referring to that address I will repeat and adopt as my own the words of the New York Representative then used as follows:

And before I vote to keep a Hebrew or a Catholic out of this country on account of his religion I will resign my seat in this House, much as I value it.

And I sincerely trust, Mr. Chairman, that this sentiment is concurred in by every Member of this House of Representatives.

For myself I desire to state frankly and forcefully that I have no sympathy with the spirit of religious intolerance that has been so rampant throughout our land in recent years. Frequently we find important political contests waged on the narrow issue of religious antagonism, to the detriment of the communities where such contests occur, and it is to be regretted that this issue has been thrust into the debate of an important measure before this great lawmaking body. Such a spirit is in direct opposition to the American principle of religious liberty founded by Roger Williams in Rhode Island, adopted by William Penn in Pennsylvania, encouraged by Lord Baltimore in Maryland, and now permeating the institutions of our common country. [Applause.]

I am therefore in full and hearty accord with my friend from New York, in so far as the principle of religious liberty is concerned, and likewise in agreement with another New Yorker, the great Chancellor Kent, who in his treatise on American law, after reference to the so-called absolute rights of man as laid down by Blackstone, namely, personal security, personal liberty, and private property, continues in these words:

> The free exercise and enjoyment of religious worship may be considered as one of the absolute rights of individuals, recognized in our American Constitutions, and secured to them by law.

And this principle, in my judgment, is so firmly established in our institutions that when some of the other so-called but rapidly vanishing absolute rights have been materially lessened in importance as a result of present-day legislation, this right of religious freedom shall remain intrenched as a sacred if not an absolute right of an American citizen.

But while agreeing with my good friend and very desirable Member of this House, in so far as this principle is concerned, unlike him I am in favor of this bill. I remind the gentleman and the Members of this House that the Republican national platform of 1896, on which William McKinley was elected President, contained a provision demanding that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who could neither read nor write. This action on the part of the delegates to the convention could not have been based on information obtained later than 1895, and in that year the number of immigrants to this country from Europe amounted to 271,000 and more than 50 per cent of these came from Germany, the United Kingdom, Norway, and Sweden alone, so that the religious issue could not then have been involved.

I am in receipt of numerous letters, petitions, and resolutions from local labor organizations favoring this bill, signed in many instances, to my personal knowledge, by good and true Catholics, and I will not have it said on this floor without entering an emphatic denial that the religious question is involved in the consideration of this measure. Certainly it is not in so far as I am concerned, nor do I believe that it has any influence on any other Member of this body. Not only am I free from any feeling of religious antagonism but also from any racial antagonism, considering myself a child of the one great God and able freely and without restraint to extend the right hand of fellowship to the newcomer to our shores regardless of the country from which he comes or the religion which he professes.

The gentleman sought to strengthen his position by reference to a conversation with a representative of the Junior Order United American Mechanics, giving the impression—I think I correctly state his attitude—that the order referred to was favorable to the bill on religious grounds, and yet in that same conversation he tells us that the same representative of the order informed him that they had been fighting immigration for a period of 60 years. If this be true, then surely their opposition is not based on religious grounds, for I have already shown by reference to statistics as recently as 1895 that it has only been within comparatively recent years that the bulk of European immigration has been Catholic, and therefore the attitude of the Junior Order United American Mechanics being consistent with its position of former years can not be said to rest on any religious opposition.

Now, a word as to the merits of the measure. In these days, when our States have enacted compulsory education laws and child-labor laws, and this body, as recently as the present session, not only encouraging but seeking to force these laws on unwilling States by excluding certain child-made goods from interstate commerce, all of which has been done with a view to fitting the rising generation for the duties and responsibilities of a higher citizenship, and done in many cases at great cost and sacrifice to poor families, and especially to widowed mothers, it is but right and just and fair to say to those from without who seek the superior advantages of this country that they should at least put forth sufficient effort to meet the limited requirements of this bill.

Of course this is a departure from the established policy of this Nation, but it is not the only departure of recent times from the ways and methods of the fathers. Oh, that was a grand speech by a grand old man delivered in this House yesterday [applause], but conditions have changed in recent years and these changed conditions demand new laws. Who 20 years ago would have proposed in this House such taxation laws as are now enforced? Who would have advocated such pronounced Federalism as is now practiced by the professed followers of Thomas Jefferson? Who would have strenuously championed a national prohibition amendment? Who would have seriously advocated universal suffrage? Yet these things are being done and they demonstrate how far and how fast we are traveling from the ancient landmarks. Possibly we have reached a point at which we might well pause before traveling farther from tried principles of representative government; but I can not discuss this problem now.

Let me impress you with the fact that we are confronted with vastly different conditions that require some change in our position. A short time since we looked upon Europe with comparative indifference as she grappled with her great social problems, as we felt her problems could never be ours. But to-day we are not only face to face with those social problems but are fast being carried into European militarism, from which God grant we may be spared. [Applause.] It was Carlyle who said, in effect, I do not pretend to quote his exact language: You may talk of your America and the prosperity you enjoy, but the secret of your success is that you have a great deal of land for a very few people. Density of population has brought its problems to our doors, and to solve them prudence coupled with wisdom must be applied. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAYES. Mr. Chairman, I yield the balance of my time—11 minutes—to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Chairman, I hold that the justification of any legislation, of whatever character, must be found in a better citizenship. I do not believe that if we analyzed legislation we would find ourselves justified in passing any law, no matter what be its character, unless we could base it upon a civil reason, and that civil reason is to secure a higher grade of citizenship. If we look at this problem from that standpoint, I think we will find that our legislation on the immigration question in the past has been put upon that basis. There is a review in section 3 of the legislation on this question, and I find certain elements here. One is exclusive, another is restrictive, and another is selective. All of these elements have been employed in the past. We excluded the Chinese, we excluded the Japanese as far as treaty relations would allow us to do it; and I want to say right here and now that I would not vote for any measure of exclusion which I felt violated a treaty until the treaty was modified. This bill has an exclusive feature also with respect to the Hindu. I think that we are justified, Members of the House, on various grounds in enacting exclusive legislation. As a student of the future possibility of China, with a population of 425,000,000, with a possibility, as stated by men who know, that when China awakens what Japan has done in 50 years will be better done and more easily done by China, I think that the possibility of coming into competition industrially with that tremendous Empire is a most serious problem which every man must take into consideration in legislating. For that, as one reason, I think exclusive legislation is justifiable. Legislation has been also restrictive, and it is restrictive in this bill. Here is a restriction upon the mentally unsound, a restriction upon the physically defective, a restriction upon the morally delinquent, a restriction on the industrially vicious—those who will inevitably become a public charge upon the Government. I refer now to the beggars, to the vagrants, to the people with no standards of living, those who would come into industrial competition with our people, who could live upon what would starve an American. Our standard of living as we now strive to maintain it will be sustained only by such legislation. I think that admission to our shores of such peoples is industrially vicious, and for that reason I believe restrictive legislation in that respect is justified. There is also a restriction against the governmentally vicious, the anarchistic elements, those who are forcibly and organically and in organizations opposed to organized law and even government.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. MADDEN. Is not that already in the law?

Mr. FESS. Yes. I am speaking of the past legislation, I would say to the gentleman. I am speaking of what we have already enacted into law. In other words, we have had legislation that is exclusive, also legislation that is restrictive, and now I desire to pass on to what this legislation means to be in addition to what we have had in the past.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. JOHNSON of Washington. While the gentleman said correctly that our laws now prohibit anarchists from coming to this country, he admits, does he not, that in the law as at present there is nothing which excludes those who practice sabotage, a condition which we seek to write into the law through the bill under consideration?

Mr. FESS. Yes. In other words, this law is supplementary to what we have already. This proposed law is not so restrictive in its purpose as it is selective. I would not be so unkind as to say that those who are opposing this bill would oppose all legislation that looks to restriction. That would not be fair to many Members. However, that statement is fair with reference to some Members who have spoken upon this bill. There are those who believe absolutely that any restrictive legislation is wrong; and one of the Members, speaking from his place yesterday, said that the purpose of this bill is the restriction of immigration, as if that were an argument against it. As I say, the general principle opposing this bill emanates from those who believe, as I think, that it is a mistake to make any limitations. There is where I differ from my friends. I think that this bill, which is selective rather than exclusive or restrictive, but which looks to a better class of immigrants, is absolutely justified, not only by what we have done in the past but by present demands and by what we must see are the demands in the near future. My reasons are these: This bill is initiated for the specific purpose of making a better citizenship—the purpose of all legislation. It is not intended to exclude those who will add in any measure to the importance and to the value of our citizenship.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. MADDEN. Does the gentleman think the power to read a few words in any tongue or write those words will add anything to the test of the qualifications of the man—morally, physically, or mentally.

Mr. FESS. I believe, frankly stated, that a mere ability to read 30 words is not a real and conclusive test. I would not for a minute say that it is, but I do believe that those who can not read 30 words and who have not energy enough to learn to read 30 words are not desirable, and I do believe that those anywhere in Europe who can not now read the 30 words but who have energy to learn to read have more promise for our citizenship when they come than the one who can not do it, and for that reason I will vote for the literacy test, believing it is a suggestion of the ability to be a more useful citizen because of ability and energy to learn.

The literacy test will probably start many evening schools to relieve the limitation provided by this law. Against that class of foreign individuals this literacy test will not be final.

Mr. MADDEN. How many citizens on this floor does the gentleman think would be here if their antecedents were required to be able to read and write before being admitted to America?

Mr. FESS. I know that Members of this House might say that I probably may be ungrateful when I say to you a thing I did not suppose I would ever say publicly, that my mother, in the shadows of the evening of life, living in her home in Lima, never went to school a day in her life, can neither read nor write, and while my mother did not want her children denied the opportunity denied her, because she lived in a community in which there was no school, she would not desire me to stand on this floor and say that that is the reason or a reason why we should not have a better citizenship. [Applause.] On the other hand, my mother said to me: "I can not have the advantage of schools, but there is one thing that I will work my finger nails off for, and that is that my children shall have the opportunity to learn to read." [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I will.

Mr. BENNET. Is the gentleman aware that the very praiseworthy attitude on his part toward his mother, which we all admire, expresses the attitude of the foreign-born parents who insist on education for their children in this country?

Mr. FESS. I cheerfully admit it. I do not think there is anything that gives greater pride than to see in your city the great ranks of foreigners waiting on the morning when the schools are to be opened to see whether their children are going to get in the schools and not be excluded; but they would not say that education is not a real value, as we have so often heard since this debate has opened. On the other hand, they want their children to learn to read. They would not urge that that is an argument for illiteracy, nor that our people should repudiate the value of education here. [Applause.]

This summation of reasons must be placed upon a legislative desire to insure a higher citizenship. The literacy test has been and is now indignantly attacked on many grounds. Those who favor it are stigmatized as narrow, bigoted, pharisaical, and as nativists with an old "know-nothing" flavor. These attacks should not be interpreted too seriously. It is most probable they would make them against restrictions of any sort, because they speak against any restriction. If we accept their statements for what they are worth, they plead the cause of ignorance rather than philanthropy. These men live in a country which has pronounced ignorance a crime, punishable under the law. Is it possible they declare it a crime for an American and a virtue for a foreigner?

We spend three-quarters of a billion dollars per year on our common schools in order to remove this incubus. We do it not so much for the youth but for the coming citizen of the country. If the American born must not grow up in ignorance because of the State, then why should the State admit the ignorant with open arms? Why should there be one standard for the native American and another for the foreigner?

I shall vote for the illiteracy test because it will select our immigrants. It will lift the standard of the foreigner. The one who comes to our shores should have a distinct purpose. If he comes to remain for a short time to take back his wages at a lower rate than our own labor, he does not help American conditions by breaking down our standard. If he can not read, he can not become a citizen. Why should we have a literacy test for citizenship and not for immigration unless we wish to encourage the coming here of the foreigners to remain as a foreigner until he desires to return? Note the 400,000 foreigners who returned to fight the battle of their rulers. Do we mean to encourage that sort of immigration? If so, why? Let those who favor such immigration contemplate its effect upon our standard of living among those who toil. Members of the House, whatever else we do to maintain our ideals of citizenship, our standards of living, we must not by law permit such an incubus to be fastened upon those who toil. Our purpose here should be to insure advance of these people, not retrogression.

While the literacy test, as I said before, is not a conclusive test, it is a step in the right direction. I have consistently stood for a protective tariff, as I said once before. I thoroughly believe in it. My chief reason is to prevent goods from cheap European labor competing with our goods of highly paid labor. Believing as I do in this protection of our labor, I can not and will not vote to indiscriminately bring in unskilled ignorant labor to compete with our labor. This is one of the chief reasons for my contention.

Mr. Chairman, to listen to some of the utterances in the discussion of this bill, where we hear Members compare the viciousness of some educated men with the virtues of some of those who can not read, we wonder in what land this discussion is carried on. How account for these encomiums upon ignorance and these invectives upon intelligence?

This bill demands that our standards of life shall not be lowered. It demands that our requirements for Americans must not be discriminated against in favor of immigrants. It demands that our unskilled labor shall not be too greatly increased. It demands that the problem of unemployment shall not be further confused by indiscriminate immigration. It demands a premium upon energy and intelligence.

This bill will not keep out the industrious and the energetic. Anyone who can not learn to read 30 or 40 words has not energy and industry enough to insure the country against his becoming a public charge. This bill will likely stimulate education in Europe as nothing else will—especially in those sections where the ignorant population live. This bill by this process of selection will not harm, but it ought to help, and I shall therefore use my influence to secure its adoption. Mr. Chairman, it may be again defeated, but, gentlemen of the House, you can do no more than defer it. You can not fight against the future. In this case time is on our side. This measure will become a law sooner or later. The judgment of the country demands it, and it must come, if not now then soon.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CASEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. SHAFROTH, and Mr. WARREN as the conferees on the part of the Senate.

IMMIGRATION.

The committee resumed its session.

Mr. SIEGEL. Mr. Chairman, I yield nine minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, my good, warm friend, the gentleman from Ohio [Mr. FESS], has made the strongest argument that could possibly be made against the literacy test. [Applause.] I am opposed to this test, because I sometimes think that mother might have been born in Germany, in England, or in Italy and that she might have been unable to read. In that event, this bill being a law, some of us would not have had the opportunity to be citizens of the United States, and we certainly would not have become Members of the Congress.

It is the humane side of this question that has induced me since I first came into this House to oppose this feature of a bill that otherwise is not so objectionable. The humane side of this question rises far above the question of citizenship, as it has been described by my friend from Ohio. I am pursuaded that Jesus Christ on earth would not have included the literacy-test clause as it is here written. It is lacking those elements of that brotherhood of man which everyone of us in his innermost soul strives for, regardless of the country from which he hails. I agree with the proponents of this bill in this, that——

Mr. MEEKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I have only nine minutes.

Mr. MEEKER. But will the gentleman yield to me?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. MEEKER. I would like to ask, if on the subject of a program the gentleman is calling in the Master as a legislator, would He stand for compulsory education?

Mr. MOORE of Pennsylvania. I venture to say that if the gentleman were preaching the doctrine of Jesus Christ he would not preach the preference of one set of human beings over those who have less favorable opportunities in the world.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. JOHNSON of Washington. Would the gentleman in his spirit of broad humanity admit millions of Chinamen in the United States?

Mr. MOORE of Pennsylvania. The question of assimilation arises there——

Mr. JOHNSON of Washington. Or people from Brazil?

Mr. MOORE of Pennsylvania. As soon as Chinamen are willing to assimilate with the people of the United States we have another question. The difficulty with the gentleman is he will not assimilate with the Hindus and Japanese, and that gives some justification for the stand he takes.

Mr. JOHNSON of Washington. Would the gentleman admit those from Brazil and Mexico?

Mr. MADDEN. This bill admits them from Mexico.

Mr. MOORE of Pennsylvania. The gentleman will have to secure me more time if he desires me to answer.

Mr. Chairman, I must proceed. I agree with the proponents of this bill that we should restrict undesirable immigration, but I can not agree with them that worthy and hard-working immigrants who can not read are so undesirable that they should be excluded. We have plenty of law to keep out immigrants who are criminal, insane, anarchistic, or otherwise undesirable, and if any of them slip into the country it is due to the administration of existing law rather than to the law itself. The pending bill in a great many pages reaffirms existing law. It excludes undesirable immigrants who are already excluded by law and imposes an additional head tax upon those who are admissible. It enters upon ticklish ground in its treatment of Asiatics, but the chief new feature of the bill is the provision which excludes immigrants who seek a haven in the United States for no other reason than that they can not read. This provision is insisted upon by the ultraimmigration restrictionists despite the fact that it resulted in vetoes by Presidents Cleveland, Taft, and Wilson, which vetoes were sustained in every instance by Congress.

The eloquent gentleman from Alabama [Mr. BURNETT], who has championed this measure for many years, has indicated that its passage would correct many of our social and industrial evils, advancing his line of thought so far as to suggest it would stop the raids of Villa on the Mexican border. The confidence of the gentleman in this regard is as sublime as his faith in "our watchful waiting" policy in Mexico or the unthinkable thought that President Wilson, who vetoed this bill two years ago, will change his mind and approve it now. This bill will not stop the raids of Villa nor the smuggling of Asiatics nor the sneaking in of undesirables any more than any law will prevent murder or theft. If we were to adopt the thought of the gentleman from Alabama with respect to border raids or smuggling, it would be necessary for us to increase the Immigration Inspection Service to twice the size of the present standing army, plus the addition of the 40,000 men provided for in the Hay bill. For the sake of the present administration and in order that our overburdened Treasury may not be too speedily depleted it would be well for some political strategist to induce the gentleman from Alabama to eliminate the suppression of Villa from his immigration program.

My objection to this bill, Mr. Chairman, is due to the literacy test it proposes. Such a test is neither patriotic nor humane. It favors the worthless and designing immigrant who is capable of making trouble for this country and it casts down utterly the worthy toiler who struggles patiently and laboriously under the burdens imposed upon him by the strong and the heartless. Gentlemen in debate, spurred on by petitions and resolutions, dictated by expediency and without regard to the human side of the problem, have inveighed against the illiterate. Strange enough, many of these same gentlemen on other occasions have been the most persistent friends of the downtrodden and oppressed. It is not the criminal or the crook or the polished schemer they are after now; it is the man or woman who has the misfortune to toil on through the world without having learned to read. Not those who are scoundrels by profession but those who can not read must go back under this bill, back to the inferno of Europe, back to the hopeless gloom from which they came, denied even that ray of light, that hope of civilized living which was vouchsafed to those who now turn their hands against them. This literary test does not stop the anarchist, for he can read; it does not stop the Crones, who poison our food, for they can read; it does not stop the agitators who preach from the street corners, for they can read; it does not stop the artist or the lecturer who coins American dollars and spends them in Europe, for they can read. What this literacy test does is to stop the men who can not read, but who are willing to work under an American system until they themselves can earn enough not only to learn to read but to pay for the education of their children. The farmers of this land are now pleading for this class of untaught workers.

Mr. BAILEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I regret I can not yield.

This literacy test will bar the war-made widows of Europe for whom the housewives of America are now pleading. It will bar these widows and their orphans if they are so unfortunate as to be willing to work without stopping to read. This bill assumes to speak for American patriotism and labor by denying to the unfortunate who would come here to work the same right and the same opportunity that was held out to the oppressed people of the world when our forefathers founded this Republic. It proposes to reverse the order of history and tradition, destroy the universal belief in America as a haven for the oppressed or for those seeking relief from persecution or political or religious views by writing over our portals the inscription, "All hope abandon, ye who can not read." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that right.

Mr. SIEGEL. Mr. Chairman, I yield eight minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, yesterday as the debate upon this immigration question proceeded I sat here and listened with great attention to the discussion indulged in by the advocates of this measure, hoping to hear some plausible argument fall from their lips in justification of the literacy test which this bill proposes.

Several of the gentlemen who whipped their minds into a torrent of enthusiasm for this literacy feature are careful to correct and revise their remarks, and, as a consequence, they do not appear in the RECORD this morning.

In the printed remarks of the gentleman from North Carolina [Mr. HOOD], a member of the Committee on Immigration, there appears a quotation from the speech of Hon. W. Bourke Cock-

ran, of New York, a former member of this House, which the gentleman from North Carolina presented, as it were, in defense of the literacy test in this bill. The quotation is as follows:

It is true—

Speaking of the immigrant—

that he crowds sometimes into a great city like New York, and it is also true that in more than one quarter of a great city you can find a population almost entirely foreign; signs over shops are in foreign characters, the language actually spoken is foreign, the habiliments of the people foreign, of the women especially, among whom that tendency to color so strong in certain European populations is very pronounced. As you see these aliens leading their lives according to habits that have grown up across the sea you might well wonder, as you go from one district to another, each inhabited apparently by people differing wholly from the others, if, indeed, there be not here a multitude of races beyond the capacity of even this Nation to digest.

[Applause.]

At the end of the quotation, the gentleman from North Carolina received some degree of applause, whereupon he proceeded to say that Mr. Cockran gave his reasons why this Nation can digest such conditions. The gentleman from North Carolina did not quote the reasons which he said Mr. Cockran gave, and I desire to read these reasons into the RECORD in order that the entire statement of the distinguished orator from New York may appear:

But this doubt can never linger in your mind longer than it takes to walk a single block. Because it is impossible to go more than that distance before you will see a solid building, unpretentious but simple, with a door at either end over one of which is inscribed the word "boys" and over the other the word "girls," and shortly after three every afternoon from these doors there pour out streams of boys and girls, every one of them speaking the United States tongue and whose greatest pride is that he or she is an American. To tell any one of them that he is an Italian, a "Dago," or an Armenian or a Scandinavian or a Hungarian, is the one offense that can be expiated only by a blow.

Mr. Chairman, the obnoxious literacy test in this bill has always been the head and front of its offending. Three times the bill has gone down to defeat because of this literacy feature. The fourth trial may finish it completely—a consummation devoutly to be wished.

Apart from the literacy test, the bill has many commendatory provisions; but this test so thoroughly vitiates it that it can not receive my support. I voted against it in the last and I shall register my vote against it in the present session of Congress.

So much has already been said respecting the literacy test that very little that is new can be offered. For the best part of 20 years it has been discussed in and out of Congress. Majorities in both Houses have favored it, but on every occasion of its passage it has failed of presidential sanction.

Whatever motives actuate the proponents of this literacy test, they appear to justify it on the ground that it will bar undesirable immigrants. My own belief is that it will exclude numbers of immigrants who can not read but who are in other particulars entirely worthy of admission. To my mind it is at once injudicious and unjust. It will welcome the degenerate, who is usually able to read, and repudiate the industrious foreigner. The accident of illiteracy is not a sound reason for shutting the gates of admission against an immigrant. Rather his health and strength, mental, moral, and physical, and his anxiety to earn an honest living in the exercise of his toil are warrant that no fear need ever be entertained that this country will be harmed by his coming here.

A literacy test provides for an aristocracy of immigrants, and is therefore discriminatory and un-American. It assails a class of immigrants who lack rudimentary education only because the key to obtain it has never been placed in their hands. This is not their fault, but their misfortune. Instead of keeping them out for the reason that they can not read it should be our purpose to admit them, if they are otherwise worthy, and endeavor to remedy the defect so far as it lies in our power. This, sir, is our present practice, and it makes for a more enlightened citizenship and is altogether compatible with republican institutions. We can Americanize the foreigner, and are doing so to-day by means of the splendid educational opportunities that this country offers. The children of immigrants are in many cases the unconscious agents of this transformation, for the influence of the school and library upon them, which is often transmitted to the parents, drives out many racial tendencies that otherwise might retard assimilation.

Mr. Chairman, this legislation lays down the proposition that an illiterate person is not fit to be admitted into the United States. The proposition is not only absurd, but it is subversive of every principle of justice on which our Government rests. We can not accept it unless we are willing to stultify ourselves and unlearn the history of all that the foreigner—the illiterate foreigner—has done in the marvelous development of our country. The millions that have come here at successive periods have done vastly more than increase the numbers of our population. Untaught by any teacher save the God of their fathers, unskilled and unschooled in any art or science, but depending wholly upon native muscle and sinew, they have struggled with the forces of nature, hewed down our forests, cultivated our fields, built our highways and railroads, constructed our canals, and thus transformed the entire country from its rude and primitive state to a land desired of all as a place of peaceful habitation.

I cheerfully accept the proposition that this Government should use every possible precaution to prevent vicious, immoral, and idle immigrants from seeking admission in our ports, for it is these classes alone that present the dangers that may arise from future immigration. This measure, however, does not accomplish the purpose, but rather sets up a standard which these classes are usually able to meet and which the honest, industrious, and God-fearing immigrant can not always attain. It presents a policy unworthy of the passive consideration of any real American, much less his active support.

If the presentation of this bill serves no other valuable purpose here, it will, at least, permit us to remind its advocates of what we owe to the foreigners who in the past have found a haven in our country. But for them the country would yet be struggling in infancy, its resources undeveloped, its soil unyielding, its marvelous wealth still hidden, and all the wonderful agencies of the land would not yet have arrived at their marvelous state of advancement; yes, even the buffalo and the beaver, with their hunter, the savage of the forest, would at this period of our existence, as they were in our early history, still be predominating inhabitants of a great portion of our country.

Notwithstanding the aversion manifested by the victims of alieniphobia who, no doubt, would be quite willing to shut off immigration altogether, it must be admitted that there is yet much work to be done in the future development of the country. Vast and varied resources we have yet remaining whose development depends upon unskilled labor, which the foreigner must furnish and which makes immigration an entirely practical, if not a necessary proposition. We need the immigrant and we welcome him because he is useful. But his usefulness can never be determined merely by a capacity to read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I yield to the gentleman three minutes more.

Mr. KENNEDY of Rhode Island. I thank the gentleman.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KENNEDY of Rhode Island. I have not time in which to yield.

Mr. Chairman, our wonderful institutions have been built up by our liberal policy of immigration. We have become a great Nation largely through extending an inviting hand to the sturdy sons of toil who have lived and struggled under a foreign yoke in the hope that some day they might be released from the shackles that bound them and be permitted to enter into and enjoy the blessings of a free country where labor is dignified and the spirit of freedom abides. Let us not now depart from that purpose by setting up a literacy standard, which is not the measure of man. Rather let us continue to make our selections on physical, mental, and moral grounds. Like Bassanio in the play—

Let us turn from the specious casket, which contains only the death's head and the fool's head, and fix our choice upon the plain leaden casket, which conceals the treasure.

Though very little enthusiasm exists at present for the ancient belief that this country must forever be a refuge for the victims of Old World oppression, it can not be that there still exists any trace of the spirit of other times, of days never to be recalled without a blush, days of dwarfish talents and narrow minds, the Know-Nothing days, so ably depicted and described by the distinguished gentleman from Illinois [Mr. CANNON], the golden age of nativism in American life. If such a spirit yet lingers anywhere in this country and, masquerading under false colors, contributes its portion to this renewed and unwarranted opposition to the foreigner, let those who possess it remember that their predecessors were cured when they found that the immigrants who crossed the ocean in the steerage of a ship were soon called upon and promptly answered the call to assist in steering the ship of state. Then we find them in large numbers enthusiastically fighting the battles and courageously bearing all the vicissitudes of the Revolution; later, in greater numbers, we see them gallantly and with the intense ardor of real patriotism in the war of preservation in 1812 and in our struggle with Mexico, and when the climax came in 1861 and all were called to the support of the Union, whose integrity was in danger, bravely they stood, fought, and died for the preservation of that Union and its institutions and of that flag so eloquently apos-

trophized yesterday by the gentleman from Missouri [Mr. MEEKER]:

Every race and creed,
There was no question then of native land,
But love the flag and follow it till death.

Hundreds, yes, thousands, of them were unable to read their names on the lists of enrollment as they marched into the service or upon the honorable discharges they received as they marched out, but this defect in education did not detract from their capacity to serve their adopted country nor defame their integrity or the high character of their citizenship.

In the onward march of civilization in which this Republic has been for a century and a quarter enlisted, the most passionate worshipers of our institutions and our liberties have come from climes across the seas. Campbell, the poet, in his Pleasures of Hope, paid well-deserved tribute to a race of people many of whose numbers will be rejected at our ports if this bill should become a law, in the following lines:

Hope for a season bade the world farewell,
And Freedom shriek'd as Kosciusko fell!

The statue of this gallant son of Poland, who was thus immortalized as freedom's ideal, adorns a park in this city named in honor of Lafayette, another archetypal son of liberty, who valiantly contributed to the victory we finally achieved in the days of our early struggles for national being. Shall we in this day and generation make freedom shriek by adopting this un-American measure and thereby deprive a bold and sturdy manhood of opportunities toward which our fathers fled from cruel and tyrannical wrongs? I hope not. We live and believe in a democracy where freedom ever dwells, and we have always shared that freedom with the downtrodden races of the world. Our mission as a Nation is not to monopolize freedom and shut the gates of mercy on mankind. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield 17 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, in the course of the few minutes that I shall ask the attention of the committee I expect occasionally to use the word "Mexican," but I want to say at the outset that it is not my purpose to discuss any question in relation to Mexico that is now or can be a subject of diplomatic correspondence.

Down in the Southwestern States, those that border on Mexico, we employ the word "Mexican" to define a race rather than the nationality. I want Members to appreciate the fact that in colloquial speech in all the States that border on Mexico the word is used in that sense. There are Mexicans in my State, as there are, no doubt, in New Mexico, Arizona, and California, whose fathers and grandfathers and perhaps great-grandfathers were born within what is now the territory of the United States. Yet in colloquial speech they remain "Mexicans."

What I am going to say is in reference to a series of events that took place in Texas during the summer and autumn of 1915, serious and important movements resulting in conflicts with arms and in bloodshed. I have been amazed, Mr. Chairman, to learn that there are numbers of gentlemen in this House, in the present Congress, who never even heard that there was a deliberate and serious effort, supported by arms and fostered—at least, an effort made to foster—such movements by actual conflicts on the field of battle, although the engagements in themselves were insignificant and always resulted in one way.

It is about that, and because it has a direct and an important bearing on the bill that we are now considering, that I shall talk. I have endeavored, Mr. Chairman, to put into a 15-minute speech three or four months of very stirring history. I have endeavored to set it down in chronological order, and if the gentlemen will give me their attention for a few minutes I think I may be able to tell those who have not heard of it—of the revolution in Texas during the summer of 1915—of the conspiracy hatched in a foreign country, the government of which, in my judgment, was in no way responsible for it, but was attempted to be put into execution in the State of Texas.

In order that I may be brief and not discursive, and not take up more time than has been allotted to me, I shall resort to my manuscript and confine myself to it, and if any gentleman shall be moved to ask me a question I will say now that I regret that I will not have time to leave this paper in order to answer it. However, if after I shall have concluded I have a moment left, I will be happy to do what I can.

Early in August, 1915, the people of Texas who were going quietly about their business were startled to learn that they were living on a volcano. They learned that a revolution had been started within the State itself and that serious and violent efforts were being made to dismember the State and to reattach the separated parts to Mexico. It was proposed to take about 22,000 square miles of west Texas, and in addition, all of New Mexico, Arizona, California, and Colorado.

It was a large enterprise, and when I first heard of it I was merely amused, for I did not believe the Mexicans in Mexico or any of the Mexicans in Texas could be so stupid or audacious. Subsequent events proved that I underestimated their stupidity and audacity. At first these movements, all of which were characterized by murder and robbery, were thought to be nothing more than the activities of bandits. No one in Texas dreamed that they had any connection with a serious political movement. We were to learn better in a few days after they began.

Early in August there was an invasion of Texas. A party of bandits came into Cameron County on August 2. They stole a dozen or more horses and fired rifles at citizens of Texas. The next day, August 3, some of the men of Troop A of the Twelfth Cavalry encountered the invaders only 18 miles from the city of Brownsville. Private McGuire of the troop was killed, Private Curtis shot in the ear, and Texas Ranger Joe Taylor had half his saddle shot away. There were supposed to be about 50 of the invading Mexicans in the bandit organization. Just how many Mexicans were killed was not reported, but no Texan ever blushes at the score in these encounters.

On the same day a railway train was fired on and a trestle 235 feet long was totally destroyed and the telegraph and telephone wires cut.

On the 5th of August some of the raiders went to the village of Sebastian and captured A. L. Austin and his son while they were at work in their field and executed both. A 19-year-old boy by the name of Millard recognized five or six of the gang as residents of the Sebastian neighborhood. This fact was taken as evidence that the marauders from Mexico had the cooperation of Mexicans resident in Texas.

The store of J. T. Alexander, who was also the Sebastian postmaster, was robbed on the same day by the Mexicans.

The elder Austin had been the head of a law-and-order league and had busied himself with the task of ridding the community of certain well-known bad Mexicans, and this was thought to be the reason for the attack on him and his son.

I will say, in passing, that the San Antonio Daily Express, from which I glean these bits of information, published in its issue of August 8, 1915, an interview with the Chief of Staff, Gen. Hugh L. Scott, who was in Chicago on the 7th of that month on his way to visit one Francisco Villa, of whom you have heard. The telegram from Chicago said that Gen. Scott was confident that he would be able to bring the warring factions in Mexico together. The general was quoted as saying: "You bet I am optimistic. There is no place in this world for a pessimist. When I start out on something I usually do not quit until I have done what I started out to do."

"Are you going to read the riot act to Villa?" the reporter asked. "No; I would not say that," was Gen. Scott's reply. "I will say, however, that Villa and I have always got along fine together. He once told me that whatever he and I set out to do along the Mexican border we would accomplish."

They still have the same purpose in view but differ in their methods. Our Chief of Staff wants Villa to visit the United States, but they can not agree on the time nor circumstances of the visit. Villa prefers to travel at night and to make surprise visits.

Mr. Chairman, I will further digress for a moment to say that the most amazing thing I have observed in connection with the whole Mexican movement was the obsession about Villa, the belief in him, the impression that he was a sort of Benjamin Franklin, Thomas Jefferson, or George Washington, or combination of all, trying to lead his people out of the tyranny of subjection to the capitalistic class into pure democracy.

Such a leader may have been needed, but a hardened criminal, a creature who had been convicted of base crimes and guilty of others for which he had never been brought to trial, was hardly a fit person for such leadership.

The people on the border knew this creature and were never deceived by him or his promises.

But let me tell the story of the celebrated San Diego revolution in chronological order. On the 6th of August—always referring to the year of 1915—a fight occurred at El Paso Real, about 30 miles from Brownsville, between Texas Rangers and some of the bandits. The laconic report says, "Three alleged members of the gang were soon disposed of."

On the 9th the residence of the manager of the Norias ranch was attacked by 60 of the Mexicans, who appeared to be fairly well officered and organized and perfectly armed.

The ranch was defended by seven civilians and four United States cavalrymen. Four of the enemy were killed and six of the Americans were wounded. The published account of the fight is thrilling, but my limited time allowance in this debate will not permit me to give you the incidents that illustrate the high courage of Americans, even when fighting an enemy four times as great, from the point of view of numbers.

One of the wounded Mexicans, a citizen of Texas, captured on this occasion, gave the first reliable information of the real character of the raids. He said the purpose of all of them was to advance the revolution by which it was intended to detach from Texas all that part of the State west of the Nueces River and restore it to Mexico. Of course, he said that he had been forced to join the invaders.

I ought not to close this brief account of the very lively fight at the Norias ranch without saying that the negro cook at the ranch proved himself to be a real hero. No one fought with greater courage.

The report of the Norias fight made to the San Antonio Express contained these significant words:

> There is little doubt here now that disorders among Mexicans * * * are caused by their desire to return to Mexico that part of Texas lying between the Nueces and the Rio Grande. People here now recall the "Plan of San Diego," brought to light by the United States Government officials last winter when a Mexican was arrested on the charge of sedition. On his person a lengthy document was found which set out the purpose of a certain group of Mexicans to incite revolt in all the States bordering on Mexico * * * and to hand them over to Negroes, Japanese, and Mexicans.

All white males over 16 years of age were to be killed.

After the Norias fight and the confession of the captured Mexican, all considered in connection with the "Plan of San Diego," the real situation was recognized, and the movement was commonly referred to as the "revolution."

The Mexicans themselves referred to the invaders and their Texas-Mexican allies as "the army of liberation for Mexicans in Texas."

Near Mercedes, which is not far from Brownsville, in a fight on the 10th of August, the saddle pockets of a Mexican were taken, and in them some documents that shed light on the situation. One of these was a handbill in Spanish. Under the general heading, "Army of liberation of Mexico and Texas," was printed a brief address, which ran as follows:

> Mexicans! To-day we will accomplish a sacred obligation. The revolution has acquired in a few days gigantic proportions. We unite as brothers to expedite these fortunes of ours. In this solemn moment we will vindicate our rights and justice for all time. May the light shine upon us in all our undertakings, and may it crown our forces in all manners contemplated. This movement in Texas is of such consequence as to bring about the peace and justice we all long for.

By the time these things had happened, Mr. Chairman, the people on the Texas border were thoroughly aroused. Citizens who had the courage to defend their homes and who could look straight down a rifle barrel, with the assistance of the Rangers and the Federal troops began what the papers called a "silent, relentless, man hunt." The chaparral was full of bandits. Some of them never left the chaparral. From time to time there were encounters of more or less importance, the usual result being discomfiture for the enemy.

The Government in Washington had not yet become convinced that it was a real invasion, that the headquarters of the enemy was really south of the Rio Grande. At this juncture Mr. Garner and citizens of the Rio Grande Valley visited Gen. Funston and laid before him their reasons for believing that certain Mexican officials—and I now refer to officials of Mexico—were behind the movement.

Personally I do not believe that high officials of the Carranza government were associated with the raids, but that officers of lower rank encouraged them I do not doubt.

Gen. Nafarete, who was the Carranza commander at Matamoras, across the river from Brownsville, stoutly denied that his troops or any part of the Carranza army had any connection with the raids. Sometime we may know who was right, the American citizens headed by Mr. Garner or the Mexican general.

Raids from the other side of the river continued from time to time and there were occasional encounters with roving bands of Mexicans. That these invaders had the sympathy and active support of many Mexicans who were residents of Texas is certainly true. It is also true that even with the aid of disloyal citizens of our own country all such conspiracies against the sovereignty and integrity of our country and the State of Texas will fail. Such a project could only be born in a diseased brain, or be part of a deliberate scheme to create a condition that will facilitate plans for murder and robbery.

These raids into Texas continued into October. On the 18th of that month a train was wrecked and a number of citizens of Texas were murdered, among them a health officer of the State.

I will print as a part of my remarks, with the consent of the House, a story of the confession of one "Chano" Flores, who was arrested by the sheriff of Cameron County, Tex.

I will also print a copy of "The Plan of San Diego." This is a more important document, as it is a declaration of the purposes of the revolutionists and tells in some detail how their program was to be executed.

The lesson of this episode in the history of our country, Mr. Chairman, is that we can not be too careful about the character of people we admit to citizenship or even to residence.

It is proposed in this bill to regulate immigration to apply the same conditions for admission to Mexicans that operate as against people from Europe. The committee were, as I recall, of one mind on this point and confidently expect the House to agree with them. Disloyal people in the United States ought not receive recruits from any quarter. Against a class that has shown active disloyalty we should be specially on guard. [Applause.]

[From the San Antonio Express, Oct. 26, 1915.]

PLANS OF TEXAS INVASION BARED—MEXICAN UNDER ARREST TELLS OF PLANS FOR LOOT AND MURDER—BANDIT BAND HAS 500 MEMBERS—THEY ARE DIVIDED INTO COMPANIES OF 50 AND 60, AND OBJECT OF RAIDS IS TO SECURE INDEPENDENCE FOR MEXICANS IN TEXAS.

BROWNSVILLE, TEX., *October 25.*

A border bandit confession, claimed to have been received by the sheriff's department from a prisoner, not only admits participation in last Monday night's train wreck and murders near here, but involves several other Mexicans and leads the officers to believe they are on the trail of the chief offenders in the Texas border terrors of the past three months.

The Mexican who is said by the officers to have confessed is Chano Flores and was arrested Friday in the company of Luciano Chapa, another Mexican, who denies Flores's story. The sheriff's department is making arrests every day now, and has eight men suspected of complicity in the past week's depredations.

The supposed confession of Flores says that the prime object of the series of raids has been to "secure liberty and independence for Mexicans in Texas." Robbery and loot, it says, are of secondary importance.

TOOK PART IN OTHER RAIDS.

Flores is said to have confessed to taking part in a raid on a ranch at Sebastian, this county, several weeks ago, in which a father, son, and two stepsons were killed. After this, Flores's story takes him back to Mexico, where he says he remained, taking no further part in raids until the train wrecking near here last Monday night. The confession declares that Luis de la Rosa and Aniceto Pizano, reputed leaders of the "revolutionary forces," have been in Reynosa, Mexico, for several weeks, maintaining headquarters there.

Flores describes the so-called Texas revolutionary army as a force of about 500, divided into several companies, the one to which he belonged containing from 50 to 60 men. He has given the name of a man whom he charges was captain of the company which made the raid on the train last Monday night.

The companies which made the raids at Ojo de Agua, Progreso, and other points up the river from here were unknown to Flores, according to his statements, but that all are under the general leadership of De la Rosa and Pizano.

Flores is said to have confessed that on the night of the wreck some 30 Mexicans crossed the Rio Grande into Texas and were joined by 15 to 20 on this side. They then laid plans for wrecking the train, and he gave the names of three men who he said pulled the rail out just ahead of the engine.

HOW THE BANDITS ESCAPED.

Following the wreck and robbery, the members of the band who had horses struck out north through the Fresnos tract, 11 miles north of Brownsville, intending to go as far as Raymondville, 49 miles north of here, with the further intention of doubling south and recrossing the Rio Grande to Mexico in the vicinity of Mission, Tex. Members of the band who were unmounted went northeast into the section of country about the Rio Hondo, east of San Benito, and in the region where the troubles originally broke out, with the idea of hiding in the Sebastian district, 33 miles north of here.

Flores did not say why the bandits killed the soldiers and shot Dr. E. S. McCain and H. J. Wallis, but permitted other Americans on the train to escape unharmed. He said that he did not know what became of the money the bandits got from the robberies, but supposed it went to the leaders for the purpose of carrying on the revolution in Texas.

Apparently the members got little or nothing of the loot. He said if the bandits saw a horse, a saddle, pair of shoes, or anything else they wanted, they got them regardless of what acts were necessary to get results.

DIARY HELPS OFFICERS.

Flores and Chapa are good examples of nativity of the bandits, the former coming from Texas, while Chapa is from far in the interior of Mexico, according to the officers.

It is reported here that following the fight at Ojo de Agua soldiers in chasing a man said to have been the leader of the band that attacked the soldiers there early Thursday came across a Mexican house, where this man was said to have attempted to compel a Mexican woman to give him a horse. The man left in a hurry because of the fear of soldiers, and is said to have dropped a diary, now in the hands of the officers. This diary contained, besides many names, probably the roll of the band, the rules and regulations to be observed by members of the band.

The committee of citizens named at a mass meeting here Saturday to visit Austin and Washington to make an appeal to authorities for early relief on the border departed this afternoon. Four left Brownsville and will be joined along the railroad by committee members from Hidalgo, Willacy, Brooks, and Kleberg Counties. They expect to be in Austin to-morrow to confer with Gov. Ferguson in the afternoon.

The home of Private Herman E. Moore, infantryman, who died to-day from the wound received in the fight last night, is at Crystal, Ind., instead of French Lick Springs, Ind. The proper address was learned to-day through a letter from Moore's father, Aaron Moore, of Crystal. No orders have yet been received for shipment of the body.

Plan of San Diego is as follows:

CITIES WERE TO COME FIRST IN SAN DIEGO PLAN—SIGNERS OF DOCUMENT TO GIVE THEIR LIVES FOR CAUSE IF NECESSARY—WOULD KILL THE MALES.

The first conflagration for the faithful to the plan of San Diego was scheduled to be lighted on February 20 last, when an uprising of the Mexicans, negroes, Japanese, and Chinese in Texas, New Mexico, Arizona, Colorado, and California would have occurred. The plan was for a simultaneous outbreak resulting in the seizure of these States.

But this plan was nipped in the bud when former Deputy United States Marshal T. B. Bishop, of Brownsville, arrested B. Ramos, jr., at McAllen, Tex.

Ramos was charged with seditious conspiracy against the United States Government. He was tried in the Federal district court at Brownsville by Judge Waller T. Burns, but the Government's charge was not proven. Ramos was alleged to have been secretary of the organization.

PLAN OF SAN DIEGO.

A copy of the plan of San Diego was obtained by United States officials. It was in Spanish, and is as follows:

"Plan of San Diego, State of Texas, January 6, 1915.

"We, who in turn sign our names, assembled in the revolutionary plot of San Diego, Tex., solemnly promise each other on our word of honor that we will fulfill and cause to be fulfilled and complied with, all the clauses and provisions stipulated in this document and execute the orders and the wishes emanating from the provisional directorate of this movement and recognize as military chief of the same Mr. ———, guaranteeing with our lives the faithful accomplishment what is here agreed upon.

"1. On the 20th day of February, 1915, at 2 o'clock in the morning, we will riso in arms against the Government and country of the United States and North America, one as all and all as one, proclaiming the liberty of the individuals of the black race and its independence of Yankee tyranny, which has held us in iniquitous slavery since remote times; and at the same time and in the same manner we will proclaim the independence and segregation of the States bordering on the Mexican nation, which are: Texas, New Mexico, Arizona, Colorado, and upper California, of which States the Republic of Mexico was robbed in a most perfidious manner by North American imperialism.

"2. In order to render the foregoing clause effective, the necessary army corps will be formed under the immediate command of military leaders named by the supreme revolutionary congress of San Diego, Tex., which shall have full power to designate a supreme chief who shall be at the head of said army. The banner which shall guide us in this enterprise shall be red, with a white diagonal fringe, and bearing the following inscription: 'Equality and independence,' and none of the subordinate leaders or subalterns shall use any other flag (except only the white for signal). The aforesaid army shall be known by the name of 'Liberating army for races and peoples.'

"3. Each one of the chiefs will do his utmost, by whatever means possible, to get possession of the arms and funds of the cities which he has beforehand been designated to capture in order that our cause may be provided with resources to continue the fight with better success, the said leaders each being required to render an account of everything to his superiors, in order that the latter may dispose of it in the proper manner.

MUST TAKE CITIES FIRST.

"4. The leader who may take a city must immediately name and appoint municipal authorities, in order that they may preserve order and assist in every way possible the revolutionary movement. In case the capital of any State which we are endeavoring to liberate be captured, there will be named in the same manner superior municipal authorities for the same purpose.

"5. It is strictly forbidden to hold prisoners, either special prisoners (civilians) or soldiers; and the only time that should be spent in dealing with them is that which is absolutely necessary to demand funds (loans) of them; and whether these demands be successful or not, they shall be shot immediately, without any pretext.

"6. Every stranger who shall be found armed and who can not prove his right to carry arms shall be summarily executed, regardless of race or nationality.

"7. Every North American over 16 years of age shall be put to death, and only the aged men and women and children shall be respected. And on no account shall the traitors to our race be respected or spared.

"8. The Apaches of Arizona, as well as the Indians (red skins) of the Territory, shall be given every guaranty, and their lands which have been taken from them shall be returned to them, to the end that they may assist us in the cause which we defend.

"9. All appointments and grades in our army which are exercised by subordinate officers (subalterans) shall be examined (recognized) by the superior officers. There shall likewise be recognized the grades of leaders of other complots which may not be connected with this and who may wish to cooperate with us, also those who may affiliate with us later.

"10. The movement having gathered force, and once having possessed ourselves of the States above alluded to, we shall proclaim them an independent republic, later requesting, if it be thought expedient, annexation to Mexico, without concerning ourselves at that time about the form of government which may control the destinies of the common mother country.

"11. When we shall have obtained independence for the negroes we shall grant them a banner, which they themselves shall be permitted to select, and we shall aid them in obtaining six States of the American Union, which States border upon those already mentioned, and they may from these six States form a republic, and they may therefore be independent.

"12. None of the leaders shall have power to make terms with the enemy without first communicating with the superior officers of the army, bearing in mind that this is a war without quarter; nor shall any leader enroll in his ranks any stranger, unless said stranger belongs to the Latin, the Negro, or the Japanese race.

"13. It is understood that none of the members of this complot (or anyone who may come in later) shall upon the definite triumph of the cause which we defend fail to recognize their superiors, nor shall they aid others who with bastard designs may endeavor to destroy what has been accomplished with such great work.

"14. As soon as possible each local society (junta) shall nominate delegates, who shall meet at a time and place beforehand designated for the purpose of nominating a permanent directorate of the revolutionary movement. At this meeting shall be determined and worked out in detail the powers and duties of the permanent directorate, and this revolutionary plan may be revised or amended.

"15. It is understood among those who may follow this movement that we will carry as a single voice the independence of the negroes, placing obligations upon both races, and that on no account shall we accept aid, either moral or pecuniary, from the Government of Mexico, and it need not consider itself under any obligations in this, our movement.

"Equality and independence."

Mr. BURNETT. Mr. Chairman, I have only one more speech on this side. I will ask the gentleman to use the rest of the time.

Mr. SABATH. The gentleman from New York [Mr. SIEGEL] I think is ready to proceed.

Mr. SIEGEL. Mr. Chairman, against the immigrant numerous offenses have been charged, which, when examined, immediately fade away the same as ice melts under the rays of a July sun. Some gentlemen have harped on the fact that the immigrant lacks patriotism and loyalty to our country. Facts should be our guide and not mere surmise.

Last year the gentleman from Massachusetts [Mr. GARDNER] gave a dinner to the Army Reservists of Class B. No doubt we are interested in knowing whether any foreign-born citizens were in that party that gathered around his table. I had a personal investigation made. From it I learned that 11 were foreign born, 6 were native born, and that the remaining 7 can not at present be located, but the names indicate that more than half were foreign born.

Mr. MEEKER. Will the gentleman yield?

Mr. SIEGEL. No; I have no time. My friend knows it.

Mr. MEEKER. I was asked to yield to him. Will he yield or not?

Mr. SIEGEL. I will not yield. I am sorry.

Let me recall to you a scene in New York City which occurred on May 11, 1914. As far as the eye could see the streets were packed with people. You hear the muffled drums and the soft, sweet, never-forgotten strains of Saul's Death March. Our boys are passing by. Yes; some of them on foot, but a number of them have passed to the far beyond and are coming home, escorted by the President. On each coffin you see our glorious flag. Across the Brooklyn Bridge the procession slowly winds its way and enters the gates of the navy yard. Tenderly each coffin is brought to the space before which a large stand has been erected. The roll is called and the names that are read off are as follows: Louis Frank Boswell, Gabriel Defabbio, Francis P. DeLowry, Frank Devorick, Elzie C. Fisher, Louis Oscar Fried, E. H. Frohlichstein, Dennis J. Lane, George Poinsett, John F. Schumacker, Charles Allen Smith, Albin L. Watson, Daniel Aloysius Haggerty, Samuel Marten, Rufus Edward Percy, and Randolph Summerlin. [Applause.] The President speaks, and in his speech he says:

"Notice how truly these men were our blood—I mean of our American blood, which is not drawn from any one stock, which is not drawn from any one language of the modern world; but free men everywhere have sent their sons and their brothers and their sisters and their daughters to this country in order to make that great compounded Nation which consists of all the sturdy elements and of all the best elements of the whole globe. I listened again to this list of the dead with a profound interest because of the mixture of the names, for the names bear the marks of the several national stocks from which these men came. But they are not Irishmen or Germans or Frenchmen or Hebrews or Italians any more. They were not when they went to Vera Cruz; they were Americans, every one of them, and with no difference in their Americanism because of the stock from which they came. They were, in a peculiar sense, of our blood, and they proved it by showing that they were of our spirit—that no matter what their derivation, no matter where their people came from, they thought and wished and did the things that were American; and the flag under which they served was a flag in which all the blood of mankind is united to make a free nation."

Were these soldier dead loyal to their country? Yet the majority of them were either immigrants themselves or the sons of immigrants.

Reference has repeatedly been made that the newspapers published in foreign tongues in this country do not render material assistance in instilling patriotism in the minds of the newcomers. Their advertisement reads as follows:

"Many flags—one patriotism. Many papers teaching one Americanism. Many tongues uttering one word—'loyalty.' The 750 foreign-language newspapers exhibited here, with a combined circulation of over 8,000,000, though differing in language and creed, stand united for one country, the United States; one aim, to help preserve the ideals and sacred traditions of this our adopted country, the United States of America; to revere its laws and inspire others to respect and obey them; to strive unceasingly to quicken the public sense of civic duty; in all ways to aid in making this country greater and better than we found it."

All men concede that the greatest flow of immigration here has been during the past 20 years. Where is the man who will say that during the same period of time that unions have not made their greatest progress, that wages have not increased, and that the hours of labor have not been shortened? Where is the man who can say that wages have not steadily increased,

child labor been practically abolished, and eight-hour laws promptly enacted where the immigrant has chiefly settled, as in States like New York, Pennsylvania, Ohio, and Illinois? Is it not, then, a most remarkable fact that those States which have practically no foreign-born population are the very ones where child labor is encouraged, longer hours for workingmen tolerated, and where unions have made practically no progress in either obtaining legislation or increased wages for their members?

During the past three years it has been the custom to refer to a letter written by one Frederick A. Pope, prosecutor of Somerset County, N. J., which stated that the foreigners produced an extraordinary large number of criminals in his county. I went to Somerset County and made my own investigation. I will throw the mantle of charity over the gentleman and mildly say that the statements contained in his letter must have been made by him when his imagination held full sway. Returning to Washington, I wrote the following letter to the present prosecutor of Somerset County and received the following reply:

Hon. A. M. BEEKMAN,
Prosecutor, Somerset County, Somerville, N. J.

MY DEAR MR. BEEKMAN: In accordance with my conversation this morning, would say that I inclose you herewith a copy of letter which Mr. Frederick A. Pope sent to President Taft on or about February 8, 1913.

Being a member of the Committee on Immigration and Naturalization, could I ask you to furnish me with the following information:

No. 1. Whether under the statutes of the State of New Jersey defendants who are found guilty of criminal offenses or plead guilty to criminal offenses are required to be asked whether they can read or write any language.

No. 2. Whether to your knowledge it has been customary in criminal courts in the State of New Jersey to make such inquiries, and whether the answers so received, if any, have been recorded.

No. 3. Have any official statistics been kept as to the number of illiterates who have been found guilty or pleaded guilty to criminal offenses in the county of Somerset, State of New Jersey?

No. 4. Have you found that defendants in the county of Somerset who were charged with criminal offenses to have been, as a rule, illiterate?

No. 5. Of the men charged with homicides during the year 1915 and up to date in your county, have they been illiterate?

No. 6. Can you state as to whether there has ever been 114 criminal cases of alien illiterates tried or disposed of in Somerset County in any two years?

No. 7. Can you state as to whether the alien residents in your county are making any effort to receive an education, and as to whether their children are making any effort to receive an education?

Thanking you for the trouble that I am giving you, I am,
Very sincerely, yours,

ISAAC SIEGEL.

—

OFFICE OF THE PROSECUTOR OF THE PLEAS OF THE
COUNTY OF SOMERSET,
Somerville, N. J., January 19, 1916.

Hon. ISAAC SIEGEL, Member of Congress,
Congressional Office Building, Washington, D. C.

MY DEAR MR. SIEGEL: I will answer the inquiries contained in your favor of January 17 categorically, as near as possible.

Question No. 1.—A. There is no requirement in this State that defendants pleading guilty and found guilty upon trial shall be asked whether they can read or write any language.

Question No. 2.—A. I have not tried any criminal cases outside of my own county, but have tried a number there, and since April 1 last have been prosecutor of pleas. I have never observed any custom in any of the courts of this State requiring criminals to be questioned as to their ability to write and read, and I know of no county where such record is kept. It is purely a local custom.

Question No. 3.—A. No official statistics have been kept in the county of Somerset from which the number of illiterates could be obtained.

Question No. 4.—A. My experience is that most of those who are charged with crime have been able to read and write some language. There is a percentage, however, unable to do so.

Question No. 5.—A. All three of the men charged with homicides during the year 1915 were able to read and write. Two were American born, one a naturalized citizen, and one a colored man.

Question No. 6.—A. There is no record from which such an assertion can be disputed. One hundred and fourteen criminal cases does not appear unusual for a period of two years, but as to the percentage of illiteracy I can not state.

Question No. 7.—A. According to my observation, the alien residents in Somerset County make diligent efforts to have their children educated. Such exceptions as occur are due to a child-labor system and the incident temptation to place the children at wage-earning employments. Some of the best and most serious-minded students in our public schools are the children of foreign-born parents.

I am, very respectfully, yours,

A. M. BEEKMAN.

Men have said that this bill is aimed at the Italian. I propose to insert into the RECORD a letter I wrote to Secretary Daniels on January 12 and his reply to me, dated January 18.

DISCRIMINATION AT ANNAPOLIS.

JANUARY 12, 1916.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy, Washington, D. C.

MY DEAR SECRETARY: Approximately one-quarter of the people of my district are residents who came from Italy or who are their descendants.

In New York City they have made steady progress in all the professions until to-day numbers of them are holding public office, both on the bench and in the Legislature of the State of New York.

We never hear in New York City of any discrimination of any kind or description, either in the administration of our civil or criminal law or in treatment accorded them in our schools, high schools, colleges, or universities.

The two midshipmen who heretofore represented the twentieth congressional district of New York at the United States Naval Academy, at Annapolis, have been from amongst them, and following my idea of the best manner of filling such vacancies, namely, by holding preliminary competitive examinations after due notice to all the residents of my district, I find a disinclination on their part to go to Annapolis, basing their refusal on the ground that those who have come from Italy or are their sons would never be permitted to graduate from Annapolis on account of social ostracism and unfair treatment.

To remove the impression, I would like to obtain the information from you as to whether there is any basis for any such conception as to what actual conditions are at Annapolis, and as to whether there has ever been any graduate from Annapolis amongst those who came from Italy, or their sons, and as to whether there are any such midshipmen now at the academy.

It is needless for me to refer to the fact that Italians have fought most gallantly, both on land and sea, and that many Italian officers have won the world's recognition for heroism and undaunted courage in times of war, and I would, indeed, be most surprised to learn that there is any discrimination of any kind at the present time at the Naval Academy against Italians, as I personally know that you would not permit same.

As I have set the examination for the 25th of January, could I ask you for an early answer to this letter?

Sincerely, yours,

ISAAC SIEGEL.

—

NAVY DEPARTMENT,
Washington, January 18, 1916.

Hon. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

MY DEAR MR. SIEGEL: I have the honor to acknowledge the receipt of your communication of January 12, and hasten to assure you that there is no discrimination against midshipmen who are of Italian descent.

A glance at the names contained in the Navy Register will show you that descendants of persons belonging to the principal nations of the world are officers of the United States Navy.

Sincerely, yours,

JOSEPHUS DANIELS.

I may not know conditions in other parts of the country, but I must say that I have repeatedly and frequently met a large number of Italians, and I know of my own knowledge that they are a hard-working, honest, and conscientious people, badly and unjustly maligned, but striving very energetically to earn a livelihood and making every effort to educate their children. Corroboration of this fact is found in the New York Times of December 19, 1915, wherein Dean Frederick P. Keppel, of Columbia University, says:

I should say now that three out of five of our boys are New Yorkers in a real sense, although, of course, many of these are of foreign parentage.

Some of these foreign strains are very interesting. I think the keenest among them at present is the Italian. In earnestness and accomplishment the Italian boys are surpassing even the Russian Jewish boys, and that not only means that they are of high intelligence but that they are hard workers. They get on very well with their fellows of all races, too. We never have a Phi Beta Kappa election which does not result in the choice of from three to five Italians.

The great strength of the American university, and especially of Columbia, lies in the fact that the population from which students are drawn is made up largely of those who still are rising—of those who have not yet "arrived" at that ultimate of achievement which is likely to produce lethargy and a dulled ambition.

This is especially evident among New York Jews.

If there were any means whereby I might ascertain how many of our students from other parts of the city, especially from the Bronx, Brownsville, and Jamaica way, come from families who once were residents of the down-town east-side section, I am sure that very interesting figures would develop.

Are the aliens coming here endeavoring to become citizens? Let us take a glance at the statistics. For the year ending June 30, 1910, there were 39,206 certificates of naturalization issued; 1911, 53,329; 1912, 69,965; 1913, 82,017; 1914, 102,558; 1915, 91,288.

The reason that there is not a greater number admitted to citizenship at the present time is because of the great difficulty in being reached on the calendars of the courts in New York City. It requires at least three days' time, besides taking away the applicant and his witnesses from their work. The courts hold one session a week instead of meeting daily, and I am now engaged in correspondence and consultation with the proper officials here so that arrangements can be made for making the time required to be spent in obtaining such citizenship less.

It has also been contended that the aliens produce in New York a very large number of insane patients. For the year ending September 30, 1915, we find that native-born patients committed numbered 3,276 and foreign-born patients 2,916, showing a tremendous decrease in the number of insane patients of foreign birth. Although there are thousands of native-born insane patients in private sanitariums and hospitals in the State of New York, the exact number is unknown, so that the public records do not give us full or accurate statistics on this very important subject. No record has been kept showing how long any of the foreign-born patients have been here, and we have a

right to assume that they must have been here for more than three years, otherwise they would have been deported.

I read the following letters, which show conclusively that educators and others are opposed to this bill because the illiteracy test is a mere subterfuge:

NEW HAVEN, CONN., *January 16, 1916.*

MY DEAR MR. SIEGEL: I have your letter of January 11. I have not changed my views in the matter of the Burnett immigration bill since I left the Presidency.

WM. H. TAFT.

Hon. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

HUNTER COLLEGE OF THE CITY OF NEW YORK,
January 13, 1916.

Hon. ISAAC SIEGEL,
Representative from New York, Washington, D. C.

DEAR SIR: I regret that I have no accurate statistics concerning the percentage of students in Hunter College who are either immigrants or the daughters of immigrants. An estimate, however, made by one of our officers, fixes the percentage roughly at 60. It may be more, but I can not say.

As to my views upon the matter of the literacy test, I do not believe in it as an effective means of excluding undesirable people. Illiteracy is, I think, more often the result of a lack of opportunity rather than the result of choice or of indifference. This is shown to a great extent by the eagerness with which so many immigrants take advantage of the educational opportunities offered in this country.

Very truly, yours,

GEORGE D. DAVIS, *President.*

COLUMBIA UNIVERSITY, CITY OF NEW YORK,
January 12, 1916.

Hon. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have yours of the 10th and write to say that I have never been convinced that the literacy test is a judicious one

34743—15361

to apply to immigrants. Those who know certain parts of Europe best say that some of the most desirable immigrants from these particular lands would be men and women who, by reason of the situation there, have never had opportunity to learn to read or write, but who are earnest, industrious, hard-working, and right-minded people.

Faithfully, yours,

NICHOLAS MURRAY BUTLER.

THE COLLEGE OF THE CITY OF NEW YORK,
January 14, 1916.

Hon. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

MY DEAR MR. SIEGEL: No immigration bill I have had the opportunity of reading provides a literacy test which seems to me satisfactory and free from unwise discrimination. I can understand that it is very difficult to draw up a satisfactory literacy test, but unless this is done, I should not think it best to pass such a bill.

We have no data on the question with regard to which you write gathered later than a year ago. This information shows that in this college 25 per cent of our students are foreign born, that the parents of 80 per cent were both foreign born, one parent of 6½ per cent was foreign born, and that the parents of 13½ per cent were both native born.

Hoping that this information may be of service to you, believe me,

Very sincerely, yours,

S. E. MEZES.

Among the others who are opposed to the bill are George McAneny, formerly president of the Board of Aldermen of the City of New York; William Dean Howells, dean of American authors; Dr. John H. Finley, commissioner of education of the State of New York, and one of the dearest and closest friends that Grover Cleveland ever had; Thomas W. Churchill, president of the board of education of the City of New York; Jane Addams, foremost settlement worker of the United States; Bishop David H. Greer; Seth Low, ex-president of Columbia University and ex-mayor of the city of New York; George Kennan, author of "Darkest Russia"; Roger W. Babson, well-known economist; Charles W. Eliot, leading president emeritus of America; Albert Sheels, director of reference and research of the department of education of the city of New York; Andrew Carnegie; Grace Abbott; Dr. G. Stanley Hall, president of Clark University; Dr. D. E. Jenkins, president of the University of Omaha; Dr. Thomas McClelland, president of Knox College, Galesburg, Ill.; Dr. William H. Maxwell, superintendent of schools, city of New York; Dr. C. J. Bushnell, president of Pacific University; Dr. Edward B. Craighead, president of the University of Montana; Dr. Harry Pratt Judson, president University of Chicago; Mr. Edward Cummings, president Spring Hill College; Dr. Lyon G. Tyler, president College of William and Mary; Dr. George Lewis Mackintosh, president Wabash College; Bernard J. Otting, S. J., president St. Louis University; Dr. James A. B. Scherer, president Throop College of Technology; Dr. John Cavanaugh, president University of Notre Dame; Dr. Winthrop E. Stone, president Purdue University; Dr. Herbert L. Stetson, president Kalamazoo College; Dr. Stephen M. Newman, president Howard University; Dr. George S. Davis, president of the Normal College of the City of New York; Dr. David R. Boyd, president University of New Mexico; and Dr. A. W. Harris, president Northwestern University.

In the bill we find among the excluded classes "persons of constitutional psychopathic inferiority," and apparently the distinguished specialists on insanity have been permitted to add a new disease, in terms which the ordinary layman can not understand, but which undoubtedly will require their services to be made use of constantly by the Government. I do not know whether these gentlemen are going to volunteer to perform this work gratuitously; but if they are to be paid, the Government will have to expend extraordinary large sums to employ these gentlemen at each port or station of arrival. We are asked to add a new kind of class to be excluded, when the meaning can not be comprehended or understood by one who is not a specialist. I believe that I am not disclosing any confidence when I say that even the members of the committee had to rush to their dictionaries for the purpose of obtaining the meaning of this phrase or term, and even then there was a dispute as to what the term really meant to convey. Perhaps the experts will be able to explain the term in the same manner as they were able to decide on the insanity of Harry K. Thaw. Juries and others, however, have always, as a rule, been their own experts, but, unfortunately, our system does not provide for juries to hear the expert opinion in immigration cases.

Let me call your attention at this time to some additional statistics showing that crime is not greatest where the immigrant is the chief inhabitant:

	Population, 1910.	Arrests, 1915.
Kansas City, Mo.	248,381	39,100 from Apr. 20, 1915, to Jan. 1, 1916.
Wilmington, Del.	87,411	4,824 from June 30, 1914, to June 30, 1915.
Charleston, S. C.	58,833	5,569 during the year 1914.
Houston, Tex.	78,800	8,340, year 1915.
Denver, Colo.	213,381	13,769, year 1915.
Norfolk, Va.	67,452	10,101, year 1915.
San Francisco, Cal.	416,912	44,131, year 1915.
Newark, N. J.	347,469	11,230, year 1915.
Detroit, Mich.	465,766	33,905, year 1915.
Birmingham, Ala.	132,685	19,155, year 1915.
Philadelphia, Pa.	1,549,008	89,502, year 1915.
Chattanooga, Tenn.	44,604	5,126, year 1915.
Washington, D. C.	331,069	37,219.
New York State	9,113,279	5,284 prisoners in State institution, of which only 227 are illiterates.
Savannah, Ga.	65,064	11,480.
New York City	[1] 5,047,211	160,162.
Richmond, Va.	127,628	12,728.
Baltimore, Md.	558,485	43,573, year 1914.
Boston, Mass.	670,585	88,762

[1] Census, 1915.

	Population, 1910.	Arrests, 1915.
Salt Lake City, Utah	92,777	7,983
Oklahoma City, Okla.	64,205	6,413
Omaha, Neb.	124,093	16,343
Buffalo, N. Y.	423,715	[1] 31,093

[1] Of which only 20 could not read and write.

The very men who are in favor of this bill are the very ones who are opposed to properly preparing this country against a foreign foe by reasonably increasing our Army and Navy.

The Washington Post of February 9, 1916, had the following in its columns:

FARMERS OPPOSE DEFENSES.

Representatives of the National Grange, headed by L. J. Taber, of Barnesville, Ohio, opposed Army and Navy increases on the ground that they meant a burden of taxation that might really be a weapon in the hands of an enemy. He said the farmers were as patriotic as any other class of people and believed in efficient police protection, but not in creating the greatest Army and Navy.

President Dornblazer, of the Farmers' Union of Texas, and representing, he said, farmers' organizations of 22 States, including those in every Southern State, joined with the others in opposition to compulsory military service, opposition to any large increase in expenditures; a demand for economy in congressional appropriations, and approving only a "reasonable outlay" for coast defense by submarines or similar means.

The Philadelphia Inquirer, on February 9, said the speakers against preparedness "Were John B. Lennon, treasurer of the American Federation of Labor, and others."

Indiana has a population equal to one-quarter of New York, yet Adelaide S. Baylor, Indiana State supervisor, stated on February 22, at Detroit, that one out of every 140 inhabitants in the State of Indiana is an inmate of a charitable or corrective institution, and that the States cares for an average of 20,000 inmates. Surely it will not be claimed that Indiana is any worse than the average State in the Union, and yet the State

of New York, with its large foreign population, has a better record in proportion.

The argument has heretofore been advanced that we have a surplus of unskilled labor, and that therefore immigration must be restricted. No pretension can be made that we have with us this year more unskilled labor than we can use. If you pick up the daily newspapers you will find the general complaint that unskilled labor can not be had, and that in the entire East it is impossible to obtain a servant girl. The New York Tribune of February 20, 1916, contained an article, "Why we can't get a new maid." The servant-girl famine did not start right after the war began; we had hard times then, you remember. It was the prosperity, added to the war, that has done it. If they should suddenly troop in here, tens of thousands of them, I do not believe we would take long to find them places."

This bill deserves defeat, because it makes no provision for the admission of those who may suffer from political oppression. The commission recommended such an exception. In the work "Immigration Problem" Messrs. Jenks and Loucks say:

In the judgment of the commission, as well as of most other enlightened citizens, the United States should remain in the future, as in the past, the haven of refuge for the oppressed, whether such oppression be political or religious, and any restrictive measure should contain the provision making an exception of such cases.

Are we to overthrow all the traditions of this country, and are we to close the doors to the politically oppressed of the world? Shall we forever forsake the very principle upon which this Government was founded and under which we have made the greatest progress as a Republic that the world has ever seen? The foreign population in this country to-day is not larger in percentage than what it has been during the past 100 years. Each decade has seen an effort made to bar from this country men of a different race, who, when they first come here, have performed the hard manual labor which those who have come in previous years had finally declined to do. Is there any person who can truthfully and honestly say that the children of the immigrant are not making as great progress, if not greater, in education and in every walk of life as are the children of the native born? Is there a man who will say that the foreign-born citizen of this country and his children have not been as loyal, good, and law-abiding as the native born? If such there be, let me remind them of the degradation of the elective franchise only a few years ago in Adams County, State of Ohio, and of the regrettable incidents accompanying the exercise of the rights of the elective franchise last year in the State of Indiana. I say to you that wherever the immigrant has settled greater prosperity has come. I could perhaps allude to certain particular States in the Union where such a fact is more than noticeable. Where the immigrant has not been received with cordial treatment he has proceeded to another State, and contributed by the sweat of his brow toward its prosperity. In every fight for good government the immigrant can be found on the side seeking to better conditions.

Show me, if you will, better men than those who are foreign born or of foreign parentage in the city of New York. Mr. Justice Hughes is one of them. So are John G. Milburn, Oscar S. Strauss, Frederick R. Coudert, Morgan J. O'Brien, Mr. Justice Greenbaum, Samson Lachman, Arthur von Briesen, and numerous others.

I might call your attention to the fact that 3 judges of the Court of Appeals of the State of New York, 19 of the supreme court justices of the first and second judicial districts of the State of New York, and at least 30 per cent of the last constitutional convention of the State of New York are of the same descent.

"Let us proclaim to the world that in this country, at least, we are all American citizens of equal rank, character, and quality, equal in right and equal in duty and obligation, whether that citizenship be recently acquired or whether it be by nativity," and that we welcome to our shores those who are physically, mentally, and morally capable of becoming citizens of the same type as I have just referred to, prepared to make every sacrifice that the Nation may ever require in defense of our flag and country. [Applause.]

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

The CHAIRMAN. The gentleman from Rhode Island [Mr. O'SHAUNESSY] is recognized for five minutes.

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the House, I voted against this bill twice, and I voted to sustain the veto of President Taft, and would have voted to sustain the veto of President Wilson had I not been sick and absent.

I fail to understand the logic of the gentlemen who advocate this kind of legislation. I think it has the stamp of darkness, the blight of prejudice, and the curse of selfishness.

I took up this morning's RECORD and looked in it, but in vain, for that wonderful speech that was made yesterday by that grand old man, the Hon. JOSEPH G. CANNON, of Illinois. [Applause.] He ought to have a great deal of wisdom in his head after his many years of service in the House and after his great experience in the world. Unfortunately I was not present when he delivered that speech. But in looking over the RECORD this morning I found the speech of a gentleman who had supported this bill yesterday, and one thing about it that struck me particularly and forcibly was the statement therein that this Nation of ours, as he said, would survive "because it is a Christian Nation." The gentleman was contrasting this Nation with the old nations of the world, citing the decline and fall of Rome and of some of the old Grecian States. He said this great Nation of ours will survive and work out a splendid destiny "because it is a Christian Nation." And behold this bill—a sample of our Christianity. We are urged to stand at our ports of entry and say to the poor man who can not read a few words, "Because we are Christians you can not come here. You may be honest, manly, strong, rugged, God-fearing, with the hope of a new life in your soul, and anxious for the work of common citizenship in this great country, but we, being Christians, do not want you, because you can not read." Shades of the Pharisees!

That is the way it is proposed we shall follow the teachings of the lowly Nazarene, who took unto himself the lowly, uneducated, illiterate fishermen and bade them go forth to teach the world his gospel. [Applause.] That is the Christianity that we are going to indorse in this legislation.

The gentleman from Georgia [Mr. ADAMSON] challenges my statement about the fishermen being illiterate. Here is my proof (Acts iv, 4):

Now, when they beheld the boldness of Peter and John and had perceived that they were unlearned and ignorant men, they marveled.

We notice a remarkable circumstance when we consider the votes of some men in this House and compare them with their professions. Here we have men, when the opportunity is given to them to do something for humanity, to do something in a broad, liberal sense for the people who will make the citizens of the future, the children who work in the factories and in the canneries, when we propose to legislate to relieve them, these gentlemen not only vote against that legislation but stand here to justify their conduct and their voting. The remedy is in our own hands, and is not the foolish educational qualification which would bar needed laborers. Let us legislate for the children; let us legislate to take the burden from the women who toil; let us translate social justice into law, so that the man who works and toils will be given a fair wage and an honest return for his labor.

And in this particular instance let me remark: The great South, which is pictured here so beautifully by her orators—what a wonderful country it is; of what development it is capable—and lo and behold, the crying need of it is labor; and here the Representatives of the South are voting to keep out the very people they want. I can not understand their logic; and I ask myself, What is the "negro in the woodpile"?

Mr. Chairman, I read in the Providence Journal of yesterday morning an editorial which I think is very pertinent to the present discussion. It is entitled "Making better citizens." I read:

MAKING BETTER CITIZENS.

Every industrial corporation will find it good business to follow the plan of the Brown & Sharpe Manufacturing Co. for the instruction of foreigners in the duties and responsibilities of American citizenship. The United States needs patriotic men, and there is much good material in the aliens who come here because of the advantages offered by this country. The object of the local manufacturing company to encourage the taking out of naturalization papers and at the same time to explain the meaning of an oath of allegiance to the United States is a most praiseworthy one.

The plan for giving instruction in English to those who do not speak the language of this country insures a good groundwork for further education in the laws and customs of the United States. The next logical step is assisting the men in carrying through the naturalization process. Employers of aliens who take this course, besides obtaining more efficient workmen, render the Nation an invaluable service in raising the standard of citizenship.

That is the place to apply the educational test—when men come looking to be naturalized; no hurried grind of the mill; no perfunctory admission to citizenship, but a rigid examination on the part of the judge presiding, in order that the men may be qualified to discharge their duties as citizens. [Applause.]

President Wilson, speaking at Philadelphia to a body of newly naturalized citizens on May 10, 1915, spoke beautifully and encouragingly to those men. Let me quote him:

I certainly would not be one even to suggest that a man cease to love the home of his birth and the nation of his origin—these things are very sacred and ought not to be put out of our hearts—but it is one thing to love the place where you were born and it is another thing to dedicate yourself to the place to which you go. You can not dedicate yourself to America unless you become in every respect and with every

purpose of your will thorough Americans. * * * A man does not hope for the thing that he does not believe in, and if some of us have forgotten what America believed in, you, at any rate, imported in your own hearts a renewal of the belief. That is the reason that I, for one, make you welcome. If I have in any degree forgotten what America was intended for, I will thank God if you will remind me. I was born in America. You dreamed dreams of what America was to be, and I hope you brought the dreams with you. No man that does not see visions will ever realize any high hope or undertake any high enterprise. Just because you brought your dreams with you, America is more likely to realize dreams such as you brought. You are enriching us if you came expecting us to be better than we are.

By this legislation we deny to the honest toiler, seeking a field for his enterprise and a land to realize his dreams, the opportunity for which he hungers. A cruel law, as I said before, with the stamp of darkness, the blight of prejudice, and the curse of selfishness. What is ours we would deny to others, and we prate about the fatherhood of God and the brotherhood of man.

I am proud of my citizenship in this great Republic and deeply grateful for the opportunities this land has given me. It was fashioned after the dreams of centuries by men who knew the sweetness of sacrifice. It was evolved through the genius and the sword of Washington and his brave followers, conspicuous among whom stand the names of La Fayette, Rochambeau, De Grasse, d'Estaing, and other Frenchmen whose services to America should never be forgotten. France aided us to independence with men, money, and ships. Her services have been summed up by an American writer in the following words:

> But the instincts of the French Nation were right; they assisted a people to gain their freedom, they took part in one of the great crises of modern progress, they helped the world on its onward march. * * * The reward is not to be found in more vessels sailing laden with wares, * * * but in the consciousness of the unselfish performance of good work, of assistance rendered to the cause of freedom, and to the improvement of man's lot on earth.

Mr. SABATH. Mr. Chairman, I regret exceedingly that the gentleman from Missouri [Mr. MEEKER] in his address to the House yesterday questioned the patriotism of the foreign-born citizen.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. MEEKER. The CONGRESSIONAL RECORD this morning contains every word that I uttered yesterday, and the gentleman can not find any such statement in my speech. I want to say that in no place in my remarks did I question the patriotism of any foreign-born citizen. [Applause.]

Mr. SABATH. I am pleased to hear the gentleman make that statement. Therefore I take it for granted that he did not intend to make any such insinuation. Foreign-born citizens have demonstrated time and time again that they are loyal and patriotic, that they love the country of their adoption, and that they are willing at all times to protect the flag which is their flag, and the only flag under which they desire to live. [Applause.]

The history of foreign-born Americans is a history that speaks for itself, and one of which we may all be proud. [Applause.] Time does not permit me to enumerate the splendid work done by foreign-born citizens to build up our Nation.

Within the next few minutes the chairman of the Immigration Committee [Mr. BURNETT], my colleague and my friend, will in a passionate address again appeal to the House for the passage of this bill. The main reason that he will assign is that the laboring people of this country demand it, and that he feels it to be his duty to protect the American wage earner. Mr. Chairman, if it were true that this bill tends to protect the American wage earner I would not stand here to-day in opposition to it. I would rather lose my voice than oppose legislation which I knew to be for the wage earner. My record speaks for itself at all times. I have supported and advocated measures in the interests of labor, and I regret exceedingly that some gentlemen, misinformed and under the pretext of wishing to protect labor, are favoring this measure.

It has been said that we must protect the standard of the American laboring man. Within the past 20 years, Mr. Chairman and gentlemen of the House, the immigration to this country was larger than ever before; but notwithstanding that large immigration the statistics show and prove that the conditions of laboring men have improved, that wages have been increased, and that the hours of labor have been decreased.

A few representatives of railroad employees are strenuously urging the passage of this bill. I wish to say to these men that the immigrants who come to this country do not and can not take the place of any engineer, fireman, conductor, or other trainman; and in spite of the large immigration, which some people fear will beat down the wages of American labor, I wish to say that within the last 12 years the wages of railway enginemen have increased 29 per cent, the firemen 32 per cent, the conductors 35 per cent, and of other trainmen 37 per cent. And what applies to railroad employees applies to all our laboring men of this country, showing clearly that immigration does not beat down the wages of the American laboring man.

Mr. COOPER of West Virginia. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. COOPER of West Virginia. Will the gentleman tell us how much the cost of living has increased in the last 8 or 10 years?

Mr. SABATH. That is not due to immigration. The increase in the cost of living is due to the manipulations of trusts and monopolies, which some of you gentlemen on the other side have been aiding and assisting. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Is it not a fact that any man who comes here from foreign shores participates as much in the cost of living as any native?

Mr. SABATH. There is no question about that.

Mr. MOORE of Pennsylvania. He spends just as much in proportion.

Mr. SABATH. In fact he pays a higher price for everything that he buys and consumes.

But the increase in price of labor applies not only to the railroad men, but it applies to all other classes of labor in the North as well as in the East. Therefore I can not understand, in view of these figures, how any man can maintain that immigration is detrimental to American labor. The immigrant performs the coarse and common labor which produces the raw material, and thereby creates a higher class of labor and a better wage follows. The man in West Virginia who works in the mine provides employment for thousands of others, the same as the man who works in the forest and the quarry. He produces the raw material which is worked into a product that creates a continuous demand for higher-paid and more skilled labor. This succession creates work for the skilled laborer, which is placed in the hands of the American laborer. This conclusively proves that the immigrant does not replace and put out of work the American laborer, but, on the contrary, furnishes him with a greater field to practice his art of skill.

In addition, Mr. Chairman, some of these gentlemen are attempting to make the House believe that they are favoring this bill because the immigration of the present day is not the same kind of immigration that we were getting 30, 40, or 50 years ago. If you will investigate the records, my friends, you will see that the same objections were then raised against the immigrants from Scotland, from England, from Germany—in the forties, the fifties, and the early eighties—as are being raised to-day against the present immigrant. I wish to assure the House that the immigration of the present day measures up to the immigration that we have been receiving heretofore. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, has the time of gentlemen on the other side been consumed?

The CHAIRMAN. All time has expired except that of the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, it is strange that when gentlemen come to discuss this question, instead of discussing it dispassionately so many of them undertake to make flings at the chairman of the committee and the section of the country from which I hail. Gentlemen have animadverted on the literacy conditions in my section of the country—the South. Those conditions have been deplorable, but that was not of the seeking of the people in my country; and was not and is not what is left of the South's illiteracy due to our unfortunate illiterate immigration? An immigration of illiterate, servile labor? Therefore ought not the South qualify as an expert with reference to illiteracy in immigrants?

My memory goes back to the sixties and the early seventies, when I knew how hard the struggle was for my people to keep the wolf from the door. I know that every boy or girl who could lift a hoe handle or follow a plow was requisitioned for the purpose of aiding in the support of our starving people. I know the conditions of their schoolhouses, because I attended those schools when in the cold blasts of winter the winds were whistling through the cracks of the log-cabin schoolhouses of my native State.

It was amid such conditions, Mr. Chairman, that many grew up who are now adult illiterates. But conditions are changing, and changing rapidly, and even those poor men and women are learning to read and write in those localities where illiteracy so long prevailed.

But, Mr. Chairman, instead of that being an argument against the literacy test in this bill, it seems to me that with the large number of illiterates whom we already have in our country we certainly do not want the millions of illiterates of other

lands and other climes, to whom we owe no obligation, to come here for the purpose of adding to our illiteracy and depriving our people of an education. We of the Southland feel we have all the illiteracy that we can struggle with for years to come. [Applause.]

Gentlemen have elaborated on the education that the second generation of these aliens get, and on down to the third generation. Well, Mr. Chairman, is it right for men who toil, women and children who are dependent on the laboring men of this country, to suffer starvation in order to wait for the second generation? It is the first generation, Mr. Chairman, that is bringing about the trouble all over this land. It was the first generation at Youngstown a few weeks ago that brought about that riot that the distinguished Member from that district has spoken of. It was that generation that drove out thousands of Americans, native and naturalized. Surplus men were kept there by the steel barons, and as was stated by the industrial commission in this city, two men were kept for every job. Men, heads of families—and we have the records here—worked for $200 a year and had to support a family on that small amount. Sanitary conditions brought about by such a low standard of wages and low standard of living thus set up were such that it drove out the toilers, with the result that property was destroyed, men were murdered, riot ensued. Over 71 per cent of these people being from the southern part of Europe, practically every one of this surplus of cheap, servile labor this literacy test would have kept out of the country and thus tended to prevent such an awful state of affairs.

The gentleman from Maryland [Mr. COADY] said he had a contempt for men with foreign names who had written letters and signed petitions to him to keep out those of their own race. Mr. Chairman, he has rather a peculiar name, the name of COADY, and I wish the gentleman were here, in order that I might ask him if some of his kinspeople from the other side of the water were to come into his home and take the bread and meat out of the mouths of his children, if because they were his ancient cousins he would allow them to consume that for which he was toiling and suffering. [Applause.] If he undertook to put them out, as we want to keep that class out by this bill, according to the logic of the gentleman they could say to him, "Mr. COADY, we are your cousins, and therefore we are entitled to come in and take the bread from your children." That is the argument of the gentleman.

Before our Committee on Immigration appeared a gentleman who pretended to be a representative of the United Garment Workers of America. He held no commission to speak for them. Their officers have sent to Members of this Congress letters and petitions from the United Garment Workers of America—Jewish people, many of them, I have no doubt. I hold here a letter signed by Mr. Barger, general secretary of the United Garment Workers of America, saying:

> We are firmly convinced that this bill means much to the United States and its citizens. As a result of our present law of immigration we find growing up in our country colonies the members of which never become Americanized and are under the influence and power of a foreign Government. We feel unrestricted immigration is a menace to American living standards and can not but result in disaster, not only to the workingmen but to the small business men as well.

[Applause.]

There are numbers of these letters from labor-union officials. Seven hundred thousand workmen in Massachusetts—the State from which certain gentlemen from Boston come, where they assemble themselves in a little coterie and imagine that Boston is all of Massachusetts and most part of the United States, so far as this question is concerned. [Applause.]

These are the workingmen of the country; and we hear the same thing from the gentleman's [O'SHAUNESSY] State of Rhode Island. He represents a certain class there, but the workingmen, the toiling men, whose labor is being beaten down and whose standards of living are being undermined, are praying for the passage of this bill.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. BURNETT. I can not yield to the gentleman; I have not the time.

Mr. O'SHAUNESSY. The gentleman said something about Rhode Island and I wanted to correct him.

Mr. BURNETT. When I speak of Rhode Island I speak the truth.

Mr. O'SHAUNESSY. I want to say that my constituency is a complex one——

Mr. BURNETT. Mr. Chairman, I object to the gentleman's making a speech in my time.

Now, let me read what the Immigrants' Review says about them and their condition. I have here the Immigrants in America Review, and on page 14 of that review for March, 1915, published in the city of New York, it says:

> In regard to the schools, there are 2,565,012 foreign born in this country 21 years of age and over that can not speak English and only 35,614 are attending public schools presumably to learn.

Only 35,000 out of more than two millions and a half are trying to learn to speak English. Mr. Chairman, they are the ones—the illiterates—that have congested the labor market in the coal fields of Pennsylvania, and yet the gentleman from Pennsylvania [Mr. MOORE] talked with crocodile tears in his eyes about the poor foreigners being driven back to their native lands by this legislation, but he never said a word about the poor Americans that the foreigners were driving out and whose places they were taking and whose families were being made to suffer by such ruinous cutthroat competition. [Applause.]

I can disagree with my Republican friends on the question of the tariff, and I can see where they may go to the laboring man and contend that the high tariff is for the good of the laborer. On the other hand, I can consistently argue that it is not that way, but how a man that favors a protective tariff to protect the products of labor of the factory or mine in which laborers work can favor an open door to those who come here to beat down the price of labor and to directly compete with the labor itself is something that I can not understand, and such a protectionist can not explain or reconcile. [Applause.]

They are the men who in the gentleman's State advertised a few years ago "Laborers wanted; Poles and Italians preferred." Why? For the same reason they preferred them over there at Youngstown—just as the railroads preferred the illiterate Mexicans in Kansas, when the letter of the railroad attorney was written to the Kansas delegation two years ago asking them to oppose the literacy test, because it was said the literacy test would keep out the Mexicans, 90 per cent of whom were said to be illiterate. They wanted these illiterate foreigners to beat down the price of labor.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. BURNETT. Mr. Chairman, I decline to yield. I stated at the beginning I did not have the time to yield, and I decline to yield, because I have only a short time in which to reply to all these innuendoes of gentlemen who are from the Steel Trust districts where they want a surplus of servile cheap labor from abroad to beat down American wages and standards of living. [Applause.] I never heard the gentleman utter a word in the interest of the boy or the girl of the American working for the Steel Trust in his State, not one. Gentlemen, who favor this bill? Great organizations of farmers in the North as well as in the South. I have here the last declaration of the Grange, with more than a million dues-paying farmers as members in the North, declaring, absolutely and distinctly, in favor of this bill.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. I decline to yield, and I hope the gentleman will respect my declaration.

Mr. SABATH. Mr. Chairman, I wish——

Mr. TAYLOR of Colorado. Mr. Chairman, it seems to me that the gentleman from Alabama is entitled to the protection of the Chair and has a right not to be interrupted.

Mr. BURNETT. Mr. Chairman, I know that the "galled jade" winces, and I intend to apply the spur where it ought to go. [Applause.] Here is the declaration of the farmers' organization:

> While recognizing that ignorance is not a badge of dishonesty and crime, we are satisfied that the higher the average of education among our people the better it is for our happiness and prosperity and stability. When the war now raging in the East is over and peace restored, Europe will unquestionably dump untold numbers of undesirables upon our shores. The better elements from these countries will not be permitted to leave if such a thing can be prevented. Right now is our accepted time for action.

That is the National Grange or Patrons of Husbandry of the North, Mr. Chairman. Then there are the great Farmers' Union of the South; the great Federation of Labor, with 3,000,000 toilers; the railroad brotherhoods, with over 500,000 members, which have indorsed it. Then there are the patriotic organizations that gentlemen have attempted to decry, which have indorsed it. And in attacking those organizations gentlemen have undertaken to inject a religious prejudice into the matter—it has come entirely from and been by those opposed to the bill—knowing that it is the song of the dying swan. One man undertook to pose as a Presbyterian elder and represent the great Catholic communities of the country. I answer that by reading from the declaration of a Member of this House who is himself a Knight of Columbus and a Roman Catholic. I read now from the speech of the gentleman from Kentucky [Mr. JOHNSON], criticizing a man named E. L. Scharfe, who perambulates around

this Capitol and the House Office Building claiming an ability to deliver the Catholic vote, but who has been expelled from the Knights of Columbus and been repudiated by the church officials. Congressman BEN JOHNSON said on this floor:

In that connection he, E. L. Scharfe, also said that he was a Knight of Columbus, and through that organization he could surely and certainly deliver those votes to me. Mr. Speaker, I wish to say that I am proud of being both a Catholic and a Knight of Columbus, and I emphatically deny that this man can do anything of the kind.

And further, on February 3, 1914, this distinguished gentleman from Kentucky said in this House:

It is not pretended by anybody that any provision of this bill is aimed at Catholic France, or at Ireland, or at Holland, or at Germany; neither is it aimed at England, where there is a union of church and state. Those who favor this bill out of apprehension of a union of church and state in this country are without argument, while those who oppose it simply because the others are for it are not sufficiently broad, and do not search for potent and substantial reasons beyond those fallacies.

Now, let us dismiss the goblin feature of this discussion and turn to serious questions.

In arriving at a determination to cast my vote for this bill, I have looked beyond conditions of to-day, although I believe that the present demands its passage.

The rich everywhere—all the world over—can take care of themselves. That is the case in the United States. It is the poor who should have our solicitude. The poorest of our fellow men are those who have to do hard, manual labor for a daily wage in order to support their families. They must have employment, and their earnings must not be minimized by those of other countries who have our sympathies. Every nation first owes support to its own deserving poor and assistance to its own struggling wage earners. Our country must observe that rule.

Gentlemen, it looks to me as though there was a lot of the right kind of religion in that as well as a lot of good sound common horse sense, uttered by that distinguished gentleman who has often been honored by his people—his people who honored themselves when they honored him. And his splendid service here for his country and his people is well characterized in the words of President Woodrow Wilson, who declared a year ago that Congressman BEN JOHNSON was "a terror to crooks and grafters."

Away back yonder in time the statement was made that he that provideth not for his own household had denied the faith, and is worse than an infidel, and at the same time was asked the question, How much better is a man than a sheep? To-day that question comes ringing down through the 2,000 years and is asked of those gentlemen who want to protect the great industries of the country and yet are not willing to protect the men who toil in those industries—how much better is a man than a sheep? [Applause.] Oh, these gentlemen from Bosting, I want to read just a little extract from Hon. Henry J. Skeffington, the commissioner of immigration at Boston. This United States official says in his official report for 1915:

One of the notable effects of our present immigration policy is seen in the gradual change of the character of population. The unrestricted inflow of immigrants directly tends to drive out the native stock, which obviously is unable to compete with those maintaining a lower standard of living. In Massachusetts the proportion of native stock gradually has diminished, in part through emigration to other States, but largely by failure on account of economic causes to reproduce itself. A similar decline has begun among those races that made up the bulk of our immigration during the greater part of the last century.

The foreign element of the population of Massachusetts, according to statistics, constitutes more than 60 per cent of the total population. These figures suggest the price that is being paid for unrestricted immigration.

Because we see the necessity of restricting immigration we hope the literacy test or some equally effective measure will be passed by the next Congress.

And among other things he mentions a condition which this bill would remedy when he says:

Evidence continues to accumulate in favor of higher and higher standards of medical inspection of immigrants. Of 334 alien residents who were reported by State officials in New England as public charges on account of mental or physical conditions existing prior to landing, very few received medical certificates of any sort at the time of arrival. These public-charge cases related largely to conditions "whose demonstration at the time of arrival calls for careful time-consuming mental examinations or organized laboratory work," facilities for which have been conspicuous by their absence.

And here is an editorial from the Dedham Transcript, of Dedham, Mass., of February 12, 1916:

AFTER THE WAR COMES THE DELUGE.

President Wilson and former President Roosevelt are strongly urging the need of preparedness. In this matter they have behind them the best sentiment in the country. The United States must not lag behind in this matter and so find itself in an awkward position to defend its people and their interests when the emergency arises. Free America should be ever ready to maintain the integrity of free Americans.

Not alone should we be prepared to face our enemies and a possible invasion of our shores by foes from lands across the sea, but we should be prepared to meet the great problem that is sure to be ours when the great European war is ended—the problem of immigration.

With the ending of that bloody contest there is sure to be an unprecedented rush to this country of the peoples in the lands now at war and from others not yet engaged in the murderous struggle. In 1914 the immigrant aliens to seek sanctuary on our shores numbered 1,403,081, but in 1915 the number dropped to 434,244. War put up a barrier last year and that kept the number down, but once let that bar be removed, as it would be by a declaration of peace, and our country will be flooded by an army of undesirables.

Now is the time for our Nation to act. Now is the accepted time for it to close the gates to a horde whose coming to our shores will swell the masses of illiterates already here and create panic conditions in our marts of labor. The quality of the peoples who will come to our shores after the war will be very poor. On this point all who have given the matter any study agree.

At least let us keep out the illiterates, and this can best be accomplished by the passing by Congress of the Burnett bill.

"After the war comes the deluge." Gentlemen, there is no question about that. I have not time to read from the strong logical statements of President Gompers two years ago and Secretary Morrison last year and this year before the committee, and the statement of Prof. Jenks, who was a former member of the commission, calling attention to previous wars; but when the flags are furled and some great nations are defeated, who doubts that the best of those people will stay at home and the worst will be sent here? Mr. Chairman, I saw that condition in our own Southland. Those who were among the best stayed during the Civil War, and many of those who were not the best left for other sections. After that war was over—after the Stars and Bars was furled forever—those who stayed were the ones who rebuilt and who rehabilitated my desolated and ruined country. So, Mr. Chairman, it will be on the other side after this terrible conflict there. The patriotic people who love their homes, who love their families, moved and inspired by the spirit of true patriotism and love of country, will remain there; but the slums of the cities, the crippled, the defectives, the dependents, the despirited, and delinquents will be dumped upon our shores, and far worse conditions, I fear, will prevail than any of us can imagine. We should prepare for such a possible and probable emergency. No wonder every mail, gentlemen, brings you protests from men who labor, getting good wages now, it is true; but they can look into the future, a year or more, and see confronting them millions from those desolated foreign lands—from portions of southern Europe—sent over here. The profit-making foreign steamship companies will renew their activities and gather them in throughout those countries in order to make up for the transportation charges that they are not getting now, and then your working people will rise to condemn the man that now treads upon those asking relief.

If the deluge does not come, gentlemen, no harm can come from this legislation. If I am correct in my prophecy, and I believe I am, then certainly there could be no better time for the passage of this law than the present time.

Now, what are the facts in regard to crime? Gentlemen, here is a statement by Charles Overlander, one of the commissioners of State prisons in New York, in which he says:

That our records in county and State will show that foreign illiterates have committed at least 75 per cent of the entire crimes.

That is from Buffalo, N. Y., where the gentleman lives, and he is a member of the New York prisons commission. Gentlemen, you will find it that way. Why, gentlemen say, oh, it does not keep out the crooks, it does not keep out the educated rascals. Gentlemen, this bill tightens up and strengthens far more than our laws have ever been tightened and strengthened along that line. But suppose that were true, and we do not claim that the literacy test will keep them out. It is not proposed as a substitute for tests for keeping out educated criminals, literate insane, and other admittedly undesirables. The bill keeps them out, and, gentlemen, the reading test would keep out hundreds and thousands of illiterates who are such easy tools and pliant dupes in the hands of the literate Black Hand leader, under the padrone system, under the boss in the coal mines, and the corrupt ward heeler. If you defeat this bill and desire to take the consequences, then you can take the sweet unction to your soul that you have thrust a dagger in the vitals of the men who toil. Talk about men not being in favor of a literacy test and protecting labor by this legislation and yet having labor cards in their pockets and believing in the principles of organized labor!

My friends, when they say that the people of northwestern Europe will not do the work they ought to do—since when? Since they were driven out by a lower standard of wages, by inferior and lower conditions of living. It has not happened in the South, nor in the West. I heard my good friend, Mr. HELGESEN, from North Dakota, while a member of my committee a few years ago, resent the imputation that the splendid Scandinavian citizenship throughout the West would not do the work. He said they did do it until some boss of cheap foreign laborers came and established a standard of living and a condition of wages that no decent white man could compete with. That is what happened. You talk about the textile mills all over the country, and child labor. Go with me to my home—and, by the

way, gentlemen have sought to inject the child-labor question. Gentlemen, I have always been in favor of laws in that regard. I was specifically paired for the child-labor bill recently and I voted for the bill creating the Children's Bureau. I voted for the child-labor bill last Congress. Why, when I was but a boy, as a member of the State legislature, in 1884, when we passed the first child-labor law that any State in the Union had [applause], people came from Massachusetts and asked to establish cotton mills at my town, and asked me to sign a petition to the Alabama Legislature to repeal it. I said, "No, gentlemen; I helped to pass that law and I am not going to help repeal it." Go with me to the textile mills of my State and I will show you there girls and women—many of them with hearts as white as the untrodden snow, every one of them speaking the English language and many of them toiling their lives out in order to aid some stricken father or mother or child. I realize some of you gentlemen are unfortunate and feel in a middle of a fix. I have heard some gentlemen say, "I believe the bill is right and I wish I could vote for it, but I can not do so on account of the foreign citizenship of my immediate community." [Applause.]

Now, is not that an unfortunate condition! I thank God, gentlemen, it has not come to the South yet, and I hope the time will never be when it will come to our country. I thank God that the great and boundless West has, at least, not yet been invaded with that class of immigration. We are not striking down the Irishman and it does not touch one of them. It does not touch the Scotchman or the Englishman or the German or the Frenchman or the Hollander or any of the Scandinavian people, or the Swiss up in the midst of God's snowy mountains. They are not the men whom we are after because our doors are wide open, and when I was with the Immigration Commission at Hamburg I said to some of those great German people, "Why do not more of these good people come to our country?" They said, "One reason is that we are prospering greatly. Another reason is because you are getting too many of those people from along the borders of the Mediterranean and our laboring people will not stand competition with them. We do not want our families raised in such surroundings and subject to such contamination." [Applause.]

Mr. Chairman, in regard to the Jewish people the law is even more liberal than before——

The CHAIRMAN. The time of the gentleman has expired. [Loud applause.]

The Clerk read as follows:

Be it enacted, etc., That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States. That the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone or any insular possession of the United States and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term "seaman" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

Mr. SABATH. Mr. Chairman, I move to strike out lines 3, 4, 5, 6, and 7, on page 1, which carry the first definition in the bill, which provides—

That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians—

And so forth.

This is a new provision, Mr. Chairman, and I am of the opinion——

Mr. BENNET. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 3 to 7, inclusive, strike out the following language: "That the word 'alien' wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States."

Mr. SABATH. Mr. Chairman, I have no objection that this law should not apply to all the immigrants, but the tendency and aim is that it should apply to all aliens. Due to our lax naturalization laws we have in this country thousands upon thousands of residents of the United States who are not as yet American citizens, and therefore it matters not whether they have been residents for 5, 10, or 20 years, if they have not been naturalized, and they are obliged to visit the old country, perhaps for the last time, to see their parents or a dying brother or sister, they can not reenter unless they are subjected as an immigrant will be, if this bill passes, to the same rigid examination and inspection that this bill provides for. The hardship will not be so great upon the male citizens as upon the female, because they have no reason to apply for citizenship.

And certainly we have a great number of splendid women who have resided here for many years who are not American citizens, but who are residents and make this country, and have made this country, their permanent home.

Mr. GARDNER. Will the gentleman yield?

Mr. SABATH. Yes; I yield.

Mr. GARDNER. The gentleman has overlooked that provision at the foot of page 10, which allows aliens who have declared their intention to become citizens and aliens returning from a temporary absence to an unreliquished United States domicile of seven consecutive years to be admitted in the discretion of the Secretary of Labor.

Mr. SABATH. I have not.

Mr. GARDNER. Is not that the objection the gentleman has made?

Mr. SABATH. I have not overlooked that provision. But how many women will go and make application or file declarations to become American citizens? The gentleman from Massachusetts——

Mr. GARDNER. It does not require that.

Mr. SABATH. Oh, yes; it does.

Mr. GARDNER. If the gentleman will allow me to read it, it says:

That aliens who have declared their intention to become citizens, and aliens returning from a temporary absence to an unrelinquished United States domicile of seven consecutive years, may be admitted in the discretion of the Secretary of Labor and under such conditions as he may prescribe.

The two classes will be admitted—aliens who declare their intention to become citizens and aliens returning after temporary absence.

Mr. SABATH. Yes; I understand the provisions. They must first be residents of this country for at least seven years. But if in between that time they might have visited their homes, as many of these girls and women do—within the seven years—and will try to visit their homes again within the next seven years, they will be subjected to the provisions of this act. And for that reason I believe that that distinction should be eliminated and that the law should apply to the immigrants whom you are desirous to legislate against.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, this is merely a definition of an alien. Certainly that is the correct definition; it is a commonsense, logical definition, and, not only that, it is the definition of the Supreme Court of the United States itself, as it has virtually announced in a certain case. They are protected all the way through the bill. There is nothing in the world in the suggestion of the gentleman that it denies any protection whatever; and therefore, Mr. Chairman, I move that all debate be now closed on this amendment.

The CHAIRMAN. The gentleman moves that debate on this amendment be now closed.

Mr. GARDNER. On this paragraph?

Mr. SABATH. No; on the amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Alabama a question or two in regard to the insular possessions.

Mr. BURNETT. The insular possessions?

Mr. MANN. The bill for the first time provides that an alien living in one of the insular possessions of the United States, in going to any other insular possession or into the United States, shall come under the terms of this act. First, may I ask, under that definition is Hawaii an insular possession——

Mr. BURNETT. Yes.

Mr. MANN (continuing). Or an integral part of the United States?

Mr. BURNETT. Well, it is a Territory now, as I understand.

Mr. MANN. I understand it is a Territory. Still, I ask, as I suppose the gentleman is informed, if under the construction of this bill Hawaii is an insular possession or not?

Mr. BURNETT. It is a part of the United States and the people there are regarded as citizens of the United States, and are so recognized.

Mr. MANN. Of course, this language does not apply to anyone except an alien. It does not apply to a citizen of the Philippine Islands or a citizen of Porto Rico. But this is what I wanted to get at: I am not certain about Hawaii, but I am quite certain about Porto Rico. Will all people coming from Porto Rico to the United States, that board a steamship, be required to declare whether they are aliens or citizens in the same manner as they are required to declare when coming from a foreign country to the United States?

Mr. BURNETT. I understand that citizens of Porto Rico would not have to declare. Aliens coming from Porto Rico would have to do so.

Mr. MANN. Does not everybody have to declare now?

Mr. BURNETT. From Porto Rico?

Mr. MANN. In coming from any place.

Mr. BURNETT. Declare what?

Mr. MANN. Make some declaration so as to know whether they are covered by the terms of the bill or not.

Mr. BURNETT. The manifest, you mean? Certainly there has to be a declaration on the manifest kept by the ship companies.

Mr. MANN. How do you ascertain whether a man is an alien or not when he comes on board the steamship?

Mr. BURNETT. He has to state it.

Mr. MANN. He has to be asked, then, does he not?

Mr. BURNETT. There are forms of questions asked him.

Mr. MANN. Do you not have to ask everybody?

Mr. BURNETT. Yes.

Mr. MANN. That is what I say. He has to declare whether he is an alien or not?

Mr. BURNETT. Yes.

Mr. MANN. What I want to know is whether everybody who comes from Porto Rico and Hawaii is going to be put to the manifest nuisance each time of making a declaration of whether they are citizens or not, there being very few aliens who travel between these countries.

Mr. BURNETT. My understanding is, so far as Porto Rico is concerned, that they would, but they would not if they came from Hawaii and the Philippine Islands.

Mr. MANN. Of course I can see the reason for applying it to the Canal Zone, because they are not restricted when they go to the Canal Zone. But where you provide as to Porto Rico, for instance, that an alien can not go there except under the terms of this bill, I confess I can see no reason why you should subject everybody that travels between the United States and Porto Rico to the annoyance of making a declaration each time that they are citizens of the United States. People do not like it, I can assure the gentleman.

Mr. BURNETT. Well, I know it is a nuisance.

Mr. MANN. If there were many aliens traveling, that might be a good thing, but there are not.

Mr. GARDNER. Is it not true that every time I cross the border to Canada or back I have to make that declaration?

Mr. BURNETT. No; an arrangement is provided.

Mr. GARDNER. I have to make it.

Mr. BURNETT. No. I thought the gentleman meant those coming over to this country.

Mr. GARDNER. There is no greater hardship in coming from Porto Rico.

Mr. MANN. Nobody likes it coming from Canada, and unless there is reason for it I can see no reason why they should be subjected to the annoyance. Now, are the people who go to Porto Rico required to come within the terms of the act?

Mr. BURNETT. Yes.

Mr. MANN. I can see no reason why, having made the application going to Porto Rico, you should bother them again coming from Porto Rico to the United States, and traveling back and forth. It is a new thing in the bill. I do not know who got it up.

Mr. BURNETT. The trouble is Porto Rico has been used so often as a stepping-stone from other countries, to come from there, and it was thought best by the department to make that requirement.

Mr. SABATH. And for statistical reasons and purposes.

Mr. BENNET. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois, to ask the gentleman from Alabama [Mr. BURNETT] a question.

Mr. BURNETT. There is nothing pending, Mr. Chairman.

Mr. BENNET. Oh, yes; I am opposing the pro forma amendment.

Mr. BURNETT. I understood it was withdrawn.

Mr. CLARK of Florida. I make the point of order, Mr. Chairman, that it is not permissible to discuss a pro forma amendment in opposition.

The CHAIRMAN (Mr. SAUNDERS). Of course, the motion to strike out the last word and the debate on it pro and con are matters of convention here. If the rule is insisted upon, of course, any amendment in the Committee of the Whole must be debated on the merits of the amendment.

Mr. BENNET. Then, Mr. Chairman, I move to strike out lines 13 to 15, on page 2, for the purpose of asking the gentleman from Alabama a question.

The CHAIRMAN. The gentleman from New York moves to strike out lines 13 to 15 on page 2.

Mr. BURNETT. What lines did the gentleman say?

Mr. BENNET. Lines 13 to 15, on page 2; that is, in the committee print. In the Union Calendar print those lines are 10 to 12, on page 2.

The question I desire to ask the gentleman from Alabama is this: That language in lines from 10 to 12 is substantially, I think, taken from section 6 of chapter 453 of the act approved February 6, 1905. It was in the first bill for the regulation of the Philippine Islands, and under section 38 that language is exempted from the repeal clause. On page 21 of the bill, lines 23 and 24, it is provided that "this act shall not be construed to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905." That is, that the provisions of this section—section 11—shall be exempted.

This is rather an important matter, as it governs the enforcement of the laws of the Philippine Islands; and what I wanted to ask the gentleman from Alabama is, what would be the effect if this law passes in the form in which it is—exempting that particular law by section 38, reversing that in part by section 11, and substituting, under section 1, a portion of the language? I would like to ask the gentleman about that. I see he has not only his own large ability, but he has active assistants. I ask him what the situation would be?

Mr. BURNETT. That would not change it, I think. It would go on just as it was before. We have had the law that the gentleman speaks of for some time. I do not think this would affect it. That is the information I get.

Mr. BENNET. I recognize, I will say to the gentleman, that the Philippine act is still in force, having been exempted from repeal by the act of 1907; but as any lawyer, I think, would be, I am a little bit anxious as to the effect upon an act which is in existence, which is exempted from repeal in one part and then as to which there is elsewhere this curious language, which I never saw in any other statute, "and the provisions of this section shall be excepted from that portion of section 38 of this act"——

Mr. SLAYDEN. Mr. Chairman, may I ask the gentleman from what page he is reading?

Mr. BENNET. Page 21.

Mr. SLAYDEN. And what line?

Mr. BENNET. Line 21, in the regular Union Calendar print of the bill, No. 36. It is not the committee print. The language is:

> And the provisions of this section shall be excepted from that portion of section 38 of this act which provides that this act shall not be considered to repeal, alter, or amend section 6—

And so forth.

Now, Mr. Chairman, I do not believe that you can do such a thing as repeal a law for one purpose and then continue it for another. I never saw it done.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. I ask unanimou consent, Mr. Chairman, for two minutes.

Mr. BURNETT. Section 6 is the passenger act, as the gentleman will remember.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. I ask unanimous consent to proceed for three minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. If the gentleman will turn to his own bill, on page 62, line 11—not the committee print, but the calendar print, No. 36—he will see that this act is there referred to as "Section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905." Then there is this further language, "or the act approved August 2, 1882." And then, if he will go back to page 21, he will find the same language: "Section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882."

Now, what I want to get at is the legal construction, because the question of immigration into the Philippines is a very important matter, and I agree with the gentleman as to the ex-

clusion of some people that are now being excluded from the Philippines, and we do not want to do anything that will hamper the exclusion from the Philippine Islands by those people on whom is cast the duty of the execution of the laws. The gentleman will know that the most technical part of the enforcement of the immigration law is the Chinese portion of the law, and it is the Chinese that would not take the thirtieth part of a second to see any loophole that might be afforded them. If the gentleman has no objection, I would be glad if he would agree to pass over that section until we can pass upon it. I frankly say I am not prepared to pass upon it now.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. It is provided in section 1:

That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

It is provided in section 6 of the Philippine act:

That the immigration laws of the United States in force in the Philippine Islands shall be administered by officers of the General Government thereof designated by appropriate legislation of said Government.

Now, this specifically says that the bill shall be enforced in accordance with the provisions of the act, so far as the Philippine Islands are concerned. Two years ago we put in at the end of the bill, in the repealing section, a provision excepting section 6 of the Philippine act from repeal; but when we came to the matrons and surgeons on board ship, in section 11, which the gentleman has recently been reading from, we made an exception to the exception.

Mr. BENNET. The gentleman is quite in error. Section 11 is the one that relates to epidemics, and not to the matrons and surgeons.

Mr. GARDNER. That has been changed from section 11 as it was.

Mr. BENNET. I also call the gentleman's attention to the fact that his other statement, that they put it in two years ago, is erroneous. It is a part of the existing law.

Mr. GARDNER. Yes. The gentleman is right. I was looking at the wrong section of the bill.

Mr. BURNETT. I suggest to the gentleman that this matter be passed over temporarily.

Mr. BENNET. The gentleman can ask unanimous consent that it be passed over temporarily for the purpose of looking into it. I am not captious about it.

Mr. BURNETT. I make that request, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that this section be passed temporarily, to be returned to on his motion. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. That there shall be levied, collected, and paid a tax of $8 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States: *Provided*, That children under 16 years of age who accompany their father or their mother shall not be subject to said tax. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle or when collection from the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance, or vehicle bringing such alien to the United States is impracticable. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who enter the United States from the Dominion of Canada, Newfoundland, the Republic of China, or the Republic of Mexico for a temporary stay, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory, and the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and regulations and prescribe the conditions necessary to prevent abuse of the exceptions: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application, upon a blank which shall be furnished and explained to him, be refunded to the alien.

Mr. BELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BELL: Amend, on page 2, line 14, by striking out "8" and inserting "10."

Mr. BENNET. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. BENNET. I move to strike out "8" and insert "6."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. BENNET. Mr. Chairman, the gentleman from Alabama [Mr. BURNETT] and myself have always agreed on three things in connection with aliens: First, that they ought to be well treated after they get here; second, in relation to strict naturalization laws; and, third, that a high head tax ought not to be imposed for restrictive purposes. Now, I want to call the attention of the gentleman, the chairman of the committee, and the Committee of the Whole to the situation. We are committed to the policy of supporting the immigration system through the head tax, and I know that the gentleman from Alabama [Mr. BURNETT] does not desire to raise a dollar more than is necessary for that purpose, and does not desire a high head tax for restrictive purposes. Now, what does our head tax do? If you will look at the report of the Commissioner of Immigration for this year, on page 34, you will find that he says that up to the end of this fiscal year there has been collected over $9,000,000 in excess of expenditures; and in the expenditures are included every building at Ellis Island, every building at Angel Island, every building in the port of Philadelphia, every building in the southern ports and everywhere. The cost of all those buildings has been paid out of the head tax, and still we have an excess of $9,000,000 that we have collected from these immigrants.

Now, I dissented from the report of the Immigration Commission, of which the gentleman and I were members; but I said then, and I stand by it now, that I thought there ought to be more of a restriction placed on unmarried male aliens or married aliens not accompanied by their wives and families. Now, I want to put it very frankly to the gentleman from Alabama. Neither he nor I can prove, and the gentleman from Georgia [Mr. BELL] also can not prove, that any such sum as $10 per head is needed for the support of the establishment. If the gentleman from Alabama is correct in his belief, and if we are going to have a flood of immigration after the war, a million or twelve hundred thousand, then we shall collect in one years $10,000,000 under the amendment proposed by the gentleman from Georgia [Mr. BELL], and the expenditures of running the bureau are less than $3,000,000.

Mr. HAYES. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAYES. I wonder if the gentleman has forgotten that his statement is exaggerated, because the head tax is not collected on children under 16 years of age?

Mr. BENNET. I acknowledge frankly that the gentleman from California is correct. I had forgotten that for the moment.

I am in sympathy with that part of the bill which attempts to put a higher head tax on the bird of passage, and I am glad to see the part of the bill which exempts children; but the gentleman from Alabama [Mr. BURNETT] and myself being on the same ground on this amendment, I want to say to him, until there is proof that we need more than $6, do not let us go up any higher. I am willing to go as high as $6 for the purpose of paying the expenses of the administration of the law. I offer the gentleman a fair bargain, an even division between what he suggests and the amount in the present law, and I do not believe that in his heart he favors either $10 or $8.

Mr. SLAYDEN. Mr. Chairman, the gentleman stated that the head tax is entirely removed from children under 16 years of age.

Mr. BENNET. It is only removed from children under 16 years of age who come in with their parents.

Mr. SLAYDEN. Yes; who come in with their parents. Now, I do not know what the average family is, or how many children usually come in with the head of a family.

Mr. BENNET. I do not know.

Mr. SLAYDEN. I doubt if the $8 tax will yield as much revenue to the Government as the $4 tax on all the family.

Mr. BENNET. I will say that if it does not, we have $9,000,000, which will run the department over three years.

Mr. SLAYDEN. Well, the gentleman from New York is conspicuously active in encouraging expenditures and opposing the raising of revenue, and we will need all that to meet the bills the gentleman wants to contract.

Mr. BENNET. Oh, the gentleman is without foundation for that statement.

Mr. SLAYDEN. Is not the gentleman for practically unlimited expenditure for the Navy and the Army; and if the Government has got more revenue from this tax than is needed for the Immigration Service, we will need it to apply to his purchases.

Mr. BENNET. The gentleman and I voted the same way on the military bill.

Mr. SLAYDEN. We were not together on all the votes in relation to it.

Mr. BENNET. I was an earlier convert than the gentleman.

Mr. SLAYDEN. Mr. Chairman, I think the tax should be left as it is. If the heads of the family should be permitted to come in for $8, I doubt if the Government would get as much revenue as it gets now; all except the men without families, the birds of passage, as the gentleman called them awhile ago, and there is no reason why they should not pay $8. I hope the amendment will not prevail.

Mr. AUSTIN rose.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. AUSTIN. I want to get into the debate in a parliamentary way.

The CHAIRMAN. There has been one speech in favor of the amendment and one against it.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes.

Mr. BURNETT. And I ask for unanimous consent to speak for five minutes afterwards.

The CHAIRMAN. And the gentleman from Alabama asks unanimous consent to speak for five minutes. Is there objection to these requests?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I would really like to have an opportunity to vote to increase rather than decrease this head tax. I can very well understand, in view of the position of the gentleman from New York [Mr. BENNET], that he is in favor of any proposition that will aid in the increase of immigration to this country. In 1913 there landed in this country over 1,400,000 immigrants. The literacy test would have reduced that 300,000, leaving 1,100,000. In 1914 there landed 1,200,000, and the enforcement of this proposed measure of literacy would have reduced it to 900,000.

The governor of New York, I think the last Democratic governor of the Empire State, issued a call for a conference of the various governors of the States to provide for meeting the enormous expense to the taxpayers of New York and other States on account of caring for the foreign immigrants who are filling their asylums and other public institutions, causing a very large expenditure, I think, of $4,000,000 annually for this additional burden on the taxpayers of the State of New York alone. The great State of Pennsylvania had an additional burden of about two and one-half or three million dollars on account of caring for the sick, helpless, and insane dumped on the shores of America by a greedy, avaricious foreign steamship trust. So if we can increase the head tax and reduce immigration and keep down this enormous expense to the Empire and other States complained of by the late Gov. Dix, we will be doing a great and patriotic thing.

When the gentleman from New York [Mr. BENNET] computes the amount of the present head tax collected at the various ports, there is another side of the question as to what their landing means in the way of caring for those aliens in State institutions in New York, Pennsylvania, and every other State where there is a large number of them living, either permanently or temporarily. So if we have a large amount over and above the necessary expenses of the Immigration Bureau, the gentleman from New York [Mr. BENNET], instead of devising a scheme which will add additional burdens to his people in caring for this expense, should offer an amendment which will transfer some of the surplus to the State of New York, which is now appealing through a Democratic governor for aid throughout the country, and thus help New York and other States to meet this additional burden.

Mr. SABATH. Will the gentleman yield?

Mr. AUSTIN. If I have the time.

Mr. SABATH. Is the gentleman speaking for the great States of New York and Pennsylvania, and has either of the States made any request for a part of this fund to be turned over to them?

Mr. AUSTIN. The governor of New York, as I stated a few minutes ago, and I thought I made it plain, wanted a conference of the various governors of the States to devise means for coming to the relief of the people of New York and other States who have this extraordinary burden as the result of unrestricted immigration.

Mr. BENNET. Mr. Chairman, if I can have a minute and a half I would like to answer that.

Mr. BURNETT. I am willing that the gentleman should have the time.

Mr. BENNET. I think it is true that Gov. Glynn did issue a call, as the gentleman has stated, and then he ran for reelection and was beaten by 175,000 majority. So the State did not indorse his call. Of course, we have insane people in our State, as they have in Tennessee, but we put ours in asylums. [Laughter.] But the number of aliens in the insane asylums in our State is not out of proportion.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BENNET. My time has expired.

Mr. BUCHANAN of Illinois. I want to say that speaking of the governor of New York coming up for reelection, one of the most faithful opponents of the immigration bill was our friend Mr. Goldfogle, who was also defeated at the last election.

Mr. SABATH. Yes; Mr. Goldfogle was defeated because he was charged with not opposing the immigration bill to the best of his ability. [Laughter.]

Mr. BURNETT. Mr. Chairman, these statements are foreign to the proposition, and, in fact, the suggestion of the gentleman from Tennessee [Mr. AUSTIN] would be foreign, because if it were to amount to a hundred million dollars I would not vote for a cent of it going to support the alien insane in New York or any other State. I am supporting this $8 proposition. The bill as I introduced it called for $6. The committee in its wisdom thought, and after deliberation and discussion decided, that on account of the fact that since the law now is that every member of the family has to pay $4 head tax that there would be a great reduction in the funds and that this fund ought to be at least self-sustaining. Not only that, but I concur with the view that while, as the gentleman from New York [Mr. BENNET] has said, I do not believe in bringing about any great restriction of immigration by an excessive head tax—and I never have favored that proposition—at the same time I do think and the committee felt that people coming here and bringing but little with them, coming to a ready-made civilization, to ready-made favorable conditions, ought to contribute something to paying the expense of the Government in admitting them.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. MANN. Did not the Supreme Court sustain the head tax, rather indicating that they did it because the Government had the right to levy a tax that would cover the cost to the Government of enforcing the immigration law?

Mr. BURNETT. Yes; that was some years ago, when the 50 cents was first put on; but since that time this Congress has diverted this fund from the immigration fund and it now goes into the General Treasury. In the first place we required all except $2,500,000 to be covered into the Federal Treasury, but in some way it was gotten through Congress on an appropriation bill that all should go there.

Mr. MANN. Where it went would make no difference. The theory of Congress in levying the head tax was that it was doing it for the purpose of paying the expense that the Government was put to by reason of immigration.

Mr. BURNETT. Yes.

Mr. MANN. And I think that is what the Supreme Court held.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HAYES. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, I think it has never been questioned since that time. While the Supreme Court so held, as suggested by the gentleman from Illinois [Mr. MANN], it has never been questioned that the money could be used in other ways, especially since the Congress itself diverted it. It seems to me that the reduction of the number of people who have to pay the head tax will take off a great deal of money, and then we believe that the enforcement of the literacy test will reduce the number of immigrants by some 200,000 in normal times. The gentleman from New York [Mr. BENNET] insists that there will be much less; that there will be no immigration.

If his contention is correct, certainly there ought to be a very great increase made. I am not for the $10 proposition offered by the gentleman from Georgia [Mr. BELL]. He was once a valuable member of the Committee on Immigration, always rendering great service, and his contention has always been in favor of a head tax for restrictive purposes. I have not concurred in that opinion, but do believe that now, on account of the increased expenses, it is necessary to somewhat increase the head tax. There is no doubt that under this bill, outside of enforcing the literacy test, there will be a greatly increased expense in enforcing this new immigration law on account of policing the Canadian and Mexican borders. Then, too, we have tightened up the law in regard to smuggling in such a way that it is going to cost a great deal more to enforce the law. For those reasons and others the committee believed it ought to be increased to $8. So far as I am concerned, I would not have been averse to the proposition the gentleman from New York [Mr. BENNET] suggested of letting people who come here without their families bear the greater part of the head tax, but if we put that to where it would be restrictive it would hurt a lot of mighty good people whom I do not want to see kept out. I am not an A. P. A. I never have wanted to cut off the people who come here with the intention of becoming bona fide citizens and who have the will and the ability to build up the prosperity of the country and become permanent citizens. Of course most of our people from northwestern Europe come with their families, but at the same time it would be so restrictive, if it were put high enough, to keep out good people whom I do not want to see restricted, that I could not support it.

Mr. HAYES. In addition to the reasons suggested, is it not also true that the bill as drawn has enlarged and perfected provisions in regard to the insane that will necessitate a large increase of facilities for the enforcement of the law?

Mr. BURNETT. Yes; and there are quite a number of other provisions that are for the benefit of the alien himself.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FESS. The present law is $4?

Mr. BURNETT. Yes.

Mr. FESS. And this is $8?

Mr. BURNETT. Yes.

Mr. FESS. And the present law applies to all members of the families?

Mr. BURNETT. Yes.

Mr. FESS. And this only to those who are above 16?

Mr. BURNETT. Yes; that is, children under 16 coming with their father and mother are excepted.

Mr. FESS. Have you any way of estimating what $8 under the reduced number would amount to?

Mr. BURNETT. No. I submitted that question to the Commissioner General of Immigration, and he thought, just as an off-hand guess—and it was just a guess—that it would perhaps leave it just about where it is now, or was in normal times; but we can not arrive at it definitely.

Mr. BENNET. The gentleman himself has shown by his bill when he put in his $6 provision that that would do it.

Mr. BURNETT. Yes.

Mr. BENNET. The gentleman did not disagree with me.

Mr. JOHNSON of Washington. Is it not the hope that a more rigid enforcement of the immigration laws will take place on the border, and is it not further understood that carrying out further provisions of the bill in regard to matters other than the literacy test will cost more money?

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. Making $8 necessary?

Mr. BURNETT. Yes.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. I desire to say in response to the question of the gentleman from Pennsylvania that the report of the Commissioner of Immigration shows that last year out of 326,000 immigrants 52,982 were under 14 years of age; consequently there will be about 15 per cent, and we are increasing it 100 per cent.

Mr. BURNETT. There is one other suggestion I want to make, if I may be permitted to do so. There are a number of provisions in this bill in the interests of humanity to the immigrants themselves. For instance, there are two inspectors instead of one; there are two doctors instead of one, and various other things, but I just happen to think of those that are for the benefit of the immigrant himself. That is going to be an additional expense, and I think the $8 is very reasonable.

Mr. GALLAGHER. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. GALLAGHER. Does not the gentleman believe it would be a humanitarian move to spend this money to build stations in which to house these immigrants compared with some of the places in which they are now housed?

Mr. BURNETT. I desire to say that some are horrible——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. I would like to have about one minute more.

Mr. BENNET. Mr. Chairman, I ask that the gentleman be given three minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection.

Mr. BURNETT. Mr. Chairman, whenever it comes to furnishing good conditions under which the aliens are to see our country for the first time every gentleman who has followed my course on this floor knows, as my good friend from Illinois [Mr. GALLAGHER] does, that I have always been extremely liberal in all these matters.

Mr. GALLAGHER. And further, in face of the fact we are exacting upward of a million dollars a year more than necessary to carry out the provision of this law, and we are turning that money into the General Treasury; should not some of it be spent for suitable accommodations——

Mr. BURNETT. I agree with the gentleman; there ought to be; there is no doubt about that. The Bureau of Immigration, Mr. Chairman, has been cramped and handicapped by reason of the fact that they have not had proper accommodations for their work, but we have now a new immigration station at Baltimore and one started at Boston, and I believe, about completed. It has always been my desire to furnish the very best accommodations for these people who come to our land, and I believe we ought to make that provision; and I think the committee was wiser than I was when I introduced the bill at $6, and I believe that the increase of $8 ought to stay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Georgia.

Mr. BENNET. Mr. Chairman, I ask that the amendments be again reported.

The amendments were again reported.

Mr. BUCHANAN of Illinois. Mr. Chairman, a point of information on that amendment to the amendment. Does not the amendment read to strike out the figure 10 and insert the figure 6?

The CHAIRMAN. The amendment to the amendment will be again reported.

The amendment to the amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. BENNET), there were—ayes 14, noes 60.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment.

Mr. GILLETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GILLETT. Mr. Chairman, I wish to discuss the amendment.

The CHAIRMAN. Debate on this has closed.

Mr. GILLETT. There has been no debate on the amendment itself; it was on the amendment to the amendment.

The CHAIRMAN. Perhaps the gentleman is right. The gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, I favor this amendment and will favor any amendment, pretty nearly, that will restrict immigration. I state frankly I vote for this increase not as a revenue measure, but I will be glad to vote for it even if it should decrease revenues if at the same time it decreased immigration. I get many protests against the literacy test. With many of them I entirely agree. I recognize that it is not a fair or ideal test. It admits many whom we would like to keep out and excludes many whom we would like to let in. But this is the only bill which can pass and which the majority will allow to come before us, and I vote for it now, not because it is the bill I would like, but because it does restrict and lessen immigration. I will vote for almost any bill which does that. I would go a great deal further than this bill; I would restrict immigration much more. I am not sure I would not vote to prohibit it entirely for a term of years except as to relatives of those now here until we can judge of the industrial effects of the present war. That would, to be sure, be a temporary abandonment of our old boast that this land was the free refuge of all the oppressed. Some would say it was not philanthropic. But a continent with 90,000,000 of people is a pretty sizeable field over which to spread our philanthropy. If we should for

a season exclude the rest of the world our philanthropy could have plenty of exercise and there is abundant need for it here.

All of Europe is just now selfish and belligerent. The times are peculiar and out of joint. "America first" is just now a good watchword, and it is a question whether it is not best for the future of the world as well as for the future of ourselves to protect ourselves for a time against the further dilution of our citizenship.

Recent events have brought home to us all the fact that we are a very composite Nation—that we have within ourselves jarring and irreconcilable elements. Many other nations are heterogenous—Austria, for instance—but there the different parts are entirely separate and meet as an alliance. With us the different parts are inextricably mixed, yet the contents of our melting pot seem to be so diverse and chilled that they will not always fuse.

I do not wish to exaggerate our condition. I recognize fully our obligation to our immigrants. Indeed, this is a nation of immigrants. I believe thoroughly that the great body of our citizens who have come from abroad genuinely love their new home and will be zealous in its defense. Nor do I at all blame or criticize their affection for the land of their birth, wherever it is. Such affection and sympathy but prove that they have the disposition to become attached to the land of their adoption. I have no doubt the heat of a foreign attack upon us would rapidly melt and assimilate all our ingredients. But we hope to have no such conflagration. And I think our greatest need at present is that all our people should be permeated with a zealous spirit of American nationality.

Of course, prohibiting immigration even temporarily involves disadvantages. There would be an outcry that we would soon have no cheap labor. To me that is no objection. I would be glad to have no cheap labor, to have the value of wages relatively increased. The more equal distribution of wealth should be one of our chief aims.

It might check our invasion of the markets of the world. But by our tariff laws we could preserve and assure to ourselves our own markets, even if we had to surrender other markets to cheap labor. It is more important to Americanize and spiritualize our own population than to extract wealth from other nations.

There never has been a time when we could so well afford to ignore the rest of the world and devote ourselves to building up our own character and independence. Hundreds of millions of American securities have drifted here during the past year, and though I suppose we are still a debtor nation our obligations can not be large. The world is in turmoil, and no one can foresee the conditions which will follow the treaty of peace. It may be that the heavy taxation elsewhere will equalize higher wages here. We know it will not be prudent to be defenseless, and we are about to extend our armaments and our taxes. It will not be a safe or fruitful time to preach or practice world-wide philanthropy when all other nations are battling vehemently for their own interests. Why should we not then study our own interests, set our own house in order, raise our standards of citizenship, and for a period admit no dilution and cultivate a devotion to our own country? Thereby we would very likely make ourselves a better instrument to assist and stimulate the advancement of the whole world. "If any provide not for his own, and especially for those of his own house, he is worse than an infidel."

Such a course may be called narrow and reactionary. Temporarily it regards the interests of the United States more than of the whole world. It might shut us out of the world currents; it might raise up against us ill will and remonstrance, and very likely attack if we were unprepared; but it would make us a better, if not a richer, America, a more homogeneous, harmonious, united people, and perhaps a better instrument for the world's progress and a more powerful engine for the world peace and harmony, which is the ultimate ideal of us all. [Applause.]

Mr. SABATH. Mr. Chairman, the argument that the gentleman has made in favor of this amendment has been made before. The same fears that he now has were entertained many, many years ago. The gentlemen when they opposed immigration 100 years ago stated the same reasons that the gentleman assigns to-day, and were as wrong then as he is to-day. I have here an extract from a report which was made in 1817, not quite 100 years ago. At that time the so-called immigration commission that had been created reported that—

> The immigrants should press into the interior. At the present time, also, we seem too congested on the frontiers.

And in those days the population of the United States was only between eight and nine millions.

In 1819 there were certain statements made by people, which I desire to quote. This is a statement from the second annual report of the managers of a society for the prevention of pauperism in New York City. There were paupers then. That was before this present-day immigrant ever dreamed of coming to the United States. And this is what the association says:

> As to the emigrants from foreign countries, the managers are compelled to speak of them in the langauge of astonishment and apprehension. Through this inlet pauperism threatens us with the most overwhelming consequences.

Mr. Chairman and gentlemen, a century has elapsed since that statement was made. But 60 years ago we find that the people were still of the same impression and were as wrong on that question as they are to-day. Here is a report of 1835, made by a similar organization, and in that report they say:

> Then we were few, feeble, and scattered. Now we are numerous, strong, and concentrated. Then our accessions of immigration were real accessions of strength from the ranks of the learned and the good, from enlightened mechanic and artisan and intelligent husbandmen. Now immigration is the accession of weakness, from the ignorant victims of the priest-ridden slaves of Ireland and Germany or the outcast tenants of the poorhouses and prisons of Europe.

And the same arguments are made against present-day immigration. We can realize how fallacious and wrong were the statements of those early organizations. We know the startling and marvelous progress that was made since those reports. In lieu of this a great number of you gentlemen are pressing the same arguments. I prophesy a number of years hence the people will think you as ridiculous and absurd as we do now think of the early restrictive societies.

Mr. GARLAND. Mr. Chairman, I move an amendment to the amendment, to make it $8.25.

Mr. MURRAY. Make it $12.50.

Mr. GARLAND. I do this for the purpose of speaking for the amendment.

Mr. BURNETT. Mr. Chairman, I make the point of order that the amendment is not in order.

Mr. BENNET. Oh, yes. Although the gentleman is on the same side as the gentleman from Alabama, I think he has a perfect right to offer an amendment.

Mr. BURNETT. There were two amendments, were there not?

The CHAIRMAN. There was an amendment to the amendment, and one was voted down.

Mr. BENNET. Mine was voted down.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. The amendment was to make it $8.25 instead of $8 as provided by the committee.

Mr. BENNET. The amendment pending was to make it $10.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

> Strike out the figures "$10" and insert in lieu thereof "$8.25."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] is recognized.

Mr. GARLAND. Mr. Chairman, there has been a strong tendency all through this session of this Congress in which I have sat, and it is my first opportunity to be in Congress, to hearken to the report of the committee. They are supposed to have and should have a large amount of all the wisdom that can be gathered on all of these subjects that are brought before them for report to this body. And I am glad to see that this wisdom has been displayed here to-day by the gentlemen who have this bill in charge. I am for it. I am going to vote for it because it will assist in keeping out pauper labor and also because it is a kind of a Republican measure. It is for the protection of the man who works, and it was so stated by the gentlemen who have the bill in charge. Now, then, I am challenging these gentlemen in return, that when a protective tariff measure comes up in this House for the protection of working peoples' wages, which will come before long, that they do likewise, and that so-called Democratic States will give as many votes for that measure as Republican States will give for this one measure. [Applause.]

But I have heard here the virtues of Alabama proclaimed, and I have heard the declarations against Pennsylvania and its alleged usages, and Ohio and its alleged usages, and the Middle States generally, from the gentleman from Alabama. Why, gentlemen, I was down in Alabama several years ago. It was about the time the first cotton mill was put up at Anniston, Ala., which I understand is in the gentleman's district; and I had the pleasure of going into the mill. The gentleman says that Alabama passed the first child-labor bill that was passed by any State. If so, it must have been to extend the hours for labor beyond 24 per day. I went into that mill and beheld a woman with a child at her breast attending a loom, and two children, that could not have been more than 4 and 6 years

of age, played back of her with rag dolls in their hands on the floor of the factory.

Mr. MURRAY. Eight hours before dinner and eight hours after dinner. [Laughter.]

Mr. GARLAND. Maybe I can not remember that, because it was some time ago, and possibly could not now bring proof, but maybe the gentleman from Alabama was then in the legislature which enacted the legislation that now exists, or did exist four years ago, in Alabama, in which they can make of a man who goes on a strike a vagrant—a bum.

Mr. MURRAY. Yes; a bum. [Laughter.]

Mr. GARLAND. A bum, a vagrant, and under the law they take him from his strike and declare that he is convicted of vagrancy, give him a sentence of servitude, put him back into the mine in which he was employed, and he does the same work in the mine for the State without pay that he did for wages before.

In addition to that, Mr. Chairman, that is one of the States—whether they have changed the law or not I do not know; they may have, like Georgia, reformed on labor laws and have changed recently, but we hear much of the virtues here on this floor of Alabama laws—as a matter of fact, that is one of the States where they worked their convicts in the mines, timber camps, and other industries, against free labor, in positive competition with the men who work for wages.

I can not forget those things, and I can not forget, when I look at the biography of the gentleman from Alabama and note that he was in the legislature that probably enacted some of, or all of, those laws. I feel that it comes with very poor grace, to say the least, that he should inveigh against Pennsylvania. [Applause.]

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to close the debate on this section.

Mr. GARDNER. The gentleman can speak to the negative of this $8.25 proposition.

Mr. BURNETT. I oppose it.

Mr. GARLAND. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, I move that all debate on this section and all amendments thereto close.

Mr. BENNET. I hope, Mr. Chairman, that the gentleman from Alabama will not do that. There have been no factious amendments offered and no factious discussion.

Mr. BURNETT. I mean these amendments. There are two amendments pending, the amendment offered by the gentleman from Pennsylvania [Mr. GARLAND] and the amendment offered by the gentleman from Georgia [Mr. BELL].

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. GARLAND] has been withdrawn. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BELL].

Mr. BURNETT. Mr. Chairman, I want to have opportunity to say a word or two in reply to the gentleman from Pennsylvania.

The CHAIRMAN. How much time does the gentleman want?

Mr. BURNETT. I did not inveigh against Pennsylvania. It was against some methods of Pennsylvania.

The CHAIRMAN. If the gentleman wants to speak in opposition to the amendment of the gentleman from Pennsylvania, the Chair will inform him that it has been withdrawn.

Mr. BURNETT. Then, Mr. Chairman, I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BELL].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BELL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 40, noes 64.

So the amendment was rejected.

Mr. MURRAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. MURRAY. If I can get unanimous consent to extend my remarks in the RECORD, I will not take any time at all.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 3, line 3, add, after the period, the following: "The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States."

Mr. BENNET. Mr. Chairman, I will say to the gentleman from Alabama [Mr. BURNETT] that that is taken, word for word, from the existing law. It seems that under that law there is danger of confusion for this reason: Later on in the bill it is provided that all moneys collected from exclusive privileges shall be paid into the Treasury, and in another place it is provided that, from the moneys that are collected from fines, the Department of Justice, without any limit, can pay rewards, which, I think, is a rather dangerous provision, and there is no place where provision is made for paying over the other moneys into the Treasury. The privileges are not exclusive. Take the telegraph privilege, for instance. Both of the large telegraph companies in New York—and, I presume, in other parts of the country other telegraph companies—have the right to have their stations at these immigration stations; and I simply offer this amendment out of abundant caution.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit a question there?

Mr. BENNET. Yes.

Mr. SLAYDEN. I could not quite catch the gentleman's suggestion. The gentleman made the statement, as I caught it, that if this money were covered into the Treasury it might be expended on rewards.

Mr. BENNET. There is a provision in the bill that, as to certain fines collected, the department may pay rewards out of those fines without limit, and there are two cases now pending where sums running into tens of thousands of dollars are attempted to be collected under the contract-labor laws. It seems to me it ought to be made clear that the moneys collected from the head tax, from the fines and the penalties, and from the rental of all the privileges, whether exclusive or not, are to be paid into the Treasury.

Mr. SLAYDEN. Does the gentleman want to deny to the executive officers charged with the administration of the law the privilege of offering rewards for the apprehension of violators of the law?

Mr. BENNET. No. They have that privilege already under the existing statute. I want to call the attention of the gentleman from Texas to the fact that what I am offering is the very language that the committee which revised the law in 1903 thought was proper. It is the language that the members of the committee in 1907, including the gentleman from Alabama [Mr. BURNETT] and the gentleman from California [Mr. HAYES], thought proper to insert, believing it would do good, and no harm. It is also in line with the policy of this Congress, as shown in 1909, when in one of the appropriation bills they wiped out the immigration fund and provided that the money should be paid into the Treasury.

Mr. BURNETT. As I understand, then, there are some fines that do not go under that provision, and under this bill the Department of Labor can use them for the payment of rewards?

Mr. BENNET. Not the Department of Labor, but the Department of Justice. It is so stated in the language, that out of the fines the Department of Justice can, without limit, pay rewards to people other than employees of the Government.

Now, it seems to me—and I think the gentleman from Alabama will agree with me—that the moneys ought all to be paid into the Treasury, and that no department ought to have the right to collect forty or fifty thousand dollars and then pay out what it pleases for rewards. It is not very long since the Customs Department, under a then existing law, paid $100,000 as a reward to a man in New York City, who was an employee of the Government. I think there ought to be some limit.

Mr. GARDNER. Will the gentleman from New York yield?

Mr. BENNET. I yield to the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent that my time may be extended three minutes, to allow me to answer the gentleman's question?

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. GARDNER. On page 14, line 2, of the bill there is a provision to aid in the enforcement of the contract-labor law.

Mr. BENNET. That is what I was referring to.

Mr. GARDNER. It is there provided that—

The Department of Justice may from any fines or penalties received pay rewards to persons other than Government employees who may furnish information leading to the recovery of any such penalties, or to the arrest and punishment of any person, as in this section provided.

Mr. BENNET. Yes.

Mr. GARDNER. Now, if the gentleman's amendment is adopted with regard to the head tax, it would not affect that particular clause, would it?

Mr. BENNET. I am frank to say that the amendment I have sent to the Clerk's desk would cover fines, penalties, the head tax, and the money from exclusive privileges.

Mr. GARDNER. In other words, there would be no necessity for the gentleman's amendment at all if it simply applied to the head tax, because that is already in the existing law, passed in an appropriation bill. So that the gentleman's amendment is broader than merely paying the head tax into the Treasury.

Mr. BENNET. Yes; it is broader than merely paying the head tax into the Treasury.

Mr. GARDNER. And is it not true that in an appropriation bill we have already provided that the head tax shall be paid into the Treasury?

Mr. BENNET. We have provided that in an appropriation bill, but in this bill we repeal all acts in conflict with this act.

Mr. GARDNER. I think that is excepted.

Mr. BENNET. Oh, no; it is not.

Mr. GARDNER. It is not in conflict, anyway.

Mr. BENNET. I think it is. Let me ask the gentleman from Massachusetts, What earthly harm can it do to provide that the moneys collected by United States officials in the way of revenue shall be paid into the Treasury?

Mr. GARDNER. But I ask the gentleman if it does not interfere with that particular clause that we put in for the enforcement of the contract-labor law? I have no objection unless it interferes with that; but it seems to me that it interferes with the Department of Justice having funds at its disposal to pay informers and in that way help to carry out the contract-labor law.

Mr. BENNET. The Department of Justice collects thousands of dollars. While I was out of Congress on a temporary vacation I represented a gentleman who had to walk up to the captain's office and pay $6,000 in one of these cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, the Department of Justice ought to have the use of some of these funds that the gentleman complained went into the General Treasury. They ought not to be left to the uncertainties of the General Treasury. Therefore I am opposed to the amendment, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. BURNETT. Before that amendment is read, I ask unanimous consent that all debate on this section and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and all amendments thereto close at the expiration of 10 minutes. Is there objection?

Mr. BENNET. I object for the present.

Mr. BURNETT. Then I move that all debate——

Mr. MANN. Oh, do not do that. The gentleman from New York has some bona fide amendments.

Mr. BENNET. We have real amendments.

Mr. BURNETT. Let the amendments come in, but let us limit the debate. How much time does the gentleman want?

Mr. TILSON. Mr. Chairman, I should like to have at least 5 minutes, or 10 minutes if I can get that much time. I was deprived of any time yesterday in the general debate. This is the most important section in the whole bill.

Mr. SABATH. No; this is not the literacy test.

Mr. BURNETT. This is the head tax. How many amendments has the gentleman?

Mr. BENNET. I have this one, which I have sent to the desk, but which has not been reported, and one more.

Mr. BURNETT. Then I suggest 10 minutes on that side and 5 on this.

Mr. BENNET. All right.

Mr. BURNETT. Mr. Chairman, we agree on 15 minutes on the two amendments, 10 minutes to be controlled by the gentleman from New York and 5 minutes on our side.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and amendments thereto close at the expiration of 15 minutes, of which 10 minutes shall be controlled by the gentleman from New York and 5 minutes by himself. Is there objection?

There was no objection.

Mr. BENNET. Now, Mr. Chairman, I should like to have my amendment reported.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 10, after the word "who," insert "after a residence of at least one year in such foreign country," so that the bill as amended will read:

"That said tax shall not be levied on account of aliens who after a residence of at least one year in such foreign country enter the United States from the Dominion of Canada," etc.

Mr. BENNET. Mr. Chairman, I should like to be stopped at the conclusion of three minutes.

Unless this amendment is adopted, it will simply, under this $8 head tax, divert the traffic coming from Great Britain so that it will go via the Allan Line steamers and the Canadian Pacific, because it gives them a differential of $16 in favor of the Canadian steamship companies as against the American steamship companies on every man and his wife coming to this country. In other portions of the bill we legislate so as to bring business to our own ports of Boston, New York, New Orleans, Galveston, and so forth. But if a man who wants to come from Great Britain to Chicago, or any place like that, finds that he does not have to pay any head tax if he comes over the Canadian line, he is very apt to save $8 or if he comes with his wife $16 by coming via Canada. I am in favor of American industry and against diverting business to Canadian ports.

Mr. SLAYDEN. They come in from Canada now without the payment of the head tax.

Mr. BENNET. There is no $8 head tax.

Mr. SLAYDEN. But there is a $4 head tax.

Mr. BENNET. Yes.

Mr. SLAYDEN. And the Canadian is exempt.

Mr. BENNET. He is.

Mr. SLAYDEN. This bill proposes to remove the exemption, except from those who live along the border and come over for a temporary stay.

Mr. BENNET. Do not make me laugh for my lip is cracked. [Laughter.] I think everybody will come over for a temporary stay. This provision will be availed of by everybody who wants to save $16. I do not think the committee attempted to help aliens across the sea, but I think they had in mind to help people in Canada and Mexico to come over here for a temporary stay.

Mr. SLAYDEN. Those people who go back and forward in the course of a day's business.

Mr. BURNETT. Let me ask the gentleman, Is it the purpose of the gentleman to strike out the words "for a temporary stay"?

Mr. BENNET. Personally I do not care anything about that.

Mr. BURNETT. I think perhaps we might accept the amendment. Let us have the amendment reported again.

The Clerk again reported the amendment.

Mr. BURNETT. That is for the residents in Canada, Newfoundland, Porto Rico, Cuba, and the Republic of Mexico?

Mr. BENNET. Yes.

Mr. BURNETT. All right.

Mr. GARDNER rose.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may have five minutes in which to develop his view.

The CHAIRMAN. That can be done by unanimous consent, although chairmen have ruled that after the time was fixed——

Mr. MANN. That is only where the time was fixed by the House. Where the committee has fixed it by unanimous consent the ruling has always been that it can be changed by unanimous consent; but where the House has fixed the time the committee can not change it.

The CHAIRMAN. That comes back to the same thing that you can do anything by unanimous consent. What is the request of the gentleman from New York?

Mr. BENNET. I ask that the gentleman from Massachusetts [Mr. GARDNER] may have five minutes.

The CHAIRMAN. Is there objection?

Mr. HOWARD. Reserving the right to object, I would like to inquire if the request of the gentleman from Alabama was not granted for 10 minutes, to be controlled by the gentleman from New York and 5 minutes by the gentleman from Alabama?

The CHAIRMAN. Yes.

Mr. HOWARD. Has the gentleman from New York used all of his time?

Mr. MADDEN. He has another amendment.

Mr. HOWARD. He can yield some of that time to the gentleman from Massachusetts.

Mr. BENNET. I want that time on another amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the amendment be reported again.

The Clerk again reported the amendment, as follows:

Page 3, line 10, after the word "who," insert the words "after a residence of at least one year in such foreign country."

Mr. GARDNER. Mr. Chairman, that amendment does not restore the language of the existing law. We ought to do so if we are going to get rid of this amendment later on, providing for an exemption from head tax for those who come from Canada or Mexico for a temporary stay.

Mr. BENNET. We are not.

Mr. GARDNER. If we are going back to the provision of law providing for a residence of one year in foreign contiguous territory, I think it would be wise to restore the words of the existing law, which are these—

After an uninterrupted residence of one year immediately preceding such entrance.

Mr. SLAYDEN. What is the suggestion of the gentleman from Massachusetts?

Mr. GARDNER. The suggestion is this: The provision in the existing law relative to the exemption from head tax of residents of Canada and Mexico had this origin: Ever since we had a head tax—or at all events for a great many years—residents of Mexico and Canada have been exempted from head tax. This was done so as not to interfere with the freedom of intercourse between this country and her neighbors. Up to 1907 we exempted "citizens" of Canada and Mexico from the payment of the head tax. When the immigration law of 1907 was being prepared, the gentleman from Alabama [Mr. BURNETT] and I, together with the then Secretary of State, Mr. Root, held a conference in which the Secretary pointed out the danger of violating the most-favored-nation clause in some of our treaties if we continued to afford special exemptions to Canadians and Mexicans. He suggested that we should make residence and not citizenship the test. This we accordingly did. Now, this bill strikes out that particular wording and substitutes the words "for a temporary stay," in order to exempt those persons who go backward and forward across the border from the payment of a head tax every day. This wording in the bill also avoids all conflict with the most-favored-nation clause. The amendment offered by the gentleman from New York [Mr. BENNET] does not restore the exact words of the existing law.

Mr. SLAYDEN. That is just the point upon which I want to ask a question. Does the language agreed upon by the gentleman from Massachusetts and the gentleman from Alabama and Secretary Root go so far as to continue the exemption of these countries and the admission of immigrants to this country without the payment of the head tax?

Mr. GARDNER. Yes.

Mr. SLAYDEN. The gentleman says it will.

Mr. GARDNER. It will if the state of affairs exists as it does to-day.

Mr. SLAYDEN. Immigrants from Canada, Mexico, Newfoundland, Cuba, no matter how undesirable they may be, can come in without the payment of the head tax if your amendment is adopted.

Mr. GARDNER. The present law admits Canadians and Mexicans and so forth without the payment of a head tax, and so would the amendment proposed by Mr. BENNET.

Mr. Chairman, the gentleman is asking me whether my amendment to the amendment of the gentleman from New York [Mr. BENNET] will restore the condition of affairs under which immigrants from Mexico and Canada, no matter how undesirable, will be admitted free of head tax. The answer is, Yes; it will. The bill as printed and presented to us by the committee does not exempt Canadian and Mexican immigrants from the head tax, but it does exempt Canadian and Mexican visitors from the head tax if they come here for a temporary stay.

Mr. SLAYDEN. Does not the bill merely make the general immigration law apply to people from those countries just as it does to the people from Europe?

Mr. GARDNER. In my opinion it does.

Mr. SLAYDEN. Is that not just what we want to do?

Mr. GARDNER. The provision for a temporary stay is to take care of those persons—probably 100,000 daily—who cross the line every day between Detroit and Windsor, for example, and at various other points on our northern and southern borders. Many people work in Detroit and sleep in Windsor, Ontario. Windsor is really a suburb of Detroit. The same condition exists in many other places. I have no doubt that is what the committee intended to take care of, and I believe they do take care of it with this provision about a "temporary stay." I do not think the provision is a dangerous one, because a few lines later in this bill the Commissioner General of Immigration is given power to adopt rules which will prescribe conditions to prevent the abuse of the head-tax exceptions. Therefore I do not agree with the gentleman from New York [Mr. BENNET]. However, when I found that the gentleman from Alabama [Mr. BURNETT] seemed inclined to accept this amendment, I suggested that if we are going to retain the existing law we ought to restore the exact words and run no risk of involving ourselves in a conflict with the most-favored-nation clause in some of our treaties. I agree with the gentleman from Texas that the bill as it stands is better than it would be after the adoption of the amendment offered by the gentleman from New York.

Mr. SLAYDEN. I think so, too.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I will ask the gentleman from Massachusetts if the bill, as reported by the committee, does not get away from any just accusation of violation of the favored-nation clause?

Mr. GARDNER. Yes.

Mr. SLAYDEN. It treats them all alike?

Mr. GARDNER. Yes.

Mr. SLAYDEN. And makes provision for the accommodation of people who live along the border, who cross from the south side of the Rio Grande to the north side on business and go back in the evening, or who cross the river between Canada and the United States, or the border at other points.

Mr. GARDNER. Yes; they are all provided for in the bill. It seems to me that the bill as it stands is better than it would be if amended as the gentleman from New York seeks to amend it.

Mr. SLAYDEN. The contention of the gentleman from New York was that as we drew the bill it would divert passenger traffic around through Canada.

Mr. BENNET. Mr. Chairman, if I can have two minutes, I will demonstrate that, and the gentleman from Massachusetts [Mr. GARDNER], I think, will agree with me. Here is what this language in the bill will do: A man goes to a steamship office in Liverpool and says that he wants to go to Chicago with his wife. The ticket agent will say to him, "If you buy a ticket on the Allan Line or on the Canadian Pacific Line, I can sell it to you for $16 less for the two of you, because you do not have to pay any head tax; but if you want to go by the Cunard Line or the White Star Line, or any other line, you will have to pay $16 more than you do on the Canadian lines, because coming to the United States directly you have to pay an $8 head tax." Therefore we provide in an American law, in an American Congress, an $8 differential on every ticket for a man making a trip to the United States in favor of the Canadian Pacific Line or the Allan Line of steamships, and I am opposed to that. I am for America.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, I, as well as the gentleman from New York [Mr. BENNET], am for America, and if I thought that the bill as drafted would tend to divert the traffic as he suggests I would favor his amendment, but I am under the impression that he does not really appreciate the fact that each and every passenger would be obliged to state a falsehood before he could be permitted to enter under the bill without the payment of the tax, because only those that are coming for a temporary stay are excepted.

Mr. BENNET. I am assuming the case of a man coming for a temporary stay, and a man taking a trip, say, to the Yellowstone, or to California, or any place. He saves $8 by going by the Allan Line or the Canadian Pacific Line because he does not have to pay any head tax, whereas if he goes on the White Star or the Cunard to Boston or New York, he has to pay an $8 head tax.

Mr. BURNETT. Using the word "resident" instead of the word "citizen," and that is the gentleman's amendment; would

not that meet the objection that it might be a violation of the favored-nation clause?

Mr. BENNET. My amendment is after a residence of at least one year in such foreign country.

Mr. BURNETT. I know and I understood that the gentleman from Massachusetts thought that that would perhaps be in violation of the favored-nation clause.

The CHAIRMAN. The gentleman will suspend for a moment until the Chair ascertains the parliamentary situation. The gentleman from New York [Mr. BENNET] has seven minutes and the gentleman from Alabama [Mr. BURNETT] five minutes. Is what we are doing now being taken out of that time?

Mr. BENNET. No.

Mr. BURNETT. This is by unanimous consent.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY. Mr. Chairman, I would like to ask the gentleman from New York a question.

The CHAIRMAN. The gentleman from New York has not the floor.

Mr. KELLEY. I do not care who answers the question.

Mr. BURNETT. I will yield to the gentleman.

Mr. KELLEY. I would like to know whether or not, if the amendment of the gentleman from New York [Mr. BENNET] is adopted, an alien settling in Canada can come across the river back and forth, even for a temporary stay, without paying this head tax unless he is there a year?

Mr. BURNETT. That is provided for in the bill.

Mr. KELLEY. If a man settles in Canada, he can not cross for a temporary stay until he has lived in Canada for a year?

Mr. BURNETT. That is the effect of this amendment.

Mr. KELLEY. That is what I wanted to know.

Mr. GARDNER. Mr. Chairman, I offer an amendment to the amendment. I will read the amendment to the amendment myself first:

Page 3, at the end of line 10, after the words "United States," insert the words "after an uninterrupted residence of at least one year immediately preceding such entrance."

Also, on page 3, line 11, strike out the word "from" and insert the word "in."

That will restore the language of existing law, but I do not advocate either this amendment or the one offered by the gentleman from New York.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to modify my amendment by accepting the language offered by the gentleman from Massachusetts.

The CHAIRMAN. Is there objection?

Mr. BURNETT. Let us have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 10, after the words "United States," insert "after an uninterrupted residence of at least one year immediately preceding such entrance."

Also, on page 3, line 11, strike out the word "from" and insert the word "in."

Mr. BENNET. Now, Mr. Chairman, I ask unanimous consent to modify my amendment by accepting the language offered by the gentleman from Massachusetts.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The question now is on the amendment of the gentleman from New York as amended.

The question was taken, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. BENNET), there were—ayes 55, noes 3.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the second amendment offered by the gentleman from Massachusetts, which is really a consequential amendment, as the Chair understands.

Mr. GARDNER. No; it was accepted as a substitute.

The CHAIRMAN. The gentleman's second amendment came in at a different section of the bill.

Mr. GARDNER. No; it is the same section.

The CHAIRMAN. The Chair understood it was another line, a consequential amendment.

Mr. BENNET. Mr. Chairman, I move, in line 13, page 3, to insert, after the word "residents," the words "or citizens."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 13, by inserting, after the word "residents," the words "or citizens."

Mr. BENNET. Mr. Chairman, the reason for that is this: The Supreme Court of the United States, in the only case in which it construed the status of Porto Rico, has decided that the people who live in that island are at least citizens of Porto Rico, which is one of the possessions of the United States, and it seems to me it ought to be made clear that a citizen of a possession of the United States ought to have as much right as a resident.

Mr. BURNETT. Mr. Chairman, I hardly think it necessary, because if he was a resident he would probably be a citizen.

Mr. BENNET. Not necessarily.

Mr. BURNETT. There is no objection to it, however.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, strike out all in lines 7 to 11, inclusive.

Mr. BENNET. Mr. Chairman, I want to call the attention of the chairman of the committee to what strikes me as a rather curious situation. If he will turn to page 2, line 13, he will find that the head tax is levied only on aliens regularly admitted. Now, this provision provides that in the case of aliens applying for admission:

That in the case of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall, upon application, upon a blank which shall be furnished and explained to him, be refunded to the alien.

Now, the first part of the section that provides the tax shall not be paid except by the people admitted is right, but this in the last part seems to put in an absolutely unnecessary provision, which, in my judgment, refunds the money to the people who have not paid.

Mr. SABATH. Will the gentleman yield?

Mr. BENNET. I yield.

Mr. SABATH. I do not know whether the gentleman from New York reads the wording properly or not, but if he will carefully note the wording of it I think he will come to the conclusion that his contention is erroneous. It says "there shall be levied, collected, and paid a tax of $8 for every alien, including alien seamen regularly admitted"——

Mr. BENNET. Regularly admitted.

Mr. SABATH. The words "regularly admitted" refer to the seamen and not to the aliens.

Mr. BENNET. I am not sure, but there is a possibility the gentleman is correct, and I ask unanimous consent to withdraw my amendment.

Mr. SABATH. That is the meaning.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] Without objection, that will be done.

There was no objection.

The Clerk read as follows:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers

printed, published, or distributed in a foreign country; persons likely for any reason to become a public charge; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port the Secretary of Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passsage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under 16 years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible; Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Is this bill being read by numbered sections or by paragraphs?

The CHAIRMAN. It is being read at the desk in the way in which the sections appear.

Mr. BENNET. I want to be sure whether it is being considered by sections or paragraphs.

Mr. BURNETT. Why not finish the entire section?

Mr. BENNET. I have no objection, but I simply want to preserve my rights.

The CHAIRMAN. Just a moment while the Chair looks at it. The Chair will say it is being read by sections.

Mr. BENNET. I will ask unanimous consent, as the remainder of the section is very largely the literacy test, or rather, I will ask the gentleman from Alabama if he will not ask unanimous consent that this particular section be considered in two parts?

Mr. BURNETT. I should prefer reading the whole section. I do not think any rights will be prejudiced by reading the entire section, and it might facilitate the matter.

Mr. BENNET. You can offer amendments to any part.

Mr. GARDNER. I suggest, Mr. Chairman, that we read the whole section, and then, if possible, have unanimous consent to consider the literacy test separate from the rest.

Mr. BURNETT. And agree, if we may, on time.

Mr. BENNET. That is entirely satisfactory.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone: *Provided further*, That aliens who have declared their intention to become citizens, and aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years, may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe: *Provided further*, That nothing in the contract-labor or reading-test provisions of this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary to control and regulate the admission and return of students and others applying for temporary admission: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments, nor to their suites, families, or guests.

Mr. MADDEN. Mr. Chairman, I move to strike out all the language on page 8 included in lines 1 to 3, inclusive.

Mr. KING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment. Will the gentleman report the amendment to the Clerk at the desk?

Mr. MADDEN. Mr. Chairman, I move to strike out lines 21, 22, 23, and 24, on page 7, and lines 1, 2, and 3, on page 8, of the bill.

Mr. SABATH. That in itself would strike out the entire provision, I wish to say to the gentleman from Illinois.

Mr. BURNETT. Mr. Chairman, I do not understand that there is any discussion yet.

The CHAIRMAN. Oh, no. The gentleman from Illinois asked for recognition to send up an amendment. If the committee desires recognition——

Mr. BURNETT. The committee desires recognition.

Mr. MADDEN. I thought I was recognized.

The CHAIRMAN. Just to send up the amendment.

Mr. MADDEN. I did.

The CHAIRMAN. Then the amendment is here. The gentleman from Alabama [Mr. BURNETT] is recognized.

Mr. BURNETT. Mr. Chairman, there are several committee amendments to the section, but they are mostly pro forma, and if it is agreeable I would like to dispose of the committee amendments before we get onto any of these other amendments.

Mr. SABATH. I have no objection to agreeing that we should consider the committee amendments first; and later on, when we come to consider the motion that will be made to strike out the literacy test, I am willing that an agreement should be entered into as to the time that should be allowed on that motion.

Mr. BURNETT. That will be perfectly agreeable, and I hope such an agreement will be reached. But I would like to dispose of these committee amendments if satisfactory to the gentlemen, before we take up these other matters.

Mr. SABATH. I have no objection to taking up the committee amendments first.

The CHAIRMAN. The request of the gentleman from Alabama is one of unanimous consent to first dispose of the committee amendments. Is there objection to that request? [After a pause.] The Chair hears none.

Mr. BURNETT. Of course, the gentleman understands that there is no effort to preclude or cut off other amendments that may be offered. I send up an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, line 1, after the word "committed," insert "or who at the time of seeking admission to the United States are legally charged with."

Mr. BURNETT. That would then read, Mr. Chairman:

Persons who have been convicted of or admit having committed or are legally charged with a felony or other crime or misdemeanor involving moral turpitude.

Mr. BENNET. Mr. Chairman, I desire to be heard in opposition to that amendment.

As my recollection goes back, that amendment was in the bill as it passed the Sixty-third Congress and after full discussion was stricken out in the Senate, because, I will say to the gentleman and the committee, that we have not gone back on our old Anglo-Saxon tradition that a man is deemed to be innocent until he is proved to be guilty. What does "legally charged with" mean? It simply means this, as applied to a citizen of Russia, as it was in the Pouren case, that if a man had left for this country, after there was not any chance of trying him in his own country, they filed information, not backed up with proof to amount to anything, in an attempt to keep a man out of this country.

Mr. Chairman, we have extradition laws to take care of the cases of men who are simply charged with crime. That is for the Department of State to pass on. And I am opposed now, and always shall be, to the substitution of the immigration authorities—who have nothing to do with our foreign relations or ought not to have anything to do with them—for the State Department, that has to do with the carrying out of our extradition treaties. This matter was considered in the Sixty-second or Sixty-third Congress, in the Senate—I think I can mention it historically—and, after a discussion which lasted two days, the language which is now attempted to be inserted was, according to my recollection, stricken out by unanimous vote of the Senate, which body reverted to its old traditions of what the law is and ought to be; that a man has an absolute right, coming to this country, to be deemed innocent until he is proved guilty, and if his own country wants to take him back to try him, let them come to our Department of State and have him extradited in the ordinary, usual, legal, accustomed way. Therefore I hope the amendment of the gentleman from Alabama [Mr. BURNETT] will not pass.

Mr. BURNETT. Mr. Chairman, if the amendment was not followed by another one I would agree with the gentleman, but I propose, if that amendment is adopted, to follow it by an amendment which says:

Unless the person so legally charged shows to the satisfaction of the proper officers that the charge or charges against him are without just foundation.

The only way that it takes out of the general principles of our law as to burden of proof in criminal cases which the gentleman speaks of is it changes the burden of proof. We hear every day and every week of criminals coming into this country. The department informs us that as to securing proof as to the truth of the charge they would have much trouble, because there are a great many that escape when they are legally charged on the other side with crime—fugitives from justice. Just as soon as they think some indictment or some presentation, or whatever they may have in that particular country, is made, and that the officer is going to get them, they flee at once.

I would not go to the extent of voting that a mere charge should exclude an immigrant, because it is too easy, as lawyers all know, to get trumped-up charges, and merely to say that a statement, with an affidavit or something else on which a warrant could be based, would be a legal charge sufficient to exclude a man would be unjust. I would not go that far, either. But, Mr. Chairman, we proceed to say in addition that if he can show—putting the burden on him and not on the Government, if there is a charge over there outstanding against him—that it is not a legal charge, certainly it ought not to be required that this Government should go and hunt up the proof and show that it is a legal charge. Therefore we might well presume, when a charge stands there against him, it is a legal charge, and he ought to be deported, unless he furnishes proof, which is very difficult for the Government to obtain, of the fact that it is not a proper charge.

I have practiced law and I have defended many a man indicted for crime, and I sympathize with gentlemen who know what the difficulties of defense are, and I know how frequently it is that men are sometimes jeopardized even when they are innocent, and therefore I believe in our old English common-law doctrine of drawing around the suspected criminal these safeguards of presumption. But here is a man coming to this country, while in his own country there may be a charge against him. That is not in itself enough, if he can assume the burden of proof, which is over there, and which he can get if he is innocent more easily than the department can. The department has to rely upon the charge, but he may be able to show that it is a trumped-up charge, and if that is true he is not subject to deportation.

Mr. MADDEN. Is not that reversing all precedents with respect to the trial of lawsuits and punishing men for supposed guilt, and all that?

Mr. BURNETT. I just stated that it departed from that time-honored principle to that extent. But this man is no citizen. He is coming to this country by the grace of this country, and when he comes here with a charge against him that does carry with it at least an implication of crime it is for us to say that that man, in whose reach rests the evidence that it is a trumped-up charge, shall assume that burden of proof.

Mr. LONDON. Mr. Chairman, in opposition to the proposed amendment I want to urge that while it will be within the personal knowledge of the suspected person that he is innocent, it will be impossible for him to prove his innocence. Surely, he can not be expected to carry along with him witnesses who can prove his innocence. He can not be expected to carry with him documentary proof of his innocence of a charge of which he may have no knowledge up to the moment he is confronted with the charge.

You must treat the prospective immigrant as a man, whether you admit him or not. But once you refuse him admission, you should, at least, extend to him the rights that belong to every human being. You should treat him without prejudice, without bigotry, without repudiating a fundamental principle which in centuries of evolution has become a part of the organized system of the jurisprudence of every civilized country. Under this provision every blackmailer will be able to exclude an immigrant by filing a charge against him. Do you expect a helpless immigrant to refute a charge and convince a board of special inquiry consisting of a jury of laymen that he is innocent? It is an indefensible proposition, and the very suggestion of that amendment shows the spirit in which the bill is offered. [Applause.]

Mr. HOWARD. Mr. Chairman, will the gentleman yield there for just a moment?

Mr. LONDON. Yes.

Mr. HOWARD. The gentleman has referred to charges being made against aliens in this country by anybody in the nature of a trumped-up charge. The amendment of the gentleman from Alabama [Mr. BURNETT] refers, of course, to a charge that then and there existed against this man in his native land.

Mr. LONDON. Exactly.

Mr. HOWARD. The object of this amendment is to prevent the United States from becoming a refuge of fugitives from justice in other countries.

Mr. LONDON. We had two cases of this kind in recent history, during the presidency of President Roosevelt and President Taft, the case of Pouren and the case of Roudowitz. In both cases the charges involved moral turpitude. After years of investigation it was shown that the acts charged were not crimes involving moral turpitude, but were acts committed in pursuance of a revolutionary object in revolutionary days. They were charged with violation of the criminal code, but, as a matter of fact, they were revolutionists, fighting against the Government. It required the persistent efforts of a powerful organization to save the two men.

Gentlemen, I object to this amendment, and I appeal to you to reject it. [Applause.]

Mr. MANN. Mr. Chairman, the amendment was not in the bill as it passed the House last year, and it was not in the bill as it passed the Senate. In my recollection it has either been in the bill several times when it was brought into the House or else it has been proposed on the floor of the House, but, I think, while it has been discussed in either body, it has never been agreed to.

We are apt to deal with the question of charges against criminals or persons accused of crime according to our own methods in this country, and yet we are all familiar with the fact—by reading at least—that it has often been the practice of various foreign Governments, where they desired to punish or detain persons for political offenses, to charge them with some crime, and many times they have punished them for some crime that the persons did not commit, and in many instances punished them for alleged crimes which no one had committed at all.

Now, it would be the easiest thing in the world if we came to a situation where men seek to come to this country to escape political persecution—and that is liable to be one of the results

growing out of the war in Europe—for the Government of some foreign country or some one instigated by that Government to make a charge against those persons for crime. The gentleman from Alabama [Mr. BURNETT] says the persons would have the right to disprove it. They will have no opportunity to disprove it. It will not be a thing that can be disproved on this side of the water. It is not a thing concerning which the persons accused will have witnesses. They can deny, but that is no proof; and this provision lays down a principle which I think ought never to be established in this country, that a man charged with crime is presumed to be guilty. [Applause.]

I do not know, Mr. Chairman, but that I may vote for this bill, although I have voted against it four times heretofore; but I hope that this House will at least have self-respect enough and enough consideration for the history of the country not to say that Congress finds that a man shall be considered guilty until he proves himself innocent. I believe the old doctrine of the presumption of innocence until guilt is established is the very foundation of our liberties. [Applause.]

Mr. SABATH. Mr. Chairman, I am opposed to this committee amendment. I do not know whether I can advance any stronger arguments than those that have been advanced by the gentleman from Illinois [Mr. MANN] or the two gentlemen from New York. However, I remember that about three years ago there were the cases to which reference has been made here—the Pouren and the Roudowitz case. Those two men were charged by the Russian Government with committing crimes involving moral turpitude. They were held here for nearly six months. After a careful investigation the evidence disclosed that the charge against them was a false one. The statement made by the gentleman from New York is correct. I am fearful that if this amendment is adopted we will invite the Russian Government or other Governments to take advantage of this provision and use the immigration department for the purpose of holding people who are properly and legally entitled to enter the United States and to prevent them from entering. We who are acquainted with some of these oppressive Governments know how far they will go if they desire to persecute a man whom they dislike. In view of the eloquent appeals that have been made by others, I hope that this amendment will not prevail.

Mr. HOWARD. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HOWARD. I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may proceed for three minutes. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, as the debate has been exhausted I think we ought to get along with the bill.

Mr. MADDEN. Oh, the gentleman ought not to be in such a hurry.

Mr. JOHNSON of Washington. I will not object, but I think we ought to get along with the bill.

Mr. HOWARD. Mr. Chairman, the reason I inject my views into this debate is that there have been two or three speeches made against this amendment. I think it is a very wholesome amendment and that it ought to be adopted. The bill says:

Persons who have been convicted of or admit having committed—

And here is the amendment—

or who at the time of seeking admission to the United States are legally charged with—

And then the bill proceeds—

a felony or other crime or misdemeanor involving moral turpitude.

A political crime could certainly not involve moral turpitude.

Mr. SABATH. Will the gentleman yield?

Mr. HOWARD. I have only three minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. HOWARD. The proposition is simply this: The worst criminal in the world might be under indictment. He might be legally charged. He might flee to the United States for refuge. Without this amendment there is no way in the world to prevent that man coming into this country. The first instinct of a criminal, the very first thing that appeals to him if he is guilty, is to flee; and if he flees and there is a legal charge against him, this simply shifts the burden of proof upon him to show that the charges against him are not legal charges, or that he is guiltless of the charges which have been made against him in the land of his nativity.

Mr. YOUNG of North Dakota. Could not a criminal of the kind the gentleman speaks of be taken back to the country where the charge is pending against him?

Mr. HOWARD. We recognize that principle as between States to-day. The governor of the State of Georgia can ask for a requisition for a man in Texas or Illinois, and we recognize that principle in our criminal law to-day, to extradite from one State to another a person accused of crime. This amendment of the gentleman from Alabama simply carries into effect, as between nations, the same principle that we recognize as between States; it simply says the applicant must present himself at our gate with a clean moral record, and should he not do so he will be excluded.

Mr. OGLESBY. Will the gentleman answer a question?

Mr. HOWARD. Yes.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOWARD. I did not know my time had expired.

The CHAIRMAN. The gentleman had only three minutes.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Chairman, I believe frankly that a majority of the members of the Committee on Immigration and Naturalization are opposed to this amendment. I say so because I believe there is not a man on that committee who, if he realized the full import of this amendment, which was adopted hurriedly and without adequate discussion, would have consented to put in the amendment, and overturn what has been the tradition and policy of the United States in every criminal prosecution that has ever been had since the foundation of this Government.

The Pouren case, which has been referred to, was a case which attracted a great deal of attention, and enlisted the sympathies of Frederick C. Tanner, Seth Low, Mr. Butler, myself, and many others in New York, native born and otherwise, who rallied to the defense of that man. He had fled from Siberia, where he had been sent because he raised his voice to overturn conditions that we all know are appalling. We were appealed to, and we raised practically $200,000 in order to disprove the evidence produced against him, and which finally turned out to be so false and untrue that there was not a scintilla of truth to back it up. The result was that there was no extradition. Are we going to say to every Government in Europe that on the filing of a charge against any person who wishes to enter this country—and in many places a legal charge simply means the issuance of a warrant—on the unsupported word of some Tom, Dick, or Harry, for purposes of revenge or something else, the entry of that person into this country may be prevented, and the burden placed upon him of disproving something of which he has no knowledge? I appeal to the Committee of the Whole to vote down the amendment.

Mr. BURNETT. If the gentleman from New York [Mr. SIEGEL] means that this amendment was not discussed by the members of the Committee on Immigration and Naturalization, he is mistaken, because it was discussed.

Mr. SIEGEL. Will the gentleman yield?

The CHAIRMAN. The time has expired on this amendment.

Mr. BURNETT. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. BURNETT. This amendment was discussed at length by our committee, and I know that the members were utterly opposed to making this rule imperative; but they believed that our country having been made the dumping ground for thousands of criminals, we ought to have protection from fugitives from justice, and that there ought to be at least a prima facie case made, by the introduction of a legal charge, which the Government of the other country must institute. Now, when that Government has made its prima facie case by the institution of a legal charge, certainly a man who is asking admission to our gates ought to assume the burden of showing that the charge is without foundation. Gentlemen say that there ought to be a presumption of innocence, but they should remember that a person who seeks admission to this country by the grace of our Government, when there is a legal charge against him, ought to be required to show that that charge is not true. This does not impose any burden on political offenders, because the bill provides, on page 9, line 13—

That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

So that disposes of the proposition that the distinguished leader on the Republican side referred to when it is a political offense. But, gentlemen, I want to know if it is unfair or unjust to say that a man who comes with a legal charge hanging over him ought to assume the burden and show that he is not

a criminal fleeing from justice and seeking refuge on the shores of the United States?

Mr. OGLESBY. Is it not a fact that the amendment applies only to the form of the indictment and is entirely distinct from where you ask for a requisition from one State to another, where you have to prove that there is merit in the charge?

Mr. BURNETT. Oh, you do not. A legal indictment certified to in any of the States that I know anything about is sufficient. There might be a case in which the defendant himself, by habeas corpus, might raise the question of the right of the State to extradite him, but the presumption is, just as I state in this case, raised by the indictment itself. Therefore the burden ought to be on the man coming here. Gentlemen, it is absurd to talk about keeping criminals out when you want the Government to go to Italy to get proof that a fellow is guilty when he is under indictment or some other legal charge.

Mr. CONRY. Mr. Chairman, I would like unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. CONRY. Mr. Chairman, the proposition here seems to be that the inquiry referred to must be made in regard to a legal charge against an alien. The gentleman from Alabama has proceeded in his discussion upon the theory that a legal charge involving moral turpitude against a fugitive from political persecution bears the same dignity and force as an indictment against a criminal charged with an offense in America. In other words, that a legal charge against a religious or political refugee is the result of a formal indictment legally submitted to constituted authority to establish a criminal record against an alien. Such is not and has not been the case in countries from which political refugees come to our shores.

In such countries as Russia, where there is a secret system of spies, or police espionage, where the people representing this system of governmental espionage have the authority upon their own initiative to make these charges, with all the formality and without the force of a formal indictment, as it is known and contemplated by the laws of our country.

It is a very significant fact that in every case where men who are fleeing from persecution in these countries where oppression is so bitterly imposed upon them for political offenses that the crime charged involves moral turpitude.

But this charge of alleged moral turpitude preferred against alien refugees, in almost every case subjected to the test in our courts, has been proven to be a mere pretext—a pretext invented by the police system of the foreign government to guarantee and accelerate the extradition of the political refugee. And the amendment of the gentleman from Alabama, if adopted, will have but one logical effect, and that is the destruction of these barriers, erected by our customs and our laws for the protection of the persecuted patriot fleeing to our shores from the terrors of persecution in his native land.

I am opposed to this amendment, not for sentimental reasons alone, but because I believe our country should ever remain a haven and a refuge for those who believe in and have the courage to make sacrifices for those blessings of political freedom which have found their sublimest exemplification in our system of democracy.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question on the amendment was taken; and on a division (demanded by Mr. BURNETT), there were 52 ayes and 68 noes.

Mr. BURNETT. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Alabama, Mr. BURNETT, and the gentleman from New York, Mr. SIEGEL.

The committee again divided; and the tellers reported that there were 69 ayes and 78 noes.

So the amendment was rejected.

Mr. BURNETT. Mr. Chairman, the next committee amendment is on page 6, line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 6 by striking out in line 7 the words "for any reason."

Mr. BENNET. Mr. Chairman, there was so much confusion I could not hear. Did the gentleman give any reason for striking out these words?

Mr. BURNETT. These words at that place are unnecessary.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. BURNETT. The next amendment is on page 7, line 1, to insert a semicolon after the word "Hindus."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 1, after the word "Hindus" insert a semicolon.

Mr. BURNETT. The reason of that was that after each classification where we exclude aliens there has been a semicolon. The Hindus there is added by amendment, and that is a clause by itself, so a semicolon makes it conform to the other classifications.

Mr. MANN. Makes a new rule of punctuation.

Mr. BURNETT. No; it is the old Quackenbos rule that the gentleman and I studied years ago.

Mr. GARDNER. If the gentleman puts in a semicolon that will exclude missionaries, lawyers, physicians, and chemists that happen to be in this class.

Mr. BURNETT. They are taken care of farther on.

Mr. GARDNER. No; if the gentleman will cast his eye on page 7, line 7, he will see the provision where it says "the provision next foregoing" shall not apply, and so forth.

Mr. MANN. Mr. Chairman, I am quite willing to take the amendment offered by the gentleman from Alabama, but I had supposed in reading this bill that one of the purposes of it was not to make it too obnoxious and indicate that Hindus were not entitled to become citizens of the United States by naturalization. We all know what one of the purposes of this clause is, although not disclosed on its face. I supposed this had been done intentionally—to say that the Hindus and persons not entitled to become naturalized citizens were to be excluded. It looked to me a bright way of saying something where you really did not want to use all the language you could use about it and cover the subject.

Mr. BURNETT. The committee want to say flatly that we intended to exclude Hindus, and in order not to have any doubt about it we made a different classification; and as the next was another classification of persons who were not eligible to become citizens of the United States by naturalization, we put in this amendment. Some courts have held that a Hindu could become a citizen.

Mr. MANN. I understand. It is a very difficult matter. The Hindus are British subjects, and I suppose citizens, in a way, of the British Empire, and to exclude them by class and name no one else might be considered quite objectionable, or to exclude other nationalities who are not entitled to become citizens in a class might be considered objectionable; but to exclude the two together as one class, and cover them all, I think no one has found was objectionable. I suppose it does not make any change in actual name whether you say Hindus and persons who can not become eligible to become citizens of the United States by naturalization, or whether you say Hindus; but to combine them, I think, takes away a lot of the bitterness, and it accomplishes the exact purpose.

Mr. BURNETT. Mr. Chairman, I agree with the gentleman from Illinois. I think it means the same thing with or without a semicolon, but there was some question whether, the Hindus having been declared to be eligible to naturalization by combining them with the others, there might not be some doubt in regard to the real meaning of it.

Mr. MANN. I should think the courts would be likely to construe it as the opinion of Congress that Hindus are not entitled to become citizens if you do not put any punctuation in there at all. As it is now it simply means Hindus and other persons, just as though you read into it the word "other," so that it would be the same as though it read:

Hindus and other persons who can not become eligible, and so forth.

Mr. BURNETT. Mr. Chairman, I think the gentleman is perhaps correct about that, and I ask unaminous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

Mr. BURNETT. Then, Mr. Chairman, I was about to offer an amendment inserting the word "two" between the words "the" and "provision," in line 7, so that it would read, "the two provisions next foregoing," but as I have withdrawn the other amendment it will not be necessary to ask for the adoption of this amendment, and that will be also withdrawn. That concludes the committee amendments.

Mr. SABATH. Mr. Chairman, I move to strike out, on page 7, beginning with line 21, all the remainder of the page, all of page 8, and all of page 9, up to and including the word "territory," on line 13.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 7, beginning with line 21, by striking out all the rest of the page, all of page 8, and all of page 9, down to and including the word "territory," in line 13.

Mr. SABATH. Mr. Chairman, that is the educational test—the literacy test, so-called. I would like now to see whether we can not make some arrangement in respect to time.

Mr. BURNETT. How would half an hour on a side do?

Mr. MADDEN. Why not make it an hour and a half?

Mr. BURNETT. We have had seven hours of general debate, and I think we ought to limit this now to half an hour on a side.

Mr. MADDEN. But many gentlemen who are interested in this section of the bill did not speak in general debate. I do not think it is too much to ask for an hour and a half, which would give three-quarters of an hour on a side.

Mr. SLAYDEN. Does the gentleman from Illinois really think that we will hear anything new on the subject, with all due respect to those gentlemen who desire to speak?

Mr. MANN. Mr. Chairman, I will say to the gentleman from Texas that if I get a chance I think I can tell him something new. I would like to have 10 minutes.

Mr. SABATH. Furthermore, I am of opinion that if gentlemen who are in favor of this provision will listen to reason, we will agree that it should be stricken out.

Mr. MANN. I hope the gentleman will grant us an hour and a half. It is important enough so that it ought to be discussed. It is the most vital provision of the bill.

Mr. BURNETT. Very well.

Mr. GARDNER. Mr. Chairman, I have an amendment which I desire to make to the religious exemption provision, and I would like to have five minutes on that. Of course I am in favor of the literacy test.

Mr. BURNETT. Mr. Chairman, I will be very glad to yield the gentleman that time.

Mr. TOWNER. Do I understand that the debate is to be limited only to the motion to strike out?

Mr. BURNETT. Oh, I think we ought to limit the debate to the whole section and all amendments thereto.

Mr. SABATH. Oh, no. If my motion to strike out is defeated, then it is my purpose to offer an amendment to the political provision.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Alabama that the debate be confined only to the literacy test. That is the bitterest bone of contention in the bill. An hour and a half is not excessive debate upon that. In fact, I was going to ask, if the hour and a half were granted, that I be yielded 10 minutes additional, for I did not wish to ask the time of either gentleman in control of it.

Mr. BURNETT. Then, Mr. Chairman, I ask unanimous consent that debate on the amendment of the gentleman from Illinois [Mr. SABATH] be limited to an hour and a half, one-half of that time to be controlled by the gentleman from Illinois [Mr. SABATH] and one-half by myself, and that in addition thereto there be granted 10 minutes' time to the gentleman from Illinois [Mr. MANN], to be occupied at such time as he desires to use it.

The CHAIRMAN. Does that apply to the section or the amendment?

Mr. MANN. Just to the amendment.

The CHAIRMAN. That is, anything relating to the literacy test?

Mr. BURNETT. It relates to the motion of the gentleman from Illinois or any amendment to his motion.

Mr. SABATH. To my motion or any amendment to the motion.

Mr. MANN. Let it relate to the motion and paragraph involved in the motion.

The CHAIRMAN. The gentleman from Alabama submits the request for unanimous consent that debate on the motion of the gentleman from Illinois [Mr. SABATH] and the paragraph to which it relates shall proceed for one hour and a half, one-half of that time to be controlled by the gentleman from Alabama and one-half by the gentleman from Illinois, and in addition to that the gentleman from Illinois [Mr. MANN] shall have 10 minutes, to be controlled by him. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I suppose the gentleman from Illinois has a number of requests. I have not been able to see the gentlemen who desire to speak on this now, and I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I offer an amendment to perfect the section before the motion to strike out is put.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 9, line 1, after the word "by" insert the word "governmental."

Mr. GARDNER. Mr. Chairman, if I can have the attention of the gentleman from Alabama [Mr. BURNETT], I desire to say to him I offered an amendment to which I desire his attention. Page 9, line 1, before the word "overt" insert the word "governmental." Now, my reason is this:

I am not in favor of this religious exemption at all, I will admit. It has been discussed for years and years and years. It was originally the Littauer amendment of 10 years ago, and I think that those who then advocated this religious exemption from the literacy test were willing to confine it to persons who were "solely" trying to escape religious persecution; in that form we agreed to it. Now it is proposed to exempt from the literacy test anybody who claims to be fleeing from religious persecution, no matter what other motives he may have for coming to this country. Under the wording of the bill this persecution may be evidenced by overt act or by laws or by governmental regulations. Now, unless you put in the word "governmental" before "overt act," here is the situation you are going to have. Take the case of the Armenian at the present day. We get a large Armenian immigration into this country. There is a large one into my own district, by the way. Most of it is good; some of it is not so good. These Armenians are being persecuted by the Turks. They are Turkish subjects and there is no question that there is persecution going on—religious persecution. Supposing some Armenian comes to this country and says to the immigration inspector, "Some Turks have been persecuting me on account of my religious belief," then, if he can convince the inspector, that Armenian can claim admission whether he can read or not.

I am not in favor of exempting people from this literacy test on account of alleged religious persecution. However, if you are going to put in an exemption at all, for heaven's sake make it clear that it is an overt act on the part of the Government which the exemption contemplates.

Mr. CONRY. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. CONRY. Suppose that the persecution is inspired by certain individuals in a community and that this persecution is countenanced by the Government. How are you going to distinguish?

Mr. GARDNER. Well, I do not think we can go into the motives of individuals. The question is, if the Government has got any laws and any regulations, and if they have laws or regulations, if they commit overt acts, well and good; and, if you choose, throw the thing open and admit all these people, whether they can read or not, Armenians and Hebrews—we might as well speak right out; that is what this clause in the bills means. It means that certain races are to be admitted into the United States on more liberal terms than anyone else, if they claim to be fleeing from religious persecution. I do not approve of it. I have the friendliest possible feeling for the Jews and the Armenians. I have warm personal friends among them. Nevertheless, I do not think that they ought to be given special privileges more than anyone else. But if you are going to do it, let it be clear that you mean governmental persecution. Do not let any man who chooses come before the immigration commissioners and say, "I have been persecuted at home by two or three men"—who are absolutely irresponsible—"from religious motives."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I desire to be called when I have used eight minutes. Mr. Chairman and gentlemen, there are some Members who are under the impression, in view of what has been stated, that I am in favor of repealing all of our immigration laws, or that we should have no laws on immigration. That is not true. I desire to say that I believe outside of three or four provisions in this bill that this is a good bill, and I believe a good deal will be accomplished if the bill be enacted into law providing we eliminate the educational test. The literacy test provided in the bill will not serve, as I stated frequently, to keep out the viciously inclined, the criminal, or otherwise undesirable alien. Experience has demonstrated the fact that with the educational facilities afforded in this land thousands of illiterates who, unhappily, were denied educational opportunities in their native lands, have learned to read and write here and have shown eagerness to acquire knowledge and fit themselves to become good citizens.

In my opinion the desirable immigrant is the healthy, law-abiding worker, who comes to this country in good faith, and the undesirable immigrant is the clever and educated schemer who immediately upon his arrival begins to find fault with our institutions. We agree that the criminal, the insane, and mentally defective, the pauper, the morally unfit, and those who are incapable of earning a living, ought, as the existing law now provides, to be barred. We know from experience that the educational test would inflict an unjust hardship upon some of the elements which we can not class among the undesirables.

The literacy test is neither the test of fitness nor of character. It is opposed to principles upon which our Government was founded and to the high traditions which have always been maintained in the American Republic. It is beyond dispute that many of the so-called illiterates come from countries where they have been compelled to live under laws which are oppressive, cruel, and unjust. They come here from places where the opportunities of education are denied them, and they come here because they believe they can secure that high and grand privilege and secure for their children that which has been denied them in the country of their birth.

If we enact this legislation, Mr. Chairman and gentlemen, we will preclude or stop some of our best citizens, or people who make the best citizens, people who have demonstrated that they are law-abiding, that they are men who love our institutions and love our flag, and the largest percentage who will be kept out under this provision will be the unfortunate Polish people, who are suffering to-day in Europe as no other people are.

And, unfortunately for the Polish people, the Polish Kingdom has been divided, and is now a part of Austria, part of Russia, and a part of Germany, and due to this division have been deprived of and denied an education, not that they are not anxious to secure it, but the countries and the monarchies under whose flag they are obliged to live, and from which countries they desire to emigrate, make it impossible for them to secure this education. Nearly 40 per cent of these good people will be deprived from entering our country, and what applies to the brave Polish people—descendants of Pulaski and Kosciuszko—who have aided and assisted our country in time of need, applies also to the people of the little nation of Servia. The people of that country, the same as the Belgians, have suffered untold want and misery. They, as well as the Polish people, are prevented there from securing that education, and we to-day are about to say to them that, because they have been deprived of that chance and opportunity in their country, and because they desire to secure it here, they can not have it, they can not enter; they can not come. This, I think, is manifestly unfair. Mr. Chairman and gentlemen, I have known thousands of people of these different nationalities who were unable to read and write when they entered our shores, but nevertheless I wish to assure you that they have made good citizens and should not be legislated against, as you are about to do.

The CHAIRMAN (Mr. GARRETT). The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I shall vote for the motion to strike out the literacy test from the bill, because, for sentimental reasons, perhaps, I never have believed that the test of a man or his value to himself or to the world was to be met by whether he could read a little or write a little. The reading and writing of a man depend upon opportunity. But, Mr. Chairman, having voted, I believe, four times against the immigration bill, I find a situation which has constrained me to take a reconsidered view of the subject. We do not know how soon the war in Europe will end, and no one knows what will be the result. It seems likely, on the one hand, that with the destruction of property and the loss of life and limb over there, all the people can be profitably employed at home in building anew. We employ great numbers of men here because we are building in a new country.

And there may be no immigration from Europe after the war. The countries over there will be inclined, probably, to keep their citizens at home, because the number will have been reduced materially as to the male working citizen, and the need will have increased considerably to replace and rebuild. On the other hand, I can see, as it seems to me, great possibilities on the other side. When peace comes over there, I think it is likely to be a temporary one. I doubt the ability of either side to absolutely crush the other. There has been bitterness enough engendered, and there will be bitterness enough remain to make both sides over there, after temporary peace comes, fear further war. Men are prone to fight when they are mad. Cool men are not prone to fight. And after they have gone through a war such as they have been going through over there, and what are left come back to their homes, counting up those who have gone to the other side and those who remain who have been maimed or diseased, with the possibility that war will come again, with the knowledge that the hatred has not passed away, it would not surprise me if everyone with ordinary common sense would desire to escape from their country for two reasons: First, to avoid possible war and military service; second, to avoid the enormous taxes which must be the result of the unparalleled burden of indebtedness. And unless these countries by their own legislation can prevent their citizens coming here, we are liable to have a flood of immigration such as no country in the world ever experienced before. I am not willing to take the chances on it. [Applause.]

I have no great fear of the immigration that we have had. I do not fear a considerable number of annual immigrants. I believe we have tremendous powers of assimilation, but I am not willing at this time to take the chance on the world pouring onto us the enormous numbers which may want to and probably will seek to come to this country while the difficulties in Europe are yet unsettled. And I have made up my mind, after a great deal of hesitation, that I shall vote for this bill. [Applause.]

Mr. LEWIS. Will the gentleman yield?

Mr. MANN. If I have any time.

Mr. LEWIS. I would like to ask the gentleman whether, in view of the prospects that seem to him possible, he would not be in favor of a numerical limitation on the number coming to this country any year?

Mr. MANN. I will say to the gentleman that I can think of a great many ways that I believe would be better than the literacy test. One of them has been suggested by the gentleman from Maryland. But I am not confronted with that question. I am confronted with the question of whether I shall vote in the end for a bill containing a provision which I do not believe in. But I believe I ought to vote for the bill, notwithstanding my feeling on the subject. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. NEELY]. [Applause.]

Mr. NEELY. Mr. Chairman, during the decade immediately preceding the outbreak of the European war there came to our shores, with the momentum of an irresistible army, an average of more than ten hundred thousand immigrants every year. Of this mighty influx of humanity more than 25 per cent could neither read nor write.

In order to prevent the future coming of untold millions of unlettered foreigners to this country, and to avert the long train of evils that would inevitably follow in their wake, it is proposed to enact the literacy test of the pending measure into law. That test is the storm center of the bill. It simply provides that as a condition precedent to admission the immigrant shall be able to read not less than 30 words in ordinary use, printed in plainly legible type, and in a language designated by the immigrant himself.

It appears from evidence of record, and with which all the Members of this body are familiar, that the opposition to the passage of a bill containing the literacy test has been fathered and financed by the Shipping Trust that fattens on the fares paid by the immigrants for transportation, and by various other trusts that employ these helpless and unhappy people for wages at which the American standard of living can not possibly be maintained. [Applause.]

There are many sufficient reasons for passing this bill, but brevity of time permits me to specify but a few.

The competition of immigrant labor with our own has become so pernicious and notorious that employment brokers brazenly offer to furnish foreign laborers of any nationality, in any number and in any State, for wages lower than those paid to workmen who are native born. [Applause.] The effect of such a competitive system as this is to swell the army of the unemployed with those of our own flesh and blood.

We spend $500,000,000 annually for education. Shall we at vast cost eradicate ignorance at home and then permit it to be imported wholesale from abroad? Shall we prepare our own people for the responsibilities and duties of citizenship at an expense of half a billion dollars a year and at the same time freely permit those to come into our midst who have had no preparation at all? [Applause.]

In all communities having an alien population it is found that the illiterate foreigner is the most frequent violator of the criminal law.

In New York, where the immigrants "most do congregate," the asylums have become so overcrowded with insane foreigners that the chief executive of that wealthiest of States has had to appeal to the Federal Government for assistance in caring for these afflicted people who have become a public charge.

The kind of foreigner that is crowding our charitable institutions and filling our jails is the kind that will be largely excluded by the passage of this bill. Even the literacy test will bar no one from entrance to this country who is qualified to discharge the duties of an American citizen, or worthy to bear that name.

Many of the immigrants who have come to us in the past, from all parts of the world, have proved themselves valuable additions to our population. They have caught the spirit of our institutions; they have kept step with the march of our progress; they have been loyal to our flag. This type of immigrant

we have welcomed in the past; this type we shall welcome in the future; but the type affected by the literacy test we shall, for our own protection, keep out of this country for all time to come. [Applause.] Of the desirable immigrants, we shall admit them all; of the undesirable, we shall exclude them all.

That the sentiment of the American people is overwhelmingly in favor of the adoption of this selective and restrictive test there can be no doubt.

Within the last 20 years the people's representatives in this House have passed eight different bills containing the literacy test by an average vote of more than 2 to 1. Within the same period of time the Senate has passed six different bills containing the test by an average vote of more than 3 to 1, while the last vote in the Senate on this measure showed a majority in its favor of more than 7 to 1. In 1896 Mr. McKinley was elected President on a platform that specifically demanded that the immigration laws be extended so as to exclude from entrance all who could neither read nor write. But for the exercise of the veto power by three different Presidents, the literacy test would to-day be a part of the statute law of the United States.

For many years the American Federation of Labor, the railroad brotherhoods, the farmers' organizations, patriotic societies, eminent educators, noted economists, and multitudes of the toiling masses of this country have petitioned and pleaded and prayed for the enactment of this law. [Applause.] So far their petitions have been rejected, their pleas have been spurned, and their prayers have been scorned. But patriotic and persistent effort is about to be rewarded, and before the adjournment of this session of Congress the Burnett immigration bill, with the literacy test included, will be written into our book of law. [Applause.]

We have no grudge or grievance against the illiterate people of other lands. As they are unfortunate, we sympathize with them; as they are poverty stricken, we pity them; as they are oppressed, we weep for them; but as they would injure our own laborers, burden our own taxpayers, and lower our own standard of life, we are obliged to exclude them. Our task is an unpleasant one, but wisdom assigns it, reason commends it, duty commands its performance, and patriotic legislators must obey.

If we are charged with being selfish in passing this bill, we shall remind those who make the charge that while our action may prove an immediate hardship to the illiterate foreigner, it will ultimately reveal itself, even to him, as a blessing in disguise. For when the peasants of Europe know that they can not come into the United States until they have learned to read some language, then schoolhouses will be built as if by magic in every community from the sterile steppes of Russia to the fertile valleys of the Tiber and the Po. Teachers will be multiplied and elementary education will become the birthright of every child, and ignorance, even in the most benighted province of Europe, will be no more.

By passing this bill we shall place a new value on American citizenship; we shall protect the American laborer, secure the American standard of wages, and preserve the American ideal of civilization; we shall make it impossible for any immigrant to enter here in the future until he is able to read at least 30 words in the Holy Bible and understand the lines:

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing.

[Applause.]

Mr. SABATH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, when the gentleman from Alabama [Mr. BURNETT] and myself, who were members of the Immigration Commission, came to the conclusion of our labors, and later there was reported a bill, I summarized our conclusions in a paragraph, the contrary of which no one has proved from that time to this. I said:

As to the character of the immigrants who have come to this country in the past 25 years, the Immigration Commission—nine men of differing views—reported unanimously that conviction for crime is no more common among the new immigrants than among the native born; that they are far less the victims of disease than any other class of immigrants of whom statistics have ever been kept; that they are rarely found among the victims of alcoholism; that pauperism is relatively at a minimum among them; that in the most congested blocks of cities having the largest foreign-born populations five-sixths of the homes of the foreign born are well kept and two-fifths are immaculate—and this on the report of women investigators; that their children attend school in large numbers; and that such new immigrants are much more rarely found in the insane asylum than their predecessors.

That was what we found after the expenditure of $700,000 and two years of work. Certainly it is not an indictment against the immigrants upon which to found new legislation.

The gentleman from Missouri [Mr. MEEKER] said he was in favor of literacy. If he is in favor of literacy, then he ought to vote against this new illiteracy test, because the figures of the census of 1910 show that the most literate portion of our population are the children of foreign-born parents, only 1.1 per cent of them being illiterates.

The distinguished gentleman from Ohio [Mr. FESS] told us in an affecting way—as it always must be affecting when a man speaks of his good mother—of that mother denied the opportunity in early childhood, who has never learned to read and write. I assume, and the gentleman will admit, that that mother is an abler person than he, abler for a woman than he is for a man, and we all know how able he is for a man. Now, Mr. Chairman, in this literacy test we are asked to vote to keep out other mothers, equally able, equally deprived of opportunity, though for different reasons. I shall not vote to do that, because I think the gentleman stated the crux of the proposition that the failure to be able to read and write measures not lack of ability but lack of opportunity; and his good mother, able as he, simply typifies the thousands who come to this country, unable to read and write, but who see to it that their children, born either abroad or here, are the most literate and the most indefatigable in our schools. When my daughter stands at the head of her class, as I am thankful and proud as a parent to say that she does, I find that those who stand second, third, and fourth at her side are the children of the immigrants, put there and kept there by their parents, who, because themselves deprived of opportunity, are in precisely the same frame of mind as that lady in Ohio who, herself deprived of opportunity, made her son the president of a college. [Applause.]

Now, Mr. Chairman, there is really no argument to be made in favor of the literacy test. Nothing has been proved against illiteracy except lack of opportunity, and therefore I want to devote the remainder of my 10 minutes to the amendment that is going to be offered by the gentleman from Illinois [Mr. SABATH], as I understand, if this amendment fails, and that is to insert the words "or political" after the word "religious."

I differ from the distinguished gentleman from Massachusetts [Mr. GARDNER]. He says he is not in favor of letting in these Armenians. I am in favor of admitting them, and in my judgment they can not get in under the religious clause.

They were an independent kingdom. They did what some people wanted our country to do; they depended for preparation on the good will of their neighbors and they ceased to exist as a kingdom. The opposition to them in Turkey is political. I stated yesterday that 800,000 of them had already fallen under the sword and under the bullets of the Turks. One million two hundred thousand remain. Of course, only a small fraction will come, but those whose friends desire to have them come here ought not to be barred out simply because, being raised in the Ottoman Empire, they were deprived of an opportunity to learn to read. Many can not read, and if the words "or political" are not put in the Armenian stays out.

I wish there was time to read to the committee the individual cases of Armenians killed, as they have been in the last year and a half in that holocaust over there, where tens and hundreds and thousands and tens of thousands have been killed, and we here in the American Congress, in this great, broad, rich, largely undeveloped country purpose to reverse the policy under which our own parents and grandparents and ancestors came. My French Huguenot ancestors fled from persecution and landed on our shores in this country, and yet I am asked to keep out the Armenian of to-day, the ancestors of those to come to-morrow, and who would come in precisely the same condition that my ancestors came. I am not only going to vote to strike out the literacy test, but because the literacy test is in it I am going to vote against the bill. I am going to vote against it because while there are good things in it, the superlative iniquity of this specious test, in my judgment, is enough to cause any man who values the American past, who values the American present, and who hopes in all its breadth and vision, in all its beauty of idealism, that the present may extend into America's future; who objects to marring our history of toleration by this narrow-minded project—any man who holds these views ought to vote first to strike out the literacy test, and, second, if the test is not stricken out, to vote against the bill. [Applause.]

Mr. SABATH. Mr. Chairman, How much time has the gentleman from New York used?

The CHAIRMAN (Mr. GARRETT). The gentleman has used 10 minutes.

Mr. BURNETT. Mr. Chairman, I have yielded 20 minutes to the gentleman from California [Mr. HAYES] to be used as he pleases.

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I trust in the 10 minutes or less I shall occupy that I shall not be misquoted as many times on Monday as I have been to-day and yesterday.

I can not and would not vote for this bill unless I were thoroughly convinced in my own mind that under the bill this Nation is to provide an asylum for those who are persecuted because of their religion and those who suffer from political persecution. There is no man on the floor of this House who stands more nearly absolutely four square on the question of religious liberty than the man who is now addressing you. And the injection of any such sectarian talk into this issue is foreign to the question. [Applause.]

It is purely a question of a literacy test to be applied to the man who would come in here under ordinary circumstances. The extraordinary conditions under which a man might come have been provided for in this bill. I come from a State that has on its statute book a compulsory education law, and the same kind of talk was made in the Missouri Legislature against that law that has been made here against this one. It has been about our mothers and grandmothers who could not read, but I think the American Congress should legislate with its face to the future rather than to the past [Applause.]

There are plenty of gentlemen on the floor of the House who, if their native ancestry had been required to read before their descendants could come to Congress, would not have been here, but that is no indication that we are to look backward and say because father could not do so the son must not. You are squarely against the issue, and how men can stand and plead for illiteracy, not only domestic illiteracy, but imported illiteracy, is more than I can conceive, when we have provided an asylum for the religious and political refugees.

If citizenship is not worth the attempt to acquaint oneself with the general channels for the distribution of knowledge, then citizenship in this country does not amount to much. We have been asked to do everything and the man coming here to do nothing. We are asked to overlook all shortcomings. Gentlemen, it is a peculiar argument that is advanced here in this discussion, people all of the time saying the black hander can come in because he is educated, as if we had not provided in the bill to shut out the black hander, the gambler, and every one else who is undesirable, the assumption being that because a man can read there is no other test. This bill provides against the black hander and for every other type of criminal. It goes further than any other bill that has ever been offered to this Congress to reach a criminal, even after he comes here, and put him out of the country. You gentlemen know the type of men we are trying to reach in this bill. We are after not the individuals so much as we are after the illiterate herd that is brought into this country for the purpose, and for no other purpose, of beating down American standards of living and American wages [applause], and I have not heard one of you say anything about that. Furthermore, I say that under our economic law and with our present program, it might be a kindness to the immigrant who is coming here to be exploited if we told him that he can not come. Some are looking at this from a sentimental side purely. If sentiment is all there is to this argument, let us put it all aside, let us open our doors and say to every one, come in. Let us take a single illustration. Bring a man from any section of the Old World that you may choose. Poor boys are growing up in the same community side by side. One boy by some method or other has mastered his language so that he can read and write, but the other has not. To the one we open the door; to the other we say "study." Gentlemen, the beginning of a real education is in reading and writing, or else our educational program in this country is all upside down when we teach our children to read at the beginning of school. It is the foundation of the spread of knowledge, and we need not try to dodge it.

When a man can read 30 words promiscuously given him by the official it means that he must have command of much more than 30 words. Some seem to think that this test would simply mean for a man to learn by rote 30 words sent to him by some friend in this country. But he does not know which 30 words are to be given to him. It is a test for larger preparation. Are we going to say that men who come here shall come to be exploited and put at the mercy of all of whom we have heard here to-day, simply because somebody's grandmother could not read a hundred years ago? Here is the question that we must face for ourselves. We must work out our home educational problem; it is not solved, and a man who thrusts back into the face of any individual saying, "Why do not you go back and sweep your own doorstep," is not answering the question. As I said yesterday, all of the illiteracy of our own Nation that we now have is a blight upon our Nation; and the schoolhouse, whether it be a school of the Methodist, the Presbyterian, the Baptist, the Catholic, the Hebrew, or the great American school, is the foundation stone of our Government. [Applause.] Yet we would have men by a wave of the hand for the sake of somebody's grandmother ignore all demands we make upon others simply to let them come in here.

You speak of the political refugee. If the language is not distinct and plain on that one issue, then I can not understand how it is to be written. The revolutionist, your Kosciuszko, and all those men to whom reference has been made, could enter this country under this provision. This country will always remain the home of the religious and the political refugee, but we would just as well begin now to face that other problem of imported ignorance.

Talk as you please, I have generally found that the man who could not read had a slighter or smaller appreciation of the great things of the world around about him than the one who can read. Put this literacy test into your bill and pass it and it will be the first international compulsory-education law that was ever written. It will set a new standard and it will mean that coming into this land means more than the possession of thirty or forty dollars and a desire for a job for six months. It will mean the beginning of a new era, and if America has led thus far in her common school at home, has she not the right to demand universal training of men elsewhere? [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BURNETT. I yield the gentleman three minutes more.

Mr. MEEKER. Mr. Chairman, the gentleman from New York [Mr. BENNET] has declared that he would vote against the bill because this is here, and a much more thoughtful man, if such could be, declared just preceding him that even though he did not quite agree as to this particular point and could not, yet he would vote for the bill with this in it. That is the difference in human nature. One man will not do anything unless he can get everything he wants and the other man is willing to be reasonable. [Laughter and applause.]

Mr. HAYES. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, the amendment proposed by the very earnest and able Representative from Illinois [Mr. SABATH] presents to this House the real question upon which the division of Members for and against this bill will take place. It is clear to the unprejudiced person that there are two lines of argument to be applied to the question before us.

When we consider that on three different occasions Presidents of these United States have vetoed such literacy tests, we on this side must admit that there is something of merit in the contention of the others; but I suggest to them that when they consider that on three different occasions the Congress of the United States has sent the test to the President, that they must admit that there is something of merit on our side. I have not the time in five minutes to refer to these arguments, but perhaps they can be summed up briefly in a single sentence—that while the spirit of altruism is most commendable, that that of self-preservation is still the first law of nature.

My friend from Illinois suggested a little while ago that the literacy test will not serve to keep out the viciously inclined, the criminal, or the otherwise undesirables. Of course, it will not, and nobody contends that it will, and as between education and character we will agree with him that character is by far the most potent; but given the character to work upon, education will do its possessor good and not harm. [Applause.] Otherwise you had better abolish your compulsory-education laws. And again I want to call your attention to this thought, that in legislating on this bill our first consideration is not the immigrant, for, however much we may desire to give him the opportunities afforded in this superior land, our first consideration is and must ever be this country of ours which should always be our chief concern. [Applause.] Let me direct your attention to the fact that conditions are vastly different to-day to those of former years and that we must meet them with different laws. In the pioneer days sturdy individualism and strong physical power was necessary in order to enable the immigrant to meet and overcome the difficulties encountered. The very conditions that confronted him were in themselves a selection of the most fit. We have passed beyond those conditions and the time has arrived when we as a country must look after our own interests, and in my judgment our interests require that while we are imposing an educational qualification upon our own people that we should ask those who come from without at least to meet the limited requirements of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I yield a half minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment which I offered to the paragraph which the gentleman from Illinois seeks to strike out.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYES. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, at the beginning of the last century Pestalozzi went over to France and sought an interview with Napoleon. His purpose was to impress upon the great leader the importance of general education. That interview was denied, and when that great Swiss educator returned home he was asked whether he saw the First Consul, and his reply was, "No; and the First Consul did not see me, either." Pestalozzi made a pilgrimage to Prussia, and was received by the queen, who was so impressed by what the great educator said regarding the possibilities of education that she sent 17 of the choice young men of Prussia to the school presided over by Pestalozzi. Among that group of 17, mark you, was found Froebel, Germany's greatest educator, the founder of modern education in Europe. Among them was also found Réaumur, second only to Froebel. The stimulus to scientific research began then that now is so scientifically worked out in Germany. Modern research in Germany is but a comment upon that influence. It is simply a suggestion of the value of education. When the Fathers planted our country the State of Massachusetts required at a very early date that every 50 families must provide for what we call an open school, and every 100 families must provide for a high school. While it is admitted our common-school system was not started until the thirties of the last century, Massachusetts provided for general education early, and yet I find that the State that has given Harvard to our country's history and the first general school system of the country, as well as the man who inaugurated our widely popular common-school system, as we now know it, is represented very largely here on this floor by men who are now opposing the literacy test for those immigrants who come into the country. For, Mr. Chairman, as I now recall, but two of her distinguished delegation supported such a measure in the last Congress, and yet they stand very high for education for those who are in the country. And when I think of Rhode Island, I think, of course, of the strong appeals of her Representatives, such as my genial and lovable friend on the front seat, Mr. O'SHAUNESSY, and I think of Roger Williams, our early greatest scholar, who taught John Milton to read the Dutch language.

Roger Williams established Rhode Island upon an educational basis, out of which has come Brown University, that my friend eminently represents on this floor. Why, my friends, Brown University gave to the country Horace Mann, this country's greatest educator, and the founder of the common school system of America. He was a son of Massachusetts, but an alumnus of Brown. It gave Mr. Justice Hughes, who is much talked about to-day in the country. [Loud applause.] It gave our country the United States' greatest State university president, namely, Prof. Angell, of Michigan University. [Applause.] And it gave a former superintendent of the public schools of Chicago, President E. Benjamin Andrews. Mr. Chairman, the States so advanced on educational lines, with such achievements to their credit, see their Representatives vote against this educational test. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Can not you yield him one more minute? I want to ask him a question.

Mr. BURNETT. I yield to the gentleman one minute more.

Mr. ADAMSON. The gentleman from Ohio is a teacher, and has great observation, and I want to ask him a practical question. Does he not think we have enough ignorance in this country already without going to the trouble of importing more?

Mr. FESS. I certainly do. I am with you on that proposition.

Mr. GALLAGHER. I want to ask the gentleman from Ohio a question. Is Hughes nominated now? [Laughter.]

Mr. FESS. I think my answer will be more emphatic when a Republican sits in the presidential chair. When Ohio leaves off the habit of supplying the nomination we may come to the Supreme Court. [Applause.]

Mr. BURNETT. I did not give the gentleman another minute to nominate a President. [Laughter.]

Mr. FESS. Mr. Chairman, I withdraw the nomination. [Laughter.]

Mr. SABATH. Which is very sensible.

Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

[Mr. TOWNER addressed the committee. See Appendix.]

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, my friend from Pennsylvania [Mr. FOCHT], in general debate yesterday, was probably indulging himself in the usual oratorical license when he spoke of traveling three blocks in my home city of New Haven before finding a person who could speak the English language. When the gentleman made this reference I happened to be sitting on the extreme right of the Democratic side, quite appropriately in view of the mixed politics of this bill, and as his remarks were addressed to the Republican side of the House and there was some confusion, I did not at the moment catch what he said. Whether his illustration is historically accurate really is immaterial. I feel quite certain, however, that if he refers to an actual occurrence it was during the hours when our public schools were in session and the children of school age absent from the street.

There are probably a number of blocks in New Haven where the parents in every house were born abroad, but in none of them would he find children of school age unable to read and speak the English language. In fact, he would find them all in our excellent public schools learning to speak, read, and write the English language. He would find further, if he examined the records of our schools, that these very children of foreign-born parentage are among the brightest students and best scholars. He would find also, if he carried the investigation far enough, that the percentage of illiteracy among the people living in the very city blocks he has indicated is lower than the percentage of illiteracy in the district so ably represented by the gentleman from Pennsylvania.

As to my friends representing southern constituencies, who are declaiming so loudly against ignorant foreigners, I challenge them to compare the illiteracy of their own States with that of the most exclusively foreign-born section of my city. They will find to their chagrin that the percentage of illiteracy among their own people is far and away above that of our latest arrivals.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Georgia?

Mr. TILSON. Yes.

Mr. HOWARD. Does the gentleman know why there is so much illiteracy in the South among the white people? I will tell you. We have had a burden of a million and a half niggers in Georgia ever since the Civil War, who were turned loose on us in their ignorance.

Mr. TILSON. Mr. Chairman, it is not my intention to abuse anybody for the lack of education. Least of all is it my intention to reflect unkindly upon the people of the South for the high percentage of illiteracy there. Like my distinguished friend from Illinois [Mr. CANNON], who on yesterday addressed the House with such eloquence and power, I, too, was born in the South and not very far from where the distinguished former Speaker was born. Before I was born the Civil War had come and gone, leaving devastation and poverty in its train. My people lived among the mountain whites. Throughout that whole mountainous section at that time opportunities for education were of the most meager and precarious character. Well do I remember the longing of my childhood days for an opportunity to learn from books, and no opportunity for doing so was lost. Through the long spring, summer, and autumn for as much as 12 hours a day we labored upon a somewhat grudging soil with rather primitive farm implements to earn a livelihood, and at night, when I should have been sleeping, I often pored over my books by the flickering blaze of a burning pine knot. [Applause.] I know what it means to lack opportunity for acquiring an education. There are thousands of others throughout the mountainous section of the South who have had to contend against the same meagerness of opportunity.

With the experiences of my own earlier years still fresh in my memory, I can not bring myself to say to anyone who has been denied those privileges which were mine in such scanty measure, "You can not come to this land of abundant opportunity, because in that other land whence you came you had no opportunity to learn to read." No; I would rather say to him, "Are you sound in body, mind, and character?" "Are you ready to do your full part, whatever it may be, in this hospitable country?" "Are you willing and able, if need be, to do the very hardest work of all?" Measuring up to these requirements, he should be admitted.

It was just a little more than 28 years ago that I, still seeking further opportunity to acquire an education, left my southern home and came to the city of my adoption, where my friend

from Pennsylvania imagines the English language is seldom spoken. At that time the great tide of immigration from southern Europe was only setting in. Only comparatively few had then arrived, but enough to start the cry among the alarmists that the country was in danger of being swamped by immigration from Italy.

Both those who had prophesied evil and those who had faith in the coming immigrants, as I had, waited and watched the result. They had not long to wait. Soon the Italian immigrant began to make himself felt in the community he had chosen for his home. In business, in all the professions, and in every walk of life he soon began to make his place. One of them became surgeon general of the State, and is generally recognized as one of the most brilliant surgeons in the entire State. One went into the theatrical business, and is now one of the princes of that business, owning a string of theaters from Worcester to Washington. Hundreds of others, too numerous to mention, made and are making their places in the community.

Along with the Italians came the Russians, Poles, Hungarians, and other nationalities, both Jews and Christians, who in their turn, beginning at the bottom and working up, have also "made good." In every walk of life they have not only made good, but preeminently good. They are at the forefront of our leaders at the bar, in the commercial world, in the manufacturing world, in every walk of life. Only a few weeks ago one of the most gentle and noble among the Jews residing in New Haven went to his reward, mourned by an entire city, whose every resident had reaped the benefit of his fruitful labors and his great benefactions. Another related to him by marriage is now universally conceded by our people of all races, nationalities and religions to be one of the foremost men not only in his own city but in the entire State. For seven years he was president of the Chamber of Commerce of the city of New Haven and took a leading part in all the development of the city during that time. His hand is always extended, never to receive anything for himself, but always to help others, to help them not only by giving, but, what is far more important, by doing. I could go through the list and mention scores of others, but it is not necessary. These I have mentioned will afford illustrations of what immigrants and the sons of immigrants have done already and give indications of what we may expect of them in the years to come.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. May I have three minutes more?

Mr. SABATH. I can give the gentleman one more minute.

Mr. TILSON. We are told that organized labor is in favor of this bill. I doubt that assertion stated so broadly. No man in this House has more intelligent organized labor in his district than have I, and yet I have heard from only a very few among the scores of local unions throughout my district on the subject. I have heard from a few, who have expressed their opinion in favor of the bill, but they have been kind enough to extend to me the same right which they themselves enjoy, of having convictions of my own on the subject. My sympathies are naturally with the workingmen. My own life has been one of arduous toil from early boyhood. I know by experience what it means to earn my bread in the sweat of my face. I honor the able leaders of organized labor—national, State, and local. It happens that the president of the Trades Council in my home city is one of my warmest personal friends. He is of that fine strain of Irish immigrant stock which came to this country half a century ago. He was formerly sergeant in the National Guard company of which I was captain, and he was a fine soldier, as he is now a useful, patriotic, respected citizen. Possibly he may prefer that I should vote for this bill, but I know he would not wish me to do so against my honest convictions.

In closing let me say to the gentleman from Pennsylvania that New Haven is more, however, than the home of the immigrant. It is the home of culture and refinement, as well as the home of honest business and civic progress, in all of which the immigrant is doing his share. It is the home of Yale University, whose motto is "Light and truth," and whose influence is felt throughout the length and breadth of the land for education that shall mean service to mankind. It was the home of Noah Webster and the birthplace of his great dictionary, which has had a greater influence upon the English language in America than perhaps any other book, excepting only the English Bible. [Applause.] It is the home of the descendants of the Puritans and of the Pilgrims as well as of all the rest of the best blood of New England. Under the classic shades of its few remaining elms the sons of the blue bloods and the sons of the immigrants are dwelling and working together. No part of the city's life would be complete without all. Together they make up the heart and lifeblood of a great cosmopolitan city which in itself is a shining example of the true American melting pot in actual operation. Blending their energies in a united and harmonious effort, they are together working out the destinies of a great, modern, progressive American city. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SABATH. Mr. Chairman, I yield four minutes to the gentleman from New Jersey [Mr. HAMILL].

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILL] is recognized for four minutes.

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. SABATH. I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, my good friend from Ohio, Mr. FESS, for whom I have the most profound respect, hurriedly broke from his brief reference to Harvard University in his desire to pay a tribute to Brown University and some of its distinguished sons. As a fellow president of an American college, he knows that one of the greatest educators in our splendid history, the president emeritus of the foremost educational institution in all America, President Eliot, of Harvard, is absolutely opposed to the literacy test in this bill. [Applause.] I wish that my able colleague had told you, what he will gladly admit, I know, and what I, a graduate of that ancient institution of learning, now say to you, that fair Harvard needs no defense and no apology; there she stands, mother of all the colleges of our glorious land, with her eternal "Veritas" proudly emblazoned upon her shield. I know full well she has no greater admirer in all the land than the distinguished Representative from the Buckeye State [Mr. FESS].

Yes, Mr. Chairman, I wish he could have told you something else which I can not refrain from uttering, and I speak here as the son of an immigrant father, who came to this country 75 years ago, unable to read and write a single word of any language; yet this Irish "alien" sent three of his boys to Harvard College, two of them graduating from that university with the degree of A. B. and the third emerging with his A. B., A. M., and Ph. D., all fairly earned and bestowed; yes, sir, this Irish father saw his four daughters complete with honor the educational course provided in one of the leading Roman Catholic academies in his adopted State, the Academy of Notre Dame. And yet, if this unjust literacy test had been the law of the land in his day and generation, America would have deprived that splendid man of the opportunity of making the contribution, which he at least tried to make, to the progress of this Republic. [Great applause.]

Mr. Chairman, I have yet to hear from the advocates of this test a single word as to the reason why the illiterate immigrant has been deprived of an opportunity to get an education in the land of his birth. Oh, I recall the story of the Irish peasant in the old days of cruel British oppression. His only schoolmaster was the priest of his church, who brought to the heartbroken sheep of his flock not only the consolation of religion but a smattering of letters that they might acquire at least a little knowledge of books and of men. A cruel oppressor forbade the giving of this instruction to the Irish peasant. And I recall reading the story of those sainted priests, hunted from mountain to valley, from valley to lake and river, yet still true to their duty and their God, giving up all for conscience sake, a price upon their heads, and, oh, very often gaining the martyr's crown, because, in the language of Newman, at the grave of his friend Wilberforce, "They had made fools of themselves for Christ's sake." [Applause.]

That is the story of the Irish immigrant of the last generation, Mr. Chairman. But how glad I am to say to you here in this Congress of the United States that you can not reach the Irish immigrant of to-day with this bill, and it is not in his behalf I raise my voice in protest against its passage. I think of the unhappy and illiterate immigrant from the Russias—the son of Israel and the son of Poland—oppressed, scourged, almost destroyed in spirit and in life, with no opportunity in his native land for either letters or religion. I think of the boy and the girl from the Province of Lithuania who begs admission to this free country, and I think of the sons and daughters of sunny Italy—these are the children of the desert that your unfair, unreasonable, un-American, un-Christian, inhuman test seeks to stop from entering within our gates. If any man within the sound of my voice ere dreamed the Irish immigrant, in this year of our Lord, is not the peer in learning of your average native son let him awake to realize that when the Irish youth knocks at the door of Ellis Island or enters the port of Boston he comes, sir, almost ready and more than willing to try your examination for a bachelor of arts. [Long-continued applause.]

Mr. Chairman, I have made no reference during this discussion to that phase of the controversy just touched on by my good friend from New Jersey [Mr. HAMILL]. I have felt keenly for some time that there was a strong touch of bigotry and religious prejudice back of this whole fight. On my honor, I am yet to be persuaded that I have formed a false opinion. Carefully concealed in this debate, the animosity that stirs some men to action against the "alien" is the animosity that strikes at the church of his fathers. I sometimes like to repeat to myself, when I think of the bigot and the blackguard who assails that church, the finest American speech I ever read. It fell from the lips of a Catholic priest at the laying of the corner stone of the first Catholic college in New England, Holy Cross College, in Worcester, Mass. On the 21st day of June, 1843, the Rev. C. Constantine Pise, D. D., of New York, an immigrant priest, officiating as orator of the day, said:

The Catholic Church has always cherished within her bosom a sacred and undying solicitude for the education of her people. * * * Catholic education inculcates the necessity of virtue, morality, and charity toward all mankind. It breathes an inextinguishable spirit of patriotism into the ingenuous bosom, and bids the American youth remember and be grateful for the inestimable privileges he is destined to enjoy under the freest and happiest Government on earth; privileges which he would not sacrifice to any foreign authority; a Government in defense of which he would regard it the noblest act to die, if necessary, at the cannon's mouth. The college, of which the corner stone has just been placed will rear up its walls for an education proper to the soil and constitution of the State in which it is situated. The youth who will be here formed to letters will also be taught, first, the necessity of religion, the practice of virtue, the maxims of charity; then and firmly an entire devotion to the glorious institutions of our country. They will be instructed to recognize no temporal power over this free land in any foreign authority, whether secular or ecclesiastic. They will be taught that the sovereign Pontiff, whose spiritual jurisdiction, as Catholics, we admit and revere, possesses and claims no right to exercise any sway over us as citizens of this great Republic. That they must be ready to defend the prerogatives and liberties of their country against any aggressor, no matter who he may be. Our youth will be taught that he who is not faithful to his country will not be true to his God. [Applause.]

Here, Mr. Chairman, is the gospel of patriotic devotion. Here is true Americanism. Yes; ultra Americanism, and from the lips of an eloquent immigrant.

Mr. BURNETT. I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, there is one feature of this bill in which I have taken a great deal of interest from the beginning. I know that the committee were actuated by the same motive that I was, and that was to exempt from the operation of the restrictive immigration law those people who leave their home countries to avoid religious persecution.

When that phrase is used two peoples come into the mind of every man who is familiar with the history of Europe in the last 50 years. The Jews, in countries that I will not name, have been persistently persecuted. It is a persecution that has run through centuries, and every man who has known the history of that great race which has given us so many philosophers, poets, musicians, soldiers, philanthropists, and men of great enterprise in the commercial world has felt intense sympathy with them in their sufferings.

They deserve well of the American Congress. In our early history they were patriots. In the War of Independence they gave freely of their means, and they shared the perils of battle. George Washington himself testified to the courage and ability of the Jewish soldiers that were under his command. They played the part of patriots in the War of 1812, and again in the Civil War they were found on both sides battling for their opinions. And while we have felt it was necessary in the interest of the country to strengthen the immigration law, we have all earnestly desired to exempt, as far as possible, from its operation the Jews of certain countries in Europe who come to the United States because of religious persecution, a barbarous thing that was inexcusable even in the Dark Ages.

They have made good citizens. It has been my good fortune to have personal, intimate, social, and business relations with them during the whole of my manhood. I have had among them many warm personal friends, and have had them for associates in business, and the more intimately I have known the Jews the more I have thought of them; the more I have learned of their history the more I have admired them, and I for one find no objection to their coming here.

There are few Socialists among them. I believe there is one political party in the House composed exclusively of Jews [laughter], but there are no anarchists and comparatively few criminals among them; there are no beggars, and they are not burdens on the State. The Jew is a philanthropist. He is a man of vast charities, and always his charity is directed by common sense and good business judgment, as it should be. The Jew's charity does not make beggars. It sets men up and makes them self-respecting and self-supporting.

The war in Europe, the great war in Europe, the unmatched crime of all time, has been specially hard on Jews. Some of them live in countries that deny them religious liberty and social and civil rights. But, true to their nature and history, they are not denied the privilege of sacrifice. They are compelled to fight the battles of countries that do not reward the service. In a quarrel they did not make, in support of dynasties that have never been even fair to them, they are required to make the supreme sacrifice. They are driven to the cruel task of risking their own lives in wars they did not want and to take those of their kinsmen and coreligionists in other armies. No fate could be harder; none more cruel and unjust.

These, Mr. Chairman, are the thoughts that directed me when in committee I labored to shape this bill so as to make it what the American people demand and at the same time accommodate this wonderful and unhappy people.

Another class comes into the minds of people charged with the duty of writing a law of this kind, and that is a people who, through centuries, have been persecuted by the people of Mohammedan faith. They have manifested the possession of qualities which we ought to cultivate. They possess a virility and persistency and adhesion to a faith and to high ideals that we can not encourage too much. The Armenians should not be killed because of religious faith, nor their women subjected to the infamy of being sent to a harem. The torture is more than most people could bear; most religious faiths would break down under a persecution like that, Mr. Chairman, but they have kept the faith and they deserve the exemption. We wrote this bill with these two people in mind, the Jews and the Christians. Certainly, sir, no man can fairly charge that there was any religious bigotry in the committee when they came to consider a paragraph which sought to protect and to admit these two classes of people, two religionists of diametrically opposite religious faith. No man in the committee, so far as I am advised, ever was actuated by any such motive as has been intimated on the floor of this House on more than one occasion. Such argument, such groundless assertions, rather, ought not to be used here. It is not only without foundation in fact, in so far as it refers to the committee headed by Mr. BURNETT, but it is, I fear, deliberately mischievous. Our work speaks for itself. Jew and Christian were treated alike, as they should be, in and before the law. Both are a tragic people. Massacre has been the portion of each, and, Mr. Chairman, just as far as my effort may do it, there shall be no slaughter of the innocent and helpless in America or elsewhere.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURNETT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three minutes and the gentleman from Illinois has eight minutes.

Mr. BURNETT. Is there not some mistake, Mr. Chairman, about my time? I had 45 minutes.

The CHAIRMAN. The gentleman yielded 20 minutes to the gentleman from California, and that would leave him 25, and the RECORD shows that he yielded 5 and then 10.

Mr. BENNET. And the gentleman also yielded to the gentleman from Massachusetts [Mr. GARDNER].

Mr. SABATH. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I shall vote for the motion of the gentleman from Illinois to strike out the illiteracy test in this bill. Whether that motion prevails or not, I shall vote for the passage of the bill. My object in voting against the literacy test as prescribed in this bill is that it is basing the admission of citizens into this country, in my judgment, on an erroneous theory. It predicates admissions on the want of opportunity instead of extending to them opportunity. It is denying the opportunity which this Government has heretofore extended to the people of all the world, reversing the policy which has been in practice since the foundation of our Government, and one which has contributed much to our greatness as a world power, leading the other nations of the earth in those things which make a nation great, powerful, and enduring.

The educational test provided for in this measure is as follows: The alien shall be required to read "not less than 30 nor more than 40 words in ordinary use," printed in plain type and in the language he may select. This does not appeal to me as much of a test of literary qualification. He is only required to read it, not to understand or comprehend the meaning—only to read it. Upon this qualification his right of admission is settled. This, in my judgment, is little less than farcical. For the want of compliance with this ordinary test good citizens, those who would assist in building up the grandeur of the country, defending its flag, extending its indus-

trial operations, shall be denied citizenship, while others who could comply with it shall be admitted, though they will add nothing to its wealth or progress, but, on the contrary, become a burden to its people. There have come to our country during its existence people unable to read, because of the want of opportunity to prepare themselves, some of the best citizens the country has had, people who have not only been model citizens but patriots, and who have rendered valuable contributions in industrial affairs to the welfare and upbuilding of this great country. They felt and regretted their want of opportunity to secure an education and acquire knowledge which would have aided them in the prosecution of their work. They secured for their children what the want of opportunity had denied them. Because of their admission to citizenship the country did not suffer, but, on the contrary, profited.

If we glance at the history of events under the operation of the policy we have followed on this question, we must confess the country has suffered quite as much in its criminal history from the educated foreigner as from the uneducated. Many of the most atrocious crimes committed against person or property have been committed by the educated, who were not in sympathy with our public policies or the men who had charge of their administration. Events of this character are fresh in the minds of us all, hence it can not be safely contended that education alone makes good citizens and a law-abiding people. It takes more, and the quality required to make a good citizen may reside as well in an uneducated man as in an educated one.

We are not underestimating the value of education; we all know and recognize its necessity, its assistance to every citizen in the prosecution of every good pursuit, and we recognize its assistance to the man who is bent on mischief in carrying into effect his unlawful purposes. It is an instrument either of good or harm, as occasion may direct it. The educated man to be the good citizen must have a noble purpose and a laudable ambition. The uneducated person may possess these requisites and contribute much to the healthful progress of the country and society.

Again, it is anticipated that with the conclusion of the European war many from Europe will flock to this country for two reasons, one to escape other wars which it is feared will follow there, and further to escape the awful burden of taxation which necessarily must be levied on that people to pay the enormous debt which is now being created because of the war. Such as may come from these causes are not the classes against which this legislation is directed. All such will be of the thrifty classes, people desirous of building up fortunes instead of tearing them down; men hoping to accumulate instead of wasting property. Such classes as may come on account of such causes will be the better class of citizens, looking for peace and prosperity. No pauper ever feared taxation; he leaves no country because of high taxes or property destruction. The tax gatherer is no menace to him, because he has no property to tax and none to be wasted by war. It is the thrifty person who fears the desolating ravages of war and the burdens of high taxation. He seeks to husband the result of his years of toil and self-sacrifice. But the pauper has no anxiety of this kind. The tax gatherer has no terrors for him. People who from these causes will come to our country will be the better class, people who will assist in improving our conditions both socially and industrially, add their mite to the upbuilding of this the greatest country in the world. It may be some of these can not comply with the 30-word test, but no one would doubt for a moment their good purpose, pure intention, and the value of their citizenship. Let us do nothing to deny their admission, because they will come to increase the demand for the employment of labor, and increase the production of industry, and enjoy the better opportunities which this country affords. [Applause.]

Mr. SABATH. Mr. Chairman, I yield to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Chairman, the citizenship of a nation, like the morals of character or the blood of the body, should be kept free from poison, corruption, and contamination. Undesirable immigrants should not be permitted to come into our country. The criminal, the lunatic, the anarchist, the pauper, the invalid, and the degenerate should not be allowed to land upon our shores. All these things I cheerfully concede. This principle of public policy I heartily indorse and advocate.

On the other hand, I do not believe that immigration should be unnecessarily or unreasonably restricted. I believe that the century-old, liberty-loving, open-door policy of the Republic in matters of immigration should be steadily maintained. I am convinced that the humanitarian traditions of our country should still be observed, and that foreigners of sound body, mind, and morals, of good and patriotic intentions toward our country and its institutions, and of sufficient means to justify the assumption that they will not become public charges, should be welcomed into our midst, made to feel that they are at home, and extended all the blessings of law and liberty that our Constitution and our flag afford.

I voted against the Burnett immigration bill during its passage through the Sixty-third Congress. I shall vote against it again at this time, because it contains an unjust, undemocratic, and un-American provision, the so-called literacy test. In my judgment this test is not only unjust and un-American, but is silly and senseless as well.

PRESENT IMMIGRATION LAW AMPLY SUFFICIENT TO EXCLUDE UNDESIRABLE ALIENS.

After all, the law embodied in the Burnett immigration bill is not really necessary to protect us against undesirable immigrants. The present immigration law, now alive upon the statute books, is all sufficient, if properly enforced, to guard our people against the evils of unhealthy additions to our population. If our real desire is to exclude the criminally inclined, the physically diseased, the mentally defective, the morally unfit, and the financially deficient, we have ample means at our disposal at the present moment to accomplish the results desired.

Section 2 of the present immigration law, the law now on our statute books, provides as follows:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become public charges; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive, in whole or in part, the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons, hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within a year from the date of application for admission to the United States, deported as having induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payment for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets of passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned professions, or persons employed strictly as personal or domestic servants.

I respectfully submit that these provisions of our present immigration law are comprehensive and exhaustive and that they amply provide for the exclusion of all really undesirable aliens. But the authors of this bill do not seem to think so. They insist that another test must be added, and they have given us the literacy test, one that is essentially whimsical and illogical, unjust and un-American.

At bottom, the authors of this measure really desire to restrict immigration in general, but they do not dare to say so, for they know that the public policy and the national traditions of a century of glorious American history would be violated by it and that the American people would not tolerate it. It has been found necessary, therefore, to avoid open declaration in favor of unqualified restriction by inventing a pretext of patriotism and of solicitude for the welfare of the citizenship of the Republic. And, instead of selecting as a test the shape of the head, the color of the hair, or the size of the feet, they have proposed the plan of testing the immigrant's qualifications for good citizenship by his ability to read a few words upon a printed slip which may be handed him. To my mind, this test is ludicrous and absurd and I am opposed to it.

THE LITERACY TEST.

Let us consider the exact language of the literacy test and of the method of its application as it appears in the pending bill. It is as follows:

All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish.

* * * * * * *

That for the purpose of ascertaining whether aliens can read, the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants.

This is the test and the method of its application, and the immigrant who can not stand it is to be banished from the country. Is such a requirement just and reasonable? Is it in harmony with the theory and practice of our Government in matters of immigration for more than a century? Is the innovation proper, even if we have never before known such a thing in our national life? Will the application of the test give us a better quality of citizenship from abroad? Let us consider these questions briefly.

LITERACY TEST A POOR STANDARD OF GOOD CITIZENSHIP.

The fundamental error in the test proposed is the implication that the mere ability to read a few words upon a printed slip tends to qualify men and women mentally and morally for the duties of good citizenship; that it is evidence of that mental training and moral fitness that elevate the citizenship of a country. In the light of human history and experience this reasoning is unsound and absurd, since it is foolish to contend that the mere ability to read is proof that the intellect has been strengthened and illuminated or that the heart has been made honest, generous, and pure.

The simple ability to read is a mere instrument of the mind that may be devoted to base or noble uses and that may be made to accomplish good or bad results. It is a mere medium of the soul for the acquisition of mental and spiritual wealth or for the accumulation in the mind and heart of the filth and dross of life. The possession of this instrument of the mind and medium of the soul may be a blessing or a curse, according to the uses to which it is put. If the purposes are noble and fruitful, the result is a good man and a useful citizen; if the purposes are base and unworthy, the result is a bad man and an undesirable citizen. In any event, it is impossible that the literacy test should determine the essential qualifications of good citizenship, since the mere ability to read can not determine human motive, good intentions, and beneficent designs or gauge the products of the human mind and soul along lines of fitness for the duties of good citizenship. In other words, it is wrong to attempt to identify the bowl and the wine or to mistake the telescope for the star.

Genuine education, it is cheerfully conceded, not only ennobles the individual but contributes greatly to the formation of desirable citizenship in the State. But the education that accomplishes these results is not the mere ability to read or write or calculate in elementary mathematics. It is that form of culture, born of genuine education, that illuminates the intellect with noble thoughts, causes the heart to overflow with love, and fills the soul with the worship of the beautiful in nature and in art and with the adoration of Almighty God. Any other kind of education is a curse rather than a blessing.

It needs no argument to convince you, my colleagues, that brilliant education and the most scholarly accomplishments are frequently possessed by men of the most abandoned characters and profligate habits. Julius Caesar was the best educated public man in Rome, with the possible exception of Cicero. He was the author of the Commentaries, and therefore a man of letters. He was a great mathematician, an excellent grammarian, a clever linguist, a magnificent stateman, a mighty general, and one of the most powerful orators of his day. And yet, with all these things, his low and unworthy habits were the scandal of his age and race. Aaron Burr was the most brilliant and scholarly man of our early national life, at the same time that he was an acknowledged rake and libertine and a suspected traitor to his country. These are illustrious historical examples, and it is needless to multiply illustrations. Suffice it to say that our own observations in the ordinary walks of life are amply sufficient without having to invoke the great lessons of history. Every day in the streets we meet college graduates of superb attainments who have anarchy in their brains and perhaps murder in their hearts, while close beside them are walking law-abiding citizens of moral habits and industrious lives who can neither read nor write, but who fear God, love their fellow men, and would ask no happier death than to die upon the battlefield for their country and its flag.

The false and vicious philosophy of the literacy test consists in this: That a big, strong, brave, sober man, of clean life and patriotic motives, applies for admission to our country and asks to be permitted to enjoy the blessings of freedom and of equal opportunity in America. He wishes to go West or South with an ax to clear the forests or with a pick to build a railroad at $1.50 or $2 per day, a thing that the average American will not do at any price. It is his purpose to obey the law, support his family, and help develop the mighty resources of the land. But he is denied admission because poverty and oppression in his native country have prevented him from learning how to read 30 little words upon a slip of paper. At the same time and on the same ship comes a graduate from Oxford, Heidelberg, or the Sorbonne. He has no love for the domestic ties, no manly regard for womanhood, no reverence for the Deity, and no respect whatever for the country's Constitution or its flag. But he is admitted because he can read 30 little words on a slip of paper handed him by the immigration inspectors. I submit that the exercise of this discrimination would be not only an outrage upon common sense but an assault upon all the charities of the heart. It would certainly be an insult to and a subversion of the best and noblest traditions of our country.

OPPORTUNITY OF EDUCATION SHOULD NOT BE DENIED IMMIGRANTS.

It was Emerson, I believe, who said that America and opportunity were synonymous. By this, many phases and privileges of life are suggested—the opportunity to acquire wealth, to enjoy political freedom, to worship God according to the dictates of individual conscience, and to acquire that education that ennobles existence and contributes joy and dignity to life. And the great objection to the literacy test proposed is that it shuts the door of opportunity to many of the unfortunate and oppressed of earth in the matter of acquiring an education that has been denied them in their native lands. To be illiterate on account of lack of opportunity arising from persecution and oppression in foreign lands, and to come to America, the boasted land of opportunity, to be shut out because of an illiteracy which it was impossible to avoid, would be a solemn mockery and a grim travesty upon the much-heralded freedom and opportunity of America.

I believe in public schools and in public instruction as a means of creating good citizenship and of perpetuating free institutions among men. I believe that the public-school system is designed to create nobler and better results than the mere ability to read or write or spell. I believe that the public-school building may be made at once the cradle of learning and the temple of freedom. I believe that the denial to the alien who is otherwise worthy and acceptable the right to enter this cradle of learning and this temple of freedom is unjust and un-American, because it practically destroys the beneficent theory of opportunity upon which our Republic was founded.

The illiterate immigrant and his children should be welcomed and not rejected by us if they are sound and healthy in body, mind, and morals, and if they come with patriotic motives and with good intentions to be a part of us and help us work out an honorable and happy national destiny. Let us welcome such immigrants cheerfully and with open arms. Let us send them at once to the public-school building, over which floats the Stars and Stripes and upon whose walls are the portraits of Washington and Lincoln. There, through competent instruction, let us teach them not merely to read and write, which is but the beginning and the lower form of genuine education, but also all the elements of the beautiful, the good, and the true. Let us teach them the English language and imbue their minds and hearts with all the precepts and ideals of American national life. Let us teach them the great patriotic chapters of our history—the foundation of the Republic, the growth of our constitutional freedom, and the preservation of the Union, culminating in the sacrifice and martyrdom of Lincoln. Let us teach them regard for the rights and feelings of others and obedience to the laws of government and of God. Let us fill their souls with the spirit of the American Constitution and with the glory of the American constellation. The result will be a patriotism broader and deeper than that proclaimed in the platform of any political party and a morality grander and purer than that to be found in the tenets of any religious sect.

It is at once astonishing and gratifying to learn with what eagerness the children of newly arrived immigrants rush into the public schools, how rapidly they learn the English language and other subjects taught, and with what cheerful enthusiasm they embrace the intellectual freedom of America and all that

it implies. One year at school is amply sufficient to make the young immigrant an American in all but law and to make him long for the opportunity to demonstrate the quality of his patriotism as an American and as a defender of her institutions and her civilization.

It is also astonishing and, from the American viewpoint, slightly distressing to learn that the children of immigrants excel the children of native-born Americans in school. The United States Commissioner of Education, in his letter of transmittal of Bulletin No. 51, issued in January, 1914, and entitled "Education of the Immigrant," says:

That these people—

Meaning immigrants—

are interested in education of their children, or at least obedient to the school-attendance laws, is shown by the fact that the least illiterate element of our children is the native-born children of foreign-born parents. The illiteracy among the children of native-born parents is three times as great as that among the native-born children of foreign-born parents.

This statement of the Commissioner of Education is borne out by census statistics:

Class.	1890	1900	1910
	Per cent.	*Per cent.*	*Per cent.*
Native white of native parentage	7.5	5.7	3.7
Native white of foreign or mixed parentage	2.2	1.6	1.1
Foreign-born white	13.1	12.9	12.7

This table shows that the illiteracy among native white of native parentage is 3.7 per cent, and among the native white of foreign parentage is only 1.1 per cent.

This hunger and thirst for knowledge on the part of immigrants and their children should itself appeal most powerfully to our generosity and our compassion, and we should hesitate long to shut the doors of educational opportunity in the face of those who have been taught to believe that the word America and the word opportunity are synonymous.

ILLITERATE IMMIGRANTS AND THE LABOR QUESTION.

Again, it is contended that immigration of illiterate foreigners to our shores lowers the wages of labor and tends to degrade American social and industrial life. But is this contention supported by facts and figures? Is it not true that both literate and illiterate immigrants have been coming to our country during all our history? Is it not equally true that during all that time the wages of labor have been constantly increasing and that the conditions of social and industrial life among laboring men have been growing constantly better?

During the last 20 years there has been a great stream of immigration to America from Europe of both literate and illiterate foreigners. The influx of aliens during that time has been greater than during all the previous years of the history of the Republic. And yet the rate of wages of laborers has been gradually increasing and the conditions of social and industrial life among laboring men have been growing better with each advancing year. In 1890 the average earning of the laboring man in the United States was about $335, while to-day it is more than $550. It has almost doubled in two decades.

In addition to increase in wages, the condition of the American laborer has been very greatly bettered by shorter hours of work, by better tools with which to work, and by easier, happier, and more sanitary environments of labor. In consequence, his employment has been rendered vastly more agreeable and his life and health ennobled and improved.

The American workingman of to-day has more of the comforts and the conveniences of existence, more carpets upon his floor, more pictures upon his walls, more musical instruments in his home, more money in the savings bank, and more leisure for reading and recreation than ever before in our history. It is difficult, then, in the face of these facts, to understand how immigration, which has been overwhelming in the last 20 years, lowers wages and tends to degrade American social and industrial life.

The fact of the matter is that the immigrant has been a positive advantage in more ways than one to the American people in general and to organized labor in particular. He has come, not to compete with the skilled laborer but to do the work of the unskilled laborer. He has come to do the work that the native American will not do, to build the railroads and work the mines. He has met the great demand for unskilled labor and has met it well, and the fact that he could not read or write has not affected the proportions, deteriorated the quality, or marred the beauty of the finished product of his labors.

Gentlemen of the opposition have repeatedly declared during the debate on this bill that vast numbers of illiterate immigrant laborers come to America each year for no other purpose than to make money to take back with them to their native lands and that by doing this they help to drain the country of its wealth. These plausible declaimers and polished sophists seem to fail to note the ludicrous contradictions in their own arguments, for they evidently forget that they have denounced illiterate foreign labor as cheap, and, having done so, they would not dare to assert that these poor, illiterate, alien workmen have not left behind them 100 cents for every dollar that they have taken away with them in the development of the country, in forests felled, mines opened up, and railroads built in the sweat and blood of their lives and toil. A better target for the ridicule and invective of Members of this House would be the degenerate Americans who have expatriated themselves and carried with them fabulous wealth acquired in their native country to buy low titles of nobility for their daughters and themselves in foreign lands.

It is sometimes charged that the immigrant and his rate of wages are detrimental to the trade-unions of America. This charge is refuted, however, by the statistics of the Immigration Commission, which show that unions are as strong among foreign-born as among native American laborers. The following table shows percentages of different classes of organized labor. This table is taken from Senate Document No. 696, Sixty-third Congress, second session:

Organization of native and immigrant labor.

Nativity of wage earners.	Percentage organized.
Native born of native father:	
White	13.9
Negro	17.9
Native born of foreign father	14.1
Foreign born	13.4

It is a remarkable fact, in connection with the charge that immigrant labor is detrimental to the plans and purposes of labor unions, that in those sections of the country, notably in the Southern States, where the foreign-born population is small and scattered, child labor is encouraged, longer hours for workingmen are tolerated, and trade-unionism makes its poorest gains. And, as if the irony of fate had ordered it, more than 50 per cent of the executive committee of the American Federation of Labor, whose leaders are said to favor restricting immigration, were originally immigrants to this country. The irony and the sarcasm of the situation are only emphasized and accentuated by the fact that Mr. Samuel Gompers, the great leader of the Federation of Labor, was an immigrant from England, and that Mr. Morrison, the secretary, came from Canada. In addition to these are some of our best-known public men, now enjoying high positions in official life, notably Hon. William B. Wilson, Secretary of Labor of the United States, and Hon. Franklin K. Lane, Secretary of the Interior, both of whom were immigrants to this country. The appointments of these men to positions of public trust were either bad or they form a silent and yet emphatic protest against the charge that immigrants are a menace and a detriment rather than an aid and a blessing to the country.

If we consent to leave the present for a moment and cast a reminiscent glance upon the early history of the Republic a curious and instructive chapter relating to illiteracy and the immigrant will confront us. A few years ago, in one of the magazines—Scribner's or in the Century, I have forgotten which—appeared an article containing actual photographic copies of the signatures to deeds conveying lands in Virginia. Many of these signatures were made by marks, indicating that the grantors could not write. Many of the signers to these deeds were newly arrived immigrants and were the fathers and mothers of those who afterwards proudly boasted of their membership in the first families of Virginia. Under the present literacy test these progenitors of the blue-blooded aristocrats of the Old Dominion would have been shut out and the names of many of the illustrious men who made the Commonwealth along the Potomac "the birthplace of Presidents and the burial ground of heroes" would not have appeared upon the pages of our history.

The father of Abraham Lincoln could not read or write, and if he had been born abroad and had come seeking admission to our country he would have been excluded under the present test. The big, strong man, the great rugged child of nature, who came from the forests of Kentucky and Illinois, who threw aside the maul and wedge to become the leader and savior of a nation in its hour of supreme distress, that Lincoln who freed the slave and maintained the Union, whose fame strides the earth like a Colossus, and whose martyrdom falls like a solemn and per-

petual benediction upon his countrymen everywhere, would not then have been given to America and to civilization.

ILLITERATE IMMIGRANTS AND THEIR RELATIONSHIP TO CRIMINALITY.

We are told by the authors of this bill that illiterate immigrants are a danger to the country because they are prone to criminality; that is, the percentage of crime among them is greater than among other classes of citizens. This charge seems to rest upon as feeble a foundation as many other charges made. They furnish us with statistics that are known to be partial and unreliable. It is admitted to be a fact that only partial and, in many cases, unreliable statistics can be secured.

During the debates upon the literacy test in the immigration bill in the Sixty-third Congress the advocates of the test made great point of a certain letter by Mr. Frederick A. Pope, late prosecutor of pleas, Somerset County, N. J., to President Taft, of date February 8, 1913. In this letter Mr. Pope establishes to his own satisfaction by statistics which he himself voluntarily prepared and kept, but which were not required to be prepared or kept by any provision of New Jersey law, that illiteracy tends to increase criminality.

Fearing that the information furnished by the Pope letter was unreliable and misleading, my colleague from New York, Hon. ISAAC SIEGEL, a member of the House Immigration Committee, made a personal investigation of the truthfulness of the assertions of Mr. Pope by conversing first and then by correspondence with Mr. A. M. Beekman, present prosecutor of pleas of Somerset County, N. J., and successor of Mr. Pope in that office. The entire correspondence, consisting of the letter of Mr. Pope to President Taft, of the letter of Mr. SIEGEL to Mr. Beekman and his reply thereto, is contained in the hearings before the Committee on Immigration and Naturalization of the House, of dates Thursday, January 20, 1916, and Friday, January 21, 1916. This correspondence is decidedly instructive and illuminating, and I give it herewith entire.

Letter of Mr. Frederick A. Pope to President Taft:

My duties as prosecuting attorney of Somerset County, N. J., have given me an excellent opportunity to check up in one important particular the investigations and conclusions of the immigration commission with reference to the literacy test. During the last two years I have kept a careful record of the last 114 criminal cases that I have prosecuted against aliens, with the following interesting results:

	Illiterate.	Literate.
Homicide	3	
Atrocious assault and battery	34	6
Simple assault and battery	9	2
Larceny	14	2
Sexual crime	7	1
Perjury	2	1
Excise	11	5
Marriage	3	1
Frauds	2	4
Miscellaneous	6	1
Total	91	23

The following conclusions are deducible from the above:

(1) Of the 114 crimes committed by aliens 54 were acts of personal violence, and of these 54, 46 were committed by illiterates while only 8 were chargeable to those able to read and write.

(2) Of the 46 committed by illiterates, 3 were homicides, 34 were atrocious assaults (by maiming and wounding with a deadly weapon), and only 9 were simple assaults, showing conclusively that the illiterate alien 37 times out of 46 makes use of a deadly weapon in order to avenge his wrongs, fancied or real.

(3) Out of 16 cases of larceny (stealing of all kinds), 14 defendants were illiterates.

(4) Out of 8 sexual crimes, 7 were committed by illiterates, 3 of these being carnal abuse of infants under 10 years of age.

(5) Out of 3 perjury cases, 2 were against illiterates; that is, of those brought to justice.

(6) Out of 16 cases of violation of excise laws, 11 were illiterates, showing an utter disregard for law.

(7) Of the 4 crimes against the institutions of marriage, 3 were illiterates.

(8) Only in cases of fraud did the literate exceed the illiterate.

I am Mr. President,

Sincerely, yours,

FREDERICK A. POPE,
Prosecutor of Pleas, Somerset County, N. J.

FACTS PROVING FALSITY OF STATEMENTS IN POPE LETTER.

Hon. A. M. BEEKMAN,
Prosecutor, Somerset County, N. J.

MY DEAR MR. BEEKMAN: In accordance with my conversation with you this morning, would say that I inclose you herewith a copy of letter which Mr. Frederick A Pope sent to President Taft on or about February 8, 1913.

Being a member of the Committee on Immigration and Naturalization, could I ask you to furnish me with the following information:

No. 1. Whether under the statutes of the State of New Jersey defendants who are found guilty of criminal offenses or plead guilty to criminal offenses are required to be asked whether they can read or write any langauge.

No. 2. Whether, to your knowledge, it has been customary in criminal courts in the State of New Jersey to make such inquiries and whether the answers so received, if any, have been recorded.

No. 3. Have any official statistics been kept as to the number of illiterates who have been found guilty of criminal offenses in the county of Somerset, State of New Jersey?

No. 4. Have you found that defendants in the county of Somerset who were charged with criminal offenses to have been, as a rule, illiterate?

No. 5. Of the men charged with homicides during the year 1915 and up to date in your county, have they been illiterate?

No. 6. Can you state as to whether there have been 114 criminal cases of alien illiterates tried or disposed of in Somerset County in any two years?

No. 7. Can you state as to whether the alien residents in your county are making any effort to receive an education and as to whether their children are making any efforts to receive an education?

Thanking you for the trouble I am giving you, I am,

Very sincerely, yours,

ISSAC SIEGEL.

OFFICE OF THE PROSECUTOR OF PLEAS
OF THE COUNTY OF SOMERSET,
Somerville, N. J., January 19, 1916.

Hon. ISAAC SIEGEL,
Member of Congress, Congressional Office Building,
Washington, D. C.

MY DEAR MR. SIEGEL: I will answer the inquiries contained in your favor of January 17, categorically, as near as possible.

Question No. 1: A. There is no requirement in this State that defendants pleading guilty and found guilty upon trial shall be asked whether they can read or write any language.

Question No. 2: A. I have not tried any criminal cases outside of my own county, but have tried a number there, and since April 1 last have been prosecutor of pleas. I have never observed any custom in any of the courts of this State requiring criminals to be questioned as to their ability to read and write, and I know of no county where such record is kept; it is purely a local custom.

Question No. 3: A. No official statistics have been kept in the county of Somerset from which the number of illiterates could be obtained.

Question No. 4: A. My experience is that most of those who are charged with crime have been able to read and write some language. There is a percentage, however, unable to do so.

Question No. 5: A. All three of the men charged with homicide during the year 1915 were able to read and write. Two were American born, one a naturalized citizen, and one a colored man.

Question No. 6: A. There is no record from which such an assertion can be disputed. One hundred and fourteen criminal cases does not appear unusual for a period of two years, but as to the percentage of illiteracy, I can not state.

Question No. 7. A. According to my observation, the alien residents in Somerset County make diligent efforts to have their children educated. Such exceptions as occur are due to a child-labor system and the incident temptation to place the children at wage-earning employments. Some of the best and most serious-minded students in our public schools are the children of foreign-born parents.

I am, very respectfully, yours,

A. M. BEEKMAN,

This correspondence is valuable only as showing the presence of the personal and the absence of the official element in the matter of securing reliable statistics in relation to illiteracy and crime. From Mr. Beekman's letter we are to infer that Mr. Pope was not required by law to make any record or keep any statistics of illiteracy and crime. Why Mr. Pope did this without legal obligation to do so is not revealed to us in his letter to President Taft. What his motive was in tabulating statistics not required by law is open to question and suspicion. In the absence of legal requirement to do so and without proof of proper motive other than idle curiosity, we may reasonably doubt whether such a record was every really kept.

But, admitting that such a record was really kept, we then have before us only two sets of conflicting opinions and varying observations, during different terms of office, by two different prosecuting attorneys performing the same official duties at the same place and over substantially the same class of people. One of these prosecutors, Mr. Pope, says that the three homicide indictments prosecuted by him were all against illiterates. The other prosecutor, Mr. Beekman, plainly says that—

All three of the men charged with homicides during the year 1915 were able to read and write.

Mr. Pope's tabulated figures show that a large majority of those prosecuted by him were illiterate criminals. On the other hand, Mr. Beekman emphatically makes this statement in his letter to Mr. SIEGEL:

My experience is that most of those who are charged with crime have been able to read and write some language.

The only inference justified by this correspondence is that all such criminal statistics are personal, partial, unofficial, and unreliable. And I submit that this class of statistics is a fair sample of the unreliable data most commonly used by the advocates of the literacy test in attempting to prove their case.

We are willing to admit that in most if not all the States of the Union approximately correct statistics of illiteracy and crime are kept in penal institutions where felons are confined. But only a small fraction of the criminals of the country ever reach these penal institutions where official records of illiteracy and crime are kept with any accuracy and completeness. The large majority of men who are accused of crime are charged with misdemeanors whose penalities never land them in penitentiaries, and outside of these penal institutions criminal statistics are meager and unreliable.

When we come to consider the records of penitentiaries where felons are confined and where statistics in their relationship to illiteracy and crime are approximately accurate and complete, we find that the very large majority of the inmates of these penal institutions are not illiterate. Indeed, Mr. R. S. Fulton, writing in the Independent of February 14, 1916, declares that—

Comparative statistics show that 87 per cent of criminals in jails and penitentiaries can read and write.

This statement is doubtless absolutely correct, and the reflection is forced upon us that serious crimes whose penalties lead to penitentiaries are committed by educated criminals, while misdemeanors, minor offenses, are committed by illiterates. The illiterate immigrant criminal offender will in a condition of intoxication commit assault and battery or petty larceny and the following day confess his crime and pay the penalty with a small fine or be discharged under suspended sentence. On the other hand, the educated criminal, the polished native rascal from an American college, and the well-educated black-hand criminal from Italy, are the really dangerous criminals of the land, the instigators to riot and murder, the wreckers of banks, the seducers of confiding women, the forgers, perjurers, and grand-larceny thieves.

It has been to me a matter of some satisfaction and no little amusement to note that during the present debates on the Burnett immigration bill little or no reference has been made to the Pope letter, which was so loudly proclaimed in the debates on the same subject during the Sixty-third Congress. The Beekman letter seems to have completely exploded the Pope letter, leaving behind only ashes, débris, and bad odors. However, if there be those still in this House ready to place reliance upon Mr. Pope's unofficial statistics in relation to illiteracy and crime, I would respectfully recommend to them serious consideration of the following significant sentence from the letter of Mr. John Martin, chief of police, of Buffalo, N. Y., of date February 2, 1916, to Hon. ISAAC SIEGEL, in which he discusses the number of crimes committed in Buffalo in the year 1915 and their relationship to illiteracy:

Of the total number arrested, 31,076 were able to read and write and 20 were unable to read and write, a grand total of 31,096.

As for myself, I repeat that all such statistics are partial and unreliable, but if certain Members insist upon giving credence to letters like those of Mr. Pope to President Taft, I must insist that due consideration be given to letters on the same subject like those of Mr. Martin to Hon. Isaac Siegel. If this is done, the case of the advocates of the literacy test in its relationship to crime must fall for want of satisfactory proof.

ILLITERATE IMMIGRANTS AND THEIR RELATIONSHIP TO INSANITY.

As there seems to be no real relation between illiteracy and crime, it may be confidently asserted that there is also no real relation between illiteracy and insanity, as the authors of this bill seem to contend by the equally partial and unreliable statistics and data that they have furnished us along with statistics and data touching upon the relation between illiteracy and crime. It is elementary that the mere ability to read or write is no real indication of mental strength or character. Imbeciles and idiots have been known to read and write without being able to comprehend what they were reading or to explain what they were writing.

In the matter of illiteracy and insanity, I only wish to add that our present immigration laws, if properly enforced, will shut out lunatics, imbeciles, idiots, and the feeble-minded from our shores. If immigrants who are strong minded when they are admitted to the country become afterwards insane, it is an inevitable misfortune which the country must bear with composure and compassion, since the matter can not be helped.

As a matter of fact, lunatics and other feeble-minded persons are excluded annually by the thousands under the present immigration laws. Other undesirable immigrants are also excluded by the thousands and tens of thousands every year. In 1914 more than 33,000 undesirable aliens were kept from our ports. And yet it seems to be a public impression that the present laws do not sufficiently protect us against immigration.

THE VETO MESSAGES OF THE PRESIDENTS.

A discussion of this subject would not be complete without calling attention to the fact that three Presidents of the Republic, Mr. Cleveland, Mr. Taft, and Mr. Wilson, have vetoed similar bills to the one which we are now debating. It might also be well to add that no President has ever signed an immigration bill containing a literacy test. I wish to submit herewith the veto messages of the three Presidents heretofore referred to:

VETO MESSAGE OF PRESIDENT CLEVELAND.

MARCH 2, 1897.

To the House of Representatives:

I hereby return without approval House bill No. 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admission to the United States the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language * * *."

A radical departure from our national policy relating to immigrants is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to rouse a sentiment in its defense, for, however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

VETO MESSAGE OF PRESIDENT TAFT.

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me I can not approve that test. The Secretary's letter accompanies this.

WILLIAM H. TAFT.

THE WHITE HOUSE,
Washington, February 14, 1913.

VETO MESSAGE OF PRESIDENT WILSON.

To the House of Representatives:

It is with unaffected regret that I find myself constrained by clear conviction to return this bill (H. R. 6060), "An act to regulate the immigration of aliens to and the residence of aliens in the United States," without my signature. Not only do I feel it to be a very serious matter to exercise the power of veto in any case, because it involves opposing the single judgment of the President to the judgment of a majority of both Houses of the Congress, a step which no man who realizes his own liability to error can take without great hesitation, but also because this particular bill is in so many important respects admirable, well conceived, and desirable. Its enactment into law would undoubtedly enhance the efficiency and improve the methods of handling the important branch of the public service to which it relates. But candor and a sense of duty with regard to the responsibility so clearly imposed upon me by the Constitution in matters of legislation leave me no choice but to dissent.

In two particulars of vital consequence this bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatriots of these illustrious Americans must stand amazed to see the Representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed and adopted, and it is impossible for me to assent to it in the form in which it is here cast.

The literacy test and the tests and restrictions which accompany it constitute an even more radical change in the policy of the Nation. Hitherto we have generously kept our doors open to all who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential relationships of life. In this bill it is proposed to turn away from tests of character and of quality and impose tests which exclude and restrict; for the new tests here embodied are not tests of quality or of character or of personal fitness, but tests of opportunity. Those who come seek-

ing opportunity are not to be admitted unless they have already had one of the chief of the opportunities they seek, the opportunity of education. The object of such provisions is restriction, not selection.

If the people of this country have made up their minds to limit the number of immigrants by arbitrary tests and so reverse the policy of all the generations of Americans that have gone before them, it is their right to do so. I am their servant and have no license to stand in their way. But I do not believe that they have. I respectfully submit that no one can quote their mandate to that effect. Has any political party ever avowed a policy of restriction of this fundamental matter, gone to the country on it, and been commissioned to control its legislation? Does this bill rest upon the conscious and universal assent and desire of the American people? I doubt it. It is because I doubt it that I make bold to dissent from it. I am willing to abide by the verdict, but not until it has been rendered. Let the platforms of parties speak out upon this policy and the people pronounce their wish. The matter is too fundamental to be settled otherwise.

I have no pride of opinion in this question. I am not foolish enough to profess to know the wishes and ideals of America better than the body of her chosen Representatives know them. I only want instructions direct from those whose fortunes with ours and all men's are involved.

WOODROW WILSON.

The WHITE HOUSE, *January 28, 1915.*

OPINIONS OF PRESIDENT ELIOT OF HARVARD AND OF CARDINAL GIBBONS.

In addition to the above it may not be inappropriate to submit at this point the views on the literacy test of two other very great Americans, one, President Eliot, of Harvard, an eminent, educator, and the other, Cardinal Gibbons, an eminent Catholic clergyman.

President Eliot, of Harvard, has made the following statement upon this important question:

I beg leave to invite your attention to the following statement of the principles which should govern the national legislation on immigration:

First. Our country needs the labor of every honest and healthy immigrant who has the intelligence and enterprise to come hither.

Second. Existing legislation is sufficient to exclude undesirable immigrants.

Third. Educational tests should not be applied at the moment of entrance to the United States, but at the moment of naturalization.

Fourth. The proper educational test is capacity to read in English or in the native tongue, not the Bible or the Constitution of the United States, but newspaper items in some recent English or native newspaper which the candidate can not have seen.

Fifth. The attitude of Congress and the laws should be hospitable and not repellant.

The only questions which are appropriate are, Is he healthy, strong, and desirous of earning a good living? Many illiterates have common sense, sound bodies, and good characters. Indeed, it is not clear that education increases much the amount of common sense which nature gave the individual. An educational test is appropriate at the time when the foreigner proposes to become a voting citizen. He ought then to know how to read.

Cardinal Gibbons has used the following language:

I am not in favor of any educational test as applied to immigrants desiring to enter the United States. Such a law, if passed, would, in my opinion, work great harm, for illiteracy is by no means always ignorance. If the immigrant is industrious and thrifty he will make a useful citizen, whether he be literate or illiterate. The educated schemer is in more ways than one more dangerous than the honest workman, even though he be illiterate.

The cumulative testimony of the three great Presidents, the great educator, and the great ecclesiastic against the literacy test is overwhelmingly convincing and should be a determining factor in the deliberations of this House.

PROTEST AGAINST RACE PREJUDICE AND RELIGIOUS BIGOTRY.

In concluding my speech, I now approach a phase of the discussion with extreme hesitation and with deep regret. I wish to call attention to a feature of the debate which has more than once claimed the attention of Members on this floor. I refer to the racial and religious elements which are said to be wrapped up in the literacy test. And, at the very outset, I wish to declare my feelings of embarrassment and distrust at the mere mention of the subject, feeling as I do that the American Congress should be the last place on earth where racial and religious prejudice should find countenance and encouragement in debate and in public effort to solve human rights and promote the welfare of the Republic.

However deep my convictions that sinister racial and religious motives were behind this bill, I would have hesitated long to express them if it had not happened that others more candid and more fearless than I had already declared race discrimination and religious bigotry to be important factors in the consideration of the literacy test. The question having been raised in serious and animated form, it does not become the courageous Representative to dodge or run. It is his duty to meet the issue fairly and squarely and express his convictions honestly and fearlessly.

The races and religions, the Jewish and Catholic, believed and asserted by many Members of this House to be the intended victims of racial and religious discrimination under the operation of the proposed literacy test, are important elements of the population of my district, and it is my duty to defend them at all times and in all places when they are unjustly attacked.

At the hearings of January 20 before the Immigration Committee Miss Grace Abbott, of Chicago, a Protestant lady of fine character and extensive experience in immigrant affairs, gave expression to the following deeply significant sentiment:

I think many people oppose the recent immigration because it is Catholic and Jewish instead of Protestant, as the earlier was. I am neither Catholic nor Jewish.

This declaration was born of the experiences and observations of many years of devoted service spent in helping immigrants, and Miss Abbott knew full well whereof she spoke.

A few days ago on the floor of this House my colleague from New York [Mr. BENNET] boldly declared that "this bill is aimed at immigrants who are Catholic," and I may add that I agree with him. I do not mean to say by this that the sole purpose of the literacy test is to exclude Catholics, but I am profoundly convinced that their exclusion is an important consideration in the make-up of the measure. The reply of the author of this bill [Mr. BURNETT] on a subsequent date to the charges of Mr. BENNET and others that religious discrimination is back of the advocacy of the literacy test was more entertaining and amusing than convincing. In the face of so many indications that the test is designed to exclude Catholics and Jews it was almost facetious to hear my distinguished colleague from Alabama declare that "gentlemen have undertaken to inject a religious prejudice into the matter."

In this connection I can only express my deep regret that the religious aspects of the debate on the pending measure should have stirred up such bitter feelings culminating in the hot exchange of ugly epithets between the gentleman from Texas [Mr. STEPHENS] and the gentleman from Massachusetts [Mr. GALLIVAN]. It is to be deeply deprecated that the gentleman from Texas should have seen fit to refer to the gentleman from Massachusetts as in a class of "ghouls who delight in digging into the graves of the past," and as a man of "ghoulish instincts." It is equally to be deprecated that the gentleman from Massachusetts should have been compelled to refer to the gentleman from Texas in the following language:

Almost from the first day that he entered this House I have known something of his narrowness and bigotry, and when he speaks of "ghoulish glee" let me say to the gentleman from Texas that I am a better Democrat than he is, and that every time I open my mouth in this House I am serving my party better than he has served it in his entire career. I never hear the religious question raised in this House except on this side of the aisle, and the gentleman ought to be ashamed of himself to raise it in this enlightened era.

At another time during this debate I caught this sentence from my colleague from Massachusetts [Mr. GALLIVAN], which indicates his deep conviction upon the subject:

I have felt deeply for some time that there was a strong touch of bigotry and religious prejudice back of this whole fight. On my honor, I am yet to be persuaded that I have formed a false opinion.

On the same day similar sentiments were expressed by the gentleman from New Jersey [Mr. HAMILL].

In short, both Protestant and Catholic Members of this House have not hesitated to give public expression to the rumors, whisperings, and charges, heard every day in the cloakrooms, of race prejudice and religious bigotry supposed to be at the bottom of the advocacy of the literacy test.

Aside from the opinions of Members, what evidence have we, you may ask, that anti-Jewish and anti-Catholic influences have been at work in behalf of this measure? What indications are there that solicitude for the welfare of the citizenship of the Republic is not the only motive at the back of the agitation for this legislation? Let us note a few indications.

During the Fifty-ninth Congress the gentleman from Massachusetts [Mr. GARDNER] was a member of the Committee on Immigration and Naturalization of the House. The immigration bill of that Congress was accompanied by his report, in which he furnished the percentages of different peoples who would be affected by the literacy test, the chief feature of the bill. On page 21 of the report (No. 3021) are presented the following figures on the percentages of illiteracy:

	Per cent.
South Italian	56
Polish	40
Slovak	25
Hebrew	23
North Italian	14
Magyar	12

Those are the major percentages. The minor percentages are as follows:

	Per cent.
German	4
Irish	3
English	1
Scandinavian	1

By these figures the gentleman from Massachusetts [Mr. GARDNER] brought forcibly to the notice of the House the fact that the northern and Protestant races, except the Hebrews,

were not greatly affected by the literacy test, while the southern and Catholic races were the ones that would be excluded in greatest numbers.

These figures, standing alone, would have little significance as indicating race prejudice and religious bigotry, but when taken in connection with other facts and circumstances they are full of meaning. They indicate at least the effect and the result that would follow the adoption of the literacy test, and in legislation as in law men will be presumed to know and to design the natural consequences of their acts. It is just as logical to reason from effect and result back to cause and motive as it is to reason from motive and cause to effect and result.

When an irrational and arbitrary method of restricting immigration is proposed we are justified in looking for sinister motives and bad designs. When still other indications strongly support these figures of percentages we are justified in concluding that a certain class of people are intended to be reached by the operation of the literacy test. What other indications have we that it is intended to exclude Jews and Catholics chiefly by the test proposed?

Is it not strange, I may ask, in this connection that there should be an obstinate determination to pass the literacy test in the face of the repeated vetoes and protests of three Presidents, both Democratic and Republican? It would not be strange if the present immigration law did not provide fully for the exclusion of all undesirable aliens. It would not be strange if the authors of this bill should declare it to be their intention to restrict immigration in general and that they had adopted the literacy test as a basis of restriction. But when it is denied that unqualified restriction of immigration is the object of the pending measure and when it is considered that the present immigration law provides amply for the exclusion of all undesirable immigrants, the suggestion of an arbitrary and whimsical test of good citizenship in the matter of immigration carries with it the presumption that certain people most directly affected by it are intended to be affected by it.

As a further indication that Jews and Catholics are intended to be excluded by the literacy test, is it not strange that when Congress has passed immigration bills containing this test, delegations of Jews and Catholics, and they alone, rush to the White House to beseech the President to interpose his veto power? Is it not a fact that Jews and Catholics feel that their race and religion is the direct object of attack and their coreligionists the intended victims of exclusion? After all, are they not the best judges of the meaning and effect of the literacy test?

A further indication, and the most pointed and powerful, that the literacy test is designed to exclude Jews and Catholics is the well-known anti-Jewish and anti-Catholic propaganda now rampant in many States of the Union. The influence of this undemocratic and un-American agitation, which amounts to religious persecution in its meanest form, of necessity and even unconsciously casts its baneful influence upon the deliberations of this House, molding the opinions and shaping the votes of Members; for it must not be forgotten that as water can not rise above its level the average Congressman can not rise above the political convictions and religious sentiments of the people whom he represents.

However, I do not wish to be misunderstood in this connection. I do not mean to impugn the motives of my colleagues on this floor. The influences that have made this measure anti-Jewish and anti-Catholic are forces that operate outside of rather than within this House. I candidly confess that I have no positive proof that a single Member of this body will vote for the literacy test on racial or religious grounds, and I am compelled, therefore, as a matter of charity and of honor, to absolve each and every one of them from base motives in this regard. But my general proposition holds true, nevertheless, that anti-Jewish and anti-Catholic organizations and newspapers throughout the country, under the false and hypocritical professions of patriotism and anxiety for the welfare of the Nation, have urged the literacy test upon their representatives in Congress when their only real motives were to exclude Jews and Catholics, and chiefly Catholics, from our shores; and many Members of this House have doubtless been unconsciously influenced by the subtle and unholy influences of this propaganda. It is interesting to note in this connection that when heretofore votes have been taken on the literacy test in the various immigration bills before Congress anti-Catholic newspapers throughout the land, whose readers are numbered by the millions, have classified the vote not as "ayes" and "nays," or votes for and against, but as anti-Catholic and Catholic, as enemies of the Pope and friends of the Pope, as friends of the country and enemies of the country. This classification of the votes on the literacy test by the anti-Catholic organs of the country is the very surest indication that we have of the existence of a religious movement in the Nation at large to curb Catholicism, to accomplish covertly in Congress what it is feared can not be accomplished in the columns of a free press or in the forum of debate.

I am neither Catholic nor Jew. I am a Presbyterian Protestant, and I hold the tenets of my faith as dearly as does any man. But I despise racial intolerance and religious bigotry, and I hate persecution as I do the spirit of the devil and all his ways. I believe that the best hope of this Republic lies in the maintenance forever of the groundwork of religious freedom upon which the fathers founded it. When that foundation crumbles the Republic will crumble with it.

I feel that it is almost needless, my colleagues, to call your attention to the circumstances of the colonization of the first States of this Union and to tell you how the first immigrants to our shores fled from the storms of religious persecution in Europe to find safety and asylum in America. I feel that it would be also superfluous to remind you that the Bill of Rights in our Federal Constitution and in the constitutions of the States is intended as a perpetual guaranty of full religious freedom to all the citizens of the Republic regardless of condition, race, or creed. I feel, furthermore, that it would be an imposition upon your time and a partial insult to your intelligence to remind you that we as Members of this House are the guardians, in a sense, of the sacred altars of religious freedom in our country, and that to violate this trust of guardianship would be little less than sacrilege and treason.

In closing, I wish to pay the tribute of my respect and confidence to the good motives of the Members of the Congress in the matter of alleged religious influences that have been brought to bear to effect the passage of the literacy test in the pending immigration bill. But I want to take this occasion to denounce in serious terms the anti-Jewish and anti-Catholic agitations in almost every State of the Union that threaten to array permanently one class of our fellow citizens against another and to disturb forever the peace and good will that should exist among our people everywhere and at all times.

It is a truth well known of all intelligent men that racial prejudice against the Jew has not completely vanished from the minds and hearts of Gentiles; that political freedom in an enlightened age has not brought with it full religious tolerance and social recognition; that the Jew enjoys the freedom of the letter, but is still under the ban of the spirit. I wish to protest in vehement terms against any persecution of the children of this race that gave to Christianity its Savior, to mankind its noblest religion, and to civilization much that is best and most beautiful in literature, music, and art.

The marvelous contributions of the Jewish people to the spiritual and intellectual wealth of the world entitle them to the gratitude and homage—not the hatred and persecution—of mankind. And if gratitude were a supreme virtue of nations, as it should be of individuals, there would never be any organized governmental persecution of the Jews. The parliaments and congresses of enlightened nations whose peoples are truly grateful, civilized, and free should in the future extend to the Jewish race—the chief benefactors of mankind—a positive protection, and should guarantee to each and every one of them who is honestly guided and righteously disposed a free hand with a full swing in the struggle of life.

To my mind there will be positively a pathetic feature in the matter of the application of the literacy test to the Jews of Russia and of Poland if this bill passes and finally becomes a law. We are all perfectly familiar with the horrors and savagery of the great European war now being waged with every circumstance of cruelty and barbarity. We have learned from telegraphic dispatches that in the last two years the Russian and the Austrian-German contending armies have swept forward and backward five times across Poland and the Russian Jewish "Pale," in which territory nearly one-half of the Jews of the earth live. Needless to say that those who have survived the wrecks of carnage and destruction have been reduced to conditions bordering upon vagabondage and starvation. Our hearts have been sickened, moreover, by reports that have reached us that, while Jewish soldiers were fighting bravely and dying grandly on battlefields and in battle trenches, their fathers and mothers, wives and children, were being persecuted, plundered, and murdered back at home by the very people for whose Government and Czar they were shedding their blood and giving their lives.

When this frightful war is over—whether it be long or short—we can imagine the sorrow and desolation that will hang like a pall over all Europe, including the land and homes of the Jews in Russia and in Poland. We know that many thousands of them will try to seek new and better conditions of life in the

Western World. They will crave a change, as a matter of hope for the future as well as of forgetfulness of the past. We know that in Russia Jewish illiteracy, especially among the women, is great, because of bitter Russian persecution and oppression of the Jew in matters of educational advantages as in everything else in life.

Now, let us suppose that from the battle-swept, poverty-stricken plains of Poland and of the Russian Jewish "pale" a band of wretched Jewish immigrants apply for admission to our country. They are sound in body, mind, and morals. They come well disposed toward our country and its institutions. They desire to live honest, peaceful, and industrious lives among us. They have managed in some way through Hebrew benevolent organizations or otherwise to bring with them sufficient money to form a guaranty that they will not become public charges. But they can not read 30 words upon a slip of paper handed them by the immigration inspectors at Ellis Island. Are they to be driven back into the desert wastes of Russia and of Poland to become again the barbarized and impoverished victims of Russian despotism and persecution? If so, I protest against this outrage upon the elementary rights of human beings to live somewhere upon the earth in liberty, peace, and happiness. I protest against the insult to the civilization of the twentieth century involved in this barbarous proposal. I solemnly protest in the name of the genius and of the spirit of the American Republic whose Goddess of Liberty in the harbor of New York brandishes forever a torch of welcome to the distressed and oppressed of all the earth. I protest in the name of the Sermon on the Mount, the chart of the soul on the sea of life, whose Beatitudes are the glorifications of the virtues of mercy, gentleness, and love. In the name of all these things I register my solemn protest.

And finally I wish to make vigorous and earnest protest against the anti-Catholic propaganda in many sections of the country that is becoming a menace to the peace of the Nation, that is furnishing a solemn mockery of our boasted religious freedom, and that would destroy the corner stone of the Republic if allowed to become effective. As a Presbyterian, who believes that there can be no religious freedom for the Protestant unless there is equal religious freedom for the Jew and Catholic, I protest against the widespread anti-Catholic agitation in America.

It is not possible, my colleagues, that the nature and character of this propaganda are unknown to you. The purposes are seriously and solemnly proposed and proclaimed by certain anti-Catholic organizations and anti-Catholic newspapers to restrict the political rights of Catholics in America by denying them as far as possible the privilege of holding public offices under the Government. Could any proposal be more undemocratic and un-American? Could a more dastardly project be suggested to undermine the spirit of the Constitution and to destroy religious freedom in our country? And do you know that these agitators advocate this religious discrimination in spite of the first article in the Federal Bill of Rights which guarantees religious freedom to all, in the name of free institutions and as a means of preserving and perpetuating public liberty? Have you stopped to consider that they seriously contend that Catholicism and despotism are identical and interchangeable and that Catholic domination would be the destruction of free institutions in the United States?

These anti-Catholic propagandists tell us that if Catholics reach a numerical majority in the country, and get control of the machinery of government, the Pope, instead of the President, the Congress, and the courts, will rule us. They boldly assert that we are even now threatened with Catholic domination, and they point with alarm to numerous offices held by Catholics under the State and Federal Governments, as if Catholics were not constitutionally entitled to hold offices if the people see fit to elect them. In their fear and trembling that Catholics will seize the Government and overturn the Republic, they do not seem to understand that Catholics do not now hold and that they have never held public office in America, except in a few cities, in proportion to their percentage of the general population. There are approximately 20,000,000 Catholics in the United States, about 20 per cent of the whole people. But, except in a few cities, like Boston, New York, and Chicago, they do not hold public positions in proportion to their numbers. On a proportional basis Catholics would be entitled to more than 80 Members in this House. They have only about 40. They would be entitled to 19 Members of the United States Senate. I understand that they have only three or four. And what is true of Congress is true of nearly every other branch of both the State and Federal Governments of this Union. How we are seriously threatened with Catholic domination, then, it is impossible for me to comprehend.

The silly and preposterous charge that Catholicism is hostile to free institutions is made in the very face of comparatively recent radical democratic developments in the histories of two of the most powerful Catholic countries in the world, of Italy and France, where the separation of church and state is as positive and pronounced as in our own country. What support for their arguments, may I ask, do these anti-Catholic agitators derive from the outcome of the Garibaldian revolution, from the separation of church and state in Italy, and from the imprisonment of the Pope in the Vatican by Italian Catholics themselves? What support have they in the separation of church and state in France, the beautiful and brilliant among the nations, whose chivalric sympathies sent Rochambeau and Lafayette as ambassadors of freedom to our shores, whose school children presented to our Republic the Liberty Goddess in the harbor of New York, and whose "Liberty, Equality, and Fraternity" of her famous revolution has reverberated like a splendid anthem around the earth for more than a hundred years?

What have these anti-Catholic propagandists, who charge that Catholicism is a menace to free institutions, to say when they are told that every Republic on this earth, more than 20 in number, excepting the pagan Republic of China and the United States, is predominantly Catholic in population and in government? Far from being antagonistic to free institutions, is there not a strong suggestion in this fact that Catholicism and republican government are identical? Is there not a further suggestion of republican heredity when we consider that nearly all the Catholic races of modern times are direct descendants of the people of the ancient Roman Republic?

Are the anti-Catholic agitators, we may ask, ready to declare that Catholics of other republics are advocates of freedom and are friendly to free institutions, while the Catholics of the United States are hostile and unfriendly? Would not such a charge be a gratuitous insult to the patriotism and an ungrounded slander upon the heroic conduct of American Catholics in every crisis of our history? Is it not a matter of common knowledge that Irishmen, chiefly Catholics, have always been foremost as defenders of American liberty, whether as statesmen in the councils, generals in the tents, or soldiers in the ranks of freedom? Has there ever convened a single Congress of this Republic in which Irish Catholic Members were not present and ready to defend American constitutional freedom if occasion arose and necessity required defense? Has there been a single battle field of this Republic upon which their blood has not richly flowed in defense of liberty and of the Union? Then, why this unfounded calumny, these ungenerous insinuations, these cruel attacks upon their religion and their patriotism?

Let me express the hope, in closing, that the bitter debates and scenes of scandal in which scathing invective was used and insulting epithets hurled on account of charges of religious bigotry will not soon again disgrace the deliberations of this body. Let me remind my colleagues of their exalted character and of the sacred and solemn obligations resting upon them as national Representatives of the foremost Republic of the earth. If ungenerous and un-American impulses and fierce and unbridled passions must kindle the fires and stir the hatreds of religious bigotry among the people at large, let us here, at least, in the sacred confines of this Hall, preserve a dignified and patriotic equanimity, a statesmanlike composure, and a courageous attitude as the legislative guardians of civil and religious freedom on this continent. Let us, above all things, not forget that this Republic was not designed by the Revolutionary fathers to be Protestant, Catholic, or Jewish, but was intended as a perpetual asylum of religious freedom, where Protestant, Catholic, and Jew might each worship Almighty God after the dictates of his own conscience, and this all in obedience to the sublime doctrine first proclaimed by Roger Williams in the forests of Rhode Island, that the magistrate should rule in civil matters only, while man is answerable to God alone for his religious faith.

There is certainly no place for religious intolerance and race prejudice beneath our flag. In vain did Washington, marching in Liberty's vanguard, "lead Freedom's eaglets to their feast"; in vain the proclamation of the Declaration of Independence and the adoption of the Constitution at Philadelphia a hundred years ago; in vain the bonfires and orations of the Nation's natal day, if our boasted liberties are to exist in theory but not in practice, in fancy but not in fact! [Applause.]

Mr. BURNETT. Mr. Chairman, I desire in the three minutes I have to conclude the debate.

Mr. SABATH. Mr. Chairman, I think all my time has been taken up.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURNETT. And I have three minutes?

The CHAIRMAN. The gentleman from Alabama has three minutes.

Mr. BURNETT. Mr. Chairman, if the gentleman from New York [Mr. CHANDLER] who has last spoken does not get his historical facts any more correctly than his genealogy of some of the officials, then there is not much dependence to be put upon them.

The Commissioner General of Immigration, Mr. Caminetti, is not an Italian, not an immigrant, but was born in the United States, and is a "native son of California." His grandfather was an immigrant. But, Mr. Chairman, that is not the question after all. The question is the character of the man who is coming. Whether he comes from Italy or whether he comes from Germany or whether he comes from France, if he comes here for the purpose of aiding in building up the material prosperity and staying here, I have got nothing against his coming. But it is these birds of passage, they are the fellows this bill is aimed at, and as the distinguished gentleman who preceded me referred to the fact that Dr. Eliot was one of the opponents of the literacy test, I call attention to the fact that Dr. Eliot is one of those whom Secretary Morrison, of the American Federation of Labor, showed to have said that the strike breaker is a hero and the laboring man who strikes is a criminal. Hence I hope the gentleman will furnish better authority when he is talking about the interests of the working people than an avowed enemy of organized labor. He referred to Harvard University and its ex-president, Dr. Eliot, as opposed to the test and the bill, but failed to state the fact that the present president of Harvard, Dr. A. Lawrence Lowell, is a warm advocate of the reading test.

Now, the gentleman has referred to the lack of opportunity—I refer to the gentleman who spoke last. There is no lack of opportunity among those who are the most illiterate on the other side, Mr. Chairman.

When I was with the Immigration Commission over there I saw in southern Italy fifty-odd per cent of the adults illiterate, and in northern Italy there were less than 7 to 8 per cent who were illiterate, and I asked the commissioner of immigration why it was that there was that much difference between the two—they had the same King and the same Parliament and the same compulsory education—and he said it is the difference between the white man and the man of mixed blood; that the man of northern Italy had more initiative and more ambition and more aspiration. Another thing I desire to call the attention of this committee to, and that is the good that this agitation has been doing on the other side. The Commissioner General of Immigration has furnished me a statement, which is as follows:

MARCH 24, 1916.

STATEMENT CONCERNING THE ACTIVITIES OF THE IMMIGRATION COMMISSION OF ITALY REGARDING ILLITERACY AMONG THE PEOPLE OF THAT COUNTRY.

In view of the many proposals made in the American Congress to prevent the landing in the United States of illiterates, the commissioner of immigration undertook to bring the question to the attention of the country, first, by furnishing to the minister of foreign affairs for diplomatic purposes the elements necessary to explain diplomatic action, and, secondly, with the minister of public instruction.

The Italian commissioner of immigration remarks that as far back as 1903, through the council of emigration, of which such officer is chairman, Italy took positive action to prevent illiteracy among the people, and made appropriations with that purpose in view. In 1904 the council, in harmony with its previous deliberations, declared its desire to endeavor to remove illiteracy, urging the minister of public instruction to institute night schools for adults. In 1904–5, under the law of the former year, 3,000 schools were so aided and 450 additional schools added to the system. In 1912–13 the minister of public instruction of the Kingdom authorized the opening of such schools in all the Provinces of Italy, but particularly in those in the south and central part of the peninsula. The commissioner reports having obtained authority from the minister of public instruction to prepare circulars to the school offices of these Provinces inviting and urging them to become interested in this propaganda and to frequent public schools open for the purpose of instructing illiterate adults. For the last-named fiscal year there were authorized 6,687 night schools for illiterate adults, and during the same period 5,779 were established. For the same fiscal year record is given of the attendance at such schools, from which is gathered the following:

Total attendance (first class)	146,535
Total number present at the examination (second class)	117,318
Total number successful in examination (third class)	94,196
Divided as follows:	
Northern Italy—	
Of the first class	13,255
Of the second class	9,815
Of the third class	7,980
Central Italy—	
Of the first class	14,344
Of the second class	12,930
Of the third class	9,203
Southern Italy—	
Of the first class	118,936
Of the second class	96,210
Of the third class	77,013

So, gentlemen, you see Italy is trying to meet the conditions, and we will have better men here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

Mr. MAPES. Mr. Chairman, will the gentleman withhold his motion?

Mr. BURNETT. I will.

Mr. MAPES. I desire to ask unanimous consent to speak for two minutes. I will not take more time.

The CHAIRMAN. The gentleman asks to proceed for two minutes. Is there objection?

Mr. SABATH. Mr. Chairman, reserving the right to object, why does the gentleman have any objection to taking a vote now on this amendment?

Mr. BURNETT. I thought it was understood that I would make this motion when we concluded debate; that the committee would then rise.

Mr. SABATH. Has the gentleman ever said anything of that kind to me?

Mr. BURNETT. I thought it was generally understood.

Mr. SABATH. I desired to ask the gentleman, because the gentleman is making the insinuation I am not keeping good faith——

Mr. BURNETT. I withdraw it.

Mr. SABATH. I wish to be understood I never have failed to do so in my life and will not do it now.

Mr. BURNETT. Well, that is understood.

Mr. SABATH. But I did not want the gentleman to make the insinuation.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. GALLIVAN. Mr. Chairman, reserving the right to object, and I will not object, I just want to say to you gentlemen and the gentleman from Alabama that we have persuaded President Eliot that he made a mistake when he called a strike breaker a hero, and to-day he is a better friend to labor than the gentleman from Alabama.

Mr. BURNETT. Well, Mr. Chairman, I am very glad to hear of his reformation, and I have no doubt by this time he has made another change and is in favor of the literacy test.

Mr. MAPES. Mr. Chairman, taking for a text the statement given out at Chicago on Tuesday of this week by the chairman of the Republican national campaign committee, Mr. Hilles, I take this opportunity to call attention to the matter of presidential primaries and the necessity that some action be taken during this Congress if there is to be any national legislation in the very near future authorizing the nomination and election of President by the direct vote of the people.

In his statement Mr. Hilles calls attention to the unsatisfactory condition and the confusion arising from the fact that the legislation in the several States provides so many different ways of selecting the delegates to the national conventions. This statement, coming from the source from which it did, has perhaps received greater publicity and attention than might otherwise have been the case, and it seems to me makes it appropriate to call the attention of the House to the matter to-day. I can only call attention here to a few short extracts in the statement, although it is, to my mind, an interesting and convincing argument in favor of national legislation on the subject.

Among other things Mr. Hilles said:

The situation that has developed through the extension of the primary idea with respect to national political party organizations calls most urgently for standardization of State primary laws so far as they apply to the election of delegates to national party conventions.

More than half the delegates to national conventions of 1916 will be elected or instructed through some primary medium, but the primary laws are so widely at variance in many particulars that a sadly confused state of affairs has resulted.

Again—

In the first place, there is the question of the difference in time at which the various primaries are held. * * *

If all primaries which relate exclusively to delegates to presidential conventions were held simultaneously, there would result a distinct benefit, in that one State would not exercise an undue atmospheric influence over another. It then would be impossible for the partisans of one candidate or another to move from State to State for the purpose of artificially accelerating sentiment in favor of such candidates.

Mr. Hilles continues:

Under some State laws the hands of the delegates from that State are tied, while in others such delegate is left freedom of action. This makes the relationship between the delegates from different States entirely incongruous.

Again, he says:

It is not only the question of a wrong principle in connection with certain of the primary laws that merits attention, but as well the question of the wisdom of having delegates elected under such varying rules and sitting in conventions in such widely divergent relationship. Here is shown the necessity for standardization above all else.

The remedy he proposes is as follows:

And finally the facts as to the character of political party organizations should not be forgotten or wholly disregarded. With the due respects to the relation they bear to the public, they ought not to be unreasonably restrained. A safe and sane uniform primary law might well be drafted by a committee to be appointed for that purpose for the Republican convention in June.

It will be seen that Mr. Hilles advocates uniform legislation by the States instead of Federal legislation, but as a practical proposition uniform legislation in all the States would be very difficult to obtain, and even if it were practical, how much better it would be to have a national law on the subject applicable alike to all the States.

Everyone knows that President Wilson in his first annual message to Congress advocated the passage of a national primary election law as a part of his legislative program. At that time the President said:

I turn to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country, at which the voters of the several parties may choose their nominee for the Presidency without the intervention of nominating conventions.

Our distinguished Speaker at the time he appeared before the Democratic national campaign committee in this city, to urge that committee to hold the next Democratic national convention in St. Louis, was reported in the newspapers as saying in substance—if my recollection serves me correctly—that if he had his way about it, there would be no more national conventions for the purpose of nominating candidates for the Presidency, but that they would be nominated by a direct vote of the people.

Notwithstanding the indorsement of the principle by these two acknowledged leaders of the Democratic Party, no action has been taken by Congress to enact legislation on the subject.

Soon after the President's address to Congress, in which he advocated the passage of a presidential primary law, the Committee on Election of President, Vice President, and Members of Congress, which has jurisdiction over the subject, met with the then Secretary of State, Mr. Bryan, and the then counselor for the State Department, Mr. Folk, in order to get the benefit of their advice and counsel. They advocated the passage of such a law and did not believe that there was any constitutional barrier in the way.

That committee started out at that time in good faith, I believe, to consider and draft an adequate law, but shortly thereafter it was whispered about that such a law would be unconstitutional, that no valid law of the kind could be passed under the Constitution, and the matter was thereupon apparently abandoned.

There are eminent lawyers who do not agree with the opinion that it is necessary to amend the Constitution in order to provide a valid and constitutional presidential primary election law. For myself, although I would be willing to resolve the doubt as to the constitutionality of such a law in favor of the Constitution, I am willing to admit that there is some question concerning it, and as long as the Constitution remains as it is, there would always be some who would oppose the passage of such a law on that ground.

In order to do away with any question or objection on that ground, I introduced in the last Congress a resolution proposing an amendment to the Constitution which, if adopted, would give Congress the direct authority to pass legislation providing for the nomination and election of the President and Vice President by a direct vote of the people. I have reintroduced the same resolution in this Congress.

That resolution is as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States in lieu of paragraphs 1, 2, and 3 of section 1 of Article II of the Constitution and of the twelfth amendment to the same, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"The executive power shall be vested in the President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, shall be nominated and elected by the direct vote of the people of the several States. The electors for President and Vice President in each State shall have the qualifications requisite for the electors of the most numerous branch of the legislature."

I have no pride of opinion about the language of this resolution. It, no doubt, could be improved upon after consideration by the committee, but it furnishes a starting point.

As the resolution is drafted it would also authorize Congress to do away with our cumbersome electoral-college system.

It is, of course, too late for the present Congress to pass any law that would become operative in the election this year; but if some such resolution as I have proposed could be passed during this session of Congress, it could be submitted to the legislatures of the several States next winter, as they convene in January, and, if adopted by three-fourths thereof, Congress could pass a presidential-primary law during the next term, which would go into effect before another presidential campaign without any question being raised as to the constitutionality thereof.

With the leaders of the two principal political parties of the country practically indorsing the proposition and the people as a whole favoring it, why can not this Congress take the necessary action to pave the way for the passage of such a law?

The Democratic Members of the House held a caucus last night to determine upon a legislative program for the balance of the session. The morning papers gave us that program, as recommended by the President and adopted by the caucus, but I looked in vain to find any mention of presidential-primary legislation in it, although the President said over two years ago that he hoped it could be "handled promptly and without serious controversy of any kind." I submit that nothing could be incorporated in that program of greater importance, and nothing that would be more favorably received by the people, than the indorsement of such a resolution as the one I have proposed, and no more opportune time for taking such action will ever be found than the present.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. RUSSELL of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUSSELL of Missouri. To submit a request for unanimous consent. I ask unanimous consent that on next Monday at 5.30 o'clock p. m. the House take a recess until 8 o'clock p. m., and at that hour it will be in order to consider bills on the calendar from the Invalid Pensions Committee and the Pensions Committee, and that the House adjourn not later than 11 o'clock on that evening.

Mr. HAMILL. Reserving the right to object, what becomes of the Unanimous Consent Calendar for next Monday?

The SPEAKER. There is not any.

Mr. MANN. It is District day, and that has gone to the wind up there. You will see it in heaven when you get there.

The SPEAKER. The gentleman from Missouri asks unanimous consent——

Mr. RUSSELL of Missouri. I would like, if necessary, if it can be permitted, to embrace in my request the consideration of conference reports from the same committees.

The SPEAKER. The gentleman from Missouri asks unanimous consent that on next Monday the House recess at 5.30 o'clock p. m. until 8 p. m. and run not later than 11 o'clock p. m., for the purpose of considering bills on the Private Calendar from the Pensions Committee and the Committee on Invalid Pensions, and for the consideration of conference reports from the same committees. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, I would like to know whether that would eliminate the consideration of this bill after that hour. If we should not be through with the bill we would have to go into Tuesday, I presume.

Mr. MANN. You will have to do that, anyhow.

The SPEAKER. Perhaps you may not. The Chair thought that the immigration bill would be finished to-day.

Mr. MANN. I understand the request is that no other business be transacted.

The SPEAKER. No other business, except pension business from the two different committees, and conference reports on pension bills. Is there objection?

Mr. BURNETT. Mr. Speaker, was 5.30 p. m. the time suggested?

The SPEAKER. Yes.

Mr. BURNETT. I was in hopes that the gentleman would make it 6 o'clock, for I hoped to get through with this bill Monday.

Mr. RUSSELL of Missouri. I have no objection to that.

Mr. MANN. I am not willing to quit at 6 o'clock and then come at 8 o'clock.

The SPEAKER. Is there objection? Does the gentleman change it to 6 o'clock?

Mr. RUSSELL of Missouri. The gentleman from Illinois said that he would object to that, and I do not desire to change the time.

Mr. BURNETT. I will not press it, then.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair would like to inquire of the gentleman from Alabama, as the rule is not right at hand, if it provides that the House shall meet at 11 o'clock as long as his bill is under consideration?

Mr. BURNETT. Yes.

ADDRESS TO CONFEDERATE VETERANS' ASSOCIATION.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address of my colleague Mr. STEDMAN, delivered on the 21st of March, 1916, at Confederate Memorial Hall, District of Columbia, by request of the Confederate Veterans' Association of the District of Columbia.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to extend his remarks in the RECORD by inserting a speech made by his colleague, Maj. STEDMAN, in Washington, giving a historical account of the North Carolina troops during the Civil War. Is there objection?

There was no objection.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, a Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Senate Report No. 166, Fifty-seventh Congress, first session, entitled "The Improvement of the Park System of the District of Columbia," of which 500 shall be for the use of the Senate and 500 for the use of the House of Representatives—

to the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p. m.) the House adjourned until Monday, March 27, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on motion of the defendants (H. Doc. No. 937); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on stipulation of parties, estate of C. M. Briggs and estate of Ann D. Lipscomb (H. Doc. No. 938); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on the question of loyalty (H. Doc. No. 939); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on motion of the claimant's attorney (H. Doc. No. 940); to the Committee on Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a list of congressional cases referred to this court by the House of Representatives which were discontinued by the court on motion of the claimants' attorneys (H. Doc. No. 941); to the Committee on Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting lists of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court for want of prosecution (H. Doc. No. 942); to the Committee on Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph West *v.* The United States (H. Doc. No. 943); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 5783) to provide for the establishment of a national employment bureau in the Department of Labor, reported the same with amendment, accompanied by a report (No. 424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River, near Chattanooga, in Hamilton County, in the State of Tennessee, reported the same without amendment accompanied by a report (No. 425), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., reported the same with amendment accompanied by a report (No. 426), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala., reported the same with amendment, accompanied by a report (No. 427), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehannah River from the Borough of Milton, Northumberland County, Pa., to the Borough of West Milton, Union County, Pa., reported the same with amendment, accompanied by a report (No. 428), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13397) granting an increase of pension to Elizabeth Commons, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 13709) forbidding the importation or the carriage in interstate commerce, except for export, of watchcases made, in whole or in part, of an inferior metal, having deposited or plated thereon, or brazed or otherwise affixed thereto, platings, coverings, or sheets composed of gold or of an alloy thereof, bearing words or marks importing a guaranty of wear for a specified time, and of watchcases made of an alloy of gold (of less than 9 carats in fineness) and bearing the word "gold," and of watch movements not properly marked in respect to the number of their jewels and their adjustments, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK: A bill (H. R. 13710) for the erection of a public building at Paris, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 13711) to provide for the preparation and report to Congress by the Chief of Engineers of the Army, under the direction and through the Secretary of War, of a preliminary plan for a system of improved national highways, and to provide for the payment of the expenses of said report; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 13712) to enlarge the military post of Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 13713) to provide for the erection of a public building in the city of Mountain Grove, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13714) to provide for the erection of a public building in the city of Lebanon, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13715) granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 13716) authorizing the Secretary of the Interior to make final and detailed survey of the Lower Pit River and adjacent irrigable territory, in Shasta County, Cal., to determine the feasibility and completed estimates of cost of the irrigation project thereon known as the "Lower Pit River project," and to make appropriation for such surveys and estimates; to the Committee on Appropriations.

By Mr. MAHER (by request): A bill (H. R. 13717) for the regulation of the practice of podiatry in the District of Columbia and for the protection of the people from empiricism in relation thereto; to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 13718) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 13719) providing for an investigation of the power possibilities and opportunities for the manufacture of nitrogen products on the Shoshone River in the vicinity of the Shoshone Dam, and on the Platte River in the vicinity of the Pathfinder Dam in the State of Wyoming; to the Committee on Agriculture.

By Mr. SHERLEY: A bill (H. R. 13720) to amend section 4894 of the Revised Statutes relating to patent applications; to the Committee on Patents.

By Mr. HAYDEN: A bill (H. R. 13721) amending section 4 of the public building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. PARKER of New York: A bill (H. R. 13722) to provide for a site and public building at Mechanicsville, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 13723) to provide funds from the tribal funds of the Chippewa Indians of Minnesota for the drainage of lands upon the diminished Red Lake Chippewa Indian Reservation in said State; to the Committee on Indian Affairs.

By Mr. TREADWAY: Resolution (H. Res. 183) directing the Attorney General to transmit to the House full information relative to prosecutions under the Sherman Act in connection with the transportation and sale of gasoline; to the Committee on the Judiciary.

By Mr. TAVENNER: Resolution (H. Res. 184) to print 500 copies each of Senate Document No. 187, Fifty-eighth Congress, third session, and of Senate Document No. 532, Sixtieth Congress, first session; to the Committee on Printing.

By Mr. DYER: Joint resolution (H. J. Res. 188) proposing a national anthem; to the Committee on the Library.

By Mr. LEVER: Joint resolution (H. J. Res. 189) creating a commission to ascertain the best methods of producing within the United States nitrogen compounds and potash for use in the manufacture of fertilizers and munitions of war; to the Committee on Agriculture.

By Mr. DYER: Joint resolution (H. J. Res. 190) authorizing the President to call for volunteers to protect the lives and property of citizens of the United States in Mexico; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13724) granting an increase of pension to Regina Daum; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13725) granting an increase of pension to Thomas Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13726) granting an increase of pension to Joseph Evans; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 13727) granting an increase of pension to Hannah Stoudnour; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 13728) for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 13729) granting a pension to Mrs. Mary Baker; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 13730) granting an increase of pension to William White; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 13731) granting a pension to Nathan H. Williams; to the Committee on Pensions.

Also, a bill (H. R. 13732) granting a pension to Albert Coble; to the Committee on Pensions.

Also, a bill (H. R. 13733) granting an increase of pension to Frank Waters; to the Committee on Pensions.

Also, a bill (H. R. 13734) to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 13735) granting an increase of pension to Ninian R. Van Deren; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 13736) granting an increase of pension to Thomas Dumphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13737) for the relief of Warren V. Howard; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13738) granting a pension to Robert W. Johnson; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 13739) granting an increase of pension to Charles S. Hubbard; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 13740) granting an increase of pension to Davis G. Milliken; to the Committee on Pensions.

Also, a bill (H. R. 13741) granting an increase of pension to Edward J. McCauley; to the Committee on Pensions.

Also, a bill (H. R. 13742) granting an increase of pension to Roy Tow; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 13743) granting an increase of pension to David Hood; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 13744) for the relief of the estate of Mark D. Hathaway; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 13745) for the relief of George Beyersdoerfer; to the Committee on Claims.

By Mr. KELLEY: A bill (H. R. 13746) granting a pension to John F. Dodder; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 13747) granting a pension to John T. Tawlks; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 13748) for the relief of John Hartnett; to the Committee on Claims.

By Mr. MEEKER: A bill (H. R. 13749) for the relief of the heirs of Jacques Clamorgan; to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 13750) granting a pension to Effa M. Rule; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 13751) granting an increase of pension to Ann Connelly; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 13752) granting an increase of pension to Giles J. Burgess; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 13753) granting an increase of pension to Janet W. Smith; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 13754) for the relief of Charles A. Carey; to the Committee on Claims.

By Mr. RUSSELL of Ohio: A bill (H. R. 13755) granting an increase of pension to Maria B. Lepley; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 13756) granting an increase of pension to James P. Ancy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting an increase of pension to Albert Rollins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting an increase of pension to Alvena A. Dunham; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 13759) for the relief of the widow of Josephus Peed; to the Committee on Claims.

By Mr. STOUT: A bill (H. R. 13760) granting a pension to Julia Van Iderstine; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 13761) granting an increase of pension to Andrew W. McCornack; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Media (Pa.) Society of Friends, urging that no preparedness bills be passed; to the Committee on Military Affairs.

Also (by request), memorial of members of Skull Lick Farm Club, of Centralia, Mo., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. ALLEN: Memorial of board of health, Cincinnati, Ohio, favoring investigation of sanitary conditions of milk industry; to the Committee on Rules.

Also, memorial of U. S. Grant Camp, Sons of Veterans, Cincinnati, Ohio, favoring an increase in national defense; to the Committee on Military Affairs.

Also, memorial of Woman's Christian Temperance Union of Northside, Cincinnati, Ohio, against shipment of intoxicants to Africa; to the Committee on the Judiciary.

By Mr. ANTHONY: Petitions of sundry merchants of the State of Kansas, favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of W. A. Hoover and others, of Holton, Kans., against House bill 652, relating to Sunday work in District of Columbia; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Lady Garfield Council, No. 24, Daughters of America, of Mansfield, Ohio, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Radnor (Ohio) Grange, No. 1977, and Plainfield Grange, No. 1326, of West Lafayette, Ohio, against the Madden rider to Post Office bill; to the Committee on the Post Office and Post Roads.

Also, evidence to accompany House bill 13237, for relief of Thomas W. Ford; to the Committee on Invalid Pensions.

Also, memorial of Local Union No. 172, of International Brotherhood of Electrical Workers, Newark, Ohio, favoring Federal inspection of dairy products; to the Committee on Rules.

Also, petition of 12 citizens of Hebron, Ohio, and H. H. Helter Bible Class, of Mansfield, Ohio, favoring House joint resolutions 84 and 85, for national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Johnstown, Pa., against passage of House bill 491, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petition of V. K. van de Venter and 100 voters of Dundee, Mich., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of the Clinton Woolen Manufacturing Co., Clinton; the Michigan City Tanning Co.; the Penninsular Paper Co., Ypsilanti; the Adrian Knitting Co., Adrian; and the Boehme & Rauch Co., Monroe, all in the State of Michigan, favoring a tariff on dyestuffs; to the Committee on Ways and Means.

Also, petition of Working Grange, No. 509; Hanover Grange, No. 698; Springport Grange, No. 45; Ypsilanti Grange, No. 56; Limecreek Grange, No. 712; North Leoni Grange, No. 1453; Madison Grange, No. 384; Onsted Grange, No. 279; Pomona Grange; and Frenchtown Grange, No. 749, all of the State of Michigan, protesting against increased expenditures for the Army and Navy; to the Committee on Military Affairs.

Also, petitions of A. C. Bourdeau and 34 citizens of Kalamazoo; Mrs. J. E. Barron and 13 citizens of Kalamazoo; William Moore and J. H. Pangburn, of Palmyra; O. P. Smaller and 52 citizens of Alden; Buelah M. Bliss and 13 citizens of Battle Creek; Clyde E. Ripley and 13 citizens of Battle Creek; F. P. Goodwyn and 30 citizens of Albion; T. H. Butler and 19 citizens of Ithaca; E. A. Piper and 34 citizens of Traverse City; Charles F. Weier and 13 citizens of Flint; M. J. Perry and 12 citizens of Petoskey; and W. A. Smith and 10 citizens of Vassar, all in the State of Michigan, protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Memorial of Chamber of Commerce of the State of New York, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Bronx Board of Trade, favoring passage of House bill 6915, relative to pensioning aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

Also, petitions of D. Bader and I. Neusboum, of Bronx, N. Y., favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of the Chagres, relative to a bill to reward members of the Isthmian Canal Commission; to the Committee on Appropriations.

By Mr. CASEY: Petitions of 160 people of Shicksburg; Baptist Church of Wilks-Barre; 133 people of Shicksburg; Welsh Congregational Church, of Edwardsville; citizens of Edwardsville and Kingston; citizens of Wilkes-Barre; citizens of Wyoming; Parish Methodist Episcopal Sunday School, of Wilkes-Barre; citizens of Laurel Run, Wilkes-Barre; Presbyterian Church of Forty Foot Borough; voters of Luzerne County; voters of Wilkes-Barre; and Welsh Presbyterian Church, of Wilkes-Barre, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 750 people of Wilkes-Barre; 1,800 people of West Pittston; Methodist Episcopal Church, of 200 people, of Wanamie, and 75 people of Wanamie; 32 people of Wanamie; 26 people of Wanamie; 500 Presbyterian people of Pittston; Woman's Christian Temperance Union, 180 people, of Pittston; First Baptist Church, 325 people, of Pittston; 250 people of Wilkinsburg; Methodist Episcopal Church of Shickshinny; and St. Luke's Reformed Sunday School, of Wilkes-Barre, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of P. M. Church citizens of Nanticoke; Christ Memorial Reformed Church, of West Hazleton; 56 people of Wanamie; 14 citizens of West Hazleton; 172 people of Methodist Episcopal Church of Kingston; Woman's Christian Temperance Union, 100 people, of Kingston; Mountain Gap citizens; and citizens of Parsons, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Wilkes-Barre; Ashley Plains Local Temperance Union; First Methodist Episcopal Church of Nanticoke; 11 citizens of Wyoming; citizens of Nanticoke; Broad Street Methodist Protestant Church, 200 people, of Pittston; Baptist Church citizens of Plymouth; Men's Brotherhood, of Plymouth; First Baptist Church of Wilkes-Barre; 17 citizens of Wilkes-Barre; citizens of Pittston; 1,500 people of Wilkes-Barre; 270 people of Wilkes-Barre; and 750 people of Wilkes-Barre, all in the State of Pennsylvania, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Resolutions by the Chamber of Commerce of Northern San Joaquin County, Cal., favoring a national park service and an appropriation of $300,000 for the Yosemite National Park this year; to the Committee on Appropriations.

Also (by request): Petition of 41 citizens of Orangevale, Cal., against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Typothetæ of the City of New York, indorsing House bill 11621; to the Committee on the Post Office and Post Roads.

By Mr. DALLINGER: Petition of First Cambridge Woman's Christian Temperance Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of R. A. Vail and 61 others, of Elba, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of 62 members of Men's Bible Class of Fifth United Presbyterian Church of Philadelphia, Pa., against passage of bills to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. DENISON: Petition of Pleasant Ridge Sunday School, of Rockwood, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Tams, Sand Ridge, and Carbondale, all in the State of Illinois, against passage of bills to amend the postal law; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry merchants of the State of Illinois, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. FLYNN: Petition of citizens' committee of the fire department of the District of Columbia, indorsing House bill 433; to the Committee on the District of Columbia.

Also, memorial of Typothetæ of the city of New York, in favor of House bill 11621; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of W. S. Bennett and 12 others, opposing bills to amend the postal laws, House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of General Federation of Woman's Clubs, favoring House bill 8668, to establish a national park service; to the Committee on the Public Lands.

By Mr. GALLIVAN: Memorial of National Association of Dyers and Cleaners, indorsing House bill 702; to the Committee on Ways and Means.

Also, memorial of General Federation of Woman's Clubs, indorsing House bill 8668; to the Committee on the Public Lands.

Also, petition of John T. Dyer Canning Co., of Norristown, Pa., in re legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of William S. Bellews, of Springfield, Mass., indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. GREEN of Iowa: Petition of sundry residents of Menlo, Iowa, not to pass House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry residents of Menlo, Iowa, not to pass the compulsory Sunday-observance bill (H. R. 652); to the Committee on the District of Columbia.

By Mr. GUERNSEY: Petition of sundry citizens of Oldtown, Dover, and Foxcroft, all in the State of Maine, urging passage of prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of Maine State Board of Trade, urging legislation on the Johnson and Hinds bills, to destroy dogfish; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Maine State Board of Trade, against the Government entering the shipping business; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEATON: Petition of 41 citizens and Calvary Baptist Bible School of Shenandoah, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of J. P. H. Henderson and others, of Smithfield Grange, Smithfield, Ohio, opposing any change in the parcel-post laws; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of Men's Bible Class (Lutheran) of Connellsville, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Slocum Post, No. 10, Grand Army of the Republic, of Providence, R. I., opposing the Works bill, relative to use of Mountain Branch National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KING: Petition of the Galesburg Ministerial Association, of Galesburg, Ill., representing 12 clergymen and signed by Rev. Charles E. McKinley, favoring the adoption of a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Home Culture Club, of Galesburg, Ill., representing 30 persons and signed by Mildred Z. Field, favoring the adoption of a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KONOP: Petitions of Methodist Episcopal Church of Maple Valley; 24 people of Medina; Methodist Episcopal Ladies' Aid Society, 60 people, of Medina; 22 people of Kaukauna; First Methodist Episcopal Church, 1,200 people, of Appleton; 50 people of Gillett; Hichny Church, of Suring; Methodist Episcopal Church, 80 people, of Kaukauna; Townline Church, of Jewett; C. E. Bordbery; and Methodist Episcopal Church, of Suring, all in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of mass meeting of 300 people of Myersville and 200 people of Myersville, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Jarrettsville (Md.) Grange, favoring the postalization of the wires; to the Committee on the Post Office and Post Roads.

By Mr. LITTLEPAGE: Petition of citizens of Dunbar, W. Va., against House bill 6486; to the Committee on the Post Office and Post Roads.

Also, petitions of B. Eakle and 35 citizens of Clay County; B. C. Eakle and 25 citizens of Ivydale; and women's societies of St. Albans, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of H. B. Wescott and 165 other citizens of Bay City, Mich., protesting against House bills 6468 and 491, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of citizens of Ellis County, Okla., protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also petition of citizens of Gorge, Okla., protesting against passage of House bill 625; to the Committee on the District of Columbia.

By Mr. MEEKER: Petition of National Association of Dyers and Cleaners of St. Louis, Mo., in favor of House bill 702, providing for a tax on dyestuffs; to the Committee on Ways and Means.

By Mr. MOORES of Indiana: Petition of 26 citizens of Indianapolis, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Universal Portland Cement Co., of Pittsburgh, Pa., favoring House bill 10845, for extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of John A. Franz, George J. Franz, A. A. Franz, and Robert Shanafelt, of Pittsburgh, Pa., against the United States becoming involved in European war; to the Committee on Military Affairs.

Also, petition of K. H. Talbot, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of General Federation of Women's Clubs, in favor of House bill 8668; to the Committee on the Public Lands.

Also, petition of M. B. King, director of industrial education of Pennsylvania, in favor of House bill 11250; to the Committee on Education.

By Mr. MOTT: Petition of Barnes Corners Grange, Lewis County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Memorial of Workmen's Circle, Branch 184, of Hartford; Elite Social Club, of Hartford; Monasterist Sick Benefit and Aid Society, of Hartford; Hartford City Lodge, No. 202, Hartford; Relief Society for the Political Victims of the Russian Revolution and the Odessa Progressive Benevolent Association, of Hartford, all in the State of Connecticut, against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petition of Congregational Church of Glastonbury, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Hazardville, Conn., favoring censorship of motion pictures; to the Committee on Education.

By Mr. PADGETT: Petition of sundry citizens in re woman suffrage; to the Committee on the Judiciary.

By Mr. PHELAN: Petitions of Central Methodist Episcopal Church and Wood Memorial F. B. Church, of Lawrence, and Anchor of Hope Lodge, No. 92, of Lynn, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRICE: Petitions of sundry citizens of Cambridge, Md., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Cambridge, Md., against passage of bill to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Mardela Springs, Md., against Madden rider to postal delivery system; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of the Glenwood Grange, of Brooklyn, indorsing the Britten bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lilla R. Willcox, of Brooklyn, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Ernest Glyn, of Brooklyn, N. Y., indorsing the Emerson resolution; to the Committee on Foreign Affairs.

Also, memorial of American Association of Masters, Mates, and Pilots, opposing passage of House bill 9628; to the Committee on the Merchant Marine and Fisheries.

Also, petition of N. Langler & Sons, of Brooklyn, N. Y., indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Farmers' Educational and Cooperative Union of America and the National Grange, in re pending legislation; to the Committee on Agriculture.

By Mr. SIMS: Petition of citizens of Adamsville, church people of Westport, 850 people of Paris, and 60 people of Camden, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Camden, Big Sandy, and Mount Vincent Woman's Christian Temperance Union of Tennessee, favoring Federal censorship of films; to the Committee on Education.

By Mr. SIEGEL: Six memorials against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petitions of Gilmanton Iron Works, of Belknap; 27 Christian churches, 24 Bible schools, 14 Young People's Societies, 17 organized Bible classes, 12 granges of the Patrons of Husbandry, making 94 organizations, all in the first congressional district in the State of New Hampshire, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of 959 citizens in the first congressional district in the State of New Hampshire, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of 870 voters in the first congressional district in the State of New Hampshire, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of sundry American citizens, indorsing House joint resolutions 14 and 81, and similar bills; to the Committee on Foreign Affairs.

Also, memorial of Roxbury Presbyterian Church and citizens of Roxbury district, Boston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Memorial of Philadelphia (Pa.) Chamber of Commerce, favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frankford Arsenal Association, of Philadelphia, Pa., relative to system of salary regulation for Government employees; to the Committee on Reform in the Civil Service.

Also, memorial of Retail Grocers' Association of Philadelphia, Pa., favoring tariff on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Vessel Owners and Captains' Association, of Philadelphia, Pa., favoring retention of 13-hour rule for crews on inland and harbor tugs; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Fraternal Patriotic Americans of Philadelphia, Pa., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Pennsylvania Branch of the Loyal Legion of the United States, relative to preparedness; to the Committee on Military Affairs.

By Mr. WASON: Petitions of 29 residents of Greenville and 17 citizens of Newport, all within the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of Sunday school, representing 30 people, of Errol; Woman's Christian Temperance Union of East Colebrook; Woman's Christian Temperance Union, representing 10 people, of Errol; South Congregational Church, representing 250 people, of Newport; Christian Endeavor Society of First Baptist Church, representing 30 people, of Newport; Methodist Episcopal Church, representing 100 people, of Peterborough; Women's Temperance Union, representing 150 people, of Franklin, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *March 27, 1916.*

Rev. G. Livingston Bayard, chaplain, United States Navy, offered the following prayer:

O God of Nations, Lord of Lords, and King of Kings, who has taught us in Thy Holy Word that "Righteousness exalteth a nation, but sin is a reproach to any people," help us, we pray Thee, so to apply our hearts unto wisdom that we may know Thy purposes and do Thy will to the end that truth and justice may prevail and the glory of Thy name be proclaimed among us and our children's children forever and forever.

We acknowledge Thy goodness, O Lord, which has guided our people in the paths of truth and righteousness, and has blessed this Nation with peace and happiness.

Humble us, we pray Thee, under the burden of the new duties and responsibilities with which we are charged. Grant, O God, that this Nation, conceived in war, born in battle, and baptized in blood, may, under Thy patronage, fight its way through with its honor unsullied and its integrity unimpaired to that one far-off divine event when the war drums beat no longer and the battle flags are furled, when men shall beat their swords into plowshares and their spears into pruning hooks, and peace reign everywhere. These blessings we ask in the faith of Him who died that we might live—Jesus Christ our Lord and Savior. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM INDIANA.

Mr. KERN. Mr. President, Hon. THOMAS TAGGART, who has been regularly appointed a Senator from the State of Indiana by the governor of that State to fill the vacancy occasioned by the death of the late Senator Shively, and whose credentials have been heretofore presented to the Senate, is now present and ready to take the oath of office.

The VICE PRESIDENT. The Senator appointed will be presented at the Vice President's desk and take the obligation.

Mr. TAGGART was escorted to the Vice President's desk by Mr. KERN; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. OVERMAN presented a memorial of sundry citizens of Wilmington, N. C., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Reidsville, N. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Yoakum, Alpine, Garland, and Gregory, all in the State of Texas, praying for national prohibition, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Austin, Tex., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE. I present resolutions of the House of Representatives of the Commonwealth of Massachusetts, favoring the securing of moral support of the United States for the oppressed Jews in Europe. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE COMMONWEATH OF MASSACHUSETTS, 1916.

Resolutions favoring action by Congress toward securing the moral support of the United States for the oppressed Jews in Europe.

Whereas at the close of the war of the nations that is now devastating Europe there will be a readjustment of the rights and privileges of citizenship in the belligerent countries; and

Whereas in some of the warring countries the Jews have been refused the privileges and responsibilities of full citizenship, denied equality before the law, and have been the subjects of persecution and oppression; and

Whereas the Commonwealth of Massachusetts has ever stood foremost for the assertion of human rights and has ever championed the cause of the weak and the oppressed: Therefore be it

Resolved, By the House of Representatives of Massachusetts that the Senators and Representatives in Congress from Massachusetts are hereby requested at the proper time to take concerted action toward securing the moral support of the United States for the oppressed Jews in Europe in their efforts to obtain full, complete, and honorable citizenship in the countries to which they have given loyal and patriotic devotion.

Resolved, That copies of these resolutions, attested by the secretary of the Commonwealth, be sent by said official to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted March 17, 1916.

A true copy. Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE presented petitions of sundry citizens of Worcester, Middleboro, Haverhill, Methuen, Andover, and Hudson, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Branch No. 5, United National Association of Post Office Clerks, of Boston, Mass., remonstrating against the separation of the Cambridge (Mass.) postal stations from the Boston (Mass.) post office, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Massachusetts State Board of Trade, praying that an appropriation be made for the construction of an intracoastal waterway from Boston, Mass., to Pensacola, Fla., which was referred to the Committee on Commerce.

Mr. CURTIS. I present three resolutions from citizens of Kansas, favoring woman suffrage, which I ask may be printed in the RECORD.

The resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That we, the members of the second district Republican convention of Kansas, urge Congress to submit at once to the State legislatures, for ratification, an amendment to the United States Constitution enfranchising women, in order that the political rights now enjoyed by the women of our own State may in the shortest time possible be extended to the women of the Nation.

Resolved, That we, the members of the Republican convention of the fourth district of Kansas, held at Emporia, March 15, favor Nation-wide suffrage for women and the immediate submission by Congress of an amendment putting it in force.

Resolved, That we, the members of the Republican convention of the eighth district of Kansas, held at Wellington, March 14, favor Nation-wide suffrage for women and the immediate submission by Congress of an amendment putting it in force.

Mr. STERLING presented a memorial of sundry citizens of South Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota presented a petition of the Art Club of Mitchell, S. Dak., and a petition of the Study Club of Salem, S. Dak., praying for an investigation into conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Pollock and Huron, in the State of South Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. KENYON presented a memorial of Columbia Grange, No. 2117, Patrons of Husbandry, of Donnellson, Iowa, remonstrating against the enactment of legislation to change the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Thompson, Iowa, praying for the creation of a system of rural credits, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Waukon, Iowa, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BURLEIGH presented a petition of the Maine State Board of Trade, praying that an appropriation be made tending toward the destruction of the dogfish, which was referred to the Committee on Fisheries.

He also presented a memorial of the Maine State Board of Trade, remonstrating against the enactment of legislation to provide for Government-owned ships, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a memorial of sundry citizens of St. Helena, Cal., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Danville and Oakland, in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Ebell Society, of Oakland, Cal., praying that an appropriation of $300,000 be made for the improvement of the Yosemite National Park and the creation of a national-park service, which was referred to the Committee on Appropriations.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Maine, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a memorial of the Housewives League, of St. Paul, Minn., remonstrating against the proposed repeal of the free-sugar clause, which was referred to the Committee on Finance.

He also presented a memorial of the Cairo Farm Club, of Fairfax, Minn., remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Dalbo, Minn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kingston, N. Y., praying for publicity with regard to the diplomatic relations of the United States, etc., which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, reported it with amendments and submitted a report (No. 307) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 68) to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 5284) granting an increase of pension to Josiah Sadler (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5285) granting a pension to Arthur M. Clark;

A bill (S. 5286) granting a pension to Stella Miller; and

A bill (S. 5287) granting an increase of pension to Gardner L. Hatch; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5288) for the relief of Sarah E. Church (with accompanying papers); and

A bill (S. 5289) for the relief of the States of Massachusetts and Maine (with accompanying papers); to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5290) granting a pension to Harry F. Roddy (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5291) to authorize the Postmaster General to settle the accounts of Capt. J. H. Estes; to the Committee on Claims.

RELIEF OF SUFFERERS AT PARIS, TEX.

Mr. SHEPPARD introduced a bill (S. 5283) to authorize the Secretary of War to supply tents for temporary use of the sufferers from the recent conflagration in Paris, Tex., and for other purposes, which was read the first time by its title.

Mr. SHEPPARD. I ask that the bill be read at length, as it is a matter of urgency.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to supply for temporary use, under such rules and regulations as he may prescribe, a sufficient number of tents to afford shelter for the sufferers from the recent conflagration in Paris, Tex., who are in need of the same.

That the sum of $60,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the purchase and distribution of shelter, food, cots, and blankets to such destitute persons as may require assistance in said conflagration district.

Mr. SHEPPARD. I ask to have read the two letters attached to the bill. They are very short, and I wish to have them read for the information of the Senate.

There being no objection, the Secretary read as follows:

MARCH 25, 1916.

Hon. MORRIS SHEPPARD,
Washington, D. C.

MY DEAR SENATOR: With reference to your inquiry relative to fire at Paris, Tex., I beg to inform you that Capt. Pickering has investigated conditions and recommended an emergency allotment of $60,000 to provide shelter, food, cots, and blankets for the destitute at Paris. There are no funds of any appropriation under control of the War Department that are available for the purpose of rendering relief as requested. This is submitted to you for such action as you deem necessary. The War Department will be glad to assist in every way within its power in caring for the stricken in Paris.

Yours, very truly,

NEWTON D. BAKER,
Secretary of War.

[Official copy furnished to Hon. MORRIS SHEPPARD, United States Senate.]

PARIS, TEX., *March 24, 1916.*

THE ADJUTANT GENERAL,
War Department, Washington, D. C.:

Paris, Tex., has population about 16,000, with 10,000 white and 6,000 colored. Value of property destroyed about $14,000,000, or about 80 per cent of total value of buildings and personal property of city.

White persons homeless about 4,000, colored 4,000. Nearly all these people lost all household goods. Of this number about 4,500 are indigent citizens of Paris. Have furnished emergency shelter for about 6,000 and emergency food supplies for all. Total contributions by citizens $25,000. Contributed by neighboring cities about $12,000.

Governor has asked your authority to issue tentage. I do not know how much he has. Rations and shelter required as follows: Rations, 800 persons, 60 days, and 1,500 persons, 30 days; total, 93,000 rations, at 30 cents value, $27,900; food can be bought within 100 miles. Shelter required for 5,000 persons, if large pyramidal tents are used, value $42,000; cots for 6,000 at $2 is $12,000; blankets for 2,000 at $2 is $4,000; freight, $600; expense of distribution, $500; total, $87,000; on hand $37,000; to be supplied, $50,000. Officials and other leading citizens are devoting attention to relieving public distress to the neglect of their own urgent affairs.

In view of their severe private losses, the contributions are very liberal, and to double them would be more than should be expected of a stricken community of this size. The necessity is urgent, and I strongly recommend Federal aid. As the shelter should last longer than the life of tents and be semipermanent, it is recommended that tentage be not furnished, but that a slightly increased money equivalent be given for construction of shacks from paper and cheap lumber. I recommend emergency allotment of $60,000 under appropriations covering above-mentioned purposes. As I am quartermaster, the funds can be invoiced to me. I am working with local committees, and will so continue until further orders.

PICKERING.

Mr. SHEPPARD. I move that the bill and accompanying papers be referred to the Committee on Appropriations.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment providing that investigations in forestry and forest utilization may be authorized by the Secretary of Agriculture in Mexico, Central and South America, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate $9,880 for 16 pages for the Senate from July 1, 1916, to March 4, 1917, both inclusive, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to appropriate $1,000 to pay Tom K. Richie, of Tucson, Ariz., being a sum inadvertently covered into the Treasury on a forfeited cash recognizance in a case entitled "United States *v.* Frank Lee" pending in the United States district court, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

IMPROVEMENT OF CRUM RIVER, PA.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (S. 5244) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange, which was referred to the Committee on Commerce and ordered to be printed.

RECLAMATION OF ARID LANDS.

Mr. JONES. On behalf of the chairman of the Committee on Irrigation and Reclamation of Arid Lands [Mr. SMITH of Arizona], I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 154) was read, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or any subcommittee thereof, be, and is hereby, authorized during the sixthy-fourth Congress to hold hearings on the bill (S. 4251) in aid of reclaiming arid lands, and for other purposes; to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

NATIONAL DEFENSES IN CALIFORNIA.

Mr. WORKS submitted the following resolution (S. Res. 152), which was read, considered by unanimous consent, and agree to:

Resolved, That the Secretary of War is hereby directed to furnish the Senate the following information:

First. What military force we now have in the State of California, and to what branch or arm of the service they belond, giving the strength of each and at what places in the State they are stationed.

Second. What coast defenses there are in the State and how they are manned, giving the number and kind of guns in each fort or other fortification and the force of men in each.

VESSELS OF THE NAVY.

Mr. WORKS submitted the following resolution (S. Res. 153) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed to furnish the Senate the following information:

First. The number of warships and vessels of all kinds that we now have, giving the kind and number of each.

Second. The number and kind of such vessels stationed on the Pacific Ocean and belonging to the Pacific Fleet, and their kind; and the number and kind stationed on the Atlantic side of the country and belonging to the Atlantic Fleet, and their kind, separating and classifying them in each case.

Third. The number now under contract or construction, and where, and their kind.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter inserted and stricken out by said amendment; and the Senate agree to the same.

THOMAS S. MARTIN,
JOHN F. SHAFROTH,
F. E. WARREN,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

The report was agreed to.

NATIONAL DEFENSE.

Mr. UNDERWOOD. Mr. President, I wish to give notice that immediately on the completion of the morning business on Thursday next I desire to address the Senate on the subject of preparedness.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of House bill 10385, the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

LANDSCHAFT SYSTEM OF RURAL CREDITS.

Mr. SHEPPARD. Mr. President, I gave notice a few days ago that to-day I would discuss the landschaft system of rural credits. I think that while we are engaged in the necessary preparation for an adequate Army and Navy we should not overlook the fact that the most permanent and important form of preparedness lies in a prosperous and independent agriculture, and that a proper system of rural credits is, after all, of the first importance.

The Nation's greatest asset is the soil. The chief necessity of its complex economic life is credit. The basis of credit is a promise to pay. Much of a nation's progress is measured by the rapidity with which written evidences of promises to pay circulate as a substitute for metallic money and the soundness of the security for such substitute. The supply of metallic money is limited, and if it had to be exchanged with every transaction, civilization would be far less advanced. Indeed, our present state of material advancement would be unthinkable. The supply of credit is limited only by the extent to which promises to pay are based on accepted security and are used to discharge human obligations.

It follows, therefore, that the sounder the security the wider will be the use of the credit instrument it supports, the lower will be the interest price of the capital it commands, and the greater will be the impetus to civilization, to the progress, the happiness, and the prosperity of the masses.

Now, what sounder and more permanent security may be imagined than cultivated soil, the source of human subsistence? The existence of earth's increasing millions is related directly to the land, from which they must be fed and clothed, and as long as humanity flourishes the soil will have a value that can not be taken away, a value that must grow with the multiplication of the race. And yet in the United States the owners and workers of the soil must pay a higher interest rate than all others for credit with which to keep in motion the machinery of production that the world may live. As to the great majority of these owners and workers, their promises to pay at present command the least financial regard, and have practically no standing as circulating instruments of credit.

It so happens, however, that in a wonderful country beyond the Atlantic, a country in many respects the most remarkable in the world, the land, its greatest asset, has been made the basis of one of the most stable and most beneficent credit instruments on earth. I allude to Germany and the landschaft bond. Strange to say, as long ago as 147 years Prussia began a system which made the land the basis of permanent credit, a security for the farmer's promise to pay which he could exchange for money in the open market at the lowest rate, without the intervention of the profit bank, and which brought him economic independence, lasting prosperity. It is not surprising that Germany displays an internal vitality to-day that astounds the world, a vitality resulting largely from the fact that 86.1 per cent of German farms are worked by their owners. On the tomb of Frederick the Great one word could be inscribed that would mean more than Hennersdorf and Rossbach, than all his other achievements in court or camp, and that word is "Landschaft." He organized the first landschaft in 1769. He obtained the idea from a Berlin merchant, Buring, and Buring ought to have a monument by the side of Frederick's.

The landschaft was little less than a miracle of finance. It touched the land and the land was gold. Landschaft means land district. It is an incorporated body of borrowing farmers in a given district, and its essence is the exchange of the mortgage of the individual member for the society's collective bond and the sale of the bond without further guaranty. It collects annual or semiannual interest and amortization payments, distributed over a long term of years, on practically the same principle on which the interest and sinking-fund payments are collected in American school and drainage districts. There are 25 of these societies in Germany to-day, and their bonds are surviving the shock of the most terrific war of time. The initial landschaft, founded by Frederick the Great in 1769, is still in successful operation. These societies had in circulation in 1909 bonds of the value of $840,000,000, carrying an interest rate of 3, 3½, and 4 per cent. These societies do not know what failure means. They are so operated that they can not fail. They are based on a value that can not fail—the value attaching to the source and means of human subsistence. As long as humanity exists upon the products of the soil that value must exist. The landschaft has solved the problem of finding and preserving that value. The borrowing power represents as high as 60 per cent of the productive value of the land. Speculative value is not considered.

The landschaft has no capital stock, no shares, no dividends. Its loans run from 45 to 54 and 75 years, and each payment has an amortization feature. Its principal features are: (1) rigid government supervision; (2) reliable appraisal; (3) summary foreclosure and administration; (4) collective liability; (5) land titles without the possibility of question; (6) participation by borrowers in the management; (7) nominal expense of management.

A joint-stock, profit bank is no part of a genuine, land-credit system. If the bank takes a mortgage, bases a bond on it, and sells the bond under its own guaranty, the expense of maintaining the bank with its salaries, equipment, and dividends comes out of the mortgagor. Why should this expense be saddled on the borrower when the land itself under a landschaft system is sufficient? Land is more permanent than governments or banks. Under the regulations of a landschaft it is, in the long run, a better security than Government bonds. On more than one occasion landschaft bonds have sold at higher figures than the bonds of the Imperial German Government. They are holding their own during the present war. They mobilize the land in such way as to make it a liquid, realizable asset without the necessity of the intervention of a bank. Then why have a bank?

But, it may be asked, what is the lowest market rate for money in the United States? Practically $4,000,000,000 are lent to savings banks in this country at less than 4 per cent. New England depositors have loaned them over a billion and a half dollars at 2.9 per cent; New York depositors, nearly a billion and three-quarters at 3.75 per cent. Look at the railroad and municipal bonds and observe the billions lent on long time at 4 and 5 per cent. The sixty-four billions represented by the capital of all corporations doing business in this country in 1914 brought a net average return of only 4.3 per cent. Insurance actuaries base all their calculations on the assumption that 4 per cent is the highest average income money may permanently bring.

Do you say that money is not available for loans running 40, 50, or 75 years? The insurance companies are always hunting for safe investments of this kind, and so are those who wish to leave their funds to their children, or for benevolent purposes, in the safest and most lasting form. The banks are looking for securities that may be readily cashed in the open market. In Germany the landschaft bond circulates in the business world like a Government bond, note, or coin of the realm, and commands instant negotiability. In the bill I have introduced for a landschaft system in the United States I have deemed it best to limit the maximum life of landschaft bonds to 50 years, as I believe that period sufficiently long for all practical purposes.

Do you say that what German farmers have been doing for a century and a half we can not do? Has not the soil that supports 100,000,000 people a permanent value, a value that must grow as these millions multiply? May we not devise a cooperative, nonprofit system of ascertaining the exact productive value of this land and base sound securities on it, representing 50 or 60 per cent of that value, especially when Germany's record of 147 years is before us?

The population of some landschaft districts in Germany runs from 500,000 to 7,000,000; the number of acres from 3,000,000 to 18,000,000, in round figures.

The landschaft bond is a charge against no particular parcel of land, but against the society in general, with the privilege of exercising, if necessary, all its rights against individual members and their lands. The remedy of a creditor is the right to compel the exercise of the landschaft's power of assessment, and not a suit against the individual landowner.

I notice that almost universal error prevails in this country as to the character of the liability of the members of the landschaft. It is generally supposed that each member is unlimitedly and personally responsible for all of the obligations of the landschaft. That is no more true than it is true in the case of a landowner in a school district or in a drainage district. The liability is merely a collective liability subject to the right of the central authorities to levy the necessary annual assessments for interest and sinking-fund payments.

I wish to direct especial attention to this widely misunderstood feature of the landschaft—the feature of collective liability. In reality there is nothing new, strange, or untried about this feature to the American farmer. It is practically the same kind of mutual, collective liability that obtains in the American school, drainage, and other improvement districts.

Let us consider, for example, the school-district law of Texas. It has the following provision as to liability:

> When the commissioner's court shall provide for the issuance of bonds, and each year thereafter so long as the bonds or any of them are outstanding, said court shall levy a tax not to exceed 25 cents on the $100 valuation of taxable property of the district, sufficient to pay interest on the bonds and to produce a sinking fund which, together with the interest thereon when placed at interest, shall be sufficient to pay the principal of the bonds at maturity. * * * After said bonds have been issued and sold and said tax levied it shall not be lawful to hold an election to determine whether or not said tax shall be discontinued or lowered until the bonds with interest thereon have been paid, nor can the limits or boundaries of the district be changed.

The drainage-district law of Texas is as follows in this regard:

> Whenever any such district-drainage bonds shall have been issued, the commissioners shall levy and cause to be assessed and collected improvement taxes upon all property, whether real, personal, mixed, or otherwise, subject to taxation within the limit of such district, and sufficient in amount to pay the interest on such bonds with an additional amount to be placed in a sinking fund, sufficient to discharge and redeem said bonds at their maturity.

So the landschaft, or land district, applies practically the same principle of liability already applied in the United States by the school district, the drainage and improvement districts.

In fact, the land-district system is less rigorous as to liability than are some of the State laws as to school or drainage districts in this country. It is my information that in some States a bondholder may sue any landowner within a school district and subject his entire property to the payment of the bond. All that the holder of a landschaft bond can do is to invoke the landschaft's right of proportionate assessment against all the lands in the landschaft.

In still another respect the land district, or landschaft, is less rigorous than the school or drainage district. In the latter two all the landowners in a district may be compelled to join and all the land subjected to taxation if a certain proportion

of the resident landowners so vote. In the former membership is entirely voluntary.

Surely a system like this is entitled to serious study.

American school, drainage, and other improvement districts are obtaining money to-day by virtue of a principle of operation strikingly similar to that of the landschaft, at rates under 4 and 5 per cent. Current quotations show offerings of the bonds of such districts as follows:

	Rate.	Maturity.	Yield.
Detroit, Mich., school	4	Apr. 2,1924	3.85
Milwaukee, Wis., school	4½	Jan. 1,1926	3.90
Taunton, Mass., sewer	3½	June 1,1932	3.90
Aberdeen, S. Dak., school	4½	Feb. 1,1930	4.30
Kaw Valley, Kans., drainage	4½	July 1,1936	4.42
Jacksonville, Fla., sewer	5	Nov. 1,1945	4.15
Long Beach, Cal., sewer	5	Serial,1923-52	4.40
Dayton, Ohio, public improvement	4½	Mar.1,1926-46	3.95
Detroit, Mich., sewers	4	July 1,1944	3.85
Shreveport, La., waterworks and sewers	4¾	July 1,1939-54	4.30

If the farm-mortgage bond is to find universal and unquestioned acceptance in the United States, there must be universal faith in the method and management of the landschaft. The investing public must have easy opportunity to know and understand its working. Manifestly, therefore, there must be in the United States a Federal head for the landschaft system and a uniform basis of operation throughout the Nation. To have each of the 48 States form a landschaft or landschafts of its own without a directing Federal center is to deprive the bond of instant and general negotiability. A uniform, accurate, and modern system of title registration is essential throughout the country. This is also essential if the mortgage-bank proposal of the Joint Committee on Rural Credit is to work satisfactorily and generally. And yet the Senator from Florida [Mr. FLETCHER], in a recent speech in the Senate in defense of the joint-committee bill, the so-called Hollis-Moss bill, said that the landschaft system would never be workable because of our various State laws respecting registration of title, homestead exemptions, foreclosure proceedings, right of redemption, and the like, which he said no Federal law could change.

The land-bank bill prepared by the Joint Committee on Rural Credit, the Hollis-Moss bill, has the following to say in this connection:

SEC. 32. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm-loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

Pending the making of such examination in the case of any State, the Federal farm-loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal farm-loan board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon, said farm-loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

At the request of the executive of any State, the Federal farm-loan board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

It is evident that this section of the Hollis-Moss bill is framed in an endeavor to remove the very difficulties which the Senator from Florida said would confront the landschaft system. As a matter of fact, these obstacles are as much in the way of the land-bank system of the joint committee as they are in the way of the landschaft proposal. Indeed, they are less in the way of the latter, because it is possible to have a landschaft in a State without changing the language of the constitutional homestead exemption. All that is necessary is to amend the section of the State constitution authorizing school or drainage or other improvement districts by adding a provision for land districts, with power in certain authorities to levy the necessary assessments in the shape of taxes. On the other hand, it is a fact, much to be regretted, that the homestead exemption in some States is an impassable barrier to the general operation of the Hollis land-bank bill, or any other land-bank proposition, without a constitutional amendment, almost impossible to secure.

The Senator from Florida [Mr. FLETCHER] made another assertion regarding the landschaft which was still more amazing. He said that the power of foreclosure without resort to the courts, a power essential to the highest effectiveness of the landschaft, but no more indispensable to it than to a drainage or school district, could not be exercised in this country without changing many State constitutions and the real estate mortgage laws of the States, and he added that we in this generation would never live to see the day when such a system could be established in the United States. And yet, Mr. President, it is a fact of common knowledge that in most of the States of the Republic to-day real estate mortgages may contain perfectly legal clauses enabling the mortgagee to enter upon, take, and sell the mortgaged land, without resort to a court, in the event of a default. In that monumental legal work, the Cyclopedia of Law, volume 26, page 1449, we find the following language:

A power of sale in a mortgage or deed of trust, when properly exercised, enables the party in interest to effect a complete foreclosure of the mortgage by entirely ex parte proceedings, without submitting his rights to a court of law or equity and without invoking the aid of such a court.

Mr. SMOOT. Mr. President, that is such a remarkable statement, this being the first time I ever heard it made, that I should like to ask the Senator from Texas in what State such proceedings could take place?

Mr. SHEPPARD. As I understand, in most of the States. I am quoting from the Cyclopedia of Law, one of the best compilations of existing legal knowledge. I was quoting from that publication when the Senator interrupted me. Let me conclude the quotation.

Mr. SMOOT. Certainly.

Mr. SHEPPARD. And for the Senator's benefit I want to repeat what I have read, because it is not generally known. It is supposed by some that the foreclosure of a mortgage requires certain court proceedings in all cases, and this has been supposed to be one of the barriers against the successful operation of the landschaft system. Now, let me repeat the quotation.

Mr. TOWNSEND. Mr. President, may I ask the Senator, when he is doing that, also to explain how that is accomplished and how the mortgagee takes possession of the property?

Mr. SHEPPARD. Let me finish the quotation. It is as follows:

A power of sale in a mortgage or deed of trust, when properly exercised, enables the party in interest to effect a complete foreclosure of the mortgage by entirely ex parte proceedings, without submitting his rights to a court of law or equity and without invoking the aid of such a court.

A power of sale in a mortgage or deed of trust, authorizing foreclosure by advertisement and sale without resort to the courts, is not contrary to public policy or the policy of the law, but, on the contrary, is perfectly legal and valid, except in a few States where the States expressly forbid the exercise of such powers and require all foreclosures to be effected by judicial proceedings.

Surely, it will be a comparatively easy task to have the few States which do not now provide for summary foreclosures make such changes as will permit it, if it should be deemed essential.

Mr. SMOOT. Mr. President, if the Senator will yield to me for a moment, has the Senator looked up the facts in the matter and does he believe that that statement is a correct statement of conditions generally in the States?

Mr. SHEPPARD. I certainly do; yes, sir.

Mr. SMOOT. Does the Senator know how the title is secured by the man foreclosing the mortgage in the absence of court proceedings?

Mr. SHEPPARD. That is effectuated by certain advertisements being prepared and attached to the courthouse door or some other public place or placed in the press. After publication for a given length of time the party has a right to enter upon the land and sell it or reduce it to his own possession.

Mr. SMOOT. I would consider such a title very defective.

Mr. TOWNSEND. Mr. President, I think the Senator from Texas is correct about that. In most of the States, at least in Michigan, there are two provisions for mortgage foreclosure, one statutory and one in chancery. The statutory foreclosure statute provides that when there is default made, by certain advertisements in the press for a given length of time a sale can be made, but the mortgagee can not take possession of the property until a fixed statutory period has elapsed, during which time the mortgagor or his assigns have a right to redeem by paying the costs and the mortgage and interest up to date of redemption. I have not followed the enactments of the Michigan Legislature during the last dozen years as closely as I ought to have done perhaps, and it is possible that some changes in our statutes relative to mortgage foreclosures have been made; but what I have stated above was true when I was in the active practice of law.

Mr. SMOOT. I should like to ask the Senator another question. How does the person foreclosing the mortgage in the way suggested by the Senator get possession of the property?

Mr. TOWNSEND. He can take possession under the statutes. He places the writ in the hands of the sheriff, and can

be put in possession, although I wish to say to the Senator—I do not know whether his inquiry goes as far as that—that eventually, if there is resistance to his taking possession, court proceedings would be required.

Mr. SHEPPARD. Exactly. That would be unavoidable, and it would no more affect the success of the landschaft bond than the success of the school bond or the drainage bond. Of course, as I have said here, I do not consider the summary foreclosure power absolutely indispensable to the operation of the landschaft, although it would be necessary to the highest effectiveness of any system of rural credits based on land. Even if it were in force, it would not ordinarily be exercised.

Mr. SIMMONS. Mr. President, I think the authorities cited by the Senator from Texas state the law accurately, at least as it exists in many of the States of the Union, certainly in my State, and I think in most of the Southern States.

The statutory law in most of these States provides for summary foreclosure under the terms of the mortgage, and if there is default the property may be advertised for a given length of time and sold. The purchaser at the sale acquires the title; and, therefore, when the Senator says that the title can be acquired through the exercise of this statutory power of sale, he is absolutely correct. It is not necessary to resort to the court of equity in such States in order to secure transfer of title; but even in such States it would be necessary to invoke the process of the court for the purpose of getting possession of the property in case of resistance by the mortgagor.

Mr. SHEPPARD. I think that is entirely true.

Mr. SIMMONS. Yes; I think that is the law. In my State the mortgagee may become entitled, even before there is default, to the possession. That power, however, is very rarely exercised, and the mortgagor is permitted to remain in possession until there is default and until there is a foreclosure proceeding under the powers contained in the mortgage or by the court.

I think the real difficulty is that pointed out by the Senator from Michigan in his inquiry as to how the purchaser would get possession, after he had acquired title, without going into court.

Mr. SHEPPARD. But the same objection would be an obstacle in the way of any land-credit system, and I think it could be avoided or overcome.

Mr. SIMMONS. Undoubtedly.

Mr. McCUMBER. Mr. President——

Mr. SHEPPARD. I yield to the Senator from North Dakota.

Mr. McCUMBER. I should like to suggest to the Senator that I do not think we need have any fear in the matter of obtaining title or possession. This statutory method of foreclosure by advertisement is the common method in most of the States; and, if the procedure is regular, at the expiration of one year a deed will issue, and that entitles the purchaser to immediate possession. In most States he will not have any right of possession until the year of redemption has expired; and no one would attempt to prevent his possession or possessory right after obtaining his sheriff's deed, or the deed that follows a foreclosure, unless there was irregularity in the proceedings. It is the usual method adopted.

Mr. SHEPPARD. The Senator is right.

The next question is how may control be centered in a Federal body, and how may a uniform system reach all the States? The bill I have introduced provides that Congress shall organize a national rural-credit institute whose original jurisdiction shall be the District of Columbia and the territory subject to the direct sovereignty of the United States, and whose first purpose is the establishment of landschaft laws in such jurisdiction. The power of Congress to do this can not be questioned. The institute is composed of seven members, and is a body corporate with usual corporate powers. The members are to be farmers and rural-credit experts. They are to be paid by the Government and are to be impartial umpires between the societies and the investing public.

They are to devise model charters and by-laws for local units or chapters, known as landschafts, in the District of Columbia, and so forth. They are to recommend to Congress such land and mortgage laws as would be essential to the successful operation of a landschaft in the District of Columbia, and so forth. The accomplishment of this much would be worth the expense of organizing the institute and providing it with the means of investigation and study. With model charters and model laws in the District of Columbia, and so forth, the system would be made plain to the American people. It would not be necessary for the landschaft to be actually organized in the District, but the value of the proceeding would lie in the adoption by Congress of certain laws for the District that would provide a model system as an example for the country.

Mr. TOWNSEND. Mr. President, may I ask the Senator whether this bill is intended to cover mortgages on other than farm lands?

Mr. SHEPPARD. It is not.

Mr. TOWNSEND. How would it be operative in the District of Columbia, then?

Mr. SHEPPARD. I have just said it would not actually operate in the District, but that we could at least have here the necessary land laws and organization laws for a model landschaft for the information of the rest of the country.

Furthermore, the institute is authorized to apply to the States for permission to conduct its business of operating landschafts within their borders. Here we are well within the limit of precedent and authority. Many corporations organized in the District of Columbia are admitted to do business in the States under the laws of the original charter and with governing headquarters at Washington. If a State admits the national rural credits institute to operate within its borders, that State puts upon the institute the stamp of its own sovereignty and clothes it with power to act. My bill provides, however, that the institute shall enter only such States as have adopted such laws as will make a landschaft system feasible. Establish this institute in the District of Columbia, equip it with necessary means, let it demonstrate exactly what a landschaft is and what it signifies, what land and mortgage laws are needed to make it feasible, and the people will take up the cause. No obstacle should be allowed to stand in the way. I shall not go further into detail at this time. I append a copy of my bill to these remarks. Do you ask, Will the landschaft work? I say it has worked and will work, because it rests on scientific and everlasting principles. Let this be remembered: The earliest hour at which pure, cooperative land credit, land credit at practical cost, land credit in the cheapest form, may be obtained in the United States is the hour at which the landschaft principle finds adoption.

The next cheapest form of land credit is where the Government itself provides the capital for a land-mortgage bank, selects its officers, superintends its operations, guarantees its liabilities. This institution issues Government-guaranteed bonds based on land mortgages, and the rate of interest on the mortgages is, as a rule, no more than is sufficient to pay the interest carried by the bonds and the expense of operating the bank. When any surplus remains it is either paid into the Government treasury or devoted to public works. There are 16 of these banks in Germany. They are created by the States or Provinces and not by the federal Government. They had loans outstanding on mortgage security in 1909 of nearly $250,000,000. It is a fair estimate that more than half of this amount was lent on farm mortgages, the remainder on urban.

It will be seen that the Government mortgage-bank system is used to a much less extent in Germany than the landschaft system, which had loans outstanding in 1909 of $850,000,000. The experience of Germany is worthy of exceptional attention, because Germany has carried rural credit to a higher degree of practical success than any other country in the world.

Mr. J. R. Cahill, the eminent English student of rural credit, has the following to say regarding the Government mortgage bank, the private, joint-stock land bank, and the landschaft system as he saw them operating side by side in Germany:

> Not aiming at profits beyond the payment of expenses, although, in fact, considerable sums are usually allocated to public purposes as the result of their operations, they (the Government mortgage banks) grant loans more cheaply than the joint-stock mortgage banks. The majority of the latter do not find it profitable to lend at all upon small properties, and other institutions which possess the advantage of being accessible for small farmers without incurring expense, namely, the public savings banks, not only charge higher rates but may grant only loans subject to recall, and only agree to gradual amortization for a limited portion of their loans. Certain drawbacks are associated with the management and the control of the banks now being considered by the State or public assemblies of districts or Provinces. Thus the necessity of obtaining the sanction of a representative assembly for changing the rate of interest payable on bonds or chargeable on loans, the strict adherence to formal rules (e. g., as regards lending over 50 or other per cent of the assessed value), for whose alteration similar authority is required, may often prove disadvantageous in practice. Other drawbacks inseparable in the popular mind from official administration are also imputed to them; and of course it can not be gainsaid they do not possess the great merit of the mortgage-credit associations, namely, the merit of being organizations of landowners governed by landowners which confine their business to rural mortgages, and are better able to take in consideration all the conditions in arriving at their decisions.

Let us here note the fact that the joint-stock mortgage banks of Germany have little to do with farm mortgages when we consider their total volume of business. Of their nearly three billions of outstanding mortgage loans in 1911, only about 6 per cent, or $160,000,000, represented farm loans.

The joint committee on rural credit, authorized by the Sixty-third Congress, has reported a bill establishing a land-bank

system, consisting of 12 Federal land banks under the supervision of a Federal farm-loan board at Washington. Each bank is to have a capital of not less than $500,000, and loans are made to farmer borrowers through local associations of at least 10 members, with limited or unlimited liability. Each borrower must take stock in the local association to the extent of 5 per cent of the face of his loan, and the association subscribes that much to the stock of the land bank of the district in which the association is located. The banks issue bonds based on the mortgages as collateral security, and the loans run from 5 to 36 years, the semiannual interest payments of the borrower covering amortization. Behind each bond is the security of all the mortgages held by the land bank, and each bond is guaranteed by all the land banks, jointly and severally, as well as by a farm-loan association. The interest rate paid by the borrower must not be more than 1 per cent higher than the interest due on the bonds and must not exceed the rate of 5 per cent. The bonds are to be exempt from Federal, State, and local taxation.

The capital stock of a Federal land bank may be subscribed for and held by any individual, firm, corporation, national farm-loan association, or the Government of any State or of the United States. The bank does not become permanently operative, however, until at least $100,000 of stock shall have been subscribed by the farm-loan associations. Stock not subscribed for within 90 days after books are open is to be subscribed by the Federal Government, such stock to be retired as subscriptions come in from other sources. Six of the nine directors of the bank are to be chosen by farm-loan associations and the remaining three by the Federal farm-loan board.

The fact that owners of stock outside of the farm-loan association will have no voice in the management makes it practically certain that little capital will be subscribed by individuals, firms, or corporations. The stock will be subscribed principally by the local associations and the Government, and, ultimately, after the Government stock is retired, by the associations altogether. If this Federal land-bank proposition finds anything like general acceptance among our 6,000,000 farmers, it will mean the formation of hundreds and thousands of local associations, each with different sets of appraisers, other officials, and so forth, in addition to the appraisers, officials, and so forth, of each Federal land bank and also of the Federal farm-loan board. It may well be asked why such elaborate and expensive machinery is necessary when the land itself, under the landschaft system, furnishes adequate security without the intervention of a bank or subscription of capital, and with a far smaller number of associations, associations whose minimum membership, if we consider the example of Germany, would be in the neighborhood of half a million farmers.

In the landschaft system the liability of members would not extend beyond the landschaft in which they were borrowers. The bill of the joint committee makes the local associations responsible to the extent of their stock in a land bank for the obligations of every other land bank in the United States.

The land banks of the joint committee bill may make mortgage loans for the following purposes and no other: (1) To provide for the purchase of a farm home; (2) for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the farm; (3) for buildings and for the improvement of farm lands; (4) for liquidation of the indebtedness of the borrower existing at the time of the organization of the farm-loan association or subsequently incurred for the purposes above mentioned. In the landschaft no questions are asked as to the disposition of the money loaned, the principal obligations resting on the borrower being that he shall make interest and amortization payments promptly and keep his land from deteriorating.

Mr. McCUMBER. Mr. President, may I ask the Senator a question right there?

Mr. SHEPPARD. Certainly; I yield to the Senator.

Mr. McCUMBER. What provision has been made in the bill which has been introduced by the joint committee to compel obedience to the requirements of the bill in the expenditure of this money? Suppose a loan is made, and it is declared that the loan is made for the purpose of purchasing cattle and horses and machinery, or to pay a portion of the cost of the land. What provision is made to compel the expenditure along that line? Is it not a fact that after the money has been paid over to the farmer he can use it as he sees fit, so far as the bill is concerned?

Mr. SHEPPARD. The distinguished coauthor of the bill is here. I will ask him to answer the question.

Mr. HOLLIS. Mr. President, it does not seem to me desirable at this time to engage in a general discussion of the rural-credits bill. I think it will be up before the session closes, and then I shall be very glad to explain it. I would rather not precipitate a discussion at this time. I will say, however, in answer to the distinguished Senator from North Dakota that if the money borrowed is devoted to any other purpose than that to which the borrower pledges himself to devote it, the mortgage thereupon becomes in default, and may be foreclosed.

Mr. SHEPPARD. I am under many obligations to the Senator from New Hampshire for answering that question.

It should be noted that some of the purposes to which loans are restricted in the land-bank system, such as live stock, tools, and so forth, do not properly belong to the domain of long-term mortgage credit, but rather to that of short-term, personal, current credit.

Again, I ask why should we wander into an unknown and untried field when an example lies before us, sustained and vindicated by the experience of 147 years, especially when a similar clarification of recording systems and land laws throughout the country is essential to both methods?

Let me say here that the joint committee bill also provides for the organization of a private, joint-stock mortgage bank conducted for profit, with stock subscribed by private parties, and with power to lend on mortgages to individual farmers.

The able gentlemen who compose the joint committee have labored in this matter with unusual earnestness and zeal. They have advanced what they believe to be a solution, in part at least, of the problem of land credit in the United States. Without offering any criticism of the faithful work of the joint committee, I express it as my personal conviction that they have erected an unnecessary banking superstructure on a foundation of land-mortgage societies which, properly organized, would be sufficient of themselves. What would be thought of a proposal that the Pennsylvania Railroad Co. establish and equip with its own capital a bank for the purpose of guaranteeing and selling the company's bonds? A land district, properly organized and operated, needs no bank to guarantee it. Suppose it should be suggested that the land owners in the school districts of the United States take stock in a bank for the purpose of guaranteeing and selling their bonds and become responsible for a number of similar banks throughout the country before they could borrow money for school purposes. Would any school district be organized?

The bill of the joint committee and the landschaft bill which I shall append hereto are intended to provide the farmer with capital for permanent improvements and represent what is known as long-term mortgage credit. The other fundamental need of the farmer is for capital with which to finance the current processes of production, and is covered by what is known as short-term personal credit.

The joint committee has presented no bill on this latter phase of rural credit, but has asked for further time in order to consider a suitable measure. I have introduced a bill along this last-mentioned line—a bill embodying most of the principles taught by Raiffeisen, the great teacher and philosopher of this kind of credit, a bill which will have the effect of reducing interest rates on loans for current farm processes to the lowest practicable point. I shall probably discuss this bill at a later time. It enables farmers in a given district to organize a rural national bank with a capital as small as $500, with privileges of existing national banks, such as exchange of bonds for circulating notes, rediscount for suitable paper, Federal supervision, examination, and so forth. Let me say in this connection, that the thousands of Raiffeisen rural banks in Germany, with an average capital of $400 each, lent to German farmers in 1912 about $500,000,000 at 3 and 4 per cent, and on such time as enabled the agricultural processes for which the money was lent to complete themselves and reimburse the rural banks.

Mr. President, the landschaft or land district system is the safest, most scientific, most practicable, and most effective system of land credit in existence. It obtains credit for the farmer at the lowest market rate and the lowest expense. In my judgment, this Congress will neglect the supreme opportunity and most urgent need of the hour, if it does not at least provide for the establishment of a model landschaft law for the District of Columbia by experts in order that the American people may see and know exactly what it is, and for its extension to the States in the manner deemed most advisable.

Let me add that my bill for a landschaft system has been brought to the attention of two of the world's best authorities on rural credit, Wollemborg and Lorenzoni, both of Italy. Lorenzoni says that the bill is on thoroughly sound lines. Wollemborg's comment is as follows:

I have read the text of this bill. I am unable to give an opinion on matters of detail and points of procedure as I am unacquainted with local conditions and with the psychology of the farming population to whom the measure is to apply.

I can, however, say that the bill is based on sound economic principles and faithfully follows the main outlines of the landschaft system

of cooperative mortgage credit which has been in existence for over 150 years in Germany, with an unbroken record of success.

As I have already stated, in my opinion this system of long-term land credit is best suited to comply with the requirements of the average American farmer, for it is suited to land-owning farmers, owning medium or large sized farms, and requiring for their further development loans for considerable amounts, at a low rate of interest and for a long term of years, to be repaid by gradual amortization.

LEONE WOLLEMBORG.

My bill (S. 3704) for a landschaft system now follows. I ask permission to set out the bill in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SHEPPARD. As here presented it contains certain amendments which I have added since the bill was originally introduced and which do not appear in the original bill.

The bill is as follows:

A bill to establish a landschaft system of rural credit in the United States.

Be it enacted, etc., That in order to aid in effecting the purposes of this act the positions of Assistant Secretary of Agriculture for rural credit and Assistant Secretary of the Treasury for rural credit are hereby authorized and established.

SEC. 2. That the Secretary of Agriculture, the Secretary of the Treasury, the Assistant Secretary of Agriculture for rural credit, the Assistant Secretary of the Treasury for rural credit, and three other citizens of the United States are hereby constituted a body corporate, to be known as the national rural credit institute, with power to operate under the terms hereof, and to form local units or chapters, known as landschafts, in the District of Columbia and other territory subject to the direct sovereignty of Congress and in such States of the United States as will admit the institute for the purpose of exercising its powers within their respective limits: *Provided*, That said States, in the judgment of the institute, shall have enacted laws of such character as will permit the successful operation of a landschaft.

SEC. 3. That as a corporate person or body corporate the institute shall have power to sue and be sued, to complain and defend in any court of law and equity as fully as natural persons, to purchase, hold, and convey real estate, to make contracts, and to do all the acts and things essential to the purposes of this act.

SEC. 4. That the Assistant Secretary of Agriculture for rural credit, the Assistant Secretary of the Treasury for rural credit, and the three other members of the national rural credit institute shall be citizens of the United States, and shall be appointed by the President of the United States as soon after the passage of this act as possible, by and with the advice and consent of the Senate, for terms of four years, unless sooner removed by the President. At least four members of the institute, outside of the Secretary of Agriculture and the Secretary of the Treasury, shall have been principally engaged in farming for 10 years prior to their appointment, and at least one member shall be an expert student of the subject of rural credit.

SEC. 5. That vacancies shall be promptly filled by the President, who shall also have the power of removing any member whose conduct may be prejudicial to the purposes of this act. The members of the institute, outside of the Secretary of the Treasury and the Secretary of Agriculture, shall give their entire time to the duties by this act imposed.

SEC. 6. That members of the institute, outside of the Secretary of the Treasury and the Secretary of Agriculture, shall receive a salary of $7,500 per year. The Secretary of Agriculture and the Secretary of the Treasury shall act as chairman of the institute alternately, in the order named, each serving a year at a time.

SEC. 7. That the institute may adopt such methods of meeting and procedure as it may deem advisable. It may provide for such supervision of landschafts as it may deem essential to their success. It may employ such clerical and expert assistance as it may consider necessary, said employees to be appointed after passing examinations prepared by the Civil Service Commission and the institute.

SEC. 8. That the institute shall organize no landschaft in the District of Columbia until Congress shall have enacted such laws relating to title and mortgage registration, to summary powers of foreclosure, administration, and so forth, and such other laws as are essential to the effective operation of the institute and its landschafts. Neither shall the institute apply for admission to enter a State until said State shall have enacted such laws. The institute may make such suggestions to Congress and the States as it may deem proper in this connection. In preparing such suggestions it may make such study of the questions involved as it may deem desirable, making such expenditure for this purpose out of the funds at its command as it may consider proper. The institute may also conduct a campaign of education among the people of a State it proposes to enter in order to familiarize them with the nature and practical working of a landschaft.

SEC. 9. That all expenditures and other actions of the institute shall be determined by a majority vote of all its members, and expenditures shall be made through vouchers authorized by such majority vote and countersigned by the chairman and one other member. The Secretary of the Treasury shall pay from the Treasury the amounts as indicated and directed by vouchers so countersigned. A majority of the members of the institute shall constitute a quorum for the transaction of business.

SEC. 10. That the institute shall have its principal seat at Washington, D. C.

SEC. 11. That the institute shall have power to supervise, control, and issue charters for local units or chapters, known as landschafts, in the District of Columbia or elsewhere, under the conditions before mentioned, which charters shall contain the following requirements and such others in harmony therewith as the institute may deem proper:

SEC. 12. That a landschaft shall be composed of all farm owners within a designated district who desire to secure long-term loans on the security of their farms.

SEC. 13. That a district may be subdivided and resubdivided into lesser areas, each with a local administration.

SEC. 14. That no one may join except an applicant for a loan, and membership ceases on repayment of loan.

SEC. 15. That the voting strength of a member is determined by the number and amount of his mortgages.

SEC. 16. That the voting is done in circles in the smallest subdivisions.

SEC. 17. That members elect the superintendents of the circles and also delegates to sit in convention for selecting nominees for other offices and to compose the general meeting.

SEC. 18. That under the supervision of the institute the business of a landschaft shall be conducted and controlled by the directorate, the council of administration, and the general meeting, the duties of these bodies to be specifically set out in the charter.

SEC. 19. That the directorate of a landschaft comprises a president, two vice presidents, an attorney, a secretary, and a treasurer. All officers must be members and therefore borrowers, except the attorney, the secretary, and treasurer, who shall be salaried officials without vote. The central officers are appointed by the institute on the nomination of the members acting through delegates.

SEC. 20. The directorate shall take such steps as in its judgment may be necessary to secure caretakers, cultivators, or managers of mortgaged farms taken over by default. Compensation may or may not be allowed.

SEC. 21. That a landschaft may issue debentures and exchange them for annuity contracts secured by mortgages executed by members in its favor on farms within its territory in consideration of loans made to them.

SEC. 22. That its funds consist of a sinking fund created by repayments by borrowers and used for redeeming debentures and a reserve accumulated from entrance fees, fines, or a portion of profits and maintained only at a size sufficient to guard against contingencies.

SEC. 23. That the contract between the member and the landschaft is an agreement to pay an annuity to the landschaft as long as membership continues; that is, until the loan is paid.

SEC. 24. That the annuity consists of the interest at the agreed rate and usually one-half or one-fourth of 1 per cent of the principal, both calculated on the full, original amount of the loan, together with a contribution to the expense of doing business.

SEC. 25. That in addition to these charges, which are paid annually or semiannually, the borrower may be fined for defaults or for infraction or disregard of rules and regulations, while he must faithfully perform his duties as a member under penalty of being expelled and having his loan recalled. Mortgaged lands shall be inspected as often as may be deemed necessary by officials of the landschaft and of the institute. If said lands are found to have depreciated below two-thirds of their appraised value the landschaft shall have the right to recall a corresponding amount of the loan.

SEC. 26. The borrower shall have the right to pay off the loan at any time he may choose before its expiration.

SEC. 27. That a first mortgage on farm land is taken to secure the contract, and the amount of the loan must not exceed 50 per cent of the value of mortgaged property.

SEC. 28. That the value of the land is to be based on its agricultural earning or producing power, and no appraiser or committee of appraisal shall render a final decision until after a public hearing in the vicinity of the land to be valued, duly advertised, at which all parties desiring to testify may be heard. In the notices of the hearing the appraiser or committee of appraisal shall state their own valuation. The directorate shall designate the appraiser or committee of appraisal.

SEC. 29. That a synopsis of all hearings as to appraisal shall be filed with the directorate and held by them for such examination as the institute may desire to make before mortgage is issued.

SEC. 30. That an applicant has been admitted to membership and his contract and mortgage have been duly executed and approved by the landschaft and the institute, the landschaft gives him its own debentures, after same shall have been approved by the institute, of the same amount and interest rate as his loan. Before approving a mortgage the institute shall have the right to satisfy itself through its own special appraisers and officers that the appraisal on which it is based is correct and that all regulations have been observed, although a separate appraisal by the institute of each mortgage is not made imperative. All mortgages shall be held by the institute in the Treasury of the United States and shall not be surrendered except as provided by this act and regulations of the institute in harmony therewith, and only when the institute is assured that the landschafts are complying fully with the provisions and purposes hereof.

SEC. 31. That the borrower sells the debentures which he obtains by this exchange wherever he can get the best price, or the institute may maintain a selling bureau to enable him to market the debentures, in which event it acts merely as the seller's agent, and may charge a commission. All bonds in the possession of the institute shall be kept in the Treasury of the United States.

SEC. 32. That the annuities and other receipts are carried to the sinking fund or to the reserve immediately after they are paid by the borrowers. A separate account is kept in the sinking fund for each borrower and entries are made in it of his payments and defaults, and also of his portion of the profit or loss of the landschaft. When the balance in his favor equals the sum originally borrowed his loan is considered paid. Until this equivalent is obtained the borrower continues to be indebted to the landschaft and his mortgage remains intact of record.

SEC. 33. That according to law the filing of the mortgage converts the annuity contract into a rent charge on the land, and until finally canceled it is notice to the world that the landschaft has a valid prior claim on the land for whatever appears on its books against the borrower or his successors at law. And no landschaft shall be organized until the law of the jurisdiction in which it is to be located shall so provide.

SEC. 34. That borrower has option to designate rate of interest, as well as denominations of debentures issued to him, and the interest rate of the debentures must correspond with that of his loan.

SEC. 35. That debentures shall be of small as well as large denominations in order to attract small investors. Rate of interest shall be 3, 3½, 4, and 4½ per cent.

SEC. 36. That debentures specify that interest is to be paid annually or semiannually, and shall run for 35, 40, or 50 years at the option of the borrower, or as the institute may prescribe. They do not attach either as a fixed or floating charge against the mortgages. They are acknowledgments of indebtedness of certain amounts. They are a liability against the sinking fund and the members.

SEC. 37. That accumulations in the sinking fund are not for investment but for redemption of the debentures exchanged for loans.

SEC. 38. That withdrawals from sinking fund may be permitted after borrower has paid off a certain portion of a loan. In this way the landschaft grants extensions.

SEC. 39. That borrowers may make voluntary payments to sinking fund. Acceptance of cash or debentures of the landschaft required

when presented by borrower in payment of his dues to landschaft. By increasing his credit balance borrower pays off his loan in whole or in part.

SEC. 40. That if a member defaults he takes away just so much money available for retiring debentures and liquidating liabilities of sinking fund. The landschaft covers the impairment by apportioning the loss among all members and deducting it from their credit balances in their respective accounts and by the exercise of the power of proportionate assessment. The landschaft may have the right of summary foreclosure and seizure, through proper clauses in the mortgages or by appropriate legislation. Only after all remedies have been exhausted against a defaulting member shall the other members be held for any unpaid balance, unless the interests of the landschaft demand prompter action by immediate assessment of members in order to meet immediate liabilities. All members shall have the right to test in the ordinary courts of justice the question as to whether they have violated the laws and regulations of the landschaft and are properly subject to its penalties. Likewise officials of a landschaft or the institute may invoke the power of the ordinary courts of justice to enforce the authority conferred by this act. Any member may appeal to the ordinary courts of justice to compel the officials of a landschaft or the institute to perform the duties herein required. Members shall agree, through proper clauses in mortgages, to summary foreclosure and seizure proceedings after notice for a specified time.

SEC. 41. That when deficiencies become chargeable against members such deficiencies shall be recoverable by a levy on members in proportion to voting power. Creditors of a landschaft, in the event of any default by it, shall have the right by proper legal procedure to compel the exercise of its power to levy assessments in proportion to voting power, against the members thereof, until the obligations held by said creditor shall have been discharged.

SEC. 42. That every six months or every year debentures are to be redeemed up to amount of cash on hand in sinking fund, if obtainable in the market.

SEC. 43. That the institute may purchase debentures like an ordinary investor, while borrowers may pay their dues with them. Purchased debentures may be reissued, but those turned in by borrowers must be canceled.

SEC. 44. That mortgages always at least equal the debentures, while the sinking fund, composed of repaid loans, is employed only in redeeming or retiring debentures. It can not be invested in new loans, used as a working fund, or diverted in any way from its purpose.

SEC. 45. That all bonds and mortgages shall be engraved by the Bureau of Engraving and Printing according to forms prescribed by the institute.

SEC. 46. That the funds of a landschaft shall be deposited in a depositary named by the institute, to the order of the institute, and all interest payments shall be made by the institute. The institute shall pay the salaries, expenses, etc., of the landschafts in vouchers drawn according to regulations provided by the institute.

SEC. 47. That the institute shall have power, through its representatives, to substitute itself for the officials of a landschaft and to exercise their functions in the event such substitution should become necessary to insure the prompt discharge of a landschaft's obligations.

SEC. 48. That if required by the laws of a State in which it applies for permission to operate, the institute may establish branches in such State to exercise therein the powers of the original parent body and designate representatives to compose said branch.

SEC. 49. That whenever necessary for the purposes of this act the institute shall have power to administer oaths, send for witnesses and papers, and may confer such powers on its own representatives and on the officials and committees of the landschafts.

SEC. 50. That the institute shall investigate the advisability of establishing a life insurance department to aid borrowers in carrying mortgages, and shall make such recommendations to Congress in this regard as it may deem advisable.

SEC. 51. That, to enable the institute to carry out the purposes of this act, the sum of $500,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. The salaries of the members, as herein provided, shall be appropriated by Congress independently of the said $500,000.

Mr. SIMMONS. Before the Senator from Texas takes his seat, I do not know whether I correctly understood one statement made by him or not. I understood the Senator to say that the homestead provisions in the constitutions of most of the States of the Union were a very serious impediment to the success of the landschaft proposition which he presents or the land-bank proposition which the committee presents.

Mr. SHEPPARD. I so stated as to many of the States of the Union. I also stated how the landschaft could avoid the difficulty.

Mr. SIMMONS. I think the Senator must be mistaken in that statement. I understand that the landschaft association loans money upon real estate mortgages, and where there is a mortgage there is no homestead as against the debt secured by that mortgage. I do not see how the homestead laws could in any way interfere.

Mr. SHEPPARD. I have assumed that the homestead requirements of the States having this exemption were similar to those of Texas, where the homestead idea originated. In the constitution of the State of Texas it is specifically provided that the homestead exemption is not a defense against foreclosure or execution for purchase money or for taxes. The exemption is good against all other obligations, whatever their form. If the constitutions of other States do not go this far, it is all the better for the landschaft principle.

Mr. SIMMONS. Of course the Senator was correct in regard to mortgages in States where the constitution contains a provision of that kind.

Mr. SHEPPARD. I was referring to States having the kind of homestead exemption I have described and to no others.

Mr. SIMMONS. I understand there are very few States in which that provision exists.

Mr. McCUMBER. Will the Senator state how many there are?

Mr. SIMMONS. I can not; certainly not many. And exemption such as the Senator from Texas says obtains in his State would operate to materially diminish the security of the mortgagee, especially so in view of the liberality of commissioners in making homestead allotments. In my State we have a homestead law which provides for an exemption in case of real estate of $1,000 in value. These exemptions are allotted by commissioners who are generally exceedingly liberal to the defaulting debtor and his family.

Mr. SHEPPARD. In my State the rural homestead consists of 200 acres.

Mr. SIMMONS. In my State there is no limitation upon the right to mortgage the homestead. Of course, where the owner is a married man it requires the husband and wife to join, but where the requirement of the statute with respect to the execution of the paper is complied with, the mortgagor parts, for the purpose of securing the debt, with the entire interest in the land, and there is no homestead as to that particular land against that particular debt.

Mr. SHEPPARD. My statements as to the homestead exemption being an impediment would not be applicable to the Senator's State.

Mr. SIMMONS. And I think that is true as to most of the States of the South.

Mr. SHEPPARD. I am very glad to have the Senator so state. I trust that he is correct.

Mr. SIMMONS. The Senator made another statement which interested me and which, I think, is important. If I understood the Senator he said the landschaft system of Germany is analogous to the drainage systems which obtain in many of the States.

Mr. SHEPPARD. It is.

Mr. SIMMONS. I understand in drainage districts there is an assessment against the land of each one of the freeholders within the area drained. They are each assessed annually, in sums sufficient to pay the annual interest and provide for an amortization fund, and that is collected by the sheriff of the county just as any other taxes are collected. If there is a default, so much of the land is sold as may be necessary to pay the overdue assessment.

Mr. SHEPPARD. Making the security more than sufficient and absolutely sound.

Mr. SIMMONS. The Senator says that the landschaft system or scheme which he proposes will be made up of borrowing landholders.

Mr. SHEPPARD. In the landschaft only borrowers may join, and membership is voluntary. In the school and drainage districts all landowners are compelled to become members if a certain number of the landowners of these districts so vote.

Mr. SIMMONS. And no security holder can foreclose one of these mortgages?

Mr. SHEPPARD. The mortgages are not subject to suit and foreclosure by security holders.

Mr. SIMMONS. They are given to the association to secure the debt to that particular landschaft district?

Mr. SHEPPARD. They are.

Mr. SIMMONS. If there is default in the payment of his annual assessment the proceeding against him for that assessment is analogous to the procedure of a sheriff in a State for the collection of tax?

Mr. SHEPPARD. Such is my understanding.

Mr. SIMMONS. And no more of the land is sold than may be necessary to pay that particular assessment?

Mr. SHEPPARD. The Senator is correct.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask that the Indian appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is as follows, on printed page 50: The committee proposes to insert after withdrawing all contained on page 51, down to and including line 16, on page 58:

For continuing construction of irrigation systems on Flathead Indian Reservation in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended.

Mr. CURTIS. Mr. President, this amendment has been fully argued and my course will be shaped largely by the vote upon it. I should like to have a quorum present when it is voted upon.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Stone
Bankhead	Hollis	Pittman	Sutherland
Beckham	Johnson, S. Dak.	Poindexter	Taggart
Broussard	Jones	Ransdell	Thomas
Catron	Kenyon	Saulsbury	Thompson
Chamberlain	Lane	Shafroth	Townsend
Chilton	McCumber	Sheppard	Wadsworth
Clapp	McLean	Sherman	Walsh
Clark, Wyo.	Martine, N. J.	Shields	Warren
Curtis	Myers	Simmons	Weeks
Gallinger	Nelson	Smith, Ariz.	Williams
Gronna	Newlands	Smith, Mich.	
Harding	Norris	Smith, S. C.	
Hardwick	Overman	Smoot	

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll roll. There is a quorum present. The Secretary will read the pending amendment.

Mr. TOWNSEND. May we have the amendment stated?

The SECRETARY. The committee has withdrawn all of the bill beginning with page 51 down to and including line 16 on page 58. Following the matter printed in the bill on page 50 the committee offers to insert the following:

For continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment, to follow that item. It has been read once.

Mr. SMOOT. Let it be read again.

The VICE PRESIDENT. It will be read.

The SECRETARY. After the amendment just agreed to insert:

Provided, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 15 of the act of May 29, 1908 (35 Stat. L., 448), shall be made as herein provided: *Provided further*, That nothing contained in the act of May 29, 1908 (35 Stat. L., 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of any or all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.

Mr. WALSH. Mr. President, the Senators from Montana have no objection whatever to the adoption of the amendment.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

The SECRETARY. It is proposed to add, after the amendment which has just been agreed to, the following:

For continuing construction of the irrigation systems on the Fort Peck Indian Reservation, in Montana, $100,000 (reimbursable), which shall be immediately available and remain available until expended.

Mr. CURTIS. Mr. President, I judge, from the vote on the former amendment, that this amendment will be agreed to; but I want to get the facts into the RECORD, so that Senators may know just exactly what they are voting for.

There are 1,938 Indians on this reservation; there are 71,000 acres of irrigable lands allotted, 212,000 acres of nonirrigable lands allotted, 424,800 acres of grazing land, and 15,893 acres of timberland. The Indians are cutivating 1,100 acres. The original reservation consisted of 1,800,000 acres, and 1,300,000 acres were placed on the market. Seven hundred and twenty-two thousand acres were allotted. There has already been expended on this plan $475,686.09, and there has been reimbursed only $80,000.

I think this amendment should be disagreed to; but, in view of the vote on the other amendment, I suppose it will go through. Therefore I offer as an amendment to the pending amendment the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. At the end of the pending amendment it is proposed to add the following:

Provided, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section 2 of the act of May 30, 1908 (35 Stat. L., p. 558), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May 30, 1908, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Kansas [Mr. CURTIS] to the amendment:

Mr. WALSH. Mr. President, this amendment is likewise quite satisfactory to the friends of the bill.

The VICE PRESIDENT. Without objection, the amendment to the amendment is adopted. The question is on the amendment as amended.

Mr. WALSH. Mr. President, before the vote is taken, in view of what has been said by the Senator from Kansas [Mr. CURTIS], I think it but right that what was stated by the special commission appointed under the provision of the act of 1914 in relation to this particular project should be read. I beg leave to read a few paragraphs from their report, so that it will appear, as the fact is, that the appropriation is fully justified by the report of a commission appointed under an act of Congress to investigate this particular project. That commission stated as follows:

The work of construction begun by the Reclamation Service on this reservation should be completed at the earliest possible date in order that the allottees may be enabled to derive some income from their irrigable lands and also to save the water rights by construction work and beneficial use.

The report goes on to make some comments on what ought to be done in order to make this project available to the Indians; and at the risk of prolonging the discussion unnecessarily I shall take the liberty to read a few paragraphs, in which the commission set out how these projects could be made altogether useful to the Indians. They say:

In addition to completing the units under construction, we respectfully recommend that work be initiated on the Big Muddy unit at once in order to save for the Indian land the use of the water of Big Muddy Creek, which, in our opinion, is in very serious danger of being lost to the Indians.

The Indians should be encouraged by being furnished farming equipment and competent instructors. Also they should be required to move to and live on their allotments wherever practicable. The superintendent should be firmly supported by the department in his endeavors to compel able-bodied Indians who have equipment to cultivate their land or to become engaged in some useful occupation in order to conserve the interest of thousands of dollars invested in their behalf.

Of the irrigable allotments on the Fork Peck Reservation 62½ per cent are under the proposed Missouri River gravity canal and 325 irrigable allotments under the proposed Big Muddy unit, which is in the extreme eastern part of the reservation, the Big Muddy Creek being the eastern boundary. The land just off the reservation adjacent to the Missouri River and Big Muddy Creek has been settled by homesteaders, and it is therefore imperative that at the proper time steps be taken to protect the water rights of the Indians under these two proposed units. It is understood that the Reclamation Service has filed on the water in the Big Muddy, but unless work of construction is begun within three years from the date of filing the water right of the Indians will be lost. The settlers east of the reservation along the Big Muddy Creek have posted notices of the appropriation of the water in said stream, but as yet have not perfected their title. They are given but 40 days under the Montana State law to begin work of construction in order to retain their water right.

It is a known fact that it requires a capital of from $1,500 to $2,000 for a homesteader to successfully begin operations on land in this western country. An Indian who has had practically no experience can not be expected to farm his land without either capital, implements, or competent instruction.

In order that the Indians may establish themselves on their irrigable allotments it will be necessary that they be properly equipped for farming. It is our opinion that a portion of the funds derived from the sale of surplus land should be made available for the purchase of such stock, equipment, etc., as is needed. Also it is our opinion that in order to effect the sale of this surplus land it will be necessary to have the present homestead laws, in so far as they apply to nonirrigable Indian land opened to entry on this reservation, so amended as to eliminate the requirements as to residence and to allow a filing to be made on 320 acres instead of 160 acres, as now provided by law. Otherwise the lands opened to settlement on the Fort Peck Reservation will not be filed on by homesteaders, and as a result there will not be enough money derived from the sale of the surplus lands to pay for the work that is now in course of construction. Neither will any funds be available with which to equip the Indians for their work.

Aside from furnishing proper implements, seeds, etc., it is absolutely necessary that the superintendent be given competent farmers who have had experience in irrigation and who are competent instructors in methods of farming irrigable lands.

A reimbursable appropriation of at least $100,000 should be made available at an early date in order that the Indians may be equipped for this work as soon as water can be had for irrigating their allotments.

Mr. ASHURST. Will the Senator from Montana please give the name of the commission from whose report he has just been reading?

Mr. WALSH. This is a report of a commission appointed under the provisions of the Indian appropriation act of August 1, 1914, the commissioners who made the report being C. B. Lohmiller, superintendent Fort Peck Reservation; Arthur E. McFatridge, superintendent Blackfeet Reservation; Fred C. Morgan, superintendent Flathead Reservation; W. S. Hanna, superintendent of irrigation, chairman; L. M. Holt, superintendent of irrigation; and Henry W. Dietz, superintendent of irrigation.

Mr. MYERS. Mr. President, I will say that I visited and personally inspected the Fort Peck Reservation last summer and talked with both homesteaders and Indians thereon. Conditions there are such as to absolutely require the speedy completion of this project, for the benefit both of the Indians and the whites, in order to do justice to each and both. The Indians, as well as the white settlers, are suffering from delay, and in talking with them I heard no word of opposition to the speedy completion of the project, but, on the contrary, both Indians and white settlers were urging that the Government go ahead with the project. This appropriation is needed and should be made.

Mr. SMOOT. Mr. President, I will ask the Chair if the amendment to the amendment submitted by the Senator from Kansas [Mr. CURTIS] has been adopted?

The PRESIDING OFFICER (Mr. CHILTON in the chair). The amendment has already been agreed to. The question now is upon the amendment of the committee as amended.

Mr. SMOOT. Mr. President, I only desire to say a word, and that not on the amendment itself. I notice in the amendment that the appropriation is made to be immediately available "and to remain available until expended."

The senior Senator from Montana [Mr. MYERS] has just said that this work must be undertaken at once and that there is no opposition to it on the part of the Indians or on the part of the white settlers. It seems to me that the words "and to remain available until expended" ought to be eliminated from the amendment.

I did not raise the question in the case of the previous amendment, carrying $750,000, because that is a very large amount and can not, perhaps, be expended within the time when, under the bill, the appropriation would lapse.

Mr. WALSH. Mr. President, in deference to the desire of the Senator from Utah and considering the experience he has had in these matters of appropriations, we do not insist upon those words remaining in the amendment.

Mr. SMOOT. Then I move that the words "and to remain available until expended" be stricken from the amendment.

Mr. WALSH. There is no objection to that.

Mr. SMOOT. Mr. President, I wish the Senator from Montana to understand that I do not offer that in any spirit of hostility toward the amendment.

Mr. WALSH. I appreciate that.

Mr. SMOOT. But it is a bad practice to employ those words, and they should not be incorporated in an appropriation bill unless there is some real good reason for so doing.

Mr. WALSH. The Senators from Montana fully understand the attitude of the Senator from Utah.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. At the end of the amendment reported by the committee it is proposed to strike out the words "and to remain available until expended."

Mr. MYERS. Mr. President, speaking for myself, I am very willing to have that amendment adopted to the pending amendment. I am very glad the Senator from Utah did not present a like amendment to the Flathead amendment, because the conditions there are entirely different, and it would be very inappropriate there.

Mr. SMOOT. The Senator understands that I did not suggest such an amendment in connection with the Flathead provision?

Mr. MYERS. I so understand; and I am very glad the Senator did not.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment reported by the committee.

The SECRETARY. After the amendment last agreed to, it is proposed to insert:

For continuing construction of the irrigation systems on the Blackfeet Indian Reservation, in Montana, $50,000 (reimbursable), which shall be immediately available and remain available until expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CURTIS. Mr. President, I simply wish to get the facts in the RECORD in this case, as I did in the others. There are 1,224 Blackfeet Indians; the irrigated land farmed by the Indians amounts to 1,618 acres. The amount expended on the project to date is $952,061.34; it will cost to complete the project $2,798,000, and the amount reimbursed to date is $4,544. The amount of money on hand that may be used for reimbursement is none. The reservation now consists of 546,960 acres. These Indians had originally 1,760,000 acres. Under the irrigation system constructed there could have been cultivated in 1915 over 26,000 acres, and yet only 1,600 acres were cultivated.

I think it would be a mistake to make this appropriation, and I think I ought to say further that the Commissioner or Assistant Commissioner of Indian Affairs said that he doubted very much if this project would be of any benefit to the Indians.

In this connection I want to offer the same amendment which I offered in the other cases.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

Mr. CURTIS. I will say that it is in identical terms with the others.

Mr. ASHURST. If it is in identical terms with the others, perhaps it need not be read.

Mr. CURTIS. It is the same, except as to the name of the Indians.

Mr. WALSH. Mr. President, I think there is a slight change, and perhaps it had better be read.

Mr. CURTIS. Very well; let it be read.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. At the end of the amendment it is proposed to insert the following:

Provided, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior.

Mr. WALSH. Mr. President, before action is taken on this matter, I desire to ask that there be inserted in the RECORD a letter which I received this morning from Mr. Meritt, the Assistant Commissioner of Indian Affairs, urging that this appropriation be made.

The PRESIDING OFFICER. Without objection, the letter will be inserted in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 27, 1916.

Hon. THOMAS J. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: In compliance with your phone request of this morning, I am transmitting herewith the history of the Blackfeet irrigation project in Montana. There is also inclosed the report of the commission appointed to investigate the Blackfeet, Flathead, and Fort Peck irrigation projects, found in House Document 1215, Sixty-third Congress, third session.

Referring to your inquiry regarding the estimates of the department for an appropriation of $50,000 for the Blackfeet irrigation project, you are advised that it is very important that there be obtained a small appropriation for the maintenance of this project. The Government has already expended nearly a million dollars on this project, and it is desirable that a small appropriation be made to protect this large investment.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Mr. WALSH. I also ask that there be inserted in the RECORD a memorandum submitted by the Director of the Reclamation Service and a report from the project engineer upon this project.

The PRESIDING OFFICER. Without objection, that order will be made.

The matter referred to is as follows:

IRRIGATION ON BLACKFEET INDIAN RESERVATION.

Construction of irrigation works on the Blackfeet Reservation was started in 1908, and an effort was made to employ Indians, so as to teach them how to work and form habits of industry.

Some land was brought under ditch in 1910, which gradually increased annually since that time.

An examination in August, 1913, showed that although 26,000 acres of land were commanded by ditches and water supply, not a single acre had ever been irrigated thereunder. Some improvement, however, occurred in 1914, when 675 acres of Indian lands were irrigated, of which 474 acres produced crops averaging in value $8.20 per acre.

In 1915 the irrigated acreage was 1,618, of which 1,322 acres produced crops to an average value of $12.90 per acre. Thirty-three farms were irrigated, and their products included hay, grain, and garden crops.

I am unofficially informed that the lack of interest in agriculture by the Indians is due partly to the fact that the Indian allotments have not been approved, unless it has been done recently, and the Indians could not, of course, be expected to exhibit much enthusiasm in farming lands to which they could get no guaranty of permanency of tenure.

—

BROWNING, MONT., *August 9, 1913.*

The Hon. SECRETARY OF THE INTERIOR.

DEAR SIR: Inclosed herewith are three tables showing total payments to Indians for services as laborers, for services of their teams, and for supplies during recent years in which the Reclamation Service has been operating in the Fort Peck, Blackfeet, and Flathead Indian Reservations. These tables refer to the work done with Indian appropriations. In addition to this, large amounts have been paid for labor upon works built with the reclamation fund on the Milk River project, Huntley project, where Crow Indians were employed, and Salt River project, where Apaches, Pimas, and Maricopas were employed.

By reference to the table for the Blackfeet Indian Reservation it will be found that the second item of labor has increased progressively every year beginning with $14,691 in 1908 and amounting to $72,954 in 1912. Total payments have increased in a similar ratio. The total payments for Indian labor and teams during the months of May, June, and July, 1913, are $47,178. August, September, and October are still to be heard from, and all indications are that the increase of 1913 over that for 1912 will be large.

The engineer in charge of the work on the reservation reports that at one time last year 174 four-horse teams owned and driven by Indians were employed on construction work and freighting. The largest number employed at one time this year is not as great, but those employed are working more steadily, so that the total amount of work performed by Indian labor per month is greater this year than last.

The engineer also reports that Indians are reasonably skillful in handling four-horse teams attached to fresnos, scrapers, to grading plows, and to freight wagons, but that in many cases they are not reliable, as they will quit without notice, and it is not always safe to trust an Indian to handle a plow team or freighting team where sudden, unexpected stoppage will cause serious detriment to the work and throw a large number of Indians out of employment. For this reason it is necessary to employ a few white men who either perform such duties or can hold themselves in readiness to take the place of Indians who suddenly quit. For the same reason it is necessary to have a considerable proportion of animals owned by the United States and handled by white men, otherwise the work would seriously suffer on account of the unreliability of the Indians and their teams. The Indians, however, have been steadily improving in this respect from an efficiency five years ago very near zero to a point where a considerable number of Indian foremen, plowmen, and freighters are employed with moderate satisfaction.

All of the statistics available and all of the information obtainable from the men who have conducted this work point convincingly to the conclusion that the Indians have greatly improved in skill, reliability, and willingness every year since this work was started on the Blackfeet Reservation. I am convinced that a similar degree of patience, persistence, and skill could succeed equally well in training the Indians to agriculture. At present there are over 26,000 acres of land under ditch which can be irrigated and which the engineer in charge stands ready to deliver water to upon demand. Not a single acre of this land is being cultivated by either Indians or white men. Not a drop of water is being delivered for irrigation from the constructive works. A small acreage is being cultivated by the agency farmer, a part of which lies under the ditch, but this is being cultivated without irrigation. I have not yet had an opportunity to visit this farm.

The land under ditch is situated in three separate tracts and is largely allotted in 40-acre units to Indian allottees.

If a few of the unallotted units were farmed by a skillful, tactful farmer with Indian labor, the Indians employed would learn farm work and would set an example to the other Indians by which they could learn how to handle the water and cultivate the soil. If at the same time moderate pressure by persuasison and personal necessity were exerted, it is believed that results could be obtained in agriculture within a few years that has been made in the past five years in training and inducing Indians to work on construction.

At all times when money is available for the purpose offer is made that all Indians and Indian teams who desire employment will be employed at a given wage. The first year very few Indians offered; these were very inefficient, most of them being almost worthless, and none would remain on the work any considerable time, so that practically nothing was accomplished the first year except to give a meager training to quite a number of Indians employed, each for a short time. The next year the effect of this training and partial habits formed showed and the number of Indians employed increased; they worked for a longer time and with greater efficiency, and each successive year has shown a similar progress.

One of the important factors in this success is the fact that in the immediate neighborhood of the work the Government has maintained a mercantile store where the Indian could purchase all the necessities and no "gew-gaws." He was furnished with such clothing and subsistence as was necessary to make him an efficient workman irrespective of whether he had earned these or not, if only the Indian agreed to work to pay for the material furnished. Though credit of this kind has been given to a considerable extent there has been practically no loss. The engineer in charge reports that not one cent has been lost this year through this cause. The necessity for credit, however, has steadily declined and very little credit has been asked this year.

To sum up, there has been a continual and fairly steady increase in the number of Indians working, the skill with which they work, and in the average reliability and industry.

The necessity of training the young as irrigation farmers is not confined to Indians, and the State of Montana is expending large sums training white boys in irrigation farming at polytechnic and other schools, and the number trained out of school by skillful farmers and employers is much greater. The Indian has no such advantages as yet on this reservation, and that he would respond if given an opportunity is indicated by the results upon construction work, and also by the results upon the Fort Peck Reservation, where the Indians are not only more efficient and industrious upon construction work than on the Blackfeet, yet even there the Government still breaks the virgin soil with traction machinery which the Indians have not yet learned to handle.

The Flathead Indians have furnished no such examples of progress. The land on that reservation is very productive, and their allotments are large, so that the average Indian family receives in rent from white farmers sufficient money for their meager wants, and they play the part of idle landlords in preference to work. It has been very seldom possible to induce any considerable number of Flathead Indians to work on construction, and this seems to be the main reason.

Mr. WALSH. Now, Mr. President, I feel that I ought to take the time of the Senate simply to say, in connection with this matter, that the various appropriations made heretofore by Congress to carry on this work amount in the aggregate to just $1,000,000, of which $16,047.43 lapsed, leaving $983,952.57 heretofore appropriated. These appropriations were all made in view of the act of 1907, which provided for the opening of the entire Blackfeet Reservation. It was contemplated that the amount chargeable to the Indian lands under the project would be paid out of the proceeds of the excess lands sold; but the department has reached the conclusion that that act ought not to be enforced, and consequently the expected revenues have not been received.

I feel it but just to say, also, that out of this entire amount practically one-half has been paid to the Indians themselves. The work has practically all been done by the Indians. Something over $440,000 of the amount expended upon this project has been paid to them.

I have before me here the report of the project engineer for the past year. He tells in detail of the number of Indians who have been employed, and the number of payments that were made to the Indians. It is accompanied with photographs showing the character of crops raised on the reservation by means of the water that was available.

A very gratifying feature of this matter, to which I think I ought to refer, is this: The Director of the Reclamation Service states that while it is true that a relatively small portion of the land is actually cultivated by the Indians, the area is increasing gratifyingly each year; and he expresses the firm conviction that if the same efforts were made to educate the Indians as irrigation farmers that are made to educate even white boys as irrigation farmers, the results would be even more gratifying. So, at least, for the preservation of the rights of the Indians to the water and the utilization of the system, so far as the Indians care to utilize it, the Indian Office feels that the appropriation asked ought to be made.

Mr. SMOOT. Mr. President, for the reasons given, in the case of the last amendment for striking out the words "and remain available until expended," I ask that the same words in this amendment be stricken out.

Mr. WALSH. There is no objection to that.

The PRESIDING OFFICER. Without objection, that will be the order of the Senate.

Mr. PAGE. Mr. President, I do not want to take but a moment of the time of the Senate. I shall vote against the whole proposition. I just want to read into the RECORD what we have in the way of information from the Assistant Commissioner of Indian Affairs. Speaking of the Blackfeet Reservation, he says:

I am not sure that the Indians will make very much use of this irrigation project under present conditions on the Blackfeet Reservation. The Blackfeet Reservation, you will observe from the map, borders on Canada, and the climate there is not favorable to agriculture because of the early frost. If this project were coming up for the first time, so far as I am concerned, I should advise against the investment of a single dollar on the Blackfeet Reservation for irrigation purposes, because the reservation is primarily a grazing proposition and is more valuable for grazing purposes than for agricultural purposes.

Senator PITTMAN. Then, as I understand you, as an agricultural proposition it would not justify the investment—that is, the amount of money required to make the subject an agricultural industry—and that the return would not justify it?

Mr. MERITT. Not with the industry as shown by the Blackfeet Indians. If it were purely a white man's project, it might be made a success; but we must realize that the Indians do not come up to the white man's standard in industry and effort.

I will simply add that, in this connection, on this reservation we have already expended, in round numbers, $1,000,000,

reimbursable out of the Indian funds. As a proof of what I have stated, I will read from what Mr. Meritt said:

I have been on that reservation, and it is my personal opinion that it was a mistake ever to have begun that irrigation project on the Blackfeet Reservation. The Government has expended already about a million dollars on that project, and the Reclamation Service has estimated that it will cost approximately $3,000,000 before the project is completed as planned by them.

I submit that all these irrigation projects are a speculation. In case they are unsuccessful the Indian is the loser; if they are successful, he has very little profit. The Indians do not utilize these irrigation projects to any considerable extent, as is shown by the statement just made by the Senator from Kansas.

Because of this fact, and because I think we are wronging the Indians by these irrigation projects, I deem it my duty to vote against all these appropriations.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. Certainly.

Mr. MYERS. I should like to ask the Senator if the Assistant Commissioner, Mr. Meritt, did not go further and state that it was necessary to appropriate this $50,000 in order to protect and save from loss all the work that had been done on the Blackfeet project, at a cost of about $1,000,000?

Mr. PAGE. Oh, yes; it is probably true that the $50,000 we propose to appropriate must be appropriated to save a bare something out of what has already been expended. I introduce these facts because I want the Senate to know that these projects have not been undertaken with good judgment. As a Federal Government should pay the losses, in case they prove white man's project I think they may be good. I think the failures, rather than take the money from the Indians' funds.

Mr. LANE. Mr. President, before the question is put, I wish to say for the information of the Senate that it is my opinion that if the Indians are ever permitted to go into court with fair representation the Government will have to pay many millions of dollars in the way of claims for damages for legislation which has been passed by Congress which has not been in the interest of the Indians. I think there is a measure introduced as an amendment to this bill which allows some of them to go into the Court of Claims. If they do, I think they will be entitled to, and if the court is a just one they will get, the damages.

Mr. WALSH. Mr. President, I will state to the Senator from Oregon that I have introduced a bill which permits the Blackfeet Indians to go into court.

Mr. LANE. That is a good bill, and I hope the Senator will have it passed.

Mr. WALSH. I hope to have the help of the Senator from Oregon in getting it through.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. Following the amendment just agreed to it is proposed to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of $22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu lands under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., pp. 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

Mr. CURTIS. Mr. President, as I understand, this is the amendment that was asked for by letter last Friday.

Mr. WALSH. It is the same one that was adopted by the Senate on Friday last, and the explanation of the amendment will be found in the RECORD of the proceedings of that day.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert:

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $19,575 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $8,865 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

Mr. CURTIS. Mr. President, I offer as an amendment to the amendment the matter which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to insert, following the word "vehicle," the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1, of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior, may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

The cost of constructing irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

Mr. GRONNA. Mr. President, I may have misunderstood the reading of this amendment, but I understand that it provides that the cost of construction shall be paid in seven years. Am I right?

Mr. CURTIS. This amendment provides that it shall be paid in 15 years. It provides for the payment of 5 per cent annually for a certain number of years, and 7 per cent annually for the balance of the period.

Mr. GRONNA. They are given 15 years' time?

Mr. CURTIS. Fifteen years' time, according to my recollection.

Mr. GRONNA. If that is correct, I have no objection.

Mr. WALSH. It is intended to make the provisions conform to the present provisions of the general reclamation law, 15 years; but the initial payment may be deferred for five years.

Mr. ASHURST. Mr. President, I believe and therefore move that the word "the" should be inserted after the word "irrigation," on line 16, page 52 of this amendment.

The PRESIDING OFFICER. Does the chairman of the committee accept the amendment offered?

Mr. ASHURST. Yes.

The PRESIDING OFFICER. Then that will become a part of the original amendment?

Mr. ASHURST. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. PAGE. Mr. President, I should like to inquire of the Senator from Montana what is the maximum sum that in his judgment can be taken from the Federal Treasury under this amendment of the Senator from Kansas? As I understand, the proposal is to transfer the burden from the Indians to the Federal Treasury. The Senator is acquainted with all the surroundings. I should like to know the maximum loss he thinks may come to the Federal Treasury because of these projects?

Mr. WALSH. Why, Mr. President, I will say frankly to the Senator that I have not the slightest fear that the Government of the United States or the Treasury of the United States will ever lose a dollar.

Mr. PAGE. In the case of the Blackfeet project it seems to be generally conceded that there will be a loss.

Mr. WALSH. I do not think anybody has conceded anything of that kind. I will say to the Senator that, of course, if we do not open the Blackfeet Reservation the Indians will have no money from which this can be reimbursed, so that this is, in that view of it, a straight-out appropriation for the benefit of the Blackfeet Indians. But we hope you will be persuaded that the eastern end of the reservation should be opened, and then the white settlers who take the lands there under the project will contribute to the Federal Treasury whatever is assignable to their lands, and the proceeds of the sale of the Indian lands will be applied, so far as they belong to the individual Indians who take their allotments there, to reduce it, and I have no doubt in the world that as time goes on other portions of the reservation will be opened, because that is the history of these things in the past. Just as fast as the reservation opens the moneys will then become available to the liquidation of the indebtedness which now exists.

Mr. PAGE. The Senator is of course aware, as for instance in North Dakota, that some of these irrigation projects have been failures, and he is also aware that in the opinion of the department this Blackfeet project, upon which $1,000,000 has already been paid out, ought never to have been commenced as an Indian proposition. Am I right about that?

Mr. WALSH. Mr. Meritt expressed that view, but I do not think when you speak about the department you ought to accept what Mr. Meritt says about a matter against what the special commission that was appointed by virtue of the act of Congress to go out and investigate the matter said. They say the project is all right and I tell you that it is all right, and the head of the Reclamation Service tells you it is all right. Now, Mr. Meritt does not tell you that it is not all right, but he says if the thing was to do over again he would not do it. I dare say in the business experience of the Senator from Vermont he has started enterprises that when he got through with them he would rather he had not started.

Mr. PAGE. But usually when I start on an enterprise and it is a failure I have to pay the loss out of my pocket.

Mr. WALSH. So I have tried to state. Of course if you do not wish to get the money out of the lands by opening the lands so that the Indians will have something to pay, the Treasury will always be out that amount.

Mr. PAGE. I was of the opinion that Mr. Meritt reflected the views of the department when he said that they had already paid out $1,000,000, and that it would cost $2,000,000 to complete the project, and that all he thought we ought to do was simply to tie up and make available what had already been expended, as far as we could by the expenditure of this additional sum, $50,000.

Mr. WALSH. I will say to the Senator from Vermont I do not think so. I thought Mr. Meritt, who told us he had been on this reservation, was expressing his own individual idea about it, because he has sent a letter, written this morning, asking that the appropriation be made.

Mr. PAGE. An appropriation of $50,000?

Mr. WALSH. Yes; which I have put in the RECORD. I think he was expressing his own opinion about it. Bear in mind, this is 1916 and the initial appropriation was made in 1908, eight years ago, and we have learned a lot about irrigation problems in Montana in eight years that we did not know then. We have learned that we can cultivate vast areas of our land without irrigation quite successfully. We have learned also, Mr. President, that there are many troublesome difficulties in connection with these irrigation projects of which we did not know anything at all, or knew but little, in 1908.

Mr. PAGE. I did not follow all the amendments of the Senator from Kansas very closely. Am I right in supposing that by this amendment we relieve the Indians from the burden of these projects in case there is a final loss?

Mr. WALSH. The amendments offered by the Senator from Kansas were prepared through conferences between the Montana delegation and the Indian Bureau. They are entirely satisfactory to the Indian Bureau. I want to say to the Senator briefly they provide that the provisions of the various acts by which in a way the avails of the Indian lands stood pledged for the expense of the projects have been in effect repealed. It ought to be said as well that the law likewise provided that the white settlers should pay their proportionate share of the cost so that the Treasury was to be reimbursed from the contribution made by the white settlers as well as by the Indian allottees.

Mr. PAGE. I understood that to be the case.

Mr. WALSH. The amendments now adopted provide that the individual share of the individual Indian in the tribal funds, the Indian who has land under the project, may be applied by the Secretary of the Interior to the payment of his share of the expense of the construction of the project, and that the settler who appropriates any of the excess land shall be charged his share and shall pay it, and that the Treasury shall be reimbursed in that way. Then it provides that the tribal funds of the Indians shall not otherwise be chargeable with anything.

Mr. PAGE. I wish to say that I am very happy because of this outcome. I have devoted a good deal of time to the study of these irrigation problems, and perhaps I have sometimes been offensive to my brother Senators in fighting what I have believed to be gross injustice to the Indian, a wrongful use of his money. So far as I can now see, I think this solution of the matter is satisfactory.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 58, after line 16, to insert:

For the erection of a building for the display of Indian exhibits upon the fair grounds of the Western Montana Fair Association at Missoula, Mont., upon such plans as the Commissioner of Indian Affairs shall direct, $1,000.

Mr. CURTIS. Mr. President, I make a point of order on this amendment that it is not germane.

Mr. MYERS. Mr. President, I desire to be heard on that.

Mr. CURTIS. I make a point of order and it is not debatable under the rule.

Mr. MYERS. Mr. President, a parliamentary inquiry. Where does the Senator get any authority that a point of order is not debatable?

Mr. CURTIS. I get it in Rule XVI.

The PRESIDING OFFICER. The Chair will presume to transfer the question to the Senate.

Mr. MYERS. I should like to say that Rule XVI——

Mr. CURTIS. Paragraph 3.

Mr. MYERS. That a point of order is not debatable?

Mr. ASHURST. May I have a moment?

Mr. CURTIS. I raise the point of order.

Mr. ASHURST. I do not want to debate the point of order; I want to make a short statement.

I was going to say the situation before the Senate is such that the chairman of the Committee on Military Affairs is going to press his military bill, and I want, if I can, to conclude the consideration of the Indian appropriation bill to-day. I appeal to Senators not on the other side but on this side of the Chamber to make just as few and as short speeches as their oratorical temperaments will permit. I appeal to Senators to sit and vote and to exercise their oratorical capacities on the military bill.

The PRESIDING OFFICER. The Chair claims no special knowledge in this direction, and desires to submit the question to the Senate whether the amendment is germane.

Mr. MYERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Johnson, S. Dak.	Nelson
Beckham	Curtis	Jones	Newlands
Borah	Gore	Kern	Norris
Brandegee	Gronna	Lane	Oliver
Broussard	Harding	Lodge	Overman
Catron	Hardwick	McCumber	Page
Chamberlain	Hitchcock	Martine, N. J.	Ransdell
Clapp	Hollis	Myers	Robinson

Shafroth	Smoot	Thompson	Walsh
Sheppard	Sterling	Tillman	Weeks
Sherman	Sutherland	Townsend	
Smith, Ariz.	Taggart	Underwood	
Smith, Ga.	Thomas	Wadsworth	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-nine Senators have responded to their names. A quorum is present. The question is whether the amendment offered by the Senator from Kansas [Mr. CURTIS] is germane. [Putting the question.] The ayes have it, and the Senate decides that the amendment is germane. Without objection, the amendment is agreed to.

Mr. GRONNA. Mr. President, I do object to the amendment.

The PRESIDING OFFICER. The Senate having agreed that the amendment is germane, the question now is on agreeing to the amendment.

Mr. GRONNA. Mr. President, I have no objection to the real merits of the amendment. It would perhaps be a good idea to erect buildings for the Indians to exhibit their products, but, Mr. President, when I presented the idea to the committee I was told that we must not establish this precedent. I did not press my claim any further. I simply abided by the wishes of the committee. How in the world the amendment has gotten on the Indian appropriation bill I do not know.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. MYERS. The amendment was adopted by a majority vote of the committee. I was there when it was adopted. I ask the chairman to bear me out in that statement.

Mr. ASHURST. That is true.

Mr. GRONNA. I do not yield for a speech. The Senator will remember that on Saturday he declined to yield to me for a speech.

Mr. MYERS. But I never object to yielding for a question.

Mr. GRONNA. If the Senator wishes to ask a question, I will gladly yield.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. GRONNA. I shall insist upon a record vote upon this amendment, and I call for the yeas and nays.

Mr. SUTHERLAND. I wish to ask the Senator a question. This money, I suppose, comes out of the Indian funds?

Mr. GRONNA. It does.

Mr. MYERS. I desire to make a correction there. It does not come out of the Indian funds. It is a gratuity out of the Treasury of the United States. I ask the Senator to read the amendment. It is not reimbursable. It is a donation.

Mr. SMITH of Georgia. For what purpose?

Mr. MYERS. To encourage the Indians to make farming exhibits at a fair in Montana.

Mr. SUTHERLAND. I should like to ask the Senator from Montana upon what theory he thinks we are justified in appropriating money out of the Public Treasury to provide for an Indian exhibit at a fair?

Mr. MYERS. In order to encourage the Indians to engage in agriculture, and to produce crops and become farmers. We have spent thousands and thousands of dollars in hiring farming instructors, farm teachers, for Indians in order to educate them and make farmers of them, and I believe that this will do more toward making farmers out of the Flathead Indians than all the rest of the money that has been expended for that purpose.

Mr. SUTHERLAND. Who is asking for this appropriation? The Indians?

Mr. MYERS. The Senate Committee on Indian Affairs.

Mr. SUTHERLAND. The Indians or the directors of the fair association?

Mr. MYERS. The request came from Maj. Morgan, the Indian agent of the Flathead Indians. I offered the amendment at his request, supplemented by the request of a large number of the Indians who met me on the fair grounds at Missoula, Mont., last fall, and joined in the request of the Indian agent. The directors of the fair knew nothing about it. It was a surprise to them when I offered the amendment. They were not consulted.

Mr. GRONNA. I still have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota has the floor, and will proceed.

Mr. GRONNA. Mr. President, I wish to read the language of this amendment:

> For the erection of a building for the display of Indian exhibits upon the fair grounds of the Western Montana Fair Association at Missoula, Mont., upon such plans as the Commissioner of Indian Affairs shall direct, $1,000.

It does not provide that this money shall be taken out of the Treasury; it says at the direction of the Commissioner of Indian Affairs, and the only available money will be the Indian money. So I say to the Senator from Montana he is mistaken in stating that it will be taken from the Treasury.

Mr. WILLIAMS and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. GRONNA. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from North Dakota if he does not think the provision would be even worse if it provided expressly that it was to be taken out of the Public Treasury?

Mr. GRONNA. I think it would be worse.

Mr. WILLIAMS. Why should the people of Mississippi, and Georgia, and Alabama, and North Carolina, and New York pay to carry on an Indian fair any more than the people of New York and California and North Dakota should be called upon to pay for a State fair in Mississippi?

Mr. GRONNA. That is true. I agree with the Senator. Now, Mr. President, I have nothing further to say on this point.

Mr. JONES. Mr. President——

Mr. GRONNA. I wish to make a statement, and then I will yield.

Mr. JONES. Right in this connection I wish to make a suggestion.

Mr. GRONNA. I yield.

Mr. JONES. According to the language of the provision all that the commissioner has to do is to prepare such plans as the commissioner may direct, and the money must come out of the Treasury of the United States.

Mr. GRONNA. If it does, just as the Senator from Mississippi [Mr. WILLIAMS] said, it should not be done. Mr. President, I believe that if we are to commence to erect buildings for this purpose we should not erect them only for Missoula, Mont., but for every Indian agency in every State where we have Indians. I am opposed to this amendment going in at this time.

Mr. MYERS. Mr. President, just a few words. I agree with the Senator from North Dakota that if we would erect a building for each tribe of Indians in the United States in which to put their exhibits at some fair and thereby instill in them a spirit of competition, an incentive to industry and cultivation of the soil, making them self-supporting and making farmers of them, it would be money well spent, and I would favor doing it on every Indian reservation in the United States. This money is not to be reimbursable. That was discussed in the committee. It is a plain gratuity out of the Treasury of the United States to encourage Indians to follow agriculture, an incentive to develop them into farmers and to make them self-supporting. We spend hundreds of thousands of dollars for Indians in ways that are far less beneficial than this and much less judicious.

There seems to be some disposition to criticize very severely this amendment. I want to call attention to the fact that it is indorsed by the Secretary of the Interior. It came to the Committee on Indian Affairs with the indorsement of that official, who wrote a letter about it to the chairman of the committee, which is found on page 30 of the report of the Senate committee on this bill, and which is as follows:

> DEPARTMENT OF THE INTERIOR,
> *Washington, February 24, 1916.*
>
> MY DEAR SENATOR: This will refer further to your memorandum transmitting for report copy of an amendment intended to be proposed by Senator Myers to the Indian appropriation bill (H. R. 10385), appropriating $1,000 for the erection of a building for the display of Indian products on the fair grounds of the Western Montana Fair Association, at Missoula, Mont.
>
> I am advised that for several years very successful exhibits of Indian products have been shown at this fair, and the Indians have won a number of prizes in direct competition with white farmers, which has not only tended further to encourage them in their industrial activities, but also to give the public correct ideas of present civilized conditions among the Indians.
>
> No specific information seems to be available as to the sufficiency of the quarters for housing the Indian exhibit at this fair, but the proposed amendment would seem to indicate that they are inadequate. Should Congress see fit to appropriate funds for this purpose I will interpose no objection thereto and will use every means to see that the best possible use is made of whatever amount is appropriated.
>
> Cordially, yours,
>
> FRANKLIN K. LANE, *Secretary.*
>
> Hon. HENRY F. ASHURST,
> *Chairman Committee on Indian Affairs,*
> *United States Senate.*

Mr. PAGE. Will the Senator tell me from what page of the committee hearings he has been reading?

Mr. MYERS. I am reading from page 30 of the Senate committee report on this bill.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. MYERS. With great pleasure.

Mr. CLARK of Wyoming. I wish to ask the Senator from Montana if he knows what accommodations the fair association has at this time?

Mr. MYERS. I will answer that. I was just about to get to that. I am glad the Senator asks the question.

Mr. CLARK of Wyoming. Then, further, if there are not sufficient accommodations to accommodate all the exhibits that may be entered there, would it not be rather up to the fair association to furnish accommodations for exhibits, rather than to have the exhibitors themselves do it?

Mr. MYERS. It might be in some cases, but this has the approval of the Government. It is intended as an incentive to the Indians. I will say that at the Missoula fair last fall the Indians had a splendid agricultural exhibit—corn, wheat, grasses, oats, hay, vegetables, berries, fruit, and all the products of the soil, showing that the Flathead Indians are making a good beginning in agriculture. Their land has been alloted to them, and it is necessary that they should go on their allotments and cultivate them and make a living, unless they are to be forever wards of the Government. This would encourage industry in them.

Mr. CLARK of Wyoming. My suggestion——

Mr. MYERS. I will answer the question. There are no adequate quarters there for an Indian exhibit. Their exhibit is housed in quarters which are not nearly sufficient, and the Indians and the Indian agent want an Indian building, where the Indians can gather when they attend the fair and hold conferences and make their headquarters and have their exhibits; have them in a special building, put up especially for their use and designed according to their needs.

Mr. CLARK of Wyoming. I merely wanted to remark that in other States where they have Indian exhibits at fairs the fair association provides most abundant and capacious rooms for them and they are very glad to do it. It forms added attractions to the fair association.

Mr. MYERS. I want to say in addition this is to be a gratuity appropriation, and on that account I expect it to have the very earnest and hearty support of the Senator from Vermont [Mr. PAGE]. In the debates Saturday about the appropriation for the Flathead reclamation project the Senator from Vermont complained that it was reimbursable out of the funds of the Indians and contended that was not fair to the Indians. I asked him how he thought the appropriation should be made and he indicated that he thought the fairest and best way would be a gratuity appropriation by the United States Government. He indicated very pointedly that he might be willing to vote a gratuity appropriation of about $6,000,000 to complete the Flathead reclamation project, for the benefit of Indians and whites on the Flathead Reservation.

Now, I am sure that, as an evidence of his good faith, he will vote for this little beginning, which is just a drop in the bucket, just as a grain of sand on the seashore, as compared with the enormous sum of $6,000,000 of which he was talking Saturday. Then he showed a strong disposition to change the plan of making Indian appropriations from reimbursable appropriations to gratuity appropriations. Then we were making reimbursable appropriations and he was strong for gratuity appropriations. Now this is a proposition to vote money directly out of the United States Treasury for the benefit of Indians. This would be a good beginning for him, a gratuity appropriation of just $1,000 instead of $6,000,000, and I feel sure of his very hearty support. Let him begin now to show his willingness to vote gratuity appropriations to Indians. This is a good time. Here is a good chance.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I yield with great pleasure.

Mr. GRONNA. The Senator from Montana, I am quite sure, will remember that there were others who asked for appropriations like this.

Mr. MYERS. I do not remember any others.

Mr. GRONNA. It was suggested by other members of the committee that it was an exceedingly dangerous proposition to begin.

Mr. MYERS. I care not what was suggested; the committee recommended the amendment or it would not now be in the bill and before the Senate.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Vermont?

Mr. MYERS. With great pleasure.

Mr. PAGE. I want to take but a moment of time to read what I said at the time we were discussing this matter before the committee.

Mr. MYERS. No; I was talking of what the Senator said Saturday, on the floor of the Senate, in debating the amendment for an appropriation for the Flathead reclamation project. It was that occasion to which I referred.

Mr. PAGE. That is right; but I am speaking about what I said in committee.

Mr. MYERS. All right.

Mr. PAGE (reading):

> Senator PAGE. I would like to say that I would not let the Senator from Montana say anything more than I can in regard to the beneficial results from competition at State and county fairs; but we seem to be entering upon a field here that I think we do not see the end of. If there is any reason why we should build a building for this county fair and should say it is a county and not a State fair, then why should we not open the doors wide and put up a building in every county in the Union where there are Indians?

That is my objection to this feature of the bill. I do not see any reason why we should make any exception of a State fair or county fair in Montana.

I stated further:

> If we are going to enter upon that plan of constructing buildings for the Indians everywhere, I say, amen; let us do it, but I think we are opening the door here to buildings that will be legion in number if we continue to build these buildings in all parts of the United States.
>
> * * * * * * *
>
> I dislike to announce that I shall have to make a point of order on items of this kind, but if this item is put in I notify the committee I will make a point of order on it.

I feel that this is one of the worst pieces of legislation that we could adopt here, because any Senator who is on the Committee on Indian Affairs knows that from beginning to end there is one continuous application for funds for such purposes as this; and the only way we can stop such onslaughts is to refuse to establish the precedent, and then by saying that, unless we have a precedent, we shall not enter upon this kind of legislation. The item is small; I do not like to take up the time of the Senate in opposing it, but here is an item that is a beginning. I asked distinctly of the Commissioner of Indian Affairs if he had a precedent, and, if I remember correctly, he stated there might be some precedent, but he did not cite any. I still insist that we are entering upon a very dangerous class of legislation when we undertake to make appropriations for such purposes.

Mr. MYERS. This is one of the very meritorious items.

Mr. SUTHERLAND. Mr. President, I want to ask the Senator from Montana whether he is in favor of a general policy which will result in appropriating money for holding these Indian exhibits in all of the States where Indian reservations are to be found?

Mr. MYERS. I think it would be money well spent to expend $1,000 of Government funds on each Indian reservation in the United States where the lands have been allotted to the Indians, where the Indians have been thrown on their own resources, and where it is necessary to teach them to become farmers.

Mr. SUTHERLAND. How large an expenditure would that amount to per annum?

Mr. MYERS. I do not suppose there are over a dozen such Indian reservations in the United States, so the expenditure would be approximately $12,000 a year.

Mr. SUTHERLAND. There are more than a dozen places where Indians are engaged in farming upon their lands.

Mr. MYERS. I said Indian reservations, where the lands have been allotted to the Indians, where they are on their own resources, and are required to make a living on their own land. There is one reservation of that kind in Montana, and I doubt if there are more than three or four in the entire Union.

Mr. SUTHERLAND. But this is not confined to Indian reservations. It says:

> For the erection of a building for the display of Indian exhibits upon the fair grounds.

Mr. MYERS. It refers to the Flathead Indians, on the Flathead Reservation, in Montana.

Mr. SUTHERLAND. Oh, no; it is a separate item, wholly independent of the Flathead Reservation or of any other reservation.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SUTHERLAND. Yes.

Mr. NORRIS. I should like to call the attention of the Senator to the fact that this is an appropriation for the purpose of constructing a building.

Mr. SUTHERLAND. Yes.

Mr. NORRIS. There would have to be an additional appropriation to make the display. This entire sum appropriated would be expended in the construction of the building for a State fair association in Montana. Has that occurred to the Senator from Utah? None of this money could be used to make a display of the exhibit, but the appropriation is simply for the erection of the building, so that an exhibit could be made if they could get the money for that purpose otherwise and bring the exhibit to the building.

Mr. SUTHERLAND. Mr. President, I can foresee that if we enter upon this policy nobody can tell how much money we are going to appropriate hereafter, and I think we would hesitate if a general bill were brought in here providing for the expenditure of a thousand dollars in each of the States or, perhaps, in each of the counties in the western country where Indians are engaged in farming. I think we would hesitate a long time before we would accede to a general policy of that kind.

This is a small appropriation; but if we adopt it it is the beginning of a very large expenditure hereafter and for purposes which are not of a governmental character in any sense of the word.

Mr. WILLIAMS. Mr. President, I think the chief objection to this proposition consists in what was just stated by the Senator from Montana [Mr. MYERS]. It is a mere grain of sand out of a number on the seashore, and it can not stop with the Indians either, because if you once start the idea that you are to erect buildings to carry on county or State fairs—fairs on Indian reservations which are on an equal footing with county or State fairs—you have to go further.

The Senator from Vermont [Mr. PAGE] said that it might extend to every part of the country where there are Indians. Suppose it does. Shall it stop there? What is the matter with the white folk? If you are going to create emulation in agriculture by having the Federal Government construct buildings for the purpose of making better agricultural exhibits, why are you going to confine it to any one race upon the territory of the United States?

Mr. MYERS. I should like to answer that question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. WILLIAMS. Wait one second, and I shall do so. Why should the Indians, or why should the darkeys, or why should anybody else possess any peculiar advantage over the white people of the country?

Mr. MYERS. Because the Indians are the wards of the Government, and the white people are not.

Mr. WILLIAMS. Ah, the Indians are considered the wards of the Government, and the darkeys have been considered the wards of the Government, and nearly everybody except white people has been considered a ward of the Government; but even being a ward does not entitle the guardian to take away from somebody else to whom it belongs a certain amount of money for advancing the interests of the ward. It only entitles the guardian to spend the ward's money in the manner most highly beneficial to the ward.

It is true that this particular guardian, the United States, has misspent a whole lot of these particular wards' money; it has misused it—misappropriated it; it has thown it away, and has kept bad faith time after time, and again and again; but that does not affect the fact that the only duty of a guardian is to use the ward's money for the benefit of the ward.

Now, the Senator from Montana tells us that these people are already so well advanced—or rather the Senator from Montana did not tell us that, but he read a letter from the Secretary of the Interior, the Hon. Franklin K. Lane, which told us that these people were already so far advanced out there that they had taken prize after prize over the white farmers in their neighborhood. Well, then, if that be true, and the object of this appropriation be to better farming, we should try to better the white man's farming out in that country and let the under dog have a show.

It seems to me, Mr. President, that we can not afford to take the first step which would carry us into that field of reservation and county and State fairs. We have already taken steps carrying us out into the field of national fairs, as we call them. I voted against every one of them; I never voted for one in my life. I can not conceive of the authority resting in the Federal Government to carry on a fair of any description. There was, however, some glamor around the word "national," spelled with a great big "N," but there is no glamor about the word "reservation" spelled with a big "R," or the word "county" spelled with a big "C," or the word "State" spelled with a big "S." I think the right place to stop this thing is the place where you stop a trip in the wrong direction, and that is just before you start out.

Mr. CURTIS. Mr. President, I raised the point of order on this amendment because I thought it should be defeated, and I hope that the Senate will vote it down.

The PRESIDING OFFICER. Is the demand for the yeas and nays on this amendment seconded?

The yeas and nays were not ordered.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 58, after line 20, to insert:

For the improvement and maintenance for bathing purposes of the Camas Hot Springs, near the town of Camas, on the Flathead Indian Reservation, Mont., said bathing privilege to be free to the Indians, but all other persons shall pay such fee as shall be required by the Commissioner of Indian Affairs, and for the employment of a caretaker at such annual salary as may be fixed by said Commissioner of Indian Affairs, $5,000.

Mr. CURTIS. Mr. President, I raise the point of order that that amendment is not germane to the bill.

Mr. MYERS. The amendment rests on the same basis as the preceding amendment, and that amendment was decided to be germane.

Mr. ASHURST. I raise the point of order that the point of order is not debatable.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. The Chair will put the question up to the Senate.

Mr. MYERS. Might I speak a word in reply to the Senator from Kansas?

Mr. CLARK of Wyoming. Regular order!

Mr. MYERS. I merely want to say a word.

Mr. CURTIS. I have made the point of order, and it is not debatable.

Mr. MYERS. I want to ask a question of the Senator from Kansas.

Mr. CLARK of Wyoming. Regular order, Mr. President.

Mr. MYERS. I wish to ask the Senator from Kansas if he does not think it rather unfair to cut off debate on a point of order like this?

The PRESIDING OFFICER. The regular order is called for. The question is as to whether or not the amendment is germane. [Putting the question.] The "noes" seem to have it.

Mr. MYERS. I ask for a division. This amendment is just as germane is was the other amendment.

The question being put, on a division the amendment was decided to be not germane to the bill.

Mr. SMOOT. What became of the amendment?

The PRESIDING OFFICER. It was decided to be not germane, and went out.

Mr. HITCHCOCK. Mr. President, I move the adoption of the amendment which I send to the desk.

The PRESIDING OFFICER. The Chair is informed that the committee amendment in the paragraph will have to be first considered.

Mr. HITCHCOCK. I understood the committee amendment had been agreed to.

Mr. CURTIS. We are only considering committee amendments at this time.

Mr. HITCHCOCK. I desire to say that I have the consent of the chairman of the committee to offer this amendment as an amendment to the committee amendment. It has been considered by the Indian Bureau.

The PRESIDING OFFICER. Does the Senator from Nebraska offer his amendment as an amendment in lieu of the committee amendment?

Mr. HITCHCOCK. No; but to add it at the end of the paragraph, in line 10, after the figures "$10,800."

The PRESIDING OFFICER. The Chair is informed that we have not reached that point in the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Nebraska," on page 59, line 5, to change the number of the section from 11 to 12, and in line 8, after the word "improvements," to strike out "$5,000" and insert "$10,000," so as to read:

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $68,800; for general repairs and improvements, $10,000; for new boilers at power plant, extension of lighting system and of water and sewer main, and for construction of septic tank, $10,800.

The amendment was agreed to.

Mr. HITCHCOCK. Now, Mr. President, my amendment follows, in line 10. It is an amendment which has been accepted by the chairman of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, after the figures "$10,800," it is proposed to insert:

For suitable employees' quarters for physician, principal teacher, and clerks, $7,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I should like to have the Senator offering the amendment explain why the appropriation of $7,000 provided for is asked?

Mr. HITCHCOCK. I can do so perhaps best in the language of the Acting Secretary of the Interior, whose letter on the subject reads as follows:

The second proposed amendment provides $7,000 for employees' quarters. The Genoa school has no suitable quarters for its principal teacher. At present he occupies a small, poorly ventilated room in the academic building. Adequate quarters for the principal teacher are badly needed.

For many years this school has had contract physicians. Under this plan the physician lives in town and has an extensive practice there. Consequently, he gives comparatively little time to school work. A resident physician is needed who, in addition to treating pupils who are ill, will give lectures, aid in the inspection of buildings and pupils, and attend to sanitation of the school. A resident physician can not be employed until suitable quarters are provided. Unmarried employees at the Genoa school are comfortably provided for as to quarters, but married employees are not so well cared for.

Mr. SMOOT. I thought from the reading of the amendment, Mr. President, that it only applied to the erection of a building for the superintendent. I now understand that not only is it supposed to provide for the superintendent but also for the resident physician and other employees of the school?

Mr. HITCHCOCK. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. HITCHCOCK. I have another amendment, which is in the nature of an emergency amendment.

The PRESIDING OFFICER. Will the Senator desist one moment? The Chair is informed that the total should be corrected.

Mr. HITCHCOCK. I should like to have the change in the total wait until I propose another amendment.

The PRESIDING OFFICER. Very well.

Mr. HITCHCOCK. I offer the amendment which I send to the desk, to follow the one just agreed to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert:

For the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior.

Mr. HITCHCOCK. I will say by way of explanation that this is necessary because the two spans of the bridge have just been washed out, so that the accident occurred too late to have the matter of repairs considered when the pending bill was in committee. This is a Government bridge between the Santee Reservation and the Ponca Reservation.

Mr. ASHURST. And it is on a reservation?

Mr. HITCHCOCK. It is on a reservation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. HITCHCOCK. Now, Mr. President, it will be necessary to change the total figure so as to read $103,100.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 59, line 11, the committee have reported an amendment, to strike out "$84,600" and insert "$89,600." It is now proposed to insert "$103,100" in lieu of "$89,600."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BROUSSARD and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana has been recognized.

Mr. BROUSSARD. Mr. President, I regret exceedingly that I feel compelled to take the floor at this moment to interrupt the speeding of the Indian appropriation bill, which my friend the chairman of the Committee on Indian Affairs has been doing, especially as I am a member of the Military Affairs Committee, and the members of that committee appreciate his efforts to dispose of the appropriation bill to-day so as to permit the important Army reorganization bill to be taken up to-morrow.

Mr. NORRIS. Mr. President, will the Senator from Louisiana yield to me?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Nebraska?

Mr. BROUSSARD. Certainly.

Mr. NORRIS. I merely desire to offer an amendment applying to the particular paragraph of the appropriation bill just under consideration. I do not think it will excite any discussion. The committee has already approved it.

Mr. BROUSSARD. I will yield with the understanding that I may proceed immediately after the matter is disposed of.

Mr. NORRIS. It seemed to me that while we were on this particular paragraph it would be well to finish it.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES. I inquire if general amendments are in order as we proceed with the bill?

The PRESIDING OFFICER. The Chair understood that only committee amendments were in order at this time.

Mr. JONES. That is what I understood, that we were simply reading the bill for committee amendments at the present time.

Mr. NORRIS. We have just agreed to two amendments that were not committee amendments.

The PRESIDING OFFICER. That is true; but it is contrary to the agreement.

Mr. JONES. I have no objection; but I have some amendments to offer, and I desired to know what course was being pursued.

The PRESIDING OFFICER. The Chair understood that, by unanimous consent, it was agreed that amendments of the committee should first be considered.

Mr. NORRIS. The amendment to which I have referred has the approval of the committee; it is a report of the committee. It is in the shape of a bill on the calendar, unanimously reported by the committee, and in that sense is, in fact, as much a committee amendment as were either of the two amendments which have just been adopted.

The PRESIDING OFFICER. Does the Senator desire action now?

Mr. NORRIS. I should like to have the amendment disposed of.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 59, after line 11, it is proposed to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches to be made under the laws of the State of Nebraska upon the allotments of certain Omaha and Winnebago Indians in Wakefield drainage district, in Dixon, Wayne, and Thurston Counties in Nebraska.

That the Secretary of the Interior be, and he is hereby, authorized to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed $10 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $30,000, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds belonging to the said allottees, in the discretion of the Secretary of the Interior.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Nebraska.

That in the event any allottees shall receive a patent in fee to any allotment of land in any lawfully constituted drainage district within the State of Nebraska before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying these provisions into full force and effect.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The question is on the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

THE SUGAR INDUSTRY.

Mr. BROUSSARD. Mr. President, I had intended to have the Secretary read excerpts from an article published in the New Orleans Daily States of recent date, but, as there are portions of the article which are not germane to the matter, which I desire to discuss, I shall read the excerpts myself. I quote

from the New Orleans Daily States of date March 17 of this year:

[By Arthur Ball (staff special to the States).]

LA FAYETTE, LA., *March 15, 1916.*

* * * * * * *

"I am no apologist for Mr. Ewing," said Senator RANSDELL. "He is well able to take care of himself. But I must tell you men, the men to whom I know to be interested in the sugar industry, of the work of Robert Ewing in behalf of sugar. You all must recollect my opposition to free sugar. Never have I gone through such a period as that in which the sugar tariff fight was waged; and I hope that I never again shall have to go through another such period. I fought against free sugar, but I could not win.

"When I saw that we faced defeat in that fight I suggested to the other opponents of free sugar that we should bring to Washington the one man who could do more for the sugar industry than all the Louisiana delegation combined—that man was Robert Ewing. I previously had arranged an interview with the President for Senator BROUSSARD and myself. That interview lasted 15 minutes—15 minutes was all the time that we Louisiana Senators could obtain to state our case to the President.

"But I knew that Robert Ewing, the greatest Wilson man in Louisiana before the Democratic nominating convention, the leader of the Wilson forces in Louisiana after the convention, a member of the Wilson campaign committee of 15, the personal friend of Postmaster General Burleson, who is one of Mr. Wilson's chief political advisers, could do more than we.

"And Robert Ewing came at our call. He stayed there in Washington for weeks at his own expense, was in constant conference with the leaders of both sides of the sugar-tariff fight. Never before have I seen a man work more earnestly for a cause than did Robert Ewing for Louisiana's sugar industry. He worked so earnestly that he assumed the chance of placing himself in bad odor with his party.

"Then the cry for free sugar became louder. Ewing pleaded for time; he begged the President to preserve the tariff for at least seven years. Just before the Underwood tariff bill went to the Senate the President called Senator BROUSSARD, Mr. Ewing, and myself into conference. We three pleaded with the President for a three-year extension of the tariff, but could not move him. Senator BROUSSARD and myself left, and Mr. Ewing remained behind with the President. The next day the tariff bill came out with the three-year clause. I think it is an act of justice to say that but for the efforts of Robert Ewing, the man who has been most maligned in this gubernatorial campaign, sugar to-day would be upon the free list."

* * * * * * *

FRANKLIN, *March 16.*

"Senator J. E. RANSDELL spoke to a large and enthusiastic audience here Tuesday night. Ex-Senator Murphy J. Foster presided over the meeting. On the sugar question Senator RANSDELL said:

"When the sugar fight came on all of the true friends of the industry of Louisiana felt that the fight had gone forth and that sugar would be placed on the free list. The Hon. Murphy J. Foster was doing all that he could. I was doing my best, and it was decided in a conference that the one man in Louisiana that could do more for sugar than anyone else was Robert Ewing, of the city of New Orleans.

"I made the original suggestion that he be sent for, and in response to our appeal he came to Washington at once. Mr. Ewing had led the fight for Woodrow Wilson at the Baltimore convention. He had worked for the nomination of Mr. Wilson, and after the nomination Mr. Ewing was one of the committee of fifteen who had charge of his campaign.

"Mr. Ewing was also very close to Postmaster General Burleson, who was one of the most influential members of the Cabinet.

"I can testify that no man worked more enthusiastically and unselfishly than Robert Ewing for the cause of sugar.

"He asked and worked for a reasonable duty to be retained on sugar, and did his utmost to secure it. Failing in that, he appealed to President Wilson to consent that the placing of sugar on the free list be delayed for a period of seven years. It was finally agreed to give them three years of grace.

"Your distinguished ex-Senator was there doing his utmost, and I was working with him. It was splendid team work; but if one man more than another was a leader in that fight, it was Robert Ewing, of New Orleans.

"To Robert Ewing more than to any other man in the State of Louisiana the sugar planters owe the three years' extension of the sugar tariff. I am no apologist for Mr. Ewing. He can and will take care of himself, but in simple justice to him I must tell you that the sugar planters of the third congressional district owe Mr. Ewing a debt of eternal gratitude for the fight he made for them at Washington.

"The fight that Mr. Ewing made at Washington almost estranged him from his own party, but nevertheless he made it honestly and sincerely.

"Mr. Ewing remained in Washington during the entire time that the sugar question was under consideration, and notwithstanding the very urgent offer of the sugar people to pay his expenses he refused to accept even that much for his services, not only giving his time and talent to the sugar people but paid every cent of his own expenses."

Senator Foster, before the meeting adjourned, said that in simple justice he wished to confirm the statement made by Senator RANSDELL, and that he wished to state publicly, what he had frequently stated in private conversation, that Mr. Ewing worked night and day in the cause of the sugar industry of this State on that occasion, and that he also agreed with Senator RANSDELL in his statement that it was largely, if not entirely, due to the work of Mr. Ewing that the three years' extension was inserted in the tariff bill."

Years devoted to the public service have taught me that no matter what may be the rectitude of one's course, one is sure at times to be misunderstood by well-meaning men and to be misrepresented by men of evil mind.

I have had my share of both these experiences, and, indeed, probably all men who have long served in a public capacity have met with the same fate. To be misrepresented, to have facts distorted, situations enlarged or minimized for selfish, malicious, or misguided purposes, is doubtless the price paid by those who occupy positions of trust. I have long since made it a rule to pay little or no attention to criticisms, no matter how unfair or unjust, believing that if one sort of criticism, unjustly applied, required a reply, all criticisms must lead to the same course.

But, Mr. President, the quotation which has just been read was uttered by a Member of this body and published in a newspaper owned and edited by the very individual whom he wished to praise and whose publications regarding myself have for many years been directed toward misrepresenting my position upon public questions, criticizing my course in public affairs, and which have been intended to destroy my usefulness as a public servant.

I feel that this is an unusual situation and that my duty, as much to myself as to the people whom the Senator addressed, who have honored me with unopposed election to the House of Representatives for 18 years, and who have helped so materially to promote me to my present position as a Member of this body, demands this course. The men to whom the Senator addressed himself are my friends and neighbors, one and all. They have known me from early childhood. A large portion of them are related to me by either blood or marriage. Their faith and trust in me have been abundantly proven, and the good name which I have built up among them for truth and loyalty to their interests is possibly the only thing in which I have grown richer with the years of my service in Congress.

These statements made by the Senator are at utter variance with what I have told them. If the Senator's statements be correct, then I am placed in the attitude of having been both deceitful and disloyal toward them in return for confidence and faith reposed in me by them. I can not remain silent without at the same time occupying a position of embarrassment and humiliation; but more, I can not remain silent without permitting them to be deceived as to those inimical and antagonistic to their dominant interest.

My relations with my colleague [Senator RANSDELL], covering a long association in the other branch of Congress, have been such that I regret beyond the possibility of expression that I am compelled to take issue with him upon any question anywhere, and more especially in this Chamber. From the bottom of my heart I wish some other course were open to me or that a commanding duty both to myself and to the people of Louisiana permitted me to remain silent.

My colleague recently returned from a tour of campaigning in Louisiana. So far as the papers have advised me, his efforts were addressed to the voters of the third congressional district of that State, the district I had for a long time the honor to represent in the House before becoming a Member of this body. About the time of his return the New Orleans States, an evening publication of the city of New Orleans, owned and edited by Robert Ewing, Louisiana Democratic national committeeman, reached me, containing a summary of the accounts of two meetings addressed by the Senator which I have just read.

I did not believe that the statements could be made by the Senator, and therefore withheld comment on them until I should, in justice to him, verify their correctness. At the first opportunity I submitted the newspaper account of the speeches to the Senator, requesting him to read it, and to inform me whether he was correctly reported. He informed me that he had read the statements and that he was correctly reported. True, that night he telephoned me to say that after rereading the report of his statements at Lafayette and Franklin in the Daily States he had found that he had been incorrectly quoted in two minor instances. I replied that his statements as reported were unwarranted and unjust, and I repeated to him my statement of the morning that it was my purpose to refute them in justice to myself, and as a warning to those who had read them; that these statements had received large circulation, and that his correcting any part of them to me over the telephone did not correct the evil of which I complained with regard to them, and could not remedy the evil unless given the same publicity which the statements themselves had received. I have waited a reasonable time to make this statement on the floor of the Senate, in order that proper correction might be made by the Senator. No such correction has been made, but on the contrary the offense is aggravated by the publication, in the same paper, of a stenographic report of the Senator's speech at Thibodaux, in which, substantially, the Senator repeats these statements. I have therefore concluded that I could not abstain longer from correcting the impression which these statements have made upon the people whose attention has been called to them by their publication.

This explains the necessity for my trespass upon the time and the patience of the Senate in order that I might discuss the verity of the statements.

I need not state to my colleagues on this floor that in a public service of 19 years in Congress I have left behind me in Loui-

siana my fair share of political enemies. All of us, doubtless, have accumulated these in any course of long service, and many of us are rather proud of our accomplishments in that direction. I can truthfully say that the crop which I have raised during my service gives me little concern on the one hand and, on the other, at times it is helpful. When these enemies can all be located, acting in unison upon a given question, I find little difficulty in determining the course that I should pursue.

Now, we all know that this has been an exceptionally important session of Congress. There has not been a day when anyone could foresee what the next day would bring forth. The President himself used a similar expression even long before the German controversy became acute, and before it became necessary for us to exert the arm of the military to protect American lives on American territory on the Mexican border.

I shall not now speak of the many vitally important matters to Louisiana that are pending at one or the other end of this Capitol. I need but say that as a member of the Military Affairs Committee in its efforts to reorganize the Army and to prepare for our country's defense, I have not found it possible to absent myself from the Capital at any time since the convening of Congress. My political enemies, great tacticians in the art of political maneuvers, have not been slow to take advantage of this situation. Claiming, on the one hand, an overwhelming victory for the Democratic ticket, persistent efforts have been made by them to compel me to abandon my duties here in order to take part in the pending campaign. The quoted statements from the Senator's speeches in my old district are, in my judgment, part of this plan. A simple quotation from the Senator's speech at Lafayette will describe the claims being made for the ticket:

"I believe that this is a Democratic audience and will agree with me.
"Put the crowd to a vote," said a man in the audience.
"That would be unnecessary, my friend," the Senator replied quickly. "We had an election in Louisiana on January 25, and out of a possible 142,000 voters 114,000 declared this State to be Democratic. And I know that most of those 114,000 men are honorable. They will not repudiate the Democratic Party after having participated in its primaries. I have been running for office nearly all of my life, and I know that honesty is the best policy in politics as it is in business."

I have courteously declined to leave my duties here to join in speech making in Louisiana during these critical days to our Nation; and, notwithstanding this overwhelming estimate of the Senator's, I find my enemies busy by every device to harass and embarrass me in this attitude. I have discussed this situation with the Senators who have control of this legislation in the Senate and who are aware of the work in which I am engaged, and they have urged me to remain here. Assuming, as I must, that my duty to myself and to the people of Louisiana require that I take cognizance of the Senator's statements, and realizing my inability to go to Louisiana to refute them, I see no way of correcting them other than in the manner I am pursuing.

Let us analyze the Senator's statements. At Lafayette the Senator said:

I had previously arranged an interview with the President for Senator BROUSSARD and myself. That interview lasted 15 minutes—15 minutes was all the time that we, the Louisiana Senators, could obtain to state our case to the President.

That statement is not true.

In the first place the instance to which the Senator refers occurred in the first part of April, 1913. At that time I was not Senator, but I was a Member of the House of Representatives, representing the people of the very district the Senator was addressing.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Louisiana yield to his colleague?

Mr. BROUSSARD. Certainly; I yield.

Mr. RANSDELL. I should like to ask the Senator if I did not tell him on the night of the 21st instant, when I spoke to him, that I had read that interview very hastily on the train in Louisiana, and when I read it over carefully after he spoke to me on the floor of the Senate I noticed that it stated there had been an interview between the President, himself, and myself, and that this statement was an error; that the interview referred to had been between the President, ex-Senator Foster, and myself? Did I not explain that to the Senator?

Mr. BROUSSARD. Is that the Senator's question?

Mr. RANSDELL. That is my question.

Mr. BROUSSARD. The Senator did say that; and I called the attention of the Senator at the time to the fact that he could not go into Louisiana and secure the publication throughout the State of a statement that was not correct, and then correct it at night over the telephone to me; that he had to give the correction the same publicity that his statement had been given in the State of Louisiana through the papers that quoted him.

I wanted to be fair to the Senator. I submitted this statement to him, and asked him to read it and to correct it before I took any position; and the Senator glanced at it, said he had read it, and that he was correctly reported.

Mr. RANSDELL. That occurred on the floor of the Senate, did it not, when I was quite busy? That afternoon I read it carefully and called my colleague's attention to the fact that it contained misstatements in two particulars.

Mr. BROUSSARD. Oh, well, yes; it occurred upon the floor of the Senate; but I had gone to the Senator and told him that I intended to refute these statements in some way unless he told me that he was not correctly reported.

Mr. RANSDELL. Now I wish to ask the Senator——

Mr. BROUSSARD. I do not want to engage in any controversy at this time.

Mr. RANSDELL. I am not going to do that.

The PRESIDING OFFICER. Does the Senator from Louisiana further yield to his colleague?

Mr. BROUSSARD. I do. I want to give the Senator every opportunity. I have given him that opportunity and waited a week to see the publication, because any correction that the Senator might have made had to be sent to New Orleans, and then the paper had to be published and come back here. I have waited ample time for the Senator to correct not only this unimportant thing, but the important parts of this statement, which do me an injustice and do the people of the State an injustice,

Mr. RANSDELL. I wish again to ask the Senator if I did not specifically say to him that night—the 21st instant—that the reported interview was incorrect in using his name when it should have used ex-Senator Foster's name; and if I did not tell him that I had not had any interview with him in connection with President Wilson, when only 15 minutes' time was given us, but the interview I referred to was between ex-Senator Foster, the President, and myself, when we were given 15 minutes? I stated that to the Senator, did I not?

Mr. BROUSSARD. Oh, yes, Mr. President; and I called my colleague's attention to the fact that if he made any corrections they should be given the same publicity that the statement had received, since I was being criticized upon this question and I conceived it to be my duty to remain here and attend to the public business.

Mr. RANSDELL. I should like to ask the Senator if I did not also tell him at the same time that the reported interview quoted me incorrectly in saying that Mr. Ewing had more influence than all the Members of Congress combined?

Mr. BROUSSARD. I will reach that point in a moment.

Mr. RANSDELL. That I had said that he had more influence than any other one man?

Mr. BROUSSARD. I want to submit to the Senator whether it is fair for him to go to Louisiana and in a public speech charge that two United States Senators here in Washington and eight Members of the House from that State had less influence than the national committeeman, and then come over at night and telephone me that he was misquoted in that paper, and make no effort to correct the impression that he had left behind in Louisiana? I ask him if he conceives that to be an adequate explanation of being misquoted?

Mr. RANSDELL. Did I not tell the Senator at the same time——

Mr. BROUSSARD. Well, Mr. President——

Mr. RANSDELL (continuing). That the interview from Franklin——

Mr. BROUSSARD. I decline to yield further for a question on that point. I do not deny and I have already stated that the Senator rang me over the telephone and corrected two statements with regard to that publication, and that I informed him that those corrections should be given the same publicity that the statements themselves had received. There is no necessity for having any discussion about that matter. I do not deny that the Senator said that. To the contrary, I said that he admitted having been misquoted, but he declined to pursue the course which I would have pursued if my attention had been called to a misstatement that did injury to anyone.

Mr. RANSDELL. Mr. President, will the Senator permit me——

Mr. BROUSSARD. I decline to yield further upon that point.

Mr. RANSDELL. It is not on that point.

The PRESIDING OFFICER. Does the Senator decline to yield?

Mr. BROUSSARD. No; I yield if it is on some other point.

Mr. RANSDELL. The Senator has two interviews before him there, in the same paper, and one of them is from Franklin,

Did I not tell the Senator that the Franklin interview was correct and the one from La Fayette was incorrect?

Mr. BROUSSARD. These are not interviews, Mr. President. They are speeches delivered by the Senator.

Mr. RANSDELL. Will not the Senator state whether I told him that the Franklin notice was correct and the La Fayette one was incorrect?

Mr. BROUSSARD. Yes; and the Franklin notice is no more correct than the La Fayette one, as I will prove.

Mr. RANSDELL. All right.

Mr. BROUSSARD. Nor had the Senator made any such engagement for me with the President; nor had I gone with him to see the President for 15 minutes or for any other period of time. The Senator should not belittle me, no matter what spirit possessed him to humble himself, that by contrast he might elevate the national committeeman, Robert Ewing, in the eyes of the audience which he was addressing.

At La Fayette the Senator said:

"Just before the Underwood tariff bill went to the Senate, the President called Senator BROUSSARD, Mr. Ewing, and myself into conference. We three pleaded with the President for a three-year extension of the tariff, but could not move him. Senator BROUSSARD and myself left, and Mr. Ewing remained behind with the President. The next day the tariff bill came out with the three-years' clause. I think it an act of justice to say that but for the efforts of Robert Ewing, the man who has been most maligned in this gubernational campaign, sugar to-day would be on the free list."

This statement, like the one first quoted, is also untrue. The bill was pending at the time before the Ways and Means Committee and the report of that committee was not to the Senate but to the House, nor was its report made "the next day." The visit to the President referred to by the Senator was on April 5, 1913. The report of the Ways and Means Committee was made to the House on April 21, or 16 days later than the Senator says. Nor did Senator Thornton, the colleague of Senator RANSDELL, visit the President that day or any other day with Senator RANSDELL, or alone or with anyone else. To substantiate this statement I quote Senator Thornton's testimony to the Senate Lobby Investigating Committee, page 967—speaking of the alleged visit of the Louisiana Senators to see the President:

Senator THORNTON. Pardon me, Mr. Chairman, you said that the Senators had been to see him—I have never seen Mr. Wilson on the subject.

There were many men from Louisiana in conference with us at that time—men engaged in the cultivation of sugar cane and in the manufacture of sugar. At a conference on the day to which the Senator refers it was decided that the Senator and the national committeeman should seek an audience with the President and present additional matters for his consideration, with a view of avoiding the pending ruin of our leading industry. Senator Thornton was in Louisiana and did not attend the conference. The appointment for them was made with the President for 8 o'clock that evening. Tired and worried over the arduous work which we were doing, as soon as the conference dispersed I repaired to my office in the House Office Building. Finding my secretary absent and with a view of eating dinner quietly, I went to the Powhatan Hotel, and there my secretary found me and informed me that the President had several times telephoned for me, saying that he wanted to see me at once. At the Powhatan I had met the Senator and the national committeeman, who had invited me to dine with them. My secretary and I repaired at once to the telephone, and he immediately secured connection with the President in person. Upon taking the phone the President informed me that he had been trying to reach me since 4 o'clock, and that he wanted to see me as soon as possible. I told him that I understood he had an appointment with the Senator and the national committeeman for 8 o'clock; that it was then 7 o'clock; that I was not only very tired but extremely hungry, as I had not eaten anything since early morning. I closed by saying that if agreeable to him I would eat my dinner, which had already been ordered, and would call in company with the Senator and the national committeeman. Together we three reached the President's office at 8 o'clock, and he was awaiting us. We discussed the matter in hand quite at length. I do not care to, nor is it necessary that I should at this time, relate any of the particulars of our discussion. At 50 minutes after 8, the President remarked the hour and said that he had an appointment with Congressman UNDERWOOD, then chairman of the Ways and Means Committee, for 9 o'clock, and as he arose we also arose and moved toward the door.

The President not having had the opportunity to speak to me about the matter which he had in mind, and about which he had been telephoning me since 4 o'clock, came up to me and requested me to remain a moment; and while the Senator and the national committeeman moved out of the room and downstairs I remained to talk over with the President the matter about which he was anxious to see me. This will explain why it was I, and not the national committeeman, who was requested to remain to speak with the President when the conference was ended. It must have been 9 o'clock when the President and I parted and I went downstairs to join the Senator and the national committeeman. And as we walked out of the front door of the White House we met and stopped and shook hands with Congressman UNDERWOOD on his way to keep his appointment with the President. It is not true, therefore, that "the President called Senator BROUSSARD, Mr. Ewing, and myself [the Senator] into conference." Nor had Mr. Ewing remained to talk with the President while the Senator and I moved away, as the Senator says. It was I who remained to speak with the President of the matter which he had in mind and about which he had telephoned me. I have a most distinct and vivid recollection of the fact, as I have of every fact that transpired at that conference. The President had not had the opportunity to speak to me until the other two had left the room, and it was for that reason that he detained me and permitted the Senator and the national committeeman to withdraw from his presence. This was the last visit which I have had the honor to pay the President, and I can not be mistaken with regard to the circumstances I relate. If, therefore, the Senator means to convey the idea—as his language indicates—that in some mysterious way the national committeeman had whispered the word to the President which he and I had not heard, which caused the President to change his attitude on this question after our failure in a 50 minutes' discussion to convince him, it is evident that he draws his facts from his imagination.

But this is not all the evidence on the subject. After the conference we joined the delegation in order to enable the Senator and the national committeeman to report the result of the conference with the President. I was present when the report was made and no such report was made indicating in the slightest manner what the Senator now says had transpired at the White House. The gloom that settled on the assembly well depicted the nature of the report. I recall distinctly the ominous silence that prevailed like a pall on every hand. The despair of some of the people who were present, since to them it meant bankruptcy and utter ruin. Each could see the dire disaster that would follow the making of sugar immediately free. Those who felt that they might survive saw in their mind's eye their neighbors and friends driven to destitution. All realized that a catastrophe was imminent from which none would escape—neither rich nor poor, neither white nor black, neither young nor old, nor men nor women. No one of us entertained any hopes of anything but immediate free sugar, as the result of the report of that interview had by the Senator and the national committeeman with the President, which I had, as by accident, attended. Is it possible that while this scene was presented to the eyes of Robert Ewing, that he had securely locked in his bosom the assurance that there would not be free sugar for three years? If so, as the Senator would have us believe, then Robert Ewing paints himself a far worse man than I believe him to be. And when did the Senator first acquire the knowledge which he so flippantly imparts to an astonished people, after so long a lapse of time? I am curious to know, as that would prove the most important part of his revelations.

The newspaper accounts of that date bear out my statement as to the report made by the Senator and the national committeeman.

The Daily Picayune, of New Orleans, of April 6, 1913, contains this report:

WASHINGTON, *April 5.*

"President Wilson's proffered compromise on sugar, which should mean a 1-cent-a-pound duty for three years and then free sugar, was rejected to-night by Senator RANSDELL, Representative BROUSSARD, and Robert Ewing, Democratic national committeeman from Louisiana.

The Louisianians to-night carried to the White House a strong protest against free sugar adopted to-day at a meeting in New Orleans of the American Cane Growers' Association.

Deadlocked with the White House and standing fast for protection of sugar.

That was the situation late to-night in the Louisiana congressional delegation, who have not budged 1 inch from their original position that sugar must be adequately protected, and who have rejected to date President Wilson's ultimatum that a duty of only 1 cent per pound be placed on sugar, with the commodity free in three years, or the alternative of a free-sugar bill.

The situation to-day was practically the same as yesterday. The Louisiana Congressmen, and the other Louisianians here to fight to preserve destruction of the great industry, held two conferences—one at noon and the other late this evening. It was unanimously decided that it would be impossible to accept a 1-cent-per-pound duty, with free sugar in three years, and the delegation decided to stand pat and let President Wilson do his worst and carry out his implied threat to

have the Ways and Means Committee bring in a free bill unless the 1-cent duty was accepted.

Telegrams from Louisiana sugar interests, principally from New Orleans, arrived in an avalanche to-day addressed to members of the delegation, saying that the 1-cent compromise, with free sugar in three years, was not wanted, and would not be acceptable.

The stumbling block is over the three-years' free-sugar schedule. 'Louisiana cane interests would accept a 1-cent net duty, but not free sugar in three years,' said the telegram."

* * * * * * *

"Mr. BROUSSARD explained to Mr. Wilson the Canadian sugar tariff, whereby for every ton produced in Canada 2 tons are admitted duty free. Mr. BROUSSARD suggested that a modification of this plan—one free ton for every domestic protected ton produced—might solve the problem. It was a new idea to Mr. Wilson, but the President intimated that it was now too late to adopt anything new.

Mr. Ewing told the President that a compromise might be effected so that a 1-cent duty could be placed on sugar, and it could be arranged that free sugar in three years be left discretionary with the President at the end of that time and not mandatory by act of Congress.

This did not strike Mr. Wilson favorably, but he said he would consider it. He listened attentively to the arguments, but his attitude, as it has always been, was noncommittal. The delegation got the impression, however, that Mr. Wilson intends to insist on his program.

Chairman UNDERWOOD, of the House Ways and Means Committee, reached the White House just after the Louisianians left. He brought a copy of the completed tariff bill for the President's final approval. Mr. UNDERWOOD discussed the proposed sugar compromise briefly with the President, but it was understood that no changes were made in the bill as it left the Ways and Means Committee to-day. It was carried to the Government Printing Office to-night by Mr. UNDERWOOD himself, and he expects to have it in readiness for consideration of the majority members of the Senate Finance Committee which will meet late to-morrow."

The Times-Democrat, of New Orleans, of the same date, contains this report:

WASHINGTON, *April 5.*

"President Wilson's proffered compromise on sugar, which would mean a 1-cent-pound duty for three years and then free sugar was rejected to-night by Senator RANSDELL, Representative BROUSSARD, and Robert Ewing, Democratic national committeeman from Louisiana. The Louisianians to-night carried to the White House a strong protest against free sugar adopted to-day at a meeting in New Orleans of the American Cane Growers' Association.

They predicted the ruin of the industry if the President persisted in his determination to eliminate all duty from sugar. They offered as a compromise the suggestion to the President that he indorse a 1-cent duty on sugar for three years, with the provision that sugar be made duty free at the end of that period if, in the President's opinion, it at that time was advisable. They pointed out to the President that such a proviso would enable him to investigate the claim that a great industry would be ruined by the removal of duty, and told him that he would be able to insist just as strongly upon free sugar then, if he saw fit, as he is doing now.

Although the delegation was in conference with the President for more than an hour, he gave no intimation as to whether he would consider their offer of a compromise.

Chairman UNDERWOOD, of the House Ways and Means Committee, reached the White House just after the Louisianians left. He brought a copy of the completed tariff bill for the President's final approval. Mr. UNDERWOOD discussed the proposed sugar compromise briefly with the President, but it was understood that no changes were made in the bill as it left the Ways and Means Committee to-day."

It is apparent from these reports that the Underwood bill having embodied a provision for free sugar, the President at no time, as reported to the delegation by the Senator and the national committeeman, wavered one instant or intimated in any way that he had in the least changed his determination to support the free-sugar clause. On the contrary, these reports bear me out that the President insisted on his position, and they may be accepted as conclusive proof that the President did not make any such promise to Robert Ewing as the Senator states.

At La Fayette the Senator said:

But I knew that Robert Ewing, the greatest Wilson man in Louisiana before the Democratic nomination convention, the leader of the Wilson forces in Louisiana after the convention—

And so forth.

From this statement it is evident that the Senator is as unfamiliar with what transpired at Baton Rouge on June 4, 1912, as his memory plays him false with regard to what transpired in Washington preceding the report by the Ways and Means Committee on the Underwood bill. True, the newspapers of the national committeeman had been supporting the candidacy of Gov. Wilson.

Before the State convention met an understanding was reached among the contending factions in Louisiana regarding both the personnel of the delegation to be sent to Baltimore and the adoption of the unit rule, which was inimical to the candidacy of Gov. Wilson. Robert Ewing was a party and a beneficiary of this political deal. I was in Washington, as were the other members of the delegation, including the Senator. Upon being apprised of the situation I repaired in great haste to Baton Rouge. I reached that city on the day prior to the meeting of the convention. I found that the entire delegation had already been selected in private conference, the two factions of the party in Louisiana having combined in the support of the candidacy of Speaker CLARK. The national committeeman's paper, the Daily States, in its edition of 2.30 p. m., June 4, 1912, contained a list of these delegates. The convention itself did not meet until 8 o'clock the same evening. Following this list, among other things, appears this item of news:

The meeting will be called to order by Thomas H. Lewis, chairman of the Democratic State central committee, and the temporary chairman, who will be made the permanent chairman, is L. E. Moss, of Lake Charles. Blanchard, Barrett, and Thomas were all eliminated in the interest of harmony. All this, barring the battle engineered by ROBERT F. BROUSSARD and F. C. Claiborne, planned last night and this morning at the last moment of the situation, does not indicate that the battle will develop into anything serious.

The national committeeman's paper carried, straight across the front page of that edition of the paper in large type, "The delegates stand 13 to 7 for Clark." And in large type, after naming those who would be delegates, giving to each his designation for Wilson or Clark, as the case might be, there appears the following paragraph:

It is practically agreed that the unit rule shall be adopted, that Gov. Hall will be the chairman of the delegation, and that the conference to decide upon the action in Baltimore shall be taken after the arrival of the delegation.

The other evening paper, the New Orleans Item, in the edition that reached Baton Rouge just prior to the convening of the convention, which was at 8 o'clock at night, carried across the page similarly as the States had carried it the following:

"Our delegation 14 to 6 for CLARK, and will vote as a unit."

This paper was supporting Speaker CLARK and gave him one more vote than the national committeeman's paper, supporting Wilson, conceded to the Speaker.

Speaking of Robert Ewing, the Item of that issue says:

"His papers indicate that he is forgetting a good deal about Wilson, and his activities here indicate that he is thinking deeply about Ewing."

That was the correct attitude of the national committeeman that day.

Now, no sooner had the convention convened, and before the temporary chairman had concluded his address, as I walked into the hall the delegates called for me. In a storm and uproar I was carried to the speaker's platform, the convention being held in the hall of the house of representatives. I spoke briefly against Speaker CLARK and the delegation's instruction to vote as a unit. As I concluded calls were made for Congressman Wickliffe, who had reached Baton Rouge shortly after my arrival there, and who was a supporter of Speaker CLARK. He spoke in the Speaker's behalf and for an instructed delegation to Baltimore. The delegates continued the uproar, demanding that I reply to Congressman Wickliffe, which I did in an address of not exceeding five minutes. The convention got down to work. The delegates were selected as secretly planned and then a motion was made to instruct the delegation to vote as a unit, which was the other part of the same plan agreed upon by the factions. The success of this motion necessarily would have given the majority of the delegation the right to vote the minority, and as Speaker CLARK was conceded to have a majority of the delegation, clearly the entire Louisiana vote would have been cast for the Speaker on the first ballot and permanently thereafter. Instead he received 12 votes to Gov. Wilson's 8 on the first ballot, reduced to 2 to Gov. Wilson's 18 on the last and many previous ballots.

The motion was promptly made to table the resolution of instruction. A roll call was demanded and carried. Upon the roll being called the tenth ward of New Orleans voted for the unit rule. Robert Ewing, said by the Senator to have been the leader of the Wilson forces in Louisiana, is the boss of that ward. In fact, he is much better known as boss of the tenth ward than as either national committeeman or newspaper man. He knew full well that the success of his vote meant a unanimous Clark delegation, yet he cast it in betrayal of the candidacy of Gov. Wilson, whose leader the Senator tells us he was. The resolution was nevertheless tabled and the fight I led for an uninstructed delegation triumphed. Thus it was that through the efforts of the Wilson forces, of which I had been the spokesman on the floor of the convention, Robert Ewing was saved from himself, and his vote preserved for Gov. Wilson even over his own protest.

But, Mr. President, how could the Senator know what was going on in Baton Rouge when these stirring events were transpiring? He was here at the Capitol, busy sending telegrams to Baton Rouge, urging the convention to come to the support of Speaker CLARK. He was ignorant of the movement which Wilson's friends, including myself, were engineering to save for Gov. Wilson the few votes which had been secretly allotted us by the national committeeman and his allies in the State in apportioning the delegation. The national committeeman was looking to his own candidacies. He was busy with more important things. He was looking to his trade for two positions

for himself. We have already seen how he got one of these; and here is how he got the other:

The Times-Picayune, Sunday, March 12, 1916, says:

"John M. Parker, in a recent speech, charged Robert Ewing with having broken faith with the men who secured Mr. Ewing's reelection as Democratic national committeeman from Louisiana in 1912. He asserted that Mr. Ewing was made national committeeman by Gov. Hall at the request of a number of reform leaders, particularly Daniel D. Moore, editor of the Times-Democrat, and that after obtaining the office Mr. Ewing broke his solemn promise to these men to stand by the cause of reform, to fight the "ring," and to support the Hall administration.

Mr. Ewing, in his newspaper a day or two later, vigorously denied both propositions and asserted that his election was due to his great popularity and strength with the Democrats of the State.

Mr. Ewing is the storm center of the present State campaign. The political power, which he gained in large measure through the very maneuver in question, has made him a campaign issue. It therefore is considered fitting that a statement should be made at this time of the circumstances which led up to Mr. Ewing's election and of his subsequent actions. This narrative is based upon the statements of the men involved. The recollections of these men are agreed as to the details. Only Mr. Ewing's newspaper has a different version.

It will be recalled that Mr. Ewing broke with the city organization over the candidacy of John T. Michel for governor and supported Dr. James B. Aswell. Realizing that Michel's election meant his own elimination as a political factor, Mr. Ewing promptly declared for Judge Luther E. Hall, the Good Government League candidate, on the elimination of Dr. Aswell in the first primary. He later induced Dr. Aswell to follow him.

Through his newspapers and individually he announced his intention of supporting the Hall administration. The league faction in the tenth ward responded by giving their support to Mr. Ewing's candidates for the House and Senate in that ward. When this took place the Michel candidates withdrew.

The primary over, Mr. Ewing reached out for the Hall people, with the reelection of himself as national committeeman in view. He was a frequent visitor to the office of J. Zach Spearing, who, as chairman of the league's State campaign committee, naturally became one of the principal advisers to the governor-elect. Through Mr. Spearing Mr. Ewing reached a number of influential Hall supporters. He then let his candidacy become known.

Mr. Ewing's candidacy was received with favor among reform leaders. Judge Hall felt kindly because of the part Mr. Ewing had taken in breaking up the agreement of Dr. Aswell to support John T. Michel after the first primary. Among reform leaders in New Orleans, Col. Ewing was regarded as a valuable asset because of his knowledge of the inner secrets of the "ring," and the fact that Ewing's desertion would leave the "ring" without aggressive newspaper support in the city. The country leaders of reform were somewhat divided. Some doubted Ewing and others thought it good politics to reelect him national committeeman and keep him in line with the reform cause.

MADE NO INDORSEMENTS.

The editor of The Times-Democrat had refrained from indorsing anyone for appointment or election to any office after the primary. He desired to leave the new governor free to act on his own judgment, and personally to keep out of politics.

He was approached during this period by Mr. Ewing, who rehearsed his fight with the "ring" and declared he had burned the bridges behind him. He said he wanted to get out of local politics and intended to give up the leadership of the tenth ward and devote his entire time to his newspapers. He added, however, that he would be glad to cooperate with the Good Government League and intended to support the administration of Gov. Hall. He said most emphatically that under no circumstances would he go back to the organization and to Behrman. Then he asked Mr. Moore to use his influence with the governor in behalf of his candidacy for national committeeman.

To Mr. Spearing Mr. Ewing made very similar assurances. He said he would support the Hall administration and its measures. He made the reservation that he could not support the league in the city fight without a reorganization of its committees, but was specific and emphatic in his declaration that he would not support Mr. Behrman nor go back with the "ring."

RELIED UPON ASSURANCES.

On these assurances that he would support the governor and oppose the "ring," and on the urgent request of Mr. Ewing, the editor of the Times-Picayune called on Gov. Hall the day following the inauguration and urged that the executive give his support to Mr. Ewing.

The preceding day Mr. Ewing attended the inauguration of Gov. Hall and had given every evidence of being an enthusiastic supporter of the new administration.

The governor was much impressed; Mr. Moore and Mr. Spearing were convinced.

On the governor's decision the matter rested. With the governor's indorsement Mr. Ewing's election was assured. With the governor opposed, his election would have been impossible. Great bitterness still existed between Mr. Ewing and the city organization. Many country leaders still distrusted Mr. Ewing and viewed him merely as a boss temporarily at outs with his fellows. Except his own tenth ward delegation, Mr. Ewing had few friends in the State convention.

While inclined to be friendly with the tenth ward leader, Gov. Hall had remained noncommittal until the editor of the Times-Democrat made strong representations. Mr. Moore was of the opinion that Mr. Ewing should be reelected because of his fight against the machine and his promise to continue that fight. Mr. Moore believed Ewing sincere in his assurances for the future, and that depriving the "ring" of Ewing and the States in the city fight would create a highly favorable situation for reform. And he thought, moreover, that Mr. Ewing would in the end actively support the league ticket.

YIELDS TO REQUEST.

The governor yielded to the request of Mr. Moore. As he has said on numerous occasions since: "The Times-Democrat was one of the chief instrumentalities in my election. I counted on its support for my policies. I had confidence in the judgment of its editors, and felt that if they considered Mr. Ewing's election desirable as a means toward the success of their fight against the machine they knew what they were doing."

In this shape events moved up to the week of the convention. In the meantime, Mr. Ewing and the States had declared for Woodrow Wilson for the Democratic nomination. Gov. Hall favored CHAMP CLARK. By the Saturday before the convention the fight for the Louisiana delegation had become rather lively.

As the head of the Orleans group in the convention, Mayor Behrman called on Gov. Hall and suggested a working agreement. The mayor and all the Orleans leaders except Mr. Ewing were for CHAMP CLARK. The mayor suggested that the city was entitled to name three of the six delegates at large, provided, of course, the names suggested were not objectionable to the governor and his friends. The governor answered that he thought the proposal fair.

Word of this agreement reached the ears of Mr. Ewing. He wished to be one of the delegates at large, but did not want to put himself under obligations to Mayor Behrman. So he made a direct appeal to Gov. Hall explaining the situation. He asked the governor to suggest his name as one of the city's three.

The governor called on the mayor and asked the mayor to include Mr. Ewing as one of the three delegates at large to be named from the city. The mayor readily agreed, although he added: "We don't like and have no use for Ewing."

WAS DISQUIETING.

The situation, however, was disquieting to Mr. Ewing. The convention was for June 4. On June 1 Mr. Ewing went to the editor of the Times-Democrat much exercised over reports to the effect that he could not count on the support of the governor in the nomination. In the presence of Thomas G. Rapier, then general manager of the Picayune, Mr. Ewing urged Mr. Moore to go to Baton Rouge the following day (Sunday) again to urge the governor to support him for national committeeman.

Mr. Moore replied it was impossible for him to go, and in the light of his previous understanding with Gov. Hall he considered it unnecessary. But Mr. Ewing was so insistent that finally Mr. Moore agreed to send Norman Walker, associate editor of the Times-Democrat, to Baton Rouge to see the governor. Further, at the urgent request of Mr. Ewing, Mr. Moore agreed to call Gov. Hall by telephone Sunday morning and to inform him that Mr. Walker was on his way to see him on an important matter and that Mr. Walker spoke for Mr. Moore.

Mr. Walker saw Gov. Hall, and the governor again gave his assurances that he would support Mr. Ewing. The same day Mr. Moore left the State for a month's vacation, taken on advice of his physician.

The opposition to Ewing had not died, however. Ferd C. Claiborne and some other independent Democrats who refused to believe in Mr. Ewing's good faith threatened to fight anyway and attempted to organize an anti-Ewing movement among the convention delegates. The governor had to step in to placate these insurgents.

PROGRAM WENT THROUGH.

Except for a fight between the Clark and Wilson followers, in which the governor had friends on both sides, the chief executive's program went through the convention without a hitch. Mr. Ewing was elected national committeeman and a delegate to the Baltimore convention.

The next day, or possibly the second day thereafter, Mr. Ewing's paper, the States, made its first attack on Gov. Hall in an article which said the governor had been whipped in the convention.

Mr. Ewing went to the national convention; then to Sea Girt; and then to Chicago. He returned to New Orleans shortly before the city fight. Mr. Moore, absent from June 2 until the beginning of July, had not heard from him during this period. On Mr. Ewing's return Mr. Moore, Mr. Caffery, and others of the Good Government League made several unsuccessful attempts to see him.

But Mr. Ewing, already cool toward the governor, went the rest of the route and again combined with Mayor Behrman and the "ring."

His statements about Mayor Behrman were forgotten, as were his aims to get out of local politics. His definite promises to fight the "ring" and use his paper for better influences in politics were treated as unmade. The old harmony in machine ranks was restored with Ewing on top, the master of the situation. He had taught the other bosses a lesson, and they were prepared to obey."

Continuing the last-quoted sentence, in order to accentuate the influence exercised by Robert Ewing, the Senator says:

A member of the Wilson campaign committee of 15.

Yes; and it was in that capacity that Robert Ewing permitted the hireling of the Sugar Trust, F. C. Lowry, to insert in the Democratic Campaign Textbook a vicious attack upon the leading industry of his own State. It is for this, perhaps, that the Senator says that the sugar planters of the third congressional district are under "a debt of eternal gratitude to Robert Ewing." This Lowry textbook attack upon the domestic sugar industry was a palpable violation of the declaration of the Democratic platform, which has for its first declaration, among others, the following paragraph:

We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

Now, Robert Ewing knew, as I told members of the Louisiana delegation and every delegate in the convention who took an interest in the matter, how this plank had been drafted. He knew how it had been drawn and who had drawn it. He knew I had brought the draft to Baltimore from Sea Girt, N. J. He knew that provision of the platform was intended specially to permit the domestic sugar industry to survive the proposed tariff reduction for which the plank declared. He knew these things, because I told them to him, and yet he permitted the one man in the country whom everybody knew was hired by the Sugar Trust to commit the Democratic Party to a policy in direct contravention to its platform declaration.

As a sample of the insert to which I have just referred, contained on pages 149, 150, 151, 152, and 153 in the Democratic

Textbook of 1912, I will quote a few excerpts pertinent to the Louisiana sugar industry:

The total cost to the American consumer annually by reason of the duty is $125,675,000. Of this, $52,300,000 goes to the Government in revenue; the balance goes into the pockets of the tariff-favored sugar interests of Hawaii, Porto Rico, the Philippines, Cuba, Louisiana planters, and promoters of beet-sugar factories as a bounty from the Government.

* * * * * * *

As only $52,300,000 is collected in revenue, the question naturally arises as to what becomes of the balance of $73,450,000 that the American people are called upon to pay. The answer is that it goes into the pockets of the tariff-favored interests of Louisiana, etc.

* * * * * * *

So far as the domestic interests are concerned, the profits go directly into the pockets of certain planters and the promoters of the beet-sugar plants. They are not divided with labor, for Louisiana pays lower wages than Cuba, etc.

* * * * * * *

Hence it is apparent that all of the profit derived from the tariff operates as a bounty not to the farmers or laborers, but to the promoters of the domestic beet factories and the various planters of our tariff-favored sections.

* * * * * * *

No one pretends that the American people are being taxed $125,000,000 annually so as to enrich the sugar planters of our insular possessions; therefore the present tariff is being maintained for the sole benefit of the domestic beet and cane sugar producers.

* * * * * * *

After receiving subsidies both through direct bounties and indirectly through the tariff for over 100 years, the sugar industry of Louisiana, if it can not stand alone, has no further claim upon the American people. It is absurd to ask the Government to continue to tax consumers through the tariff $125,000,000 annually so that Louisiana may produce a crop the yearly value of which is about $25,000,000. We should look to industries that could be of service to the American people and not to industries that the American people must serve.

* * * * * * *

Mr. HARDWICK. May I interrupt the Senator? The Senator has made one statement which, in justice to the gentleman to whom he referred, he ought to correct.

Mr. BROUSSARD. Have I made a mistake in saying that Mr. Lowry represented the Sugar Trust?

Mr. HARDWICK. He never did in his life. He never was allied with the Sugar Trust. The Sugar Trust is the American Sugar Refinery. The Senator knows that.

Mr. BROUSSARD. I do not agree with the Senator.

Mr. HARDWICK. It is commonly known in this country that the Federal Sugar Refining Co. is not the Sugar Trust, but the largest of the independent refiners, who compete with the Sugar Trust.

Mr. BROUSSARD. They are all in combination. The Federal Refining Co. and Havemyer have been acting together to exploit Louisiana and Cuba and all tropical sugar countries. I understand the Senator means that he has investigated that question as chairman of a committee of the House. As he knows, I am familiar with that, too. I believe I helped draft the resolution.

Mr. HARDWICK. The Senator ought not to say that the Federal is the Sugar Trust, because the Senator knows that the American Sugar Refining Co. is commonly known throughout the country as the Sugar Trust. The Senator further knows that Mr. Lowry never represented that company. I know that he does not and has never represented the trust.

Mr. BROUSSARD. He has represented the interests of that company——

Mr. HARDWICK. Never.

Mr. BROUSSARD. To this extent: He is employed by Spreckels.

Mr. HARDWICK. That is right.

Mr. BROUSSARD. But his activities have been for the last four or five years in behalf of the Spreckels Refining Co. and the common policy of the American Sugar Refinery and all other seaboard refineries in their effort to destroy the domestic sugar industry.

Mr. HARDWICK. No; the Senator is not correct about that. On the contrary, the American Sugar Refining Co. has always favored the sugar duty and the Federal has always been for free sugar.

Mr. BROUSSARD. The testimony of the American Sugar Refining Co. when I was on the Ways and Means Committee was to this effect——

Mr. HARDWICK. No, sir; in that very year I was present in the room during that very time when the president of the American swore he was opposed to free sugar.

Mr. BROUSSARD. I will not discuss that.

Mr. HARDWICK. That is right. I just wanted to state the facts.

Mr. BROUSSARD. But, as a matter of fact, when I use the words "Sugar Trust" I refer to all seaboard refineries. They are all in accord on the policy of free sugar, and Lowry is the spokesman for the free-sugar propagandists.

Mr. SMOOT. Mr. President——

Mr. BROUSSARD. I yield to the Senator from Utah.

Mr. SMOOT. I think what the Senator from Georgia [Mr. HARDWICK] has stated is true as to the former president of the American Sugar Refining Co.

Mr. HARDWICK. Atkinson?

Mr. SMOOT. Edward T. Atkinson. I do not think that the American Sugar Refining Co. is in favor of a duty upon sugar at present.

Mr. BROUSSARD. They are not.

Mr. SMOOT. But I do know that Mr. Frank Lowry, representing Mr. Spreckels, of the Federal Sugar Refining Co., in his testimony stated he wanted a duty of 50 cents per hundred, and if that rate of duty was in force, with the 20 per cent reduction for Cuban sugar imported, it would virtually destroy the sugar production in America and prevent any other sugar coming from any other part of the world except from Cuba, and it would have placed the refining and the selling and the disposition of all the sugar in the United States in the hands of the few sugar-refining companies.

Mr. BROUSSARD. I will state to the Senator that the former president of the American Sugar Refining Co., Mr. Atkinson, was largely interested in sugar estates in Cuba.

Mr. SMOOT. Yes.

Mr. BROUSSARD. And as such he wanted the duty on sugar, so that he might get the preferential 20 per cent provided by the treaty. He so testified on the occasion to which the Senator referred.

Mr. HARDWICK. If the Senator will pardon me, within 24 hours I have read his testimony, and he said he was for the duty on sugar because of the large interest that his American Sugar Refining Co. owned in the beet-sugar companies.

Mr. BROUSSARD. Of course; and the large planting interest in which he was himself interested.

Mr. HARDWICK. No; that he disposed of.

Mr. BROUSSARD. I understand.

Mr. HARDWICK. He used to have them, but he had disposed of them.

Mr. BROUSSARD. But the attitude of the American Sugar Refining Co. to-day, as represented, is for free sugar.

Mr. HARDWICK. No; the Senator is mistaken. I challenge that statement. The trust has always opposed free sugar.

Mr. BROUSSARD. I am sure I am correct.

To the constant reader of the Daily States these indictments of the Louisiana sugar industry, quoted from the Democratic textbook, have a familiar ring. What "a debt of eternal gratitude," indeed, these sugar planters owe Robert Ewing, my distinguished colleague. For fear that the statement which I have made, to the effect that F. C. Lowry, Sugar Trust agent, was permitted to insert in the Democratic Textbook of 1912 the matter which I have indicated, and to the end that there may be no misunderstanding as to the exact meaning of the thought which I have in mind, perhaps I had better insert here testimony adduced before the Senate Lobby Investigating Committee, the questions of Senator CUMMINS, of Iowa, and the replies of Lowry. This testimony will be found on page 1577 et seq. of the testimony adduced before the committee. It is as follows:

"Senator CUMMINS. I now show you a pamphlet which has no identification upon it, either in name or date. It is printed in green. I hand it to you and ask whether you did issue that document or whether you are responsible for it or whether you know anything about it.

Mr. LOWRY. The document that you hand me I am responsible for. That is a reprint of this small document which I have just taken from my pocket. That was distributed by the Democratic national campaign committee. I had it printed in a little larger type so as to be easier to read.

Senator CUMMINS. Now, I will take them both. I will have the smaller one marked "Exhibit Lowry No. 35." Referring to this smaller one, Exhibit No. 35, you say that it was circulated by the Democratic campaign committee?

Mr. LOWRY. Yes, sir; that is one of the original ones.

Senator CUMMINS. Who prepared it?

Mr. LOWRY. I prepared a good deal of the matter in it. I practically prepared it all.

Senator CUMMINS. To whom did you send the copy?

Mr. LOWRY. I was asked to go up to the Democratic headquarters in New York, and I had a talk with the gentleman who is now Secretary of the Navy, Secretary Daniels, and he suggested that I prepare for them something of that kind. I did so and sent the material up there and they went ahead and printed them and sent them out.

Senator CUMMINS. Who asked you to go there?

Mr. LOWRY. Mr. Marsh, who was associated with them at that time.

Senator CUMMINS. Did you or the Federal Sugar Refining Co. pay for the circulation of the pamphlet, Exhibit Lowry No. 35?

Mr. LOWRY. We did not.

Senator CUMMINS. You do not know to what extent it was circulated?

Mr. LOWRY. I know that Secretary Daniels told me he thought he would get out about a million copies.

Senator CUMMINS. Look over it and find out what part of it, if any, you did not prepare.

Mr. LOWRY. This is practically all of my material. They changed it a little bit.

Senator CUMMINS. In what respect did they change it? I want to know just what you are responsible for.

Mr. LOWRY. I do not remember what changes they made. It was just a word here and there that did not suit them, and they changed it.

Senator CUMMINS. You do not know that they made any changes, do you?

Mr. LOWRY. Yes; I know they made some.

Senator CUMMINS. But you can not point them out?

Mr. LOWRY. No, sir; no material changes."

(Page 1583.)

* * * * * * *

"Senator CUMMINS. I learned for the first time a few moments ago that you prepared the Democratic campaign circular that has already been introduced in evidence. That leads me to ask what you had to do, if anything, with preparing that part of the Democratic textbook of 1912 that relates to sugar?

Mr. LOWRY. This man Marsh, who was connected with the committee, came to me one afternoon and said that he had been commissioned to write up certain parts of the textbook. That was the first time that I had ever heard of a textbook. I did not even know they had one. Sugar was one of those parts, I said, that I had plenty of material, and I gave it to him, and he took it away; and then he came back, I think, the next day and said, "Here is what I have prepared." Some of the things he did not have quite clear, and I revised them, and he took them off, and that was the last I heard of it until it came out in the textbook. It was afterwards that he suggested that I go up and meet Mr. Daniels.

* * * * * * *

Senator CUMMINS. I call your attention to a pamphlet which is headed "Democratic Textbook of 1912," to page 149, and wish you would tell the committee what part of that you prepared and what part you did not.

Mr. LOWRY. I could not tell that. I think a good deal of it was taken directly from those pamphlets. There are a good many mistakes in it, I know that. The printer made a bad job of it.

Senator CUMMINS. What impressed me was a striking similarity between that and some of your literature."

These attacks upon the domestic sugar industry, cunningly inserted at the instigation of F. C. Lowry, the hired agent of the Sugar Trust, quite naturally had the effect of misleading those intrusted with public speaking in behalf of Wilson's campaign for President. The textbook of a party is the ex cathedra declaration of those in full charge of the campaign, and if the speakers were misled by the insertion it is not to be wondered that so much misinformation exists throughout the country regarding the attitude of the Democratic Party on the subject. The textbook of the Democratic Party—indeed, of all parties, for that matter—is intended to be an elaboration of the party platform. So that we find that through the indifference to or forgetfulness of Louisiana by Robert Ewing, as member of the Wilson campaign committee, this man Lowry became the sole interpreter of a plank of the Democratic Party enunciated at Baltimore. I desire to turn from the opinion of Lowry to the action of distinguished Democrats in this Senate in the construction of that paragraph of the Democratic platform. It will be remembered that the first Underwood free sugar bill had passed the House just prior to the convening of the Baltimore convention. About the time of the convention hearings were being held before the Finance Committee of the Senate upon that bill. Before the committee came to a conclusion in its consideration of the bill the Democratic platform was adopted, promulgated, and was well understood throughout the country. Of course its meaning was clear to the Democratic members of the Finance Committee of the Senate.

The report of that committee, consisting of men of distinguished ability, such as Bailey, of Texas; SIMMONS, of North Carolina; STONE, of Missouri; JOHN SHARP WILLIAMS, of Mississippi; JOHN W. KERN, of Indiana; and CHARLES F. JOHNSON, of Maine, was signed by all of these distinguished Democrats. Free sugar was repudiated by them, and as a substitute a duty was recommended equivalent practically to the existing sugar duty.

In connection with this report it is but proper that I should quote a paragraph from the distinguished Senator from Mississippi [Mr. WILLIAMS], who as the spokesman of the committee upon this report, in addressing the Senate on July 27, 1912, only a few days after the adjournment of the Baltimore convention, used the following language:

The Senator from Massachusetts says that if sugar were placed upon the free list—and by the way there is not the slightest anticipation in the mind of any intelligent man that it will be placed upon the free list, not even if a Democratic Senate and a Democratic House and a Democratic President comes into power—but he says that if sugar is placed upon the free list certain dire results would follow.

* * * * * * *

Mr. President, we are not attempting to put sugar upon the free list at this time. I myself agree that it ought not to be placed there. I agree with the Senator from Massachusetts when he says that sugar is one of the best subjects upon which to raise revenue. It has been found so not only in this country but in all other countries, and as a tariff-for-revenue Democrat I would not be willing to surrender it as a subject for raising revenue for the Government. I think a mistake was made when the House proposed to surrender totally the fifty millions now raised in that way.

To this Lowry construction of the Democratic tariff plank in the Baltimore platform by his insertions in the Democratic textbook of 1912 is due all the trouble that subsequently befell the Louisiana sugar men. The Sugar Trust had failed in an open fight to place sugar on the free list, it was now accomplishing its purpose by stealth.

If Robert Ewing, the member of the Wilson campaign committee had been alive to the interests of his adopted State, with the knowledge which he possessed, both of the Baltimore declaration and the attitude of Democratic Senators in their interpretation of that declaration, he could easily have prevented the infliction upon that industry of all the calamity which later overtook it. He, indeed, then would have been entitled to the "eternal gratitude," to use the Senator's words, of the people of the third district. His remissness, his neglect, not to use a harsher word, were directly responsible for his later activities, so touchingly described by the Senator. Ordinary exercise of caution in the confidential position which he held as member of the Wilson campaign committee would have spared many a heartache to the very people whom the Senator was addressing; would have preserved many properties, large and small, that have traveled the course of the bankruptcy courts; would have saved the lives of important citizens in Louisiana, who in despair were driven to seek a suicide's grave.

The Senator said at La Fayette, continuing the same sentence from which I have heretofore quoted, intending to emphasize the great influence of this man:

"Robert Ewing, the personal friend of Postmaster General Burleson, who was one of President Wilson's chief political advisers"—

And so forth.

As in many of the expressions used by the Senator one is led to infer what thought he intends to convey. The inference in this case is palpable, and it is to the effect that Robert Ewing's influence, because he was a personal friend of Postmaster General Burleson, was exerted toward preventing the placing of sugar on the free list. I am perhaps the last man on the floor of this Senate who will say aught against the Postmaster General. I have served long with him in the House and I hold him in the highest esteem. I followed this free sugar contest, as every man knows who is acquainted with the contest, to stave off the disaster which free sugar meant to my State. If Postmaster General Burleson did anything to help in this fight, I am ignorant of it. I will not say that he did not; nay, I will go further, I will say that he did if my distinguished colleague asserts it. Without wishing to bring on a discussion of the Postmaster General, and simply because his name has been invoked by the Senator in his efforts to elevate Robert Ewing in the esteem of Louisiana, let me suggest to the Senator that I have heard it rumored that the effort in the House to put a production or consumption tax on sugar, which received seven votes in that body, met with the approval of the Postmaster General.

But there is pending in this Senate an amendment offered by the Senator from Georgia [Mr. HARDWICK] to put a production or consumption tax on sugar equivalent to the rate of duty fixed in the Kitchin bill. This, of course, if successful, would at once stop every sugar factory, not only in Louisiana but in the beet section of the United States, as well as in our island possessions. If there was a thought in the country that Congress would sanction the Hardwick amendment, there is not a man engaged in the cultivation of sugar cane or sugar beets who would not be compelled to cease instantly, in my judgment, in his efforts to produce a crop this year.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. BROUSSARD. I do.

Mr. HARDWICK. I do not want to inject myself very much in the Senator's speech. The Senator knows very well, if he knows anything about it, that it was the European war, and that in Louisiana and in the western beet fields and beet-sugar factories and in our island possessions they have made untold profits since the war began.

Mr. BROUSSARD. The trouble, Mr. President, with the Senator from Georgia is that he wants this industry to thrive over the bloody acts being committed in Europe. I do not want to see the war continue.

In what the Senator says he is not exactly correct. If the Senator knew as much as I do about the Louisiana sugar industry, he would know that if he had the best plantation in that State he could not get an advance of a solitary dollar upon his present growing crop in Louisiana if it depended upon the war continuing in Europe to permit the reimbursement of the loan.

Mr. HARDWICK. Mr. President, just one question.

Mr. BROUSSARD. Let me finish this. I tell the Senator, if I have related the circumstances correctly, and I know I have, that credit will be cut off the moment his amendment becomes a law or there is knowledge of even the possibility of his proposed amendment becoming a law. How much of a crop will be made next year, even though the war in Europe may continue indefinitely, if the owners of the plantations are without the means of making a crop and advances are declined by the banks, as has been the case since the beginning of the war, up to the time of assurances that free sugar would be repealed——

Mr. HARDWICK. If the Senator will permit me, I will answer that in my judgment a man in Louisiana is doomed and ought to be doomed if the industry can only survive as long as the abnormal condition like the war makes it profitable.

Mr. BROUSSARD. The Senator agrees with me, then?

Mr. HARDWICK. No; I do not.

Mr. BROUSSARD. He thinks we ought to make sugar as long as there is war.

Mr. HARDWICK. If you can not make any profit in Louisiana with 2 cents, a protection resulting from the war. You have a protective wall resulting from the war and have not made any profits before the tariff was reduced, and the elimination of 3,000,000 tons of beet sugar from continental Europe is greater than 10 cents duty would be. There is no trouble about that. You have practically no competition from Europe. So if we adopted a consumption tax at once it would not hurt you one penny until normal conditions were restored after the European war.

Mr. BROUSSARD. Mr. President, I shall not pursue that. We shall have ample opportunity to discuss these matters when the bill comes up. I do not agree with my friend from Georgia, however, nor do I believe if he owned the best plantation in the State he could get credit from any bank in this country in the event his amendment were adopted.

Mr. President, since the passage of the Underwood tariff bill, I have kept the fires burning on every hill here in the Capitol, trying to point out to my Democratic colleagues the necessity of abstention from the punishment which that bill would impose upon the people of Louisiana. During all of that time I have had a resolution pending to avert this calamity, first before the House as a Member thereof and now before the Senate as a Member of this body. Time and time again the national committeeman to whom the sugar people of Louisiana, the Senator says, are under "a debt of eternal gratitude," has chided me for this through his newspapers; has called for a stop upon my proceedings, alleging that such a course on my part was intended to embarrass the administration. And yet, Mr. President, I have lived to see the honor conferred upon me by the Democratic leader of the House of Representatives, Mr. KITCHIN, of North Carolina, of adopting with the change of a single word every word of the resolution which the national committeeman, friend of the Louisiana sugar planters, according to the Senator, has been deploring and denouncing. The change of that word did not detract from the resolution which I have pending in this Senate, and which had been pending in the House, but to the contrary strengthens it and closes the argument so far as this question is concerned.

Looking at these things which I have jotted down as they have occurred to me, it strikes me that if the Louisiana sugar industry has had one persistent and consistent enemy within its own midst, who by acts of commission and omission, has brought more trouble and disaster upon it than any other, it is Robert Ewing.

And now I come to the final statement of the Senator to which I take exception. It is this:

"When I saw that we faced defeat," said the Senator, "in that fight, I suggested to the other opponents of free sugar that we should bring to Washington one man who could do more for the sugar industry than all of the Louisiana delegation combined—that man was Robert Ewing."

Mr. President, I resent that statement. I resent it personally, and I resent it on the part of those of my colleagues in the House who to my knowledge worked so sincerely and faithfully to try and preserve this industry from disaster and ruin. I have no objection to the assumption of that position by the Senator so far as he is himself concerned. I shall not quarrel with the Senator when, in the meekness of his spirit, he forgives or forgets that in derision and contempt Robert Ewing in the Daily States for many years dubbed him "Lumber Joe," because of the Senator's vote for a duty on lumber. That is strictly his personal business. I have this to say, however, if that be the Senator's conviction, it is a matter of wonderment to me that the Senator should continue to hold his seat in this body. With all the influence which this sentence conveys, why does he permit this man of such wonderful influence to remain in Louisiana occupied in the venal pastime of limiting the exercise of his great abilities toward securing political jobs for his henchmen? And right here is where the entire trouble starts. I have stated that the national committeeman was better known in Louisiana as the boss of the tenth ward than by any other appellation. He is the roughest enemy to those who will not do his bidding. Hence his antagonism to me. He is an unusually flattering individual to those who respond to his orders. Nothing is too good to say of those who recognize his claim to the position to which he aspires, that of being the boss of the State, instead of boss of the tenth ward; and nothing is too small for him to say of those who refuse to recognize any boss for the Democratic Party in the State.

In keeping with this policy Robert Ewing has persistently antagonized the Democratic administration of Gov. Hall, in Louisiana, and he has perpetually posed, as the Senator has described him, as the most influential man with the Democratic administration here in Washington. He has claimed the credit for every Federal appointment made in that State. And what sort of appointments have been made there? With few exceptions, those who have been appointed to Federal office had scarcely, when appointed, recovered from the political defeats with which they had met at the hands of the white people of the State. With scarcely an exception, all of them had gone down in overwhelming defeat, and had to be picked up from their place of retirement to take charge of Federal affairs in the State of Louisiana. This has been done over the protest of the right-thinking, independent Democracy of that State. With scarcely an exception, no one else was given recognition. Thus, the policy pursued by Robert Ewing, in attempting to domineer over the destinies of the State Democracy, and to cringe to the national Democracy that jobs might follow fawning, is alike distasteful to the self-respecting element of the Democrats of Louisiana.

Robert Ewing and his kind are but hangnails on the hands of the Louisiana Democracy. Until amputated they will continue to irritate and prevent the performance of those functions of government which will advance the State, for they are blind to this advancement, having an eye solely to the exploitation of public jobs.

If the Senator proposes to align himself with these, it is his business, and I shall offer no criticism of him for such conduct. But I warn him when inspired to praise the grandeur of Robert Ewing my name must be let alone. I have no ambition for comparisons with Robert Ewing, nor do I follow the banner of him or his class. And it might as well be understood now that I shall tolerate no such criticisms as those evidently intended by the remarks of the Senator as reported in the paper of Robert Ewing, the national committeeman from Louisiana.

I can not conclude this explanation, Mr. President, without notice of the fact that former Senator Foster, of Louisiana, is reported in the account of the Franklin meeting to have concurred in the statement made at that place by my colleague.

The former Senator was the chosen leader in the antilottery campaign. In fact, one can not think of the antilottery campaign without at the same time thinking of Senator Foster, Chief Justice White, and Gov. Nichols, the leaders in that fight against a vicious system, as they personified the issue. It was the first political campaign in which I engaged. Our main objective was the dominant necessity of destroying the lottery and the power of its allied bosses rather than the minor necessity of maintaining party regularity. In fact, the lottery company and its allied bosses had secured control of the party organization, and our efforts to destroy the baneful influences of both were directed of necessity without regard to party regularity. For a quarter of a century from that day to this, the former Senator enjoyed my political and personal confidence uninterrupted. If he at any time had any political aspiration to the accomplishment of which I did not lend my efforts, it escapes my mind at this moment. If at any time during that period there has been anything of a political nature that I did not confide to him and gave to, and I imagine received from, him the fullest confidence, the knowledge of it does not rest with me. I will not believe; I can not believe, upon the mere statement of a publication of the character of the "Daily States," under the controlling management of Robert Ewing, that former Senator Foster concurred in what my colleague stated, and which I have here refuted. Nay, Mr. President, I would not believe it on the statement of any man short of the former Senator himself.

In the many talks which I had with the former Senator regarding the details of these matters, I am quite clear in the statement that the facts which I recited to him are at utter

variance with the statement of my colleague, in which the former Senator is reported to have concurred.

Mr. RANSDELL. Mr. President, I very much regret that the speech, or rather the several speeches delivered by me in the political campaign in the State of Louisiana the week before last, should have been made the subject of a heated controversial address on the floor of the Senate by my colleague [Senator BROUSSARD]. I do not think the forum of this great legislative body is the proper place in which to wash soiled political linen, and I do not intend to engage in any controversy in regard to this matter. Matters of this kind should be settled in my own State.

In order, however, that the Senate may see exactly what I did say in my speeches in Louisiana, I wish to ask for publication in the RECORD of a stenographic report of my speech delivered at the city of Thibodaux, La., on the 16th of this month, in behalf of the Democratic candidate for governor of Louisiana and his associates on the Democratic ticket. It was the only speech of eight that I delivered that was taken down by a stenographer as the words fell from my lips, and so far as I have been able to go over it as it appears in the New Orleans Daily States of the 21st instant, it seems to have been correctly reported. I ask that it may be published in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

"DEMOCRATIC PARTY IS ONLY REAL FRIEND OF THE SUGAR INDUSTRY, SAYS STATE'S SENIOR SENATOR—DEFENDS NATIONAL COMMITTEEMAN FROM UNJUST ATTACKS; SAYS HE SAVED PLANTERS THREE YEARS' GRACE; SCORES PROGRESSIVE PARTY; WHY DEMOCRATS SHOULD SUPPORT DEMOCRATIC NOMINEES; PAYS TRIBUTE TO THE NATIONAL ADMINISTRATION.

"The tour of Senator JOSEPH E. RANSDELL through the third district did much to stir the fighting spirit of the gallant Democrats who are fighting against great odds to redeem it to the Democratic Party. Large and enthusiastic meetings greeted him in nearly every parish in which he spoke.

"Below is given a stenographic report of the speech delivered by Mr. RANSDELL on March 16 at Thibodaux. He spoke with like vigor throughout the district. It is timely for the people of Louisiana to read the sparks which he flashed from the Democratic anvil:

"Mr. Chairman, ladies, and gentlemen, I am delighted to be here this evening. I have met so many good friends and have had so many warm handshakes since I reached your little city this evening that I am feeling just now much like a certain young man did once, who for several years had been trying to pop the question. He was a timid young fellow, a farmer, very much in love with Mary, but he could not screw up his courage to the asking point, but finally one evening he got the fateful words out, and Mary promised to marry him. She had been ready to say 'yes' for several years. John was supremely happy when he left her that evening, and, in walking through the fields from Mary's house to his own, looked up into the bright blue sky, where the stars were shining beautifully, and, raising his hands, he said: 'Oh Lord God, I ain't got nothing against nobody.' And I am feeling very much that way this evening, myself. [Laughter and applause.] I have been through this district, where I heard there was some Progressive strength, for the last four days, and I am so thoroughly convinced that the Democrats are going to sweep it on the 18th of next April that 'I ain't got nothing against nobody' this evening. [Applause.]

"I came a long way to be with you; all the way from the city of Washington. Some of the opposition in Louisiana are pretending to wonder how I could leave Washington at this busy time. I will tell you why I left. Because the Democrats of this State called me, and I have never failed when Democracy calls. If I ever do fail I sincerely hope my right hand will wither and my tongue become palsied. However, in coming I knew there was nothing that really demanded my presence in Washington, for Thursday of last week the Senate began the consideration of the Tillman armor-plate bill, with a distinct agreement to vote on that measure on the 22d day of this month, to wit, on Wednesday of next week. That is the measure now being considered in the United States Senate. It is the unfinished business and will be considered until next Wednesday, when it will be voted upon, and before that I will be back there ready to vote.

"NO MEASURES UP IN SENATE DURING ABSENCE.

"While there are no measures coming up in the Senate during my absence that are of any special concern in Louisiana, there is a measure in the House of the greatest interest, and I have a message to give you about it which I received one hour ago. It reads:

"WASHINGTON, D. C., *March 16, 1916—5.10 p. m.*

"Hon. JOS. E. RANSDELL, *Thibodaux, La.:*

"Vote on free sugar repeal: Affirmative, 346; negative, 14."

"[Great applause.]

"Now, that is a message I know you will be glad to receive, and it tells of a vote by a Democratic Congress [applause], showing that a Democratic House of Representatives, controlled absolutely by a Democratic Speaker and Democratic Members, has repealed the free-sugar clause of the tariff act which is so harmful to the people of this district. [Applause.] They repealed it, my friends, because they knew that the party had made a mistake originally, and the President of this Republic, Woodrow Wilson, was big enough, wise enough, and broad-minded enough to acknowledge his mistake and ask them to repeal it. [Great applause.]

"The measure passed the House to-day and will be sent to the Finance Committee of the Senate, which will consider it for a week or 10 days, and probably by the 25th or 27th of this month it will be reported to the full Senate, and may be voted upon in that body about the 1st of next month. I sincerely hope it will, and long before it is ready to be voted on I shall be back to lend any assistance I can, if my assistance is needed. But it will not be needed, because we all know that it is going to pass, for there is no practical objection to it. [Applause.]

"WILL BE ON HAND TO URGE UNITED STATES FLOOD CONTROL.

"There is one other matter which, it is said, I ought to be in the Senate to look after, namely, flood control. I am going to tell you something about it. There is now before the House a bill referring to flood control. I am not a Member of the House, but was for many years, and am deeply interested in that subject, just as you are. On Friday last I went before the committee having this measure in charge, of which your distinguished Representative [Mr. MARTIN] is an active member, and made an argument giving the committee the benefit of such experience as I have had, and asking them as to how the measure should be constructed. They are working upon it now, and before very long will report their findings to the House of Representatives. In two or three weeks or longer that measure will be returned to the Senate, and I will be there to look after the interest of this district and State in that important particular. So, as I have said, there is nothing now to have held me in Washington, and none but matters of the greatest moment, requiring my constant attention in Washington, could have made me feel it other than my plain duty to respond to the call of Democracy. [Applause.]

"Prior to discussing several national issues which I wish to bring before you, I desire to say a few words about the State issues in this campaign and about the candidates.

"I have known Mr. Parker for many years. I esteem him as one of my friends. I have visited in his home and he has visited in mine. He owns a large plantation in East Carroll, where I live, and for many years I shipped cotton to him, because that is my business—a cotton planter in East Carroll. I have none but the very kindliest feelings for Mr. Parker, but I can not agree with his political principles, and anything that I say this evening about him must be understood with the explanation that personally I regard him most highly.

"TELLS WHY PARKER SHOULDN'T BE GOVERNOR.

"I think, however, it would be an extreme misfortune for Mr. Parker to be elected governor of Louisiana, and for several reasons. Democracy's candidate, Mr. Pleasant, has just brought out several points, and without desiring to repeat in detail what he has said, there are three things I wish to emphasize that Mr. Parker advocates which I can not agree to follow: First, he is opposed to primary elections; second, he favors the short ballot; and, third, he wishes a constitutional convention of 25 members.

"Now, do you think we should discard the primary and return to the old convention system? Mr. Parker has had a great deal to say about bosses and ring rule. I wish to ask the gentlemen in this audience who are past 40 years of age, especially those past 50, where the bosses and the rings get in their best work? Is it in the convention or in the primary? In the old convention days a few delegates would assemble in the courthouse here in Thibodaux, and would be ruled, absolutely, by four or five men, and when I say Thibodaux I use it as an illustration for each parish in the State. All the parish conventions which met throughout the State that I ever knew anything about were practically monopolized by four or five men. And the same was true of your congressional and State conventions. The boss can get in his work in a convention far better than he can be-

fore the people, and I think Mr. Parker, and everyone else who advocates a return to the old convention system, is making a grave mistake. I, for one, have far more confidence in the wisdom of a united Democracy and a united people of the State than I have in a little band assembled in convention. [Applause.]

"PARISHES WOULD NOT HAVE REPRESENTATION.

"In regard to this constitutional convention of 25, do you not think, my friends, if we have a convention which is to frame our organic law, the parish of Lafourche should be represented? Do you not recollect that great event in the history of this Nation, where our forefathers rebelled against the power of Great Britain, because they were taxed without representation? The imposition of that tax was the principal cause of the Revolutionary War. Yet Mr. Parker proposes a constitutional convention in this State, which is far more important than ordinary taxation, in which more than half of the parishes of the State would be without representation. He thinks there should be 25 members of that convention. There are 64 parishes in the State. He says there ought to be but two from each congressional district. Possibly Lafourche might win one, but if she should, several other parishes would be without any. His plan gives two from each congressional district, and nine to be selected in some other way. He does not tell you how. The supposition is that they might be named by the governor or the State central committee.

"Does that look as if he was opposed to bossism, when he advocates a convention, limiting its membership to 25, well knowing if he had the power of appointing 9 of those men or his intimate friends and political associates on his executive committee had that power they would have to secure control of only 4 others in order to absolutely dominate the convention and thus frame the organic law under which our people would live for perhaps a quarter or a half century?

"DISSECTS PARKER'S SHORT-BALLOT IDEA.

"Then take this short ballot Mr. Parker is advocating. He thinks we should elect a governor and a lieutenant governor, and let the governor name the men to fill the other important offices. You have just listened to an address by the gentleman who is the candidate for attorney general. Don't you like to have candidates for big offices come before you? 'In unity of counsel there is much wisdom,' says the Scriptures; and don't you think the united wisdom of the people themselves is just as great in the selection of an attorney general, a secretary of state, an auditor, a superintendent of education, register of the State land office, treasurer, commissioner of agriculture, etc., as would be that of one man?

"Do you wish to see inaugurated the centralized system of government which was advocated by that great Federalist, Alexander Hamilton, in the early days of this Republic? Do you wish to have a government by a few men or one 'of the people, by the people, and for the people,' as advocated by the father of Democracy, Thomas Jefferson? [Applause.]

"Mr. Parker, both by his speeches and the methods he advocates, indicates he is a believer in the doctrines of Hamilton rather than those of Jefferson, and that he has no confidence in the people.

"Let me cite one instance how his plan might work. Take the office of superintendent of public education. You have now a splendid man in that position who has filled it so ably and done so much for the cause of education that the people did not care to put up anyone against him, and he is therefore standing for reelection without opposition. Would you like to confer upon any governor the power, perhaps through personal pique or some political purpose, to set aside a man like Tom Harris?

"PARKER NOT IN ACCORD WITH COMMON PEOPLE.

"So on these three points Mr. Parker is not in accord with the common people; that he is really in harmony with the boss system; that he is in touch with the idea of control by a very few men. And you all know that when a few men get in power that the big interests usually can control them and that a few men control them very often to the detriment of the plain people. [Applause.]

"There has been a great deal said about bossism and ring rule and a bitter denunciation of Col. Robert Ewing. If you read certain newspapers and listen to many of Mr. Parker's speeches, you would think the issue in this campaign is Ewing—not Progressivism against Democracy, but against Ewing. My friends, suppose Col. Ewing should unfortunately die to-morrow, do you think Mr. Parker would quit the campaign? Oh, no; he would go on, and yet he is trying to make it appear that Ewing is the real issue.

"I wish to tell this audience in this great sugar parish a little piece of history in regard to Robert Ewing, and I preface my remarks by saying I am no apologist for Col. Ewing, for he is well able to take care of himself [applause], and I do this merely as an act of justice.

"When the great fight came on three years ago for the repeal of the duty on sugar and the passage of a general tariff act in Washington, you sent several representatives to confer and advise with the Congressmen from the sugar district and the Senators. I was in the thick of the fight, and, although I came from a cotton section of Louisiana, hundreds of miles away from the sugar section, no man worked harder for sugar than I. You recall that I spoke several times on the subject in the Senate. You recall, on account of sugar being placed on the free list, I voted against the entire tariff bill, although I approved of 99 per cent of it. [Applause.] I thought this one piece of injustice to my State was so great that I should vote against the measure as a whole, which I did, thereby risking my political fortunes; for, my friends, let me tell you there are a great many interests in Louisiana besides sugar [applause], and many people who do not care much about sugar [applause], and many of them became angry with me. I believe they have gotten over it. I hope they have, at any rate.

"PAYS HIGH COMPLIMENT TO ROBERT EWING.

"When the fight was going on we found that sugar was practically certain to go on the free list. Your representatives and myself conferred, and I suggested there was one man in Louisiana who could get closer to President Wilson than anybody else; who could secure constant interviews with him; who could appeal to him in a personal way, and on the ground of gratitude ask favors which no other could ask, and that man was Robert Ewing. [Applause.]

"Col. Ewing had been a leader of the Wilson forces prior to the Baltimore convention. After the convention nominated Mr. Wilson, Ewing was a member of the committee of fifteen that had charge of Mr. Wilson's campaign. He went to the city of Chicago and spent several months there, neglecting his own business and doing everything possible to elect Mr. Wilson. He became very close in a personal way with the Hon. Albert Burleson, afterwards made Postmaster General.

"I knew all of those things, and I knew from what I had heard Mr. Ewing say that he was a real and true friend of sugar, and so I suggested that he be sent for to help us in the fight. He came, armed with a resolution of the sugar people asking him to do what he could, and remained in Washington for several weeks, making a determined and vigorous fight. It seemed impossible to do anything.

"When Col. Ewing saw that he went to the President and appealed to him, saying: 'Mr. President, if sugar is to be put on the free list, give a few years of grace to those people. Give them a chance to get ready, an opportunity to go into some other kind of agricultural pursuit. The sugar business is the only one they know, and they could not change to any other immediately.' He urged upon the President the sugar people be given at least seven years.

"EWING GAINED GRACE FOR SUGAR PEOPLE.

"This was the situation until the President summoned to a final conference with him Col. Ewing, Senator-elect BROUSSARD, and myself. We went to the White House and had a heart-to-heart talk with the President. I never argued in my life, ladies and gentlemen, or fought as hard as I did that night with President Wilson for a three years' extension of the sugar duty. Mr. BROUSSARD and myself finally retired, leaving Col. Ewing with the President, and on our way from the building we saw Mr. UNDERWOOD, then chairman of the Ways and Means Committee. He, too, had been summoned by the President, and the next day when the bill was reported to the House it carried a three years' grace for the sugar people; and I want to say to you, my friends, as solemnly as I ever said anything in my life, that to Robert Ewing a great deal more than to any other man you owe the extension of three years of the duty on sugar. [Great applause.]

"Suppose you hadn't gotten that extension? Sugar would have been on the free list two years ago. The duty would all have been taken off, and instead of having that duty extended, as it's going to be, and for an indefinite period—and right here I want to say I don't believe it will ever be taken off again—it would have been on the free list, and then it couldn't have been put back except as a part of a tariff bill. You see, when Congress is merely extending a duty that already exists—merely carrying for a longer period a tax that the people are now bearing—it's rather an easy thing to do; but if Congress attempted to impose a burden of 1 cent a pound on sugar when it had been free for several years it would be difficult to put through a measure of that sort. It couldn't be done.

"So to Robert Ewing more largely than to any other you owe the extension of the duty; and I want you sugar people to think about that when he is so bitterly assailed, and I want you to remember the part I took. I was there, fighting just as hard as I could, and I would do the same thing again if it became necessary. I believe, with many others, that my party made a mistake, but I also know that it is big enough and has courage enough to correct its mistake, which it is doing now. [Great applause.]

"Should I leave my party and join the Progressives because of one mistake? Should I give up my principles because my party made a mistake on one or two things, or should I stand by it and try to correct the errors in its ranks? We should all stay in the ranks, and especially so when we belong to a party which, although it may make some mistakes, yet in the vast majority of cases has proved far more beneficial to the plain people of the country than the Republicans. [Great applause.]

"I stayed, and I was glad to stay, and I want to tell you of some splended things this party has done for the Nation. Before doing it, however, before I get away from this talk about bosses, bossism, and ring rule, I am tempted to tell you another story. On a certain occasion there was a big religious gathering up in the mountains of Tennessee, and when the excitement grew rather intense one of the lay brothers, who stood about six feet two in his stocking feet and had a tremendously loud voice, raised that great voice of his and shouted so loud that one could hear him for nearly a mile, 'Tally ho, hell and damnation.' Then he walked over to another part of the building and again raising his voice, shouted out, 'Tally ho, hell and damnation.' He repeated that several times, and finally the minister in charge of the meeting went to him and said, 'Brother Smith, what do you mean by saying "Tally ho, hell and damnation"? I am familiar with the Scriptures from Genesis to Revelations, and never have I read anything that sounds at all like "Tally ho, hell and damnation." Now, what does it mean?' 'Oh,' said he, 'Brother Brown, it don't mean anything, but it's a powerful thing to sound on.' [Applause.] I am sure you see the application. All this talk about ring rule and bossism does not mean anything. There will always be rings, for as soon as one faction is overthrown its successor forms its ring, and if you put down the present ring in New Orleans there would be another one formed immediately. That is one of the penalties we pay for a democratic form of government, and if one ring does not suit us we put it out at the end of four years and create another. All of this talk about rings and bosses 'don't mean anything.' But it is being used like many other things to catch votes with. In other words, 'it's a powerful thing to sound on.' [Applause.]

"THINKS T. R. IS IN REPUBLICAN PARTY.

"I promised to tell you of some of the things that the Democratic Party has done, but before coming to that I must say a few words about the Progressive Party. I do so in the kindliest spirit, for I do not like to speak other than good of the dead and dying. Who is the Progressive Party and what is it? Theodore Roosevelt has constituted for a good while the Progressive Party, but I do not believe he constitutes it now. I think he is practically in the Republican Party, but if not I am sure he will be there very soon. Are you good people in this section of Louisiana ready to go into the Republican Party or have you simply risen in protest against fancied wrongs by the Democratic Party? I think most of you have joined the Parker movement as a sort of protest against what the Democratic Party has done that you think is wrong. Suppose Mr. Parker is elected governor of Louisiana and the Progressive Party dies in June, after the meeting of the Republican convention in Chicago, then what is going to happen to Mr. Parker? Do you think he will come back to the Democratic Party? I hardly think so. He voted for Mr. Taft, the Republican candidate for the Presidency in 1908, and he voted and worked for Mr. Roosevelt, the Progressive candidate, in 1912. He has been antagonizing in every imaginable way the Democratic Party and its policies for many years, and surely he can not come back into the Democratic Party. He must logically go into the Republican Party, and if he does that are you prepared to follow?

"Why do I say the Progressive Party is going to die next June? I say it because it is practically dead now. It is now so considered in Washington, as it has only six Members in the House and one in the Senate. Two great parties are in existence to-day—Republicans on the one hand and Democrats on the other. Mr. Roosevelt received an enormous vote in 1912, but at the congressional elections in 1914 the Progressive Party practically died away. There were then very few Progresssive votes cast because they had gone back to their former allegiance—the Republican Party.

"CONVENTIONS SAME DAY, SAME CITY.

"What happened when the Progressive national committee met in Chicago some weeks ago to issue a call for a national convention? It passed a resolution providing that the Progressive national convention should be held in Chicago on the same day the Republican convention is to meet there, and it expressed the hope that the Progressives would nominate the same man as the Republicans and be governed and controlled by the same principles. Let me read to you from the call:

"We call the national convention of the Progressive Party to assemble in Chicago at the same time the national convention of the Republican Party is to assemble there. We take this action believing that the surest way to secure for our country the required leadership will be by having, if possible, both the Progressive and the Republican Party choosing the same standard bearer and the same principles.

"Does anyone want to tell me the party is not dead, when its national committee says it will meet in Chicago the same day as the Republican Party, and 'hopes it will choose the same standard bearer and adopt the same principles'? It can not be a separate and independent party when that state of facts exists; and it concludes its call by saying:

"We are confident that the rank and file of the Republican Party and the very large independent vote of this country will support such an effort.

"SERIOUS TO FOLLOW PARKER INTO REPUBLICAN PARTY.

"So, my friends, if you are consistent and vote the Progressive ticket, you will simply be voting for Mr. Parker; and if you do that to be consistent, you should follow him into the Republican Party, and that will be a serious thing to do.

"I wish to tell you another story, and it is not a humorous one this time. It is related on one occasion the Shah of Persia, in his city of Bagdad, heard a man in the streets crying in a loud voice, 'If anyone will give me $5,000, I will tell him something of great value.' The Shah had the man brought before him, who said: 'Your Majesty, never do anything without first considering well what the end will be.' The money was paid to him, and the attendants of the Shah said the story told by this man was a ridiculous one, but the Shah had respect for what the man had told him and said he was glad to pay $5,000 for such advice. And he ordered the words 'Never do anything without first considering well what the end will be' inscribed on the walls of the palace and on his gold and silver plate. Several days later the Shah was taken sick, and sent for a doctor, who, before starting to bleed the Shah, drew from his pocket a lancet, and happening to glance at the golden vessel that had been brought in to receive the blood, suddenly turned pale, put the lancet back, and drew out another and was about to proceed with his work when the Shah said in a sharp voice: 'What did you mean, sir, by changing that lancet? Why didn't you bleed me with the first lancet you took out of your pocket?' The doctor fell on his knees and confessed that he had been hired by the grand vizier to bleed the Shah with a poisoned lancet, but when he looked in the vessel and saw inscribed there these fateful words, 'Never do anything without first considering well what the end will be,' it flashed through his mind 'What will my end be if I bleed the Shah with this poisoned lancet? The grand vizier, who employed me to do this deed, will immediately have my head cut off in order that the evidence against him might be destroyed.'

"CAN NOT CONTROL DEMON ONCE TURNED LOOSE.

"My friends, apply that case here. Think long and well what the end will be before you go into the Republican Party. And what will the end be? I do not believe there is a single white Progressive in this parish or State who wishes to see the negro brought back into politics, and I know John Parker does not wish it; but, my friends, things sometimes happen entirely beyond our control. We unloose forces sometimes which we can not manage. There is not a boy of 10 in this audience who could not go out on the banks of the great Mississippi and with a sharp spade cut a ditch across the levee in one hour's time that would release the floods of that great stream and produce ruin and devastation, but what could that boy do to control those vast floods after he had turned them loose? Absolutely nothing. He can turn a demon loose, but could not control it after it was loose.

"You can create another white political party in this State, Mr. Parker, but if you do you will create a force that you can not control. The Negro is a factor in the border States, like Tennessee and Kentucky; in the Western States, like Indiana, Illinois, and Ohio; and in the Eastern seaboard States, like Maryland, Delaware, and New Jersey, he is a prominet factor. It would be impossible to keep him out of politics if we had two white parties in this State almost equally divided and each contending for the mastery. Automatically he would come back.

"I am free to say that the Progressives now in this district would oppose his coming back, but when there is put up a Republican ticket from governor to constable, and a Democratic

ticket from governor to constable throughout the State, most of the candidates would be anxious to get in and, seeking the flesh pots of Egypt, would get all the votes they could. It is not so many years since we had the Negro in politics, and so certain as you occupy your present seats in this hall, he would come back again under the conditions I have named, and it would be a source of great sorrow to Louisiana.

"WOULD SETTLE TROUBLES 'AMONG OURSELVES.'

"Do we want to bring about this condition? Oh, no; we do not. Let us settle our troubles among ourselves. Suppose the Democratic Party does things that do not suit you, have you got to bring in another party to settle your differences? Can not we get along by ourselves, and can not we in a primary election name men who should be selected for our local offices—our constables, justices of the peace, police jurors, judges, district attorneys, and so forth? Can not we nominate and select our governors and all the officers who are to manage our State affairs, and can not we, if necessary, frame a new constitution? Can not we do all of those things just as well among ourselves, fighting, if you please, in a good family row, if need be? Oh, yes. We have gotten along splendidly in the last 20 years, since we got rid of the negro constitutionally. Louisiana has grown and blossomed as the rose. She has prospered marvelously with one white political party. All the States of the South are controlled by one white political party. They do not need but one. We do not need but one. Then, in God's name, let me beg of you not to do something that is going to give us two parties, which will bring the negro back into politics and make Louisiana different from her sister States. [Applause.]

"Now, let me state a few things the Democracy has done in a national way and what she is going to do.

"TELLS OF WILSON'S ACHIEVEMENTS.

"The greatest piece of constructive legislation enacted in this country in the last 50 years is the Federal reserve act passed by the Wilson administration. When the war in Europe broke out in August, 1914, there was financial gloom and almost despair staring our people in the face. The cotton exchange in New Orleans, the cotton exchange in New York, and stock exchanges in a number of the larger cities closed. We thought we were face to face with the most terrible financial panic in the whole history of this country. People were looking aghast at each other. They knew not what to think. They had seen panics occur before under far less dangerous conditions. Then it was that William Gibbs McAdoo, Secretary of the Treasury, came to the front with the Federal reserve act and amended the Vreeland-Aldrich Act, stepped into the breach and poured into the money centers something like $386,000,000, telling the financiers they could get all the money they needed and there was no cause for alarm. He commanded the waves of unrest to be stilled, and they were stilled. Business became stable and has continued so ever since, in spite of the most terrific upheaval across the water the world has ever known. We have gone on, continuing to prosper, and during the past year the United States has enjoyed the most unrivaled prosperity in all its history, largely as the result of that splendid Democratic legislation. [Great applause.]

"The Republicans were in power, as you know, for a great many years. Why did not they enact some laws of that kind? They knew that the national-banking law was defective. They knew it had brought on a panic no longer ago than 1907, but they did not act.

"TALKS ABOUT RURAL CREDITS ACT.

"At the present moment there is pending in the Senate and in the House of Representatives, under Democratic guidance, a measure that is of special interest to the farmers throughout the Union, which is known as the 'rural credits act.' Now, where did we get the idea for this? Not from Mr. John M. Parker, who has put it in his platform, as I understand, but from the great wise people of 'La Belle France'; from the far-seeing people of Germany, of Italy, and of Austria, who many years ago adopted and put into effect a system of rural credit banks which loaned money to the farmers at rates of interest so low as to seem ridiculous to us—3½ and 4 per cent. The Democratic Party, as soon as it got into power, created a commission and sent it to Europe to study the banking and rural credit systems of those countries, which it did systematically. Finally a report was made to Congress as the result of its labors, in favor of creating 12 land banks, to be located throughout the Nation, each with a capital of $500,000, which are to be affiliated with associations of farmers.

"EXPLAINS HOW SYSTEM WORKS.

"Suppose we have one of those banks in New Orleans, and the farmers in this vicinity should wish to borrow money with which to improve their plantations, to build new houses, to buy improved machinery, or to do any of the hundreds of things to make a farm successful, you will organize a farmers' loan association, which will affiliate with this bank. And those who desire to borrow money will give a mortgage on their country real estate, and they will pay back the principal and interest at the rate of 6 to 7 per cent per annum. Money can be gotten very cheaply when it is fully secured; and this money will be secured, first, by a mortgage on the land; second, by the obligation of the loan association; and, third, by the joint and solidary obligation of all the 12 land banks for each and every loan of the whole association, which will be responsible for them. So there can be no better security. Government bonds would afford no better security. That money thus secured can be be had at not more than 4 per cent interest. It will cost about 1 per cent interest to take care of it, which makes 5.

"Now you can settle the principal, under this system, by paying 1 per cent per annum for 36 years. So you pay 5 per cent for interest and expenses and 1 per cent on the principal, or a total of 6 per cent, and the whole debt, principal and interest, is wiped out in 36 years. That is a splendid piece of legislation that the Democratic Party has been looking after in the interest of the people; not particularly interested in the rich, not working up a system that is going to make Rockefellers and Carnegies, who have each given away more than $300,000,000, and have so much money they do not know what to do with it, but the Democratic Party is trying to get a system under which the poor man can get some good out of life. That great measure will become a law within the next few months, and the farmers will get the benefit of it. [Applause.]

"FEDERAL INCOME TAX DEMOCRATIC MEASURE.

"Let me remind you of another measure that was passed, namely, the 'Federal income tax.' Not until the Democrats came into power was there any tax on incomes. There is not a poor man in this audience or anywhere in the United States who has a horse and buggy, a wagon or a pair of mules, a little house or a little farm, who has ever managed to escape the tax collector. He always finds you and makes you pay, but when it came to the enormously rich man, much of whose property was in stocks and bonds, he frequently escaped taxation thereon, but under this new law he is compelled to pay. It is a tax that does not reach the poor man, because if your income is under $3,000 a year you pay nothing. If you happen to be a bachelor or a maiden lady, or if you are married, you pay nothing on an income up to $4,000.

"There is another measure which we are about to get through, one dear to my heart and one in the interest of every person in this section of Louisiana, namely, flood-control legislation on the Mississippi River. Theodore Roosevelt, the demigod of John M. Parker and the Progressive Party, was President of the United States for seven years and was responsible for forcing through Congress some great pieces of legislation for which I give him due credit. He forced through, to a great extent, the Panama Canal legislation, under which we have constructed the mightiest piece of engineering in all time, a piece of engineering that cost about $400,000,000. Through his influence Congress passed the national reclamation act, which has for its purpose the placing of water on arid lands, and under that act the Government has spent about $100,000,000 in irrigating the arid lands of the West and converting them into productive areas.

ROOSEVELT DID NOTHING TOWARD FLOOD CONTROL.

"But how much money did Roosevelt ever persuade Congress to spend to protect Louisiana from the floods of 31 States? Did he ever have any money spent in a businesslike way to relieve us of the awful burden of these waters? Oh, no. Mr. Roosevelt could have put through that legislation, just as he did the other, if he had kept behind it with all the power of his great position. But he did not seem to care for us. He loved the people of the arid West; he constructed the mighty Panama Canal; but did nothing for the Mississippi Valley, although he secured a small annual appropriation in the rivers and harbors bill, the same as he did before he became President. When Mr. Taft was President we got a little more money, although he made no special effort to give us more.

"What is the record of the Democratic Party? When it came into power it wrote a rivers and harbors bill which carried for the Mississippi River $8,000,000, the greatest sum ever carried in a single bill. And what happened to the bill? It was filibustered against by three Republican Senators—Burton, of Ohio; GALLINGER, of New Hampshire; KENYON, of Iowa—and by long and determined filibustering, coupled with the necessity for a great variety of legislation just at the time of the outbreak of the war in Europe, they were able to delay action on this bill until the closing days of Congress, when the Democrats were

forced to accept a compromise measure of $20,000,000 as a lump-sum appropriation for all the rivers and harbors of the country, instead of $54,000,000, which the bill carried as it came from the Democratic Rivers and Harbors Committee of the House and the Democratic Senate Commerce Committee. That was in 1914. In the spring of 1915 the Democrats had another rivers and harbors bill prepared which carried $7,000,000 for the Mississippi, which also met with filibustering tactics by the same Republican Senators, and we were forced to compromise on that bill also, getting a lump sum of $30,000,000 for all waterways of the country, instead of $44,000,000, which the bill originally carried, and in that $44,000,000 was $7,000,000 for the Mississippi River. Those were two Democratic measures, both of which were killed by the Republicans.

"DEMOCRATS COME TO AID OF VALLEY.

"And then what happened? When Congress met last fall the Senators and Representatives from the valley got together and decided to put through as a part of the Democratic program a piece of legislation that would control these floods for all time. We knew the President was friendly, and when a committee in the House of Representatives was created to take it up the President named a committee of three members of his Cabinet to advise him thereon. At this moment there is being framed in the Flood Control Committee of the House of Representatives a bill which will place in the hands of the Mississippi River Commission sufficient money to build levees along this river so high and so strong that they will control any flood that can come against them, or, at least, any flood of which we have any record since the great flood of 1844, and also to do whatever else is deemed best by the commission. [Applause.]

"It was my pleasure on Friday last to appear before that committee and do all within my power to have them make the bill so broad and so comprehensive and so general that it would take care not only of the Mississippi River but also the lower ends of the great streams which empty into it, such as the Ohio, the St. Francis, the White, the Arkansas, the Yazoo, the Red, and most of all, the complete control of the Atchafalaya River down to the Gulf. [Great applause.] That bill is going through beyond question.

"In conclusion, let me remind you what Woodrow Wilson, the greatest President who has occupied the White House since the days of Abraham Lincoln, has done for this Nation. He has kept it at peace when the world is aflame. Bear in mind that there has been an awful war on our southern border for several years. Remember that the people of Europe are engaged in the greatest struggle of recorded history. Millions of men have been killed and billions of dollars of property have been destroyed during this war. Many prominent men of this country have tried to get us involved in the struggle. You have read about it from time to time. You know Theodore Roosevelt has been preaching blood and thunder and fight. You have read that Elihu Root, ex-Republican Senator from New York, made a bitter speech against President Wilson in connection with this European war. He has been assailed time and again by public men in and out of Congress and by newspapers, but with the wonderful poise of the truly great man, calm, and clear in his views, firm as the Rock of Gibraltar, he said to his traducers and to the American people, 'I will hold the helm of the ship of state steady and firm. I will preserve the peace of this Nation with honor against all the world.' If he had done nothing else but this, nothing else except to keep us at peace with all the world, it would be the greatest act that any President could do for us, and enough to earn the eternal gratitude and respect of every citizen of this Republic. [Great applause.]

"Just these final words. I am glad to have come among you, to have had the opportunity of addressing this splendid audience. I hope my feeble arguments may have some weight with you. I hope, my friends, you will consider carefully 'what the end will be' if you carry out this Progressive movement, which, if successful, you will find to be like the fabled Pandora box, which, when opened, gave forth a legion of evils which could not be controlled.

"HAS NO FEAR OF RESULT IN STATE.

"But, my friends, I have no fear the manhood of this State will ever allow this calamity to happen.

"One hundred and fourteen thousand Democrats, a great majority of the white voters, have participated in a primary election as fair and as square as any ever held in this State. They have bound themselves to support the candidate nominated. They have solemnly declared themselves to be Democrats, and have entered the councils of the party. In so doing they have incurred the plain obligation to abide by the result. True, that obligation is not one which can be enforced at law, but it is one just as binding as an obligation to pay a gambling debt or a debt barred by proscription. What think you of the man who, being able, refused to pay such a debt? Equally dishonest is the voter who violates his obligation to stand by a party into whose ranks he voluntarily enters and whose plans for facing an enemy he helps to make. So, on this account, I have confidence in the 114,000 sturdy Louisianians who took part in the election that decreed that splendid north Louisianian, Ruffin G. Pleasant, to lead the Democratic hosts of this State.

"Morally and mentally Democracy's candidate is the equal of the Progressive-Republican candidate. The policies that he advocates are as far-reaching and desirable as those of his opponent, and his ability to enact them into law is certain on account of the legislature being overwhelmingly Democratic, whereas if Mr. Parker were elected the State would be thrown into great confusion and uncertainty in all public matters, and his administration, rather than being a blessing, would make for disorder and chaos.

"So for these reasons, on the 18th of April next, go to the polls and retake your stand with the party of the white men of the South, to which you are bound by every tradition of a noble past and by every promise for the coming years—with the party of Jefferson, Jackson, and Wilson, of McEnery, Nicholls, and White. [Great applause.]"

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Nevada," on page 59, line 13, to change the number of the section from "12" to "13."

The amendment was agreed to.

The next amendment was, on page 59, after line 14, to strike out:

For support and education of 280 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $48,760; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $60,760.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $52,100; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; for new dormitory building, $25,000; in all, $89,100.

The amendment was agreed to.

The next amendment was, at the top of page 60, to insert:

For the purpose of procuring home and farm sites, with adequate water rights, and providing agricultural equipment and instruction and other necessary supplies for the nonreservation Indians in the State of Nevada, $15,000.

The amendment was agreed to.

The next amendment was, on page 60, line 15, after "$10,000," to insert "to be immediately available and to remain available until expended," so as to make the clause read:

For the purchase of land and water rights for the Washoe Tribe of Indians, the title to which is to be held in the United States for the benefit of said Indians, $10,000, to be immediately available and to remain available until expended; for the support and civilization of said Indians, $5,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," on page 60, line 20, to change the number of the section from "13" to "14," and in line 24, after the word "adjoining," to insert "or in the vicinity of," so as to make the clause read:

SEC. 14. For support and education of 450 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $77,400; for general repairs and improvements, $8,000; for the purchase of additional acreage adjoining or in the vicinity of the school farm, $12,000; in all, $97,400.

The amendment was agreed to.

The next amendment was, at the top of page 61, to strike out:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; in all, $67,150.

The amendment was agreed to.

The next amendment was, on page 61, after line 5, to insert:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $69,050; for general repairs and improvements, $8,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $103,650.

The amendment was agreed to.

The next amendment was, on page 61, line 19, after the words "Navajo Reservation," to strike out "$15,000" and insert "$54,000"; and in line 22, after "$54,000," to strike out: "said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians," so as to make the clause read:

For construction work on the Indian highway extending from the Mesa Verde National Park to Gallup, N. Mex., on the Navajo Reservation, $54,000: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 62, line 2, to change the number of the section from "14" to "15."

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 62, line 11, to change the number of the section from "15" to "16."

The amendment was agreed to.

The next amendment was, on page 62, after line 15, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to acquire a site at or near the town of Pembroke, Robeson County, N. C., and cause to be erected thereon suitable buildings for a school for the Indians of Robeson County, N. C., now living in Robeson and surrounding counties in North Carolina, and the sum of $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the site and the erection of the buildings. That after the aforesaid buildings are erected, the sum of $10,000 is hereby appropriated for the conduct and maintenance of said school for the Indians of Robeson County, N. C., under the supervision of the Secretary of the Interior, in accordance with the provisions of law for the conduct and maintenance of schools for the Indians by the United States Government.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 63, line 7, to change the number of the section from "16" to "17."

The amendment was agreed to.

The next amendment was, on page 63, line 24, after "$4,000," to insert "to be immediately available," so as to make the clause read:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; sinking wells and making improvements of the water system, $4,000, to be immediately available; for barn, $5,000; for general repairs and improvements, $5,000; in all, $82,500.

The amendment was agreed to.

The next amendment was, at the top of page 64, to strike out:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; in all, $40,200.

And to insert:

For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $8,000; for new school building, $20,000; in all, $66,540.

The amendment was agreed to.

The next amendment was, on page 64, after line 9, to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, from time to time, in his discretion, all moneys derived from the sale and disposition of surplus lands, within the limits of the former Fort Berthold Indian Reservation, N. Dak., arising under the provisions of the act approved June 1, 1910 (36 Stat. L., p. 455), together with the accrued interest thereon, and distribute the same per capita to the Indians entitled thereto in the following manner, to wit: To competent Indians in cash share and share alike and to incompetent Indians by depositing equal shares to their individual credit in banks bonded and designated as depositories for individual Indian moneys, subject to expenditure for the benefit of the Indians entitled under such rules as he may prescribe, and hereafter annual distributions shall similarly be made of funds accruing under the provisions of the act herein referred to.

Mr. LODGE. Mr. President, while, of course, I understand what is intended, I do not think the following language in the amendment is quite clear:

Subject to expenditure for the benefit of the Indians entitled under such rules as he may prescribe.

The word "he" refers to nothing in that sentence, although I suppose it is intended to refer to the Secretary of the Interior.

Mr. ASHURST. To what line does the Senator refer?

Mr. LODGE. I refer to line 24, on page 64, which reads "under such rules as he may prescribe." Of course, the language refers to the Secretary of the Interior.

Mr. ASHURST. I think the Senator's criticism is a very proper one, and that the pronoun is too far from its antecedent. The words "the Secretary of the Interior" ought to be inserted there.

Mr. LODGE. Yes. Those words occur only in the preceding sentence. I move that amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 64, line 24, before the word "may," it is proposed to strike out "he" and to insert "the Secretary of the Interior," so as to read "under such rules as the Secretary of the Interior may prescribe," and so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 65, after line 2, to insert:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed 50 per cent of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located, shall operate as a satisfaction of such lien.

The amendment was agreed to.

The next amendment was, on page 65, after line 22, to insert:

To enable the Secretary of the Interior to reimburse Benson County, N. Dak., for moneys actually paid to the State of North Dakota for care and maintenance of insane Indians at the State insane asylum, as follows: Joseph Langer, $457.44; Mary J. Pejihutaskana, $410; Alfred Littlewind, $630; in all, $1,497.44.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 66, line 6, to change the number of the section from "17" to "18."

The amendment was agreed to.

The next amendment was, on page 67, after line 18, to insert:

To pay the Women's Board of Domestic Missions, Reformed Church in America, $10,000 to reimburse said board for buildings on the Fort Sill Military Reserve, in the State of Oklahoma, constructed by said board with the consent of the Government and utilized for the education and civilization of the Fort Sill Apache prisoners of war until the removal of said Indians from said Fort Sill Military Reserve.

Mr. GRONNA. Mr. President, I will ask the Senator from Oklahoma if he will not allow that amendment to go over?

Mr. OWEN. Let the item go over, Mr. President.

Mr. ASHURST. We may finish the bill to-day.

Mr. OWEN. Of course, if it goes over it is only temporary. If it is proposed to conclude the consideration of the bill to-day, it will have to come up before the bill is disposed of. With that understanding, I agree that the amendment may go over.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, after line 20, to insert:

For continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, $40,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended.

Mr. SMOOT. Mr. President, may that amendment go over in connection with the one which the Senator from North Dakota [Mr. GRONNA] has just asked to have passed over?

Mr. OWEN. I have no objection to the amendment going over temporarily.

The VICE PRESIDENT. The amendment will be passed over temporarily.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Five Civilized Tribes," on page 69, line 20, to change the number of the section from "18" to "19," and in line 22, after the word "employees," to strike out "$175,000" and insert "$185,000, of which $10,000 shall be immediately available," so as to make the clause read:

SEC. 19. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000, of which $10,000 shall be immediately available.

The amendment was agreed to.

Mr. ASHURST. Mr. President, although we have passed the North Dakota items, I observe that through some typographical or other error there has been omitted one item which was approved by the committee, as Senators will remember. I will read the item, which I will ask to have inserted in the bill:

For the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian, chief of the Wahpeton Tribe, who was buried March 13, 1867, in the Congressional Cemetery at Washington, D. C., in a grave marked "76-R A. 22," $100.

That amendment was agreed to by the committee. I ask that it be agreed to by the Senate.

The VICE PRESIDENT. Where does the Senator desire the amendment to be inserted?

Mr. ASHURST. On page 66, after line 4, at the end of the North Dakota items.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 70, line 17, after the word "act," to insert "except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law, which contracts the Secretary as authorized to settle and discharge"; so as to make the clause read:

Provided further, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law, which contracts the Secretary is authorized to settle and discharge.

Mr. GORE. Mr. President, I desire to move an amendment to come in at the close of the amendment just read. The amendment consists of the following words:

Provided further, That the payments made under such contracts shall not exceed $1,950.

I understand, Mr. President, that that is the aggregate amount of the contracts proposed to be paid under this amendment. If that be true, I think it would be well to make the limitation explicit.

Mr. ASHURST. Mr. President, if my memory serves me correctly, my impression was that the claim was for $1,500, but if the Senator from Oklahoma, who has made the computation, says it amounts to the sum indicated by him, I have personally no objection to the amendment.

The VICE PRESIDENT. The amendment of the Senator from Oklahoma will be stated.

The SECRETARY. On page 70, line 20, after the word "discharge," it is proposed to insert:

Provided further, That the payments made under such contracts shall not exceed $1,950.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PAGE. Mr. President, I do not know that I am justified in taking the time of the Senate in commenting upon this section of this bill, which proposes to make per capita payments of $300 each to the Choctaws and $200 each to the Chickasaws; and yet I feel that at least a few words ought to be said to the Senate setting forth what this provision really accomplishes. It means that we shall pay out to the Indians of Oklahoma more than $7,000,000; I think, with the other appropriations made for Oklahoma, it means that we will pay out from eight to ten million dollars this year. I do not object that this money does not belong to the Choctaws or the Chickasaws. I think the funds are in the Treasury which belong to them; but, in conferring with those who are conversant with conditions there, I am told that there is no probable question that within 60 days from the date that these sums are paid over to the Indians one-half of them will be separated from their money; indeed, one man with whom I conversed—and he was friendly to this legislation—said he had no doubt that within six months 75 per cent of the money would be gone.

In families, say, of five or six, each drawing $200 or $300, the aggregate amounts to $1,000 to $2,000 per family, and in some families much more. My judgment is that these large sums should not be given them without some safeguard. We ought to pay it out in smaller sums; at least, that is my judgment, and I give utterance to my judgment because I think I have some regard for the welfare of the Indians to whom these funds will go. It is true the money will find its way into Oklahoma; somebody there will get it; but our wards, for whom we have been conserving this fund for a good many years, will, in my judgment, be very little benefited by this legislation so far as more than 50 per cent of them are concerned. The money will be spent, and spent foolishly, in very many cases about as soon as the Indians get it.

Mr. OWEN. Mr. President, this per capita payment to the Choctaws and Chickasaws has been long delayed. It is a distribution to them of the proceeds of their property which was promised to them by the agreement of 1902. It has now been held for 14 years, and in that time nearly one-half of those people have died without getting the benefit of the property which was promised to them. Practically the only point, as I understand, which was made against paying these people what was promised to them by the United States is that they will be separated from their money. I will say, in answer to that, that I hope in due course of time to receive my salary for this month, and to be separated from it very promptly thereafter, and I do not want denial made to me on any such grounds. I take it that nearly every Senator will expend what is coming to him in due course; and it is no reason on earth for the United States refusing to pay a debt on the ground that the man to whom it is due and paid will spend it. There remains about $31,000,000 undistributed of this property.

Mr. PAGE. Mr. President, I confess to the truth of all the Senator has said. He is absolutely right in saying that it is the money of the Choctaws and Chickasaws and they ought to have it; but if you were to make the proposed distribution by a separate bill with a caption of its own, if that caption described the real purpose of the bill it would read, "An appropriation for the benefit of a goodly number of whites in Oklahoma—men having no Indian blood in their veins."

Mr. WILLIAMS. Mr. President, there have been very few more tragic occurrences in the history of the American people than the treatment by the United States Government and by the Oklahoma Choctaw Nation of the Mississippi Choctaws, and there have been a great many tragic and unjust things in our history. Shakespeare says that—

> Oh, it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

The white race has very frequently used its strength like a giant. In no one particular has that been better illustrated than in the treatment of the Mississippi Choctaws.

In 1830 "Old Hickory," with his unbending will, decreed that there should be a treaty with the Choctaw Indians in the State of Mississippi to remove them west of the Mississippi River. Many years later than that, when Andrew Jacokson died, it was said that one of his negro slaves said to another, "Do you reckon Marse Andy is in heaven?" The other said, "Of course he is; didn't you hear him say he was gwine there before he died?" So, when he made up his mind that there should be a treaty with the Mississippi Choctaws removing them west of the river, he had already made up his mind that they had to remove.

There are few more disgraceful pictures in the history of the country than the means resorted to in order to persuade those people to consent to go west of the river. They possessed upon the Yioughenougheny River and upon Pearl River, in the State of Mississippi, the happiest hunting grounds in the Union. They are happy hunting grounds even yet, notwithstanding the intrusion of population, and notwithstanding the change of the character of population under which most people are now not hunters, but merchants, lawyers, or something else.

When finally the treaty was entered into even Old Hickory found that he had to agree that those of the "Mississippi Choctaws," or those of the Choctaws who remained in the State of Mississippi and would not consent to the surrender of their tribal and thereto treaty rights, had to have an agreement with them that they were to have "all the privileges of citizens of the Choctaw Nation," even without removing from Mississippi, except that they could not share in "the annuity" given to those who did remove.

Year followed year, decade followed decade, and finally the time came when they proceeded to find out what were "the privileges of the citizens of the Choctaw Nation" in the Indian Territory—the old Indian Territory, consisting of the present State of Oklahoma as a part of it. These people had no vote in the State of Mississippi. They had cut themselves off from that. There are a lot of you who disapprove of Mississippi's attitude with regard to the idea that the governing force in the State must be members of the white race; but, whether you disapprove of it or not, the fact remains that these people, by our policy and their consent, had no vote in the State of Mississippi. They were included under the general term of "Indians not taxed" and did not vote, under the clause of the Constitution which prevented certain people from voting, amongst them "Indians not taxed."

Mr. President, they are a simple folk. They are an honest people. I said upon the floor of this body once before—and I hesitate to repeat myself, but still the chances are that the men who heard it before were not the men who are now here present—that when I wanted to hire a white man or a negro to go into the woods and split rails for me, or do any other odd job that Indians do, I counted the white man's rails, and I counted the darkey's, but it was never necessary to count the Indian's. He was honest. When he came to me and told me he had split 10,000 rails I knew he had split them, and when he told me where I could find them I knew I could find them.

Now, they have no votes; they are nothing politically to me; and yet, Mr. President, I have stood here two Congresses, and I have stood in the House—I do not remember how many Congresses—and I have defeated Indian Affairs Committee after Indian Affairs Committee with a vote of one House or the other. I have defeated the Indian Affairs Committee of this House—the Senate—twice, and once when I was sick in bed and could not come here the Senate, by procrastination and filibustering, carried over the Indian appropriation bill, under the guidance and leadership of my colleague, until the Indian appropriation bill itself was defeated, rather than leave these people without their rights under the law; and the Indian Affairs Committee in this appropriation bill, under the dominancy of the State of Oklahoma, has paid no more attention to the views of the Senate than if the Senate of the United States had not existed.

I went to the chairman of the committee the other day and proposed, and I renew the proposition now, that if he will reduce the amount of per capita allowance from $300 to $200, so that I will know that there will be enough money left in the Treasury for my Mississippi Choctaws—I do not call them mine in a political sense; they have not a vote, and the Oklahoma Choctaws have a whole lot of votes, and that is the difference between them—if he will do that, I will let the question rest, so that I may hope at some time in the future to have the entire question submitted to the Committee on Claims, and I shall introduce a bill to leave it entirely to them to judge not only of the legalities and the equities but of the moral and tribal rights of the Mississippi Choctaws.

Mr. President, citizenship in an Indian tribe was never based upon territoriality. It was always based upon consanguinity. If there had never been one word said in the Dancing Rabbit treaty about the rights of the Mississippi Choctaws, they still would have continued to be citizens of the Choctaw Nation by consanguinity, just as in ancient Rome and in ancient Athens, long after so-called civilization, men obtained their citizenship in each city because of their tribal relationship; and it was long and long and long afterwards before territoriality was considered—the tribal membership constituted citizenship. So with the Iroquois; so in Australia.

Because we are at a critical point in the affairs of the Nation I want to ask the chairman of the committee if he can not agree to reduce this per capita allowance to $200? Then I will know that after that is paid there will be enough left for my people, or rather these people, if the Court of Claims decides in their favor.

Mr. ASHURST. Mr. President, in reply to the distinguished senior Senator from Mississippi, I want to say, first, that I know that his polite and parliamentary gibe at the committee being under the domination of the Senator from Oklahoma——

Mr. WILLIAMS. Oh, I did not say "the Senator from Oklahoma"; I said the State of Oklahoma—in the other House and in this.

Mr. ASHURST. I am not taking exception to it. I want to say, on behalf of the Indian Affairs Committee of the Senate, that the language employed in the bill is the identical language which came over from the House, and the committee did not make any change in that part of it. Now, I may not state the situation accurately, but I will say to the distinguished Senator that my best information is that if this per capita payment of $300 were made there would still be ample funds to settle any possible, even conjectural, claim which might be made on behalf of the Mississippi Choctaws. Speaking further, I think I state the facts when I say there are $31,000,000——

Mr. WILLIAMS. Is it a Chickasaw and Choctaw fund, or purely a Choctaw fund?

Mr. OWEN. Jointly.

Mr. ASHURST. It is a joint tribal fund.

Mr. WILLIAMS. Ah, but we have no claim upon the Chickasaw part of the fund.

Mr. ASHURST. I am advised by one of the Senators from Oklahoma that only a fourth of it could be or would be charged to the Chickasaws, leaving three-fourths——

Mr. WILLIAMS. The Senator means, only a fourth of it would be credited to the Chickasaws.

Mr. ASHURST. Yes; I thank the Senator for the correction. Leaving three-fourths—I speak in round numbers—of $31,000,000 that are available for the Choctaws.

Mr. WILLIAMS. Mr. President, I recognize that the American people are just at this time in a parlous situation. Mexican troubles are crowding us, European troubles are beginning to crowd us more and more acutely than ever before, the recent sinking by submarine boats not only of belligerent vessels but of vessels of neutral powers without warning—all of that sort of thing is rising above the horizon. I am the last man who wants to take up the time of this body and of American preparation for possible trouble in what might look like the useless consumption of time for a purpose that is not as vital as the things with which we must soon deal.

I offered to two appropriation bills the following amendment:

The Secretary of the Interior is further authorized and directed to enroll as members of the said Choctaw Tribe of Indians all persons—

I ask the attention of Senators to this now—

All persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes, under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not hitherto been finally enrolled.

Now, let me explain that; and I especially want the attention of the Senator from Kansas [Mr. CURTIS], because he was at that time a member of the Indian Affairs Committee in the House of Representatives, and, if I mistake not, the chairman of that committee; and I can not mistake this, if I am not mistaken about the contemporaneousness of things, he was the ablest chairman of that committee that we ever had, with the possible exception of Mr. SHERMAN, of New York.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. I have not finished my question.

Mr. CURTIS. I want to correct the Senator.

Mr. WILLIAMS. And the Senator, I think, will bear me out in this: After procuring this amendment, of which what I have read is a part, I ascertained that the committee had put upon the provision a proviso that these people should move to Oklahoma.

I was at that time minority leader of the House. I had very little time to do anything except to lead the minority. I was informed that what I wanted was upon the bill. Later I found that a provision was upon it saying that these people should remove from Mississippi to the Indian Territory. I did not know that until afterwards. Of course, in requiring that they should remove, the whole contention that they were citizens by consanguinity and not by territoriality was surrendered. Then I came to the House as soon as I could, and I got an appropriation of $20,000 out of the Treasury to remove them. And after that the Secretary of the Interior and the Bureau of Indian Affairs wrote to those people and to me, in the State of Mississippi, when they had written to ask about removing, and informed them and me that if they did remove to the Indian Territory, as it was then constituted, they might possibly be removed as "intruders"—as intruders! At that time the now distinguished Senator from Oklahoma [Mr. OWEN] was the attorney of the Mississippi Choctaws—Winton, Owen & Winton, or Owen & Winton, or whatever the firm was—and was the first man in the world who ever brought to my attention the consanguinity rights of the Mississippi Choctaws. And that condition of things lasted until it was too late for those people to remove, and very few of them took advantage of the $20,000 appropriation.

Now I yield to the Senator from Kansas.

Mr. CURTIS. I will state, just to get the RECORD correct, that I was not chairman of the Committee on Indian Affairs of the House. I was chairman of the subcommittee having charge of the Indian Territory legislation.

Mr. WILLIAMS. And Mr. Sherman was chairman of the committee. I got it wrong.

Mr. CURTIS. The Senator is also mistaken in reference to the dates of the appropriations. It is true that it was by and through the efforts of the Senator from Mississippi, in 1898, that provision was made for taking care of the Mississippi Choctaws. Later on the fight came up in reference to the time for their removal, and, if the Senator will remember, he asked for a year, and we compromised on six months.

Mr. WILLIAMS. Now I want to read something, although I hate to take up the time right now.

After the passage of the legislation to which we are both referring, the Dawes Commission was directed to "identify" and prepare "a roll" of those "entitled to the privilege of Choctaw citizenship under section 14 of the removal treaty of 1830," which was the Dancing Rabbit treaty. The commission submitted a roll containing the name, age, sex, and residence of 1,925 *full-blooded Choctaws*. Shortly thereafter, before the approval of this roll, Congress enacted a law recognizing the rights of these Choctaws to full citizenship and allotment in the Choctaw Nation west, as other Choctaws residing in the Indian Territory, but requiring them within six months—and that is the point to which the Senator from Kansas was referring—to remove to the Indian Territory. The Department of the Interior suggested, or somebody suggested, a year. I suggested no time at all, because I was basing my claim upon consanguinity and not upon residence in a given territory. This

law as passed, however, required them, within six months after identification, to remove to the Indian Territory and to reside there for three years.

Oh, Mr. President, think of that—the technical cruelty of this Republic! Hunters and fishermen and rail splitters, with not money enough to provide themselves with rations one month in advance, and they were to remove to the Indian Territory and there maintain themselves for three years!

The Dawes Commission subsequently submitted about 2,500 names of identified *full bloods*, which enrollment was approved by the Secretary of the Interior. The vast majority of these full bloods were informed on February 14, 1903, that their time for removal would expire on August 14, 1903—March, April, May, June, July, August—six months. It was known that they were financially unable to go west under the requirements of the law, as the commission in its report had fully explained their "ignorant and impoverished condition." On March 3, 1903—giving only four months' time—as the Senator from Kansas will remember, Congress, under a motion of mine, which was adopted in the Indian Affairs Committee in the House, appropriated $20,000, to be expended under the direction of the Secretary of the Interior, to aid in their removal.

"Now follow certain almost unbelievable facts, fully verified by the records of the Interior Department, by original documents, and by sworn statements. The Secretary did not designate any person or agent to do this work until July 20, 1903." They had to move on August 14. It gave them less than a month.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. "The agent they appointed arrived in Mississippi on July 27, 1903, 17 days before these 2,500 people, scattered over half the State of Mississippi and southern Louisiana, must, under the six-month requirement, be in the Choctaw Nation in the then Indian Territory."

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. On that day he had circulars printed and mailed to these people. The agent on that day had circulars printed and mailed to these people, notifying them of the necessity for their removal, and that they must be in Meridian, Miss., prepared to leave, by August 11.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. Wait one moment. As these Choctaws lived a long distance from a post office—most of them lived in Leake County, without a railroad; a large number of them lived in Neshoba County, at that time without a railroad, though it now has one—ignorant, unable to read, unable to write, they could not see nor read nor understand notices of any description.

Mr. President, there is one other point to which I want to refer, and then I will yield to the Senator from Oklahoma, if he desires.

Capt. McKennon, of the State of Arkansas, was at that time chairman of the subcommission that went to the State of Mississippi to make this enrollment to "identify" these people as Mississippi Choctaws. Capt. McKennon and the two other members of that subcommission agreed to this rule of identification, because they were sensible men, and therefore knew a white man from a negro, and knew a negro from an Indian, and knew an Indian from either of the other two, to wit, that a full blood was entitled to identification and enrollment. There never had been any Indians in the State of Mississippi except Choctaws and a few Pascagoulas down on the seacoast, who never had gone beyond the fishery radius of the Gulf coast, and a few of the Natchez Tribe, on the southern part of the Mississippi, and of Chickasaws, in northwest Mississippi, who were early all removed to reservations. Whenever a full-blooded Indian presented himself to them, the Pascagoulas having passed out and died long ago, there being no Pascagoulas left alive, and all the others being removed, and all except the Choctaws having been the enemies of the English-speaking white man, they said, "There never have been any Indians in the State of Mississippi except the Chickasaws, in the northwest district, who all removed to the Indian Territory; the Pascagoulas, who are dead; the Natchez, who are dead or gone; and the Choctaws, who are left remaining there alive"; so that whenever a full-blooded Indian came they identified him as a Mississippi Choctaw, "the white man's friend," who was allowed to remain.

Can you imagine what the Interior Department did later? Why, Mr. President and Senators, the Interior Department decided that an ignorant Choctaw Indian—illiterate, impoverished, a hunter and a fisherman and a rail splitter—had to *prove* by affirmative and specific testimony that he was the descendant of a Choctaw in Mississippi living in 1830 and claiming as such under the Dancing Rabbit treaty.

Did you ever think about how many white men, intelligent, educated, could prove that they were descendants of somebody who lived in 1776? Did you ever think about how many white people there are who have kept family records could prove who were their great-great-grandfathers? Have you ever thought of how many could add to this evidence aliunde? It was not remarkable, then, when the ruling was made in the court out in Oklahoma, in the interest of the Oklahoma Choctaws, that these people must prove not only that they were full-blood Choctaw Indians living in the State of Mississippi, but that they were by specific testimony descendants of some Choctaw ancestor and ancestress living in 1830, that virtually none of them could prove it. The only men who could prove it were the men with a little splash of white blood in them, and their proof was suspected of perjury.

Now, Mr. President, I have paid my tribute to the Mississippi Choctaw Indians; and notwithstanding the fact that the chairman will not agree to reduce the amount from $300 to $200, I rest satisfied for the present with merely putting in a plea in this court for future consideration; and I give notice now that I will never again while I am in public life consent to another allotment to the Oklahoma Choctaws after this date—having the Senate behind me against your committee twice already upon the proposition, but not desiring now to take up the public time—I will never hereafter, I say, consent to another per capita allotment to the Oklahoma Choctaws until their brethren by blood and by national citizenship, by all laws of savage or semisavage Indian tribes, have been considered. The only reason why I consent to it now is that the chairman of this committee, in whom I have the very highest degree of personal confidence, assures me that there will be enough money left to take care of the rightful claims, I started to say, of my constituents—but they are not even my constituents; they are nobody's constituents on the surface of the earth, unless they are God's.

Mr. ASHURST. Mr. President, I think the Senate must metaphorically lift its hat to the generosity and the chivalry of Mississippi's distinguished Senator, and both Senators; but ever since I have been in the Senate the senior Senator from Mississippi has been urging the claims of these illiterate, as he says, homeless Indians.

Mr. WILLIAMS. And honest.

Mr. ASHURST. I have no doubt they are honest. Their situation, Mr. President, appeals to me. These speeches which the Senator has made, not only to-day but at previous times, and the speeches which his colleague [Mr. VARDAMAN] has made appeal to my sense of justice. I believe now, as I have always believed, that Congress should do something for the Mississippi Choctaws. But, Mr. President, with the greatest respect—and I differ with my friend with considerable reluctance—with the greatest respect to him, I can not as a Senator vote to take money away from the Oklahoma Choctaws, when, according to the lights as I see them, I could not do so without violating a trust. That is a point of difference between the Senator and me.

Mr. WILLIAMS. Mr. President, may I ask the Senator a question there?

Mr. ASHURST. Certainly.

Mr. WILLIAMS. Of course he and I know that there are no better friends than he and I. Did not the Senator suggest to me not long ago, or did he—if I am mistaken, I hope he will state so—that the proper arena, or rather the proper treasury from which I ought to secure relief for these people, was the United States Treasury?

Mr. ASHURST. Certainly; not the funds of the Indians.

Mr. WILLIAMS. In suggesting that, the Senator admitted that they had rights. Now, no ward ever had a right for his guardian to make up a deficiency due from another ward. I do not contend that these people have any claim against the United States Treasury. They have none. They have only the claim growing out of consanguinity as citizens of the Choctaw Nation. If they have not that, they have none. I myself can not now see how I could vote for an appropriation to them out of the United States Treasury unless I voted for it as a gratuity or a charity on the ground that they had been harshly dealt with.

Mr. ASHURST. Mr. President, while I do not in any way concede, directly or indirectly, that the Mississippi Choctaws have any claim on this particular fund with which we are dealing to-day—I shall not go into the legal phase of it—I do want to read——

Mr. VARDAMAN. Mr. President, will the Senator yield to me?

Mr. ASHURST. Certainly.

Mr. VARDAMAN. If they have not a claim on that, on what have they a claim?

Mr. ASHURST. Upon the Federal Treasury, just like any other homeless Indian; just as the homeless Indians in Nevada, for whom we appropriated $15,000 to-day to buy lands—the claim that any people would have on a Christian and an honest Nation.

Mr. VARDAMAN. Have they any more claim than any other class of homeless, friendless people?

Mr. ASHURST. My opinion is that they have a claim, founded possibly in conscience, against the Federal Treasury, not against the money that belongs to the Oklahoma Choctaws, for the reason, among others, that article 2 of the treaty of 1830 says:

> The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it.

Mr. WILLIAMS. The Senator is making a mistake there. I did at a previous session of the Senate offer an amendment, but I am now offering no amendment, and I am not offering it for two reasons. The first great reason is that this nation is in a situation where I do not want to defeat an Indian appropriation bill, although I have done it before, and the second reason is that I think there will be money enough back for these people to obtain justice after a while, and, third, because so many Senators are busy and absent who, when they come in without hearing debate, would say, "What is my vote?" and then vote with the committee. I am assured that there will be funds enough left, and I know when the Senator from Arizona assures me of it that he, at any rate, believes it, and I think he has sufficient knowledge of the situation to make his belief equivalent to a fact so far as I am concerned.

Mr. ASHURST. I thank the Senator for his very generous reference to myself. I hope to merit that. Briefly to answer his question as to the amount of the fund, I wish to say this bill distributes to the Choctaws——

Mr. WILLIAMS. In one word, I would like to add to what the Senator from Oklahoma said, to wit, that "the Choctaws in Oklahoma are dying while they are waiting for the allotment"; that these Choctaws in Mississippi are also dying while they are waiting for their allotment. The sanitary condition in Mississippi is a little better, perhaps, than in Oklahoma, and therefore not quite as large a percentage, but a percentage, in Mississippi have died and gone away "to rest under the shade of the river" with no satisfaction of their just claims and rights.

Mr. ASHURST. Permit me to give the figures as they have been made up for me and as I understand them, and I believe them to be correct. We are distributing under this bill $6,239,700 to the Choctaws and $1,260,800 to the Chickasaws, being a total of $7,500,500, leaving $24,003,454, so I am advised by the Indian Department, in cash and profit to the credit of these two tribes, one-fourth to the credit of the Chickasaws and three-fourths to the credit of the Choctaws. Those figures have been furnished to me.

Mr. WILLIAMS. How much will be left for the Choctaws?

Mr. ASHURST. Three-fourths of $24,003,454.

Mr. OWEN. Mr. President, I shall take only a few moments of the time of the Senate, and would make no answer to the Senator from Mississippi [Mr. WILLIAMS], but I can not permit what I think is a very erroneous impression to be left on the mind of the Senate with regard to the Mississippi Choctaws. It is not true as a principle of law that consanguinity gives to the Mississippi Choctaws or to any nonresident Indians the right of a distributive share in the Choctaw property west. That principle has not been observed in other cases.

There are full-blood Seminoles in Florida who upon a claim of consanguinity could demand a part of the Seminole property in Oklahoma, but who make no such pretenses. There are full-blood Cherokees in North Carolina who on the theory of consanguinity could demand a part of the Cherokee property in Oklahoma. Full-blood Creeks in Alabama on such an absurd theory could demand participation in the property of the Oklahoma Creeks, but neither the eastern full-blood Creeks or Cherokees make any such unfair claim.

Mr. WILLIAMS rose.

Mr. OWEN. I do not wish to be interrupted, if the Senator please. The same principle—living with the tribe as a condition of citizenship—applies with regard to the Choctaws and Chickasaws.

Mr. WILLIAMS. If the Senator will allow me——

Mr. OWEN. I hope the Senator will excuse me.

Mr. WILLIAMS. I am necessarily called to a subcommittee meeting.

Mr. OWEN. I yield to the Senator.

Mr. WILLIAMS. I want to say that the difference between those cases and this is that the Dancing Rabbit treaty expressly reserved every right to the Mississippi Choctaw and citizenship in the Choctaw Nation except a share in the annuities. The Senator will remember that.

Mr. OWEN. I remember the treaty of 1830 very well, and that very treaty itself is a denial of the plea of consanguinity, because if consanguinity were sufficient it would not be necessary to have a statutory provision or a treaty reservation.

Mr. WILLIAMS. It is a recognition of it by treaty, which makes it all the stronger.

Mr. OWEN. That is a statutory provision. So far was it true that consanguinity did not give this right of citizenship that when the Government of the United States, in its desire to move all the five tribes from the east of the Mississippi River to the west of the Mississippi River, expressly stipulated the Choctaws should agree to remove west—1830. The Mississippi full-blood Choctaws not being willing, that is, a considerable number of them not being willing, to move west of the Mississippi River at that time—1830—refused to make the treaty of 1830 unless there was an express provision put in the fourteenth article that the individuals who took land under the fourteenth article, amounting to 640 acres to an adult and a smaller amount to minors, should not lose thereby—that is, taking land in Mississippi under article 14—their right in the Choctaw Nation as citizens, but the treaty provided if they removed they should enjoy no part of the annuities. It was provided in that treaty that they should live five years in Mississippi and become citizens of the State. It was not contemplated by many of these people that they ever would move at all or repossess themselves of citizenship as they had reserved the right to do; others thought they might move later on. In point of fact, nearly all the original members either moved west or died, and it is now nearly a hundred years later that their descendents or those claiming to be their descendants, referred to in this loose way as Mississippi Choctaws, have the right to citizenship with the western Choctaws, even without removal, because their great-grandfathers stipulated that they should not lose their rights in the Choctaw Nation by their failure to move in 1830.

In point of fact, the "Mississippi Choctaws," under the statutes of the United States, comprise only those persons of proven Choctaw blood who moved west under the agreement of 1902 and were included as "Mississippi Choctaws" on a special roll under the terms and conditions of that particular agreement. The Indians in Mississippi may be of Choctaw blood, many of them probably are, but they may be of Creek, Chickasaw, Seminole, or Pascagoula Indians or of mixed tribes.

The Supreme Court of the United States in the so-called Cherokee case decided that the full-blood Cherokees in North Carolina who did not move to the west were not entitled to citizenship there; that if they desired to enjoy citizenship they must first move into the Cherokee country west and there be adopted into citizenship by the proper authorities.

The Choctaw-Chickasaw treaty of 1866 required all Choctaws seeking allotments to establish bona fide residence in the Choctaw-Chickasaw Nation.

When Congress came to divide up these lands and sent the Dawes Commission in 1893 to the Five Civilized Tribes, Congress passed some immediate legislation requiring all Indians of the Five Civilized Tribes seeking allotment to establish bona fide residence. In the Curtis Act of 1898 an express provision was inserted that no Indian should be enrolled by the Dawes Commission who had not previously to that time established residence in good faith in the tribe in which he claimed citizenship. I was then representing the Mississippi Choctaws and I asked an exception in their behalf in order that they might have time within which to make the removal and in which they might conform to the unbroken rule of residence. The Senator from Mississippi supported that proposal. I made the draft of the language myself and it became a part of the statute. It was put on the so-called Curtis Act by the Senator from Kansas [Mr. CURTIS] in the House, and a further time therefore was granted to the Mississippi Choctaws by that act. I made the most resolute effort to have Congress waive the requirement of removal and residence for the Mississippi Choctaws, and Congress was unwilling to do so and did not do so.

I pause to emphasize that the treaty of 1866 expressly required that in the contingency of the Choctaw and Chickasaw lands being allotted five years should be permitted within which Choctaws and Chickasaws residing east of the Mississippi River or elsewhere might be given an opportunity to reestablish their citizenship and become members of the tribe for allotment. It

was the fixed policy of the United States to require removal and bona fide residence and no exception has ever been made to it in a single case.

The Dawes Commission was instructed by Congress in 1898 in the Curtis Act to identify persons claiming to be Mississippi Choctaws still living in Mississippi. In January, 1899, the Dawes Commission sent Capt. McKennon, who spent three weeks in Mississippi, and in that three weeks he identified 1,943 Choctaws, so called, 177 of whom were confessedly of mixed blood. He stated in his report that he found that these persons so identified and who appeared to be of Choctaw blood were not able to prove that their ancestors had complied with the fourteenth article of the treaty of 1830, and that they were unable in the second place to prove that they themselves were the actual descendants of persons who claimed as Mississippi Choctaws to have taken lands under the fourteenth article of the treaty of 1830.

So their line of proof failed on two points; first, that their ancestors had complied; second, that they were descendants of such ancestors. Whoever their ancestors were they could prove nothing. They kept no records; they had no English patronymics; no baptismal register, no birth register, no death register, and they had no family register. They had to rely upon the memory of man, and after 70 years, when all the original fourteenth article claimants were all dead, it was impossible to make any proof. The consequence was that when this question came up in making the agreement of 1902 the Choctaw and Chickasaw authorities west drafted a provision that all persons duly identified as Mississippi—mark those words, duly identified—should be enrolled for an allotment on certain conditions of removal and residence.

The Dawes Commission at that very time had, upon a careful and critical examination and under the influence of legal and technical arguments of attorneys representing the Choctaw and Chickasaw Nations west, already determined that these people were not duly or legally identified, and in their report of May 24, 1902, to the Commissioner of Indian Affairs and the Secretary of the Interior they found that none of the people enrolled in 1899 as Mississippi Choctaws could prove themselves entitled under the law, and that they were not legally identified, or entitled to identification, with the exception of five persons, Josephine Hussey et al. I think there are some five persons embraced in that family. In that contingency an appeal was made by me to the Congress and the executive department on behalf of the Mississippi Choctaws, as they were entirely unable to prove their case. An appeal was made to the Congress of the United States that, in view of their ignorance, in view of their poverty, in view of their honesty, they might be permitted to have the question of proof waived in behalf of those who were actually of the full blood. That applied only to the heads of families and not to the children of the heads of families, because a child of a half blood or of a mixed blood was not entitled under that agreement, and it was so held afterwards by the Attorney General in construing it.

So this rigid rule of legal proof was waived in behalf of all the Mississippi Choctaws who could show that they were full bloods, and on the condition that within six months after identification they could remove and be allotted, not as the Senator from Mississippi states, in six months from the date of the agreement, but within six months after they had been identified—a very different thing. Some of them were not identified for two or three or four years. After they were identified they were notified they could move with safety and establish bona fide residence, and not be under the threat of being held as intruders, as the Senator from Mississippi stated. The Senator is mistaken about that. The law did not require them to move and then be held as intruders, as he states. When they did move they moved after they had been identified for removal and could not be held as intruders. The statement which the Senator from Mississippi made was due to forgetfulness on his part.

In February, 1896, he wrote a letter to the Commissioner of Indian Affairs asking what the right of the Mississippi Choctaws was, and the Commissioner of Indian Affairs notified him that they would be regarded as intruders if they moved to the Choctaw country west before they had been recognized by the proper authorities of the Choctaw Nation as entitled to citizenship. That letter of 1896 the Senator confuses with 1902, 1903, and 1904, and he is entirely in error. Of course, the Senator did not intend it. But these people who did remove under the agreement of 1902 removed only after they were identified under that agreement, and they had the right given to them then of property which is estimated by the best authority for 1,634 enrolled and allotted Mississippi Choctaws as worth $15,000,000. Over 1,600 of them did remove and establish bona fide residence, and now, after they have been given the time to move from 1896 up to 1907, Congress, by an act in 1906, directed the rolls which had been under consideration for 10 years to be closed as of March 4, 1907, 9 years ago. They had 11 years theretofore in which to move, establish bona fide residence, and to be recognized. They did not choose to avail themselves of it. It was not because of poverty, because there were very many companies of men who were engaged in leasing the Choctaw lands for grazing and for agricultural purposes who scoured Mississippi urging these identified Indians to move to Oklahoma, and those of them who did not come exercised their own free will and option in refusing to come, because they preferred the beautiful country where they had been so long living; they preferred their local attachments to allotments in Oklahoma, and their love for the Mississippi valleys and streams was stronger than the desire for gain, and they refused to go west.

Now, after these rolls have been open from 1896 to 1907—11 years—and have been closed for 9 years—20 years in all—the Senators from Mississippi [Mr. WILLIAMS and Mr. VARDAMAN] show their loyalty and affection for the Mississippi Choctaws by pleading for the reopening of the rolls closed 9 years, and pleading that the Choctaws west shall be required to divide with persons in Mississippi (who claim to be Choctaws and can not prove it) the property which they bought and paid for and which they earned by living on it for nearly a century, because that land was first granted to them in 1820, not 1830, and the patent issued on condition that they should live on the land.

I wish to put into the RECORD with regard to this matter several statements by the attorney of the Choctaw Nation, which gives in brief quotations from the treaties and quotations from the decisions of the courts and Indian department; the unanimous report of the special committee of the House who examined this case at very great length. The House and Senate have heard this ad nauseam and decided it adversely on various occasions. Four different secretaries have decided against this claim of the Mississippi Choctaws—Republican secretaries and Democratic secretaries—and there is no longer any ground whatever either of law or morals or of ethics why this matter should be reopened. Nor have the Mississippi Choctaws any claim on earth against the United States except the claim of a dependent, impoverished people for whom the United States has always shown generous care. On that ground I would favor dealing with generosity with the Mississippi Choctaws, but not on any ground of a legal right or a moral right to any further concessions than have been made in the premises.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF P. J. HURLEY, NATIONAL ATTORNEY FOR THE CHOCTAW NATION.

IN RE ENROLLMENT MATTERS.

The following is a brief statement outlining generally the history and the present status of the claims which are now being presented by persons for enrollment as citizens of the Choctaw and Chickasaw Nations.

MISSISSIPPI CHOCTAWS.

On March 10, 1899, the Dawes Commission reported that there were extremely few, if any, Indians in Mississippi who could prove their right to enrollment as citizens of the Choctaw and Chickasaw Nations, under the fourteenth article of the treaty of September 27, 1830. At that time there was much agitation for the enrollment of the so-called Mississippi Choctaws, and in the agreement between the Choctaws and Chickasaws and the United States, approved July 1, 1902 (32 Stat. L., 641), a compromise was reached on the Mississippi Choctaw claim.

The Choctaws and Chickasaws agreed to enroll, as a gratuity, all full-blood Choctaws who then resided in Mississippi if they would remove to and establish a residence in the Choctaw or Chickasaw Nations.

Under this agreement 1,634 Mississippi Choctaws were enrolled and received allotments in the Choctaw and Chickasaw Nations. With a few exceptions, the entire 1,634 were enrolled under the full-blood rule of evidence and were not required to prove a right to enrollment. The approximate value of the property received by these 1,634 persons is $15,000,000. This is the price paid by the Choctaw and Chickasaw Nations for a settlement of the Mississippi Choctaw claim in 1902.

In consideration for this concession on the part of the Choctaws and Chickasaws the Government agreed to close the rolls, to sell the residue of tribal property, and distribute the proceeds per capita among the enrolled members of the tribes. The United States Government has not performed its part of the agreement.

The agreement of 1902 (32 Stat. L., 641), above referred to, contained the following provision:

"No person whose name does not appear upon the rolls prepared as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw Tribes, and those whose names appear therein shall participate in the manner set forth in this agreement."

The act of April 26, 1906 (34 Stat. L., 137), declared the rolls of the Choctaw and Chickasaw Nations closed in the following language:

"*Provided*, That the rolls of the tribes (Choctaw and Chickasaw) affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any persons after that date."

The rolls of the Choctaw and Chickasaw Nations are therefore closed and have been closed since the 4th day of March, 1907.

The claim which is now being presented by the proponents of the legislation for the enrollment of Mississippi Choctaws has heretofore been fully considered and decided adversely to the so-called Mississippi Choctaws by the following tribunals and officials:

(1) 1897: The Federal courts of Indian Territory. (Jack Amos v. Choctaw and Chickasaw Nations. Jurisdiction affirmed by Supreme Court, Stephens v. Cherokee Nation, 174 U. S., 445.)

(2) 1898: The Dawes Commission to the Five Civilized Tribes. (See reports Jan. 28, 1898, and Mar. 10, 1899.)

(3) 1902: The Choctaw and Chickasaw people and the United States Government in the preparation of the supplemental agreement of July 1, 1902. (32 Stat. L., 641.)

(4) 1906: The Congress of the United States, which by the act of April 26, 1906, finally directed the closing of the rolls March 4, 1907. (34 Stat. L., 137.)

(5) 1912: Hon. Samuel Adams, First Assistant Secretary of the Interior. (See report dated July 2, 1913, addressed to Hon. JOHN H. STEPHENS, chairman Committee on Indian Affairs, House of Representatives.)

(6) 1915: A subcommittee of the Committee on Indian Affairs of the House of Representatives. (See report H. R. No. 12586, dated Jan. 2, 1915.)

(7) 1915: Hon. Franklin K. Lane, Secretary of the Interior. (See report dated Jan. 8, 1915, addressed to Hon. JOHN H. STEPHENS, chairman of the Committee on Indian Affairs of the House of Representatives.)

The United States Government is bound by solemn agreement to sell the residue of Choctaw and Chickasaw tribal property and distribute the proceeds among the enrolled members of the tribes. Fulfillment of this obligation has been, and is being, prevented by the representatives of the alleged Mississippi Choctaws and by the proponents of legislation intended to be of assistance to the alleged Mississippi Choctaws.

It has been repeatedly shown that the Mississippi Choctaws have no legal, equitable, or moral right to share in the property of the Choctaw Nation.

CLAIMANTS FOR CITIZENSHIP OTHER THAN MISSISSIPPI CHOCTAWS.

It has been contended by attorneys and agents representing claimants for enrollment as citizens of the Choctaw and Chickasaw Nations that there was a period immediately before the closing of the rolls on March 4, 1907, during which action on all pending cases was rushed, and that the applicants were not given the benefit of a cautious consideration of their cases.

This contention is very misleading, because it is a fact that the cases which were considered during the so-called "rush period" had been considered before—some of them had been considered and determined a number of times, and were pending on motion to review, or on appeal from the order denying a motion to review. Very few, if any of them, were pending on a direct appeal from the original decision of the Commission to the Five Civilized Tribes, and none of them were pending for a consideration on the merits of the cases—the merits having theretofore been passed upon by the Commission to the Five Civilized Tribes.

All of these matters have been under consideration almost continuously since the closing of the rolls March 4, 1907. At one time the agitation for the reopening of the rolls of the Five Civilized Tribes became so great that the matter was brought to the attention of the President of the United States, and afer having fully considered the matter, President Taft wrote the following letter to Richard C. Adams, an attorney at law, of Washington, D. C.:

THE WHITE HOUSE,
Washington, April 20, 1910.

MY DEAR SIR: I am in receipt of your letter which you visited my office with Mr. Creager, of Oklahoma, to hand me. Your letter deals with the question of claims of Indians against the Government. Of course I am in favor of facilitating the hearing of those claims as much as possible; and as to the second, I am opposed to the reopening of the Indian citizenship rolls. It seems to me it would be like opening a Pandora's box. Exceptional cases that present great equities might be considered by special legislation.

In conclusion, I can only say that no one is more anxious than I am to close out these Indian disputes and put Indians on the basis of other citizens, in so far as it is possible to do so without exposing those who are uneducated and unable to look after their own interests to the fraudulent manipulation of unprincipled persons.

Sincerely, yours,

WM. H. TAFT.

Mr. RICHARD C. ADAMS,
Bond Building, Washington, D. C.

(See H. R. Rept. No. 2273, 61st Cong., 3d sess.)

It will be noted that the President was opposed to the reopening of the rolls, but said "exceptional cases that present great equities might be considered by special legislation."

On February 12, 1910, Hon. R. A. Ballinger, then Secretary of the Interior, addressed a letter to Hon. MOSES E. CLAPP, chairman of the Committee on Indian Affairs of the United States Senate, in which he made the following recommendation:

"In conclusion, I am constrained to believe, and therefore recommend, that the rolls be not opened up, but that proper legal authority be given the Secretary of the Interior to place upon the rolls those Indians (about 52 in number) whose applications were approved by the Commissioner to the Five Civilized Tribes and were transmitted to Washington before the 4th of March, 1907, but did not reach the department until after the rolls were closed; and, furthermore, that proper authority be given the Secretary of the Interior to examine and place upon the rolls the minor orphan children, incompetents, and Indians in incarceration whose claims were not presented in due time for adjudication. I am informed that this class numbers about 200. No one seems to have taken the responsibility of presenting the claims of this class for consideration. They could not look after their own interests." (See S. Doc. No. 1139, 62d Cong., 3d sess.)

The Secretary in this letter recommends against the reopening of the rolls, but favors special legislation for the relief of 52 persons, whose names were omitted from the rolls through inadvertence, and recommends that authority be given for the examination of the cases of certain other persons, not to exceed 200 in all.

Both President Taft and Secretary Ballinger, after having fully considered the question that is now under consideration, both decided against the reopening of the rolls. They considered, however, that there were a few exceptional cases wherein the applicants had strong equities and were in justice entitled to some relief.

Two investigations were made by the Interior Department to ascertain the names of all persons who were legally or equitably entitled to enrollment as citizens of the Five Civilized Tribes and whose names were not upon the finally approved rolls.

With the consent and upon the advice of the attorneys for the tribes, Hon. ROBERT L. OWEN, a Member of the United States Senate from Oklahoma, addressed a letter to the Secretary of the Interior asking that he be furnished with the names of persons who, upon investigation, had been found apparently equitably entitled to enrollment.

On April 24, 1914, Senator OWEN received the following letter from Hon. A. A. Jones, First Assistant Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1914.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes, of Oklahoma. The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate, and may be found in Senate Document No. 1139, Sixty-second Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of newborn Choctaw freedmen.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. ROBERT L. OWEN,
United States Senate.

The list transmitted to Senator OWEN with the above letter contained the names of 318 persons. The Indian appropriation bill which became a law August 1, 1914 (38 Stat. L., 582), carried a provision authorizing the enrollment in the respective tribes of the persons whose names appear upon said list. All of said persons have since been enrolled and have received their distributive share of the property of the tribe to which they belong.

The letter of Secretary Jones, and the list, are set forth in full in Senate Document No. 478, Sixty-third Congress, third session.

Inasmuch as it has been repeatedly shown that the so-called Mississippi Choctaws have no right to enrollment, and inasmuch as all those residing in the Choctaw and Chickasaw Nations who appear to have been equitably entitled to enrollment have been enrolled, the members of the Choctaw and Chickasaw Tribes can not understand why the Government of the United States does not comply with the terms of its agreement made with them in 1902.

There appears to be no just reason why the residue of tribal property should not be sold and the proceeds arising from such sale distributed per capita among the enrolled members of the tribes in compliance with the terms of the treaty of 1902.

A considerable amount of tribal property has been sold and the money is now on deposit. There have been partial crop failures in Oklahoma for the past four years—in some sections the failure was almost complete. There are many Choctaws and Chickasaws who have been, and are now, in destitute circumstances and are in dire need of the money that belongs to them. The United States Government should at once pay them the money that is now on deposit to their credit.

For this reason we respectfully request the enactment of the provision now carried in the Indian appropriation bill, authorizing a distribution of all funds now to the credit of the Choctaw and Chickasaw Nations, as shown by memorandum of the Commissioner of Indian Affairs transmitted to the Committee on Indian Affairs of the House of Representatives on December 15, 1915. Said memorandum is in full as follows:

"The books of the Indian Office show that on December 15, 1915, there was in the Treasury of the United States to the credit of the Choctaw Nation, Okla., the sum of $3,360,620.11, and in banks in Oklahoma to the credit of said nation the sum of $4,071,733.13, the total Choctaw tribal fund being $7,432,353.24. The books of the Indian Office further show that on said date there was in the Treasury of the United States to the credit of the Chickasaw Nation, Okla., the sum of $778,471.51, and in banks in Oklahoma to the credit of said Chickasaw Nation the sum of $1,143,638.97, the total Chickasaw tribal fund being $1,922,110.48, the aggregate fund of the Choctaw and Chickasaw Nations being $9,354,463.72. The deferred payments on the Choctaw and Chickasaw tribal lands heretofore sold approximate $6,000,000 and the estimated value of the unsold land and other property of said nations approximates $16,149,491.23. Thus the total funds and other property of the Choctaw and Chickasaw Nations approximates $31,503,954.95.

"Twenty thousand seven hundred and ninety-nine enrolled citizens of the Choctaw Nation are entitled to share in any per capita distribution of the funds of said nation, and 6,304 enrolled citizens of the Chickasaw Nation are entitled to share in any per capita distribution of the tribal funds of that nation.

"For the purpose of further carrying out the Atoka agreement with the Choctaw and Chickasaw Tribes (see act of Congress of June 28, 1898, 30 Stat., L., 495, 512, 513) and the supplemental agreement with said Indian tribes adopted by the act of Congress of July 1, 1902 (32 Stat. L., 641–654), and in view of the general needy conditions existing in said nations it is recommended that an appropriation be made out of the Choctaw tribal funds for a per capita payment to the enrolled members of the Choctaw Tribe or to the heirs of deceased enrolled members, and out of the Chickasaw tribal funds for a per capita payment to the enrolled members of the Chickasaw Tribe or to the heirs of deceased enrolled members of said tribe, and that it be provided that such payments shall be made under rules and regulations to be prescribed by the Secretary of the Interior, and that in cases where the enrolled members of the Choctaw and Chickasaw Nations or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

"Inasmuch as a $100 per capita payment was made to the enrolled members of the Chickasaw Nation under the act of August 1, 1914, at which time no payment was made to the enrolled members of the

Choctaw Nation, it is therefore recommended that the enrolled members of the Choctaw Nation should be paid $100 per capita more than the amount provided for the enrolled members of the Chickasaw Nation. These payments would be made from the tribal funds belonging to the Choctaw and Chickasaw Nations and would not be a tax on the Federal Treasury."

P. J. HURLEY,
National Attorney for the Choctaw Nation.

—

WASHINGTON, D. C., *February 3, 1915.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Indian appropriation bill, which is now being considered by the Committee on Indian Affairs of the Senate, contains a provision authorizing a per capita payment of $200 to the enrolled members of the Choctaw Nation and a payment of $100 to the enrolled members of the Chickasaw Nation.

Every member of the Choctaw and Chickasaw Tribes is the owner of an equal undivided interest in the tribal property of both tribes. The Chickasaws received a per capita payment of $100 last year. The Choctaws received no payment. The provision now carried in the bill, if enacted, will equalize the amount received from tribal funds by the Choctaws and Chickasaws.

I am advised that an effort will be made by those who espouse the claim of the so-called Mississippi Choctaws to prevent the enactment of the provision referred to and that an attempt will be made to reopen the rolls of the Choctaw and Chickasaw Nations for the enrollment of the alleged Mississippi Choctaws.

I call your attention to the fact that on March 10, 1899, the Dawes Commission reported that there were extremely few, if any, Indians in Mississippi who could prove a right to enrollment as citizens of the Choctaw and Chickasaw Nations. At that time there was much agitation for the enrollment of the so-called Mississippi Choctaws, and in the agreement approved July 1, 1902 (32 Stat. L., 641), between the Choctaw and Chickasaw Nations and the United States a compromise was reached on the Mississippi Choctaw claims.

The Choctaws and Chickasaws agreed to enroll, as a gratuity, all full-blood Choctaw Indians who then resided in Mississippi if they would remove to the Choctaw or Chickasaw Nations.

Under this agreement 1,634 Mississippi Choctaws were enrolled and received allotments in the Choctaw and Chickasaw Nations. With a few exceptions the entire 1,634 were enrolled under the full-blood rule of evidence and were not required to prove a right to enrollment. The approximate value of the property received by these 1,634 persons is $15,000,000. This is the price paid by the Choctaw and Chickasaw Nations for a settlement of the Mississippi Choctaw claim in 1902.

In consideration for this concession on the part of the Choctaws and Chickasaws, the Government agreed to close the rolls, to sell the residue of tribal property, and distribute the proceeds per capita among the enrolled members of the tribes. The United States Government has not performed its part of the agreement.

The agreement of 1902, above referred to, contained the following provision:

"No person whose name does not appear upon the rolls prepared as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw Tribes, and those whose names appear therein shall participate in the manner set forth in this agreement."

The act of April 26, 1906, declared the rolls of the Choctaw and Chickasaw Nations closed in the following language:

"*Provided*, That the rolls of the tribes (Choctaw and Chickasaw) affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date."

The rolls of the Choctaw and Chickasaw Nations are therefore closed, and have been closed since the 4th day of March, 1907.

The claim which is now being presented by the proponents of the legislation for the enrollment of Mississippi Choctaws has heretofore been fully considered and decided adversely to the so-called Mississippi Choctaws by the following tribunals and officials:

1. 1897: The Federal courts of Indian Territory. (Jack Amos *v.* Choctaw and Chickasaw Nations. Jurisdiction affirmed by Supreme Court, Stephens *v.* Cherokee Nation, 174 U. S., 445.)
2. 1898: The Dawes Commission to the Five Civilized Tribes. (See reports Jan. 28, 1898, and Mar. 10, 1899.)
3. 1902: The Choctaw and Chickasaw people, and the United States Government in the preparation of the supplemental agreement of July 1, 1902 (32 Stat. L., 641).
4. 1906: The Congress of the United States, which by the act of April 26, 1906, finally directed the closing of the rolls March 4, 1907.
5. 1912: Hon. Samuel Adams, First Assistant Secretary of the Interior. (See report of July 2, 1912.)
6. 1915: A subcommittee of the Committee on Indian Affairs of the House of Representatives. (Copy of report attached.)
7. 1915: Hon. Franklin K. Lane, Secretary of the Interior. (Copy of report dated Jan. 8, 1915, attached.)

The United States Government is bound by solemn agreement to sell the residue of Choctaw and Chickasaw tribal property and distribute the proceeds among the enrolled members of the tribes. Fulfillment of this obligation has been and is being prevented by the representatives of the alleged Mississippi Choctaws and by the proponents of legislation intended to be of assistance to the alleged Mississippi Choctaws.

It has been repeatedly shown that the Mississippi Choctaws have no legal, equitable, or moral right to share in the property of the Choctaw Nation.

A considerable amount of tribal property has been sold and the money is now on deposit. There have been partial crop failures in Oklahoma for the past four years—in some sections the failure was almost complete. There are many Choctaws and Chickasaws who have been, and are now, in destitute circumstances and are in dire need of the money that belongs to them. The United States Government should at once pay them this money in compliance with the terms of the agreement of 1902.

In view of these circumstances we respectfully solicit your assistance in preventing the reopening of the rolls of the Choctaw and Chickasaw Nations and in securing the enactment of a law authorizing a per capita payment.

Yours, respectfully,

P. J. HURLEY,
National Attorney, Choctaw Nation.

REPORT OF THE SECRETARY OF THE INTERIOR ON THE HARRISON BILL (H. R. 12586).

THE SECRETARY OF THE INTERIOR,
Washington, January 8, 1915.

MY DEAR MR. STEPHENS: I have the honor to refer herein to a communication of August 12, 1914, from Hon. C. D. CARTER, then acting chairman of the Committee on Indian Affairs of the House of Representatives, with which was inclosed a copy of H. R. 12586, entitled "A bill to reopen the rolls of the Choctaw-Chickasaw Tribes and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830." He also referred to H. R. 4536 and requested that I consider the two bills together and make a report thereon.

Upon examination of H. R. 4536, I find that said bill is identical with H. R. 19213, introduced by Mr. HARRISON of Mississippi in the Sixty-second Congress, second session, upon which last-mentioned bill the department submitted to your committee a report dated July 2, 1912. H. R. 12586, introduced in the present Congress by Mr. HARRISON, is a similar bill to the above-mentioned bills, except that in said H. R. 12586 an additional paragraph is included in section 2 to provide for the enrollment of all persons who were identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennon roll, and of all persons identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose identification was approved by the Secretary of the Interior but whose names did not appear on the final citizenship rolls of the Choctaw and Chickasaw Nations.

The claims of Mississippi Choctaw Indians to recognition as citizens of the Choctaw Nation of Oklahoma and to share in the property of said nation are based upon article 14 of the treaty of September 27, 1830. (7 Stat. L., 335.) Pursuant to the terms of the treaty, a large number of Choctaws were transferred from Mississippi to the country west, later known as Indian Territory. These Choctaws who so removed and their descendants now constitute the main body of what is known as the Choctaw Nation. There were, however, a considerable number of Choctaws who remained behind in Mississippi, some of them under the provisions of article 14 above mentioned.

Said article 14 provided that the person who claimed thereunder should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any part of the Choctaw annuity. The Indians who remained behind under the provisions of said article 14 received either land in Mississippi or scrip, which gave the applicants the right to enter upon public lands in certain Southern States. A part of said scrip, however, was later commuted by a money payment. Some of the fourteenth-article claimants later made their way west and joined the main body of the tribe in the Indian Territory. The Choctaw Council by various acts recognized the right of said absentee Mississippi Choctaws to remove to the nation, and actually invited them to do so.

Under the provisions of the Atoka agreement with the Choctaw and Chickasaw Tribes contained in the act of Congress of June 28, 1898 (30 Stat. L., 495), the supplemental agreement contained in the act of July 1, 1902 (32 Stat. L., 641), and later acts of Congress for the purpose of carrying out the provisions of said agreements, the claims of individual Mississippi Choctaw Indians to be identified and to be enrolled as entitled to share in the property of the Choctaw Nation were fully considered by the Commission to the Five Civilized Tribes and by the department after full hearing, at which the claimants had ample opportunity to present all the evidence which they could procure in support of their claims. Very few claimants were able to prove descent from an ancestor who received or applied for benefits under the provisions of article 14 of the treaty of 1830.

The history of the Dawes Commission enrollment work relative to Mississippi Choctaw claimants is very fully set out in a communication of April 14, 1914, from William O. Beall, at one time secretary of the Commission to the Five Civilized Tribes. A copy thereof is inclosed for your information.

For your further information as to the history of the Mississippi Choctaw claims and of the department action in the preparation of the final rolls there is inclosed a copy of department letter of July 2, 1912, to the chairman of the Committee on Indian Affairs of the House of Representatives.

Judge William H. H. Clayton in his decision in the case of Jack Amos *v.* The Choctaw Nation, a copy of which may be found in the appendix of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901, said that no treaty or acts of the Choctaw Council or of any officer of the Choctaw Council since the treaty of 1830 could be cited, or at least he had not found them, whereby any right or privilege had been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he remained away from his people, and that no right was recognized or conferred upon such absent Indian except upon the condition that he should remove to the nation, and the right was not to be consummated or enjoyed until actual removal.

Mississippi Choctaw Indians who, while the opportunity was theirs under the privileges accorded them, refused to emigrate with the tribe to the new country west, and who never shared in the burdens and hardships of the pioneer life incident to the establishment of the new tribal government west of the Mississippi, have at this late date (now that the tribal property of the Choctaw Nation made valuable by the emigrants is being divided per capita among the enrolled recognized citizens of the nation) no equitable right to share in said property.

With respect to the persons who were identified by the Dawes Commission as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat. L., 495), but who failed to remove and make settlement in the Choctaw-Chickasaw country, as required by the act of Congress of July 1, 1902 (32 Stat. L., 641, secs. 41, 42, 43, and 44), it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is no ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for the failure of said identified persons to comply with the law as to removal and settlement. No obligation rested upon the United States to provide means for the removal of such Indians.

Referring to the class of claimants whose names were contained in an identification roll submitted by the Commission to the Five Civilized Tribes on March 10, 1899, but never approved by the Secretary of the Interior, your attention is invited to the fact that the commission soon recognized the inaccuracy and incompleteness of that roll and requested the department to disregard it and to return the same to the commission. In order that there might be no doubt as to the standing of said roll, it was disapproved by the department on March 1, 1907. The larger part of the persons whose names were contained on that disapproved roll were afterwards placed on the approved identification rolls, and those

who complied with the law as to removal and settlement were enrolled on the final rolls of Mississippi Choctaw Indians.

In the investigation and examination of Mississippi Choctaw claims made in 1900 and the years following by the Commission to the Five Civilized Tribes every effort that was possible to be made was made by said commission to reach all persons who had any equitable claim to recognition as Mississippi Choctaws, and especially to find those who were full-blood Choctaw Indians.

H. R. 4536 and 12586 in effect provide, so far as the Mississippi Choctaw claimants are concerned, a general reopening of the rolls of the Choctaw Nation, necessitating a review of all the cases which had been adversely decided by the United States courts, the Department of the Interior, and the Choctaw and Chickasaw citizenship court, as well as the consideration of claims not heretofore presented or considered, and empower the Secretary of the Interior to determine the rights of the claimants upon such evidence as may be produced by the applicants, without regard to any adverse judgment or decision heretofore rendered by any court or commission to the Five Civilized Tribes or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

The records of the department show the Mississippi Choctaw claimants have been to an unusual extent the victims of numerous extortionate contracts, and the correspondence in many cases indicates that contracts were obtained through misrepresentations as to the facts, and in some cases that such contracts were obtained from claimants who believe that the persons obtaining the contracts were Government agents. Your attention is invited to the report of Inspector McLaughlin, of this department, which report appears in print in the CONGRESSIONAL RECORD of July 10, 1914, commencing on page 13022.

Referring to section 9 of said bills, I am of the opinion that, in view of the large amount of tribal property yet to be disposed of and of other matters affecting the tribes, it would be advisable to abolish the tribal organization of the Choctaw and Chickasaw Nations at the present time.

In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

Very truly, yours,

FRANKLIN K. LANE.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

REPORT ON H. R. 12586.

JANUARY 2, 1915.

Hon. JOHN H. STEPHENS,
Chairman House Committee on Indian Affairs,
Washington, D. C.

SIR: Your subcommittee appointed to investigate and report on H. R. 12586 begs leave to submit the following observations:

A careful and painstaking investigation of all treaties, laws, and other records bearing on this claim, including hearings lasting from April 1, 1914, until August 27, 1914, was gone into by your committee.

H. R. 12586 directs:

1. The Secretary of the Interior to enroll certain Mississippi Choctaws upon the rolls of the Choctaw Nation in Oklahoma, with a full participation in their tribal estate.

2. To reopen the Choctaw rolls for the adjudication of 20,000 or more alleged claimants.

There are some Choctaws still remaining in Mississippi who have persistently refused and successfully resisted all efforts of the Federal Government and the Choctaw Nation to have them move west and affiliate with the tribe.

The testimony before the subcommittee discloses many thousands of persons of doubtful descent, African and other, living in Mississippi and surrounding States, who have attempted to assert claims as Choctaw Indians.

Such Indians of real Choctaw blood as still reside in Mississippi appear to take little interest in the claims asserted by their alleged attorneys. On the other hand, those claiming remote Indian blood and of doubtful descent have manifested much interest in being enrolled and sharing in a division of the Choctaw funds in Oklahoma.

The contention of these latter seems to have been inspired and augmented by certain attorneys who have sent agents among these people advising them that they were Indians and taking contracts for their enrollment for a contingent fee of from 30 to 40 per cent of recovery, and in many instances a small cash retainer in addition.

According to statements and admissions of these attorneys and their agents, two firms alone, those of Cantwell & Crews, of St. Louis, Mo., and Ballinger & Lee, of Washington City, D. C., and Ardmore, Okla., hold contracts with 15,596 individuals, carrying provisions for fees aggregating $10,882,815.

The testimony further shows that a syndicate for the purpose of securing the enrollment of Mississippi Choctaws and a participation in the tribal estate of the western Choctaws has been formed under the name "the Texas-Oklahoma Investment Co.," capitalized at $100,000, $25,000 of which has been paid in and used. The directors of this corporation are S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.

This claim of the Mississippi Choctaw attorneys for enrollment of their clients and participation in the Choctaw Nation's estate is by no means a new contention. The claim was, under direction of law, fully adjudicated by the Commission to the Five Civilized Tribes (H. Doc. 274, 55th Cong., 2d sess.) and afterwards by the Federal court, to which appeal was taken (Jack Amos et al. *v.* The Choctaw Nation, Decisions of United States Courts in Indian Territory, 465), both decisions being adverse to the Mississippi Choctaw contention for enrollment.

In rejecting the claim of nonresident Mississippi Choctaws the Commission to the Five Civilized Tribes said in part:

"This historical review of the acquisition of this territory by the Choctaw Nation and its subsequent legal relations to it makes it clear in the opinion of this commission that the Mississippi Choctaws are not under their treaties entitled to all rights of Choctaw citizenship except an interest in the Choctaw annuities and still continue their residence and citizenship in Mississippi." (H. Doc. 274, 55th Cong., 2d sess.)

In affirming the decision the United States District Court for the Central District of Indian Territory closed its decision with the following paragraph:

"To permit men with, perchance, but a strain of Choctaw blood in their veins, who, 65 years ago, broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation and have become strangers to the people, to reach forth their hands from their distant and alien homes and lay hold on a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable. It is, therefore, the opinion of the court that the absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation. The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation." (Jack Amos et al. *v.* The Choctaw Nation, Decisions of United States Courts in Indian Territory, 465.)

An apeal was taken from these decisions by the attorneys for the Mississippi Choctaws to the Supreme Court of the United States and the Jack Amos case was dismissed upon motion of the attorneys for the Mississippi Choctaws (190 U. S., 873).

Several years subsequent to the date of these decisions excluding the Mississippi Choctaws from enrollment this matter was again taken up and readjusted by the legally constituted authorities of the Federal Government and the Choctaw and Chickasaw Nations in Oklahoma, by which agreement the Mississippi Choctaws were given additional time for identification and establishment of bona fide residence in the Choctaw Nation in Indian Territory. (Supplemental agreement, "An act to ratify and affirm the agreement with the Choctaw and Chickasaw Tribes of Indians, etc.," approved July 1, 1902.)

The Choctaw Nation in Oklahoma has dealt justly and liberally with the Mississippi Choctaws, always granting them full citizenship in their nation, with all emoluments thereto, whenever they would agree to affiliate with the tribe, and the Choctaw Nation in Oklahoma is under no legal, equitable, or moral obligation to enroll the Mississippi Choctaws as citizens of the tribe in the West at this time.

By the agreements negotiated between the Federal Government and the Choctaw Nation, all native western Choctaws were required to be on the reservation by June 28, 1898, or stand debarred from enrollment and participation in the tribal estate forever thereafter, and this rule has been strictly adhered to.

The time for establishment of residence on the reservation was extended to the Mississippi Choctaw claimants until July 1, 1903, giving the Mississippi Choctaws five years to move on the reservation after the time for establishment of such residence had been closed to the native Choctaws.

After 11 years were consumd by the Commission to the Five Civilized Tribes in making up the rolls of the Choctaw and Chickasaw Nations such rolls were affirmatively closed by action of Congress on March 4, 1907.

The rolls of the Choctaw Nation were held open to the Mississippi Choctaws from 1830 until March 4, 1907, giving the Mississippi Choctaws 77 years in which to complete enrollment with full benefits of citizenship.

The Federal Government as such is neither legally nor equitably obligated to enroll Mississippi Choctaws with the Choctaws west, and is under only such moral obligation to the Mississippi Choctaws as is due to dependent North American Indians who were originally occupants and owners of the soil and who have been deprived of their patrimony by white settlers.

The passage of H. R. 12586 would completely upset and undo 11 years of careful, painstaking work of the Interior Department in settling the affairs of the Five Civilized Tribes, turn the wheels of progress backwards for more than 20 years, and, as has been said by President Taft, "open up a Pandora's box of troubles, which the life of the present generation might not see closed."

The passage of H. R. 12586 would doubtless result in stupendous claims of millions of dollars against the Federal Government on the part of the Oklahoma Choctaws, because of a division of their funds among persons whom the Federal commissions and Federal courts have decided were not entitled thereto.

Its passage would lend encouragement to grafting attorneys with contracts for enormous attorneys' fees, running into millions of dollars, and hold out inducement for procuring additional contracts from spurious claimants.

Your subcommittee therefore recommends that the Harrison bill (H. R. 12586) be not favorably reported by the House Committee on Indian Affairs.

Respectfully submitted.

C. D. CARTER, *Chairman.*
J. D. POST.
ROBT. P. HILL.
P. P. CAMPBELL.

Mr. OWEN. Mr. President, I do not wish to detain the Senate. I have already detained the Senate 12 minutes, and that is long enough on this threadbare pretension.

Mr. VARDAMAN. Mr. President, this question is old, and any discussion of it will be a twice-told tale, vexing the dull ears of a very tired Senate, I know, and I am not going to add to the discomfort of Senators by indulging in a lot of fruitless talk.

My colleague, the senior Senator from Mississippi, has covered the ground very thoroughly. The equity of the Mississippi Choctaw in this fund is, to my mind, unquestionable. He probably failed to go to Oklahoma according to the terms of the law, but the United States can not afford to take advantage of that. He is the ward of the Government, and it is the duty of the Government to take care of and protect his interests. Any other view of the question is, to my mind, untenable and indefensible.

I had intended to move to amend the bill by striking out "$300" and inserting "$200," to be paid out per capita to the Choctaw Indians in Oklahoma. There seem to be, however, some sort of agreement or understanding among the friends of the poor, old, indigent, homeless, slandered, and abandoned Mississippi Choctaw to permit this bill to go through without amendment, trusting to God and the generosity of the American Congress to do something for him in the future. To my mind, his treatment is a crime against humanity—a blot upon the pages of American legislative history.

I do not think Congress can be or will be pardoned for the treatment the Choctaw Indian has received; but, as was so graphically and so eloquently stated by the senior Senator from Mississippi [Mr. WILLIAMS], he has no voice in the Government; he is merely flotsam and jetsam on the sea of life. He is dying out very rapidly, and it will only be a few years before there will not be any of these Indians left; but I suppose the only thing we can do now is merely to wait and hope—hope, if for nothing more, that if he is denied justice in this world he may find it with compound interest in the realm of the happy hunting ground across the great divide.

I do not want to deny to the Oklahoma Choctaws their rights. They are interested in a part of this fund. It is the duty of the United States Government to give it to them; and if Congress should at any time come to a consciousness of its injustice, or if the Congress should be so moved by an outraged conscience as to do them justice, I suppose there will be enough of the corpus of the fund left in the hands of the Government to give the Mississippi Choctaws what they are entitled to. With this short statement, Mr. President, I shall permit the wrong to be perpetrated without further comment, because I am sure that further comment would avail nothing.

Mr. GORE. Mr. President, as no amendment has been proposed to strike out the provision for the per capita payment I do not feel under any obligation to discuss the merits of this measure at this time. On a previous occasion I exhausted the subject and exhausted the Senate by such a discussion. I then undertook to show that the Government of the United States had on three several occasions undertaken to adjust the claims on the part of the Mississippi Choctaws at the expense of a great deal of land and at the expense of a great deal of money. I undertook to show that this claim on the part of the Mississippi Choctaws had been repeatedly considered and repeatedly rejected. I am willing to deal justly with the Mississippi Choctaws; I am even willing to deal generously with them, but not at the expense of the Oklahoma Choctaws. Further than that, I have nothing to submit.

The VICE PRESIDENT. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 71, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any moneys belonging to said tribe in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, $300 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members or their heirs are Indians who belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act. There is hereby appropriated a sum not to exceed $2,000 out of the funds of said Seminole Tribe for the payment of salaries and other expenses of said per capita payment or payments.

The amendment was agreed to.

Mr. ASHURST. Mr. President, before we leave the matter of the per capita payment of these Indians I wish to have inserted in the RECORD a statement made by the Assistant Commissioner of Indian Affairs to the House committee.

Mr. OWEN. I wish the Senator from Arizona would also ask to have inserted in the RECORD a letter from the Secretary of the Interior, Mr. Franklin K. Lane.

Mr. ASHURST. I ask also that the letter referred to by the Senator from Oklahoma may be inserted in the RECORD.

The VICE PRESIDENT. Without objection the request will be granted.

The matter referred to is as follows:

Mr. MERITT. Mr. Chairman, I am authorized by Commissioner Sells to make the following statement in regard to the per capita payment to Choctaws and Chickasaws:

The books of the Indian Office show that on December 15, 1915, there was in the Treasury of the United States to the credit of the Choctaw Nation, Oklahoma, the sum of $3,360,620.11, and in banks in Oklahoma to the credit of said nation the sum of $4,071,733.13, the total Choctaw tribal fund being $7,432,353.24. The books of the Indian Office further show that on said date there was in the Treasury of the United States to the credit of the Chickasaw Nation, Oklahoma, the sum of $778,471.51, and in banks in Oklahoma, to the credit of said Chickasaw Nation, the sum of $1,143,638.97, the total Chickasaw tribal fund being $1,922,110.48, the aggregate fund of the Choctaw and Chickasaw Nations being $9,354,463.72. The deferred payments on the Choctaw and Chickasaw tribal lands heretofore sold approximate $6,000,000 and the estimated value of the unsold land and other property of said nations approximates $16,149,491.23. Thus the total funds and other property of the Choctaw and Chickasaw Nations approximates $31,503,954.95.

Twenty thousand seven hundred and ninety-nine enrolled citizens of the Chocktaw Nation are entitled to share in any per capita distribution of the funds of said nation, and 6,304 enrolled citizens of the Chickasaw Nation are entitled to share in any per capita distribution of the tribal funds of that nation.

For the purpose of further carrying out the Atoka agreement with the Choctaw and Chickasaw Tribes (see act of Congress of June 28, 1898, 30 Stat. L., 495, 512–513) and the supplemental agreement with said Indian tribes adopted by the act of Congress of July 1, 1902 (32 Stat. L., 641–654), and in view of the general needy conditions existing in said Indian nations it is recommended that an appropriation be made, out of the Choctaw tribal funds, for a per capita payment to the enrolled members of the Choctaw Tribe or to the heirs of deceased enrolled members, and out of the Chickasaw tribal funds for a per capita payment to the enrolled members of the Chickasaw Tribe or to the heirs of deceased enrolled members of said tribe, and that it be provided that such payments shall be made under rules and regulations to be prescribed by the Secretary of the Interior, and that in cases where the enrolled members of the Choctaw and Chickasaw Nations or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Inasmuch as a $100 per capita payment was made to the enrolled members of the Chickasaw Nation under the act of August 1, 1914, at which time no payment was made to the enrolled members of the Choctaw Nation, it is therefore recommended that the enrolled members of the Choctaw Nation should be paid $100 per capita more than the amount provided for the enrolled members of the Chickasaw Nation. These payments would be made from the tribal funds belonging to the Choctaw and Chickasaw Nations and would not be a tax on the Federal Treasury.

—

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1916.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. STEPHENS: Reference is made herein to H. R. 11479, entitled "A bill making a per capita payment to the Seminole Indians," and to your request of February 17, 1916, for a report thereon for the information and use of the Committee on Indian Affairs of the House of Representatives.

There is inclosed for your information a copy of a report of February 15, 1916, from the Acting Superintendent for the Five Civilized Tribes relative to the status of the undisposed of tribal land and funds of the Seminole Nation. It appears therefrom that only a few tribal matters remain undisposed of, and that on January 20, 1916, there was to the credit of the Seminole Nation in the Treasury of the United States and in banks in Oklahoma the sum of $1,580,260.14.

It was provided in the agreement of the United States with the Seminole Nation of Indians of Oklahoma, contained in the act of Congress of July 1, 1898 (30 Stat. L., 567–568), that $500,000 of the funds belonging to the Seminoles held by the United States should be set apart as a permanent school fund for the education of children of the members of said tribe and should be held by the United States at 5 per cent interest or invested so as to produce such amount of interest, which should after the extinguishment of the tribal government be applied by the Secretary of the Interior to the support of the Seminole schools. This fund should not be considered as available for per capita distribution to the members of the tribe at this time. Reserving said fund and in addition thereto the amounts necessary to provide for outstanding unpaid claims of individual members of the nation, there remains sufficient tribal funds to provide a $300 per capita payment to the 3,127 enrolled members of the nation.

In view of the provisions of the agreement with the Seminole Nation of Indians as contained in the above-mentioned act of Congress of July 1, 1898, the practical completion of the work relating to Seminole tribal property and affairs and the general needy conditions existing in the Seminole Nation a per capita distribution should be made. As to the Indians of the incompetent or restricted class, it should be provided that the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of said incompetent or restricted Indians.

I therefore suggest that H. R. 11479 be amended by omitting lines 8 to 12, inclusive, on page 1 of the bill and substituting therefor the following:

"That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians in Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any moneys belonging to said tribe in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $300 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act."

I recommend the enactment of H. R. 11479 if amended as above suggested.

Cordially, yours, FRANKLIN K. LANE, *Secretary.*

RURAL CREDITS.

Mr. McCUMBER. Mr. President, I desire to give notice at this time that, with the permission of the Senate, after the conclusion of the routine morning business to-morrow, I shall submit some remarks upon the rural credits bill which has been introduced in the Senate.

Mr. CHILTON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 28, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 27, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, pour out Thy spirit upon us and kindle in our hearts a flame of sacred fire which will illumine our minds, quicken our conscience, ennoble our desires, and bring us into closer relationship with Thee; that our work may live to the betterment of every home throughout the land, to society, and our beloved Republic, which we all love. So may Thy kingdom come and Thy will be done in all our hearts. To the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of Saturday, March 25, 1916, was read and approved.

SANITARY CONDITIONS OF DAIRIES.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the business on the Speaker's table, I may address the House for 15 minutes on House resolution 137, providing for a committee to investigate the sanitary conditions of dairies of the country.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent that next Monday, after the reading of the Journal and the clearing up of the business on the Speaker's table, he may be permitted to address the House for not to exceed 15 minutes on the subject of appointing a committee to investigate the sanitary conditions of dairies of the country.

Mr. FOSTER. I object.

Mr. FITZGERALD. Mr. Speaker, I shall be compelled to object. There is too much important public business awaiting the action of the House——

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] has already objected.

CALL OF THE HOUSE.

Mr. BURNETT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Bacharach	Griest	Liebel	Scully
Beakes	Griffin	Loft	Shackleford
Carew	Guernsey	Longworth	Sisson
Carlin	Hamill	McFadden	Small
Cary	Hamilton, N. Y.	Maher	Snyder
Copley	Hart	Mays	Steele, Pa.
Costello	Haskell	Moores, Ind.	Sterling
Dale, N. Y.	Hay	Morin	Stiness
Darrow	Henry	Morrison	Stone
Dewalt	Hernandez	Nichols, Mich.	Talbott
Dooling	Hill	Oldfield	Volstead
Driscoll	Hilliard	Paige, Mass.	Walker
Eagan	Howard	Price	Ward
Edmonds	Hulbert	Riordan	Watkins
Edwards	Hutchinson	Roberts, Mass.	Whaley
Finley	Johnson, Ky.	Roberts, Nev.	Williams, W. E.
Flood	Jones	Rodenberg	Wingo
Flynn	Kennedy, Iowa	Rowe	Wood, Ind.
Focht	Kreider	Rubey	Young, Tex.
Graham	Lafean	Russell, Mo.	
Gregg	Lewis	Scott, Pa.	

The SPEAKER. On this roll call 351 Members, a quorum, have responded to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. Further proceedings under the call are dispensed with. The Doorkeeper will unlock the doors.

SPEECH OF MR. DAVIS OF TEXAS.

Mr. WEBB. Mr. Speaker, I desire to present at this time a privileged report and resolution, and ask for the immediate consideration of the same. (H. Res. 186, Rept. 429.)

The SPEAKER. The gentleman presents a privileged report and resolution, which the Clerk will report.

The Clerk read as follows:

The select committee, appointed by the Speaker on the 24th day of March, 1916, upon the following motion made by Mr. MADDEN, "That a committee of five be appointed by the Chair to investigate the language of this speech and report whether it should remain in the records," beg leave to respectfully report as follows:

Your committee invited Mr. J. H. DAVIS before it, and, after listening to his statement and carefully considering his speech inserted in the CONGRESSIONAL RECORD on March 22, at pages 5344, 5345, 5346, and 5347, recommend that the language in said speech hereinafter designated be stricken from the RECORD. It is proper to say that these recommendations have the consent and approval of Mr. DAVIS himself.

On page 5345, first column, in lines 7 and 8, strike out the words beginning with the word "uncaps," in line 7, and ending with the word "page," in line 8.

On page 5345, first column, in lines 9 and 10, strike out the language beginning with the word "This," in line 9, and ending with the word "page," in line 10.

On page 5345, first column, line 18, strike out all of said line after the word "poltroon" and the first three words of line 19, ending with the word "cutters."

On page 5345, second column, beginning with line 23, strike out all language, beginning with the words "I don't know this man," down to and including the words "Gen. Miles and me," in line 47.

On page 5346, first column, strike out the language in the last paragraph of said column, beginning with the words "But I am thankful," down to and including the word "depraved," in line 4, in the second column of said page.

On page 5346, second column, line 27, strike out all language in said line after the word "Chronicle."

On page 5346, second column, line 49, strike out the word "kept" and insert in lieu thereof the word "subsidized."

On page 5346, second column, strike out all language in paragraph 6, beginning with the words "Some days ago" and ending with the words "and his colleagues."

The committee therefore recommends the adoption of the following resolution:

Resolved, That the foregoing language referred to in the speech of Mr. J. H. DAVIS, Representative in Congress from the State of Texas, and printed in the daily CONGRESSIONAL RECORD of March 22, 1916, be stricken from the permanent record.

E. Y. WEBB.
ALBEN W. BARKLEY.
A. J. MONTAGUE.
HENRY ALLEN COOPER.
EDMUND PLATT.

Mr. WEBB. Mr. Speaker, before moving the previous question I desire to yield three minutes to the gentleman from Texas [Mr. DAVIS].

The SPEAKER. The gentleman from North Carolina yields three minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, I think there are Members on this floor, numbers of them, who know that my life has been one of exasperation by certain elements with whom I have had to contend, and that most men who have endured what I have for the last 25 years have done well to come out alive and without being anarchists. I thank my God that I have never lost hope in the great mass of the common people among whom I have lived and had my being, and that faith in them and faith in God have kept me alive, full of good cheer. There has been a great deal said, especially in the press, about my heading that speech "Patriotism and Americanism." I did not put that heading over it. I put no heading over it whatever. When it came back to me the Public Printing Office had put that over it, which I took as a great compliment, and thank them sincerely. [Laughter.]

Regarding this whole matter I wish to state that I inserted that speech in the RECORD with a full knowledge and measure of every word in it. The reason I said nothing when I was branded as seeking to make the CONGRESSIONAL RECORD a "cesspool" was because I was trying to compose myself and praying God for forbearance. When the gentleman from Illinois [Mr. MADDEN] moved to expunge my speech I resolved to stand on my rights and defend every word. But some friends, whose judgment I valued with great esteem, told me there were a few paragraphs in it which, while not obscene, were too harsh and vengeful to comport with my well-known Christian standing. [Laughter.] Whether this was flattery or sincere it had the desired effect. I took the speech, edited it, leaving out those paragraphs, and the special committee practically accepted the speech as I had revised it. That is true, is it not?

Mr. WEBB. Yes, sir; that is true, Mr. Chairman.

Mr. DAVIS of Texas. I now state to the gentleman from Illinois that I have spent a large part of my life cleaning up "cesspools" in this country, and will likely make about 10 speeches this summer in Illinois helping to clean up some legalized "cesspools" in that State, and will be glad to have him meet me in joint debate. I think I can promise him some of the most interesting times he ever had in his life. [Laughter and applause.]

I want to gratefully thank many friends on both sides of this House for their tender of unqualified support.

Mr. WEBB. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution and report.

The resolution and report were agreed to.

IMMIGRATION.

The SPEAKER. Under the rule the House resolves itself automatically into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 10384. To regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. SABATH. Mr. Chairman, can we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 7 strike out lines 21, 22, 23, 24, and all of page 8, and all of page 9 down to and including the word "territory."

The CHAIRMAN. All debate having been exhausted, the question is on the amendment.

Mr. SABATH. Mr. Chairman, all time has been consumed, as I understand, but for the information of Members not present when the amendment was offered I will say that this is the literacy test.

The CHAIRMAN. The gentleman is not in order; nothing remains but to vote on the amendment.

Mr. NORTON. Mr. Chairman, can we have the words read that are proposed to be stricken out?

The CHAIRMAN. The Clerk will again report the amendment.

Mr. MANN. Mr. Chairman, I ask to have the language in the bill read which is proposed to be stricken out.

The CHAIRMAN. Without objection, the Clerk will report the language proposed to be stricken out.

The Clerk read as follows:

That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the language which has just been read from the desk.

The question was taken; and on a division (demanded by Mr. SABATH) there were 74 ayes and 209 noes.

Mr. SABATH. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Alabama, Mr. BURNETT, and the gentleman from Illinois, Mr. SABATH.

The committee again divided; and the tellers reported that there were 82 ayes and 225 noes.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, line 24, after the word "religious," insert the words "or political."

Mr. SABATH. Mr. Chairman——

Mr. GARDNER. Mr. Chairman, I raise the point of order that all debate is exhausted.

The CHAIRMAN. Does this amendment apply to this section?

Mr. SABATH. It does.

Mr. GARDNER. I raise the point of order that no debate is in order.

The CHAIRMAN. The Chair is trying to find out what portion of the section the amendment applies to. The limitation of debate was entirely as to the Sabath amendment and not with respect to the section generally.

Mr. GARDNER. The Chair is quite right as to its not applying to the section generally, but it was limited as to the literacy test, and this amendment applies to the literacy test.

The CHAIRMAN. That is what the Chair was trying to ascertain from the gentleman from Illinois.

Mr. SABATH. The limitation of debate was to my amendment and all amendments thereto.

The CHAIRMAN. No; the limitation was to the amendment of the gentleman from Illinois and the subject matter to which his amendment was directed.

Mr. SABATH. Then, Mr. Chairman, I ask unanimous consent to proceed for five minutes on this amendment, and in connection with that request I wish to say that I shall have but one more, or not more than two amendments, to offer to the entire bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent, in connection with his amendment, to proceed for five minutes.

Mr. BURNETT. I will make no objection to that if I may have five minutes.

Mr. GALLIVAN. Reserving the right to object, Mr. Chairman, and I shall not object, but I understood the gentleman from Illinois [Mr. SABATH] to say that he would have only two amendments. Of course that statement only affects the gentleman from Illinois for some of us have amendments to offer, and I did not want the impression to prevail that there are only two amendments on this side.

The CHAIRMAN. The statement of the gentleman from Illinois only affected himself.

Mr. SABATH. I have no authority to speak for any other Member.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague, the gentleman from Illinois, have five minutes and the gentleman from Alabama [Mr. BURNETT] have five minutes on this amendment.

The CHAIRMAN. The request is enlarged so as to include five minutes to the gentleman from Alabama. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman and gentlemen of the House, the Committee on Immigration, in reporting this bill, has made an exception in the case of certain people to whom the literacy test should not apply. I am thankful for that exception, which is that the literacy test shall not operate as to those who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution; and here I desire to offer my amendment, which will make the provision read, "avoid religious or political persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations which discriminate against the alien."

As I have said, Mr. Chairman and gentlemen, I am pleased and am thankful to the committee for the exception as it stands, but I think they should have, in all fairness and justice, included all those who are fleeing from political persecution as well. It has been stated that the Immigration Commission, which for two years investigated the immigration question, has made a report on the literacy test and has recommended this law.

I desire to say that two of the gentlemen who helped to prepare the Immigration Commission report of 1911 have published a book, and in that book they have clearly set out their views on this particular phase of the immigration question I refer to Prof. Jenks and Prof. Lauck, of the now famous Immigration Commission. On pages 333 and 334 of their book appears the following paragraph:

In the judgment of the commission, as well as of most other enlightened citizens, the United States should remain in the future, as in the past, a haven of refuge for the oppressed, whether such oppression be political or religious. Any restrictive measure should contain a provision making an exception of such cases.

Mr. Chairman, from this you will see that these gentlemen did not make the exception apply only to religious persecution, but they also embodied in their recommendation political perse-

cution, so as to include those who are obliged to flee the country of their birth because of political conditions.

Due to the unbearable conditions prevailing in some of the localities in Europe, students and thinkers who could no longer bear the oppression and tyranny came forward and advocated a change in the prevailing conditions in their respective countries. For their advocacy of a betterment of condition of the unfortunate masses of their people thousands upon thousands of these honest and well-meaning men have been banished and imprisoned. Many of them, without a semblance of a trial, have been executed or sent to the mines of Siberia.

Still other humanitarians who have sacrificed their personal liberty by urging what they believed to be right and just have been obliged to flee from their native countries in order to escape the terrible punishments which were sure to be inflicted upon them.

It is for these humanitarians and patriots that I plead when I ask that the amendment be accepted. I do this believing that our country should continue in the future, as in the past, a haven of refuge for the oppressed and persecuted of all nations.

Mr. BURNETT. Mr. Chairman, the political refugee has been very carefully taken care of on page 9 of the bill with the following proviso, beginning in line 13:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

The committee believed that was as far as we ought to go, that those who were otherwise admissible who were convicted because of teaching political heresies in their own country should not be excluded. But here is a literacy test, a test from which we exempt fathers and mothers, wives and daughters, and those who by reason of religious persecution evidenced by either overt acts or by the laws of the country or by Government regulations, making it broader than any provision of that character which has been heretofore agreed upon—and my good friend from Massachusetts [Mr. GARDNER], the former ranking member of the committee, on Saturday felt constrained to offer an amendment, saying "overt governmental acts," but being assured that that would be the construction that would be placed upon it by officials who would pass upon it, he withdrew it, although he has always been in favor of confining it to those fleeing from religious persecution solely. If we open wide the door, as the gentleman from Illinois [Mr. SABATH] has suggested, so far as the mob in Mexico is concerned, the literacy test would not be worth a bawbee, because they are having political revolutions there all of the time, and every bandit that can get together a dozen men and declare that he is in favor of political liberty would be entitled to come over here whether he could read a word of his own language or the language of any other country.

The other day the gentleman from Massachusetts [Mr. GILLETT], indicated what seems to be a widespread temper among the American people to exclude all aliens for the next 10 years. I have never quite got myself up to that point. I do not want these gentleman who are honestly the friends of the immigrant, no doubt, to make a mistake and emasculate this bill. I do not challenge their patriotism, but by undertaking to inject these matters they will take the teeth out of it altogether, especially in regard to our neighbors to the south, and by so doing they will unconsciously force the passage of laws much more rigid through this Congress. I stand here to-day more a friend of the Jew and the Teuton and the Celt than the gentlemen themselves who are undertaking to draw the teeth out of this bill so that there will be scarcely nothing left in it. I hope gentlemen will not be misled by any such specious argument. These questions were worked out carefully by the members of the committee—strong men, lawyers, patriotic men—some of them coming from districts in which there are many of the foreign element, and when they voted for this educational test it is not unlikely that they took their political lives in their hands, demanding, as one gentleman said, international compulsory education. Therefore I hope that gentlemen will stand by the committee in this proposition and will not be misled by the arguments of the gentleman from Illinois [Mr. SABATH].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 43, noes 140.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the committee rise, so that I may be able to report an urgent deficiency appropriation bill for the Army, due to the condition in Mexico.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the committee rise, so that he may submit the matter indicated.

Mr. MANN. Mr. Chairman, I suggest that we can not limit it.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the committee rise. Is there objection?

There was no objection.

Accordingly the committee rose; and Mr. BOOHER, as Speaker pro tempore, having assumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10384 and had come to no resolution thereon.

THE MILITARY ESTABLISHMENT.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 13768) to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916, which was read a first and second time, and, with the accompanying report (No. 431), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

IMMIGRATION.

The SPEAKER pro tempore. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the immigration bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10384, with Mr. SAUNDERS in the chair.

Mr. GALLAGHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 25, after the word "living," insert:
Provided, That said persons coming on ships shall be examined by said examining surgeon on board said ships during the voyage.

Mr. GALLAGHER. Mr. Chairman, I now ask unanimous consent that the Clerk may report the section as it would read with the amendment.

The CHAIRMAN. Without objection, that will be done.

The Clerk read as follows:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathesome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living: *Provided*, That said persons coming on ships shall be examined by said examining surgeon on board said ships during the voyage.

Mr. GALLAGHER. Mr. Chairman, if it is intended by those who favor this bill to perfect it against these conditions here is a chance. It is contended here in this debate that one of the alarming reasons has been that under the old law our insane asylums and almshouses were filled by pauper immigrants brought over here to become a public charge. One of the troubles with the old immigration law was that the surgeons making the examinations did not have the time needed, when this flood of immigrants landed upon the docks, to make suitable examinations, and that is one of the principal causes why these insane people and others like them are allowed to come in. The immigration inspectors will tell you that they do not have the time or opportunity to make a suitable examination when these people are landed from the ship. Now, if the surgeon is put upon the boat, he has the time during the whole voyage in which to make these examinations. If one surgeon can not do the work, you can put on a suitable number, and then we can find out something about the physical condition of these people who are landed here. I am aware that this provision has been in the bill before, and it was stricken out at the other end of this building. The steamship companies will object to it, naturally, but it does not matter to us whether they do or not. We have a perfect right to put surgeons upon these boats to make examinations, and that is the place where the examinations ought to be made.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. GALLAGHER. I will.

Mr. O'SHAUNESSY. I am very glad the gentleman has offered his amendment; and I would like to ask the gentleman how many surgeons are allotted to a ship?

Mr. GALLAGHER. I do not know the exact number.

Mr. BENNET. I can answer the gentleman's question. To the shame of our country the United States immigration laws do not put a single surgeon on a vessel.

Mr. O'SHAUNESSY. So that the whole examination is on the dock?

The CHAIRMAN. To whom does the gentleman yield?

Mr. O'SHAUNESSY. I yield to the gentleman from New York.

Mr. BENNET. In section 13 it is provided that where there is no surgeon on the ship employed by the company, then the company can ask for a surgeon, and of all the ridiculous provisions in the law this bill provides that that surgeon, no matter what he finds, no matter how bad conditions may be, must swear that every man on board ship is admissible. It is ridiculous.

Mr. O'SHAUNESSY. I would like to ask the gentleman from New York, in his opinion, is that the real cause of the congestion of the lunatic asylums with foreign lunatics?

Mr. BENNET. Oh, no; I do not say——

Mr. O'SHAUNESSY. Well, very largely.

Mr. BENNET. When I was in the Sixty-first Congress I introduced a bill for surgeons and matrons on vessels, of which there is a vermiform appendix in this bill——

Mr. GALLAGHER. I do not yield further.

Mr. BENNET. I will discuss that when I get some time.

Mr. GALLAGHER. I yield to the gentleman from Massachusetts.

Mr. HAYES. Mr. Chairman, I want to suggest in reply to the gentleman from New York that the Government of the United States has no jurisdiction to put surgeons on foreign ships.

Mr. GALLAGHER. There is not any question about having jurisdiction. We have ample jurisdiction to put surgeons on ships, and that is one of the arguments of the steamship company.

Mr. HAYES. This Government has undertaken to try to get an agreement to that effect.

Mr. GALLAGHER. The trouble is, we have not the surgeons on the docks and at the different points of entry to make suitable examination. You can readily see that when a great army of people are landed on the docks that these surgeons have no way of making a suitable examination.

Mr. POWERS. I would like to inquire of the gentleman about the number of additional surgeons that this would require if the gentleman's amendment should be agreed to?

Mr. GALLAGHER. We can find out. I do not know. It does not make any difference how many are required; we ought to have a sufficient number to do this work.

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the gentleman's amendment.

Mr. BURNETT. I had supposed that all debate was exhausted when the gentleman from Illinois and myself had occupied five minutes.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. BURNETT. Mr. Chairman, I make the point of order that there is no further debate on this except the debate allowed to the gentleman from Illinois and myself.

Mr. BENNET. Oh, yes. That was just on the religious amendment. There is no agreement on this amendment.

The CHAIRMAN. The agreement relates to the motion of the gentleman from Illinois, not to further amend the remainder of the section.

Mr. GARDNER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARDNER. To ask whether under the rules of the House a member of the committee is not entitled to recognition in opposition?

The CHAIRMAN. If a member of the committee arises for that purpose. The gentleman from Alabama will be recognized.

Mr. BENNET. Mr. Chairman, the position of the gentleman from Illinois is absolutely correct and fair, and to say that we have no power is ridiculous. We have certainly as much power as the Italian Government has, and every German vessel that sails out of an Italian port carrying immigrants carries on it by law a surgeon of the Royal Italian Navy, and by law, on that German vessel, he sits at the right hand of the captain and has one of the best cabins on the ship. Why should we not have such a provision in this bill? I do not know why it was not put in the bill. I introduced a bill in the Sixty-first Congress; I have forgotten whether it was reported out or not, I think we did—if we did not we should have.

The gentleman from Massachusetts [Mr. GARDNER] corroborates my recollection that it was reported in the Sixty-third Congress. I think it was reported in the Sixty-second Congress also, and was stricken out somewhere, either here or across the way or in conference. The Italian Government does by its immigrants what we ought to do in a far higher degree, for the people are leaving their land and they are coming to our land, and they ought to be protected from the moment they set foot on a ship to come to this country. I have always stood for that sort of proposition. And I would like to see such a provision in the bill.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. BENNET. Yes.

Mr. MILLER of Minnesota. Is it proposed that these surgeons shall have authority to accept or reject immigrants?

Mr. BENNET. No; but it was proposed in the bill that I drew that the captain of a ship in relation to everything relating to passengers should be under the surgeons appointed by the United States Government. And that ought to be the law. Now, what have they got? Over on page 27 they have a provision that is enough to make a legislator weep, in section 13—the parts I am about to refer to. And that provision is this, that the surgeon who sails on a ship, the company's surgeon, must examine the immigrants, which is right enough; and then that the surgeon of said vessel sailing therewith shall also sign the list or manifest and make an oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he had made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. And the captain certifies that none of said aliens is of any of the classes excluded from admission into the United States. No matter what the surgeon wants, no matter what the conditions are, the captain must swear by law that everything is all right. I am going to offer an amendment when that section is reached.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. There was a provision similar to that suggested by the gentleman in the bill before Congress at its last session. There was great opposition to it by the foreign Governments, they contending that on their ships we had no right to put surgeons or matrons. It is true that on some of the German ships sailing from Italian ports the Italian Government has its Italian doctors, but that is by agreement. They could not force them upon those German ships if they declined to have them. And on that very question the present Secretary of Labor said when that matter was up before:

> I am not entirely satisfied that the system of examination and observation on board ship will accomplish that which is expected of it by its proponents, for unless the force placed on a ship having a passenger list running from a comparatively small number up to 1,500 immigrants is sufficient properly to inspect and observe all of them, the work would be incomplete and of limited value. To provide the necessary force—and if the Government initiates the system all ships, whether carrying few or many passengers, would have to be inspected to avoid the appearance of discrimination—the expense would necessarily be large.

And he said further:

> In conclusion, I will add that suggestions now under investigation, together with the many improvements in the administrative and other features of the pending bill, if enacted into law, will, in my judgment, to a great extent clear the situation, and also minimize the need for the said legislation.

Now, Mr. Chairman, we feel that it is already taken care of to a large extent. The gentlemen talk about the captains making an affidavit in regard to their coming within these rules. I hope the amendment will not be adopted, because we do not want this bill again loaded down in such a way that there will be a veto. The country demands that the bill shall pass.

Mr. O'SHAUNESSY. What are the conditions at the ports of entry in relation to these medical examinations? Have we a sufficient number of medical examiners to do the work thoroughly?

Mr. BURNETT. I will answer that. Instead of $50,000, as now provided by law, this bill provides for $100,000. They wanted money enough so that the immigration authorities can make the inspection. As I stated yesterday, last year the steamships, although they brought over only about 400,000 immigrants, 25,000 of them were turned back. Before the decrease in immigration we were unable to make better inspection. All the bureau needs is money enough to make the inspection, and one of the purposes of this $8 head tax is that there may be better inspection. I ask for a vote.

Mr. POWERS. Mr. Chairman——

The CHAIRMAN. Debate on this amendment has expired.

Mr. POWERS. Mr. Chairman, I ask unanimous consent to debate this amendment for three minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to debate this amendment for three minutes. Is there objection?

There was no objection.

Mr. POWERS. Mr. Chairman, I think the amendment offered by the gentleman to the effect that the examining surgeon should examine these men on board the vessels before they reach this country would be exceedingly wise, if it could be done. It would take a great number of surgeons in order to accomplish the work, in the first place, and, in the second place, Mr. Chairman, it can not be legally done. The oceans are everybody's highway. With the British ships sailing on the ocean, men on the British ships are on British territory and under British jurisdiction; the men on German ships are on German territory; the men on Italian ships are on Italian territory; and we have no right to put our men on British territory or German territory or on Italian territory to make these examinations. Theefore the committee felt it wise to frame the bill as it has been done.

Mr. BENNET. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from New York?

Mr. POWERS. Yes; I yield.

Mr. BENNET. Are we not as powerful a Nation as Italy, that puts a royal Italian Navy surgeon on every German ship that sails out of Naples?

Mr. POWERS. We are as powerful as any nation in the world, but because the Italian Government has done it, that is no proof that it can be legally done by us.

Mr. BENNET. All we would have to do would be to say that the ship can not clear without such a surgeon being on board.

Mr. GALLAGHER. I would like to know, Mr. Chairman, upon what ground the gentleman from Kentucky makes the statement that we have no right to put surgeons on these ships?

Mr. POWERS. I will say to the gentleman that the bottoms of the English ships, for example, plying the ocean are regarded as English territory and are under the jurisdiction of English authority and we can not do it under the law. The same thing is true, of course, of the ships of all the other nations of the world.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. GALLAGHER].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GALLAGHER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. GALLAGHER] asks for a division.

The committee divided; and there were—ayes 31, noes 97.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: On page 7, line 10, after the word "missionary," strike out the word "lawyers."

[Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. BURNETT. I ask for a vote, Mr. Chairman.

Mr. MOORE of Pennsylvania. I hope, Mr. Chairman, the gentleman will not call for a vote until I explain the amendment.

Mr. BURNETT. I ask for a vote.

The CHAIRMAN. The gentleman can not move to close the debate until after the debate is done on this amendment. The gentleman from Pennsylvania has been recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am surprised that the gentleman from Alabama [Mr. BURNETT] should want to hasten and so "speed up" on this bill. Here is a proposition to protect the lawyers of the United States, of whom he is one. [Laughter.] I do not think there is a crying necessity for more lawyers in this country. Congress has an amplitude of lawyers, to begin with. There is not a city of any size in the country that does not have all the lawyers it needs. There is no hamlet that is not already sufficiently supplied with legal talent. Why, if the lawyers of this country were properly organized and knew how to go about their business, they would stand for the passage of an amendment such as I have proposed, because an influx of lawyers from foreign countries will undoubtedly reduce the price of fees in the United States. [Laughter.] There are clients here, men and women, who necessarily get into trouble once in a while who might be induced to employ a foreign lawyer who would work for a foreign fee rather than an American fee. [Laughter.]

I notice there are also some missionaries to be admitted under this bill, and some students, and some physicians, together with some authors and merchants. They do not have to undergo the same scrutiny that the man has to undergo who seeks to come into this country to find a haven from foreign oppression, who seeks to employ himself out somewhere on a farm where his labor may be needed. There is no such restriction concerning the lawyers; they are to be admitted from foreign countries if accompanied by their lawful wives—because the bill provides for their lawful wives only [laughter]—all these are to be preferred over the unfortunate war widows of Europe who might be useful here but who have the misfortune of being unable to read or write. It seems that out of consideration for the underpaid legal talent of this country we should exercise some discretion and raise the same barriers against an unfair competition that is already raised against the war widows of Europe.

Why, Mr. Chairman, some preachers are to be admitted under this bill, missionaries, and ministers of the gospel. The Methodist Episcopal Conference in my city recently discussed the pay of preachers. Some of them have been working on the outskirts, where the work of the Master must needs be done—and they have a hard time of it there as they have in some of the great metropolitan cities—who are paid as low as $300 and $400 a year. Is there no mercy in this Congress for the ministers of the land?

Mr. GARDNER. Do they suffer from the Hindu competition—from Hindu ministers?

Mr. MOORE of Pennsylvania. Under this bill a Hindu minister can come in; there is no restriction against the Hindu if he is a minister or a missionary. But if a downtrodden worker, who can not read, wants to come in you do not admit him, though you are admitting much foreign talent that America does not want and does not need.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Nebraska?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Mr. Chairman, in behalf of the majority of this House, that is made up of lawyers, I desire to extend the thanks of this majority for the gallant defense of the profession presented by the eloquent gentleman from Pennsylvania. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Having the indorsement of the House on my legal proposition, Mr. Chairman, I ask for the indorsement by the House of my amendment. [Laughter.]

Mr. BURNETT. I believe, Mr. Chairman, that the gentleman is not a lawyer.

Mr. MOORE of Pennsylvania. No. I am rather thankful I am not. I have been able to be a little more useful in my time, I believe. [Laughter.]

Mr. BURNETT. Mr. Chairman, I object to interruption. As a member of the legal profession I want to say with the gentleman from Texas [Mr. DAVIS], "Amen," and assure the House that I, too, am glad that the gentleman from Pennsylvania is not a member of the legal profession. [Laughter and applause.]

And yet, Mr. Chairman, the gentleman again is weeping crocodile weeps for the lawyers. I have received intimations from gentlemen on the floor that there is no lawyer here who is making any such complaint. I do want to speed up the bill, and one of the reasons why I want to speed up the bill is the fact that the whole country wants it enacted into law. And, among others, I want to call the gentleman's prayerful attention to an editorial in the gentleman's own home city paper, the Philadelphia Inquirer, a few days ago, in which is echoed the proposition that there ought to be a change in regard to unlimited immigration into this country. It is these editorial demands of representative newspapers and urgent petitions of the people that make me want to speed up the passage of the bill, and I want to speed it up also in the interest of economy of the time of the House, and therefore I will not consume my five minutes, but ask for a vote. I will not read the Philadelphia editorial of a few days ago, but will insert it in the RECORD as a part of my remarks. It is as follows:

Among the strongest supporters of the literacy-test bill which is now before the House Committee on Immigration are American workingmen, who complain that existing conditions subject them to unfair competition. They contend that only by limiting immigration can high standards of living and good wages be maintained for the workers of the United States. Representative BURNETT says that out of 2,500,000 foreigners only 35,000 were attempting to learn the English language.

It is only too true, as was asserted at the hearing, that many of these immigrants work cheaply, live meanly, and bring about situations that can not be tolerated by American workingmen. In view of all this, it is not surprising that the toilers of the country should be primarily interested in the alien laws, and that they are eager for any change in the immigration statutes that will lessen or improve the character of immigrants.

During the discussion of this measure one Representative who opposed the literacy test taunted a colleague who favored it by saying that both of their fathers had come into this country by the open door of immigration, and that the only difference between the sons of the men in question was that one would shut the door of opportunity, while the other would have it remain open. This sounds good, but unfortunately the conditions which prevailed when the two fathers of the present Congressmen came to this country have changed—and not for the better. The immigrants that came to this country a generation or two ago were, in the main, desirable. They had both brains and brawn. They settled the great West, and their descendants are among the men that have developed the Nation. They could be distinctly counted among the assets of the country. But many of the present-day immigrants are liabilities, and most are in every way undesirable, and this in spite of the scrutiny which they are compelled to undergo at the hands of the immigration officials.

Among reasonable persons there is absolutely no objection to an immigrant as an immigrant. America still remains the land of opportunity, but if it is to remain such there must be a more rigid test of those who some to our shores. We can welcome those who will look upon American citizenship as a privilege and who will be eager to learn our language and our customs. All others should be barred. Perhaps then we will have immigrants who will regard our Government seriously; perhaps then we will not witness the spectacle of thousands of supposed Americans sailing for Europe to fight for their "rulers" on the other side of the Atlantic.

It is time to face the problem resolutely, and in doing so it is well to recognize the fact that none have greater interests at stake than the American workingmen.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARDNER: Page 5, in lines 8 and 9, strike out the words "or who advocate or teach the unlawful destruction of property."

Mr. GARDNER. Mr. Chairman, that amendment was put into the bill last year in order to prevent the practicing of the doctrine which has come to be known as sabotage. That clause was adopted over the objection of the gentleman from Minnesota, Mr. Manahan, and myself. The gentleman from Minnesota, Mr. Manahan, objected to that clause on the ground that it would prevent the militant suffragettes coming here and advocating what they thought to be the legitimate destruction of property. I objected to it because I thought it very unwise to prevent anyone teaching any doctrine which he saw fit to preach. Be this as it may, this clause in the bill was one of the clauses to which President Wilson especially called attention when he vetoed the bill. In his veto message he said:

It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men.

That was one of the stated grounds on which the President vetoed the immigration bill. I thought this a sound objection which the President interposed. Of course, I did not agree with the President's veto, but as to this particular clause I thought him right. I especially antagonize that clause in the present bill, because I do not wish to see the President in a position to base a veto on any other clause in the bill except the illiteracy test. It is on the illiteracy test that this bill ought to rise or fall. That is my principal reason for moving that this clause be stricken out.

Mr. RAKER. Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has read that part of the President's veto which undoubtedly refers to the words in lines 8 and 9, page 5, and also the same words carried further down in the bill.

Mr. GARDNER. Lines 17 and 18 also.

Mr. RAKER. Lines 17 and 18—

Or who advocate or teach the unlawful destruction of property.

The committee put that in last year advisedly, and as we believed correctly, to keep out those who do not seek to establish independence or to establish a government, but who from their own preconceived ideas simply desire to destroy property for the purposes of destruction, or because they do not like a particular individual. The President in his veto message referred to something which was not in the mind of the committee, and which was not discussed by anyone except Mr. RUSSELL, who appeared before the President in the discussion after the bill had passed the House and Senate. Now, to obviate that question, and to cover those to whom the President refers in his message, who believe that in order to exercise a constitutional right to establish a government, or to maintain their independence, and overthrow the government under which they live, they may destroy property as well as destroy life if it becomes necessary to do so—there was no intent of the committee to keep them out; and this time, in order to overcome the objection of the President, the committee, after much thought and much consideration, and after the question had been submitted to the department, placed in the bill a proviso to insert the provision referred to, in lines 13 to 16, on page 9, as follows:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

That answers the objections of the President to the former bill, and permits those to enter who advocate or teach or practice constitutional liberty, and in that effort believe and advocate that if it becomes necessary to destroy all property as well as all life that may stand in the way of their securing what they believe to be constitutional liberty for men they may do so, as they have done in the past.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. RAKER. I yield for a question only.

Mr. MOORE of Pennsylvania. If the gentleman from Massachusetts [Mr. GARDNER] is correct, that we ought not to prohibit the coming into this country of those who teach what they please, would we not have to eliminate the anarchist clause?

Mr. RAKER. Why, certainly.

Mr. MOORE of Pennsylvania. And the clause touching the overthrow of government.

Mr. RAKER. Absolutely. There can be no excuse on earth for permitting a woman to enter this country, call her a militant or what not, who comes here and advocates the unlawful destruction of property in order that she may obtain some right. Conditions in this country are different. The right of women to present their demands to legislatures and to committees is open and free, and there is no necessity of permitting those from other countries to come here who believe, who advocate, and who teach that if I do not vote for their measure they have a lawful right, while I am here attending to my duty, to go to my place of residence and burn and destroy my property. That does not affect their constitutional right, but it is clean-cut criminality, and that is all. While I favor the giving of the right to women to vote, and while I believe this Congress ought to pass a bill giving them the right to vote for Senators and Members of Congress, or to go even further and amend the Constitution, nevertheless I am opposed to permitting the entrance into this country of those who believe in the doctrine that if you differ with them they may go upon the street and destroy the mail boxes, tear down the mail pouches, burn property, break windows, and commit other criminal acts for which any man would be arrested and prosecuted. Such conduct is not necessary in this country. The women of this country do not want it, and therefore these words ought to remain in the bill.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. This militant suffragette question was injected into the discussion after this new clause was offered last year in the Committee of Immigration. It had not an earthly thing in the world to do with the insertion of that clause in the immigration bill. It was brought to the attention of the Committee on Immigration that certain labor agitators were preaching the doctrine out in California and elsewhere that it was right to commit sabotage, as it was called; that is, that they had the right deliberately to destroy the product of scab labor, for instance, and that it was right deliberately to interfere with the proper shipment of goods, in order to make more work for the particular union to which these men belonged.

It was in order to stop the preaching of that doctrine that this clause was inserted, and it was because I thought men ought to be permitted to preach any doctrine which to them seems good that I objected to the insertion of this clause.

I believe men ought to be permitted to preach that which they think right. If they are wrong, public opinion will take care of their doctrines much more effectively than if we try to suppress their expression.

Now, the question of the militant suffragettes had nothing to do with the question. We did not think of that aspect of the case until the gentleman from Minnesota, Mr. Manahan, pointed it out. The amendment was not put in to control the preachment of the doctrine of the militant suffragettes.

Allusion has been made to the clause in this bill on page 9, beginning with line 13, which it is thought relieves from exclusion immigrants who have committed political offenses. The existing laws says:

That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political not involving moral turpitude.

The committee has stricken out the words "not involving moral turpitude" and has inserted, after the word "convicted," the words "or who admit the commission or who teach or advocate the commission." Teaching or advocating the commission of sabotage is by no means covered by the clause on page 9, for sabotage is not an offense purely political. Neither is an offense of the militant suffragists purely a political offense. Neither is the offense of the misguided labor leader who says it is right to destroy the product of scab labor a political offense. The gentleman from California is entirely mistaken in saying that the provision on page 9 clarifies or removes the objection I made to this clause.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last three words. I want to say with respect to this sabotage question that the paragraph ought to remain in the bill for its moral effect. Organized labor has no desire, as I understand it, to destroy life or property. It has no sympathy with those who teach the destruction of life or property. Organized labor, as I understand it in this country, has little or no sympathy with the anarchist, and little sympathy with socialism as commonly understood. Organized labor respects itself. It has its own weapons with which to deal with employers. Sabotage means that if the workingman is dissatisfied with the terms of employment, or dissatisfied with his employer personally, he may stop the employer's business by destroying the employer's property. It is commonly understood as meaning that a man can throw a wrench into the machinery of his employer or, in other words, use up his means of production in order to bring the employer to terms.

If the gentleman from Massachusetts thinks it wise to admit to this country men who teach that doctrine, if he thinks it wise to have it known universally that the United States Congress approves the admission into this country of men who teach the destruction of property, there is a further conclusion, and that is that it means that it is proper for men who teach anarchy to come into the country, and for those who teach other things that are forbidden by this bill to come into the country. If we are going to protect the country against criminality, if we are going to protect labor in the high stand it has taken, we ought to say to men who teach or practice sabotage, "You can not come into this country; you had better stay on the other side."

Mr. GARDNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GARDNER. The gentleman admits that it interferes with free speech?

Mr. MOORE of Pennsylvania. I think free speech has gone to a point where some day this Congress may be called upon to legislate upon it, as it did this morning when it expunged a certain amount of free speech from the CONGRESSIONAL RECORD itself. [Laughter and applause.]

Mr. NORTON. Mr. Chairman, I desire to speak in opposition to the amendment. I have been very much surprised and somewhat amazed at the statement just made by the gentleman from Massachusetts [Mr. GARDNER], and I want to go on record as taking a position diametrically opposed to it. The gentleman has stated that if he had his way in the making of our immigration laws anarchists would not be excluded from being admitted to this country to preach their doctrines.

It is well known that the gentleman from Massachusetts [Mr. GARDNER] is one of the warmest and most enthusiastic advocates of the literacy test in this bill. Upon the statements made by the gentleman it appears that the gentleman desires to exclude, merely and solely because the alien has not had the opportunity to learn to read a few words of some language, the strong, healthy, honest alien, who desires to come into this country, who is willing and anxious to comply with the laws of our land, and whose highest longing and ambition is to make a permanent home for himself and those dear to him, in this great Republic, and under our institutions of government, and wishes to permit to come into this country a class of aliens who, knowing how to read, are opposed to our form of government, and whose every moment of time here will be spent in advocating and working for the complete destruction of our Government and all its splendid free institutions.

I believe the amendment to strike out this clause should not be agreed to by the committee.

An alien who comes here to advocate and to teach unlawful destruction of property should not be admitted to citizenship and should not be permitted to enter or to remain in this country. Such clearly are the kind and character of immigrants who should be given no place among our citizenship. We need no immigrants of that kind. I trust the amendment will not be adopted.

Mr. BURNETT. Mr. Chairman, I almost uniformly agree on every point with the gentleman from Massachusetts [Mr. GARDNER] on these questions, and I frequently differ with my friend from Pennsylvania [Mr. MOORE], who was a long time a valuable member of our committee. I think the gentleman from Massachusetts is wrong, and wrong for the reasons he gives. Certainly we do not want people going through the country teaching unlawful destruction of property. We have, as was said by the gentleman from California [Judge RAKER], taken care of those who are political refugees, those who resist force with force. One reason which impelled me to support the proposition was to keep out the militant suffragists, who, on the other side, burn churches, blow up buildings, and destroy mail boxes. We had the cooperation of every member of the committee from the Pacific coast, and, while I do not agree with those good women on equal suffrage, I have never found an American suffragist that wanted to resort to the practices of the militant suffragists on the other side. The gentleman says that is not political, and that is true, and that is the reason for not claiming immunity. They ought to be deported, ought to be kept out if they come here to teach that lawlessness. The good women of this country do not want the ballot if they have to resort to anarchy, bloodshed, and murder to get it. I believe the amendment of the gentleman from Massachusetts should not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The question was taken, and the amendment was rejected.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, line 11, after the word "authors," insert the word "artists."

Mr. DALLINGER. Mr. Chairman, I understand that the chairman of the committee has no objection to this amendment.

Mr. BURNETT. Mr. Chairman, I do not object to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 13, after the word "territory," insert the following:

"The illiteracy test shall not apply to aliens who not less than 90 days prior to the date of embarking for the United States shall have given notice, in writing, to the consul general, consul, consular agent, or other duly accredited representative of the United States of America in the country of which said alien is a citizen or resident, of the intention of said alien to embark for the United States, and setting forth the reasons for such embarkation, together with a concise statement containing the following information as to such alien: Full name, age, sex, whether married or single, calling or occupation, nationality, when and where born, where last a resident and length of residence therein, what school or schools such alien has attended or what education possessed, and if unable to read or write, the reason for such illiteracy, whether ever convicted of crime, supported by charity, or confined in a prison, almshouse, or institution for the treatment of the insane, together with affidavits of three respectable citizens of the country from whence said alien desires to embark, attesting that such alien is to them personally known to be industrious, law-abiding, and not likely, because of illiteracy, to become a public charge, a vagrant, or an undesirable citizen.

"Upon the filing of said statement as herein provided the official of the United States of America with whom said statement is filed shall cause an investigation to be made of the truth of the same, and of the character and antecedents of such alien, and if satisfied that such alien is likely to become a useful, industrious, and law-abiding citizen of the United States, if permitted to enter same, he shall issue to such alien a certificate setting forth the facts ascertained upon the hereinbefore mentioned investigation, and the conclusion reached thereon by said official, whereupon such alien shall not be subjected to the illiteracy test as provided in this act."

Mr. TOWNER. Mr. Chairman, I presume that most, at least, of those who have voted to support the literacy test did so with a great deal of mental reservation. I have not talked with any one favoring it regarding the matter who did not wish that some better test might be applied even for exclusionary purposes only. They take the literacy test as the Immigration Commission took it, as merely an exclusionary test in lieu of something better, believing that too many foreigners are coming to this country. I have no doubt whatever that there is not a man on the floor of the House who would not, if he were to decide and if a person applied for admission to citizenship in this country, allow that person to come if it could be shown that he would become a law-abiding, useful, and industrious citizen of the United States. That is the test that we now apply when we naturalize foreigners, and that is the test that every man applies in his own judgment as to good citizenship. There are many cases, not altogether imaginary by any means, many of them having come under the observation of Members of this House, where men in every way desirable, and women as well, such as should be allowed to come to this country, where persons will be excluded by the literacy test, but who, nevertheless,

would become useful members of society and useful citizens of our Nation if admitted. The amendment which I present provides that such may be allowed to come, under the severest initiatory test on the other side of the water, conducted by our consular agents there. I provide that the prospective immigrant must show affirmatively all of those things that should in reason be applied as a test for admission for good citizenship. It certainly seems to me that anyone, no matter what his position may be regarding this bill, would desire to have his records squared upon those terms; that he may not be subjected to the criticism of being narrow, of having voted for a test which is un-American in principle, of having supported a proposition which is admittedly selfish, which is apparently unjust, and which can not be defended except as a merely exclusionary provision. It seems to me that many of these who have supported this proposition upon the floor ought to be glad to make his attitude at least excusable. Would it not be good policy to give the President of the United States an opportunity of approving the bill, which he certainly can not do if passed in its present form? If the friends of the bill shall have the good judgment to send it to the President with the amendment which I propose it will meet the very objections that were stated in his last veto. There are no reasons that can be suggested logically or on moral grounds which would justify the rejection of this amendment. On the other hand, every principle of justice, every instinct of humanity, every appeal even of expediency commend it. [Applause.]

Mr. BURNETT. Mr. Chairman, the argument of the gentleman from Iowa [Mr. TOWNER] is that of one who does not believe in restriction of immigration. It is the argument of one who simply wants to have better preparation for the immigrant and nothing else. One of the purposes of this bill, one of the main purposes, is to do just what the adoption of that amendment would thwart, and that is to reduce the number of people coming here from the countries where illiteracy abounds. The necessity for restriction is very aptly stated in an editorial which appeared in the Washington Times of yesterday, which I will read:

THE IMMIGRATION BILL.

Congressman MANN, Republican leader, announcing that he will vote for the Burnett immigration bill, containing the literacy restriction, pointed out the significant change of opinion that has lately taken place. Mr. MANN has himself four times voted against such legislation. It has been vetoed by Presidents Taft and Wilson, and in neither case could it muster the votes to pass over the veto.

Undeniably the contemplation of our millions upon millions of "undigested aliens," who seemingly have no intention of becoming citizens, has much affected feeling about immigration. Either there will have to be adequate provision to make citizens, and good, intelligent, loyal, understanding ones, of the strangers who enter our gates, or else before many years there will be restrictions upon their coming much more rigorous than the literacy test.

Without peradventure, the literacy test is a very imperfect one. It will not necessarily accomplish the purpose at which it is aimed; perhaps it will do very little good in that direction. But the country has been convinced by the events of the past two years that somehow the menace of a great alien population which will not become citizens is a real danger. The north European immigrants have never been open to this objection. Almost without exception they become citizens, and highly desirable ones. More eastern and southern lands have sent millions that have less concern to make themselves part of this Nation; and unless their attitude toward our citizenship shall change, their privilege of practically unrestricted entrance will one day be modified.

Mr. TOWNER. Mr. Chairman, the gentleman said that I reported or introduced this amendment for purely exclusionary reasons. I think the gentleman is doing me an injustice. I would be glad to support every proposition or practically every proposition involved in the bill, many of which would work an exclusion, but I voted against the literacy test because I believe it to be unfair and unjust.

Mr. BURNETT. Oh, the gentleman misunderstood me. I did not mean to say that he introduced this amendment for exclusionary purposes, but I said that he is mistaken when he thinks that this bill is purely for the purpose of aiding the immigrant. This is a bill partly for exclusionary purposes. I spoke of the intention of the bill, not of the gentleman's amendment. It is for the purpose of restricting immigration as well as for improving the immigrant, and this is done after the Immigration Commission investigated that question. Every member of the commission, including the gentleman from New York [Mr. BENNET], agreed that there were too many unskilled laborers coming to this country and that there ought to be some means by which they could be restricted. That is the purpose of the bill, and, as I said, if the gentleman's proposition should prevail, the tendency would be not to reduce the number of immigrants, but the opposite. Mr. Chairman, I ask for a vote.

Mr. SABATH. Mr. Chairman, I move to strike out the last word of the amendment offered by the gentleman from Iowa, and I do it for the purpose of answering the statements that have been made by the gentleman from Alabama [Mr. BURNETT]. I am in favor of the amendment offered by the gentleman from Iowa [Mr. TOWNER]. I believe that it is a splendid amendment and that it should prevail.

Occasionally articles have appeared in the press and in the magazines to the effect that the percentage of aliens who become naturalized to-day is much smaller than the percentage of aliens who took out their final papers 25 years ago. In answer thereto I wish to make this statement: Up to 1907 our naturalization laws were not as strict as they are to-day, and it was a mighty easy thing to naturalize those who came to the United States in the eighties and in the nineties. They were not obliged to go through the tests to which an immigrant is subjected to-day.

No man can now become a citizen of the United States through naturalization unless he goes through a very strict examination. He must know how to read and he must know how to write, not only his own language but our language, before the courts of the various States will issue to him the final certificate which is his evidence that he has become a citizen of the United States. For the information of the gentlemen of the House, I will read from the report of the Commissioner of Naturalization a statement showing the certificates of naturalization issued and denied in the various States and Territories, with reasons for denial, during the fiscal year ending June 30, 1915.

Certificates of naturalization issued and denied in the various States and Territories, with reasons for denials, fiscal year ended June 30, 1915.

State or Territory.	Certificates denied, and reasons therefor.																Certificates granted.	Total petitions disposed of.	Percentage of denials.
	Already a citizen.	Immoral character.	Incompetent witnesses.	Insufficient residence.	Ignorance.	No certificate of arrival.	Declaration invalid.	No jurisdiction.	Petitioner's motion.	Premature petition.	Want of prosecution.	Unable to produce witnesses or depositions.	Deceased.	Section 2169.	Miscellaneous.	Total.			
Alabama	1	.....	9	.....	2	1	2	.....	.....	.....	23	.....	.....	.....	4	42	155	197	21
Alaska	.....	.....	.....	1	.....	.....	4	.....	.....	.....	.....	1	.....	.....	.....	6	107	113	5
Arizona	1	.....	17	3	1	9	6	4	1	1	13	4	2	.....	5	67	295	362	19
Arkansas	.....	.....	14	.....	.....	2	5	4	2	2	3	3	.....	.....	1	36	86	122	30
California	5	27	135	14	12	18	46	12	5	2	222	34	8	1	17	558	4,466	5,024	11
Colorado	3	2	55	9	1	2	16	9	5	3	29	8	6	.....	8	156	852	1,008	15
Connecticut	6	8	12	3	43	8	100	.....	6	3	60	9	1	.....	1	260	1,649	1,909	14
Delaware	.....	.....	2	.....	.....	.....	2	2	.....	.....	2	.....	.....	.....	.....	8	91	99	
District of Columbia	.....	.....	9	.....	2	2	1	.....	.....	.....	14	.....	.....	.....	.....	28	209	237	12
Florida	.....	1	14	1	1	3	3	.....	.....	.....	27	.....	.....	.....	2	52	135	187	28
Georgia	1	.....	11	1	.....	1	1	2	1	3	40	2	.....	.....	2	65	205	270	24
Hawaii	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	68	68	.....
Idaho	2	1	21	1	1	2	12	2	3	1	10	1	1	.....	.....	58	380	438	13
Illinois	9	52	482	38	33	9	51	6	17	7	337	36	14	.....	15	1,106	8,846	9,952	11
Indiana	.....	11	61	10	9	2	21	4	5	3	62	9	5	.....	7	209	827	1,036	20
Iowa	1	4	131	12	12	47	49	10	9	1	58	7	.....	.....	32	373	969	1,342	28
Kansas	3	3	65	9	3	9	23	3	3	.....	34	3	4	.....	16	178	469	647	28
Kentucky	.....	1	5	1	1	1	2	1	5	.....	7	.....	.....	.....	.....	24	135	159	15
Louisiana	.....	18	6	.....	.....	4	2	.....	2	.....	27	.....	.....	1	3	63	323	386	16
Maine	1	2	3	2	.....	6	5	2	1	1	18	1	1	.....	.....	43	534	577	7
Maryland	4	1	6	2	2	2	4	.....	4	.....	16	1	1	.....	2	45	497	542	8
Massachusetts	7	15	73	11	118	16	118	3	12	7	351	18	5	.....	7	761	5,121	5,882	13
Michigan	1	13	165	11	21	3	44	2	.....	5	126	21	5	.....	12	429	2,846	3,275	13
Minnesota	5	24	64	17	14	.....	24	9	11	6	101	1	6	.....	9	291	3,232	3,523	8
Mississippi	.....	.....	2	.....	.....	1	1	.....	3	1	3	.....	.....	.....	.....	11	49	60	18

Certificates of naturalization issued and denied in the various States and Territories, with reasons for denials, fiscal year ended June 30, 1915—Continued.

State or Territory.	Certificates denied, and reasons therefor.																Certificates granted.	Total petitions disposed of.	Percentage of denials.
	Already a citizen.	Immoral character.	Incompetent witnesses.	Insufficient residence.	Ignorance.	No certificate of arrival.	Declaration invalid.	No jurisdiction.	Petitioner's motion.	Premature petition.	Want of prosecution.	Unable to produce witnesses or depositions.	Deceased.	Section 2169.	Miscellaneous.	Total.			
Missouri	.....	13	71	4	40	11	24	8	14	.....	109	1	4	.....	18	317	825	1,142	28
Montana	4	4	93	11	14	6	90	25	26	3	87	8	4	1	9	385	1,837	2,222	17
Nebraska	5	3	79	8	6	5	28	9	2	.....	43	4	3	.....	12	207	813	1,020	20
Nevada	.....	5	12	4	.....	4	8	.....	.....	.....	19	1	.....	.....	8	61	117	178	34
New Hampshire	.....	.....	5	6	7	6	3	.....	1	1	37	1	.....	.....	.....	67	382	449	15
New Jersey	7	24	213	9	22	20	131	24	10	3	144	.....	5	.....	22	634	3,841	4,475	14
New Mexico	1	.....	8	5	1	2	3	.....	1	.....	13	2	.....	.....	2	38	94	132	29
New York	7	133	561	36	1,000	57	1,400	16	45	11	507	1	22	.....	146	3,942	22,427	26,369	15
North Carolina	.....	.....	1	.....	.....	.....	1	.....	.....	1	.....	.....	.....	.....	.....	3	43	46	7
North Dakota	8	10	31	7	4	2	18	2	4	4	46	.....	3	.....	5	144	1,366	1,510	10
Ohio	2	32	74	9	26	12	16	3	18	16	210	3	5	.....	2	428	4,145	4,573	9
Oklahoma	.....	3	27	5	4	14	12	.....	1	7	18	7	1	.....	7	106	126	232	46
Oregon	4	12	54	3	1	3	23	5	9	1	41	2	6	1	1	166	871	1,037	16
Pennsylvania	4	22	177	19	38	28	51	20	28	6	392	4	10	.....	35	834	15,964	16,798	5
Rhode Island	1	4	1	4	1	.....	2	.....	2	1	43	.....	.....	2	.....	61	1,027	1,088	6
South Carolina	.....	3	4	2	1	1	1	.....	1	.....	8	.....	.....	1	1	23	37	60	38
South Dakota	16	3	40	3	.....	8	10	4	4	5	45	1	4	.....	5	148	768	916	16
Tennessee	.....	2	3	1	.....	2	.....	.....	3	.....	12	.....	.....	.....	1	24	45	69	35
Texas	.....	4	24	2	2	7	10	1	5	1	58	2	1	.....	11	128	643	771	17
Utah	.....	6	23	2	7	.....	1	.....	2	.....	25	4	.....	.....	3	73	365	438	17
Vermont	1	.....	1	.....	.....	1	.....	1	1	1	17	.....	.....	.....	4	27	352	379	7
Virginia	1	.....	2	1	.....	.....	.....	.....	3	.....	13	1	1	.....	1	23	235	258	9
Washington	5	17	93	20	15	14	43	5	34	4	132	4	7	1	7	401	2,087	2,488	16
West Virginia	1	4	12	4	.....	2	5	1	5	3	41	2	2	.....	1	83	225	308	27
Wisconsin	11	25	121	13	15	5	40	4	8	2	106	4	16	.....	43	413	4,897	5,310	8
Wyoming	2	2	14	5	6	6	8	3	3	1	28	1	4	.....	3	86	312	398	22
Total	130	514	3,106	329	1,486	364	2,470	206	325	117	3,777	212	157	8	490	13,691	96,390	110,081	12

From this you will see that in 15 of the States one-fifth or more of the aliens presenting themselves for naturalization are denied the privilege of becoming American citizens.

These States are as follows:

	Per cent.
Alabama	21
Arkansas	30
Florida	38
Georgia	24
Indiana	20
Iowa	28
Kansas	28
Missouri	28
Nevada	34
New Mexico	29
Oklahoma	46
South Carolina	38
Tennessee	35
West Virginia	27
Wyoming	22

By way of comparison I will also quote from the same report a table showing the number of persons granted or denied citizenship during the years 1909 to 1915, inclusive.

Number of persons granted or denied citizenship during the fiscal years 1909 to 1915, inclusive.

	1909	1910	1911	1912	1913	1914	1915
Granted	38,372	39,206	56,257	69,965	82,017	105,439	[1] 96,390
Denied	6,341	7,781	9,017	9,635	10,891	13,133	13,691
Total	44,713	46,987	65,274	79,600	92,908	118,572	110,081

[1] These figures represent the total admissions to citizenship.

On examination he is asked questions that even many Members of Congress could not answer, and whenever he fails he is rejected and his application is denied. I hope that I have made myself clear.

In view of the fact that the gentleman has also quoted from the statement of the gentleman from Illinois [Mr. MANN], my colleague, whom I love and in whom I have the utmost confidence, I wish to say that even great men do make mistakes. The gentleman from Illinois stated yesterday, and gave as one of the reasons why he was going to vote for the bill, that it was his fear that too many people will come to the United States at the end of the present war, due to the overtaxation which must follow the tremendous wastage of this terrible conflict. We hear on this side of the House, as well as on the other, that the main object of the proposed immigration law is to exclude the pauper and pauper labor. Now why, in the name of Heaven, should a pauper laborer leave his native country on account of taxation? No pauper is taxed or can be taxed, so that point can not be well taken.

Now, I am of the opinion that this amendment is a splendid provision, offered by a splendid gentleman, and that it should be adopted.

Mr. MEEKER. Mr. Chairman, I move to strike out the last two words. If the party for whom this is intended could have notice in writing of the literacy test, I think it would not trouble him. I think the chief objection to this amendment, although the intent is good, is that it is impracticable. If out of the million and a quarter immigrants we do exclude 300,000, what will occur on the other side in the offices of our foreign representatives when a percentage of the 300,000 would endeavor to take advantage of this? It would open up throughout Europe an effort which would require an organization of investigators and a machinery that would be unwieldy and be expensive far beyond any return that could possibly come from it, and of which I believe after a while advantage would be taken. I believe it is a good deal like in this country when certain individuals are called upon to produce affidavits of good moral character—you know how it is—and it seems to me that trouble would follow because of this amendment in the machinery on the other side and upon our foreign representatives there, which would be unwieldy and practically useless.

Mr. TOWNER. Will the gentleman yield?

Mr. MEEKER. I can not yield. I want to say one thing further. Some gentlemen seem to be voting for this literacy test for one reason and some for another. They say because it will exclude a certain number of people. It is not that. It is because it will exclude a certain type of individual, not numbers, whether it applies to one or a thousand or a hundred thousand or half a million.

We have had the public-school system in this country for years, free schools, yet we did not have a compulsory education clause until a few years ago. We discovered that merely to open the doors of the schoolhouse and say that all who wanted could go in there that there were not as many entering as should go in for the welfare of this Nation, so we have gone back of the free schools and put a compulsory education law which takes a boy or girl under 14 years and puts them in the school whether he or she would go or not, and I think that we should keep that clearly in mind in our legislation on this literacy test, that we are demanding something of the man or woman who is going to come here, and, as we have made these exemptions as provided in the bill, that, other things being equal, we do make a preference for the one who has taken the opportunity and taken advantage of his time to improve himself before coming to this country. It should be kept not as a restrictive measure, but as a selective measure, for certainly we have the right to say something in regard to the selection of those who are to come in. I hope the amendment will be defeated.

Mr. BURNETT. Mr. Chairman, I ask for a vote.

The CHAIRMAN. Does the gentleman move to close debate?

Mr. BURNETT. I move that debate be closed.

Mr. BENNET. Mr. Chairman, I desire to say I think that there is no bill here upon which there has been so little factitious opposition and where the whole debate has been——

Mr. BURNETT. How much time does the gentleman wish?

Mr. BENNET. About five minutes.

Mr. GREEN of Iowa. And I would desire three minutes.

Mr. BURNETT. Mr. Chairman, at the expiration of eight minutes I ask unanimous consent that all debate on this amendment close.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from New York be given five minutes, the gentleman from Iowa three minutes, and that at the expiration of that time a vote shall be taken upon the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I sincerely hope that the amendment proposed by the gentleman from Iowa will pass. When I was a member of the Immigration Commission people who believed in restriction and who were opposed to the literacy test have said to me, "Is it not possible to make certain tests of character? We think that too many people are coming in, and we realize that an educational test is a hypocritical test. We think there ought to be a different test, based on character." Now, the amendment suggested by the gentleman from Iowa does that. It provides, in substance, that if a man can not read he shall go into a community where he is known and get witnesses not satisfactory to him, because I think I agree with the gentleman from Missouri that would be comparatively easy, but satisfactory to a United States official, and upon presentation of the evidence certify that he is a man of good moral character and liable to make a good citizen of the United States.

Now, people have stated that there can be nothing new in connection with the immigration bill. I want to congratulate the gentleman from Iowa for producing something new, for this is the first time that we have ever had anything approaching a character test. I am not prepared to say, after the hasty reading that I have given it, that the language is correct, but the idea is correct, and I shall vote for the amendment. I am frank to say that it does seem to me that if the amendment passes and stays in the bill through the Senate there ought to be practically no opposition to the bill. Certainly, if a man will be admitted who can write, though that is not the best test of character, and then we provide further that if a man can not read, then he can get a certificate of character satisfactory to our own officials in the country where he is.

If it is the purpose to plainly and baldly attempt to keep people out of this country, they ought not to put up the sham battle of a literacy test. They ought to adopt at once the quantitative test that is in the Dillingham bill, and say to the country, "We do not care who we keep out; we just want to keep out folks." But if they simply want to keep out people whose character is not good, and let in those whose character is good, and that is what the gentleman from Alabama [Mr. BURNETT] said on Saturday that he wanted——

Mr. GOOD. The amendment seems to be predicated on the thought that those who can not read or write are a vicious class.

Mr. BENNET. No.

Mr. GOOD. The amendment as I heard it only provides for a character test for those who can not read or write.

Mr. BENNET. That is because they would be excluded from this country, and being excluded from this country on the literacy test, if a man can not read, let him go to his friends and neighbors and secure affidavits from them satisfactory to the United States officials, who will certify, there in the land from which he comes, that although a man can not read or write, nevertheless he will make a good citizen of the United States. And all we are asked to do is to let the man in on a certificate of our own officers after a certain investigation. And I hope the amendment will pass.

Mr. GREEN of Iowa. Mr. Chairman, no doubt there are many who, like the gentleman from Massachusetts [Mr. GILLETT], are ready to accept any kind of a provision which will reduce immigration to this country, but for myself I am not ready to support a bill which I can not defend upon ethical grounds.

There has been so much discussion with reference to the literacy test that many have come to think that the bill before us provides for no other test. Those who have considered it know that this is a great mistake. The most elaborate precautions have been taken to exclude criminals, paupers, and those afflicted with contagious diseases. The bill provides for obtaining information with reference to those intending to emigrate to this country, for boards of inspection and investigation, and for heavy penalties upon transportation lines bringing into this country emigrants in violation of our regulations. It not only provides for immediate deportation of those immigrants who have come in violation of the law, but also that any who within five years are found to have been received in violation of the law, or who advocate anarchy or the overthrow of our Government, or who are found guilty of any serious crime may be deported. Every possible means and method that can be thought of for the purpose of excluding the criminal classes has been inserted in the bill. Unfortunately there is no method of ascertaining definitely the condition of a man's mind, or whether he is controlled by criminal instincts. For that reason we have found that anarchists and dangerous criminals often elude every safeguard.

The educational test, of course, is not a perfect one. It does not test a man's character; but having gone as far as possible in that direction by the other provisions of the bill we find it necessary to supplement them by the literacy test. While this test is not a perfect one by itself, I challenge anyone to prepare a better test than it furnishes when combined with the others provided for in the bill. What can be better than to test the immigrant for character, health, means of support, and knowledge? Name, if you can, some other test that we need, or tell us why the state of mental development in the immigrant should not be considered along with his other qualifications. If a man is as useful and makes as good a citizen who can not read and write as one who has some degree of education, then we might as well do away with the whole of our school system.

Mr. Chairman, the gentleman who has just spoken [Mr. BENNET] says that the literacy test is a hypocritical test. I fear the gentleman does not understand its reason nor its object. I would not exclude any man individually, solely for the reason that he could not read or write. As a matter of charity, I would prefer to receive him and try to educate him. Individually I do not think he is dangerous, but if 300,000 or 3,000,000 in the course of a few years come to this country who can not read or write, we are unable to educate them, and they become a menace to our Government and our social system. They are not able to protect themselves nor can we protect ourselves against the danger which arises from having so large a number of illiterate aliens in our midst. I say illiterate aliens, because the danger would not be the same from the same number of illiterate Americans, although it would be very great. The illiterate alien comes here a stranger in a strange land, where everything is different than in his former home. The Government is different, our manners are different; he does not understand our language; he does not know or can he learn what is going on. He is suspicious of everything, and has no proper way of informing himself. He is easily led astray by those of his own nationality who have been here long enough to acquire some knowledge of our habits, customs, and language, and thus frequently becomes a victim of the vicious, the immoral, and the criminal classes. Flocking to our large cities and herding together in great masses, they neither learn nor improve. Being unskilled and unorganized, they cut down the wages of American workmen and lower the standards of living.

Such, Mr. Chairman, is the effect of the immigration which we seek to reduce by the literacy test. I know of no greater danger to our institutions than that which comes from having these great masses of illiterates crowding into our cities in such a way that we can not assimilate nor can we improve them.

The fact that in the years gone by many excellent people have come to this country who could not read or write is no argument against applying the literacy test now, for the reason that conditions are altogether different. In the early days of this Republic immigrants did not come here in such vast numbers, nor did they congregate in the large cities so exclusively. They lived under better conditions, and it was easier for them to rise than now. In New York and Chicago there are colonies and localities almost entirely inhabited by one race of foreigners, so extensive and numerous that few of our cities of 50 years ago would have equaled them in population. It is true that the literacy test does not exclude the anarchist, but it is among illiterate communities that anarchism develops, that the criminal classes find protection, that immorality flourishes. It is in such communities that we find the black-hand societies, the organizations of gunmen, and those who denounce our Government and are ready to spit on our flag. This is why we need the literacy test. We must have it, not only to maintain American standards of living but to maintain the Government itself.

My colleague [Mr. TOWNER] has offered an amendment which attempts to make provision for an examination as to the char-

acter and fitness of those who are rejected on account of the literacy test. As I understand it, he would permit evidence in the form of affidavits to be offered to some one of our consuls showing the good character of the person rejected on account of the literacy test, and if our officials were satisfied with the evidence the emigrant might be permitted to take passage to this country and enter it. With all deference to my colleague, who has doubtless prepared this amendment with a great deal of care, it does not seem to me to be practicable. The gentleman from New York [Mr. BENNET] and my colleague [Mr. TOWNER] say that there ought to be no objection, because the matter is to be decided upon by testimony that is satisfactory to some official of our Government. But an official of our Government has no means of knowing whether those who furnished the evidence upon which he is to act are themselves of good character and reputation. How is he to obtain an opportunity to look up the character and reputation of those who make the affidavits? On the face of it the evidence might be quite sufficient, but if an opportunity were given to look up the matter the evidence might be found to be absolutely worthless. It would be a strange man that could not present two affidavits of good character from a community in which he lived, no matter what his character in fact was. It would be as easy as getting signers to a petition.

Mr. MANN. What would happen if one of our consuls, a representative of our country, should undertake to say that men over there that had filed affidavits were not men of good character?

Mr. GREEN of Iowa. The difficulty is, I understand, that he has no way of determining whether they are or not.

Mr. MANN. Under this amendment he has to determine. Suppose he does determine that a man is not of good character and happens to determine wrong? Would there not be quite a hubbub?

Mr. GREEN of Iowa. Yes; I think there would be a great deal of trouble. It certainly would bring our officials into conflict with those of foreign nations. I think the amendment should be defeated.

Much has been said in regard to those who are the victims of religious persecution and are seeking an asylum of liberty in this country. With reference to such persons we are not only liberal but generous in the bill, as they are exempt from the literacy test. I am glad this exemption is contained in the bill, for it removes, as it seems to me, all reasonable objections to it. I know it will be said that there are many who have never had any opportunity for an education who would make good citizens and wish to come to this country, but it should be remembered that the test required is slight. I have no fears but that the bright and capable will qualify themselves. There will be, of course, a few excluded whose case is pitiable and unfortunate; but, Mr. Chairman, we can not relieve all of the misery and destitution in the world. We are assuming and will continue to bear a great burden in this matter of immigration. We ought to continue to do so as long as we can support it, but when the weight of the burden threatens to crush us and our institutions no principle of morality and justice forbids us to lighten it. It is because these people who are now excluded have permitted the darkness of misgovernment and oppression to settle upon them that they now knock at our doors to obtain light and freedom. If we permit them to come here in too great numbers, the same misgovernment will follow, the same darkness will settle upon us, and the beacon light of freedom for the world will go out.

Mr. BURNETT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 26, noes 58.

So the amendment was rejected.

Mr. TREADWAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Insert, at the end of section 3, the following new paragraph:

"The Secretary of Labor shall cause to be examined papers of admission of all aliens at the expiration of three years from the date of admission. Within that period every male alien above the age of 21 years must file a supplemental affidavit that he has applied to the proper officials for citizenship, and will comply with the necessary requirements to become an American citizen. Any alien not furnishing such affidavit with proper evidence from a court having charge of naturalization within six months after the expiration of three years shall be deported under direction of the Secretary of Labor.

"This section is not applicable to diplomats or consular representatives, or to persons sent as the special representatives of their Government in any official capacity to the United States, or to persons coming as students to regular institutions of learning, a certificate to this effect having been filed with the original admission papers."

Mr. BURNETT. Mr. Chairman, I make the point of order that the amendment is not germane, and therefore is not in order.

Mr. TREADWAY. Mr. Chairman, I trust the gentleman will reserve his point of order. I think it is absolutely germane, and I would be glad to argue the point of order if the gentleman wishes.

Mr. BURNETT. The gentleman can address himself to the point of order if he desires.

Mr. TREADWAY. Mr. Chairman, this amendment has to do with the question of the right of entry to this country of aliens, and that is the exact title of the bill itself. It is one "to regulate the immigration of aliens to, and the residence of aliens in, the United States." I maintain that the conditions under which we provide for citizenship in the United States can very readily be made a right of entrance here.

We have been altogether too free with the alien after his arrival here. This bill is trying to raise a new standard of right of entrance, and I maintain that the attitude can very well be taken that we should require of aliens the taking out of citizenship. We are regarded as a melting pot of the nations of the world, and practically people of every kind have been admitted to this country. But we never have asked them whether or not they expect to remain here as citizens. It seems to me perfectly right and proper that if they are to have the right of our institutions, the opportunity for education in our schools, and all that goes with the right to citizenship, they ought to be forced likewise to bear the responsibilities of citizenship.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

Mr. TREADWAY. I will yield to the gentleman for a brief question.

Mr. JOHNSON of Washington. Does the gentleman think that the forcing of citizenship on a man, to be a citizen of the country, would make for good?

Mr. TREADWAY. I believe, Mr. Chairman, that he either ought to be a citizen or he ought to be returned at the expiration of three years to the country from which he came. We are not anxious to force citizenship on him, but he ought to take out that privilege, provided he intends to remain permanently in this country.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. TREADWAY. I yield to the gentleman.

Mr. FESS. I did not catch the full force of the gentleman's amendment in the reading. Is the penalty of deportation provided in case they do not become citizens?

Mr. TREADWAY. The Secretary of Labor is required to deport him at the end of three years if the alien has not applied for citizenship.

Mr. FESS. I believe the law now requires that a man who makes application for citizenship must be able to read and write?

Mr. TREADWAY. This has nothing to do with the literacy test, I will say to the gentleman from Ohio. This amendment does not involve the literacy test in any way whatever. It has to do with the alien being required to become a citizen.

Mr. FESS. Is that the law today in regard to a man making his declaration to become a citizen?

Mr. TREADWAY. As it is now a man can stay here all his lifetime without becoming a citizen.

Mr. FESS. But does not the law now——

Mr. TREADWAY. Can not the gentleman speak in his own time?

Mr. FESS. I am asking the gentleman a question.

Mr. TREADWAY. I will answer a question in regard to the amendment I have offered.

Mr. FESS. Does not the law now require an educational test before a man can become a citizen?

Mr. TREADWAY. Yes; but that is not involved in my amendment. This amendment requires that the alien shall be compelled to become a citizen if he stays here three years. It seems to me, Mr. Chairman, that this is a question that ought to be incorporated in our immigration laws and that it pertains strictly to the bill before us. [Applause.]

Mr. BURNETT. Mr. Chairman, it seems to me this would have its place, if anywhere, in a naturalization law, but I do not think it germane to this section of the bill, which is purely intended to cover the qualifications for those who are entering as immigrants.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. MANN. As I understood the amendment, it is not an amendment that affects naturalization at all.

Mr. TREADWAY. Not in the slightest degree.

Mr. MANN. But it affects deportation. Inasmuch as it does not affect naturalization, it ought to be in this bill; it should be in this bill and not in a naturalization bill.

Mr. BURNETT. Mr. Chairman, in reply to the gentleman from Illinois, I think it is peculiarly a matter of naturalization. I do not think I caught all of the reading of the amendment, but that is my idea.

Mr. MANN. It is not a matter that you could put into a naturalization bill. It provides certain exceptions; that unless a man becomes naturalized he shall be deported as an alien. That would be germane to this bill, rather than to a naturalization bill, I should think.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GARDNER. This section 3 deals entirely, Mr. Chairman, with the excluded classes. The section that deals with deportation of arriving aliens is section 18. Section 19 deals with the deportation of resident aliens.

Mr. MANN. The question involved is the right of aliens to come here and stay here and not be excluded. This is an excluding class. This section relates to excluding classes, not merely those who may be excluded when they come in, but also those who may be excluded afterwards. It is a definition of the excluding classes.

Mr. GARDNER. The gentleman is entirely mistaken. This does not deal with those who are deported afterwards. It refers to those who are excluded on arrival. The section to which the gentleman refers is section 19.

Mr. MANN. No. This deals with the classes which are to be excluded. The provision that they shall be deported may be in another section, but this defines the classes that may be excluded.

Mr. GARDNER. I ask unanimous consent, Mr. Chairman, that the amendment be read again.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The amendment was again read.

Mr. GARDNER. Mr. Chairman, section 3 deals entirely with the question of what classes shall be excluded on their admission to this country. In section 19 deportation is provided for those who, for some reason or other, after a residence in this country, are found either to be here in violation of the law or to be deportable in consequence of something which has occurred since their admission.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the section of the bill now under consideration applies to the qualifications of aliens who are entitled to come into this country. The amendment proposed provides that after the lapse of three years the Secretary of Labor may cause the alien to make an affidavit that he is over 21 years of age and that he has applied for citizenship, and so forth. If he has not done so at that time, the Secretary has the right to see that he is deported. The Chair thinks that this amendment does not apply to section 3 of the bill, which provides the qualifications to admission and as to those who may be excluded and not as to deportation. It may be that there is another section in the bill to which it does apply, but not to this. Therefore the Chair sustains the point of order.

Mr. TREADWAY. Mr. Chairman, a parliamentray inquiry. Does the Chair rule that the amendment I have offered will be in order when section 19 is reached?

The CHAIRMAN. The Chair thinks that there may be some other section to which it would be in order, but not to this one. The Chair does not undertake to decide that it would be applicable to any other section of the bill, and could not so state now.

Mr. TREADWAY. I understood my colleague from Massachusetts [Mr. GARDNER] to infer that, as far as he was concerned, he considered it to be in order under section 19.

Mr. GARDNER. Oh, I did not mean to be understood in any such way as that. I shall give it consideration when it comes up there. I shall oppose the amendment, because I think it is a very bad one.

Mr. TREADWAY. I do not doubt that. Our judgments seldom agree.

Mr. MANN. Mr. Chairman, has the Chair had his attention called to the provision on page 7, beginning on line 15—

but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

The CHAIRMAN. The Chair begs to state that this does refer to deportation as provided in section 19 of this act, but still the Chair thinks that does not overcome the objection to the amendment as offered to this section.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Dakota.

The Clerk read as follows:

Amendment by Mr. YOUNG of North Dakota: Page 10, line 12, after the word "servants," insert the words "or persons employed strictly as farm laborers."

Mr. YOUNG of North Dakota. Mr. Chairman, the purpose of this amendment is to put the farmer on the same basis as the merchant or banker living in the city. This committee, after careful consideration, decided that the alien contract-labor provision of the law should not be applied to people employed as domestics, or as footmen or butlers, or in such capacities. At this time only 2 per cent of the immigrants ever reach the farms to work as laborers, and it would seem to me that the farmers, who constitute about one-third of our population, ought to be entitled to more than 2 per cent of the immigrant laborers.

There is another feature to this. The farmers of the United States are now practically in open competition with the farmers of all the world, and upon that theory there should be freedom for the farmer to employ labor anywhere that he can find it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. MOORE of Pennsylvania. In my section of the country, eastern Pennsylvania and New Jersey, it is true that it is difficult to obtain men to work upon the farms. They find more profitable employment elsewhere, and the farmer has to do his own work. But I wanted to ask the gentleman from North Dakota [Mr. YOUNG] whether, in view of the demand for farm labor in his section of the country, we could not induce some of the preferred classes to go out there—some of the surplus lawyers, physicians, religious teachers, artists, students, and merchants—to perform some of this much-needed labor on the farms?

Mr. YOUNG of North Dakota. I will tell the gentleman that there is plenty of work for them to do on our farms, but I am afraid they would not be equal to the requirements of a North Dakota farm. [Laughter.]

Mr. MOORE of Pennsylvania. Would it not be a good thing for them if they did? Some of these great lawyers and teachers might be of service in reaping the harvests and stacking hay and working in the fields.

Mr. EMERSON. And ex-Congressmen.

Mr. McLAUGHLIN. And newspaper men.

Mr. YOUNG of North Dakota. I am afraid they could not hold down a job on a North Dakota farm.

Mr. MOORE of Pennsylvania. Could not the gentleman take some of them out to his State and relieve the congested conditions in the larger cities?

Mr. YOUNG of North Dakota. We would be glad to welcome them there.

Mr. PLATT. Could you not use a few Philadelphia lawyers?

Mr. MOORE of Pennsylvania. Or a few newspaper men from Poughkeepsie?

Mr. YOUNG of North Dakota. While I respect the gentlemen who have submitted these questions, I must say that if eastern editors were to come to our State they would find the competition fierce in clashing with the brains of our editors, and we have no criminals requiring the services of Philadelphia lawyers.

Canadian farmers have the right to select men across the water who are working on farms there—good, strong, able-bodied men accustomed to work on farms. It is permissible under their laws to write a letter to any friend, or to send a ticket and pay his way over. That is something we can not do under the provisions of this law.

Mr. AUSTIN. Mr. Chairman, my recollection is that in 1913 when we received 1,427,000 emigrants from abroad only 18,000 of them were classed as farmers.

Mr. BENNET. The gentleman is absolutely incorrect about that by several hundred per cent.

Mr. AUSTIN. That is the statement I received from the department, anyway.

Mr. YOUNG of North Dakota. Only a very small proportion are farm laborers who have come in recent years.

Mr. SABATH. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. SABATH. I will say to the gentleman from North Dakota [Mr. YOUNG] that I am in favor of his amendment. However, I would like to know where he gets his statistics? In this connection I desire to say that in 1910, as shown by the census of that year, in the Middle Atlantic States there were

on the farms 776,702 persons of foreign birth; in the east North Central States there were on the farms 877,929 persons of foreign birth; in the west North Central States, 981,535; on the farms of the Mountain States there were 263,579; and on the farms of the Pacific States there were 332,960 persons of foreign birth, or nearly 30 per cent of the entire rural population of the country were, in 1910, composed of aliens.

Mr. YOUNG of North Dakota. My statistics were directed to farm laborers, not to residents upon farms, without regard to when they came here, and my reference was also to recent years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent that the time may be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. BENNET. I should like to ask the gentleman from Illinois [Mr. SABATH] if it is not a fact also that in the census period between 1900 and 1910, the number of immigrants or aliens on farms increased about 25 per cent.

Mr. SABATH. I do not know the exact figures—between 20 and 25 per cent, or it may be a little more.

Mr. BENNET. About that percentage.

Mr. YOUNG of North Dakota. The gentlemen forget that my amendment has reference only to farm laborers. Besides their figures are antiquated.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. YOUNG of North Dakota. I will.

Mr. MOORE of Pennsylvania. The Farmers' Union of the United States has appeared before the Committee on Immigration and Naturalization and advocated the passage of this bill. Can the gentleman say what influence this would have on his section of the country?

Mr. YOUNG of North Dakota. That particular organization has few members in North Dakota as compared with other farmers' organizations.

Mr. MOORE of Pennsylvania. The gentleman's amendment is proposed to meet the actual needs of the farmer in North Dakota.

Mr. YOUNG of North Dakota. The farmers of North Dakota have difficulty in getting reliable workers on the farm, and that condition is true of the entire West.

Mr. MOORE of Pennsylvania. I think the chairman of the committee will bear me out in the statement that many representatives of the farmers' organizations have appeared and urgently insisted that no immigrants be admitted into this country even though they might be called workers on the farm. What I would like to know is, if that opinion so prevails in North Dakota as to induce the House to feel that it would be acting right in denying this right to the farmers of North Dakota?

Mr. YOUNG of North Dakota. I am satisfied, as far as our State is concerned, that the farmers want the privilege of bringing in farm labor. In the Southern States, where the Farmers' Union is strong, plenty of help is available from the colored population.

Mr. MOORE of Pennsylvania. Do the Canadians have as much labor as they need?

Mr. YOUNG of North Dakota. They have a better chance, and my belief is they are better supplied.

Mr. MOORE of Pennsylvania. Has it not been the custom of the Canadians to ship over men from Great Britain and pass them over the railroad to Saskatchewan or Alberta for harvest purposes?

Mr. YOUNG of North Dakota. Not for the brief period of a harvest, but they do permit a Manitoba farmer to pay for a ticket from Europe to Manitoba. He can go to one of the agents of the steamship companies, pay his money to him, and have it go to the credit of the one they want to come. In that way they are able to get, for instance, strong Scotchmen that will do enough work to kill some of the itinerants, such as we pick up to work on the farms, who float into our State.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. YOUNG of North Dakota. I will yield to the gentleman.

Mr. SLAYDEN. Your immigrants heretofore have been from what part of Europe?

Mr. YOUNG of North Dakota. Mostly from Norway.

Mr. SLAYDEN. And all of them can read?

Mr. YOUNG of North Dakota. Many years ago a few of them could not, but now all of them can. There was a time when we had some who could not read.

Mr. MOORE of Pennsylvania. But those were men that did not work on the farm.

Mr. YOUNG of North Dakota. Yes, they did; and they were good workers.

Mr. SLAYDEN. There is no such thing as inability to read in Norway among those who have reached the reading age?

Mr. YOUNG of North Dakota. That is true.

Mr. SLAYDEN. And your immigrants come mostly from Scandinavia?

Mr. YOUNG of North Dakota. A fair portion of them.

Mr. SLAYDEN. Well, even Holland and Germany, but all sections of the country are not so fortunate. The immigrants that come to Texas from the south of us are not reading people, and, in spite of what my distinguished friend said the other day, this bill does not permit them to come in.

Mr. YOUNG of North Dakota. This amendment does not eliminate the literacy test, it only applies to the contract provision. A man in North Dakota, if he writes a letter to a man in Scotland asking him to come over here and telling him he will give him a job on his farm, commits a crime.

Mr. SLAYDEN. That is an old statute.

Mr. YOUNG of North Dakota. Now, it is entirely different in Manitoba.

Mr. JOHNSON of Washington. Would the gentleman's amendment admit contract oriental labor to come here to work on farms?

Mr. YOUNG of North Dakota. No. It would admit anybody that is not excluded by other sections of the bill.

Mr. SLAYDEN. It would admit Mexican laborers, would it not?

Mr. YOUNG of North Dakota. Yes; I think it would, providing they could pass the literacy test and were otherwise qualified as per the provisions of the entire law.

Mr. SLAYDEN. I may say that if I know how to reflect the views of the people down in my State, they do not want it.

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of calling the attention of the House——

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 10 minutes.

The CHAIRMAN (Mr. FOSTER). The gentleman from Alabama asks unanimous consent that all debate on the pending amendment close in 10 minutes.

Mr. SABATH. Reserving the right to object——

Mr. FOCHT. Reserving the right to object——

Mr. SABATH. Can I have 3 minutes out of the 10?

Mr. BURNETT. I will yield the gentleman part of my time if the gentleman from New York will yield some of his.

Mr. BENNET. I will yield the gentleman two minutes.

Mr. BURNETT. Mr. Chairman, I will make the request 15 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on the amendment close in 15 minutes.

Mr. NORTON. Reserving the right to object, may I have two or three minutes?

Mr. BENNET. I will give the gentleman two minutes out of my time.

Mr. GARDNER. Mr. Chairman, reserving the right to object, I do not understand that gentlemen can parcel out the time among themselves.

The CHAIRMAN. The Chair was waiting for gentlemen to make some arrangement. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BENNET. Mr. Chairman, will the Chair stop me at the end of one minute, and then I will yield two to the gentleman from North Dakota and two minutes to the gentleman from Pennsylvania.

Mr. MANN. The gentleman can not do that.

Mr. BENNET. Mr. Chairman, I want to call attention to the fact that this amendment has nothing to do with the literacy test or oriental labor. It is simply in relation to people who would be excluded under the contract-labor clause, and will allow a farmer in North Dakota to write a letter to a Scotchman saying if you will come here to the United States I will give you a job on my farm, and as a city man, I think my country brother ought to have a chance. [Applause.]

Mr. NORTON. Mr. Chairman, as the gentleman from New York says, the amendment has nothing to do with the literacy test. This provision on page 10 permits the entry of professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

I believe it will be for the benefit of all the country, of those living in the cities as well as those living in the country, to permit to come into the United States immigrants who declare

their intention, and whose intentions are to work upon the farms of the country; immigrants who come here willing to work to produce more of the things that we need to eat and more of the raw materials which we need to make into the clothing we wear. No man who comes to this country to occupy himself as a farm laborer will be an injury to the better civilization, higher development, or progress of this Nation. On the other hand, each hour and each day of his labor will add to the happiness, wealth, and prosperity of the Nation. I trust the amendment will be adopted.

Mr. FOCHT. Mr. Chairman, with reference to the number of aliens engaged in the farming industry in this country, I would be very grateful to the gentleman from Illinois [Mr. SABATH] if he would furnish me with the statistics—not now, but some other time. I imagine they are so voluminous that they would take up most of the time that I have.

Mr. SABATH. I will be glad to do that now.

Mr. FOCHT. Mr. Chairman, Pennsylvania is a great agricultural State, although some people think that we produce nothing but coal and iron there. You may go out into any of the great valleys there, and I challenge the gentleman from Illinois [Mr. SABATH] to find any aliens speaking a foreign tongue. These aliens do not go to the country to work on farms. They are around in the towns running little cheap restaurants, fruit stands, bootblack stands, and the like, and they do not produce the things which sustain life. I can not agree with the gentleman from North Dakota [Mr. YOUNG] that we have such great demand for these aliens in the rural districts. For my part, we do not want them. As I said the other day, it is not because I have any feeling against them personally, nationally, or in a religious way, but it is because there are too many of them here now, and we want more work and better wages for Americans.

I wish to answer the assertions of several speakers who have said that existing law is sufficient to keep out the defective, dependent, and delinquent classes of aliens by inserting the expert opinions of the present commissioner of immigration at Boston, Hon. Henry J. Skeffington, and of Hon. William Williams, for years commissioner of immigration at Ellis Island, New York City; the conclusions of the congressional immigration commission, as shown by House Document 1489, Sixtieth Congress; and the brief two-page statement of the United States Bureau of Immigration in its last annual report, enumerating about 50 reasons why the Burnett bill should become law.

The statement of the United States commissioner of immigration at Boston, Mr. Skeffington, is to be found in the Boston Daily Advertiser of January 28, 1916, less than two months ago, and is as follows:

How alien labor has gradually replaced American labor in this country and the consequent need of some restriction on immigration, the need of a largely increased force of officials to guard the Canadian border, the need of a new immigration station at this port, and the acknowledgment of little activity in suppressing the white-slave industry, owing to lack of funds and men, are told by Henry J. Skeffington, commissioner of immigration at this port, in touching recitals of actual experiences and cases coming up at the local station in reviewing the work of the local office for 1915.

The annual report did not contain many features which were submitted to the Washington officials, extracts from which Mr. Skeffington made public last evening.

Commissioner Skeffington said in part: "One of the notable effects of our present immigration policy is seen in the gradual change of the character of population. The unrestricted inflow of immigrants directly tends to drive out the native stock, which obviously is unable to compete with those maintaining a lower standard of living. In Massachusetts the proportion of native stock gradually has diminished, in part through emigration to other States, but largely by failure on account of economic causes to reproduce itself. A similar decline has begun among those races that made up the bulk of our immigration during the greater part of the last century.

"The foreign element of the population of Massachusetts, according to statistics, constitutes more than 60 per cent of the total population. These figures suggest the price that is being paid for unrestricted immigraion.

"Because we see the necessity of restricting immigration, we hope the literacy test or some equally effective measure will be passed by the next Congress.

"The history of the immigration station at Boston affords a fine illustration of the unfortunate effects of the prevailing system. It is the business of Congress to say what amount shall be spent for the maintenance of this service, but the result of congressional dictation as to means and ways of spending the amount appropriated is shown in the experience of Boston, the second port in the country, which has been compelled year after year to put up with a station that by unanimous assent is a disgrace to the Government and a menace to the health and life of those who are unfortunate enough to abide in it.

"It is notable that other ports, some in the third and fourth class, and none in the class with Boston, have been provided with ample facilities, and in some cases with building and equipment years in advance of the actual demand for their use. The walls, partitions, and ceilings of matchboards of the local station have become hopelessly infested with insect life. The local army of vermin which comes out at night to forage on the inmates of the dormitories is reenforced by new installments or detachments of bugs and lice brought into the station with every arriving ship, and immigrants who may be free from vermin when they arrive at the station are likely soon to become infested from their associations there.

"The fallacy of basing a curtailment of the office force on the reductions in immigration is illustrated by the record of warrant cases in this district, which shows an increase over the year 1914 of more than 40 per cent.

"Suppression of the white-slave traffic is aimed at by local city authorities, and appears to be fairly successful. For anything like adequate control, however, there should be an organized plan of teamwork between Federal, State, and city authorities, in which each member of the team might be given specific duties. One of the duties of the immigration officials under such a working program would be a constant and vigilant espionage of the rendezvous of the immoral classes. Such a plan at the present time would be especially effective, in view of the large numbers of women and girls who are believed to have arrived from eastern Canada as a result of stringent regulations enforced by the Dominion authorities.

"One of the serious handicaps to the enforcement of the immigration law is found in the lack of practical cooperation between this department and the Department of Justice. The more or less constant delays arising in the conduct of cases that eventually go before the courts are not only disheartening to responsible immigration officials but extremely detrimental to successful administration of important provisions of the immigration law. The steamship companies naturally complain because of the excessive expenses incidental to the long periods of detention to which the aliens involved are subjected. Here, again, the 'system' rather than individuals must be criticized.

"Evidence continues to accumulate in favor of higher and higher standards of medical inspection of immigrants. Of 334 alien residents who were reported by State officials in New England as public charges on account of mental or physical conditions existing prior to landing, very few received medical certificates of any sort at the time of arrival. These public-charge cases related largely to conditions 'whose demonstration at the time of arrival calls for careful time-consuming mental examinations or organized laboratory work,' facilities for which have been conspicuous by their absence."

The statement of the United States Commissioner of Immigration at New York City, Mr. William Williams, who served in that capacity longer than any other man and was recently succeeded by the present commissioner, Mr. Howe, being appointed by Mayor Mitchel to the high office of commissioner of water supply, gas, and electricity, is to be found in one of his annual reports, and similar statements can be found in each of his many annual reports. It is as follows:

The present laws do not reach a large body of immigrants who are generally undesirable because unintelligent, of low vitality, poor physique, able to perform only the cheapest kind of labor, desirous of settling almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wageworker, and unfitted either mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classified as undesirable. I believe that at least a third came here last year who, although they may be able to earn a living, yet are not wanted and will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards. Their coming has been a benefit chiefly, if not only, to the transportation companies which brought them over.

The very brief findings of the congressional Immigration Commission, composed of three Members of this House, three of the Senate, and three other distinguished men, and embracing and characterizing all the mass of evidence later published in the commission's 40-volume report, is, according to House Document No. 1489, Sixtieth Congress, reported to this House by Congressman WILLIAM S. BENNET, of New York City, and again a Member of this House, is as follows:

Many undeniably undesirable persons are admitted every year. There is a dangerous and apparently growing criminal element in the country due to immigration. Many women are being regularly imported under conditions which amount to absolute slavery.

It is generally admitted by those acquainted with the subject that, notwithstanding the fact that the present law proposes to provide for the exclusion of every undesirable immigrant, many undeniably undesirable persons are admitted every year. The commission's inquiries concerning defective and delinquent classes show this fact very clearly, and in a way which, it is believed, will be thoroughly understood and appreciated. In theory the law debars criminals, but in fact many enter; the law debars persons likely to become public charges, but data secured by the commission show that too many immigrants become such within a short time after landing. The same is true of other classes nominally, at least, debarred by the law. In short, the law in theory, so far as its exclusion provisions are concerned, is exceptionally strong, but in effect it is, in some respects, weak and ineffectual. The commission has discovered several sources of this weakness; it is its purpose to find the others and to recommend some effective remedies.

And in the first of the forty-one 500-page volumes of its final report the commission said in its summary of its whole four years' investigation at home and abroad:

The investigations of the commission show an oversupply of unskilled labor in the basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demands legislation which will at the present time restrict the further admission of such unskilled labor.

It is desirable in making the restriction that—

(a) A sufficient number be debarred to produce a marked effect upon the present supply of unskilled labor.

(b) As far as possible, the aliens excluded should be those who come to this country with no intention to become American citizens or even to maintain a permanent residence here, but merely to save enough, by the adoption, if necessary, of low standards of living, to return permanently to their home country. Such persons are usually men unaccompanied by wives or children.

(c) As far as possible the aliens excluded should also be those who, by reason of their personal qualities or habits, would least readily be assimilated or would make the least desirable citizens.

The following methods of restricting immigration have been suggested:

(a) The exclusion of those unable to read or write in some language.

(b) The limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.
(c) The exclusion of unskilled laborers unaccompanied by wives or families.
(d) The limitation of the number of immigrants arriving annually at any port.
(e) The material increase in the amount of money required to be in the possession of the immigrant at the port of arrival.
(f) The material increase of the head tax.
(g) The levy of the head tax so as to make a marked discrimination in favor of men with families.
All these methods would be effective in one way or another in securing restrictions in greater or less degree. A majority (8 out of 9) of the commission favor the reading-and-writing test as the most feasible single method of restricting undesirable immigration.

In its last annual report, the United States Bureau of Immigration, at pages 39 to 41, says, under the heading "The Burnett bill":

In the last report the view was expressed that favorable action upon the various new provisions and administrative features of the Burnett bill would result in placing upon the statute books a system for the regulation of immigration which, with the furnishing of proper financial means, would insure just treatment to all arrivals, maximum efficiency of administration, and many benefits to the country at large. The veto of the measure for reasons wholly aside from any of the admirable administrative features which it contained of course resulted in the loss of the entire proposed law. This is very much to be regretted, for the Immigration Service has suffered materially from the failure to secure the remedial and other provisions constituting the administrative features of the proposed law. In the main these features have been recommended as necessary for the proper administration and execution of the immigration and exclusion laws since 1910, and have been inserted in two bills, the Dillingham bill and the Burnett bill, both of which failed, not through any inherent weakness or objection to such remedial or administrative features, but because opposition developed to other features thereof.
Under these circumstances, bearing in mind the responsibilities of the department in the administration and execution of the immigration and exclusion laws of the country and the far-reaching effects of the failure for many years to obtain the desired amendments—to which in the main there has been no objection—it is again urged upon the department to recommend early consideration of the recommendations submitted to the last Congress.
My reasons for this suggestion may be better understood if attention is given to the following brief description of the recommendations regarding the remedial legislation and administrative features adopted in the Burnett bill and statement of the more important respects in which they would improve the existing law:
1. They have been drawn with great care and thoughtfulness and in such manner as to conform to all Supreme Court decisions that have passed upon the principles involved, and also with a view to overcome those court decisions which, dealing with matters not of principle but of form, have cut down the intended force and effect of the existing statute.
2. They contain the result of experience and investigation—of the experience of administrative officers, extending over nearly a quarter of a century, in the enforcement of various statutes regulating immigration, and of the investigations conducted variously but in particular by the Immigration Commission created under the act of 1907, the report of which, comprising 42 volumes, was submitted to Congress in December, 1910.
3. By them the law is made certain in its definitions and clear in its terms throughout—improvements badly needed in the existing statute.
4. In particular, they improve the existing law by—
(a) Applying it to aliens coming from the insular possessions to the mainland, meeting a serious problem which for several years has confronted the Immigration Service.
(b) Closing the enormous gap in the regulation of immigration, consisting of the ease with which undesirable aliens can enter the country by pretending to be sailors.
(c) Making the collection of head tax more easy, more certain, and more equitable.
(d) Adding to the list of aliens excluded several new classes shown by experience to be especially undesirable for moral, mental, physical, or economic reasons.
(e) Making the exclusion of all the inhibited classes more thorough and certain.
(f) Materially strengthening the provisions relating to the sexually immoral or white-slave classes with respect both to exclusion and expulsion.
(g) Extending the scope of the contract-labor and related provisions so as effectually to exclude or expel induced and solicited immigrants and adequately to punish the importers, and at the same time making it really feasible for employers to import skilled help if such help is not procurable in the United States.
(h) Including in the measure carefully devised and uniformly applied plans for the effective control of the activities of steamship companies, the principal feature of which is the use of the administrative-fine method with the power of refusal of clearance that has proven so effective in enforcing section 9 of the existing statute, instead of the court-prosecution method that has proven unsatisfactory in enforcing the present law.
(i) Providing for the abatement of the evils, so serious in the past, growing out of the smuggling of aliens into the United States, the crime being properly defined and adequately punished.
(j) Extending the use and effectiveness of those humane provisions of existing law which are intended to prevent the bringing of ineligible aliens to our ports.
(k) Providing for a much more thorough examination by inspectors and doctors of aliens seeking admission, and clothing the officials with sufficient authority to insure proper performance of their duties.
(l) Making the inspection of steerage quarters of vessels more thorough.
(m) Compelling steamship officials to return in quarters equally comfortable as those in which brought aliens excluded at United States ports, abating a serious imposition.
(n) Providing for the release under bond of, or the payment of witness fees to, aliens detained as witnesses, who under existing law have to be detained in confinement pending the bringing of prosecutions or suits.
(o) Clarifying those provisions of the law of 1907 intended to give the department authority to remove smuggled Chinese from the country under the summary administrative process of the immigration law instead of using the cumbersome and often ineffective process of the exclusion laws.
(p) Making possible the expulsion from the country of alien anarchists and criminals, even when they have become such after entry.
(q) Fixing a definite and easily followed rule with respect to the conferring of citizenship upon wives and minor children of naturalized aliens.
(r) Compelling railroad companies engaged in carrying aliens across our land boundaries to provide suitable sanitary detention quarters for the immigrants.
It should be borne in mind that the foregoing recommendations for remedial legislation were submitted long before the European war situation arose. They were much needed under normal conditions; and it is readily apparent that, whatever the general results of the war may be, the importance of adopting the suggestions can not be reduced, but, on the contrary, must be increased thereby to such an extent that their adoption becomes an imperative necessity.

These official findings and expert opinions unanswerably refute the statement that existing law is sufficient to keep out even the admittedly undesirable aliens, just as do official State reports and the long memorial from the New York State General Assembly of only last year, asking that the Federal Government either exercise its exclusive power to regulate foreign commerce by excluding undesirables, or reimburse the State treasury and the Empire State taxpayers about $5,000,000 a year for the insane and pauper in her public institutions.

ATTITUDE OF WOODROW WILSON TOWARD RESTRICTION.

In his History of the American People, published in 1902, Prof. Woodrow Wilson, the historian and scholar and college president, wrote:

The census of 1890 showed the population of the country increased to 62,622,250, an addition of 12,466,467 within the decade. Immigrants poured steadily in as before, but with an alteration of stock which students of affairs marked with uneasiness. Throughout the century men of the sturdy stocks of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of the country, or else men of the Latin-Gallic stocks of France and northern Italy; but now there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland—men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence—and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and of work were such as American workmen had never dreamed of hitherto. The people of the Pacific coast had clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted—a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence; and yet the Chinese were more to be desired, as workmen if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports. (History of the American People, vol. 5, p. 212.)

According to the daily press of September 5, 1912, from one coast to the other and from border to border, Gov. Woodrow Wilson, candidate for the Presidency, said, on September 4, 1912, before the editors of foreign language newspapers in New York City:

If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and a career here for themselves, but have been induced by steamship companies or others in order to pay the passage money, then we will have what we will all agree upon as Americans. I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but those who declare themselves Americans. I am not saying that I am wise enough out of hand to frame the legislation that will meet this idea. I am only saying that it is the ideal, and that is what we ought to hold ourselves to * * * Of course, if the immigrants are allowed to come in uninstructed hosts and to stop at the ports where they enter, and there to compete in an oversupplied labor market, there is going to be unhappiness; there is going to be deterioration; there is going to be everything that will be detrimental to the immigrant.

Mr. SABATH. Mr. Chairman, in answer to the gentleman from Pennsylvania [Mr. FOCHT], who said that he would like to know the statistics, I will tell him that if he will consult them he would see that 80 per cent of the people in his State alone are aliens, and nearly 20 per cent of those of mixed parentage live in the rural districts.

Mr. FOCHT. But they came over here over a hundred and fifty years ago.

Mr. SABATH. Again the gentleman is mistaken. I am not speaking of them, and I hope that the gentleman does not consider them aliens. They should not be considered as such, even by him. The people who came here 150 years ago are not aliens. They and their children have been imbued with the great national spirit of our country and are entitled to be referred to and considered as American citizens. Of course the gentleman

from Pennsylvania might only regard as Americans those who came to this country in the *Mayflower*.

I hope that the gentleman will see the distinction and will not again interrupt me.

I wish to say that I have here accurate figures which show that in the Middle Atlantic States the foreign-born people residing in the rural districts number 776,702, and those of mixed parentage 985,331, or a total of 1,761,491. In the east North Central States the foreign rural population numbers 877,929, and of mixed parentage 1,930,742, or a total of 2,807,000 and odd. In the west North Central States the rural foreign-born population is 981,535, and those of mixed parentage 2,124,634, or a total of 3,106,000 and odd. In the Mountain States the rural population of foreign-born people is 263,579 and of mixed parentage 357,790, or a total of over 620,000. In the Pacific States the foreign-born rural population is 332,960 and of mixed parentage 405,207, or a total of over 737,000.

Mr. FOCHT. During what period of time did those immigrants come to this country?

Mr. SABATH. They are aliens, not natives of the United States. Most of them must have come to this country in the last 25 years, because the percentage has wonderfully increased in that time. So that to-day the percentage of foreign-born people is much greater in the rural districts than in 1900 or in 1890. Therefore, the statements on the part of those gentlemen who persistently maintain that the immigrant does not go to the farm are not founded upon facts. What the immigrant desires most, as soon as he can accomplish it, is to secure a piece of land that he can call his own, and you will find that the great Northwest and western sections of our country have been mainly developed by the work and cooperation of the immigrant.

Mr. FOCHT. But we are not objecting to that class of immigrants who went out there and settled on the land given to them by the Government or the Northern Pacific Railroad Co., but that kind of people who have been coming here during the last 20 years. Those are the people we object to.

Mr. SABATH. I say that those people who have been coming to this country for the last 20 years, Poles, Bohemians, and others, are people whose main ambition it is to get on the farm. The moment they acquire a few dollars and as soon as they become acquainted with the conditions of the country, they move and settle on the farms. Every day they are leaving the great city of Chicago and other industrial centers for the rural districts.

For the information of the gentleman I will say that in the year 1910 there were 6,361,502 farms, of which 478,451,750 acres were under cultivation and 400,346,575 acres were unimproved. This shows that 45.6 per cent of our total farm land, not including land unadapted for farm purposes, is still unimproved, so that there is still plenty of room for the immigrant.

I will also show the difference between the percentage of farm land improved in the Northern States to which the immigrant goes and the Southern States where we do not find so many.

Percentage of farm land improved.

	Per cent.
East North Central States	75.4
West North Central States	70.6
South Atlantic	46.7
East South Central	53.9

Mr. Chairman, if the gentleman from Pennsylvania, and others, who are continually making these insinuations against the immigration which we have been receiving for the past 20 or 30 years, would acquaint themselves with the facts, they would not continue to misrepresent these people.

Mr. HELGESEN. Mr. Chairman, the statistics just read by the gentleman from Illinois [Mr. SABATH] are like all of the other arguments used in this bill. He is facing backward. He is talking about aliens on the farms of this country, and they are the same kind of aliens as my parents were who came 70 years ago, and whose children are now called foreigners in the statistics he quotes. If the gentleman would give us the statistics of the last 5 or 6 or 7 years and tell us what kind of immigrants are coming that will be affected by this bill, then they would be of some value; but as he uses them they are worthless.

Mr. SABATH. If the gentleman will give me time, I will give it to him in five minutes.

Mr. HELGESEN. I have not time to yield. The kind of people affected by this bill all go to the industrial centers of the country, and you could not get them to go on a farm.

Mr. SIEGEL. Mr. Chairman, I desire to say that Sullivan County, New York State, has, within the past five years, received over 600 families of immigrants who have gone up there, purchased farms, and their children are the ones who are marked the highest in the high schools of that county.

Mr. BURNETT. Mr. Chairman, that is 600 out of nine or ten millions here. I would have no serious objection to the amendment of the gentleman from North Dakota but for this fact: Those who come over here as farm laborers—and they are stated on the ship's manifest as farm laborers—and if they get in under a contract, in a very little while you would find them working in the coal mines, on the railroads, in the factories, and beating down the price of the wages of the laboring men. That is the real objection I have to it. If it only admitted the class of labor coming across into the gentleman's country over the Canadian border, men of the same class and same type, a great many like our splendid citizenship that is going from our country over the border into Canada, I would have no objection to it; but, Mr. Chairman, I know what would happen. The south Italian and the Mexican would come in under contract, and what would they care for the contract when they got in? The young men who come across the Canadian border into the Northwest do not have to have a contract made on the other side; they come voluntarily. I am aware of the fact that the contract-labor law does not involve the question of literacy test. The farmers along the Texas border have not asked for it, and the farmers along the Canadian border have not asked for it, and they would not do so if they realized the danger to which it would lead. Some man would set himself up to be a farmer down in Texas and make a contract to bring a hundred or two hundred Mexican peons over as farm laborers, and the first thing you know they would be going to work on the railroads or in the copper mines and beating down the price of the labor of some American.

I appreciate the force of the argument made by the honorable gentleman from North Dakota [Mr. YOUNG], and there is force in it; but the danger that would result, Mr. Chairman, it seems to me, more than outweighs any possible advantage, because, in my judgment, 90 per cent of the young men that come over into the gentleman's country and work on the farms come of their own volition. They do not wait for some one to go and make a contract to induce them to come over, but they come of their own volition and work on the farms, and after they get in it is all right for the farmer to make a contract with them. I fear that such an amendment would open wide our doors—too wide. The aliens who came to this country 20 or 30 years ago, that class referred to by my friend from North Dakota [Mr. HELGESEN], are such people as, if we could get them to-day, there would be no objection to them.

The gentlemen from Illinois and from New York quoted some statistics with reference to the number of aliens on farms, but the difficulty with our present immigration is that it does not go to the farms. As a matter of fact, it is not farmers and farm laborers that are coming now. A glance at the last two annual reports of the Bureau of Immigration shows that out of a total of 1,403,081 aliens admitted to this country for the fiscal year ending June 30, 1914, only 19,120 are classified as "farmers." For the year ending June 30, 1915, of the 434,244 aliens admitted, only 9,215 were "farmers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. YOUNG of North Dakota) there were—ayes 26, noes 51.

So the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, lines 11 and 12, strike out the words "or persons employed strictly as personal or domestic servants."

Mr. YOUNG of North Dakota. Mr. Chairman, the amendment proposed by me a few minutes ago was, as stated, for the purpose of putting the farmer upon the same basis as the merchant or banker living in the city. Now, the committee has seen fit in its wisdom to vote down the amendment which I proposed, which would have permitted the farmer to bring in strong, able-bodied men by the selective process from other countries. Now, if the committee is going to be consistent, we ought now to strike out those words which permit the banker or merchant or lawyer or professional man living in the city to bring in footmen, butlers, and domestics. The only consistent course we can follow here, it seems to me, would be to strike out the clause that gives the privilege to the city dwellers to bring in their butlers, servants, and footmen without any restriction, except the other provisions of the law. It must be remembered that my proposed amendments simply go to the alien contract-labor provision of the act. They have nothing to do with the literacy test in either case.

Mr. PLATT. Will the gentleman yield?

Mr. YOUNG of North Dakota. I will.

Mr. PLATT. Was there not a case of a North Dakota farmer fined several thousand dollars under the alien contract-labor law for bringing across the Canadian border some man or a couple of men to work on his farm?

Mr. YOUNG of North Dakota. That was an instance I mentioned when the bill was up for discussion last year. A North Dakota farmer living near the Manitoba line drove down to the nearest railroad station, which happened to be across the Canadian boundary, and picked up five Austrians who happened to be there. He did not inquire as to their nationality, but saw they were strong, likely-looking fellows, and he took them in his wagon and drove home. Soon after that he was arrested and taken down to Fargo, and they had a big fight to save him from a very serious sentence. Judge Amidon being a very broad, liberal-minded man, and taking the whole situation into account, let him off with a very small fine. The immigration officers of the United States felt very much aggrieved, and so brought an action against this farmer under another provision of the law and asked for a judgment against him for a thousand dollars for each Austrian. I do not know whether they obtained judgment against that poor fellow or not. It was thoroughly written up in the Fargo Courier-News. If they did he is probably out of business by this time, practically ruined.

The gentleman from New York [Mr. SIEGEL], who talked a few minutes ago about 600 families locating in a certain farm district, mentioned that as affecting the correctness of my statistics. My contention is that very few farm laborers indeed who come from abroad actually go out to work on the farms.

Our farmers should have the same privilege as Canadian farmers or the farmers of other countries to select their men. We must compete with them, and it should be upon fair terms. Now, a Manitoba farmer can write to his friend or relative in Great Britain or Norway and ask him to pick up for him a strong, able-bodied man who is trained in farm work. If an American farmer does the same thing it is a case of serving a term in prison. Let us have fair play. Let our farmers have the same privileges as have their competitors.

Mr. GARDNER. Mr. Chairman, these exceptions have been carried in the contract-labor law ever since there was a contract-labor law. The reason for this particular exception is this:

A very large number of domestic servants that come into this country come from the Provinces, girls coming down from Nova Scotia, New Brunswick, and Newfoundland, very respectable girls, but girls that are likely to get into trouble, as all girls are who come into a country where they are strangers. Inasmuch as it is well known that there is no American servant labor with which such girls would compete it has always been felt that it ought to be permissible for girls who desire to come from Canada or Nova Scotia or Newfoundland to ascertain beforehand where they can get employment after they come into this country. On the whole it is very much in the interest of morality that such things should be permitted rather than that these girls should come down and enter intelligence offices without the slightest idea whether they were going to secure employment or not. That is the reason for the exception.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

"Tis sweet to hear the watchdog's honest bark
Bay deep-mouthed welcome as we draw near home.

Mr. Chairman, I notice that when it is a question of keeping people out of New England the gentleman from Massachusetts, my very good friend, a strict restrictionist everywhere else, rises to defend the right of people to come in.

Now, I voted for the other amendment of the gentleman from North Dakota [Mr. YOUNG], and I am going to vote for this one. I think the other one ought to have carried. But I do not think that you 56 gentlemen who stood up and voted it down ought to be permitted to maintain the right which originally the rich man thought should be possessed, to bar out everybody else and to bring in your coachman and your footman and your maidservants, and all the rest that the rich people bring in with them on ships. Every argument that the gentleman from Alabama [Mr. BURNETT] made in opposition to the farmer is equally applicable in opposition to the coachman, and so forth; you can bring in a man as a coachman or a second man or a footman or a chauffeur, and within six weeks he can leave your service, if you are paying him only $25 a month, and go to working in an industry where he can get $30 or $40 or $60 or $70 a month.

Mr. CALDWELL. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. CALDWELL. Do you remember the time when Cornelius N. Bliss brought into this country a chauffeur as second man?

Mr. BENNET. Of course. The records of the customs department are full of evasions such as that.

Mr. SIEGEL. And do you remember that 20 years ago when the late David Bennett Hill brought in a valet from Europe, and our friend Vice President Morton did the same thing, both imported articles?

Mr. BENNET. That is what our colleagues who stood up here are going to stand up here again in a moment in order to perpetuate, namely, the right on their part to bring in their valets. But they voted down the farmer. Having said that the man who drives the team across the Canadian border into Manitoba and brings back five men shall be fined $5,000 for bringing ordinary labor into this country, they are going to rise up and defend the right of the rich people from the city which I have the honor to represent in part, and from the city of Boston, and the city of Philadelphia, and other cities, to bring in their personal servants, in the name of what? In the name of Democracy? I hope not. In the name of Republicanism? I deny it. In the name of consistency? It can not be proved. [Applause.]

Mr. GARDNER. Mr. Chairman, I offer an amendment to the amendment. This amendment is to strike out an amendment of the gentleman from North Dakota and substitute this.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the amendment offered by Mr. YOUNG of North Dakota and substitute the following:
Page 10, line 11, after the word "or," insert the word "female."

Mr. GARDNER. Now, Mr. Chairman, that disposes of all of these beautiful arguments about the chauffeur, and the butlers, and the footmen, and everybody else, because, if you adopt my amendment, it will be only the "Mary Anns" and the "Janes" that will be admitted as an exception to the contract-labor law, and all this oratory of the gentleman from New York will go for nothing.

Mr. BENNET. Oh, no; it will have produced the amendment of the gentleman from Massachusetts.

Mr. GREEN of Iowa and Mr. BURNETT rose.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] is recognized.

Mr. BURNETT. Mr. Chairman, I ask for five minutes to conclude, and I will yield one minute to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. I think I would like to have more than one minute.

Mr. BURNETT. Two minutes, then.

Mr. MOORE of Pennsylvania. Does the gentleman from Alabama [Mr. BURNETT] intend to oppose the amendment of the gentleman from Massachusetts?

Mr. BURNETT. Of course.

Mr. GREEN of Iowa. The gentleman from Alabama [Mr. BURNETT] is entitled to recognition if he wants it, but after he is through I wish recognition.

Mr. BURNETT. Mr. Chairman, I am willing that we adopt the amendment of the gentleman from Massachusetts [Mr. GARDNER], but certainly the argument of the gentleman from New York [Mr. BENNET] comes with very poor grace from him, when he helped to put this in the law eight years ago.

Mr. BENNET. Oh, no.

Mr. BURNETT. It has been in the law for years.

Mr. BENNET. It was put in there in 1888.

Mr. BURNETT. Exactly. And during the recodification of the law eight years ago the gentleman was a member of the committee and made no objection to it, but aided in putting it in the law just as it had been. When it comes up here now he hopes to have some kind of an advantage thrown out to the poor, downtrodden farmer. I have no doubt that the farmer will laugh when he thinks of such a champion as the gentleman from New York. He was for this a few years ago. There are no domestic servants down our way that come from anywhere else. The people in my district, Mr. Chairman, are, most of them, their own housekeepers and do their work.

But under the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] if some poor girl from across the Canadian border or somewhere else comes in under a contract, we admit her. We do not let her come if she is a woman of bad character; we do not let her come if she can not read her own language. We require her to conform to all the regulations and restrictions of other immigrants. But if there is somebody able to give employment to her, Mr. Chairman, and she is of good character, she should me admittted, I think. The

danger of bringing in men who are not desirable under contract is obviated by the amendment of the gentleman from Massachusetts, and I will vote for it.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word of the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. You can not do that, because it is an amendment to an amendment.

Mr. GREEN of Iowa. Then I rise, Mr. Chairman, in support of the amendment. As that matter stands, I am willing to support the amendment offered by the gentleman from Massachusetts; but I take very serious exception to what has been said with reference to the character of the immigrants who go upon the farms. I will have to admit, Mr. Chairman, that I know nothing about them except with reference to those who come to my own districts. Those are the flower of the immigrants who come to this country—Danes, Norwegians, and Germans—splendid specimens of manhood and womanhood, excellent morally, the kind that we want most to get, and the kind that we need most. We can not get farm labor to carry on the work there as we wish to have it carried on. We can not get the kind that we need to do this work.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SABATH. Has the gentleman had any experience with the Polish farmers or the Bohemians?

Mr. GREEN of Iowa. No; I have not.

Mr. SABATH. I know that if you will inquire of those who know, you will find out that they will make as good farmers as any other people.

Mr. GREEN of Iowa. These men do not, when they come here, bring down the level of American living; they do not do it. I will say that they are so much more economical, and work so much harder, and are generally so much more careful about their expenditures that they beat all of us Americans. They live in better houses, and beat us commercially, and in almost every way.

Mr. GALLAGHER. Are they not doing that everywhere that you find them?

Mr. GREEN of Iowa. Yes; they are; and I think we need people of that kind to set an example of thrift and energy before our young people in America. It will bring to them success in life here. Those foreigners are people whom our young men ought particularly to learn from. I wish I could afford to live in as good a house as some of those people live in who came from Norway and Denmark and Sweden only a few years ago. They have taken the rough land of that neighborhood and made it blossom like the rose, until it is the most improved and best land of any that we have in that locality. Those people do not enter into any competition that keeps other people out of employment. On the contrary, they supply a void that can be filled in no other way. [Applause.]

Mr. NORTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] to the amendment offered by my colleague [Mr. YOUNG].

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. NORTON. The gentleman from North Dakota [Mr. YOUNG] offers an amendment on page 10, lines 11 and 12, suggesting that the words "all persons employed strictly as personal or domestic servants" be stricken out. The gentleman from Massachusetts [Mr. GARDNER], as I am advised by the Clerk and from a reading of the amendment, offers an amendment as a substitute for the amendment offered by my colleague from North Dakota, the language of the bill with the word "female" inserted after the word "or" in line 11. That, if adopted, would make this section of the paragraph rather ridiculous. It would then read:

Or female persons employed strictly as personal or domestic servants.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Dakota yield to the gentleman from Pennsylvania?

Mr. NORTON. Yes.

Mr. MOORE of Pennsylvania. Will not the words "personal servants" become very offensive under those circumstances? What does a personal servant mean, anyhow? Does not the term "personal servant" imply some mastery over the person? Does it not suggest the relation of master and servant?

Mr. NORTON. Well, I think the suggestion of the gentleman is pertinent, perhaps, but——

Mr. MOORE of Pennsylvania. Well, I will say to the gentleman that I shall move to strike out the word "personal," because we have got away beyond the question of ownership of persons in the United States. I merely bring it to the attention of the gentleman now, because it is in the line of his argument that it leads to a confusion of this language.

Mr. NORTON. I entirely agree with the gentleman's statements. The amendment first offered by my colleague from North Dakota was intended to extend to farm laborers the exemptions granted to domestic servants, footmen, and so forth. If it is not permitted to the farmer to bring in a laborer, who often occupies to the farmer in his work a position not unlike that of a personal servant, there should not be permitted to gentlemen in Boston and other eastern cities the privilege of having brought from Nova Scotia, from other Provinces in Canada, or from some other foreign country a personal servant, male or female.

Mr. GARDNER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from North Dakota yield to the gentleman from Massachusetts?

Mr. NORTON. I shall be pleased to yield to the gentleman.

Mr. GARDNER. Do I understand the gentleman to say that a farm laborer would be a personal servant to the farmer?

Mr. NORTON. Well, often the farm laborer occupies to the small farmer, so far as the farmer and his work is concerned, relatively the same position that a personal servant occupies to the merchant or professional man in the city.

Mr. GREEN of Iowa. In the legal phrase he is a servant, is he not?

Mr. NORTON. In a legal sense he is a servant. In the ordinary acceptance of the term a "farm laborer" would not be classed as a "domestic servant" or a "personal servant." While I realize that there is a distinction in the definition of these terms, however, as to the relative character of the work done by the farm laborer on a small farm and work done by a servant of a city dweller, the difference is very small.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. HARDY. Can you conceive of any reason why a farm laborer should be excluded while a domestic servant is admitted?

Mr. NORTON. No; I can not. It appears that the Committee on Immigration started in about the year 1885 a very bad legislative precedent, and the gentleman from Alabama [Mr. BURNETT] and other gentlemen seem to have continued it since in the preparation of this immigration bill.

The CHAIRMAN. The time allotted to the discussion of the amendment has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] to the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

Mr. MOORE of Pennsylvania. Mr. Chairman, can we have that amendment reported again?

The CHAIRMAN. Without objection, the amendment to the amendment will again be reported.

The amendment to the amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from North Dakota.

The question was taken; and on a division (demanded by Mr. YOUNG of North Dakota) there were—ayes 28, noes 53.

Accordingly the amendment was rejected.

Mr. NICHOLLS of South Carolina. Mr. Chairman, I move to strike out the last word for the purpose of inserting some remarks in the RECORD.

The CHAIRMAN. The gentleman has that right under the general leave.

Mr. PLATT. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PLATT: Page 10, line 9, after the word "singers," insert the word "nurses."

Mr. PLATT. Mr. Chairman, this amendment does not require any particular argument.

Mr. HAYES. Will not the gentleman insert the word "professional" before the word "nurses"?

Mr. PLATT. It is already in the bill. The word "professional" in line 8 would apply to the word "nurses." Will the gentleman from Alabama accept the amendment.

Mr. BURNETT. I make no objection to the amendment.

[Mr. NORTON addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PLATT].

The amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment as a separate paragraph to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph the following:

"That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections 20 and 21 of this act: *Provided*, That nothing contained in this section shall affect the power conferred by section 32 of this act upon the Commissioner General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico: *Provided further*, That no alien, except a bona fide resident of Canada, shall be admitted to the United States who has entered Canada by a Pacific coast seaport for a period of two years after such entry, except at a seaport of the United States."

Mr. HUMPHREY of Washington. Mr. Chairman, this amendment, down to the words "*Provided further*," is already the law. The only addition to the law is that part beginning with the words "*Provided further.*"

Mr. GARDNER. In what section of the present law is the first part of this amendment found?

Mr. HUMPHREY of Washington. In section 36 of the present law. The purpose of this amendment is to compel aliens who desire to enter the United States to enter at a seaport of the United States. Here is the condition that exists to-day upon the Pacific coast: No alien is permitted to enter Canada through the United States. A striking illustration of that occurred a short time ago. The Robert Dollar Co. brought a man from the Orient across the Pacific on one of their vessels. He landed in this country at Seattle and then attempted to enter Canada, and as a result was deported and sent back to China, and then had to come back to Canada on a ship going into Vancouver before he could enter that country. No alien is permitted to enter Canada through this country. Yet, on the other hand, almost all the aliens who enter the northwestern part of the United States come into this country through Vancouver, B. C. It is all done to the advantage of the steamship companies that go to Vancouver and the Canadian Pacific Railway. Why should the Government of the United States permit foreign steamship companies to send their aliens through Vancouver into the United States, when Canada will not permit us to send aliens through this country into Canada? The only purpose of it, as I have said, is to benefit the Canadian Pacific Railway and the foreign steamship companies that take their aliens to that port. Not only that, but we have a condition out there upon the border that I think is little short of disgraceful. I have here in my hand a letter written by Mr. E. P. Marsh, president of the Washington State Federation of Labor, in which he goes into that question thoroughly. Further on in this discussion I expect to refer to some other points which he mentions, and hope to have the letter inserted in the RECORD before the completion of this bill.

As I say, all the Chinese and other aliens who enter the Pacific Northwest come into this country through Vancouver. The result of that is that we have our immigrant station over on foreign soil. The truth about it is that to-day this Government is in partnership with the Canadian Pacific Railway. I think it is discreditable to this Government that the Canadian Pacific Railway must furnish us the headquarters for our immigrants and offices for our immigrant officials.

Not only that, but another thing. As soon as this war in Europe ends we are expecting a large immigration into our country, as you are in other portions of the country. Under the present conditions those immigrants will come through the Panama Canal in foreign ships. They will not be taken to a Pacific coast port of the United States, but to Vancouver.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. I ask unanimous consent that I may proceed for five minutes more.

Mr. BURNETT. Will the gentleman be satisfied with three minutes?

Mr. HUMPHREY of Washington. Five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may continue his remarks for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. These immigrants will be brought through the Panama Canal by foreign ships, taken to Vancouver, and there they will be examined on foreign soil; the place for examination will be furnished by the Canadian Pacific Railroad, and after examination such as desire will be passed on into the United States. In the first place, all the money expended in relation thereto is spent on foreign soil instead of on American soil. In the next place, the Canadian land agents, the immigration officers, will have the first opportunity at these men when they are landed there. They will hold out inducements for them to remain in that country; they will get the cream of the immigration, and what they do not want will be permitted to come to the United States. I see no reason why we should continue to favor the foreign railroad and steamship companies in preference to our own.

Every Chinaman that comes to this country to-day who enters the United States anywhere coming east of the Pacific coast borders enters the northwest at Vancouver and is carried by the Canadian Pacific Railroad. If they are coming east, if they are going to Boston, the Canadian Pacific takes the entire haul. This Chinese traffic does not amount to a great deal. I am not pleading the cause of the railroads, but as between the Canadian Pacific Railroad and the American railroads I am in favor of the American railroads.

Mr. HAYES. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. HAYES. Would not the gentleman consent to have the time in his amendment reduced as to a residence in Canada, and make it one year, so as to make it conform with the provision earlier in the bill?

Mr. HUMPHREY of Washington. Yes. Mr. Chairman, I ask unanimous consent to change my amendment by striking out the word "two" and inserting "one."

The CHAIRMAN. Without objection, the request of the gentleman is granted.

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to call attention to another condition that arises because we have our inspectors and our immigration office over on foreign soil, a thing that I think does not appeal to any American, and I decidedly approve Mr. Marshall's letter where he protests against it and says our inspectors gradually become more un-American. I think that is true.

Let me give an illustration. A short time ago an emigrant came to this country. When he came here they held that he could not enter because he had some disease of the eyes. I think that it was a Chinaman. He was taken back to the Orient. Then he entered through Canada, and the Canadian officials said he was all right, and our immigration officials held that they had to permit him to enter, and he was admitted. There is the situation that comes about by being in partnership with a railroad and having our immigration office on foreign soil. We have to submit not only to having our people enter through foreign territory, but to having foreigners pass upon their qualifications for admission, while we seem powerless to reject them if they meet the approval of the officials of Canada.

Mr. PLATT. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. PLATT. I understood the gentleman to state that we were expecting a large immigration after the war. Has the gentleman any figures on previous wars in Europe with reference to immigration? I can not see that there was any great immigration after the Franco-Prussian War.

Mr. HUMPHREY of Washington. Well, I may be mistaken about that; it is only a question of judgment. But whether there will be a dozen or 10,000 I think we ought to provide that these immigrants shall enter at the water ports in this country, just as Canada does. Canada will not permit aliens who enter her territory to land in the United States; why should we extend the courtesy to her?

Mr. GARDNER. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to page 40, line 20, of the bill, which is in section 19, the deportation section. It provides for deportation at any time within three years after entry any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported. Now, in what respect does that provision fail to cover the purpose of the gentleman's amendment?

Mr. HUMPHREY of Washington. Because it says that "any place designated by the immigration officials," and that is exactly what they are doing.

Mr. GARDNER. Does the gentleman wish to take the power away from the officials to designate the places?

Mr. HUMPHREY of Washington. I want the power of designating a foreign port where inspection shall take place taken away from them.

Mr. GARDNER. That is merely done for convenience and in order not to delay travel on the border.

Mr. HUMPHREY of Washington. Oh, no.

Mr. GARDNER. Yes; I am familiar with it.

Mr. HUMPHREY of Washington. The gentleman may be familiar with it in his part of the country, but he is not in Vancouver.

Mr. GARDNER. What happens is this: In order to expedite the passage of trains across the border the inspectors of immigration meet the train long before it gets to the border and under the arrangement made with the railroad——

Mr. HUMPHREY of Washington. Oh, the gentleman is wrong about that, the officials designate Vancouver as a place where these aliens are examined.

Mr. GARDNER. That is done under the regulations made in accordance with the law which allows the immigration officials for convenience of travel, and for no other reason, to designate places where the incoming immigrants can be examined.

Mr. HUMPHREY of Washington. That is all right, but why not compel them to bring the immigrants here through an American port?

Mr. GARDNER. In order to stop the congestion. That is an express provision of law and can only be done for the purpose of facilitating immigration.

Mr. HUMPHREY of Washington. That is not the reason in our part of the country at all.

Mr. GARDNER. Section 32 of the existing law is as follows:

> That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

That provision was deliberately put into the law because it was represented to Congress that inevitably there must be great inconvenience to travelers unless some power of that sort was given to the Secretary of Labor or his predecessors, the Secretary of the Treasury or the Secretary of Commerce and Labor.

Mr. BENNET. Mr. Chairman, I rise in opposition to the gentleman's amendment. The gentleman from Massachusetts [Mr. GARDNER] is right about the law, as he usually is—that is, about the definitions in the law—but he does not meet the point the gentleman from Washington [Mr. HUMPHREY] raises, and he does not state the practice of the Canadian Government. When I came here this summer on the Grand Trunk, being poor and that being the cheapest way to get from Chicago to New York, an immigrant inspector who knew me met me out in the middle of Canada and sat down alongside of me, and for nearly an hour he inveighed against what we do and called my attention to the fact that the Canadian Government stands upon its rights as a government. When you go into Canada at Port Huron—I think it is on the Grand Trunk, coming from Chicago—there is no Canadian inspector who goes back to Chicago and gets on the train and inspects you leisurely as you go along. When you get to Port Huron, under the exercise of national authority the Canadian Government, as a part of the British Empire, stops the train and the inspector goes through, in Canadian territory, where he has some power, and he makes the investigation that he desires to make. If necessary, he holds the train 10 or 15 minutes. What do we? We subserviently send our people miles up into Canada, and we do not make anywhere near as good inspection as the Canadians do. We make a more or less perfunctory inspection, and then we let the people in; and that, I assume, is the condition that the gentleman from Washington [Mr. HUMPHREY] complains of out on the Pacific coast, and the same condition largely obtains upon the Atlantic coast. Although I am frank to say that I have not had a chance to give this matter any study, yet I am willing for once in my life to vote with the gentlemen from the West on this matter, although I do not ordinarily vote with them on these Japanese amendments. But this is a question of inspecting people coming into America on American soil by American officials under the American flag with American power, and that is all there is to it, is it not?

Mr. HUMPHREY of Washington. Yes. That is all there is to it.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SHERLEY. I go to Canada two or three times every summer, and have done so for a great many years. There is no practical difference between the method of inspection by the Canadian and the American Governments touching either the convenience or the inconvenience of the traveler or of his baggage, and I state that from knowledge after having gone repeatedly in the eastern part of the country up into Canada from Buffalo, Detroit, and Port Huron. I have never found any great amount of difference or any great, wonderful regard for the sovereignty of the British Empire and a great and wonderful disregard for the sovereignty of these United States of America.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. BENNET. Mr. Chairman, I do not know that my attention would have been particularly called to it as a traveler if it had not been for the fact that our own inspector, who is there every day—not as the gentleman from Kentucky [Mr. SHERLEY] and I are crossing the line two or three times a year—had called my attention to the fact, and then I noticed that when we came across into Canada at Port Huron the Canadian officials did hold up the train 10 or 15 minutes.

Mr. SHERLEY. And we hold up Canadian trains coming into the United States right at Niagara Falls bridge. I have been on them and have seen it repeatedly done.

Mr. BENNET. When I came to this Congress I went up to the Bureau of Immigration and I spoke to Mr. Hampton, the Assistant Commissioner General, in relation to the practices of the two Governments, and he confirmed what the inspector said, and just simply said, as the gentleman from Massachusetts [Mr. GARDNER] correctly said, that what the inspector was doing was under the existing law, but he did not defend the differences in the practices at all. Mr. Hampton, who is an official of the Government, knows the differences. I quite agree that the ordinary traveler in a Pullman car, as the gentleman and I ordinarily travel, would not notice an incident in travel like the detention of a train for 10 or 15 minutes.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAYES. I want to ask the gentleman from New York [Mr. BENNET], as well as the gentleman from Washington [Mr. HUMPHREY], to please give their attention to the last paragraph on page 49 of the bill. I think that that covers the point that the gentleman from Washington has in mind.

Mr. BENNET. As far as I am concerned, it looks to me as though it went quite a ways toward covering it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARDNER. Mr. Chairman, I take the floor to oppose striking out the last word for the purpose of saying that the gentleman from Vermont [Mr. DALE] was for 13 years a customs inspector on the border. The gentleman from Vermont having seen the immigration inspectors at work—working side by side with them—tells me that the gentleman from Kentucky [Mr. SHERLEY] is absolutely right in saying that there is no substantial difference between the practices of the two Governments in the matter of the inspection of immigrants.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

Mr. BURNETT. Mr. Chairman, I desire to say that I think without doubt this is taken care of by the paragraph at the bottom of page 49, and I hope the amendment will not prevail.

Mr. HUMPHREY of Washington. Will the gentleman please point that out? Of course, if it is covered, I do not want to insist upon the amendment. I think it might be well to take a moment of time before we vote upon it.

Mr. BURNETT. Mr. Chairman, I am willing to take the vote now, and then I shall not object to recurring to it if there is anything in it which is not properly covered.

Mr. SABATH. Mr. Chairman, I would like to have the gentleman's amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. HUMPHREY of Washington. What did I understand the suggestion of the Chairman was a moment ago? I did not hear what it was.

Mr. SABATH. Mr. Chairman, I do not know what the Chairman stated, but I will say for the information of the gentleman from Washington that we have a provision in another part of the bill which I think covers the amendment. I feel satisfied that the latter part of the amendment is covered by the proviso on page 41, as has been stated by the gentleman. In

respect to the first part of the provision, that is now a part of this bill.

Mr. HUMPHREY of Washington. That is part of the law now, and I think the amendment referred to on page 49 goes very far toward helping the situation, but it still leaves discretion with the Immigration Department, and I do not think they ought to have that discretion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, on page 10, line 19, the printer has omitted a letter in the word "shall," and I move that the additional letter be added.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word of the section for the purpose of asking the chairman of the committee whether it is not desirable to come to some agreement about the closing of debate on the whole section.

Mr. BURNETT. I want to make a motion of that kind.

Mr. SIEGEL. Mr. Chairman, I have two amendments which I desire to offer to the section. I will want about five minutes on one of those, as far as I am concerned; some other gentleman may want more time. I have a second amendment, which I think will require a little further time——

Mr. MOORE of Pennsylvania. Mr. Chairman, I have an amendment to this paragraph.

Mr. YOUNG of North Dakota. Mr. Chairman, I have another.

Mr. BENNET. Mr. Chairman, I have two, one to strike out the provision in respect to Japanese, and I should think they would take about 10 or 15 minutes, it being a question of the violation of a treaty.

Mr. BURNETT. Mr. Chairman, I ask that all debate on this section and the amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate upon this section and all amendments thereto close at the expiration of 30 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, was that a motion or a request?

The CHAIRMAN. It was a request for unanimous consent.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to have at least five minutes upon an amendment which I desire to offer.

Mr. SIEGEL. I would suggest to the chairman——

Mr. MOORE of Pennsylvania. I make the request now because sometimes a man who has a bona fide amendment is crowded out at the windup.

Mr. BURNETT. I could not agree to yield time in that way or make an agreement here because an amendment from a member of the committee would have preference, of course. The gentleman from New York [Mr. SIEGEL] would have precedence for perhaps five minutes, and I would want five minutes perhaps and perhaps some other members of the committee; for that reason I would not want to agree on anything of that sort.

Mr. BENNET. Mr. Chairman, I call the attention of the gentleman from Alabama to the fact that there has been absolutely no attempt at anything in the nature of delay. I think the gentleman was right this morning in making the point of no quorum because the provision on which we voted was a very important provision, but no one in opposition made the point, and the debate has been confined in every case to the subject matter of the amendment, and it seems to me there has not been a bill in my experience where there has been so little divergence from the subject matter before the House.

Now, in reference to this Japanese proposition, I was one of the four men who wrote that provision in the law, and I think this provision in the bill would make serious trouble, and it is due me and the House on my responsibility as a Member that I should be permitted for five or six minutes to make a connected legal statement as to the situation. These are not immaterial matters.

Mr. SIEGEL. I want to say to the chairman I understand certain of our colleagues over here think that I only desired five minutes on both amendments. I would want at least five minutes on each amendment.

Mr. BURNETT. What are the two amendments?

Mr. SIEGEL. One is in relation to psychopathic disability; the other is to give certain power to the Secretary of Labor in extraordinary cases.

Mr. BURNETT. Mr. Chairman, I move to close debate in 40 minutes.

The CHAIRMAN. The gentleman from Alabama amends his request and asks unanimous consent that all debate on this section and all amendments thereto close at the expiration of 40 minutes. Is there objection? [After a pause.] The Chair hears none. Is there any agreement as to the order in which this debate is to proceed?

Mr. BURNETT. No. The gentleman from New York is a member of the committee.

The CHAIRMAN. Of course, the Chair will have that in mind.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that all amendments be presented and first read before debate begins, so we will know what is pending.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all gentlemen having amendments send them to the desk and that they be read before the debate begins. Is there objection?

Mr. SABATH. Mr. Chairman, reserving the right to object, the gentleman from New York has two amendments which he desires to press——

The CHAIRMAN. They will be read first.

Mr. SABATH. And I think it will be unfair for him if we should have all these amendments submitted and deprive him of the right to have his amendment debated by itself.

Mr. SIEGEL. I will ask the gentleman from Massachusetts to withdraw his request.

Mr. GARDNER. Mr. Chairman, I withdraw my request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Page 4, lines 16 and 17, strike out the words "persons of constitutional psychopathic inferiority."

Mr. SIEGEL. Mr. Chairman, this particular clause was inserted in the bill a year or so ago by Mr. Brown, representing the first congressional district of the State of New York. I do not believe he, as a layman, personally understood the meaning of "constitutional psychopathic inferiority." Of course, I have examined his speech, and while I find a long list of authorities from all over the world, mainly books written in Germany, yet there is no explanation of what is meant by "psychopathic inferiority," particularly when modified by the word "constitutional." I know that Congressman Brown must have relied on what he was told by the experts, as he is a gentleman of the highest standing.

When I heard the chairman of the committee to-day rise and refer to an editorial that appeared in the Philadelphia Inquirer, I thought of the real brotherly love that is sometimes displayed in the city of Philadelphia, and which we all find in all other cities now and then. My belief was still more confirmed when I noticed the editorial that appeared in the Philadelphia Ledger of to-day's date, which took the contrary view. And I just wondered as to whether both editorial writers would have succeeded in passing this constitutional psychopathic-inferiority test if they were to undergo it at the hands of the various experts, because they happened to have different views on a very important question.

In the meantime, Mr. Chairman, I read from the Philadelphia Ledger:

THE LITERACY TEST AGAIN.

It is to be regretted that the Republican leader in the House of Representatives has surrendered to the majority in the matter of the literacy test for immigrants, for while a vigorous opposition from the minority would have been in all probability without effect in staying the passage of the pending bill it might have had its effect in strengthening the President's disapproval and in weakening the numbers of those who would be disposed to pass the bill over a veto. Literacy is not a test of the fitness of the hewers of wood and the drawers of water, however much it may be necessary to make it one of the qualifications for citizenship, and it is a mistaken notion that the ability to read and write is any guaranty of the good character of the immigrants who seek our shores. Illiteracy is an evil to be stamped out, but it is unfair to apply a test to those who were born and lived under a different system of government from our own and whose illiteracy is a misfortune, not a fault.

Now, Mr. Chairman, this provision reminds me of a short story that I heard not long ago of a gentleman who went over to Berlin, and who knew only one language, namely, the English language. I am not sure as to whether he came from the city of Philadelphia or Titusville, but he settled in the city of New York afterwards. As I say, he went to Berlin. There he saw a large department store, and he asked one of the passersby who owned it. The answer was, "Nicht verstehe." He walked further along and saw a large mansion and asked who owned it, and the answer was, "Nicht verstehe." A little while longer a tremendous procession came along the street, headed by a hearse, covered with a profusion of flowers, and followed by numerous carriages. He turned around and asked the question, "Who has passed away?" And the answer was, "Nicht verstehe." He said, "It is a shame for a man to pass away who owns such a large store and a mansion as big as all that." Not knowing

German, he did not know that "nicht verstehe" meant "did not understand." Now, Mr. Chairman, the same can be said here to this kind of a provision we are trying to enact, which does not mean anything that the ordinary man understands, and which a large number of the House frankly confesses is a fact. I therefore urge the House to strike the clause out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SIEGEL].

Mr. BURNETT. Mr. Chairman, I desire to be heard in opposition to the amendment.

When the last immigration bill was reported it was not in it. It was offered, as the gentleman from New York [Mr. SIEGEL] has said, by Mr. Brown, then a Member of Congress from Brooklyn, N. Y. I made some opposition to it, because we had not had it before the committee and had not given it careful thought. But he insisted the alienists of the State of New York, and of the city of New York especially, were very insistent that the amendment be placed on the bill. He referred to the fact that the insane asylums of New York City were being filled up by people who came in with pyschopathic inferiority. I confess, Mr. Chairman, that as a layman I knew nothing about it. Here is a definition that has been given by those who have studied it, by the alienists themselves. One of them says it is—

a congenital defect in the emotional or volitional fields of mental activity which results in inability to make proper adjustment to the environments.

That is just about as near a definition of it in an understandable form as I suppose could be made. The House decided it should go in. They believed if they were a menace, that provision should be made to keep out people with that kind of mental defect, and it was put in the bill as an amendment. After it was sent to the Senate it was more seriously considered there. My understanding is that a number of alienists came down from New York and appeared before the Senate committee to insist on keeping out those who would so easily, on account of their environments, be thrown off their mental base. Some gentleman said before our committee that we did not have the alienists at Ellis Island to detect such conditions. It was stated by the commissioner general to our committee that we have some of the best alienists in the land at Ellis Island, high-priced physicians and specialists, and if this amendment was engrafted upon the bill, however obscure it might be to a layman, it would result in turning back a great many people who become insane after they get here, whose condition is hard to detect but may be detected by skilled alienists. The governor of New York asked us to help them take care of the alien insane, which they said were entering New York institutions for the insane in such numbers that it cost the State more than $3,000,000 annually to take care of them. Let us give the benefit of the doubt to those who do know about this thing, and retain this clause in the bill.

Mr. SLAYDEN. Mr. Chairman, the chief opposition, as manifested in debate, both in the House and in committee, to this measure is the argument of ridicule against a phrase which gentlemen profess not to know the meaning of. I do not suppose there is a first-class dictionary that does not tell in so many words, if you choose to take the pains to open its pages and learn, that, reduced to its simplest terms, "constitutional psychopathic inferiority" means an inferior mind, a mind unbalanced and so given over to hallucinations, so susceptible to emotion, that it may develop into actual insanity.

Mr. CANNON. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. CANNON. I was curious to know this: Here is a board that can pass on these immigrants who come in. How many Members of Congress, excluding the gentleman and myself, would an unfriendly board rule out? [Laughter.]

Mr. SLAYDEN. The gentleman would perhaps admit, Mr. Chairman, that there is an undue prejudice against Congress. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from New York [Mr. SIEGEL].

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer three amendments, to which the committee has no objection.

The CHAIRMAN. Just one moment. There is another amendment at the desk, offered by the gentleman from New York [Mr. SIEGEL]. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SIEGEL: Page 11, line 26, after the period, insert as a new paragraph the following:

"The Secretary of Labor is authorized and empowered in any individual case of alien exclusion coming before him on appeal or for deportation to exercise his reasonable discretion with reference thereto for the purpose and to the extent of preventing or relieving excessive hardships therein: *Provided, however,* That if such measure of prevention or relief as he shall adopt in any case necessitates the admission of an alien who is inadmissible under the exclusion provisions of this act the Secretary shall specify in writing upon the record in each such case the reasons for his exercise of discretion therein: *And provided further,* That he shall annually report to Congress the cases in which he exercises such discretion, together with a statement in substance of his reasons therefor."

Mr. SIEGEL. Mr. Chairman, there has been so much said here in reference to insane aliens in the institutions of the State of New York that I requested the secretary of the commission to ascertain for me the number of native-born inmates who were committed in the year 1915 to our State institutions, and also the number of foreign born, and he found that in 1915 there were 3,300 of native born committed and approximately 2,800 or 2,900 of foreign born.

I want to say further that I represent a congressional district that takes in what is known as the islands of the East River, namely, Randalls Island and Wards Island. On Wards Island we have the largest State institution in the State of New York, and I have never heard a word said by Dr. Mabon, the superintendent of the institution, or by other physicians of the institution, who attend meetings of an organization to which I belong, that the foreign-born population is contributing more patients to those institutions than the native born. I will say that Commissioner Higgins and his predecessor, Mr. Commissioner Friday, are known to me, and I have never heard from either of them any statement that would substantiate the arguments advanced here, namely, that the foreign born, so-called, are producing a greater number of insane in the State of New York than the native born, although it is true that the foreign-born patients are not committed to private institutions in equal number with the native born in New York.

This amendment that I have offered here simply gives the power to the Secretary of Labor in extraordinary cases, where he believes that an injustice would be done, to relieve the condition of an immigrant arriving here, or to admit such an immigrant in his discretion, and he is required to report to Congress each year the number of cases, giving the reasons in each particular case, and acting in the same capacity as an appellate court would act, or would have the power to act, either reversing the judgment or modifying it when a criminal case comes before it. I am not asking that any extraordinary power be given to the Secretary of Labor. We trust our Cabinet officials in many matters, and there is no reason in the world why we should not trust them to carry out the best provisions of this law in the event of its enactment. We always leave to the sound discretion of a Cabinet official or any other official in high public office to do his duty as it seems to him to be just, fair, honest, and conscientious. All I am asking here is to give the Secretary of Labor such power, and I have implicit faith in him and his successors to know that the trust so reposed will not be abused.

Mr. TILSON. Mr. Chairman, may I ask the gentleman a question?

Mr. SIEGEL. Yes.

Mr. TILSON. I think the purpose at which the gentleman is aiming is certainly good; but is the gentleman sure that, under his amendment, the Secretary of Labor would be able to do all that he is called upon to do? Would it not involve a tremendous amount of labor?

Mr. SIEGEL. It would not, and for this reason: First, the immigration authorities at Ellis Island would pass upon the question; then, if an appeal is taken, it would go to the special board of inquiry in certain cases; and, finally, it would reach the Secretary's office in the ordinary course of events. He now passes on these cases every week—not personally, but through the Assistant Secretary of Labor. This would not be adding labor to him. He is doing that now, and no one has questioned his acts. I know of no reason that can be advanced by anyone why he should not be given such authority, unless we have lost all faith in our officials. I trust them, and so do the American people.

Mr. TILSON. I think that authority should be given to him.

Mr. BURNETT. Mr. Chairman, the effect of that provision is to give the Secretary of Labor the power to nullify the law. We have fixed the intent and have shown who shall not be allowed to come in here on account of mental or physical condition; and yet, as I understand that amendment, the effect of it would be to authorize the Secretary of Labor in his discretion to override the law, so that in spite of the decision of inspectors and in spite of the decision of all the subordinates the Secretary will let him come in if he desires to do so.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SIEGEL. This amendment simply makes provision for an extraordinary individual case.

Mr. BURNETT. Certainly. It will leave to the Secretary the discretion to decide whether that case is extraordinary or not. It is true, Mr. Chairman, if we had a Secretary of Labor like the present one, who turned back 25,000 last year that the steamship companies brought over illegally, we might afford to risk it with him; but I am not willing to delegate to any Secretary of Labor the power of overturning a positive law. And yet that would be the effect of this amendment, and I hope it will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SIEGEL].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SIEGEL. I ask for a division, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks for a division.

The committee divided; and there were—ayes 7, noes 42.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I have three amendments which I have submitted to the chairman of the committee, and to which he says he has no objection.

The CHAIRMAN. The Clerk will report the amendments at the desk.

The Clerk read as follows:

Page 6, line 7, after the word "port," insert "or attempt to be admitted from foreign contiguous territory."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 17, strike out "is" and insert "are."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. BENNET. It is a grammatical error, purely.

Mr. LONGWORTH. I will call the gentleman's attention also to page 6, line 14.

The CHAIRMAN. The Clerk will report the next amendment at the desk.

The Clerk read as follows:

Page 6, line 14, strike out "is" and insert "are."

Mr. MANN. Mr. Chairman, I suppose it should be "persons are." It should read "persons whose tickets or passage are paid."

Mr. BENNET. Both ought to be singular or else both ought to be plural.

Mr. BURNETT. The correction really should be "any person whose ticket or passage is paid."

Mr. MANN. Elsewhere in the section though I notice the plural "persons."

Mr. BURNETT. I ask unanimous consent to make it "persons whose tickets are."

The CHAIRMAN. Does that interfere with the amendment of the gentleman from New York?

Mr. BURNETT. No.

The CHAIRMAN. The Chair suggests that this amendment be disposed of, and then the other can be taken up. The question is on the amendment offered by the gentleman from New York [Mr. BENNET.]

The amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to strike out the word "ticket," in line 13, and to insert the word "tickets."

Mr. MANN. And also in line 17.

Mr. BURNETT. And also, after the word "passage," the word "is."

Mr. MANN. No; the word "tickets," in line 17.

Mr. BURNETT. I know; but before we get to that, in line 13 it will then read "persons whose tickets or passage are paid."

Mr. FESS. Mr. Chairman, I think there is confusion about this. In line 14 the word "is," after "who," should be changed to "are." I believe that has been done, though.

Mr. BURNETT. Yes.

Mr. FESS. In line 17 the word "is" should remain. The subject of "is" is not "persons," and it is proper to have the word "is" instead of "are." This line is correct. The only error here is in line 14, following the word "who." That word should be changed to "are."

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield for a question? I should like to ask if this is an application of the literacy test. [Laughter.]

Mr. BENNET. I was not unkind enough to suggest that.

Mr. FESS. There must be a change also in line 16. "Person" should be changed to "persons," and "does" should be changed to "do."

Mr. GARDNER. It will be a great deal simpler, instead of recasting all of it, to change the word "persons," in line 13, to "person."

The CHAIRMAN. After the grammatical experts have agreed, the Chair will submit their agreement to the committee. [Laughter.]

Mr. BENNET. I ask unanimous consent that the amendment suggested by the gentleman from Ohio [Mr. FESS] may be stated from the desk and adopted. I think he knows more grammar than most of us.

The CHAIRMAN. Does the gentleman from Alabama withdraw his request for unanimous consent?

Mr. BURNETT. Yes.

The CHAIRMAN. Will the gentleman from Ohio state his request?

Mr. FESS. On page 6, line 14, the word "is," after the word "who," should be changed to "are."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the change indicated by him be made. Is there objection?

There was no objection.

Mr. FESS. On the same page, in line 16, the word "person" should be changed to "persons," and the word "does" should be changed to "do."

The CHAIRMAN. The gentleman asks unanimous consent that, in line 16 the words "person does" be changed to "persons do." Is there objection?

There was no objection.

Mr. BENNET. I ask unanimous consent that, on page 10, in line 19, the Clerk may be permitted to correct the spelling of the word "shall."

Mr. BURNETT. That has already been done.

Mr. BENNET. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 7, strike out, on line 1, after the word "Hindus," all of lines 2 to 20, inclusive.

Mr. BENNET. Mr. Chairman, the part of this provision that I object to is that which excludes the Japanese, because, in my judgment, it is the worst treatment that a friendly nation that has entered into an agreement with us and kept it has ever received at our hands. When the law of 1907 was passed, the conferees, of whom I was one, inserted a provision that had not been passed on prior thereto by either House, and we put it in because we were asked to do so by the then President of the United States and the then Secretary of State. That provision was this:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

And immediately upon the adoption of that law the President of the United States issued his proclamation, which is still in force, keeping out Japanese laborers who come to this country in any way except direct from Japan. The gentleman's agreement that was entered into was this, that as we did not want the Japanese coolies, and as the Japanese did not want their coolies to come here, they would keep their people out by refusing to issue to them passports to come direct to the United States. And I want to say that the Japanese Government has stood grandly and loyally by its agreement. Here are the figures:

In the fiscal year 1907, which was nearly closed when that law passed, there were 30,824 Japanese who came into this country. The very next year the number dropped to 16,418; the next year to 3,275, and the next year to 2,798, and so on down. Why, in 1910 there were only 72,157 Japanese in this country according to the census, and since that time the net admission of Japanese to this country, deducting those who have gone back, is but 3,766, or less than 800 Japanese a year. And if you assume that only 10 per 1,000 die—and the rate throughout the country is something like 20—there are fewer Japanese in the

country to-day than there were in 1910 when the census was taken.

When a friendly nation has entered into an agreement with us, an agreement of honor—and at first it was not even reduced to writing—but where the officials of both Governments agree that both Governments desiring the same thing, that the Government abroad which had the first chance to see that the agreement was maintained, should maintain that agreement, why insult that friendly nation by a provision like this. Oh, you say in the provision "unless otherwise provided for by existing agreements as to passports."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. I would like two minutes more.

Mr. BURNETT. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. Eighteen minutes.

Mr. BURNETT. I have no objection.

The CHAIRMAN. The gentleman from New York asks for two minutes more. Is there objection?

There was no objection.

Mr. BENNET. Oh, Mr. Chairman, of course we say in the language "unless otherwise provided by existing agreements as to passports or by existing treaties, conventions," and so forth. But what we say is the same as if two men should agree on a matter which they had kept for nine years, and then one should go to the trouble of getting a law passed to make the other, who had kept his word faithfully for nine years, keep the agreement. If you can imagine a greater insult to a friendly nation than this will be, I would like to see it put in language. If gentlemen think it is safe and prudent in times like this, when practically every regular United States soldier is in one section of our country, or 250 miles south of our country, to go out of our way to slap in the face a nation that is building battleships twice as fast as we are, and as to whose intentions we have more or less evidence, that is within the power of the House to do. I have discharged my individual responsibility, as an actor in that scene nine years ago, and in bringing to the attention of this American Congress in plain language that nobody can misunderstand that what we are doing is to offer an insult to the Japanese nation.

Mr. HAYES. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from New York. I freely admit that most of what the gentleman from New York has said about the gentleman's agreement and the good faith of the Government of Japan in carrying it out is true. I said the same thing on this floor on Saturday; but the gentleman is mistaken in supposing that it is the intention of the committee to make any provision whatever in this connection that will affect Japan in any way. Notwithstanding what he says about the language of the bill, it clearly states that it will not be applicable in cases where there has been an agreement as to passports or treaties or conventions, or where such agreements or treaties or conventions may hereafter be entered into.

There are other oriental people besides the Japanese and Chinese who are excluded by the Chinese exclusion act; and it is the purpose of the committee, as it is, I believe, of a large majority of the House and an overwhelming majority of the people of the United States, to exclude from this country the laborers from any oriental country. I will go as far as the gentleman in my desire not to unnecessarily offend the Japanese people or any other oriental people; but I think it is our duty, representing the great American people, to prevent any great influx of oriental people into this country to overwhelm the labor on the Pacific coast. I hope the amendment offered by the gentleman from New York will be voted down. This whole matter has been submitted to the Department of State, to the immigration officials, and others connected with the Government acquainted with the conditions, and we have been assured by them all that there is nothing in this provision that can properly give offense to anybody. [Applause.]

Mr. BURNETT. Mr. Chairman, the gentleman from California [Mr. HAYES] has stated correctly the fact that the committee had before us the Commissioner General of Immigration and the law officer of that bureau in preparing this clause, and we impressed upon them all the time that there was no desire to deviate in the least from the gentleman's agreement that had been made between this country and Japan. They agreed that this clause did not do so. However much as an original proposition I might have dissented from it, having made it, I believe that it should be scrupulously kept as long as Japan keeps it, and therefore we provided that—

persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into—

should be excluded. This is certainly not in derogation of the agreement with Japan.

There is nothing in the bill that even squints at the idea of violating the agreement that we made with Japan, and therefore I ask that the amendment of the gentleman from New York [Mr. BENNET] be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 12, after the word "employed," strike out the words "strictly as personal or" and insert in lieu thereof the word "as."

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to ask the gentleman from Alabama if he will accept that amendment? It strikes out the words "strictly as personal or" and puts in lieu thereof the word "as." The words I propose to strike out are ambiguous and unnecessary.

Mr. BURNETT. Possibly they are not needed, but we wanted it distinctly and emphatically understood that they must be only of that character under the contract-labor law. We thought those words gave it more force and emphasis.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman meant to include domestic servants, the amendment which I offer covers that ground thoroughly. If he meant to include "strictly personal servants"—whatever that means—I desire to strike it out. If he desires to admit domestic servants, then there is no reason why the amendment should not be accepted.

Mr. BURNETT. Mr. Chairman, I am not a very good authority on grammar, but I would say that the word "strictly" qualifies both of the words "personal" and "domestic."

Mr. MOORE of Pennsylvania. But who is to interpret the word "strictly"? There is no legal meaning to it.

Mr. BURNETT. The gentleman and I use such expressions frequently. We may say that such a thing is emphatically not true. If we were to say that it is not true, it would be just as much not true as to say that it was emphatically not true, but if we desire to emphasize the fact that we think it is untrue, we use the word "emphatically." I do not think the word "strictly" has much significance and I do not object to the gentleman's amendment.

Mr. MOORE of Pennsylvania. Then, of course, I will not debate it. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 21, noes 3.

So the amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, before the final vote is taken on the pending bill I desire to avail myself of the opportunity to say a few words of just praise and commendation of the Member whose name the measure bears, the gentleman from Alabama [Mr. BURNETT], whose zeal, fidelity, and devotion in favor of the restriction of undesirable immigration deserves the thanks and gratitude of the countless millions of Americans who honestly believe this legislation is for the best interests of our common country, for the prosperity and happiness of all its people. [Applause.] The gentleman from Alabama has made a great fight for this proposition from the beginning of his faithful and useful career in this House, and will be gratefully remembered by his countrymen and his patriotic work be praised and appreciated in the years to come. [Applause.] This bill will pass the House to-morrow by the largest majority ever recorded for a similar measure, and will be approved by an overwhelming vote in the Senate. Another veto by President Wilson will not prevent it from becoming a law. The promised support of the minority leader [Mr. MANN] and the increased Republican representation on this side of the House means that the present occupant of the White House can not a second time defeat the expressed will and demand of the American people on this vital legislation. The necessary votes are in both Houses to overcome a presidential veto, and no power or influence in or out of Congress will prevent the representatives of the people from carrying out the plain mandate of those who believe this legislation is essential to the welfare and safety of the Republic and the continued prosperity and happiness of all who dwell beneath the protecting folds of our sacred flag. [Applause.]

The gentleman from Alabama [Mr. BURNETT] and those who have cooperated and followed him in this contest have not been actuated by hatred, malice, or prejudice. Race feeling, party interest, and religious creeds have not influenced them in

their support and advocacy of this bill. Like those on the other side of the question, the gentlemen from New York [Mr. BENNET and Mr. SIEGEL], the gentleman from Pennsylvania [Mr. MOORE], the gentleman from Massachusetts [Mr. GALLIVAN], the gentleman from Connecticut [Mr. TILSON], the gentlemen from Illinois [Messrs. SABATH and GALLAGHER], and others, they have taken their stand from a sense of duty, a conscientious belief that what they favored was in the interest of their country, for the benefit of native and foreign born American citizens, for the continuation and maintenance of our high standard of living and wages, for the insurance and permanency of our institutions and civilization, and for the peace, honor, and glory of the Republic. [Applause.]

All honor and credit to JOHN L. BURNETT, the tireless worker, the successful champion of the people's cause, the Nation's cause. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, I consider the pending bill one of utmost importance to the United States. One of the Members stated it would not affect the Irish, because they are all eligible to the college degree of bachelor of arts when they enter Castle Garden. I would like to say that this description also fits the English, the German, Norwegian, Swiss, and all who emigrate from northern Europe. Canadians can come in because they are generally literate, and as far as keeping out any person who desires to become a citizen of our country is concerned, it will have very little or no effect. We want good foreigners to come here and become good American citizens, but if they come to exploit their anarchistic dogmas, if they come here to raise the red flag, if they come here to disorganize our governmental institutions and to make trouble, then we do not want them. It is conceded that substantially all the provisions of the bill are unobjectionable except the one providing for the literacy test. No one wants the gates of Castle Garden torn down and free admission from every foreign land promiscously. We find by the terms of the bill that the following undesirables are to be excluded:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized Government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitues, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons likely for any reason to become a public charge; persons who have been deported under any of the provisions of this act and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port the Secretary of Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under 16 years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible; Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age physically capable of reading who can not read the English language or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not, and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

But, Mr. Chairman, it is the literacy test that is objected to. By the terms of the bill all aliens are to be excluded who can not read 30 words in ordinary use in some language or dialect of immigrants, of his own choosing. The condition being, "not less than 30 nor more than 40 words in ordinary use." For the physical defects assigned in the bill no one will contend that the immigrant should be admitted. But there are exceptions which broaden the scope of the bill, and if a person seek admission because of religious persecution he can enter.

The ability to read 30 ordinary words is a very mild test. It is not hard to comply with that requirement. If a person is going to France, Spain, or Germany, it is not unusual for the tourist to learn enough of the language of those countries for ordinary use. We read of ex-President Roosevelt making a speech in one of the West Indies, in French, after he had been gone only a few weeks. With slate and pencil a person of ordinary intelligence can learn to write the German alphabet in an evening or two. President Lincoln learned to read and cipher by the light of the family hearth. Andrew Johnson was taught by his wife after they were married. In these days of books and teachers and of schools it is not a hardship to learn to read. Most of the cities have night schools. There are numerous opportunities on every hand to acquire learning. One Member said learning dispels darkness. It does more than that—it dispels ignorance and opens the door of opportunity as nothing else will. A man will make a more desirable employee at everything who has learning, however little. A farmer wants his hired man to be able to count the sheep; to keep track of the produce sold; to keep informed of the daily markets; aye, to keep up with the times and read the daily papers. If he is able to do this he is more valuable than if he can not.

We heard the gentleman from Ohio [Mr. FESS] with much pleasure give a eulogy on the splendid school institutions of the Republic in general, and of Brown University in particular.

We are proud of our institutions of learning in Michigan. The great University of Michigan, with over 7,000 students today, made up from every nation on the globe, with more Members represented on the floor of this House than any other university or college, with thousands of its alumni scattered the world over, is the special pride of that great Commonwealth. This university was established with the formation of the State in 1837. Always standing high in learning and in imparting knowledge, preparing the youth of the world for advanced positions in all the walks of science, literature, and art.

The Michigan Agricultural College is one of the best, imparting technical training in that popular branch of science and of learning which has become a national problem—agriculture. Other great institutions devoted to the higher education in Michigan are its normal school for teachers, its college of mines and mining. Other colleges of high standing of great

merit and grown strong with age are scattered at close intervals throughout the State, Albion College, Hillsdale College, Olivet College, the Western State Normal, Nazareth Academy, and business colleges being in my district. Added to these institutions of learning is a complete network of high schools, graded schools, and country schools. Under the school system of our State there is extended to all an opportunity of education, which makes for the permanent welfare of our citizens, old and young. Millions have been willingly paid for maintaining these institutions. We have compulsory school laws. All children within the age of 14 are required to attend school for five months each year. It does not look right to me to support these schools and compel our own children at great expense to go to school, and then let down the bars and ingraft upon our people foreigners who can neither read nor write. What is true of Michigan is also true of most of the States. This bill will not exclude many. There were 326,270 immigrants who came into this country during the year 1915, 35,449 of whom were illiterates over the age of 14 and who would be affected by the provisions of this bill, while 52,982 were under the age of 14 and would not be affected by it.

When the Territory of the Northwest was established, our forefathers had strongly in mind the education of those occupying that Territory, and the ordinance providing for its government contained this provision:

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The people of Michigan so highly regarded that beneficent requirement that it was made a part of its new constitution of 1908, and it is now embodied as a provision of the basic law of our State. Why talk about compulsory school laws? And why talk about forcing men to acquire an education? Because it makes men better every way and we ought to be for that. Under our form of government the whole administration of our affairs and our future destiny are in the hands of the people. Education makes for good citizenship and good government. While there are good citizens who can not read or write, they would not be any worse off if they could. How are they to become citizens before the court if they can neither read nor write? We should have high regard for our citizenship.

Some think literacy should not be the sole test. Well, it will be better if it were one of the tests. A few months at night school or a few months study at home at night will qualify one on this simple requirement. So highly is learning regarded by employers that many of our leading institutions furnish schooling to their workmen.

With that good altruistic spirit always befitting Americans, some think that it is a discrimination between the educated and the uneducated which ought not to obtain, that this country is the retreat and asylum for all people. Such a rule would let in the Chinese, the Japanese, and the Hindus. We can not assimilate the world. If they want to come, and if we want them to come, we are a sovereign Nation, and have a right, as long as we are an independent Republic, to fix the standard of those who are to be admitted. This is our country. We contended for our freedom and our independence. Other nations can not set us our standard. For our high standard of civilization we have poured out our treasure and our blood. Let us maintain our high standard.

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity, with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid they keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, are all with thee!

Mr. SABATH. Mr. Chairman, I now offer the following amendment as a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 11, by inserting after the word "guests," in line 26, the following as a new section:

"SEC. 3½. That whenever he may deem such action necessary the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers others than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the 'passenger act' of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Labor so directs a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the 'passenger act' of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term 'violation' to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor."

Mr. SABATH. Mr. Chairman, this amendment tends to protect the immigrant upon the vessel. For years we have heard a great many complaints as to the treatment of these immigrants respecting the space and the general conditions that prevail in the steerage. My colleague, Mr. GALLAGHER, a few moments ago offered an amendment tending to relieve these unfortunate conditions. This amendment of mine is part of a section which was included in the bill that we reported to the House last year, and I believe it is a good provision, and that it will tend to force the steamship companies to provide better facilities for these unfortunate people who are obliged to travel in the steerage. It is a regulation of the navigation laws, and it gives the Secretary of Labor power to appoint inspectors and matrons to see that the law is enforced. For the information of the Members of the House, I will read the section of last year's immigration bill to which I have just referred:

That whenever he may deem such action necessary the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master of the vessel in his visits to the sanitary officers of the ports of call during the voyage; and should contagious or infectious diseases prevail at any port where passengers are received, he

shall request all reasonable precautionary measures for the health of persons on board. Such surgeon, on arrival at ports of the United States, shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor.

I believe that the amendment should be adopted, because we owe it to these people to protect them during their voyage, and we should eliminate the conditions that exist on a great many of these vessels. Not desiring to detain the committee any longer, I am ready for a vote on the amendment.

Mr. BURNETT. Mr. Chairman, we thrashed that matter out a while ago, and I think the committee understands fully that this has no place in this bill at the present time. There is a bill pending before the committee, and I therefore ask for a vote.

Mr. BENNET. Mr. Chairman, I move to strike out the last word——

Mr. BURNETT. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The Chair will say that asking for a vote——

Mr. BURNETT. Mr. Chairman, I move that all debate on this amendment be now closed.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to ask the Chair for information—was not a time limit set on debate on this section?

Mr. MANN. This is a new section, and this is a rather important matter.

Mr. BURNETT. We discussed this a while ago. How much time does the gentleman want?

Mr. BENNET. Five or six minutes.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that at the end of five minutes all debate close on this section.

The CHAIRMAN. The gentleman asks unanimous consent that at the expiration of five minutes, to be occupied by the gentleman from New York, that a vote be taken. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois [Mr. SABATH] will be adopted, and it can be enforced. When we had this up a little earlier in the committee a statement was made it could not be enforced. Here is the way it can be enforced, and I will read from page 15 of this bill:

Provided further, That whenever it shall be shown to the satisfaction of the Secretary of Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions.

Mr. Chairman, the committee can vote this down if they want to do so, but I want to say to the committee that if they vote down this amendment offered by the gentleman from Illinois they can never again truthfully say, any so voting, that they cared for the moral or spiritual or physical welfare in the highest degree of the immigrant on the vessel. I know, because I was a member of the subcommittee that had charge of this matter for the Immigration Commission, and when we got through with that work I offered a bill, which was substantially the same in spirit, though possibly different in language, as the provisions now offered by the gentleman from Illinois. Why not look after these people on the steamships? Why not compel the steamships to carry our own Government officials to look after the people who are to become first residents and then citizens of this country? Why not look after the women and protect them from assault by members of the crews and petty officers; and if I had time I could tell you stories about what has happened to immigrant women, and my friend from Illinois could tell you stories about assaults on women on steamships, which will continue unless you put some such provision as this in the law; and why in the name of heaven you do not rise to the opportunity to protect these people, men and women, who have bodies to be assaulted and souls to be saved or damned, is something I can not understand. I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. SABATH and Mr. BENNET) there were—ayes 35, noes 52.

Mr. BENNET. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee divided; and the tellers [Mr. BURNETT and Mr. SABATH] reported that there were—ayes 46, noes 64.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occurs. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against each other.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the committee to the fact that while we are criticized a good deal sometimes we do acts which are of real benefit to humanity. In 1910, on the 25th of June, as I recall the date, the then President of the United States signed an act introduced by the gentleman from Illinois [Mr. MANN] known as the white-slave act, of which this section is a complement. A great many men do not get any tributes until after they are dead, and I was glad to hear my friend from Alabama [Mr. BURNETT] get the kind words he did, the gentleman from Illinois [Mr. SABATH] get the kind words he did, and to receive some few for my own battered personality from the gentleman from Tennessee [Mr. AUSTIN].

Now I rise for the purpose of informing this House that the bill that we passed in the Sixty-first Congress, introduced by the gentleman from Illinois [Mr. MANN] has resulted in the conviction of more than 600 scoundrels engaged in the nefarious white-slave traffic. Write that up against some of the things that are said about Congress which are erroneous. Write that up to the credit of a man who has the courage to withstand all the abuse and the obliquy and derision that rang and ran through the press of this country for months and that is still running, but, nevertheless, obliquy or derision or criticism to the contrary notwithstanding, more than 600 despicable scoundrels, as the result of that act, have paid the penalty, some of them by long terms of imprisonment, and the life of the country is the sweeter and better, womanhood is more secure, and the family is more regarded because of the fact that the gentleman from Illinois has lived and has been a Member of the House of Representatives. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MANN. I renew it, Mr. Chairman.

I appreciate the words which the gentleman from New York [Mr. BENNET] has used in complimenting me. I have not always thought that turn about was fair play. The gentleman from New York [Mr. BENNET] was for many years a member of the Committee on Immigration and gave great study to the subject. He was also on a commission which gave great study to the subject. In the Sixty-first Congress I introduced a bill on the subject of white slavery, under the commerce clause of the Constitution. The gentleman from New York introduced a bill under our power to regulate immigration. There was, temporarily, possibly a little rivalry between the gentleman from New York and myself, or, if not rivalry between us, between some of our friends. If there was any rivalry between us in regard to the matter, it was soon dissipated, and we each agreed to do what we could to secure the passage of the bill introduced by the other. The gentleman from New York, who, from his study, had occasion to give a large amount of investigation to

the question of immigration of prostitutes and persons for prostitution, did a great service in aiding me to secure consideration from the House of a bill which finally became a law. I will say that I felt under great obligation to him, and I think the country owes him a great deal for the service that he rendered there.

In reference to the white-slave law, permit me to say that I believe it has done and is doing from day to day as much real good as any other law upon the statute books. While various suggestions have been made from time to time to amend it so as to make it weaker, sometimes so as to make it stronger, I have not yet seen anyone in the House who was willing to father a bill to take out any of its provisions. [Applause.]

Mr. SIMS. Mr. Chairman, while the two distinguished gentlemen, the gentleman from Illinois and the gentleman from New York, are passing bouquets, I think there is one distinguished gentleman whose name should not be forgotten in that connection and who was then a distinguished Member of this House from Texas, Judge Russell, who was afterwards appointed to the United States district court. Judge Russell, as a member of the Committee on Interstate and Foreign Commerce, emphatically and unconditionally supported the bill of the gentleman from Illinois. And the coincidence occurred that afterwards, when Judge Russell went on the district bench, one of the first cases to test the constitutionality of that act came before Judge Russell, and his opinion was sustained by the Supreme Court of the United States.

Mr. BENNET. Will the gentleman yield to me?

Mr. SIMS. Yes, sir.

Mr. BENNET. Does the gentleman know that Judge Russell, for his opinion in that case, in which he upheld the constitutionality of the act, inserted the speech which he had made on the floor of the House upholding the constitutionality of the law, and therefore what was afterwards sustained by the Supreme Court of the United States was the speech he made on the floor of this House?

Mr. SIMS. The gentleman must admit that they were forgetful in not mentioning that in their speeches.

Mr. BENNET. The gentleman must not assume that I ever forgot Judge Russell.

Mr. CANDLER of Mississippi. Permit me to say that there were 52 assignments of error in that case, and all of them were overruled by the Supreme Court and the judgment affirmed. This justifies the splendid judgment of President Taft in appointing Judge Gordon Russell, although a Democrat, to the United States district court bench, upon practically the unanimous indorsement of the Members of this House, Democrats and Republicans, and the action of the Senate in confirming the appointment by a unanimous vote.

No better man, splendid gentleman, chivalrous citizen, wiser legislator, or abler lawyer ever occupied a seat on this floor. He was an honor to this House, and being an able and just judge is an ornament to the Federal bench. [Applause.]

The Clerk read as follows:

SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit, the importation or migration of any contract laborer or contract laborers into the United States unless such contract laborer or contract laborers are exempted under the fourth proviso of section 3 of this act or have been imported with the permission of the Secretary of Labor in accordance with the third proviso of said section, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States as debts of like amount are now recovered in the courts of the United States. For every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid. The Department of Justice may from any fines or penalties received pay rewards to persons other than Government employees who may furnish information leading to the recovery of any such penalties or to the arrest and punishment of any person, as in this section provided.

Mr. BURNETT. Mr. Chairman, there are two amendments I think we will agree to without any trouble.

The CHAIRMAN. Are they at the desk?

Mr. BURNETT. No.

The CHAIRMAN. The Clerk will report the amendments, and the committee will come to order.

The Clerk read as follows:

On page 13, line 11, strike out the word "fourth" and insert the word "fifth" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BENNET. Mr. Chairman, where does that come in?

The CHAIRMAN. On page 13, line 11.

Mr. BENNET. After the word "fourth" insert "fifth"?

Mr. BURNETT. Strike out the word "fourth" and insert the word "fifth." It is an incorrect reference to the number of the proviso.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARDNER. Is the gentleman sure that that reference is incorrect?

Mr. BURNETT. Yes.

Mr. BENNET. My impression is it ought to be "fourth" and "fifth."

Mr. BURNETT. The next amendment is, on line 13, to strike out the word "third" and insert "fourth."

Mr. BENNET. I think that is right. If the gentleman will read the fourth proviso I think he will find that the gentleman from Massachusetts [Mr. GARDNER] is correct. It should be the fourth and fifth proviso.

Mr. GARDNER. The fourth proviso is the one that excepts lecturers and singers, and so forth.

Mr. BURNETT. There is one right near the top of page 8. That is the first. Then there is another about the middle of page 9. And then the third, "that the provisions of this act, relating to the payment for tickets or passage by any corporation, association," and so forth, is the third. The next is the fourth, "that skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country." And the fifth one is, "that the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers," and so forth.

Mr. BENNET. I think, if I could have the attention of the gentleman, that his first amendment, on line 11 of page 13, ought to be so that it would read "under the fourth and fifth provisos," for this reason: Contract laborers who otherwise would be excluded are exempted under both the fourth and fifth provisos, and the provision of the section is, "that it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit, the importation or migration of any contract labor or contract laborers into the United States, unless such contract labor or contract laborers are exempted under the fourth and fifth provisos."

Now, the fourth provision is:

That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country—

And so forth.

Now, certainly, we do not want to punish a transportation company which is exempted under that provision. And the fifth provision is the one we debated at some length in regard to artists, lecturers, actors, singers, and so forth. So it seems to me the provision ought to be to add after the fourth proviso, in line 11, the words "fifth proviso."

The gentleman from Massachusetts [Mr. GARDNER] asked me why it is not covered by the next amendment. I will tell him this: As the bill was in the Sixty-third Congress it would have been, but as the bill is now there are two classes of contract laborers, or those who would be contract laborers except for the exemption: Those who come and are admissible because they come within the exemptions, and those described in lines 2 to 6, on page 10, "in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation." But that is merely permissive and not mandatory, so that if you want to make the bill correct you want to add the words "and fifth proviso," on line 11, page 13, and strike out the word "third" and insert the word "fourth," on line 13. I saw the same errors that the gentleman saw.

Mr. BURNETT. The gentleman is mistaken, I think.

Mr. BENNET. No.

Mr. BURNETT. The fifth proviso relates to actors and others falling in that class entirely. Then the fourth proviso relates to skilled laborers who have been imported, with the permission of the Secretary of Labor, in accordance with that proviso, and for that reason they have to be imported with the permission of the Secretary of Labor. I think the fourth could only apply to that, and the fifth could only apply to actors, and so forth.

Mr. BENNET. Let me make this suggestion to the gentleman: Neither he nor I want to do anything erroneous?

Mr. BURNETT. Surely.

Mr. BENNET. I was going to suggest to the gentleman from Alabama that we adopt the amendments as he suggests them, and if after the session he comes to the conclusion that I was

right he shall ask that unanimous consent be given for the purpose of making the section read as I have suggested.

Mr. BURNETT. That is perfectly agreeable to me. I have conferred with the law agent of the department, and he thinks it is clear as it stands.

Mr. BENNET. With that understanding—that if there is merit in my suggestion, it will be corrected—I have no objection.

Mr. BURNETT. Of course, we all want to be correct.

Mr. PARKER of New Jersey. Mr. Chairman, why should we put in numbers there? Why should we not say "unless they are excepted or exempted under the provisions of section 3"?

Mr. BURNETT. We want to specify the particular section, because all the sections would not apply.

Mr. PARKER of New Jersey. Ought not the proviso to be stated in full, so that there would not be any trouble about it?

Mr. BURNETT. All you have to do is to count them.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that if at any time he so desires these particular amendments may be recurred to for such action as he may desire to submit to the committee. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 14, line 6, strike out the word "hereinafter."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to amend by adding, after the word "justice"——

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. What was that last amendment that the gentleman referred to?

The CHAIRMAN. It was read at the desk. It was a committee amendment. The Clerk will again report it.

The committee amendment was again reported.

Mr. BENNET. Mr. Chairman, I move to amend the bill by adding, on line 2, page 14, after the word "justice," the words "with the approval of the Department of Labor."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. BENNET].

The Clerk read as follows:

Page 14, line 2, after the word "justice," insert the words "with the approval of the Department of Labor."

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee and explain this to him I think he will adopt this amendment. A very important source from which fines are received—of course, that is the source covered in the section—is these contract-labor suits. I had the pleasure, while I was taking my recent vacation from the House, of being retained five times in contract-labor suits; and the way these suits are handled in the Government is this——

Mr. BURNETT. Mr. Chairman, I think the amendment is well taken. I accept the gentleman's suggestion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit or attempt to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or criminal penalty or both imposed by said section shall be applicable to such a case.

Mr. BENNET. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the same.

The Clerk read as follows:

Page 14, line 8, after the word "That," insert the words "except as to persons whose importation is lawful."

Mr. BENNET. Mr. Chairman, it seems to me that the purpose of that amendment is very clear. Under the exemptions in sections 3 and 5 it is perfectly lawful to import certain persons, but without this provision the person who "induced, assisted, solicited, or attempted to induce," and so forth, any such alien to come into the United States would be guilty of an offense.

Mr. SLAYDEN. Mr. Chairman, may I ask the gentleman a question?

Mr. BENNET. Yes.

Mr. SLAYDEN. Would it not be better, if the amendment prevails or is accepted, to put it after the word "false," in line 14? Would not that be a little clearer?

Mr. BENNET. The gentleman's question is whether I do not think my amendment ought to go in there?

Mr. SLAYDEN. Yes; would it not be clearer?

Mr. BENNET. Mr. Chairman, may we not have the amendment again reported?

The CHAIRMAN. Without objection the Clerk will again report the amendment offered by the gentleman.

The amendment was again read.

Mr. SLAYDEN. It is a question of style as to where the language would come in best.

Mr. BENNET. I think there are only two places where it could get in with absolute clearness—either where I have indicated or after the word "unlawful," in line 8. But I think it would be rather involved where the gentleman suggests. I gave the matter a good deal of thought, and I think the place I have indicated is the proper place for it. If the chairman of the committee has come to the conclusion to accept it I do not want to talk further.

Mr. BURNETT. I do not think it ought to be adopted.

Mr. BENNET. Then I would like to be heard.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BENNET. Mr. Chairman, under this bill it is perfectly legal to bring into this country the persons mentioned in the fourth and fifth provisos to the third section, which will be found on pages 9 and 10. Now, we have the anomaly that if any such persons who have a legal right to enter this country under the law come into this country because they are induced by promise of employment through advertisements printed in any foreign country they may be deported.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. Suppose Oscar Hammerstein advertises for artistic talent in Italy. Under this provision could not those who answered the advertisement and accepted employment be deported?

Mr. BENNET. Unless the committee adopts the language which I have offered this will be the situation: When that particular singer, who, under the language on page 10, is entitled to enter this country, gets to Ellis Island and tells the truth—that is, that she signed a contract abroad—it was the intent of Congress that she be admitted; but if it is proven that Mr. Hammerstein wanted singers of that kind, and knew he was permitted to bring them in, but advertised for them in a paper in Florence, the place from which singers of that kind mainly come, then, apparently, this singer would be kept out.

Mr. GARDNER. May I ask the gentleman a question?

Mr. BENNET. Certainly.

Mr. GARDNER. The gentleman is aware that this provision is in the present law, and also the exceptions to concert singers, to which exception he alludes. That is in section 6 of the present law.

Mr. MOORE of Pennsylvania. It is in the present law?

Mr. BURNETT. Yes; it is the law at present, and has been for years and years.

Mr. BENNET. And under the present law that poor farmer out in Dakota apparently would have to pay $5,000 for an absolutely technical violation. And, as we go through the law, it does seem to me that the mere fact that a thing is in the law is no reason why we should not make a beneficial amendment.

Mr. MOORE of Pennsylvania. Is it not a fact that Mr. Hammerstein could bring in a concert singer from Florence, but that he could not bring in a farm laborer from Canada?

Mr. BENNET. Yes; of course; but the House has passed on that. We had our day in court on that, and we were beaten.

Now, I am just as responsible for this as anybody. I was on the committee with the gentleman from Massachusetts [Mr. GARDNER], and the gentleman from Alabama [Mr. BURNETT], and others, who drafted this original provision; but while I was out of Congress I had an opportunity to get up against the other side of this question; and it would do some other gentlemen here good if they could have a similar experience. When you are retained in a lawsuit, and are studying the law from that side, you put a good deal of concentrated atten-

tion upon it that sometimes you do not put upon a bill when you are in Congress. In five cases in which I was retained I paid a good deal of attention to this contract-labor law, and this is one of the things that I saw. The mere fact that we do not know that harm has happened is no reason at all why we should not correct an error in the law by adopting a good amendment.

Mr. GARDNER. Mr. Chairman, my objection to this amendment rests on other grounds than those which have been discussed. The gentleman from New York [Mr. BENNET] advocates his amendment on the ground that if it is legal to import singers and lecturers it ought to be legal to advertise for them abroad. If difficulties had been met with in the execution of the law in the past, I should be very much inclined to agree with the gentleman; but my objection to his amendment is that before any judicial determination had been arrived at to show that there was a scarcity of some particular class of laborers in this country, it would enable people to advertise for contract laborers on the allegation that workmen of a like kind could not be found.

Now, it was with the greatest difficulty, and after consultations with Senator LA FOLLETTE, and with the representatives of organized labor and with the representatives of certain industries who claimed that they could not find in this country operatives to run lace-making machines, that the conferees finally reached an agreement. Before this was accomplished the immigration bill was sent back to conference by the Senate and I think by the House, as well.

It was after a very long conference that we finally agreed upon a method for making effective that clause in the immigration statute which exempts from the contract-labor law all labor of a kind which can not be found unemployed in this country. The method we adopted is comprised in section 3 of the bill. I hope that no amendment which alters its scope will prevail.

You all know that under the existing law persons can import contract laborers when laborers of a like kind are not to be had in this country. You also know that in spite of this opportunity few contract laborers are actually imported. The reason is as follows:

No one is clothed with authority to declare whether or not at any given time there is a scarcity of any particular kind of labor in this country. Without such declaration no man likes to take the risk of importing labor, even when he feels pretty sure that labor of the same kind can not be secured without importation. If a man were to take that risk, likely as not the administration officers might hold that there was plenty of that particular kind of labor to be had. Therefore, we provided in the vetoed bills that there should be a means of determining the question as to labor scarcity on application from either side to the controversy. It is principally because I do not want to do anything which will alter that agreement which was made with such difficulty that I oppose any amendment which in any way contravenes it

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of calling the attention of the gentleman from Massachusetts to a fact; he gave me his assurance—and no doubt believed it was correct—that this was existing law, but if he will look at the committee print he will find that it is not; that there are changes, and very material changes. One of the changes is where it says "induce, assist, encourage, or solicit any alien to come into the United States," the words are inserted "or attempt to induce, assist, encourage, or solicit." Then with reference to the advertisements printed and published in a foreign country the words "whether such promise is true or false" are inserted.

Now, there is no reason except an agreement with Senator LA FOLLETTE, not a Member of the House and not now present, as to why this amendment should not be adopted.

Mr. GARDNER. Did not the gentleman understand me to say that representatives of the Federation of Labor were present?

Mr. BENNET. Well, they are not Members of the House. The purpose of the amendment is simply to avoid a conflict which ought to be and is patent to everybody. It stands up like a ripe banana in a coal scuttle; you can not reconcile the two things. If you want these people to come in, which the House voted to-day to have come in, it ought not to be an offense to invite them to come in.

Mr. BURNETT. Mr. Chairman, this section is old law in all of its substantial provisions. The only changes in the law are that the present law says it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States. In the present bill it says induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit any alien, and so forth. Then as to the promises made by advertisement printed and published in a foreign country we have introduced the words "whether such promise is true or false." Whether they can come in lawfully or not was never considered by the committee, because we did not want induced labor to come here, even if they could come legally. The amendment is against the policy of this old law to prevent induced or assisted immigration, and the people of this country do not want induced labor to come in. Even if they are admissible, we ought not to induce them to come here. Therefore I think the amendment ought not to be adopted.

Mr. MANN. Will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. MANN. Who gets punished under this provision, who can it apply to; anybody but the citizens and people in the United States?

Mr. BURNETT. No one but those who induce, solicit, and encourage or attempt to induce, solicit, or encourage.

Mr. MANN. It is perfectly plain that we have no authority to punish some citizen in Austria for advertising in Austrian papers advising people to come to the United States.

Mr. BURNETT. Of course not.

Mr. MANN. Who does it run against?

Mr. BURNETT. Those that do that here, those who induce, encourage, or solicit.

Mr. MANN. How far does it apply to foreign steamship companies?

Mr. BURNETT. We go further and provide for that in another part of the bill, except that they may advertise their sailings.

Mr. MANN. It is not supposed to apply to steamship companies?

Mr. BURNETT. No; there is another section that applies to them.

Mr. MANN. In the bill as it passed the House the last time we put an exception in that States might advertise.

Mr. BURNETT. That, I think, is further on in the bill.

Mr. GARDNER. No; that has been cut out.

Mr. BURNETT. That is true.

Mr. MANN. Some gentleman on the floor said it was in the law. It was in the bill as it passed the House the last time.

Mr. SABATH. It was; and I think it was on my motion that it was cut out in the committee.

Mr. Chairman, I am pleased that I can agree with the chairman of the committee on this proposition. I am opposed to the amendment and I think it should not prevail. I wish to state that I always have been and am now against induced immigration, and for that reason I assisted in having this section strengthened so that it will be impossible for anyone to bring in contract labor or induce immigration to the United States, though it might be brought in by some States that may desire to advertise for it. I think that tends to show that the oft-repeated statement on the part of the chairman of the committee that the literacy test is the only restrictive provisions in the bill is erroneous. We have in this bill a great many other provisions which are restrictive. This is one of them. I am in favor of it. I am not in favor of permitting any corporation or steamship company or any agents to advertise and bring in labor, as was done some years ago. I am now on record and I am going on record again against induced immigration. I have always maintained that those people who desire to come here to make this their permanent home because they have read and heard so much of our institutions, of our country, and of the liberties of our Nation should have the right and privilege to come.

Mr. MOORE of Pennsylvania. Mr. Chairman, does the gentleman think that this paragraph could be interpreted to apply as against a person in the United States writing to a relative on the other side and assisting that relative to come over?

Mr. SABATH. I do not.

Mr. MOORE of Pennsylvania. Is the gentleman satisfied in his mind, as I think the chairman of the committee stated, that this applies only to such assistance as is advertised in the newspapers?

Mr. SABATH. Yes. If the gentleman will read the section, I think he will satisfy himself that it only tends to prevent people from advertising, encouraging, and inducing people to come to the United States.

Mr. MOORE of Pennsylvania. It would be a hardship if it prevented a father from writing to a son to come here and assisting that son to come.

Mr. SABATH. There must be a promise held out of employment, through such advertisement.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Suppose a brother wrote to another brother that he had employment for him?

Mr. SABATH. That would not apply.

Mr. BURNETT. It never has been so construed.

Mr. BENNET. But here is what would happen. Suppose a newspaper published in Detroit carried an advertisement, inserted by an American for distribution in America, saying something like this, "Hands wanted," and that newspaper was distributed—the word "distributed" being in line 13—in the city of Windsor, which is across the river from Detroit, in Canada, and a man or a woman over there read the newspaper and came across in the ferry boat and accepted this employment in pursuance of the advertisement, the person who employed him or her in Detroit would be liable to a thousand-dollar fine. The gentleman from Nebraska [Mr. LOBECK] told me of a case exactly like that that happened to a concern in Omaha.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Does the gentleman remember that there was a dissenting report in 1906, when the gentleman from Alabama [Mr. BURNETT] and I joined in a majority report, and that the dissenter in that report was the gentleman from New York [Mr. BENNET], and that he made a specialty of redrafting the contract labor law, and that we accepted his redraft of it? Does the gentleman remember that?

Mr. BENNET. If I can get time, I will tell what did happen.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. GARDNER. Was not that substantially what happened?

Mr. BENNET. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 15, add the following:

"*Provided*, That this section shall not apply to States or Territories or the District of Columbia or places subject to the jurisdiction of the United States, advertising the inducements they offer for immigration thereto, respectively."

Mr. BENNET. Mr. Chairman, we have heard a good deal about things being left in the bill because they are in the existing law. The proviso I have just sent to the desk as an amendment is existing law. Sometimes I think I am the only Jeffersonian Democrat in the House, because, as far as I can see, I am the only man in Congress who seems to think there is any right, duty, or obligation resting on or adhering to a State. Under existing law if the State of Illinois or the District of Columbia, or the Territory of Hawaii desires to advertise for labor, it has the right to do so.

I have not come to the point yet where I do not trust the several States of the Union. I do not think there is a State in the Union that, for the purpose of debasing the citizenship or doing an injury, advertises for people to come to this country, and I do not believe there is a State that would advertise falsely.

Mr. BURNETT. Mr. Chairman, if the States have got that right, what is the use of putting it in the law then?

Mr. BENNET. They have not, because in this bill you strike it out. It was carried in the law always.

Mr. BURNETT. But I understood the gentleman to say they have the right now.

Mr. BENNET. Oh, no.

Mr. BURNETT. That is the statement, I understood.

Mr. BENNET. I think this Congress can do as they did to the State of Utah, possibly so; at any rate, I do not want to raise the constitutional question, because one thing that makes this House laugh is when a man gets up and makes an argument on a constitutional question. Since Judge Bartlett left there is no constitutional authority in the House. Possibly the States would have the right under the Constitution, but why strike it out? Why attempt to take away this right from the States? Have the States become degraded, have they gone backward? Are not they the same trustworthy Commonwealths they have always been? What I seek to do is to continue in the law a provision that the law has contained always, and if I have to make a speech for it as a Jeffersonian Democrat I will do it, because I realize there is a value to the States, and I dislike to see this nominally Democratic House day after day and time after time, vote after vote, strike down the privileges and abridge the duties of the respective States, and not one single Democrat rise in defense of the old time, old-fashioned doctrine of State rights that had a good deal of merit and force in it, and while we Republicans do not adhere to it as a whole, I think we would be very sorry indeed to see disappear from the arguments and life of our country the thought that the several States have existing rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I dislike to disagree with the gentleman from New York, especially when he designates himself as a Jeffersonian Democrat. I have always been one, and I therefore believe in that doctrine, but I can not see how we can deprive a State of any constitutional right that it may have by merely saying nothing about it. We do not say that they have no rights, and we do not specifically give them any rights under this bill.

If such a provision has ever been contained in a former immigration act or law, it did not give the States any additional rights or powers. It was on my motion, Mr. Chairman, that this provision was eliminated, and I maintained then, as I maintain now, that no individual and no State should have the right to import immigrants or aliens if they are not wanted or if they are not going to accord them proper treatment. You and I have read the reports of the hardships of the immigrants who were imported into Carolina some years ago, and we know that due to conditions which existed there the stay of those immigrants was made impossible. The consequence was that a great deal of trouble was stirred up which should never have occurred. It was not that the immigrants did not desire to work on the farms, as they were promised, when they were induced to go to that State. Instead of being employed in tilling the soil they were placed in employments which were foreign to them, and where they could not do themselves justice. Fearing that this occurrence might arise again, I have urged that we should not make it possible for immigrants to be led astray and be imported by any individual or company or any corporation or by any State unless the advertisements are published in good faith, and some guarantee given that the promises made to the immigrants will be carried into effect.

In former years great injustice has been done to immigrants under circumstances such as we have been discussing, and for that reason I am opposed to the provision, and I hope that the amendment of the gentleman from New York will not prevail.

Mr. ADAMSON. Mr. Chairman, I would be very glad to speak for two or three minutes.

The CHAIRMAN. Does the gentleman ask unanimous consent to speak for three minutes?

Mr. ADAMSON. Yes, sir.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I am deeply distressed at the heartfelt lamentation of the modern weeping prophet from New York [Mr. BENNET] that there is left in Congress no friend of the Constitution, nor defender of State rights.

I have observed that while many of us have respect for the Constitution and State rights from principle, because the Constitution exists and State rights are guaranteed by it and deem it unnecessary to make constant protestation, yet there is no danger of the instrument or the doctrine being abandoned. Every once in a while we see that when the shoe pinches, some gentleman who had forgotten about the Constitution and State rights, begins vociferously to shout for both, because he is in a corner and interest prompts him to invoke the Constitution and State rights. But alas—

> When self the wavering balance shakes,
> 'Tis rarely right adjusted.

My distinguished friend from New York [Mr. BENNET], comes halfway over. He can not be a square-cut, straight Democrat. He qualifies it. He says, "Jeffersonian Democrat." True Democracy does not need any handle or any qualification, but is just straight Democrat, friend of the Constitution, friend of the people, and friend of the States. But I congratulate the distinguished gentleman from New York for making a start, even if impelled by the exigencies of the debate on this occasion or the interest in the subject or his section of our country. But no matter what motive may prompt him. If his conduct and doctrine become sound and correct he should be encouraged, and I am constrained, in congratulating him on the progress he has made in the right direction, to commend to him two lines of that blessed old hymn:

> While the lamp holds out to burn,
> The vilest sinner may return.

[Laughter.]

Mr. BURNETT. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

Mr. JOHNSON of Washington. Will the gentleman withhold that for a moment? I want to make a little correction.

Mr. BURNETT. Do that in the House.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. DYER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Allen Barnes (H. R. 2626, 1st sess. 63d Cong.), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. YOUNG of Texas, by unanimous consent, was granted leave of absence indefinitely, on account of illness of his brother.

Mr. DARROW, by unanimous consent, on request of Mr. MOORE of Pennsylvania, was granted leave of absence for an indefinite period, on account of illness.

CONDITION OF THE TREASURY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter from the Secretary of the Treasury to myself in respect to the condition of the Treasury.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent to extend his remarks in the RECORD by printing a letter from the Secretary of the Treasury. Is there objection?

There was no objection.

The following is letter referred to:

THE SECRETARY OF THE TREASURY,
ON BOARD U. S. S. "TENNESSEE,"
March 11, 1916.

MY DEAR MR. KITCHIN: There has been so much unfair criticism and partisan misrepresentation of the daily statement of the United States Treasury which was put into effect October 1, 1915, that for the sake of truth and fair play I beg to present to you the actual facts, with the hope that they may be inserted in the CONGRESSIONAL RECORD and published to the country.

Our Republican opponents complain bitterly because I have included as a part of the general fund of the Treasury the deposits made by national banks for the retirement of their circulating notes. One would suppose, from their violent denunciations, that I am guilty of a crime because I have done this, and yet I have merely obeyed a law passed July 14, 1890, by a Congress controlled in both branches by the Republican Party and approved by a Republican President, the late Benjamin Harrison. This law is mandatory. It directs the Secretary of the Treasury to do exactly what I have done. I have no discretion in the premises. If I have committed a wrong the Republican Party is responsible for it, and if there is virtue in my action the Republican Party is entitled to the credit of it. The act of July 14, 1890, approved by President Harrison, provides as follows:

"That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purposes, shall be covered into the Treasury as a miscellaneous receipt, and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby created, to be known as national-bank notes redemption account, but the provisions of this act shall not apply to the deposits received under section 3 of the act of June 20, 1874, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to 5 per cent of its circulation to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public-debt statement as debt of the United States bearing no interest."

A distinguished Republican statesman, John Sherman, who had been Secretary of the Treasury himself, introduced this bill, and you will find in the CONGRESSIONAL RECORD of May 7, 1890, the following statement made by him in support of it:

"Mr. President, under the existing law, as Senators no doubt are all aware, when a national bank chooses to retire its circulation it may deposit an equivalent amount of lawful money, or United States notes, in the Treasury of the United States, and by the existing law those United States notes or other lawful money must be held in the Treasury to redeem the outstanding bank circulation as it comes in. It so happens, on account of recent events, which I need not recall, that the national banks are rapidly retiring their circulation, and the result has been that at one time there was over $100,000,000 lying idle in the Treasury to await redemption of national bank notes which were not presented in due course of one, two, three, or four years, and at the present time there are about sixty-five or seventy million dollars lying in the Treasury held to redeem outstanding bank notes which do not come in, thus to that extent contracting the currency of the country unduly and with great injury. The section I propose as an amendment simply proposes to allow the money thus deposited for the redemption of national bank notes to be paid out, and the Treasury will, as these bank notes come in, pay them out of the funds in the Treasury composed of this money and other money in the Treasury. In other words, the effect will be to unlock about sixty-five or seventy million dollars of circulation. I suppose there can be no objection to the amendment.

"Mr. COCKRELL. It simply authorizes that to be paid out of the Treasury?

"Mr. SHERMAN. Yes."

I attach as "Exhibit A" extracts from the debate in the Senate in May, 1890, upon Senator Sherman's measure.

The effect of this law was to compel the Secretary of the Treasury to treat and actually use as a part of the available funds in his hands for the general purposes of the Government all moneys deposited by national banks for the retirement of their outstanding circulation, except the 5 per cent redemption fund.

In order to get a clear understanding of this matter, it should be stated that there are two national-bank redemption funds.

First, what may be called the "100 per cent redemption fund," which is a fund deposited by national banks that have failed or gone into liquidation or desire to reduce their circulation. This fund is equal to the par value of the outstanding national-bank notes to be retired; and,

Second, the "5 per cent redemption fund," which is a fund deposited by going national banks for the purpose of taking care of the current redemptions of their outstanding circulation. This fund has always been treated as a trust fund, and is not included in the general-fund balance of the Treasury.

It is the "100 per cent redemption fund" which the act of July 14, 1890, directs to be covered into the Treasury as a part of the miscellaneous receipts, and it is the identical redemption fund which every Secretary of the Treasury, whether Republican or Democratic, has for the 26 years since the passage of that act treated as a part of the general fund of the Treasury, except for the brief period from July 1, 1913, to September 30, 1915, when, for reasons hereinafter stated, I included this fund in the liabilities on the Treasury statement, and consequently eliminated it from the general-fund balance.

A Republican Secretary of the Treasury, William Windom, put this law into operation on July 26, 1890. The following was the effect produced:

The general-fund balance on July 25, 1890, excluding the gold reserve fund of $100,000,000, was	$83,439,678.12
The next day, July 26, 1890, the general-fund balance in the Treasury, excluding the gold reserve fund of $100,000,000, was	131,357,650.69

This magical increase was accomplished by the mere transfer of the national-bank redemption fund, amounting to $54,388,475.75, from the liabilities on the ledger to the general-fund balance. This amount was, however, decreased that day by $6,470,503.18, being the net difference between the excess of total disbursements over total receipts, thus making the net increase in the surplus fund of the Treasury July 26, 1890, over July 25, 1890, $47,917,972.57. (See daily statements of July 25 and 26, 1890, attached as Exhibits B and C.)

Republican statesmanship achieved this extraordinary gain in the revenues of the Government "overnight" by the simple expedient of transferring by law a $54,388,475.75 liability into the general-fund balance. This is the first recorded instance in the Treasury Department of what our Republican opponents have been so generous in denouncing as "financial legerdemain," "padding figures," "jugglery," etc.; and those illustrious Republican statesmen, Benjamin Harrison, John Sherman, and William Windom, are our exemplers!

On the 1st of July, 1913, I transferred this national-bank redemption fund from the general-fund balance to the liabilities on the Daily Treasury Statement upon the advice of an alleged expert accountant whom I had employed to investigate the Treasurer's Office and improve the Daily Treasury Statement. This was bad advice, and my action was an error, because the law gives the Secretary of the Treasury no discretion in this matter. It compels him to cover the national-bank redemption fund into the Treasury as a part of its general assets. The Government assumes the payment of the national-bank notes for which this redemption fund is deposited and charges the amount thereof as a part of the public debt, and you will find it regularly entered in the monthly debt statement of the Treasury.

In order to correct this error and comply with the "Republican law" of July, 1890, I retransferred this national-bank redemption fund from the liability side of the Daily Treasury Statement to the general-fund balance on the 1st of October, 1915, where it will remain until the law is changed.

It is amazing that the criticism of our Republican opponents should be directed at this action, which, as before stated, is forced upon the Secretary of the Treasury by virtue of legislation of the Republican Party. If this is bad financing, bad practice, or bad morals, our Republican critics should blame the Republican Party. They are vulnerable and not we.

Our opponents have also criticized the new form of Daily Treasury Statement because the amounts to the credit of disbursing officers are no longer charged as money actually disbursed, but are included in the general-fund balance, with the express statement, however, that the full amount to the credit of disbursing officers is included in such balance. To illustrate, the net balance in the general fund as shown by the Daily Treasury Statement of March 10, 1916, is given as follows:

Net balance, including $57,346,666.52 to credit of disbursing officers	$116,092,977.98

This statement is the literal truth, and can not be successfully attacked or criticized.

To understand this matter clearly it should be borne in mind that the Treasurer of the United States is, from time to time, authorized by the Secretary of the Treasury to credit disbursing officers of the Government with certain amounts against which such disbursing officers are permitted to draw checks upon the Treasurer. The actual moneys to cover these credits are in the Treasury, and are not withdrawn from the Treasury sometimes for many months and sometimes for many years.

Under the law the Secretary of the Treasury controls the funds of the Government and the Treasurer of the United States is the banker for the Secretary. The new form of Treasury statement accurately reflects the condition of the Secretary's account, as disclosed by the books of his banker, the Treasurer. The old statement was made partly from the viewpoint of the Treasurer of the United States as the banker of the Government and partly from the viewpoint of the Sec-

retary of the Treasury as a depositor for the Government. This led to endless confusion in the public mind.

During the term of Secretary MacVeagh, disbursing officers of the Government deposited their balances in designated national banks or in subtreasuries. One month before Secretary MacVeagh retired—viz, February, 1913—this practice was discontinued by him, and all balances to the credit of disbursing officers in the United States were transferred from the national banks and the subtreasuries to the books of the Treasurer of the United States at Washington, where they appear merely as book accounts. Checks of these disbursing officers are now drawn on the Treasurer of the United States instead of, as formerly, on different national-bank depositaries or Assistant Treasurers of the United States. The status of these accounts is, therefore, materially changed. Money is no longer transferred from the Treasury for the credit of these disbursing officers, but the money remains in the custody of the Treasurer of the United States, disbursing officers being given merely a book credit for certain amounts against which they are authorized to draw. Under this new system every cent of this money is in the custody of the Treasurer until the checks of disbursing officers are paid by him.

The amounts carried to the credit of disbursing officers on the books of the Treasurer do not represent an equivalent amount of obligations which disbursing officers are required to pay. They represent that part of the appropriations previously made by Congress which the heads of the different departments think it desirable that their disbursing officers should have credited to them as checking accounts for the purpose of paying obligations, and are simply the maximum amount which disbursing officers are authorized to draw on the Treasury to pay bills of the Government.

The laws of the United States requires that no money shall be paid out of the Treasury except on warrants signed by the Secretary of the Treasury and countersigned by the Comptroller of the Treasury. It is physically impossible, and would greatly delay the Government's business even if possible, for the Secretary's office to attempt to issue warrants for every disbursement, and, in order to facilitate the payment of the Government's bills, the Secretary, by a warrant, gives a credit to disbursing officers. This is purely a bookkeeping arrangement and is necessary because of the vastness of the Government's business.

Disbursing officers' funds in the hands of the Treasurer of the United States are as much a part of the funds of the Government as is the balance remaining in the Treasurer's hands subject to the check of the Secretary of the Treasury. As the net balance should represent the funds in the Treasury available for paying the current obligations of the Government, the amount placed on the books to the credit of disbursing officers should be included therein.

Furthermore, there can be no just ground for criticism because of the inclusion of these credits in the general-fund balance, as their exact amount is clearly stated in every daily statement issued by the Treasury Department.

There are, of course, at all times checks issued by these disbursing officers which have not been paid, but these are a small proportion of the total amount placed to their credit. It is impossible to state the amount of these outstanding checks daily, but once a month, in "The Financial Statement of the United States Government," formerly known as "The Public-Debt Statement," these outstanding checks, together with all other outstanding current obligations against the general-fund balance, are specifically set forth, and the balance, with these deductions, accurately stated.

Our opponents argue from false premises when they try to draw conclusions that disbursing officers' balances are mortgaged by appropriations. From that standpoint it would be proper to say that all the funds of the Government, and much more, are always mortgaged by appropriations; and if that be true, then there has never been a balance in the general fund of the Treasury. The purpose of the balance is to pay current obligations; it is not intended to cover all the money which Congress has appropriated at any one time.

Some of our opponents have criticized the Treasury statement on the floor of the House because there is included in the general-fund balance, or among the assets of the Treasury, "subsidiary silver and other minor coin." I am at a loss to understand the basis of such captious and foolish criticism. Every Republican and every Democratic Secretary of the Treasury has included subsidiary silver coin and minor coin, as well as silver bullion and fractional currency, as a part of the general-fund balance in the Treasury ever since the Daily Treasury Statement has been issued. How could the Secretary do otherwise if he is to make a true statement of the condition of the Treasury? Subsidiary silver coin and minor coin are just as essential to our fiscal operations as large denominations of money, and are, of course, an actual asset of the Treasury. Suppose, for instance, that you should be asked how much money you have in your pocket; that you have $25, of which $5 consists of silver coin of the denominations of 50, 25, and 10 cent pieces and nickels and the remainder currency. Would it be true to say that you have only $20 in your pocket because that much is in currency, and that the subsidiary silver coin is of no value, and therefore should not be counted? Suppose a bank excluded from its assets its subsidiary silver coin and minor coin—counted it as nothing. Would the bank make a true statement of its assets? Every bank in the United States and every individual with common sense counts as a part of his assets and his money subsidiary silver coin such as 50, 25, and 10 cent pieces and nickels, if they possess them, and they use such subsidiary silver coin in the payment of debts as well as for the purpose of making necessary exchanges. The inclusion of subsidiary silver coin in the Treasury statement as a part of the general-fund balance in the Treasury is, of course, necessary if its true condition is to be reflected.

Permit me to add one more observation. Our opponents are constantly harping on the daily net balance in the general fund of the Treasury, comparing it with the condition of the Treasury under the Payne-Aldrich Act and magnifying the alleged deficit in the Treasury by basing their conclusions wholly upon the excess of daily or monthly disbursements over daily or monthly receipts. This is an utterly fallacious line of reasoning, because the daily and monthly receipts of the Treasury as published since the passage of the Underwood-Simmons Tariff Act do not include the amount which the Government is accumulating daily in the form of corporation and personal-income taxes, which taxes, as you know, are paid but once a year, namely, in June of each year. As these taxes have in the past produced approximately $7,000,000 per month, the true condition of the Treasury of the United States to-day should include the amount of these taxes earned to date but not payable until June next. For example, for the eight months which have elapsed from July 1, 1915, to March 1, 1916, corporation and personal-income taxes have accrued in favor of the Government amounting to approximately $56,000,000. The Treasury statement could very properly show that these taxes have been earned up to date and that they are a tangible Treasury asset, although not payable into the Treasury until June, 1916. If this were done, the apparent excess of monthly expenditures over monthly receipts would largely disappear. The situation is exactly analogous to that of a man who owns bonds upon which the interest is payable semiannually, say, on January 1 and July 1 of each year. Between the interest periods interest is accruing on his bonds, and he is entitled to consider the amount of such interest as a part of his available assets, although he does not receive the payment until the following interest period. I mention this merely for the purpose of directing your attention to a popular fallacy in which many people indulge, consciously or otherwise, when they discuss the condition of the United States Treasury upon the basis of the Daily Treasury Statement. As an actual fact, therefore, the Treasury is to-day approximately $56,000,000 better off in the way of assets than the daily statement shows, because this represents approximately the amount of accrued corporation and personal-income taxes which have been earned by the Government during the present fiscal year, but are not payable into the Treasury until June, 1916.

In conclusion permit me to say that when Secretary MacVeagh turned the Treasury Department over to me as his successor, there was included in the general-fund balance and as a part of the assets of the Treasury on March 5, 1913, the sum of $22,671,628.50, which represented the total amount deposited in the Treasury on that date by national banks as a redemption fund for the retirement of their circulation.

Faithfully, yours, W. G. McADOO.

Hon. CLAUDE KITCHIN,
House of Representatives, Washington, D. C.

EXHIBIT A.

The bill placing the national bank retirement fund in the balance of the general fund of the Treasury and making it a part of the public debt was introduced by Senator Sherman, who had been Secretary of the Treasury, as an amendment to Senate bill No. 2350, authorizing the issue of Treasury notes on deposits of silver bullion. (P. 4237, pt. 5, vol. 21, CONGRESSIONAL RECORD, May 7, 1890.) It was introduced as section 6, and read as follows:

"That all laws and parts of laws requiring the lawful money deposited with the Treasurer of the United States, as provided by section 5222 of the Revised Statutes, to be held as a special fund for the redemption of notes of national banking associations, are hereby repealed; and all the money now deposited or which may be hereafter deposited under said section shall be covered into the Treasury; and all sums now deposited, or which may hereafter be deposited, with the Treasurer of the United States, as authorized by section 4 of an act entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes,' approved June 20, 1874, shall be covered into the Treasury."

In favor of this amendment, Mr. Sherman said:

"Mr. President, under the existing law, as Senators no doubt are all aware, when a national bank chooses to retire its circulation it may deposit an equivalent amount of lawful money, or United States notes, in the Treasury of the United States, and by the existing law those United States notes or other lawful money must be held in the Treasury to redeem the outstanding bank circulation as it comes in. It so happens, on account of recent events which I need not recall, that the national banks are rapidly retiring their circulation, and the result has been that at one time there was over $100,000,000 lying idle in the Treasury to await redemption of national bank notes which were not presented in due course in one, two, three, or four years, and at the present time there are about sixty-five or seventy million dollars lying in the Treasury held to redeem outstanding bank notes which do not come in, thus to that extent contracting the currency of the country unduly and with great injury. The section I propose as an amendment simply proposes to allow the money thus deposited for the redemption of national bank notes to be paid out, and the Treasury will as these bank notes come in pay them out of the funds in the Treasury composed of this money and other money in the Treasury. In other words, the effect will be to unlock about sixty-five or seventy million dollars of circulation. I suppose there can be no objection to the amendment.

"Mr. COCKRELL. It simply authorizes that to be paid out of the Treasury?

"Mr. SHERMAN. Yes."

On page 4755, same volume, on May 16, 1890, Senator Sherman said, in opposing an amendment offered by Senator Plumb, of Kansas, to his amendment:

"I do not think it wise to adopt such a proposition as this. It has no relation to the subject matter of the very fund to which mainly it relates. By it we cover into the Treasury $60,000,000 which must have behind it a reserve of not less than 10 to 20 per cent to pay the outstanding bank notes when they come in for redemption, and it would be necessary for the Treasury to have for this fund alone at least six to ten millions of dollars, because these bank notes are coming in in the ordinary course of business and must be redeemed. Practically they are now United States notes assumed by the Government of the United States.

"The Government having been paid for these notes by the national banks, the Government assumes the payment of these $60,000,000 of obligations; and while it may not be necessary to keep the whole $60,000,000 on hand, my proposition would cover the fund into the Treasury and make it subject to the payment of debts or any other lawful purpose, or appropriations by Congress. Even to maintain this fund and be prepared to redeem these notes as they come in, we must retain in the Treasury, say, from six to twelve millions of dollars, not less than 20 per cent. No bank would be allowed to exist or conduct business under any law of any State or of the United States that did not have a reserve of at least from 10 to 20 per cent to meet its current liabilities to depositors and the like.

"I hope, therefore, the Senate will not agree to this amendment of the Senator from Kansas, as it will practically destroy all the virtues of this bill, and because it would cripple the operations of the Treasury and prevent it from buying bullion, although that is provided for by the issue of Treasury notes; but it would prevent them from buying the silver bullion under the old law according to which the bullion is bought by money in the Treasury.

"Mr. COCKRELL. I should like to ask the Senator from Ohio whether his amendment will operate upon any except the 'fund for redemption of the notes of national banks failed, in liquidation, and reducing circulation,' as given in the 'statement of the assets and liabilities of the Treasury of the United States'?

"Mr. SHERMAN. The last clause excepts from the operation of that section the fund belonging to national banks for the redemption of their notes, the 5 per cent fund. This fund is the fund that has been so much talked of—United States notes deposited for the redemption of outstanding bank notes."

On page 4561, same volume, May 12, 1890, Senator Sherman said:

"In respect to my amendment I will ask a little delay. I hope there will be no vote taken upon that amendment now, because I have submitted the amendment to the Treasury Department, and in order to get some information from the department in regard to that amendment I ask that it remain pending without action at present. By to-morrow I shall be able probably to furnish a draft that will not be objectionable to anyone."

On page 4759 of the same volume, May 16, 1890, Senator Sherman says:

"Here is a reserve fund for the redemption of national-bank notes under the acts of 1875 and 1872 and a fund for the redemption of notes of national banks in liquidating and reducing circulation. That act expressly requires that all United States notes which are deposited in the Treasury for redemption of bank notes in circulation shall be kept in the Treasury and applied only for that purpose; and here is $65,000,000 of this money in the Secretary's hands. It is separate and apart for the payment of outstanding bank notes in circulation coming in every day. To relieve that necessity, and in order to enable the Secretary to use the greater part of this money, retaining only a sufficient balance which, according to experience, has been shown to be necessary for the redemption as presented of the outstanding bank notes, my amendment is offered to cover into the Treasury this sum of $65,000,000 and paying the notes as presented. Then the Secretary would keep only about $10,000,000 on hand for the redemption of these notes, and he could apply the balance to the reduction of the public debt or other public purposes.

"Then, there are other items, called 'disbursing officers' balance,' etc., amounting to $43,248,189.39.

* * * * * * *

"Now, take these items out and the $248,000,000 are dissipated into thin air; all that is left is the item of $35,930,622.91. That amount the Secretary has of actual surplus on hand, no more and no less. Is it not necessary to maintain some such fund? What motive could a Secretary of the Treasury have to keep money in the Treasury? He does not handle a dollar of it. He could not get it by any possibility. It is in the hands of other officers. He is the mere directing head who regulates the various duties prescribed by law."

The law was finally passed by a Republican Congress and approved July 14, 1890, by Benjamin Harrison, President of the United States, as section 6 of an act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, page 289, volume 26, Statutes at Large, and reads as follows:

"That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks and all deposits thereafter received for like purpose shall be covered into the Treasury as a miscellaneous receipt, and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him, and that they have been destroyed, and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby created, to be known as National-bank notes: Redemption account, but the provisions of this act shall not apply to the deposits received under section 3 of the act of June 20, 1874, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to 5 per cent of its circulation, to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall at the close of each month be reported on the monthly public-debt statement as debt of the United States, bearing no interest."

Later and on July 29, 1890, page 7851, volume 21, part 8, CONGRESSIONAL RECORD, Senator Gorman, of Maryland, said:

"The Senator says this bill was discussed in 1888. Oh, no, Mr. President; this bill was never discussed in 1888. You then discussed an entirely different bill in charge of my friend from Iowa [Mr. Allison]. There were no increases in that bill of 150 per cent. He was too astute to go before the country with such an enormous increase. You did have a bill increasing to the same extent duties over the then existing law. You had only enough to excite the people who were engaged in manufacturers; but you had the other thing, more potent than the bait you held out for increased profits. You had, unfortunately for the country, the opportunity to excite the passions of the war, induce the Northern people to fight the battles of the period of 1861 to 1865 over again, because in the disposition of affairs it so turned out that southern men were at the head of another committee who framed a particular bill, and it was an easy matter, as I feared, to excite that feeling and win the contest. In doing it you and your party laid yourselves under obligations to men who are now dictating every rate in this bill. It gave you an opportunity to bring your shattered party back into line. You succeeded in the contest; and I say now that there is not courage enough in your party to resist the demands of the men who made your success possible.

"Pass the bill! Why, Mr. President, you are compelled to pass the bill. The ground is shaking under your feet as it is. The men who control your organization and the States north and west of this Capitol will tell you, as they do to-day, with your promises made a year and a half ago, impending now a year and more since you have had possession of every branch of the Government, if you keep their business suspended, if this uncertainty in all branches of trade goes on, business reverses must come, business reverses will come.

"I know that you have attempted to stay this state of affairs. Your extravagance in appropriations has taken all the money that is in the Treasury. Nobody saw it better than the distinguished Senator from Ohio [Mr. Sherman], when, in the passage of the silver bill, he inserted a little clause enabling you to use the money that has been heretofore kept sacred for the redemption of the bank notes of banks going out of existence and employ it to tide over the time of difficulty. Nobody knows better than the Senator from Ohio that that was not sufficient, although in private life it would have been considered a rape of the Treasury and bad faith.

"But, more than that, you have been compelled or will be compelled to take the money, $49,000,000, that goes into the sinking fund to pay off the national debt. That has been held sacred by the Republican party up to this time, and when the Democrats heretofore have suggested that possibly the interests of the country would warrant the use of that money so as to reduce taxation you have resented it. But your extravagant legislation, your unwisdom in the handling of Government affairs, has made it necessary for you to do it or else to at once increase your taxation."

He was followed by Senator McPherson, who, on page 7852, said:

"Another thing I wish to speak of the Senator from Maryland has touched upon. He spoke of the money that has been deposited as a trust fund for the redemption of the national-bank notes, for surely it was a trust fund and nothing else. It was deposited there to redeem the national-bank notes. Some $55,000,000 of it has been transferred to the Treasury. Unfortunately I agreed to it myself at the time it was in the committee and the Senate, simply for the very reason that that fund had never been treated as a reserve trust fund. It had always been in the Treasury, and I suspect it had always been drawn upon just the same as any other money in the Treasury, and I therefore voted to make its use legal.

"I thought what had been the practice for years we might just as well legalize, and not compel the Secretary of the Treasury to be performing an illegal action if the money was needed, and therefore I voted to place it in the Treasury. In this way I have assisted very materially in keeping this Republican party out of bankruptcy, which now seems to be impending."

He was followed by Senator Sherman, who said:

"The proposition made by me was to enable him to use that money, not for the relief of the Treasury, but for the relief of the people, because the money was tied up, out of circulation, and held dead, stagnant, until the people in due time presented the bank notes for redemption. That fund has been kept intact; and if the Senator can show me that in any case the fund has not been kept good, unimpaired, undiminished, undrawn upon, I will then agree with him that the man who did it ought to be very severely censured, and very severely punished, too.

"Mr. MCPHERSON. So far as I can tell from the Treasury balances, it has never been treated at any time whatever as a trust fund. It has appeared in the General Treasury account; and while the amount has not been drawn down below the precise point when these balances were reported, below the point that would cover the amount of money necessary to redeem the national-bank notes, at the same time it has been used and appeared there as a part of the current balance. * * * Now, I want to say simply this: This $55,000,000, or whatever it has amounted to, from $50,000,000 upward, has not been used as a trust fund exclusively and taken from the General Treasury account and put into an account by itself and reserved as a trust fund to redeem these notes. It has been taken, however, away from its trusteeship, and it has become now a current account in the Treasury to be used for any purpose, and we have simply the obligation of the Government to redeem these notes when they come in.

"Mr. SHERMAN. There is another point in regard to the $55,000,000. The people of the United States, in various forms, requested us to pay it out, and our greenback friends and all the men who wanted more money were very anxious to have that made available for the benefit of the Government. It was an objectionable provision, an objectionable practice, imposed upon the Secretary of the Treasury by law, to hold this very large fund in the Treasury unbroken, unused, unavailable for any purpose. Therefore, by unanimous consent, both Houses of Congress—not only the Senator from New Jersey, but both Houses of Congress, by unanimous consent—agreed to that proposition, and the money is now available for the payment of the public debt.

"The Secretary of the Treasury has already given notice that he will pay the public debt and use this money for that purpose. So the money will be out in circulation among the people, and to the extent that it saves interest by the purchase of bonds so much is gained by the account. No proposition submitted in Congress was ever more cordially approved by both Houses than that; and it is now working its good effects, and will, no doubt, as soon as it is paid out in due form in the ordinary way in the purchase of bonds, tend to revive business and to add to the currency of the country.

"Mr. MCPHERSON. Mr. President, I take my full share of responsibility for the transferring of $55,000,000, which I ought to have had sense enough to have compelled to be held in the Treasury as a trust fund to redeem national-bank notes. I concede all that; but inasmuch as I had been informed by an ex-Secretary of the Treasury that it never had been treated as a reserve trust fund in the world, that it had been always carried in the Treasury balances. I thought perhaps it was as well to legalize all that has been done for years and to leave it in that condition. Therefore I voted for it. I did not know at that time, perhaps, that the needs of this Government under Republican administration were to be quite so great as they are or I might have hesitated."

EXHIBIT B.

Statement of excess of assets over demand liabilities July 25, 1890.

ASSETS.

Gold:		
Coin	$255,321,144.45	
Bullion	63,795,506.41	
		$319,116,650.86
Silver:		
Dollars	313,569,301.00	
Bullion	6,900,235.04	
Trade dollar bars	6,074,537.70	
Subsidiary silver coin	22,539,146.37	
		348,183,220.11
Paper:		
Gold certificates	33,787,530.00	
Silver certificates	3,984,824.00	
United States notes	24,025,417.58	
Currency certificates	2,200,000.00	
National-bank notes	4,520,958.30	
		68,518,729.88
Other:		
Minor coin	189,214.00	
Fractional currency	356.29	
Deposits in national banks	26,255,693.13	
		26,445,263.42
Aggregate		$762,263,864.27

LIABILITIES.

General account:			
Gold certificates	$161,173,719.00		
Silver certificates	302,276,121.00		
Currency certificates	14,030,000.00		
		$477,479,840.00	
Agency accounts:			
Redemption fund, National-bank notes	54,388,475.75		
Five per cent fund	5,857,298.26		
Disbursing officers' balances	31,277,481.47		
Post Office Department account	5,883,852.09		
Outstanding drafts and checks	3,937,238.58		
		101,344,346.15	
			$578,824,186.15
Gold reserve		100,000,000.00	
Net balance in general fund		83,439,678.12	
			183,439,678.12
Aggregate			762,263,864.27

EXHIBIT C.

Statement of excess of assets over demand liabilities, July 26, 1890.

ASSETS.

Gold:			
Coin	$225,419,798.95		
Bullion	63,867,155.66		
		$319,286,954.61	
Silver:			
Dollars	313,779,038.00		
Bullion	5,876,714.52		
Trade-dollar bars	6,074,537.70		
Subsidiary silver coin	22,569,701.70		
		348,299,991.92	
Paper:			
Gold certificates	33,860,890.00		
Silver certificates	3,776,914.00		
United States notes	23,962,810.19		
Currency certificates	2,340,000.00		
National-bank notes	4,528,451.05		
		68,469,065.24	
Other:			
Minor coin	194,493.07		
Fractional currency	356.79		
Deposits in national banks	25,674,629.52		
		25,869,479.38	
Aggregate			$761,925,491.15

LIABILITIES.

General account:			
Gold certificates	$161,173,719.00		
Silver certificates	302,066,971.00		
Currency certificates	14,100,000.00		
		$477,340,690.00	
Agency accounts:			
Redemption fund, national-bank notes			
Five per cent fund	5,589,607.65		
Disbursing officers' balances	37,705,060.68		
Post Office Department account	5,805,044.10		
Outstanding drafts and checks	4,127,438.02		
		53,227,150.46	
			530,567,840.46
Gold reserve		100,000,000.00	
Net balance in general fund—includes $54,388,475.75 national-bank note retirement fund (act July 14, 1890)		131,357,650.69	
			231,357,650.69
Aggregate			761,925,491.15

Balance previous day	83,439,678.12
Excess of ordinary receipts over ordinary disbursements this day	430,517.88
NATIONAL-BANK NOTE RETIREMENT FUND ADDED TO BALANCE THIS DAY	54,388,475.75
	138,258,671.75
Bonds purchased and interest paid this day	6,901,021.06
Balance this day	131,357,650.69

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I want to ask unanimous consent to vacate the order of Saturday to recess at 5.30 p. m. to 8 o'clock p. m. for the purpose of going at once into the consideration of pension bills.

Mr. MANN. Of course, the pension bills will not be in order to-day, but the gentleman wants to ask unanimous consent that the order of business for 8 o'clock to-night may proceed now and the order to take a recess vacated?

Mr. KITCHIN. Yes; for the purpose of considering pension bills to-night.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the special order heretofore made to take a recess at 5.30 o'clock p. m. until 8 o'clock p. m. be rescinded and that the pension bills that would have been in order to-night under that order be now in order.

Mr. MANN. With the same order of business.

The SPEAKER. The same order of business. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. To make a unanimous-consent request. I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by the Hon. Leslie M. Shaw, former Secretary of the Treasury, at St. Joseph, Mo., on March 15.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by ex-Secretary of the Treasury Leslie M. Shaw, at St. Joseph, Mo., on the 15th day of March.

Mr. FITZGERALD. What is it about?

Mr. MANN. No one asked that question as to the present Secretary of the Treasury.

Mr. FITZGERALD. Well, one is an official of the Government and the other is an ex-official of the Government.

Mr. MANN. An official of the Government, and is in South America.

Mr. DYER. It is an address at the Lincoln Club banquet.

Mr. GALLAGHER. The address of the gentleman from Texas [Mr. DAVIS] was a patriotic address, too.

Mr. FITZGERALD. I want to know what it is about, if it is to go in the RECORD. Has the gentleman read the address?

Mr. DYER. I have read part of it; yes, sir.

Mr. FITZGERALD. What is it about?

Mr. DYER. It has reference to the state of the Union, I will say to the gentleman.

Mr. FITZGERALD. I object. He can not contribute anything to the state of the Union.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects.

Mr. MANN. I shall object to any other unanimous-consent requests until we shall have disposed of the pension business.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the bill H. R. 13486, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] calls up House bill 13486, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the order that was made, no other business can be transacted but pension business?

The SPEAKER. That is the situation.

Mr. MANN. That is the order for the day?

The SPEAKER. It is. After we get through with the pension bills the House will adjourn.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The bill reads as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James C. Baker, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joshua Shriver, late of Company E, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Murray Myers, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William C. Hershberger, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James E. Peirce, late of Company L, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Hancock, late of Company B, Seventy-fifth Regiment and Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ella A. Walker, widow of Alfred Walker, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Sweet, late of Twelfth Independent Battery, Massachusetts Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lemuel Gassaway, late of Company C, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James G. Doane, late of Company A, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Fike, late of Companies B and H, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alice R. Kelley, widow of Charles W. Kelley, late of Company A, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Ware, late of Company K, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Skelton, late of Company G, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Chesley Goldsby, late of Companies A and B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Joseph Thomas Ritchey, late of Company E, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John E. Osborn, late of Company D, Fourteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. Turner, late of Company I, Twenty-seventh Regiment Indiana Volunteer Infantry, and Company C, Battalion Engineers, United States Army, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph C. Brewer, late of Company B, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Webber, late of Company G, Forty-fourth Regiment New York Volunteer Infantry, and Company H, Second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucretia P. Kill, widow of Darius Kill, late of Company A, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John McDonald, alias John McHughes, late of Company F, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Pike, late of Company A, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel L. Coulter, late of Independent Battery C, Pennsylvania Volunteer Light Artillery, and Company K, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis J. Shepard, late of Company D, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charlotte Cole, widow of Philip C. Cole, late acting assistant surgeon, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Rachel McMillan, widow of Edwin McMillan, late of Company B, Ninth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marie N. Teasdale, widow of George B. Teasdale, late of Company D, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin F. Hall, late of Company A, Fifth Regiment New York Cavalry, and Company I, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Ellen Thomas, widow of Charles R. B. Thomas, late of Company D, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Maggie Nelson, former widow of Alonzo Nelson, late of Company A, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George J. Wilcox, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles E. Filer, late of Company G, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Emma H. Wambaugh, widow of Benjamin Wambaugh, late of Company A, Forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Oliver P. Smith, late of Company L, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha O. Balch, widow of William Balch, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Arthur C. Hamilton, late of Company H, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Barbara L. Johnson, widow of James D. Johnson, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Hartsgrove, late of Company G, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Wulff, late of Company I, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jemima R. Swinehart, former widow of Philip B. Ferguson, late of Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Andrew W. Hepler, late of Company E, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Foster, late of Company B, First Battalion Sharpshooters Maine Infantry, and Company B, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Hahn, late of Company C, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Brant, late of Company A, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Brown, late of Company G, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Townsley, former widow of Sylvester F. Townsley, late of Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alexander Field, late of Company E, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Woods, late of Company B, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaiah Smith, late of Company E, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frances Brown, widow of Charles W. Brown, late of Company B, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Bain, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John J. Tobias, late of Company I, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha J. Hebbard, widow of Charles H. Hebbard, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Laura W. Adams, widow of Homer C. Adams, late of Company C, Eleventh Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Ingraham, late of Company A, Seventy-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Luther L. Grant, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marie Goetz, widow of Conrad Goetz, late of Company F, Tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah J. Palmer, widow of Jacob G. Palmer, late of Company E, Eighty-seventh Regiment, and Company D, Seventy-eighth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William F. Emerson, late of Company C, First Regiment Maine Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Napoleon B. Summers, late of Company F, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Amanda M. Warner, now Cope, former widow of Levi Warner, late of Company G, Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leslie R. Hyde, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Harris, late of Company B, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William E. Pritt, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sanford C. McMains, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Lemon, widow of Wickliff Lemon, late of Company E, Twenty-first Regiment, and Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha E. Gillaspie, widow of John J. Gillaspie, late of Company F, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Beebe, late of Company D, Brackett's Battery, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Hix, late of Company B, Second Regiment Illinois Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar W. Douglass, late of Company K, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen B. Garrigus, late of Company H, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert T. Fengler, late of Company F, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Mary Lincoln, helpless and dependent child of George Lincoln, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Calvin Fryer, late of Company D, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley Rowland, late of Company H, One hundred and thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. McCracken, late of Company K, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Homer D. Truax, helpless and dependent child of William Truax, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Henry Thompson, late unassigned, Seventy-ninth Regiment United States Colored Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel R. Jackson, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Willis R. Stowe, late of Company A, Second Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen M. Strong, widow of George W. Strong, late of Company A, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Paul Revere Hunn, late of Company I, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Ann Bourke, widow of John Bourke, late of Company G, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie Sweet, widow of Gilbert Sweet, late of Company I, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas A. Williams, late of Company C, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Weber, late of Company C, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia W. Simpson, widow of John Simpson, late first lieutenant and quartermaster Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Absalom Shell, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Irvin, late of Company D, One hundred and sixteenth Regiment United States Colored Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Preston W. Lett, late of Company F, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Peiffer, late of Company I, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucinda Ulmer, widow of Sears S. Ulmer, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rosetta Cunningham, helpless and dependent child of Moses R. Cunningham, late of Company A, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of William H. Potter, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oliver Davis, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Myrtle Hardy, widow of Daniel Hardy, late of Company D, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Adelaide E. Kennedy, widow of Ronald A. Kennedy, late of Company K, Third Regiment, and lieutenant colonel Fifth Regiment, Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of C. Jennie Stephens, widow of John J. Stephens, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Benson C. Bellamy, late of Company G, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Jackson, widow of Abiel H. Jackson, late of Company A, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna E. Ritchey, widow of Adelbert L. Ritchey, late assistant surgeon, Sixteenth Regiment Illinois Volunteer Infantry, and surgeon, Tenth Regiment Illinois Veteran Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ann M. Coady, widow of William J. Coady, late of Company H, Nineteenth Regiment Indiana Volunteer Infantry, and Company B, Second Regiment United States Veteran Infantry, and pay her a pension at the rate of $12 per month.

The name of Eugene B. Guild, late of Company I, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George D. Seelye, late of Company H, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Baltzell, widow of George A. Baltzell, late of Companies D and C, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elisabeth S. Boswell, widow of Frederick D. Boswell, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Fannie Boswell, helpless and dependent child of said Frederick D. Boswell, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elisabeth S. Boswell, the name of said Fannie Boswell shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elisabeth S. Boswell.

The name of Irene L. Cox, widow of Hugh P. Cox, late of Company I, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Barbara A. Mott, widow of George Mott, late of Companies K and D, Ninety-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert M. Hawkins, late acting master's mate, U. S. S. *Gazelle*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Mathews, late of Company H, Thirty-third Regiment, and Company H, Eleventh Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Matteson, helpless and dependent child of Oliver S. Matteson, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary Matteson, helpless and dependent child of Oliver S. Matteson, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph A. Miller, late of Company E, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia L. Hulbert, former widow of Charles E. Hulbert, late of Companies A and B, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Paulina Baker, widow of Augustus Baker, late of Company F, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harmon Veatch, late of Company I, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josephine F. O'Meara, widow of William A. O'Meara, late of Capt. McDermott's company, Fifth Battalion, District of Columbia Infantry, and pay her a pension at the rate of $12 per month.

The name of George Shults, late of Company C, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Philson Hutchinson, late of Company I, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Tirzah Maria Willson, dependent mother of Joseph H. Willson, late of Company H, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel S. Kriner, late of Company C, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Durham, late of Company B, Ninth Regiment; adjutant Thirty-third Regiment Indiana Volunteer Infantry and Twenty-second Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Walter S. Hood, late of Company I, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Clapp, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Hoffman, late of Company E, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Maloy, late of Company K, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jane A. Ward, widow of Delos A. Ward, late of Company F, Fourteenth Regiment Wisconsin Infantry, and captain Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Andrew J. Frederick, late of Company B, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thornton R. Hendrickson, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elvira Pierce, widow of Samuel Pierce, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sargeant B. Crawford, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Simpson, widow of John T. Simpson, late of Company C, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Patterson, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Fishero, late of Company K, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Petermann, widow of Henry Petermann, late of Company A, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thankful Pendleton, widow of Ethan D. Pendleton, late of Battery F, First Rhode Island Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Aaron B. Stutzman, late of Company A, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Gates, late of Company A, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Williams, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Shonert, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samual W. Adams, late of Company C, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rose Salisbury, widow of Daniel J. Salisbury, late of Company K, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert Jolley, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac G. Thompson, late of Company L, and quartermaster sergeant Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Pope, late of Company H, One hundred and twenty-third Regiment, and Company D, One hundred and thirty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David T. McFarland, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew Kinkade, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary E. Kures, widow of Jacob Kures, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth J. Frush, widow of John H. Frush, late of company K, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ann Grady, widow of James Grady, late of Company G, Third Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles Ormsby, late of Company K, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Poulson, late of Company F, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jennie S. Bunch, widow of Leonidas Bunch, late of Company D, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph K. Kelly, late of Company F, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laura A. Hayner, widow of George W. Hayner, late of Company F, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nathan H. Miller, late of Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Kane, late of Company B, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martha H. Randolph, widow of Charles B. Randolph, late of Company A, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John List, late of Company H, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Winegardner, widow of Samuel Winegardner, late of Company A, Eighth Regiment, and Company K, Forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Carrie Winegardner, helpless and dependent child of said Samuel Winegardner, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Winegardner the name of said Carrie Winegardner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Winegardner.

The name of Mary E. Wolf, widow of Duncan Wolf, late of Company F, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julian Myers, widow of Caleb Myers, late of Company D, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 863. James C. Baker.
H. R. 967. Joshua Shriver.
H. R. 968. Murray Myers.
H. R. 969. William C. Hershberger.
H. R. 1338. James E. Peirce.
H. R. 1372. Harrison Hancock.
H. R. 1481. Ella A. Walker.
H. R. 1506. William Sweet.
H. R. 1658. Lemuel Gassaway.
H. R. 1668. James G. Doane.
H. R. 1719. Joseph Fike.
H. R. 1736. Alice R. Kelley.
H. R. 1754. George Ware.
H. R. 1832. Joseph M. Skelton.
H. R. 1956. Chesley Goldsby.
H. R. 2069. Joseph Thomas Ritchey.
H. R. 2188. John E. Osborn.
H. R. 2220. Samuel W. Turner.
H. R. 2502. Joseph C. Brewer.
H. R. 2564. Charles A. Webber.
H. R. 2578. Lucretia P. Kill.
H. R. 2623. John McDonald, alias John McHughes.
H. R. 2696. Levi Pike.
H. R. 2749. Samuel L. Coulter.
H. R. 2965. Lewis J. Shepard.
H. R. 3166. Charlette Cole.
H. R. 3279. Rachel McMillan.
H. R. 3287. Marie N. Teasdale.
H. R. 3417. Benjamin F. Hall.
H. R. 3766. Mary Ellen Thomas.
H. R. 3807. Maggie Nelson.
H. R. 3961. George J. Wilcox.
H. R. 3969. Charles E. Filer.
H. R. 4005. Emma H. Wambaugh.
H. R. 4373. Oliver P. Smith.
H. R. 4613. Martha O. Balch.
H. R. 4618. Arthur C. Hamilton.
H. R. 4507. Barbara L. Johnson.
H. R. 4571. George Hartsgrove.
H. R. 4896. Frederick Wulff.
H. R. 4911. Jemima R. Swinehart.
H. R. 5062. Andrew W. Helper.
H. R. 5106. William Foster.
H. R. 5125. John J. Hahn.
H. R. 5133. William Brant.
H. R. 5176. James T. Brown.
H. R. 5227. Mary L. Townsley.
H. R. 5231. Alexander Field.
H. R. 5250. John Woods.
H. R. 5251. Isaiah Smith.
H. R. 5266. Frances Brown.
H. R. 5311. William Bain.
H. R. 5345. John J. Tobias.
H. R. 5401. Martha J. Hebbard.
H. R. 5949. Laura W. Adams.
H. R. 6574. William Ingraham.
H. R. 6969. Luther L. Grant.
H. R. 6476. Marie Goetz.
H. R. 6682. Sarah J. Palmer.
H. R. 6598. William F. Emerson.
H. R. 7037. Napoleon B. Summers.
H. R. 7057. Amanda M. Warner, now Cope.
H. R. 7157. Leslie R. Hyde.
H. R. 7176. George W. Harris.
H. R. 7230. William E. Pritt.
H. R. 7334. Sanford C. McMains.
H. R. 7406. Mary Lemon.
H. R. 7436. Martha E. Gillaspie.
H. R. 7440. George W. Beebe.
H. R. 7474. William Hix.
H. R. 7551. Oscar W. Douglass.
H. R. 7918. Stephen B. Garrigus.
H. R. 7966. Albert T. Fengler.
H. R. 7976. Mary Lincoln.
H. R. 8064. Calvin Fryer.
H. R. 8065. Wesley Rowland.
H. R. 8097. William C. McCracken.
H. R. 8138. Homer D. Truax.
H. R. 8251. Henry Thompson.
H. R. 8260. Daniel R. Jackson.
H. R. 8549. Willis R. Stowe.
H. R. 8552. Helen M. Strong.
H. R. 8586. Paul Revere Hunn.
H. R. 8756. Mary Ann Bourke.
H. R. 8770. Annie Sweet.
H. R. 8840. Thomas A. Williams.
H. R. 8907. Peter Weber.
H. R. 9004. Julia W. Simpson.
H. R. 9013. Absalom Shell.
H. R. 9064. James Irvin.
H. R. 9068. Preston W. Lett.
H. R. 9088. Henry Peiffer.
H. R. 9089. Lucinda Ulmer.
H. R. 9258. Rosetta Cunningham.
H. R. 9267. William H. Potter.
H. R. 9269. Oliver Davis.
H. R. 9304. Myrtle Hardy.
H. R. 9347. Adelaide E. Kennedy.
H. R. 9355. C. Jennie Stephens.
H. R. 9357. Benson C. Bellamy.
H. R. 9403. Mary E. Jackson.
H. R. 9559. Anna E. Ritchey.
H. R. 9642. Ann M. Coady.
H. R. 9731. Eugene B. Guild.
H. R. 9751. George D. Seelye.
H. R. 9858. Mary A. Baltzell.
H. R. 9954. Elisabeth S. Boswell.
H. R. 9965. Irene L. Cox.
H. R. 9982. Barbara A. Mott.
H. R. 9990. Robert M. Hawkins.
H. R. 10011. Charles B. Mathews.
H. R. 10070. Henry Matteson.
H. R. 10071. Mary Matteson.
H. R. 10178. Joseph A. Miller.
H. R. 10181. Julia L. Hulbert.
H. R. 10214. Paulina Baker.
H. R. 10258. Harmon Veatch.
H. R. 10631. Josephine F. O'Meara.
H. R. 10719. George Shults.
H. R. 10726. Philson Hutchinson.
H. R. 10745. Tirzah Maria Willson.
H. R. 10782. Daniel S. Kriner.
H. R. 10889. James H. Durham.
H. R. 10935. Walter S. Hood.
H. R. 10943. Edward E. Clapp.
H. R. 10960. Henry C. Hoffman.
H. R. 10966. James W. Maloy.
H. R. 11052. Jane A. Ward.
H. R. 11117. Andrew J. Frederick.
H. R. 11119. Thornton R. Hendrickson.
H. R. 11140. Alonzo Knox.
H. R. 11297. Elvira Pierce.
H. R. 11486. Elizabeth Simpson.
H. R. 11489. Benjamin F. Patterson.
H. R. 11496. Sargeant B. Crawford.
H. R. 11497. John Fishero.
H. R. 11580. Mary Petermann.
H. R. 11607. Thankful Pendleton.
H. R. 11615. Aaron B. Stutzman.
H. R. 11753. Samuel Gates.
H. R. 11902. John F. Williams.
H. R. 11922. Henry Shonert.
H. R. 11982. Samuel W. Adams.
H. R. 12008. Rose Salisbury.
H. R. 12089. Robert Jolley.
H. R. 12182. Isaac G. Thompson.
H. R. 12228. John Pope.
H. R. 12249. David T. McFarland.
H. R. 12297. Andrew Kinkade.
H. R. 12311. Mary E. Kures.
H. R. 12342. Elizabeth J. Frush.
H. R. 12395. Ann Grady.
H. R. 12403. Charles Ormsby.
H. R. 12479. George T. Poulson.
H. R. 12528. Jennie S. Bunch.
H. R. 12629. Joseph K. Kelly.
H. R. 12631. Laura A. Hayner.
H. R. 12731. Nathan H. Miller.
H. R. 12782. John Kane.
H. R. 12799. Martha H. Randolph.
H. R. 12880. John List.
H. R. 12926. Mary Winegardner.
H. R. 13399. Mary E. Wolf.
H. R. 13400. Julian Myers.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, on page 24, line 1, I move to amend by striking out "$50" and inserting "$72."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New Hampshire.

The Clerk read as follows:

Page 24, line 1, strike out "$50" and insert "$72."

The SPEAKER. The question is on agreeing to the amendment.

Mr. SULLOWAY. Mr. Speaker, I want to be heard a moment.

On page 53 of the report there is a statement of this man's condition which I will read, and then I want to read a statement from the physician who examined him. From the report of the committee I read:

H. R. 11140. Alonzo Knox, aged 78 years, late a private in Company F, Fourth Regiment New Hampshire Infantry, from July 25, 1861, to August 23, 1865 (length of service, 4 years 28 days), is now pensioned under certificate No. 409103 at the rate of $30 per month by special act of Congress, approved May 25, 1908. The claimant was formerly pensioned under the general law at the rate of $14 per month for chronic diarrhea and piles.

Medical testimony has been filed, indicating that claimant is in a helpless condition and unable to perform any character of labor or to care for himself. He requires almost constant attendance of others by reason of general articular rheumatism, organic disease of heart, relaxed sphincter muscles, due to hemorrhoids, and enlarged prostate. This is supplemented by other testimony, indicating that he is without means or property and has no income except his pension, which it is recommended be increased to $50 per month.

That is supplemented by other testimony, showing that the man is without property and absolutely helpless.

Now, Mr. Speaker, I want to read also an affidavit from this man's physician, whom I know very well, Dr. George M. Davis, of the city where this man lives. And I want to call particular attention to this fact, that Alonzo Knox enlisted July 25, 1861, and served until August 23, 1865, or 4 years and 28 days. He was pensioned under the general law at the rate of $14 per month for chronic diarrhea and piles. He was a loyal soldier with a magnificent service and his record was unblemished.

He went into the Union Army almost at the very beginning of the Civil War, and served there until it ended. He was not a camp follower, or a "coffee-cooler," or a deserter, or a substitute.

Now, I want to read the report of the physician who examined him on February 2, 1916. I read:

STATEMENT OF GEORGE M. DAVIS, M. D., IN CLAIM OF ALONZO KNOX, H. R. 11140.

I have this day examined Alonzo Knox, 78 years of age, of Manchester, N. H., late a private in Company F, Fourth Regiment New Hampshire Volunteer Infantry.

I find rheumatism of both shoulders, both elbows, both hands and wrists, both hips, both knees, and both ankles. Both shoulder joints are limited to one-half normal motion; the right elbow joint is limited to one-third normal motion.

The joints of both hands and all fingers are swollen and distorted to such a degree that he is unable to firmly grasp knife, fork, or spoon.

Both knees are swollen and distorted; the left knee is one-half larger than the right knee; the left knee joint is limited to one-half normal motion.

There is crepitus of all of the above-mentioned joints. The joints of his left foot are swollen and distorted to such a degree that he is unable to wear a leather shoe or boot. There is swelling of both feet and legs below the knee. There is valvular disease of his heart and shortness of breath. He is unable to rest only in a sitting or partially sitting position. His sphincter muscles are relaxed and hemorrhoids are formed. There is enlargement of his prostate gland, causing painful and frequent urination.

The above-mentioned soldier is totally incapacitated from performing manual labor and requires the constant care and service of an attendant to dress, undress, and assist in feeding.

I further declare I have no interest in the prosecution of this claim.

GEORGE M. DAVIS, M. D.

MANCHESTER, N. H., *February 2, 1916.*

Sworn to and subscribed February 2, 1916, before Moodybell S. Bennett, notary public in and for Hillsborough County, State of New Hampshire.

Now, gentlemen, it was 20 years ago that I first became a member of the Committee on Invalid Pensions, and from that time until now there has been on the statute books a general law, under which, if this man could have traced his disabilities to the service, he would be entitled to $72 a month. With the affidavit that I have here I would not hesitate for a moment to go before a jury in any civilized country and submit the facts as to whether or not all of the disabilities from which he is suffering to-day are not the direct result of the years of ravages of chronic diarrhea and piles which he contracted in the Army, and which have undermined his system and his health and brought about the distressing and awful conditions existing to-day.

This man must have two nurses. He can not stand on his feet. He can not lie down, but can only rest in a sitting or partially sitting position, and is absolutely helpless. He can not put his hands to his mouth and has to be fed like a child. There is not a joint in his limbs that is not distorted. He can not hold a knife or fork or spoon. He can not stand or lie in a natural position by reason of valvular disease of the heart. He has no control over the movement of his bowels or urinary organs, and requires the constant aid and attention of some one night and day to dress, feed, and keep him in a sanitary condition.

I submit to the Members of this Sixty-fourth Congress the question whether this old hero, who went into the Union Army almost at the outbreak of hostilities, and went through that entire Rebellion in a fighting regiment, and that was filled up time and time again with recruits, should be given $72 a month, as asked for, to bring him some cheer in his few remaining days, or will you deny this old soldier, with his glorious record, a few of the necessities and comforts of life?

Mr. Chairman, most of the men who served under that flag have crossed the threshold to their final rest. The others have but a short time to remain. I believe it is the duty of this Government to see that they are cared for as the wards of this Nation, and I submit this matter to you, simply saying that at the very last pension day when we passed pension bills we gave the sum of $72 a month to a Kentucky soldier, and his condition was no worse than that of this man. It could not be any worse and the man still live. Will you follow that precedent, or will you reject the amendment? [Applause.]

Mr. RUSSELL of Missouri. Mr. Speaker, I dislike very much to oppose an amendment offered by a friend and colleague upon this committee, and especially an amendment proposed by the gentleman from New Hampshire [Mr. SULLOWAY], for whom I have the very highest personal regard; but I feel that it is my duty as a member of the committee to oppose this amendment, and the reason why I feel so, is because we have a rule providing that we shall not in any case of a private, allow more than $50 per month. I think I may state correctly that there has not been a single bill passed by Congress giving more than $50 per month to a private within the last four years.

Mr. SULLOWAY. Will the gentleman yield for a question?

Mr. RUSSELL of Missouri. Yes.

Mr. SULLOWAY. Is it not a fact that in the very last pension session we had here we gave $72 to a Kentucky soldier?

Mr. RUSSELL of Missouri. It passed the House, but it has not passed Congress, and probably never will. The Senate as I understand has a rule the same as ours. It is a joint rule, providing that we will not pass a bill carrying over $50 a month for a private and my information is that the Senate committee has already reduced that amount to $50.

Mr. SULLOWAY. Will the gentleman yield again?

Mr. RUSSELL of Missouri. I will yield to my friend for a question.

Mr. SULLOWAY. Has not the Senate been more liberal than the House under the same rules?

Mr. RUSSELL of Missouri. It was years ago, but now I think not.

Mr. SULLOWAY. Have you not had conferences on 70 amendments, and is it not a fact that the House yielded in 55 cases and the Senate yielded in 15?

Mr. RUSSELL of Missouri. They were formal amendments, such as correcting service, correcting names, and so forth.

Mr. SULLOWAY. And increasing pensions also.

Mr. RUSSELL of Missouri. The great majority of the amendments made by the Senate in which we concurred were formal amendments. I am positive that the Senate has not passed a bill giving over $50 per month in the last three years.

Mr. GALLAGHER. I should like to know why we can not pass this bill and send it over to the Senate, the same as we did in the other case?

Mr. RUSSELL of Missouri. Well, we can; but if you ever raise the limit to $72, there are thousands of others equally as meritorious that will insist upon the same treatment. I am a friend to the old soldier, but we should treat them all fairly and alike.

Mr. GALLAGHER. But there are exceptions to all rules.

Mr. RUSSELL of Missouri. I have many soldiers in my district who are blind, who are bedridden, and who need two nurses, but I have never asked for more than $50, because it is a fixed rule of the House and the Senate that $50 is all we will allow. Now, if a soldier was injured in the service, and is entitled by law to more than $50 per month he can get it in the Pension Bureau, and does not need to come to Congress for a special bill.

Mr. SULLOWAY. Does the gentleman mean that he can get it in the Pension Bureau?

Mr. RUSSELL of Missouri. If he was injured in the service, and is in such condition as you state—and I have no doubt about that, as I know my friend states the facts as they are—he can get more than $50 in the Pension Bureau. He does not need to come here.

Mr. SULLOWAY. The gentleman knows very well why he needs to come here. It is because originally he did not prove up all the disabilities that he now has. In other words, the very disabilities for which he was pensioned at $14 a month have developed into his present condition beyond all question. He could get in under the general law if it was not for that; and the gentleman knows that for years we have been giving $72 a month to men who came here because they did not prove up originally.

Mr. RUSSELL of Missouri. No; I do not know that.

Mr. SULLOWAY. Well, I know it. The gentleman says you have not been paying it for the last three years.

Mr. RUSSELL of Missouri. About three years ago we stopped paying over $50 for any private. Since that time we have had a rule fixing that as the limit, and we think it ought to be a binding rule, against more than $50 in any case, unless you are willing to raise the limit and treat all alike. To allow more than $50 in this case would be unfair to thousands of old soldiers throughout the country who are in the same condition and just as deserving.

Mr. SIMS. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. There seems to be some mistake about the age of this gentleman, if I understood the statement correctly. I undersood the gentleman from New Hampshire to say that he was 78 years old.

Mr. SULLOWAY. Yes; 78 years old.

Mr. SIMS. But the gentleman stated that he went into the Army when he was 17 years old. If he went in in 1861 at the age of 17, he would not be 72 years of age.

Mr. SULLOWAY. Then there is some mistake, he was older when he went into the Army, for he is now 78 years of age.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. RUSSELL) there were 37 ayes and 38 noes.

Mr. SULLOWAY. I demand tellers, Mr. Speaker.

The SPEAKER. The gentleman from New Hampshire demands tellers. Those in favor of tellers will rise and stand until counted. [After counting.] Thirty gentlemen have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

The name of Andrew Kinkade, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. RUSSELL of Missouri. Mr. Speaker, I move to amend by striking out lines 24 and 25, on page 26, and lines 1 and 2, on page 27. This party is dead.

The Clerk read as follows:

Strike out lines 24 and 25, page 26, and lines 1 and 2 on page 27.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the bill S. 3984, "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," and I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Patience Rosa Archer, former widow of John Rosa, late of Companies E and D, Tenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of John T. Pribble, late of Company E, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah Saxey, widow of Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Erasmus W. Tatlock, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Silas W. Norris, late of Company B, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simeon L. Wilson, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Nighswander, helpless and dependent son of Martin Nighswander, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William E. Howard, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Paleman S. Castle, late of Company L, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie R. Cusick, widow of Thomas Cusick, late of the Third Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Annie Bridges, widow of Elisha Bridges, late of Company E, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rosa Rossiter, widow of Lemuel Rossiter, late second lieutenant Company B, Fifth Regiment Wisconsin Volunteer Infantry, and captain Company C, Sixth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Anna Barker, widow of William B. Barker, late of Company C, First Regiment Wisconsin Volunteer Cavalry, and Company K, Second Regiment, United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Gustav Schoneck, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore Basterdes, late of Company B, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret P. Sherman, widow of Philo B. Sherman, late second lieutenant Second Independent Battery Connecticut Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles R. Potter, late of Company E, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram F. Brundage, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary C. Hills, widow of Leroy T. Hills, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patrick J. Quigley, late of Company E, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nellie Judkins, widow of Harvey D. Judkins, late of Company G, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alva M. Titchout, late of Company I, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Blanchard, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Fidelia M. Waffle, former widow of Hiram F. Moe, late of Company K, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John R. Mabee, late of Company B, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William I. Scott, late of Company K, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edwin D. Kaynor, late of Company K, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Barker, late of Company D, Seventh Regiment Iowa Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melcenia C. Baker, widow of Simeon S. Baker, late first lieutenant Company G, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Christiana H. Nicholls, widow of Thomas B. Nicholls, late quartermaster sergeant, First Regiment New York Volunteer Engineers, and pay her a pension at the rate of $12 per month.

The name of John S. Corson, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel L. Thompson, late of Company C, Forty-fifth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. Barton, late of Company E, Second Regiment, and Company F, Tenth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Aad Peterson, late of Company D, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adeline Reynolds, widow of William Reynolds, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Shefter, late of Company A, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Treadwell, late of Company E, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry G. Wilson, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Snook, late of Company A, One hundred and thiry-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Kniffin, widow of Daniel Kniffin, late of Company K, Thirteenth Regiment Illinois Volunteer Infantry, and Company K, Twenty-fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Youts, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Bateson, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Coan, late of Company B, Eleventh Regiment, and Company I, One hundred and forty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary King, widow of Cassius M. King, late of Company G, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Greene, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter S. Hare, late of Company I, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jefferson Lyons, late of Company K, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andy Perrin, late of Companies D and F, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Burton Gillaspie, late of Company I, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Creery, late of Company K, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Turner Barns, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rachel A. Woodmansee, former widow of William M. Gould, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James E. Bacon, late of Company K, Tenth Regiment Massachusetts Volunteer Infantry, and Company I, Second Regiment

Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alden Powers, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Duane F. Perkins, late of Company H, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sylvester Stewart, late of Company K, First Regiment District of Columbia Volunteer Cavalry, and Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph F. Grawe, late of Company G, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George F. Cowan, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick A. Heebner, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Manley, late of Company I, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William Cake, alias William Baker, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Hills, late hospital steward, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eliza J. Banning, widow of Samuel M. Banning, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha Connor, widow of William Connor, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anastasia Corcoran, widow of William J. Corcoran, late of Company E, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary C. Daniels, widow of Albert E. Daniels, late first lieutenant Company F, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Sarah F. Hovey, widow of Lewis Hovey, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Roudebush, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Whitkemper, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Smiley, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nancy Wilson, dependent mother of Chester Callaway, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month, the same to be paid to her without deduction or rebate on account of former alleged erroneous payments of pension.

The name of William Whitten, late of Company I, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Georgia B. Nelson, widow of Jesse P. Nelson, late first lieutenant of Company E, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah T. Wright, widow of John H. Wright, late of Company D, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza J. Wells, widow of John E. Wells, late second lieutenant and captain Company G, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John M. Pittman, late of Company H, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Martha A. Reynolds, former widow of John T. Gillespie, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Albert A. Lance, late of Company H, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The name of Oliver K. Landrew, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Crawford, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Morris, late of Company A, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nelson Briley, late of Company K, One hundred and eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James L. Spaulding, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James M. Jameson, late first lieutenant and regimental quartermaster Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Wilcox, late of Company G, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Snodgrass, late of Company H, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James P. Weter, late of Company C, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Lewis, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elias B. Thompson, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Prender, widow of George Prender, late of Company D, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Enoch F. Anderson, late of U. S. S. *Ohio*, *Rhode Island*, and *Sassacus*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria Savage, widow of David Savage, late of Company K, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marrietta Fowler, widow of John B. Fowler, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis B. Nofsinger, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $20 per month.

The name of John Alexander, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Jane Drew, widow of Daniel F. M. Drew, late of Company G, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and Company C, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Enoch M. Martin, late of Company A, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Gardner B. Taylor, late of Company A, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Agnes E. Tooker, widow of John S. Tooker, late sergeant of Company G, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nelson Haggerty, late of Company K, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Minnie Mahler, widow of Paul R. Mahler, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie T. McCreary, widow of Charles C. McCreary, late captain Company H, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James A. Lucas, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amanda Phillips, widow of Alexander Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen L. Webster, widow of Edson H. Webster, alias Edwin Webster, late of the United States Marine Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie E. Nave, widow of Mark Nave, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Maria J. Mahon, widow of Peter Mahon, late of Company I, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sigmund Bauer, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martin B. Worrell, late of Company E, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ruth A. Smith, widow of Allen Smith, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edwin W. Haynes, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel K. Cummings, late of Company G, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Crossman, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Dallison, late of Company H, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elijah Booher, late of Company I, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Taylor, widow of William Taylor, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Burton Vanhook, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Woolf, late of Companies F and C, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Woods, late of Company C, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton P. Julian, late of Company D, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary C. Lyon, widow of Willis Lyon, late of Company H, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucie B. Kasson, widow of Harvey A. Kasson, late of Company K, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Norman B. Stacy, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Florence K. Patterson, widow of Joseph B. Patterson, late of United States ships *Alleghany*, *Release*, and *Maratanza*, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary A. Hoon, widow of Francis Hoon, late of Company A, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Milton T. Callahan, jr., helpless and dependent son of Milton T. Callahan, late major Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William Thomas, late of Company G, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edmund Hishley, helpless and dependent child of Coonrod Hishley, late of Company A, Second Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of Stephen P. Stites, late of Company K, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie V. Lawton, widow of Winslow Lawton, jr., late of Company F, Thirteenth Regiment, and Company B, Thirtieth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Null, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary H. Babcock, widow of Benjamin Babcock, late of Company H, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Johnston, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ella Taylor, former widow of Robert D. McCracken, late of Companies A and B, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Sidney A. Ladd, late of Company C, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Casey, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jimeson S. Tweed, late of Company M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucinda Applegate, widow of Andrew J. Applegate, late of Fourth Independent Company, Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bernard McNaney, late of Company D, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 9. Patience Rosa Archer.
S. 86. John T. Pribble.
S. 87. Sarah Saxey.
S. 88. Erasmus W. Tatlock.
S. 104. Silas W. Norris.
S. 118. Simeon L. Wilson.
S. 120. John Nighswander.
S. 123. William E. Howard.
S. 148. Paleman S. Castle.
S. 150. Jennie R. Cusick.
S. 170. Annie Bridges.
S. 173. Rosa Rossiter.
S. 182. Anna Barker.
S. 183. Gustav Schoneck.
S. 203. Theodore Basterdes.
S. 209. Margaret P. Sherman.
S. 249. Charles R. Potter.
S. 297. Hiram F. Brundage.
S. 354. Mary C. Hills.
S. 363. Patrick J. Quigley.
S. 368. Nellie Judkins.
S. 369. Alva M. Titchout.
S. 371. Francis Blanchard.
S. 402. Fidelia M. Waffle.
S. 423. John R. Mabee.
S. 525. William I. Scott.
S. 528. Edwin D. Kaynor.
S. 533. George A. Barker.
S. 534. Melcenia C. Baker.
S. 566. Christiana H. Nicholls.
S. 658. John S. Corson.
S. 659. Clarinda A. Spear.
S. 663. Daniel L. Thompson.
S. 772. Robert H. Barton.
S. 859. Aad Peterson.
S. 960. Adeline Reynolds.
S. 962. George H. Shefter.
S. 964. John F. Treadwell.
S. 965. Henry G. Wilson.
S. 994. John R. Snook.
S. 997. Elizabeth Kniffin.
S. 1008. David Youts.
S. 1014. George Bateson.
S. 1018. Daniel W. Coan.
S. 1043. Mary King.
S. 1108. John W. Greene.
S. 1110. Peter S. Hare.
S. 1119. Jefferson Lyons.
S. 1125. Andy Perrin.
S. 1127. Burton Gillaspie.
S. 1135. Henry Creery.
S. 1144. Turner Barns.
S. 1146. Rachel A. Woodmansee.
S. 1154. James E. Bacon.
S. 1238. Alden Powers.
S. 1239. Duane F. Perkins.
S. 1249. Sylvester Stewart.
S. 1305. Joseph F. Grawe.
S. 1329. George F. Cawan.
S. 1335. Frederick A. Heebner.
S. 1347. William H. Manley.
S. 1419. William Cake (alias William Baker).
S. 1427. William H. Hills.
S. 1440. Eliza J. Banning.
S. 1443. Martha Connor.
S. 1444. Anastasia Corcoran.
S. 1446. Mary C. Daniels.
S. 1451. Sarah F. Hovey.
S. 1505. William Roudebush.
S. 1507. Charles Whitkemper.
S. 1508. John Smiley.
S. 1511. Nancy Wilson.
S. 1516. William Whitten.
S. 1518. Georgia B. Nelson.
S. 1521. Sarah T. Wright.
S. 1522. Eliza J. Wells.
S. 1524. John M. Pittman.
S. 1531. Martha A. Reynolds.
S. 1694. Albert A. Lance.
S. 1729. Oliver K. Landrew.
S. 1735. George Crawford.
S. 1785. Edward Morris.
S. 1787. Nelson Briley.
S. 1789. James L. Spaulding.
S. 1794. James M. Jameson.
S. 1928. Henry Wilcox.
S. 1935. James A. Snodgrass.
S. 1941. James P. Weter.
S. 1945. William H. Lewis.
S. 1957. Elias B. Thompson.
S. 1962. Sarah E. Prender.
S. 2243. Enoch F. Anderson.
S. 2246. Maria Savage.
S. 2251. Marietta Fowler.
S. 2283. Francis B. Nofsinger.
S. 2294. John Alexander.
S. 2313. Mary Jane Drew.
S. 2333. Enoch M. Martin.
S. 2350. Gardner B. Taylor.
S. 2400. Agnes E. Tooker.
S. 2479. Nelson Haggerty.
S. 2488. Minnie Mahler.
S. 2494. Annie T. McCreary.
S. 2495. James A. Lucas.
S. 2516. Amanda Phillips.
S. 2523. Ellen L. Webster.
S. 2561. Annie E. Nave.
S. 2577. Maria J. Mahon.
S. 2583. Sigmund Bauer.
S. 2655. Martin B. Worrell.
S. 2733. Ruth A. Smith.
S. 2786. Edwin W. Haynes.
S. 2866. Daniel K. Cummings.
S. 2867. James M. Crossman.
S. 2877. George Dallison.
S. 2906. Elijah Booher.
S. 2927. Mary E. Taylor.
S. 2944. Burton Vanhook.
S. 2945. Andrew J. Woolf.
S. 2952. John Woods.
S. 2996. Milton P. Julian.
S. 3068. Mary C. Lyon.
S. 3080. Lucie B. Kasson.
S. 3113. Norman B. Stacy.
S. 3138. Florence K. Patterson.
S. 3214. Mary A. Hoon.
S. 3299. Milton T. Callahan, jr.
S. 3363. William Thomas.
S. 3366. Edmund Hishley.
S. 3399. Stephen P. Stites.
S. 3411. Carrie V. Lawton.
S. 3427. John M. Null.
S. 3437. Mary H. Babcock.
S. 3440. John Johnston.
S. 3490. Ella Taylor.
S. 3515. Sidney A. Ladd.
S. 3627. Daniel Casey.
S. 3652. Jimeson S. Tweed.
S. 3698. Lucinda Applegate.
S. 3717. Bernard McNaney.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Sarah Saxey, widow of Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was offered:

Page 2, line 7, strike out the figures "$20" and insert "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Margaret P. Sherman, widow of Philo B. Sherman, late second lieutenant Second Independent Battery Connecticut Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

With the following committee amendment:

Page 4, line 14, strike out the figures "$20" and insert "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of John S. Corson, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following committee amendment was read:

Strike out the paragraph.

The amendment was agreed to.

The Clerk read as follows:

The name of Robert H. Barton, late of Company E, Second Regiment, and Company F, Tenth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendment was read:

Strike out lines 10 to 13, inclusive, page 7.

The amendment was agreed to.

The Clerk read as follows:

The name of Adeline Reynolds, widow of William Reynolds, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 7, strike out lines 18 to 21, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Jefferson Lyons, late of Company K, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 9, strike out lines 18 to 21, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of William H. Manley, late of Company I, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The following committee amendment was read:

Page 11, strike out lines 22 to 25, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of Georgia B. Nelson, widow of Jesse P. Nelson, late first lieutenant of Company E, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 14, line 6, strike out 20 and insert 24.

The committee amendment was agreed to.

The Clerk read as follows:

The name of John M. Pittman, late of Company H, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 14, strike out lines 17 to 20, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of Albert A. Lanee, late of Company H, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The following committee amendment was read:

Page 15, strike out lines 1 to 3, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of William H. Lewis, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate $30 per month in lieu of that she is now receiving.

The following committee amendment was read:

On page 16, line 18, strike out "$30" and insert "$40."

The committee amendment was agreed to.

The Clerk read as follows:

The name of Marrietta Fowler, widow of John B. Fowler, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 17, strike out lines 11 to 14, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of John Alexander, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

On page 17, strike out lines 18 to 21, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of Annie T. McCreary, widow of Charles C. McCreary, late captain Company H, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

On page 19, line 2, strike out "$20" and insert "$24."

The committee amendment was agreed to.

The Clerk read as follows:

The name of James A. Lucas, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The following committee amendment was read:

On page 19, line 5, strike out "$36" and insert "$40."

The committee amendment was agreed to.

The Clerk read as follows:

The name of Amanda Phillips, widow of Alexander Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 19, strike out lines 7 to 10, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of Elijah Booher, late of Company I, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following committee amendment was read:

On page 21, strike out lines 3 to 6, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of Burton Vanhook, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 21, line 13, strike out "$40" and insert "$30."

The committee amendment was agreed to.

The Clerk read as follows:

The name of John M. Null, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 23, strike out lines 20 to 23, inclusive.

The committee amendment was agreed to.

The Clerk read as follows:

The name of Jimeson S. Tweed, late of Company M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

On page 24, line 21, strike out "$36" and insert "$40."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL of Missouri a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Joanna E. Kiley, widow of John M. Kiley, late of Company C, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Denton, late of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Boyd, late of Company C, Seventy-fifth Regiment Indiana Volunteer Infantry, and Company G, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stephen W. Cottingham, late of Company B, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Franklin, jr., late of Company H, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert Posey, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah V. Purdy, late of Company D, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Helen Morgan, widow of William Morgan, late of Company I, One hundred and thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abraham Smith, late of Fifteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Wilson, late of Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Snider, late of Companies B and G, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Thompson, widow of Robert Q. Thompson, late captain Company G, Twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. McNaight, late of Company D, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria L. Roraback, widow of Nathaniel Roraback, late of Company B, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Turner, widow of Peter Turner, late of Company K, Fourth Regiment New Jersey Volunteer Infantry, and Company C, First Battalion New Jersey Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary F. Weed, widow of Charles L. Weed, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lovina S. Remington, widow of Asaph Remington, late of Company H, Second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Grace S. Wood, helpless and dependent daughter of Thomas Wood, late second lieutenant Company K, Fifty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Starr, widow of Elisha R. Starr, late first lieutenant Company K, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James K. Stebbins, late of U. S. S. *Vermont*, *New Ironsides*, and *Princeton*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie M. Pierce, widow of George W. Pierce, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy a Pond, widow of Seth C. Pond, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jennie E. Puffer, widow of Charles E. Puffer, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, and former widow of James H. Hough, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jerome S. Manchester, late of Companies C and B, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary G. Fox, widow of James F. Fox, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary L. Case, widow of Ellsworth Case, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ervin Nye, late of Company A, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stephen Johnson, late of Company B, Thirteenth Regiment, and Company G, Sixth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Kephart, late of Company C, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George C. Jones, late of Troop I, Third Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James W. Lankford, late of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Victoria G. McFadden, widow of John W. McFadden, late of Company C, Twentieth Regiment, and hospital steward, One hundred and fifty-second Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna Paden, widow of James Paden, late of Company B, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and Company K, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah H. White, widow of Adrian C. White, late first lieutenant Company K, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Cyrus F. Martin, late of Company E, One hundred and second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary M. Clark, widow of Nelson W. Clark, late first lieutenant Company K, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martin L. Fisher, late of Company F, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David R. Miller, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of Artemisia McCowen, widow of Sampson McCowen, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John N. McCowen, helpless and dependent child of said Sampson McCowen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Artemisia McCowen the name of the said John N. McCowen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Artemisia McCowen.

The name of Joel T. Booz, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel M. Banks, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matilda Bennett, former widow of Francis M. Smith, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charity E. Smith, widow of Franklin A. Smith, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alfred Hooker, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. Miller, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Leroy F. Morse, late acting assistant surgeon, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Ensley Hixon, late of Company H, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Gathman, late of Company G, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. W. Craig, late of Company E, Twenty-sixth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Dewitt C. Burns, late of Company F, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Barber, late of Company F, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Thurston, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and ordinary seaman, U. S. S. *Sabine*, *Hibiscus*, and *Ino*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles A. Holmes, late of Company I, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank S. Mildram, late of U. S. S. *Colorado*, *North Carolina*, and *Mohongo*, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ella Farnum, widow of Luther B. Farnum, late of Company F, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John E. Gilmore, late of Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John B. Goodie, late of Company I, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jonas H. Munson, late of Company B, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmer M. Yocom, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Alling, widow of Ichabod E. Alling, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charlotte A. Avery, widow of Giles W. Avery, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jane A. Babcock, widow of William L. Babcock, late acting master, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abbie C. Boardman, widow of Frederick Boardman, late of Company E, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha Crumb, widow of Franklin H. Crumb, late fife major Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary Moriarty, widow of Henry Moriarty, late of Company E, Second Battalion, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nellie R. Palmer, widow of Willard L. Palmer, late of Company G, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ethan S. Anderson, late of Company F, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Smith, late of Company H, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emma McCue, former widow of Stephen Cornelius, late of Company F, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Brown, widow of Henry Brown, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Clementine Williams, widow of William H. Williams, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John W. Detwiler, late of Company F, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph E. Clough, late of Company D, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Virgil D. Keaton, late of Company F, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mollie B. Crawford, widow of Amos Crawford, late of Company C, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Zephaniah Roberts, late of Company F, Fourteenth Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Williams, late of Battery B, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver E. Durrant, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen Conley, widow of James Conley, late of Company F, Thirtieth Regiment New York Volunteer Infantry, and Company D, Second Regiment New York Veteran Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Merritt J. Hedges, late of Company A, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia Jackson, widow of Andrew Jackson, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William K. Griffith, late of Company A, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary R. Strayer, widow of Isaac P. Strayer, late captain Company B, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Theodore A. Cox, late of Company H, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary S. Underhill, widow of Leeman Underhill, late of Company D, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Richard Whitten, late of Company E, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louise Tischer, widow of Herman Tischer, late musician, band Ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Melissa J. Chandler, former widow of Edwin S. Bowers, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clara A. Estes, former widow of Pharaoh Perry, late of Company D, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry S. Moulton, late of Company L, Eighteenth Regiment Maine Volunteer Infantry (First Heavy Artillery), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ida M. McLaughlin, widow of Charles H. McLaughlin, late of Company A, First Regiment Maine Volunteer Cavalry, and pay her a a pension at the rate of $12 per month.

The name of Michael Hickey, late of First Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin F. Clifford, late of Company H, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David Walker, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew A. Holmes, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ebenezer Watson, late of Company E, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William O. White, late of Company H, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ella Le Suer, widow of William H. Le Suer, late of Company G, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Schmidt, late of Company E, Seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zernah A. Newell, widow of Eben Payne Newell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert O. Jones, late of Company B, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Cottrell, late of Company C, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. McAllister, late of Company L, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Mason, late of Company A, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucy L. Wessels, widow of James H. Wessels, late of Company D, One hundred and forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Balser Minges, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward L. Curtis, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth Sparling, widow of Almon Sparling, late of Company B, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Holdson, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Madeline Smith, widow of James H. Smith, late of Company C, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Lemuel Emmerson, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Mosier, late of Company D, One hundred and sixteenth Regiment Indiana Volunteer Infantry and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles M. Smilie, late of Battery G, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Doak, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph C. Tousley, late of Company A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minnie Holz, widow of William Holz, late of Company D, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Daniel C. Ehrhart, late of Company L, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Conner, late of Company H, Thirty-eighth Regiment, and Company H, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna S. Weaver, widow of John H. Weaver, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah R. Anderson, widow of Allen L. Anderson, late colonel Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Stephen B. Garrigus, late of Company H, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George F. Edmunds, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Olive L. Baldwin, widow of Benjamin F. Baldwin, late of Company B, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Gorham Tufts, late of Company A, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Taylor, late of U. S. S. *Vicksburg*, *Hartford*, and *Wyoming*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ernest E. M. Vinton, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Elliott, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles A. Pepper, late of Company H, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James L. Zeigler, late of Company D, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Zenas R. Detwiler, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ozro F. Walker, late of Company K, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nancy Miller, helpless and dependent daughter of Hiram Miller, late of Company A, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The name of Garrett C. Brewer, late of Company D, Seventeenth Regiment Indiana Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John M. Rupert, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert C. Young, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Mullen, alias Maloney, late of Company E, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis W. Graham, late of Companies I and C, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John C. Gray, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hanson Hutchings, jr., late of Company E, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oliver P. Lockhart, late of Company K, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Gallagher, late of Company I, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. McCartney, late of Company I, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Wright, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Teodora Antonia Baca de Martinez, widow of Candelario Martinez, late first lieutenant Companies A and K, First Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rosa L. Tobin, widow of William Tobin, late of Company I, Seventh Regiment Vermont Volunteer Infantry, and Companies G and A, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sophia E. Bissonett, widow of Marble Bissonett, late of Company G, Fourteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen A. Sheehan, widow of James A. Sheehan, late of Company A, Fourth Battalion District of Columbia Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is no wreceiving.

The name of George W. Miller, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Collett, late of Company I, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martha A. White, widow of Henry White, late of Company B, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry T. Raymond, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Blair, late of Company E, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza P. Gullihur, widow of James K. Gullihur, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and former widow of Ebenezer T. Jones, late of Company A, Fifty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following committee amendments were severally considered and severally agreed to:

Page 1, strike out lines 6 to 9, inclusive, being the claim of Joanna E. Kiley.

Page 3, strike out lines 11 to 14, inclusive, being the name of John Snider.

Page 3, line 18, strike out "$20" and insert "$24," being the claim of Mary J. Thompson.

Page 3, strike out lines 19 to 22, inclusive, being the name of John C. McNaight.

Page 4, strike out lines 20 to 23, inclusive, being the name of Mary E. Starr.

Page 7, strike out lines 1 to 5, inclusive, being the name of Victoria G. McFadden.

Page 7, strike out lines 24 and 25, and on page 8 strike out lines 1 and 2, being the name of Martin L. Fisher.

Page 11, strike out lines 1 to 4, inclusive, being the name of Charles A. Holmes.

Page 12, strike out lines 5 to 8, inclusive, being the claim of Sarah J. Alling.

Page 12, line 15, strike out "$20" and insert "$24," being the claim of Jane A. Babcock.

Page 12, line 23, strike out "$20" and insert "$24," being the claim of Martha Crumb.

Page 20, strike out lines 19 to 23, inclusive, being the claim of Madeline Smith.

Page 22, strike out lines 24 and 25, and on page 23 strike out lines 1 and 2, being the claim of Olive L. Baldwin.

Page 24, line 5, strike out "$50" and insert "$40," being the claim of Zenas R. Detwiler.

Page 26, line 9, strike out "$30" and insert "$40," being the claim of William Wright.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 93. Joanna E. Kiley.
S. 94. John Denton.
S. 98. Jacob Boyd.
S. 100. Stephen W. Cottingham.
S. 101. Samuel Franklin, jr.
S. 106. Robert Posey.
S. 110. Zachariah V. Purdy.
S. 113. Helen Morgan.
S. 116. Abraham Smith.
S. 117. Joseph H. Wilson.
S. 152. John Snider.
S. 172. Mary J. Thompson.
S. 178. John C. McNaight.
S. 216. Maria L. Roraback.
S. 222. Elizabeth Turner.
S. 224. Mary F. Weed.
S. 227. Lovina S. Remington.
S. 234. Grace S. Wood.
S. 240. Mary E. Starr.
S. 241. James K. Stebbins.
S. 246. Carrie M. Pierce.
S. 248. Lucy A. Pend.
S. 254. Jennie E. Puffer.
S. 257. Jerome S. Manchester.
S. 332. Mary G. Fox.
S. 361. Mary L. Case.
S. 370. Ervin Nye.
S. 372. Stephen Johnson.
S. 531. James Kephart.
S. 536. George C. Jones.
S. 687. James W. Lankford.
S. 690. Victoria G. McFadden.
S. 702. Anna Paden.
S. 754. Sarah H. White.
S. 764. Cyrus F. Martin.
S. 766. Mary M. Clark.
S. 804. Martin L. Fisher.
S. 1022. David R. Miller.
S. 1023. Artemisia McCowen.
S. 1024. Joel T. Booz.
S. 1028. Daniel M. Banks.
S. 1029. Matilda Bennett.
S. 1032. Charity E. Smith.
S. 1033. Alfred Hooker.
S. 1034. Henry L. Miller.
S. 1039. Leroy F. Morse.
S. 1111. John Ensley Hixon.
S. 1128. Henry Gathman.
S. 1137. John W. W. Craig.
S. 1141. Dewitt C. Burns.
S. 1145. John M. Barber.
S. 1250. Charles Thurston.
S. 1252. Charles A. Holmes.
S. 1253. Frank S. Mildram.
S. 1254. Ella Farnum.
S. 1303. John E. Gilmore.
S. 1304. John B. Goodie.
S. 1306. Jonas H. Munson.
S. 1420. Elmer M. Yocom.
S. 1437. Sarah J. Alling.
S. 1438. Charlotte A. Avery.
S. 1439. Jane A. Babcock.
S. 1441. Abbie C. Boardman.
S. 1445. Martha Crumb.
S. 1453. Mary Moriarty.
S. 1454. Nellie R. Palmer.
S. 1495. Ethan S. Anderson.
S. 1498. John A. Smith.
S. 1499. Emma McCue.
S. 1527. Mary E. Brown.
S. 1530. Clementine Williams.
S. 1589. John W. Detwiler.
S. 1718. Joseph E. Clough.
S. 1736. Virgil D. Keaton.
S. 1750. Mollie B. Crawford.
S. 1795. Zephaniah Roberts.
S. 1796. Mary C. Schellner.
S. 1800. Peter Williams.
S. 1813. Oliver E. Durrant.
S. 1942. Ellen Conley.
S. 1949. Merritt J. Hedges.
S. 1950. Julia Jackson.
S. 1954. William K. Griffith.
S. 1955. Mary R. Strayer.
S. 1956. Theodore A. Cox.
S. 1958. Mary S. Underhill.
S. 1959. Richard Whitten.
S. 1963. Louise Tischer.
S. 2240. Melissa J. Chandler.
S. 2242. Clara A. Estes.
S. 2253. Henry S. Moulton.
S. 2254. Ida M. McLaughlin.
S. 2257. Michael Hickey.
S. 2261. Benjamin F. Clifford.
S. 2356. David Walker.
S. 2462. Andrew A. Holmes.
S. 2499. Ebenezer Watson.
S. 2548. William O. White.
S. 2567. Elia Le Suer.
S. 2574. Jacob Schmidt.
S. 2591. Zernah A. Newell.
S. 2652. Robert O. Jones.
S. 2668. William J. Cottrell.
S. 2679. James A. McAllister.
S. 2723. Edward Mason.
S. 2751. Lucy L. Wessels.
S. 2840. Balser Minges.
S. 2884. Edward L. Curtis.
S. 2936. Elizabeth Sparling.
S. 2955. George W. Holdson.
S. 2956. Madeline Smith.
S. 2958. Lemuel Emmerson.
S. 2965. James Mosier.
S. 3041. Charles M. Smilie.
S. 3057. William C. Doak.
S. 3060. Joseph C. Tousley.
S. 3072. Minnie Holz.
S. 3100. Daniel C. Ehrhart.
S. 3107. Isaac Conner.
S. 3141. Anna S. Weaver.
S. 3164. Sarah R. Anderson.
S. 3213. Stephen B. Garrigus.
S. 3295. George F. Edmunds.
S. 3305. Olive L. Baldwin.
S. 3362. Gorham Tufts.
S. 3364. William H. Taylor.
S. 3413. Ernest E. M. Vinton.
S. 3415. Joseph M. Elliott.
S. 3456. Charles A. Pepper.
S. 3497. James L. Zeigler.
S. 3501. Zenas R. Detwiler.
S. 3530. Ozro F. Walker.
S. 3534. Nancy Miller.
S. 3545. Garrett C. Brewer.
S. 3548. John M. Rupert.
S. 3601. Robert C. Young.
S. 3629. Thomas Mullen (alias Maloney).
S. 3637. Lewis W. Graham.
S. 3667. John C. Gray.
S. 3668. Hanson Hutchings, jr.
S. 3711. Oliver P. Lockhart.
S. 3739. James Gallagher.
S. 3850. William P. McCartney.
S. 3854. William Wright.
S. 3859. Teodora Antonio Baca de Martinez.
S. 3943. Rosa L. Tobin.
S. 3944. Sophia E. Bissonett.
S. 4030. Ellen A. Sheehan.
S. 4031. George W. Miller.
S. 4089. Henry Collett.
S. 4130. Martha A. White.
S. 4188. Henry T. Raymond.
S. 4246. William Blair.
S. 4247. Eliza P. Gullihur.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up a conference report on the bill H. R. 8493, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will report the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 421).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8493) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 17, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, and 28 and agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
JNO. W. LANGLEY,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8493) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes. Withdrawn at request of Member who introduced the bill.

Amendment No. 2: House recedes. Withdrawn at request of Member who introduced the bill.

Amendment No. 3: House recedes. Withdrawn at request of Member who introduced the bill.

Amendment No. 4: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.

Amendment No. 5: House recedes. A correction of service.

Amendment No. 6: House recedes. Proposed pension is justified by the proofs.

Amendment No. 7: House recedes. A correction of service.

Amendment No. 8: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.

Amendment No. 9: House recedes. Claimant is dead.

Amendment No. 10: House recedes. Proposed pension is justified by the proofs.

Amendment No. 11: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.

Amendment No. 12: House recedes. A higher rate than $12 is not justified by the evidence on file.

Amendment No. 13: House recedes. Claimant is dead.

Amendment No. 14: House recedes. Proofs submitted justified a higher rate of pension.

Amendment No. 15: House recedes. Proofs submitted justified a higher rate of pension.

Amendment No. 16: House recedes. Claimant is dead.

Amendment No. 17: Senate recedes. Proofs submitted justify a pensionable rate of $12 per month.

Amendment No. 18: House recedes. Proofs submitted justified a higher rate of pension.

Amendment No. 19: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.
Amendment No. 20: House recedes. Proofs submitted justify a higher rate of pension.
Amendment No. 21: House recedes. A correction of claimant's name.
Amendment No. 22: House recedes. A correction of claimant's name.
Amendment No. 23: House recedes. Proofs submitted justify a higher rate of pension.
Amendment No. 24: House recedes. Claimant is dead.
Amendment No. 25: House recedes. Proofs submitted justify a higher rate of pension.
Amendment No. 26: House recedes. Claimant is dead.
Amendment No. 27: House recedes. The evidence on file does not justify proposed pension.
Amendment No. 28: House recedes. The evidence on file does not justify proposed pension.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
JNO. W. LANGLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.
The conference report was agreed to.
Mr. RUSSELL of Missouri. Mr. Speaker, I also call up a conference report on the bill H. R. 10037, of similar title.
The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 422).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10037) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
That the Senate recede from its amendments numbered 2, 5, and 10.
That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
JNO. W. LANGLEY,
Managers on the part of the House.
CHARLES F. JOHNSON,
WM. HUGHES,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10037) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:
Amendment No. 1: House recedes. A correction of phraseology by inserting the word "former."
Amendment No. 2: Senate recedes. Proofs submitted justify original pension of $12 per month.
Amendment No. 3: House recedes. Evidence submitted does not justify a higher rate of pension than $12 per month.
Amendment No. 4: House recedes. To conform with amendment No. 3, the words "in lieu of that she is now receiving" was stricken out.
Amendment No. 5: Senate recedes. Proofs submitted justify a pensionable rate of $12 per month.
Amendment No. 6: House recedes. A correction of service.
Amendment No. 7: House recedes. Proposed pension is justified by proofs.
Amendment No. 8: House recedes. Correction of typographical error.
Amendment No. 9: House recedes. Proofs submitted do not justify granting a pension.
Amendment No. 10: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.
Amendment No. 11: House recedes. Correction of service.
Amendment No. 12: House recedes. Correction of phraseology by inserting the word "former."
Amendment No. 13: House recedes. Correction of service.
Amendment No. 14: House recedes. Change of phraseology.
Amendment No. 15: House recedes. Claimant is dead.
Amendment No. 16: House recedes. Claimant is dead.
Amendment No. 17: House recedes. Correction of service.
Amendment No. 18: House recedes. Correction of service.
Amendment No. 19: House recedes. Correction of service.
Amendment No. 20: House recedes. Correction of service.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
JNO. W. LANGLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.
The conference report was agreed to.
Mr. RUSSELL of Missouri. Mr. Speaker, I also call up the conference report on the bill H. R. 11078, of similar title.
The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 423).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11078) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recomemnd and do recommend to their respective Houses as follows:
That the Senate recede from its amendments numbered 1, 5, 7, 8, 12, and 13.
That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 9, 10, 11, 14, 15, and 16, and agree to the same.
Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24"; and, on page 14, line 22, strike out "per annum" and insert "per month"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
JNO. W. LANGLEY,
Managers on the part of the House.
CHARLES F. JOHNSON,
WM. HUGHES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11078) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:
Amendment No. 1: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.
Amendment No. 2: House recedes. Correction of phraseology.
Amendment No. 3: House recedes. A similar act has passed both the House and Senate for this claimant's relief.
Amendment No. 4: House recedes. Change in phraseology.
Amendment No. 5: Senate recedes. Proofs submitted justify the proposed increase.
Amendment No. 6: House recedes. Correction of service.
Amendment No. 7: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.
Amendment No. 8: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.
Amendment No. 9: House recedes. Change in phraseology.
Amendment No. 10. House recedes. Proofs submitted do not justify a pension of over $12 per month.

Amendment No. 11: House recedes. Evidence submitted justifies a pension not over $20 per month.

Amendment No. 12: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.

Amendment No. 13: Senate recedes. As claimant is widow of an officer, under the rules she becomes entitled to a higher rate of pension.

Amendment No. 14: House recedes. Change in spelling of claimant's name.

Amendment No. 15: House recedes. Evidence submitted does not justify a pension of over $12 per month.

Amendment No. 16: House recedes. To conform with amendment No. 15, the words "in lieu of that she is now receiving" is stricken out.

Amendment No. 17: The House concurs in the Senate amendment with an amendment allowing $24. The evidence fully justifies the allowance of this amount.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
JNO. W. LANGLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KEATING. Mr. Speaker, on behalf of the Committee on Pensions I call up the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. DIES. Mr. Speaker, I would like to know what crop of pensions this is?

The SPEAKER. These are all except the Civil War.

Mr. DIES. This is the Spanish War?

The SPEAKER. It is every war we have had except the Civil War and the Regular Army. Is there objection to the request of the gentleman from Colorado to consider the bill in the House as in the Committee of the Whole?

There was no objection.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Emeline Castle, now Vanata, former widow of Israel T. Castle, late musician Company H, Eleventh United States Infantry, War with Mexico, and pay her a pension at the rate of $12 per month.

The name of Florence B. Eckert, widow of David Eckert, late of Company I, Sixteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Edwin E. Trazzare, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Fred Bundy, late of Company G, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Henry Marsden, late of Troop I, Sixth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William F. Minnich, late of Company K, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Kneller, late of Company F, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Arthur C. Null, late of the Twenty-fifth Battery United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas W. Ethridge, late of Company L, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John B. Eakles, late of Company M, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Augusta Fels, dependent mother of Ernest A. Fels, late of Company A, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Frederick Gaylor, late of Troop C, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles R. Eakins, late of Company F, Two hundred and second Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary Willhoff, widow of Leonard Willhoff, late second lieutenant of Company F, First Regiment Arkansas Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Charles F. Schantz, late of Company I, Twenty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of John B. Gilliam, late of Company C, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Thomas W. Oastler, dependent father of Paul R. Oastler, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Pollard, late of Company K, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Laura McIver, dependent mother of Clarence G. McIver, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles J. Meggison, late of Company B, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Rebecca D. Stewart, widow of James Stewart, late of Battery B, Fourth Regiment United States Artillery, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma R. Walters, widow of Charles R. Walters, late of Company D, Second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Elizabeth O. Sawyer, widow of Gen. James E. Sawyer, assistant quartermaster general with rank of colonel, United States Army, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William J. Grimm, late of Company G, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Addie R. Kite, widow of Edmund A. Kite, late of Company I, First United States Volunteer Engineers, War with Spain, and pay her a pension at the rate of $12 per month.

The name of George Zederbaum, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Alvin Eichman, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Orville A. Hammers, late of Company C, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry R. Watkins, late of Company H, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Nellie L. Wilson, widow of George M. Wilson, late of Company F, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said George M. Wilson until he reaches the age of 16 years.

The name of Charles Stocker, jr., late of Battery F, Second Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Frank Klatt, late of Company G, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jesse G. Austin, late of Company H, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Fred A. Knapp, late of Company L, Fortieth United States Volunteer Iniantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Martin V. Stanton, late of Company I, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Francis M. Brown, late quartermaster sergeant Nineteenth Regiment Kansas Volunteer Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Samuel Armistead, late of Company G, Ninth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah F. Clark, widow of Zachariah Clark, late of Company K, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Minnie Nordyke, widow of Edward C. Nordyke, late of Troop L, Third Regiment United States Volunteer Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John F. O'Donnell, late of Company D, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Barbara Boyle, widow of Dennis S. Boyle, late of Company L, Eleventh Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the four minor children of the said Dennis S. Boyle until they reach the age of 16 years.

The name of Joseph B. Asher, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Frank H. Thompson, late of Company A, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Norma E. McEnhill, widow of Frank McEnhill, late second lieutenant, Second Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Sarah A. Harrison, widow of John B. Harrison, late of Company I, Third Regiment Tennessee Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Willmina Porste, widow of James Porste, late of Company K, Fifteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the said James Porste until she reaches the age of 16 years.

The name of Sarah Jane Sadler, widow of Henry Sadler, late of Company H, First Regiment Texas Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Belle P. Young, widow of Lucien Young, late rear admiral, United States Navy, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Robert Groves, late of Company M, Second Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Louis S. Harris, late of Battery A, Third United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Anna Nottingham, widow of William Thomas Nottingham, late of Company F, First Regiment Virginia Volunteers, and Company H, Seventh Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. De Long, late of Company H, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Jackson, widow of Brinkley Jackson, late of Capt. Sutton's company, Georgia Mounted Volunteers, Indians Wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna J. Meilstrup, dependent mother of Elmer M. Meilstrup, late of the U. S. S. *Maine*, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Maria Louise Richardson, widow of Robert Richardson, late of Troop I, First Regiment (Marshall's) Kentucky Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Priscilla Melton, widow of Meredith Melton, alias Meriday Melton, late of Capt. Dodson's company, Col. Lindsay's regiment Tennessee Volunteers, Cherokee disturbances, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 975. Emeline Castle.
H. R. 1367. Florence B. Eckert.
H. R. 1441. Edwin E. Trazzare.
H. R. 1475. Fred Bundy.
H. R. 1655. Henry Marsden.
H. R. 1794. William F. Minnick.
H. R. 1863. Albert Kneller.
H. R. 2077. Arthur C. Null.
H. R. 2088. Thomas W. Ethridge.
H. R. 2388. John B. Eakles.
H. R. 2551. Augusta Fels.
H. R. 2644. Frederick Gaylor
H. R. 2762. Charles R. Eakins.
H. R. 3439. Mary Willhoff.
H. R. 3798. Charles F. Schantz.
H. R. 4593. John B. Gilliam.
H. R. 5068. Thomas W. Oastler.
H. R. 5189. William A. Pollard.
H. R. 5389. Laura McIver.
H. R. 5598. Charles J. Meggison.
H. R. 5812. Rebecca D. Stewart.
H. R. 5918. Emma R. Walters.
H. R. 5957. Elizabeth O. Sawyer.
H. R. 6135. William J. Grimm.
H. R. 6151. Addie R. Kite.
H. R. 6723. George Zederbaum.
H. R. 7178. Alvin Eichman.
H. R. 7405. Orville A. Hammers.
H. R. 7475. Harry R. Watkins.
H. R. 7764. Nellie L. Wilson.
H. R. 7938. Charles Stocker.
H. R. 8376. Frank Klatt.
H. R. 8418. Jesse G. Austin.
H. R. 8435. Fred A. Knapp.
H. R. 8438. Martin V. Stanton.
H. R. 8690. Francis M. Brown.
H. R. 8715. Samuel Armistead.
H. R. 8733. Sarah F. Clark.
H. R. 8882. Minnie Nordyke.
H. R. 9183. John F. O'Donnell.
H. R. 9565. Barbara Boyle.
H. R. 9614. Joseph B. Asher.
H. R. 9973. Frank H. Thompson.
H. R. 9993. Norma E. McEnhill.
H. R. 10703. Sarah A. Harrison.
H. R. 10951. Willmina Porste.
H. R. 11287. Sarah Jane Sadler.
H. R. 11429. Belle P. Young.
H. R. 11530. Robert Groves.
H. R. 11601. Louis S. Harris.
H. R. 11692. Anna Nottingham.
H. R. 11972. William H. DeLong.
H. R. 12211. Sarah Jackson.
H. R. 12330. Anna J. Meilstrup.
H. R. 12573. Maria Louise Richardson.
H. R. 13023. Priscilla Melton.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

ADJOURNMENT.

Mr. RUSSELL of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 28, 1916, at 11 o'clock a. m.

EXECUTIVE CUMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting recommendation for the repeal of certain provisions in the Army appropriation act approved March 3, 1911, to release to the city of St. Augustine, Fla., a strip of land on the north line of Fort Marion Reservation (H. Doc. No. 945); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on reexamination of Red River, La., Ark., Tex., and Okla. (H. Doc. No. 947); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting drafts of proposed amendments to sections 165 and 177 of an act to codify, revise, and amend the penal laws approved March 4, 1909; also drafts of a proposed bill to prevent the circulation of notes on defunct State banks, and for other purposes (H. Doc. No. 946); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SABATH, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill (H. R. 465) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdictions of the United States, reported the same without amendment, accompanied by a report (No. 430), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 5091) for the relief of Preston B. C. Lucas, reported the same without amendment, accompanied by a report (No. 432), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 1358) for the relief of Everett H. Corson, reported the same with amendment, accompanied by a report (No. 434), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the joint resolution (H. J. Res. 158) authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector, reported the same without amendment, accompanied by a report (No. 435), which said joint resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10421) for the relief of A. J. Hodges, T. W. Hodges, and C. C. Hodges, reported the same without amendment, accompanied by a report (No. 436), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13308) for the relief of the heirs of John Graham, reported the same with amendment, accompanied by a report (No. 437), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8265) for the relief of the heirs of Samuel B. Hendrick, reported the same with amendment, accompanied by a report (No. 438), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11499) for the relief of William Englund, reported the same with amendment, accompanied by a report (No. 439), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8426) for the relief of E. A. Swift, reported the same with amendment, accompanied by a report (No. 440), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Colorado, from the Committee on Public Lands, to which was referred the bill (S. 17) permitting H. L. Corbin to purchase certain public lands, reported the same without amendment, accompanied by a report (No. 441), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 12556) for the relief of P. J. Meagher, reported the same adversely, accompanied by a report (No. 433), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10809) granting a pension to Tide Owens; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11205) granting a pension to Charity E. Armstrong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13395) granting an increase of pension to Rachel Cliff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. HELGESEN: A bill (H. R. 13762) providing additional funds for the erection of a public building at Fargo, N. Dak.; to the Committee on Appropriations.

By Mr. HUSTED: A bill (H. R. 13763) to provide for the erection of a public building in the village of Nyack, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13764) authorizing the purchase of a site and to provide for the erection of a public building in the city of White Plains, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. ROGERS: A bill (H. R. 13766) to provide for the purchase of a site and the erection of a new public building at Lowell, Mass., and also for the sale of the present post-office building and its site; to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: A bill (H. R. 13767) to create a United States Tariff Commission, to define its powers and duties, and for other purposes; to the Committee on Ways and Means.

By Mr. FITZGERALD: A bill (H. R. 13768) making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916; to the Committee of the Whole House on the state of the Union.

By Mr. BLACK: A bill (H. R. 13769) to authorize the Secretary of War to supply tents for temporary use of the sufferers from the recent conflagration in Paris, Tex., and for other purposes; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 13770) for the construction of a public building at Alma, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: A bill (H. R. 13771) to increase the efficiency of the Cavalry and Artillery of the United States; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 13772) for the purchase of a post-office site at Galion, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 13773) for the purchase of a site and the erection of a public building at Blacksburg, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13774) to provide for the erection of an addition to the United States court and post-office building at Roanoke, Va.; to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Pennsylvania: A bill (H. R. 13775) to provide for the erection of a public building in the city of Greenville, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND: A bill (H. R. 13776) to provide for the purchase of a site and the erection of a public building thereon at Keyser, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13777) to acquire a site for a public building at Beckley, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. GALLIVAN: A bill (H. R. 13778) authorizing the Postmaster General to exclude from the mails certain publications; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Resolution (H. Res. 185) directing the Secretary of Commerce to furnish to the House of Representatives certain information relating to print paper; to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Joint resolution (H. J. Res. 191) laying an embargo on gasoline and other products of petroleum; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, favoring action by Congress toward securing the moral support of the United States for the oppressed Jews in Europe; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 13779) granting an increase of pension to William Donnelly; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 13780) for the relief of the estate of William Austin; to the Committee on Claims.

By Mr. CANTRILL: A bill (H. R. 13781) granting an increase of pension to James W. Strange; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 13782) granting a pension to Abraham Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13783) granting a pension to Amanda J. Hart, widow of William N. Stiles; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 13784) granting an increase of pension to Mrs. Marion L. Wilson; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 13785) for the relief of Sarah S. Plank; to the Committee on Claims.

Also, a bill (H. R. 13786) for the relief of Jennie Davidson; to the Committee on Claims.

By Mr. DEWALT: A bill (H. R. 13787) granting an increase of pension to Eliza Amanda Haines; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 13788) for the relief of Joseph A. Prat; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 13789) granting a pension to Adeline Wagner; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 13790) for the relief of the heirs of John L. Young; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 13791) to remove the charge of desertion against Wilson Certain; to the Committee on Military Affairs.

Also, a bill (H. R. 13792) granting an increase of pension to Mary S. Smith; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 13793) granting an increase of pension to Susan R. Freeman; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 13794) granting an increase of pension to James A. Rives; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13795) granting an increase of pension to Benjamin F. Umfleet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13796) granting an increase of pension to John Parker; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 13797) for the relief of the legal representatives of the estate of A. B. Maxwell and B. C. Maxwell; to the Committee on Claims.

By Mr. McCRACKEN: A bill (H. R. 13798) granting a pension to Jeptha Harrow; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13799) granting an increase of pension to D. O. Root; to the Committee on Invalid Pensions.

By Mr. MILLER of Pennsylvania: A bill (H. R. 13800) granting an increase of pension to Robert Stranahan; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 13801) granting a pension to Annie Neate, widow of John Sweyn Neate, late hospital steward, United States Army; to the Committee on Pensions.

By Mr. NORTH: A bill (H. R. 13802) granting a pension to Ella C. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13803) granting an increase of pension to Frank B. Ritzie; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13804) granting an increase of pension to Mary McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13805) granting a pension to Elizabeth S. Branigan; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 13806) granting a pension to Charles O. Hopping, 553 American Avenue, Longbeach, Cal.; to the Committee on Pensions.

By Mr. ROWLAND: A bill (H. R. 13807) granting an increase of pension to John Stouffer; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13808) granting a pension to Ella Heminger; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 13809) for the relief of the heirs of Elias Rumbo; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 13810) for the relief of the estate of Thomas W. Daugherty; to the Committee on Claims.

By Mr. STEPHENS of California: A bill (H. R. 13811) granting a pension to Thomas F. Mangan; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 13812) granting an increase of pension to Mary J. Drayton; to the Committee on Pensions.

Also, a bill (H. R. 13813) granting an increase of pension to Charles M. Arnold; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13814) to reimburse Frank Compton for money stolen from the station platform at Choctaw, Okla., and repaid by him to the Post Office Department; to the Committee on Claims.

Also, a bill (H. R. 13815) granting an increase of pension to Marion N. Purdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13816) granting an increase of pension to Catherine F. Edsall; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 13817) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit, E. J. Christy, Mary L. Christy, Sallie A. Christy, W. S. Christy, T. J. Christy, and Julia H. Bryson, and the estates of J. R. Christy, W. D. Christy, and H. P. Christy, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said John H. Christy to the Fortieth Congress and his services therein; to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 13818) granting a pension to Benjamin Garland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13819) to correct the military record of W. C. Johnson; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 13820) for the relief of Mrs. Jennie Buttner; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Socialist Party of St. Louis, Mo., against any increase in Army of United States; to the Committee on Military Affairs.

Also (by request), memorial of suffragettes of Arizona, urging passage of Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of Mount Auburn Methodist Episcopal Church, of Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Wyoming Monday Club and Wyoming (Ohio) Home and Foreign Missionary Society, against shipping rum, etc., to Africa; to the Committee on the Judiciary.

By Mr. ASHBROOK: Memorial of Licking Lodge, No. 80, International Association of Machinists, favoring passage of House bills 137 and 11168; to the Committee on Naval Affairs.

Also, memorial of Pataskala Grange, No. 1894; Butler Grange, No. 856; Fresno Grange, No. 1642; Hanover Grange, No. 1812; and Jacksontown Grange, No. 1897, all in the State of Ohio, against the so-called Madden rider; to the Committee on the Post Office and Post Roads.

Also, petitions of merchants of Utica, Loudonville, Ashland, Mansfield, Warsaw, Howard, Millwood, Buckeye City, Danville, Bellville, Fredericktown, Butler, Lexington, Centerburg, and Mount Vernon, all of the seventeenth Ohio district, in favor of House bill 5308; to the Committee on Ways and Means.

By Mr. BAILEY: Petitions of sundry citizens of Johnstown, Pa., against passage of House bill 491, to amend the postal law; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and churches of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of citizens of Oakland, Cal., against preparedness; to the Committee on Military Affairs.

Also, memorial of National Grange of Oakland, Cal., relative to postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. BARKLEY: Petition indorsing House bill 9435, providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Fulton, Ky., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Kentucky Legislature to convert Mammoth Cave into a national park; to the Committee on the Public Lands

By Mr. BEALES: Petition of H. W. Crist and others, of York, Pa., favoring passage of national prohibition bill; to the Committee on the Judiciary.

Also, petitions of sundry citizens and church organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Civic Association of Ardmore, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. BRUCKNER: Petition of Sidney Schiff, of New York, indorsing the Emerson resolution; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, favoring bill for nonpartisan tariff commission; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to exemption of steam-towed barges from pilotage; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of New York section of the Appalachian Mountain Club, favoring the Kent bill, to establish a national park service; to the Committee on the Public Lands.

Also, petition of William M. O'Neill, of New York, favoring indefinite leave-of-absence bill for post office employees—House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Fred Nowatcheck of New York, favoring passage of House bill 7625, to benefit Government employees; to the Committee on Reform in the Civil Service.

By Mr. BYRNS of Tennessee: Petitions of sundry citizens and church organizations of Nashville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CASEY: Petition of entire congregation of First Methodist Episcopal Church of Wilkes-Barre, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of Athletic Entertainment Club and other organizations of Weirsdale, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of West Virginia: Petition of citizens of Athens and Cabell County, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Masonic Life Association of Buffalo, N. Y., favoring preparedness; to the Committee on Military Affairs.

Also, memorial of National Association of Dyers and Cleaners, indorsing House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of United Brotherhood of Carpenters and Joiners, indorsing House bill 11250; to the Committee on Education.

By Mr. DILLON: Memorial of the Reading Circle, Canton, S. Dak., in re inspection of dairies; to the Committee on Agriculture.

Also, petition of sundry citizens of Minnehaha County, S. Dak., protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Memorial of North Congregational Church, of Berkeley, Cal., favoring bill to prohibit sale of liquors in Hawaii and Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of H. B. Bensen, H. Glissman, and others, of Oakland, Cal., against House bills 491 and 6468, to amend the postal law; to the Committee on the Post Office and Post Roads.

Also, memorial of Congregational Church in Berkeley, Cal., favoring passage of bill to prohibit sale of alcoholic liquors in Philippine Islands and Porto Rico; to the Committee on Insular Affairs.

By Mr. ESCH: Papers to accompany House bill 13641, for relief of Mary E. Jenks; to the Committee on Invalid Pensions.

By Mr. FLYNN: Petition of Masonic Life Association, of Buffalo, N. Y., favoring preparedness; to the Committee on Military Affairs.

Also, memorial of National Association of Dyers and Cleaners, indorsing House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, memorial of United Brotherhood of Carpenters and Joiners, indorsing House bill 11250; to the Committee on Education.

By Mr. FULLER: Petition of S. Stanwood Menken, president of the National Security League, for legislation for preparedness; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Massachusetts State Board of Trade, in re intracoastal waterway from Boston to Florida; to the Committee on Rivers and Harbors.

By Mr. GARD: Petition of sundry citizens of Iowa, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. GRAY of New Jersey: Petition of certain citizens of Bayonne, N. J., against the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Memorial of general committee of Cumberland Bar Association on House bill 12773; to the Committee on the Judiciary.

By Mr. HADLEY: Petitions of sundry citizens of Ferndale, Wash., protesting against passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Ferndale, Wash., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of sundry business men of Oregon, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. HINDS: Petitions of Arcana Lodge, International Order of Good Templars, of Portland; Cumberland District Lodge, International Order of Good Templars, of Portland; 40 citizens of Windham; 24 citizens of Sanford; and 25 citizens of Sanford, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petitions of 69 citizens of Seattle, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Farmington, Wash., against bill to provide for closing barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. KENNEDY of Rhode Island: Petition of 10 voters of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 10 employees of Bureau of Animal Industry, Providence, R. I., favoring passage of Lobeck bill for standardization of salaries in bureau; to the Committee on Reform in the Civil Service.

Also, petition of What Cheer Laundry, of Providence, R. I., favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LONDON: Petition opposing the creation and use of State constabulary, from the Socialist Party of St. Louis, Mo.; to the Committee on Military Affairs.

By Mr. LOUD: Petition of Mrs. Frank P. S. Kelton and 70 other members of the Woman's Improvement Club, of Bay City, Mich., favoring passage of House resolution 137; to the Committee on Naval Affairs.

By Mr. MAPES: Petition of 29 citizens of Otsego, Mich., protesting against the passage of House bill 652, entitled "A bill to provide for the closing of barber shops in the District of Columbia on Sunday," and any other like religious measure; to the Committee on the District of Columbia.

Also, petition of 71 citizens of Otsego, Mich., protesting against the passage of House bill 6468, to amend the postal laws, and also House bill 491, with the same title, or any other like measure; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Papers to accompany House bill 13693, for relief of Levi M. Wolff; to the Committee on Invalid Pensions.

By Mr. MOTT: Petition of Hamilton Grange, Patrons of Husbandry, Hamilton, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of Port Leyden Grange, Patrons of Husbandry, Port Leyden, N. Y., favoring adequate national defense; to the Committee on Military Affairs.

By Mr. NEELY: Petitions of citizens of Glenville and vicinity, West Virginia, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NOLAN: Petitions of department of public health, city and county of San Francisco, Cal.; American Veterinary Medical Association, Berkeley, Cal.; and National Association Bureau of Animal Industry Employees, Indianapolis, Ind., favoring House bill 5792, providing a reclassification of the salaries of employees of the Bureau of Animal Industry, United States Department of Agriculture; to the Committee on Agriculture.

Also, petitions of 40 members of the engineering department of the Pacific Telephone & Telegraph Co., San Francisco, Cal., indorsing House bill 10845 and Senate bill 3946, providing for the extension of military training in civilian educational institutions; to the Committee on Education.

Also, petitions of San Francisco Association for the Study and Prevention of Tuberculosis, San Francisco; Laundry Wagon Drivers' Union, San Francisco; Vallejo Trades and Labor Council, Vallejo; Vallejo Lodge, No. 252, International Association of Machinists, Vallejo; and Laundry Workers' Union, San Francisco, all in the State of California; to the Committee on Appropriations.

Also, petitions of San Antonio Trades Council, San Antonio, Tex., and International Alliance Theatrical Stage Employees, Oakland, Cal., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Highland Park Ebell, Los Angeles; Ebell, Oakland; College Woman's Club, San Diego; Richmond Industrial Commission, Richmond; and Coalinga Chamber of Commerce, Coalinga, all in the State of California, indorsing bill providing for a national-park service and an appropriation for Yosemite National Park of at least $300,000; to the Committee on Appropriations.

By Mr. NORTH: Petition of citizens of Marion Center; East Mahoning Baptist Church, of Marion Center; and citizens of Ruylon, all in the State of Pennsylvania, protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Club of Clarion, indorsing House bill 137; to the Committee on Rules.

Also, petition of citizens of Indiana County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Frank F. Tingley, of Providence, R. I., favoring woman suffrage amendment; to the Committee on the Judiciary.

Also, petition of Horace B. Foster, Centerville, R. I., protesting against any increase in the Army or Navy; to the Committee on Military Affairs.

Also, petition of Livingston People's Branch, Woman's Christian Temperance Union, of Providence, and Ladies' Aid Society of East Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of G. Edward Buxton, jr., E. R. Barker, and Harold Hall Berry, of Providence, R. I., favoring Kahn amendment to the Hay bill; to the Committee on Military Affairs.

Also, petition of John H. Patterson, of Providence, R. I., indorsing House bills 6915 and 5757; to the Committee on the Post Office and Post Roads.

Also, petition of A. M. Perkins, of Central Falls; Mary I. Dennis, of Providence; and Mrs. Albert Freeman, of Pawtucket, all in the State of Rhode Island, in re pension legislation; to the Committee on Invalid Pensions.

By Mr. PHELAN: Petitions of sundry citizens of Lynn, Mass., favoring passage of House bill 5792, in behalf of employees of the Bureau of Animal Industry; to the Committee on Agriculture.

Also, petitions of sundry citizens of Lawrence, Mass., favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. PRATT: Petition of Mrs. Elizabeth Wallebeck, secretary of Ulysses Grange, No. 419, Ithaca, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Christian Endeavor Society of Prattsburg, N. Y. (Miss Helen Blood, secretary), favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lent Hill Woman's Christian Temperance Union (Mrs. Jennie Wheaton, of Cohocton, N. Y., secretary), favoring the establishment of a Federal motion-picture commission; to the Committee on Education.

Also, petition of E. I. Heath, of Watkins, N. Y., favoring the passage of the Britten bill in order to decrease the price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petition of Will L. Ashbaugh and other merchants of Waverly, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of W. E. Snodgrass and others, of Hull, Ill., favoring Government plant for manufacture of munitions of war; to the Committee on the Judiciary.

Also, memorial of the Household Science Club of Waverly, Ill., relative to inspection of creameries, etc.; to the Committee on Rules.

Also, memorial of American Building Loan & Homestead Association and others, relative to exemption from war-revenue tax; to the Committee on Ways and Means.

By Mr. SCOTT of Michigan: Petition of Men's Sunday School Class of Methodist Episcopal Church of Harbor Springs and Men's Bible Class of Methodist Episcopal Church of Sault Ste. Marie, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petition of sundry citizens of Texas, protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Resolution of the Woman's Christian Temperance Union of Malone, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, resolution of W. K. Bradshaw in behalf of Brasher Falls Methodist Episcopal Church, Brasher Falls, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of J. G. Dewey, W. M. Campbell, James Elland, John Noble, Belden E. Pratt, W. Robinson, O. J. Fuller, Albert Given, Frank Russ, D. C. Robinson, Milton R. Watson, Lynn Fuller, James Bullock, D. R. Watson, William Little, David

Bullock, E. V. Curtis, Robert Wilson, G. A. Padgett, J. E. Beckstead, William Gardner, Leon W. Clark, E. A. Sheffner, John Hughes, Homes Ames, L. D. Raymond, Stillman Loop, Eugene Woch, Henry O. Grant, Guy Hall, Frank Payne, F. L. Tompkins, John Linsley, W. O. Kerr, H. St. McIntosh, George W. Davis, E. W. Poole, F. D. Noble, Max Edison, W. G. Stephens, Ira C. Mills, Earl Bancroft, and others, of Edwards, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, petition of the Women's Civic League of Plattsburgh, N. Y., in favor of so-called preparedness measures; to the Committee on Military Affairs.

Also, petition of Mrs. Grace O. Castle, secretary, in behalf of Winthrop Grange, Winthrop, N. Y., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. STEDMAN: Petition of citizens of Reidsville, N. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorial of Hebrew Cooperative Relief Association, Hebrew Society, and Fink Brokerage Co., all of Los Angeles, Cal., protesting against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Petition of citizens of Westerly, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Rhode Island Fish and Game Protective Association, favoring amendment to the migratory bird law in regard to water fowl in Rhode Island; to the Committee on Agriculture.

Also, petition of Bureau of Animal Industry employees, of Providence, R. I., favoring House bill 5792; to the Committee on Agriculture.

Also, memorial of Slocum Post, No. 10, Grand Army of the Republic, of Rhode Island, protesting against the use of the Mountain Branch (Tenn.) Soldiers' Home by ex-Confederate soldiers to the exclusion of Union soldiers; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of citizens of Derry; Central Avenue Baptist Church, of Dover; 125 people of Somersworth; Christian Endeavor Society of 60 people of Somersworth; Loyal Workers Society of Dover; Advent Christian Church, of Dover; 21 people of Dover; 75 people of Brentwood; Christian Endeavor Society of Epping; 132 people of Epping; and 53 people of Epping, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Stark Lodge, No. 4, International Order of Good Templars, of Manchester; Stark Juvenile Temple, of Manchester; and voters of Brentwood, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Petition of sundry citizens of West Virginia, favoring prohibition in the District of Columbia; to the Commttee on the District of Columbia.

Also, petition of sundry citizens of West Virginia, protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of Rev. S. G. Connor and 70 other citizens of Washington County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 28, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee because great thoughts arise in our minds which we trace back to the great Spirit above us. Holy inspirations take possession of our spirit which find alone their source in God. Thou dost minister to us the comforts of life through the forces of nature about us. Thou hast given to us the blessings of freedom, and Thou dost minister to us these blessings through the forces of righteous living. Thou dost give to us the passion of eternity. Thou dost impart it by the gift of Thyself to men.

Grant us this day to live in the higher altitudes of life, ever keeping in mind that Thou art with us; that Thou hast a purpose in our lives; that Thou hast a mission in our Government; that Thou hast a use for the people of this great land. May they be consecrated to Thy service. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CENTENNIAL OF THE COAST AND GEODETIC SURVEY.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Superintendent of the United States Coast and Geodetic Survey, which will be printed in the RECORD. The communication is as follows:

DEPARTMENT OF COMMERCE,
UNITED STATES COAST AND GEODETIC SURVEY,
Washington, March 28, 1916.

Hon. THOMAS R. MARSHALL,
The President of the Senate,
The Capitol, Washington, D. C.

MY DEAR MR. PRESIDENT: You are no doubt acquainted with the fact that the United States Coast and Geodetic Survey is celebrating its centennial by appropriate exercises on April 5 and 6, 1916.

These exercises will take place on the above dates at the New National Museum.

I am inclosing herewith a program, and you will observe that those who are to take part in this celebration are men of prominence.

On behalf of the United States Coast and Geodetic Survey, I wish to extend an invitation to the Members of the United States Senate to attend the sessions at the New National Museum, and also the exhibit in the same building.

I am, respectfully, yours,

E. LESTER JONES,
Superintendent.

PROGRAM OF THE CENTENNIAL EXERCISES OF THE UNITED STATES COAST AND GEODETIC SURVEY TO BE HELD WEDNESDAY, APRIL 5, AND THURSDAY, APRIL 6, 1916, AT WASHINGTON, D. C.

AFTERNOON OF APRIL 5, AT THE NEW NATIONAL MUSEUM, WASHINGTON, D. C.

(*Beginning at 2.30 o'clock.*)

Dr. Hugh M. Smith, Commissioner of the United States Bureau of Fisheries.

Subject: The Bureau of Fisheries and its relation to the United States Coast and Geodetic Survey.

Dr. Louis A. Bauer, director of the department of terrestrial magnetism, Carnegie Institution of Washington.

Subject: The work done by the United States Coast and Geodetic Survey in the field of terrestrial magnetism.

Dr. S. W. Stratton, Director of the United States Bureau of Standards.

Subject: The Bureau of Standards and its relation to the United States Coast and Geodetic Survey.

Rear Admiral J. E. Pillsbury, United States Navy (retired).

Subject: Ocean currents and deep-sea explorations of the United States Coast and Geodetic Survey.

Dr. George Otis Smith, Director of the United States Geological Survey.

Subject: The United States Geological Survey and its relation to the United States Coast and Geodetic Survey.

EVENING OF APRIL 5, AT THE NEW NATIONAL MUSEUM, WASHINGTON, D. C.

(*Beginning at 8 o'clock.*)

Hon. J. HAMPTON MOORE, Member of the United States House of Representatives.

Subject: The United States Coast and Geodetic Survey's part in the development of commerce.

Brig. Gen. W. M. Black, Chief of Engineers, United States Army.

Subject: The United States Corps of Engineers and its relation to the United States Coast and Geodetic Survey.

Hon. George R. Putnam, Commissioner of the United States Bureau of Lighthouses.

Subject: The Lighthouse Service and its relation to the United States Coast and Geodetic Survey.

Mr. George Washington Littlehales, hydrographic engineer, United States Hydrographic Office.

Subject: Hydrography and charts with special reference to the work of the United States Coast and Geodetic Survey.

AFTERNOON OF APRIL 6, AT THE NEW NATIONAL MUSEUM, WASHINGTON, D. C.

(*Beginning at 2 o'clock.*)

Prof. William Henry Burger, professor of civil engineering, Northwestern University.

Subject: The contribution of the United States Coast and Geodetic Survey to geodesy.

Rear Admiral Richard Wainwright, United States Navy (retired).

Subject: The Civil War record of the United States Coast and Geodetic Survey and what the survey is doing toward preparedness.

Dr. Otto Hilgard Tittmann, president of the National Geographic Society.

Subject: The international work of the United States Coast and Geodetic Survey.

Dr. Charles Lane Poor, professor of celestial mechanics, Columbia University.

Subject: Oceanic tides with special reference to the work of the United States Coast and Geodetic Survey.

Dr. Douglas Wilson Johnson, associate professor of physiography, Columbia University.

Subject: The contribution of the United States Coast and Geodetic Survey to physical geography.

EXHIBIT OF THE UNITED STATES COAST AND GEODETIC SURVEY AT THE NEW NATIONAL MUSEUM, WASHINGTON, D. C.

Wednesday, April 5, 1916 (open 10 a. m. to 11 p. m.).
Thursday, April 6, 1916 (open 10 a. m. to 6 p. m.).

This exhibit will consist of surveying instruments and appliances, pictures of surveying operations and equipment, charts and other publications of the bureau. As far as possible the earliest instruments and appliances which were used by this bureau will be exhibited beside those now in use. The earliest maps and charts of the United States which can be obtained will be shown for comparison with the present charts issued by the bureau.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 2960) for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CATRON. I present a letter from Ella Clapp Thompson, southern field secretary of the Congressional Union for Woman Suffrage, inclosing resolutions adopted at a mass meeting held in the capitol at Santa Fe, N. Mex., favoring the enfranchisement of the women of the Nation. I ask that the letter and accompanying resolutions be printed in the RECORD.

There being no objection, the letter and accompanying resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

CONGRESSIONAL UNION FOR WOMAN SUFFRAGE,
PALACE OF THE GOVERNORS,
Santa Fe, N. Mex., February 29, 1916.

Senator T. B. CATRON,
United States Senate, Washington, D. C.

DEAR SENATOR CATRON: I am directed by our newly elected State chairman, Mrs. Joshua Raynolds, of Albuquerque, to inclose a copy of a resolution passed unanimously at a meeting held by the Congressional Union last night in the State Capitol, and to request you to have the resolution read into the RECORD of the Senate.

With all good wishes,
Most sincerely, yours,
ELLA CLAPP THOMPSON,
Southern Field Secretary.

Resolved, That this mass meeting, assembled in the Hall of Representatives of the Capitol of New Mexico for the purpose of discussing the national suffrage amendment now pending in Congress, calls upon the Congress of the United States to pass immediately the resolution proposing to enfranchise the women of the Nation. Be it further

Resolved, That a copy of this resolution be sent to the Senators and Representative from New Mexico, urging them to do all in their power to secure this action from Congress at this session.

Mr. CATRON. I present a statement from the District of Columbia Association Opposed to Woman Suffrage. I ask that the statement be printed in the RECORD.

There being no objection, the statement was ordered to lie on the table and to be printed in the RECORD, as follows:

STATEMENT OF THE DISTRICT OF COLUMBIA ASSOCIATION OPPOSED TO WOMAN SUFFRAGE.

We desire to present some facts as to the pernicious effects of woman suffrage in the States where it now exists. There have been many theories on this subject presented by the suffragists. It is our purpose to present facts and figures showing that woman suffrage, where it has been tried, not only does not better conditions but actually tends to have the reverse effect from a practical standpoint. Senator THOMAS, of Colorado, has said that he concedes that woman suffrage has not and maintains that it will not change conditions. We agree with the distinguished Senator up to a certain point, but we believe that we can show positively that woman suffrage will in many instances change conditions for the worse. We will first present some figures which will prove conclusively that women do not vote as generally as men where the franchise is given them.

FAILURE OF WOMEN TO VOTE WHEN GIVEN THE BALLOT.

In the six suffrage States of California, Colorado, Wyoming, Utah, Idaho, and Washington—Oregon, Arizona, and Kansas did not adopt woman suffrage till November 5, 1912—the abstract of United States Census of 1910, pages 110 and 118, shows there were in April, 1910, 3,170,153 men and women 21 years of age and over, exclusive of Japanese and Chinese. The total vote actually cast for President November 5, 1912, in the six woman-suffrage States was 1,521,590, so 47.9 per cent of the men and women over 21 years of age, exclusive of Japanese and Chinese, actually voted.

In the six adjoining and neighboring States of Kansas, Nebraska, Oregon, Nevada, South Dakota, and Missouri, where men alone voted, the total number of men 21 years of age and over, exclusive of Japanese and Chinese, was (in April, 1910, Abstract of Census, p. 110) 2,295,119; total vote in the six male-suffrage States for President November 5, 1912, 1,587,984; 69.1 per cent of the men over 21 years of age, exclusive of Japanese and Chinese, actually voted, or about 22 per cent more of the possible voters in the male-suffrage States voted than did the possible voters of the six adjoining woman-suffrage States. If 69.1 per cent of the men voted in the woman-suffrage States, as men in the adjoining male-suffrage States did vote, then an analysis of the figures show that only 19.1 per cent of the women over 21 years of age in the six woman-suffrage States actually voted. If more than 19.1 per cent of women did vote in the six woman-suffrage States, then less than 69.1 per cent of the men voted, so it is impossible to escape one or the other conclusion—that the women do not vote as generally as men when given the ballot, or if they do their voting does cause less interest to be taken in politics by men, and in either event the suffrage cause is harmful to the Republic.

According to advice from Secretary of State Jordan's office at Sacramento, Cal., where the names and addresses of all registered voters are sent in order that sample ballots can be mailed them according to law, 804,633 men and 180,000 women registered in California to vote at election November 5, 1912. (See Los Angeles Times, Oct. 27, 1912.)

This shows that about 93 per cent of men in California registered and only about 27 per cent of the women. The total vote for President November 5, 1912, and all the candidates in California, was 673,527; total registration, 984,633; 68.4 per cent of men and women who registered voted. If 68.4 per cent of the registered women actually voted, which is not likely, as women do not register as generally as men—it is not to be supposed that they vote as generally—then only 18.3 per cent of women over 21 years of age in April, 1910, voted November 5, 1912, in the State of California.

In San Francisco in the latter part of 1912 at a local-option election out of 120,859 women over 21 years of age in the city 40,655 women and 89,023 men registered, yet only 15,087 votes all told were cast for local option, and it is estimated that approximately one woman in eight who was interested enough to register took the trouble to go to the polls.

At a city election in San Francisco November 11, 1913, 49,833 women registered and 19,678 voted, about one-quarter of the votes in this election being cast by women. In three precincts no women voted; in 49 out of 675 precincts there was an average of less than 10 votes per precinct by women. (Analysis of votes by Registrar of Elections Zemanski. (See Los Angeles Times, Nov. 20, 1913.) Census of 1910 shows there were 120,859 women over 21 years of age in San Francisco, so only 16.2 per cent voted in election of November 11, 1913.

At an election March 24, 1913, in Los Angeles, Cal., involving radical changes in the city charter, only 31,000 voters, men and women, out of 222,817 cast their ballots, this, too, after a citizens' committee of 1,000 advocated in all the newspapers the adoption of certain propositions and the defeat of others. Nine out of 10 of the reform measures were defeated. The Los Angeles Times of March 26, 1913, says:

"The vote of the women was disappointing. In some precincts it was a negligible quantity, while in others it was only about one-third of the total, yet suffragists carried on an active campaign, attended and spoke at all day meetings, and even worked at their headquarters on Easter Sunday."

At an election June 3, 1913, in Los Angeles, for mayor, Rose was elected by 8,037 majority over Shenk. Los Angeles had "good government" officials for several years before women had the ballot. Rose ran on an "open-town" platform and Shenk on "good government." Every newspaper and practically every minister in the city was for Shenk, and asked the voters to elect Shenk and have a clean city in the interests of the young men and women of Los Angeles.

The Los Angeles Times of June 5, 1913, gives the total vote as 84,055, nearly 100,000 under registration. The Times further says that in spite of the excellent organization of Mrs. John S. Myers and her corps of assistants the women did not turn out in any large numbers, and of those who did a considerable percentage appeared to favor the election of Rose. As there were 222,877 men and women over 21 years of age in Los Angeles (census of 1910), only 32.2 per cent of the men and women of voting age voted. The Los Angeles Express, June 4, 1913, had an editorial on the disgrace of electing Rose:

(From the Los Angeles Times, Oct. 27, 1915.)

"Two women voted yesterday at the city hall out of 71 registered. This is an average of less than 3 in 100, with ideal conditions for exercising the suffrage. None need to walk more than two blocks on perfect sidewalks and pavements in entrancing weather."

When we realize that this election was on important State constitutional amendments it proves that the women in California are not so eager to vote as the agitators in the East would have the people believe.

At an election in Chicago April 7, 1914, with the strenuous efforts of the suffragists to get out the female vote, only 158,686 women voted. Chicago had in 1910 626,629 women over 21 years of age. (Letter from Director of Census Feb. 28, 1914.) About 25 per cent of the women of Chicago over 21 years of age voted. More than double that number of men did vote at the same election.

Most of the women who do vote in the woman-suffrage States do so in self-defense, or at the earnest appeal of the male members of their families, and not because they want the ballot, for if such women did not vote they would lose their own and their husband's political status, with which they were satisfied under male suffrage, and must either

vote or live under the laws to which they are opposed and made by noisy, ranting suffragists. For this reason it is unjust to place the burden on a majority of women in order that a few aggressive, forward, notoriety-seeking women can get into politics, some of whom resent the fact that they were created women and not men.

Helen M. Foster, in Los Angeles Times, November 7, 1913, under the head of "Woman lectures woman," commends Senator WORKS for daring to call attention to the neglect of citizenship by women voters, which she says are facts backed up by data and registration lists.

An editorial in the San Francisco (Cal.) Chronicle, January 3, 1915, says: "In this and other States the franchise was given without waiting for the request of the majority of the sex, and as the event has shown without the desire of a majority. It is even more than probable that were the question of the withdrawal of the right submitted to a vote in this State, with the women voting, the right would be withdrawn. There are multitudes of women who would register for such an election for the sole purpose of getting rid of a duty they detest and whose obligations they refuse to fulfill."

TAXATION AND WOMAN SUFFRAGE.

The suffragists, who have taken the slogan of our Colonies, "Taxation without representation is tyranny," utterly fail in endeavoring thereby to show a parallel between women without the ballot to-day and the condition of the Colonies in 1775. The men (the British Parliament) who voted the taxes on the colonists paid no part of the taxes they laid, and the more they could extort from the American Colonies the less the Englishmen would have to pay themselves; whereas to-day in the United States the men voting the taxes pay the larger part of the same. In our country only about one-eighth of the women of voting age pay taxes direct or indirect, so if women had the ballot the women who pay the taxes would not be so fairly and justly treated as they are now, for then seven-eighths of the women who would vote would pay no taxes, while with men alone voting more than seven-eighths of the voters are taxpayers, and pay about seven-eighths of all taxes. As men always have and always will produce the greater part of the wealth they will always pay the greater part of all taxes. No injustice is possible where the taxes are laid by the voters who pay the larger part of the amount. Most of the property on which women pay taxes is the fruits of the labor of male members of their families, acquired by gift, will, or placed in the names of women for some other reason.

Suffragists have claimed that if woman suffrage were adopted in the South it would make a white South, giving as their reason that there are more white women of voting age in the Southern States than negro men and women together. (Their statement is erroneous, as Abstract of Census, 1910, pages 110 and 119, shows that there were in the 11 Southern States, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, Arkansas, and Texas, 3,708,863 negro men and women and only 3,401,622 white women.) But as there are about one quarter of a million more white men than white women in the South, instead of votes for women making the South whiter politically it would increase the proportion of negro votes. (On pages 110 and 118, Abstract of Census, we find that there were in the 11 Southern States above named 3,650,295 white men of voting age and only 3,401,623 white women.) Two Southern States, Mississippi and South Carolina, have a larger negro than white population, and there are nearly 200 counties in other Southern States where the negroes outnumber the whites, ranging all the way from a majority to three, four, and up to nearly six negroes to one white person, in Lee County, Ga., to over eight to one in East Carroll County, La. Besides, in many more counties the negro and white population is nearly equal. The per cent of negro women of voting age in the United States to total number of women over 21 years of age is 9.9 per cent, while the percentage of negro men to all men over 21 years of age is only 9.1 per cent.

In the 11 States above mentioned the per cent of negro women of voting age to all women over 21 years of age is 35.3 per cent, while the per cent of negro men of voting age to all men over 21 is only 33.6 per cent. Who would doubt that a larger per cent of negro women who were eligible would vote than white women? Who would contend that if the Southern States should ratify or have forced upon them a United States constitutional amendment granting the franchise to women, that the Federal Government would permit the negro race to be discriminated against by State laws in voting?

PROHIBITION AND WOMAN SUFFRAGE.

So many people are being misled on the liquor question by the suffragists that it is well to submit some facts on the subject. Prior to November 3, 1914, in no State in which women have voted on the question had State-wide prohibition ever been adopted. Ten States where men alone voted had State-wide prohibition. November 5, 1912, Colorado voted on State-wide prohibition; 75,877 votes were cast for the measure and 116,774 against it. (See Abstract of Votes, compiled from official returns by James B. Pearce, secretary of state, Denver, Colo.) If 58 per cent of the women over 21 years of age in Colorado had voted for prohibition, the measure would have become a law by 7,012 majority, without a single male vote being cast for prohibition, there being 213,425 women over 21 years of age in Colorado. (Abstract of Census, 1910, p. 118.)

Wyoming legalized gambling for about 40 years after women had the ballot, and had neither State-wide prohibition nor local-option laws.

About six years prior to the adoption of woman suffrage in California Los Angeles voted on local option, and the measure was defeated by nearly 2 to 1. About a month after women had the ballot in Los Angeles, the question was again voted on, and the saloons won by nearly 3 to 1.

In December, 1912, Los Angeles voted on the question of abolishing free lunches in saloons, but the measure was defeated and lunches are still free in Los Angeles saloons. Missouri and Connecticut have State-wide laws prohibiting free lunches in saloons. Women have had the franchise four and one-half years in Pasadena, Cal., and the sale of liquor has been legalized ever since women were given the ballot. Pasadena has 2,688 more women than men over 21 years of age (census 1910), about 29 per cent.

December 2, 1913, Santa Monica, Cal., voted wet; ballots nearly three to one for liquor, for liquor to be sold on Sundays and nights. Los Angeles Times of December 3, says: "The triumph of 'demon rum' and the sparkling cabaret is attributed to the women, who voted three to one against a Sunday drought." Total vote for the saloons and Sunday liquor 2,173, against 814. Letter under date of December 13, 1913, from Director of United States Census, shows that in 1910 Santa Monica had 2,462 males and 2,748 females over 21 years of age, 286 more women than men, yet we have the sale of liquor legalized in cafes all night and Sundays in a city of homes of less than 8,000—7,846—people, and we doubt that a parallel can be found in any State where the franchise is limited to men.

San Francisco, San Jose, Stockton, Oakland, and some other California towns permit the saloons to carry on their business as openly on Sunday as other days of the week.

Redondo, Cal., voted on local option October 14, 1913; the saloons won. Los Angeles Times, October 15, says: "That both sides claim the result was due to women's votes."

Anaheim, Cal., population 2,628, voted on local option November 6, 1913. The saloons won. (See Los Angeles Times, Nov. 7, 1913.)

San Bernardino, Cal., voted for the saloon January 30, 1914. (See Los Angeles Times, Jan. 31, 1914.) Watts, Cal., voted wet September 8, 1914. (Los Angeles Times, Sept. 9.)

At an election in California, April 13, 1914, out of 13 cities and towns voting on the liquor question, 9 voted "wet" and 4 small towns "dry." Hanford, population 4,829, and Merced, population 3,102, both of which had been dry, returned to the wet column. (See Los Angeles Times, Apr. 14, 1914.) Only 1 small county in California—Lake County—was dry, and only 10 counties out of 62 in Colorado were dry.

In Colorado Springs, Colo., where the sale of liquor was prohibited for many years, when women voted on the question about three years ago liquor selling was legalized. Colorado Springs had 819 more women than men over 21 years of age in 1910 (letter of Director of Census, Feb. 28, 1914).

On pages 208–209 annual report of the Commissioner of Internal Revenue, you will find that in the 8 States that had woman suffrage January 1, 1913, Colorado, California, Wyoming, Idaho, Utah, Washington, Arizona, and Oregon, there were 28,108 liquor dealers paying special license to the Government for the fiscal year ending June 30, 1914. From page 24, Abstract of Census, 1910, you will see that the 8 suffrage States above mentioned had a population of 6,040,592; 1 liquor dealer for every 211 people for the 8 States. For the remaining 40 States and District of Columbia there were 225,299 liquor dealers paying licenses for the same period. The 40 States and the District of Columbia had a population of 85,931,674, or 1 liquor dealer for every 381 people, or about one-half the number of dealers per capita that the woman suffrage States require, and yet we are told by the suffragists they are not favorable to the liquor interests.

At the local-option elections in Illinois, April 27, 1914, about 1,100 saloons out of 3,000, where elections were held, were abolished; 12 dry counties were added to the 30 already dry, making 42 dry counties of the 102 counties in Illinois.

Kentucky, where men alone vote, had 105 dry counties out of the 120 in the State, and Missouri had 65 no-license counties out of 114 in that State.

Iowa had 77 dry counties out of 99 counties in the State, and in Minnesota, at election April 7, 1914, two-thirds of the counties where local-option elections were held voted dry, and towns that had licensed saloons for 60 years were voted dry by men's votes.

Eight out of twelve counties in Michigan that voted on the liquor question April 6, 1914, voted dry, including Lansing, the capital of the State, by men's votes, while in Springfield, the capital of Illinois, where there are 205 more women than men over 21 years of age, voted to retain the saloons.

Eugene W. Chafin, former candidate on the prohibition ticket for President, said, at Long Beach, Cal., February 15, 1914, "that the support expected by Prohibitionists in California from women had not developed." (See Los Angeles Times, Feb. 16, 1914.)

During the suffrage campaign in Ohio Miss Margaret Foley, in addressing a meeting of labor-union men, said: "Don't be afraid, boys; we are not going to take your beer away from you."

One hundred women working effectually against prohibition amendment, making house-to-house canvass of Los Angeles. (See Los Angeles Times, Oct. 30, 1914.)

In Cleveland many of the suffragists insisted that it was only their enemies who said of them that they would vote against the saloons. In the recent campaign in Chicago, February, 1914, Miss Marion H. Drake, who was nominated for alderman in the first ward, was quoted in the newspapers as standing for "free lunch and saloons."

Mrs. Crystal Eastman Bennedict, a prominent woman suffragist of Wisconsin, made, before the Manufacturers and Dealers' Club of Milwaukee, in addressing the assembled brewers, the statement: "Why all this hue and cry about woman suffrage injuring the brewing industry? Is it not a little foolish?" Mrs. O. H. P. Belmont, in an address, said she would welcome the support of the brewers and praised Mrs. Bennedict for her work among the representatives of that interest.

Mrs. Minnie Reynolds, for the National Suffrage Association, recently challenged anyone to find a word concerning prohibition among the pamphlets issued by the association.

Hugh Fox, secretary of the United Brewers' Association, in a letter printed in the report of the hearing in December, 1913, before the Committee on Rules of the House on the resolution establishing a committee on Woman suffrage, said: "The United Brewers' Association states that the antisuffragists have never received nor asked for contributions from them, although, he adds, "we have had appeals from the other side."

May Wright Sewall said, October 30, 1913, in Milwaukee, "Votes for women will no more prohibit drink than they will prohibit food."

Mrs. Grace Wilbur Trout, president of the Illinois Equal Suffrage Association, and one of the leaders in the lobby at Springfield which brought about the enactment of the suffrage bill, said:

"It is a great pleasure to remember that some of the firmest supporters of the suffrage measure in the forty-eighth general assembly were some of the so-called wets."

Suffragists have said that the reason the woman-suffrage States had not adopted prohibition was because there were so many miners in those States and that men outnumbered the women so greatly. The six States that had woman suffrage November 1, 1912—California, Colorado, Utah, Wyoming, Idaho, and Washington—had in December, 1909, 78,565 wage earners engaged in mining industries. (Abstract of Census 1910, p. 561.) Total number of men over 21 years of age in the six States, 1,911,518 (Abstract of Census, 1910, p. 107), or about 1 man of every 24 a miner. West Virginia, a prohibition State, had 78,404 wage earners in the mining industry and had in 1910, 338,349 men over 21 years of age, or about 1 man out of every 4 a miner. Alabama, that voted State-wide prohibition, had about 1 man out of every 16 engaged in mining, and Kansas (Kansas adopted prohibition about 30 years ago) had only a few less per capita engaged in mining than the six woman-suffrage States, and yet West Virginia, with nearly six times the number of men per capita over 21 years of age working in mines, and with Alabama with one-third more per capita, and Kansas with only

a few less per capita of miners than woman-suffrage States, all voted State-wide prohibition with men's votes only.

Santa Monica and Pasadena, Cal., and Colorado Springs, Colo., all of which have more women than men over 21 years of age, voted to legalize the sale of liquor, so some other reason than more men than women and miners in woman-suffrage States must be found for those States being "wet" States until some of which voted "dry" in 1914. in November, 1912, Colorado voted "wet" by about 40,000 majority; in November, 1914, it voted "dry" by 11,572. As there were more men over 21 in Colorado, as well as other suffrage States, than women, the men undoubtedly voted the States dry, as the proportion of men to women has changed but little in two years. California, with 137 men to 100 women of voting age, defeated prohibition by 169,345, while Washington, with 158.9 men to 100 women, adopted prohibition by over 18,000 majority, and Oregon, with 152.8 men to 100 women, by 36,480. Taking the vote collectively of the five woman-suffrage States that voted on prohibition in 1914, the majority against prohibition was 99,416; population of the five States, 5,195,682. Taking the vote of the two male-suffrage States that voted on prohibition the same year, Ohio and Virginia—population, 6,828,733—the majority against prohibition was only 53,787; Ohio, which has very large brewing, distilling, wholesale and retail liquor interests, voted against prohibition by only 84,152, and about 40,000 in 1915, while California, whose wine and liquor interests are probably very much less, computed in dollars and cents, voted against prohibition by 169,245, and California has only about half the population of Ohio. So anyone who will make an investigation of female suffrage and the liquor question will find it is not women's votes that bring prohibition, but a general sentiment being worked up against the liquor business.

It is admitted that a prohibition law is the most difficult of all laws to enforce, even when a majority of men in a State vote for it. What chances would there be for the enforcement of such a law if the majority of men were against prohibition and such a law was enacted by women's votes?

Virginia adopted prohibition in 1914 by men's votes. Ohio defeated it the same year. Four woman-suffrage States voted prohibition in 1914, but California, a suffrage State, with nearly as large a population as all four woman-suffrage States combined that adopted prohibition (and had more women, proportionately, than the four suffrage States that abolished the liquor traffic), voted overwhelmingly against prohibition. California also voted that the people of that State should not be permitted to vote on the liquor question for eight years. The liquor dealers certainly have nothing to fear from woman suffrage in California.

It has been charged that the liquor interests defeated woman suffrage in the five States that rejected it on November 3, 1914; yet the only two States that adopted it at the same time were Montana and Nevada, the two "wettest" States in the Union, and the States where there never was any territory voted "dry," while North Dakota, a prohibition State; South Dakota, 68 per cent; Nebraska, 56 per cent; and Ohio, 52 per cent "dry," all defeated woman suffrage in 1914. The cities of Lincoln, Omaha, and Fremont, Nebr., cities with large brewing and liquor interests, collectively gave a majority for woman suffrage, while the country districts of that State (in which are many "dry" counties) gave over 10,000 majority against it.

Recently there was a large parade in Chicago, on Sunday, to protest against closing the saloons on Sunday. It was called the "Chicago Sunday-booze parade." The marshal of the parade is quoted in the Chicago Herald of November 8, 1915, as saying that "not less than 33⅓ per cent of the 100,000 marchers were women."

Many of the dry counties in Ohio and Pennsylvania gave large majorities against woman suffrage; so it is absurd for suffragists to lay their defeat to the liquor dealers.

SCHOOLS AND PLAYGROUNDS.

Suffragists tell us on all occasions that if women had the ballot much better laws for the education and welfare of the child and youth of our country will be enacted. Let us cite a few instances to disprove such a theory:

At Berkeley, Cal., April 12, 1913, for the issuance of bonds for playgrounds, which were defeated, only about 1,500 of the 8,000 women of the city voted. The mayor, who had been a zealous worker for woman suffrage, reprimanded the women for their negligence of this particular issue, which of all others should interest them. In a newspaper article he asks, "Where were the mothers?" Berkeley had 1,301 more women than men over 21 years of age in 1910 (letter of Feb. 28, 1914, Director of Census).

At Pasadena, Cal., where there were 2,688 more women than men of voting age, the playgrounds that were the pride of Pasadena, and were established before women had the ballot, were discontinued in July, 1913, on account of the failure of the voters to vote money for the purchase of the grounds. (Los Angeles Times, July 27, 1913.) No other playgrounds have been purchased for the children.

At an election November 12, 1913, Pasadena, Cal., failed to vote bonds to repair leaky roofs and make sanitary repairs on schoolhouses, to complete new schoolhouses under construction, and to make it possible to provide schools for the entire school year. The superintendent of schools said the school year would have to be cut a month or two, and that some schools would have to close when the rains began. (Los Angeles Times, Nov. 13, 1913.)

It happened to rain November 12 in Pasadena, and some thought the bonds might have carried had the vote been taken on a fair day when the ladies could more conveniently get to the polls, so it was decided to have another election to vote for bonds in a less amount than was voted on November 12. So on January 16, 1914, a fair day, another election was held, and the bonds were again defeated. So the voters of Pasadena decided at two elections that the repair of leaky roofs and sanitary improvements, etc., of schoolhouses, as well as playgrounds are to be indefinitely postponed. A letter dated January 12, 1914, from the Director of the Census states that there were in 1910, 9,262 males and 11,950 females over 21 years of age; the total vote for and against the bonds was 4,832. Only 22.7 per cent of the voters of Pasadena—population, 30,291—was interested enough to go to the polls at the election of January 16.

At an election of September 11, 1914, at Pasadena, to vote bonds for about $12,000 to pay school-teachers the balance of their salaries due for teaching the previous school year, the bonds were defeated. (Los Angeles Times, Sept. 12, 1914.)

The Arizona Republican of May 26, 1915, says (editorially) of the appropriation bill: "But there was one thing done in the name of economy for which the members of neither house of the legislature in years to come will want to claim credit. We think they will incline to disclaim responsibility—that was the reduction of the State school fund from $500,000 to $100,000 a year."

When men alone voted in Arizona they voted five times as much for school purposes as when women had been voting about three years.

Much has been said by suffragists about the recall of the mayor of Seattle, who has since been renominated and reelected, and the abolishing of the Barbary Coast, San Francisco. Mayor Harper was recalled in Los Angeles about four years before women voted, on account of not enforcing laws against vice, and more than 50 cities in the country have abolished segregated vice districts in the past three years. Los Angeles abolished the segregated district about 6 years before women had the ballot, but it took Denver nearly 20 years after women voted to do away with its segregated vice district. An abatement law was passed in the District of Columbia by men, and such a law has been passed or is pending in several male suffrage States.

Denver Post, October 17, 1913, report of Mrs. Stewart Walling and Dr. Elizabeth Cassidy: "Colorado Reformatory rotten. Nothing but filth and graft found at Buena Vista. Merely a preparatory school for the penitentiary. The reformatory, submerged in politics, is a monument to graft, ignorance, stupidity, extravagance, and mismanagement. Building so infested with vermin that only fire could purify it."

The Daily News, of Denver, of October 13, 1913, says the Rev. A. E. Shattuck, of Grand Junction, has stirred up the animals in fine shape by public denunciations of conditions which he alleges exist in Grand Junction, Colo.

Here are a few of the opinions he expresses: "Lawlessness is pronounced among us." "Illicit liquor selling is notorious." "Gambling joints are in full swing." "Boys and girls roam our streets late at night in unrestrained violation of our curfew ordinances." (The mothers are possibly away from home attending to political affairs.) "Officials who hate unjust gain we need."

WAR AND WOMAN SUFFRAGE.

Suffragists continually tell us that if women had the ballot wars and internal strife would be a thing of the past, yet Colorado, which has had woman suffrage for nearly a generation, was in the throes of civil war nearly all of 1914. The State had become so weakened in its fabric that it could not keep order and protect life and property within its borders, but was compelled, through the State authorities, to call upon the President of the United States to send Government troops to administer affairs and bring order out of chaos. This is another proof of the failure of woman suffrage in the model State of Colorado, and refutes beyond any possibility of controversy the suffragists' claim.

The European war came suddenly, and, as with most wars, there was no time for men to vote whether war should or should not be declared. Should a foreign foe invade our country and the women of our land vote to offer no resistance, but decide to surrender our liberty and property and submit to the yoke of a foreign despot rather than consent to the men defending our homes and firesides by going to war, and the men of our Nation decide to fight for the honor and well-being of our country, how could the women prevent them? Could an army of women in a contest at arms defeat their husbands, fathers, sons, and brothers? Would it be right for women to vote that our men should not defend our homes and country? On the other hand, would it be just and right for the women of our country to vote that our men should go to war when the women would be unable to do their share of the fighting?

WAGE-EARNING WOMEN AND WOMAN SUFFRAGE.

It has been said that women working in stores and factories need the ballot to increase their wages and for bettering their condition generally. Of the 8,075,773 female workers over 10 years of age only 4,436,804 are employed outside their home and home farms; 1,346,905 are under 21 years of age, leaving only 3,088,899 to vote—only about one-eighth of the women of voting age in the United States, there being many times more workingmen than working women in the country. Why have not men increased their wages by the ballot, as men have had the ballot for over 100 years? If the ballot can increase wages and produce wealth and make equal pay for equal work, why do different wage scales obtain in different parts of this country, and why do laboring men rely on labor unions instead of the ballot for better wages and working conditions?

The main reason for lower wages for women, aside from the physical difference, which the ballot can not change, is that women are only temporary wage earners, about seven years being the average length of time which women engage in wage-earning occupations; after which they graduate into matrimony, their natural sphere, which is the expectation of every normal woman.

As there are over 20,000,000 women of voting age not employed as wage earners, what chance would 3,088,899 working women have in a contest of votes, with 20,000,000 women not so engaged and about 27,000,000 men voters besides? The first "mothers' pension law," the first "workmen's compensation law," the first "red-light abatement law" were first passed in male-suffrage States. No woman-suffrage State can show better laws than can be shown in male-suffrage States, and it is acknowledged that Wisconsin, Michigan, Ohio, Nebraska, Missouri, Pennsylvania, New York, and Massachusetts all of which recently defeated woman suffrage overwhelmingly, and Connecticut, Indiana, and others—all male-suffrage States—are in the fore front with good laws for women and children, and years ahead of woman-suffrage States in this regard.

Judge Lindsey, in an address in Denver last year, said: "We are 20 years behind Massachusetts in spite of suffrage."

At an election November 3, 1914, California defeated an 8-hour law and 48 hours per week; and Oregon defeated an 8-hour day and room-ventilation law for women by a large majority.

In most States where men make the laws a woman can desert her husband and all he can do is to ask her to come back to him, while men can be arrested and imprisoned for deserting their wives. In many male-suffrage States women can sell and convey their real estate without the husband signing the deed, while men must have their wives' signatures in order to sell and convey their own lands.

Women acting as nonpartisans, without the vote will get more favorable legislation and better laws of every kind enacted than as partisans with the vote.

WOMAN SUFFRAGE UNDEMOCRATIC.

Woman suffrage is undemocratic: First, because the leaders will not leave the question to the women to decide, but would have the men force suffrage on women, 80 per cent of whom do not want the ballot. Second, as has been proven beyond a doubt, which anyone can verify by United States census and secretary of state's reports, women will not vote, relatively as generally as men of the different classes, and can never do so, however much they might desire to on account of their

duty of motherhood; consequently the will of the majority is often set aside and defeated where women vote, and the political status of both men and women changed, and laws representing the will of the minority enacted. This is one of the great injustices of woman suffrage, for laws representing the will of the minority are dangerous to our free institutions. Third, as the Father of our Country truly said, "Government without force is a nullity," and is not just nor democratic for women to vote laws unless they can fulfill all the functions of government. As they can not serve in the Army and Navy, assist the officers in arresting criminals and putting down riots, etc., it can not be said they have a right to vote laws which they can not enforce and which would not be enforced unless the men of the country desired they should be.

WOMAN SUFFRAGE NOT AN INHERENT RIGHT.

"The granting of the franchise," said Chief Justice Marshall, "has always been regarded in the practice of nations as a matter of expedience, and not as inherent right."

If it is a right for all to vote who pay taxes and who live under laws they must obey, then all State laws preventing Chinese, United States soldiers, and illiterate men from voting should be repealed. Also laws for punishing boys for crimes or taxing their property should be abolished, as boys have no voice in making the laws of the land till they reach the age of 21 years. Yet who would say that the laws pertaining to the youth of our land are unfair or unjust, or who would say that the illiterate man is living under unjust laws in the many States where he is not allowed a voice in the making of them? Would it be wise for our laws to be made by illiterate men? Illiterate men, Chinese, and boys under 21 are people, and are not allowed to vote; and it is not now and never has been considered expedient for all people to use the franchise. Only when the interests of all the people—men, women, and children—are best served by granting the franchise to any one is voting a right, as suffrage is a political and not a natural or inherent right, but entirely a matter of expediency.

The women of Colorado or Arizona might say that, as men had always held the offices for the enforcement of laws against crimes, such as train robbing, cattle stealing, etc., that it was a right for women to be placed in these offices; but who would say that women could arrest criminals and enforce the laws as well as men? And as they could not, who would say it was a right they should be given such offices? The same is true of voting; as women only perform the duty of voting to a much less degree than men, and thereby the will of the people is not as well expressed at the polls, it can not be a right, nor is it justice, for women to vote.

We believe that you will agree with us that the main object of voting is to register the will of the majority; that it may be crystalized into the law of the land; that any propaganda that tends to and does, in some instances, defeat the will of the majority is inimical to our form of government.

We think, from the instances cited, we have shown beyond question that women given the ballot do not vote as generally as men. When a man votes in a male-suffrage State, his vote counts one, but in a woman-suffrage State, unless his wife votes, his vote counts one-half. If a single man, if the women of his class do not vote relatively as generally as men of his class and opinions, his vote is of less effect than if women were not enfranchised. The fact that the different classes of women do not vote relatively in so large a proportion as men of the different classes in the suffrage States tends to, and in many instances does, defeat the will of the majority; and the registration of the will of the majority is the corner stone of democratic government. No cause can be just or right that defeats this end. Women's failure to vote as generally as men, where they have been given the ballot, in many cases cause laws to be enacted that are the will of the minority; and that is one of the greatest injustices of woman suffrage, for the laws made by minorities are injurious to our free institutions.

As an illustration of how the will of the minority controls an election on account of women failing to vote relatively in as large numbers as men, in San Francisco County, Cal., where the sentiment was not favorable to woman suffrage, only 35.5 per cent of the men and women over 21 years of age voted for President November 5, 1912, while in Los Angeles County, Cal., which had in 1910, 346,158 men and women over 21 years of age, which gave a large majority for woman suffrage, 48.5 per cent of the men and women of voting age voted for President in November, 1912. The vote for Wilson in San Francisco County, which had in 1910, 297,269 men and women over 21 years of age, was 48,965; Roosevelt, 38,610; Debs, 15,354. Had 48.5 per cent of the men and women in San Francisco County voted, as they did in Los Angeles County, there would have been cast 144,175 votes for the presidential candidates, instead of 105,646, the actual number cast; and if 144,175 votes had been cast in the same proportion as the 105,646 votes were cast, Wilson would have received 18,288 more votes than he did and Roosevelt 14,478 more; and instead of Roosevelt carrying California by 174 votes, Wilson would have had the State by 3,636 plurality.

Only 43 per cent of the men and women over 21 years of age, exclusive of Japanese and Chinese, voted in California November 5, 1912.

Men alone voting register the will of the men and women much better than if women and men both vote, for the reason that the different classes of men vote relatively in larger numbers than the different classes of women. Women adhere to different political parties in the same proportion as men, as is generally proven by their being no change in the political complexion of States where women have been given the ballot. The average woman, if she votes, registers the same opinion as her husband, father, or brother; but if she should occasionally vote differently, by voting the Democratic ticket and her husband voting the Republican ticket, in another family the reverse may be true, the husband instead of the wife voting the Democratic ticket, so in the final count there would be no change at all in the results; if women voted as generally as the men, but as women do not vote relatively as generally as men, the will of the minority is sometimes registered at an election with women voting, while the will of the majority would have been registered with men alone using the franchise. If every husband and wife voted differently and canceled each other's vote, the making of the laws of our land would be left to the unmarried men and women, who are the smaller part of our voting population.

Also the office-seeking female politicians and their personal friends will vote more generally than women not looking for office, and as non-office-seeking women do not and will not vote in as large proportion as men, the power of the "boss" in politics will be strengthened and increased by giving women the ballot.

RURAL COMMUNITIES AND WOMAN SUFFRAGE.

Another of the many instances that could be cited to show the injustice of giving women the ballot is the fact that it would reduce the power in politics of that great independent vote of the rural communities, which is the larger part of our population. The women in the rural districts, living farther from the polling places, would not vote as generally as city women, who reside a few blocks from where they cast their ballots; consequently a smaller per cent of women in the country would vote than city women; and as country women could not vote as generally as the men, then the power in politics of our rural communities would be lessened by woman suffrage. Also, in our big cities, where, the liquor interests are large, the saloons, breweries, hotels, and cafés that sell liquor, property owners who rent property to such interests, and all allied trades and business, as well as gamblers, etc., see that their women go to the polls on election day nearly as a unit, besides inducing their women friends to vote, it being to their interest financially to do so, while women with no monetary interests in the election would fail to vote as generally as men of their class and opinions do. So the will of the majority in such an election may often be defeated and liquor interests win; while if men alone voted, the saloon might be abolished. As before mentioned, when men alone voted on local option in Los Angeles, the saloon won by two to one, while with women voting the saloons won by nearly three to one. The same applies to any political machine that seeks to gain ascendancy for graft, organized socialism, etc., that really want to gain advantage and defeat the will of the majority.

FEMINISM AND SOCIALISM.

According to Mrs. Beatrice Forbes-Robinson Hale, noted suffrage speaker and writer, woman suffrage is "an essential branch of the tree of feminism." "Feminism," she says in her book on the subject, "is gradually supplying to women the things they most need." Among these things she mentions 'easy divorce" and "economic independence."

Feminism is variously defined, but in whatever guise of words we find it we see the same earmarks of revolt against nature and Christian morals. The feminist is an avowed enemy of the home. Writing in McClure's Magazine for March, 1913, Inez Milholland Boessevain, a prominent suffragist, foresees with delight "the beginning of a breakdown of the artificial barriers in the way of a more natural observance of the mating instinct," in other words "free love."

The Case for Woman Suffrage, a bibliography of suffrage literature, published by the College Equal Suffrage League, and sold by the National Woman Suffrage Association, sneers at the "old-fashioned" suffrage arguments and gives the highest meed of praise to the radical writings of the most radical feminists and socialists. "Too many advocates of woman suffrage," says the Case (p. 64), "insist that when woman is enfranchised she will be no less 'womanly' than before; whereas in point of fact perhaps the chief thing to be said for the suffrage is precisely that it would make woman less womanly in the commonly accepted sense of the term. One can not argue logically on woman suffrage without facing this fact."

The devotees of feminism talk glibly and coarsely about "sex freedom" and "sex independence for women," all to be achieved with the vote. "Economic independence for women" is a phase of the suffrage question that ought to interest the workingman, for it is the theory that all women, married and single, should engage in gainful occupations. Feminists agree that the wife must be independent of her husband, because to be dependent upon him for maintenance is to be a "parasite." She must also be independent of the care of her children, if she elects to have any, because otherwise she can not earn her own living. Dora Marsden, in The Bondwoman, a pamphlet attacking marriage and characterizing wifehood as a species of slavery, says: "The free woman's concern is to see to it that she shall be in a position to bear children, if she wants them, without soliciting maintenance from any man, whoever he may be." The Bondwoman was printed and circulated as a campaign document by the National Woman Suffrage Association.

Charlotte Perkins Gilman, leading suffrage speaker and writer, in an article in the Woman's Journal, the suffrage organ edited by the president of the Massachusetts Suffrage Association, says:

"The woman should have as much to do in the home as the man—no more. Who, then, will take care of a sick baby? The nurse, of course. If the child is not seriously ill, the nurse is as good as the mother. If the child is seriously ill, the nurse is better."

She also has said the home is no more holy than the post office.

Mary Ware Dennett says it is unwholesome for any woman to be supported by any man. Mrs. Dennett was formerly an officer of the Massachusetts Woman Suffrage Association, later an officer of the National Woman Suffrage Association. Under this theory of economic independence for women the husband must cease to be the provider and the wife must cease to be the home maker; otherwise their relations are unwholesome.

In the suffrage parade in Washington, D. C., March 3, 1913, was carried a large banner with the inscription, "1,000,000 Socialists work and vote for woman suffrage." There is no getting away from the fact that woman suffrage, feminism, and socialism are indissolubly linked. Socialists like Inez Milholland Boessevain, Mrs. Harriet Stanton Blatch, Alice Stone Blackwell, and Miss Jessie Ashley are prominent leaders in the Woman Suffrage Party. Socialists favor woman suffrage because they know what it means to their cause. Where do you stand? Are you in favor of it? Do you care to have private property abolished? Do you believe that wifehood is slavery? Do you think homes should be abandoned in order that women may have economic independence? If you want these things, work for woman suffrage with the feminists and Socialists; but if you hold your family relations, your home, your religion sacred, if you desire to preserve them for yourself and your children for all time, then work with all your might against the companions, the handmaids, the forerunners of feminism and socialism—woman suffrage.

WOMAN SUFFRAGE AND DIVORCE.

It has been said that there was no connection between votes for women and divorce, yet it is significant that in the 11 States where the sentiment was favorable to woman suffrage (Wyoming, Idaho, California, Utah, Montana, Arizona, Washington, Oregon, Nevada, Colorado, and Kansas) there was, according to marriage and divorce, United States Census Bulletin No. 96, page 20, an average of 364 divorces per 100,000 of married population, while in the adjoining male-suffrage States west of the Mississippi River (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Louisiana, Arkansas, Oklahoma, Texas, and New Mexico) the average number of divorces was only 264 per 100,000, and for the United States as a whole only 200 per 100,000 of the married population.

The suffragists say they demand justice for women in demanding the ballot for women; but for which women—the 20 per cent who demand it or the 80 per cent of the women who protest or who are silent on the question? Should 80 per cent of the women be compelled to bow

to the will of 20 per cent? We are entirely unable to understand how anyone can claim that women have the right to vote and deny, as the suffragists do, that women have the right to vote on the question as to whether they want the ballot or not. In the 11 suffrage States—Kansas, Montana, Oregon, California, Arizona, Utah, Nevada, Washington, Idaho, Wyoming, and Colorado—the total number of women of voting age was 2,097,945 (census, 1910), which is 16,063 less women of voting age than reside in the State of Pennsylvania. Population, not territory, counts.

Total majority against woman suffrage in Pennsylvania, New York, New Jersey, and Massachusetts at the election last year was 434,865. Abstract of census, 1910, page 107, shows there were in the United States 26,999,154 men and 24,555,754 women 21 years of age and over. So if women were given the ballot they could not, if they desired to do so, vote any laws that the men opposed.

We deny the allegation of the suffragists that the men of this country have made a failure of government, or that men have become such "mollycoddles" or so weak that it is necessary to place the burden of government upon women, most of whom are opposed to having the additional responsibility imposed upon them. It is an insult to the men of this country to be told by the suffragists that they can not be trusted to make just laws for women and children, when an average of four-fifths of the earnings of the man, over and above the necessities of the family, are spent on the women and children.

Suffragists often quote the praise given woman suffrage by politicians from suffrage States, but it could hardly be expected that politicians from States where women have the franchise would condemn woman suffrage, as the loss of a few votes of the agitating class of women, or even one vote to a politician, might mean the loss of a big-paying office.

If women could ever vote as generally as men there would be little or no change in our laws, for if even once in a while a wife voted in opposition to her husband and canceled his vote—in which event the family would have no voice in the laws at all—the final result of the whole vote would rarely be changed, and we would have the absurd spectacle of two people doing what one alone could accomplish as well and waste all the effort expended in the study of politics by women and the enormous expense the doubling the vote would entail.

The foundation of every government is the family, and the large majority of men and women of voting age are married. If a wife voted in opposition to her husband there would be no necessity for either to vote, while if they voted alike her vote would be useless.

Our Government is in part one great business concern; and what business man or factory owner would not consider a proposition childish to use for part of his work double the number of people at double the cost to do something which would be of absolutely no profit? Yet it has been proven that suffrage does not better conditions or laws, and still suffragists ask men to give women the ballot when it would almost double the cost of elections and nearly double the number of people to do the voting, with no good whatever accomplished.

Under caption "What freaks do to California," the Los Angeles Times of September 26, 1914, prints, in a dispatch from Sacramento: "California citizens will pay approximately $1,637,500 for the privilege of exercising the right of suffrage this year. This is an increase of 133⅓ per cent since 1910." Above amount is exclusive of city, county, and special elections. Women were given the ballot in California October 10, 1911.

Five States defeated woman suffrage in 1914 and the four States of New York, New Jersey, Pennsylvania, and Massachusetts, containing about one-fourth of the population of the country, in 1915. The wave of hysteria is passing, and instead of woman suffrage growing it is on the decline, as is shown by the vote in Michigan, where it was defeated in November, 1912, by about 700 majority and in 1913 by 96,144. In Ohio in 1912 "votes for women" was defeated by 87,455 majority and in 1914 by 182,905. In the past three years 11 States in all have by overwhelming majorities decided against giving women the ballot, viz, Wisconsin, Michigan, Ohio, Missouri, Nebraska, North Dakota, South Dakota, New York, New Jersey, Pennsylvania, and Massachusetts, which have a population of 38,239,955; add to these the 12 Southern States whose hostility to woman suffrage is well known—Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas—we have the States with a population of 62,289,524 known to be strongly opposed to the franchise for women, or 67.7 per cent of the total population of the Nation. Besides these the 5 New England States—Maine, New Hampshire, Vermont, Rhode Island, and Connecticut—the States of Delaware, Maryland, Kentucky, Indiana, New Mexico, and Minnesota, in all of which there has never been enough of suffrage sentiment to get the legislatures to submit the question to the voters. So it is more than probable that the States containing about 80 per cent of the population of the United States are decidedly against "votes for women." Woman suffrage is not coming, it is going.

The more women go out into the rough world to do men's work the greater the loss to the home and the more she loses her delicate charm and sympathy, which is distinctly feminine; and, in the language of the late Senator Vest, of Missouri, "What man would care to go home after the struggle and worry of the day in the business world and fall into the arms of a constitutional lawyer or politician for rest, consolation, and comfort?"

DISTRICT OF COLUMBIA ASSOCIATION OPPOSED TO WOMAN SUFFRAGE.

OPINIONS OF EMINENT MEN AGAINST WOMAN SUFFRAGE.

Thomas Jefferson: "Nature has marked the weaker sex for protection, rather than the direction of government."

Daniel Webster: "It is by the promulgation of sound morals in the community, and more especially by the training and instruction of the young that woman performs her part toward the preservation of a free government."

The Hon. Elihu Root, United States Senator: "I am opposed to granting suffrage to women because I believe it would be a loss to women and an injury to the State. * * * It is a fatal mistake that these excellent women make when they conceive that the functions of men are superior to theirs, and seek to usurp them."

Grover Cleveland: "I am willing to admit it was only after a more thorough appreciation of what female suffrage really means that I became fully convinced that its inauguration would vastly increase the unhappy imperfections and shortcomings of our present man-voting suffrage, its especial susceptibility to bad leadership and other hurtful influences would constitute it another menacing condition to those which already vex and disturb the deliberate and intelligent expression of the popular will."

William Howard Taft: "If in any of the States now acting on the question I were called upon to vote, I would vote against giving the suffrage, because I think to force it upon an unwilling or indifferent majority * * * is to add to the electorate an element that will not improve its governing capacity."

Rev. Lyman Abbott, D. D.: "If any man attempts woman's functions, he will prove himself but an inferior woman. If woman attempts man's functions, she will prove herself an inferior man. Some masculine women there are; some feminine men there are. These are the monstrosities of nature."

Bishop John H. Vincent (founder of the Chautauqua): "When about 30 years of age I accepted for a time the doctrine of woman suffrage and publicly defended it. Years of wide and careful observation have convinced me that the demand for woman suffrage in America is without foundation in equity, and if successful must prove harmful to society."

James Cardinal Gibbons: "Woman is queen, indeed, but her empire is the domestic kingdom. The greatest political triumphs she would achieve in public life fade into insignificance compared with the serene glory which radiates from the domestic shrine, and which she illuminates and warms by her conjugal and motherly virtues."

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to make Sunday a day of rest, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. MYERS. I present a resolution adopted by the women voters of the State of Montana, in favor of the passage at this session of Congress of the Susan B. Anthony constitutional amendment for the enfranchisement of women. I ask that the resolution, together with the signatures, be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution passed by conference of Montana women voters.

Resolved, That we, as women voters of Montana, assembled in State conference, at the Hotel Placer, Helena, March 21, 1916, demand that the national administration give facilities for the passage of the Susan B. Anthony amendment during the present session of Congress; and be it further

Resolved, That a copy of this resolution be sent to the administration leaders in our National Capitol, and to the members of the Montana congressional delegation.

Unanimously adopted.

Mrs. C. S. HAIRE, Helena,
State Chairman.
Miss MARY O'NEILL, Butte,
Mrs. M. K. NELSON, Great Falls,
Mrs. TYLAR THOMPSON, Missoula,
Mrs. W. PERHAM, Glendive,
Mrs. HARVEY COIT, Big Timber,
Miss BELLE FLIGELMAN, Helena,
Mrs. H. L. SHERLOCK, Helena,
Officers, Montana Branch, Congressional Union.

Mr. MYERS presented a petition of sundry citizens of Missoula, Mont., praying for the submission of a national prohibition amendment to the Constitution to the States, which was referred to the Commitee on the Judiciary.

Mr. MARTINE of New Jersey presented a memorial of sundry citizens of Jersey City, N. J., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHAFROTH presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ASHURST. I present resolutions adopted at a meeting of men and women voters of Arizona, favoring the ratification of the Susan B. Anthony amendment to enfranchise the women of the country. I ask that the resolution be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That this mass meeting composed of men and women voters of Arizona, assembled in Tucson this 20th day of March, 1916, calls upon Congress to pass forthwith on to the States for ratification the Susan B. Anthony amendment enfranchising all the women of the country.

Resolved, That copies of this resolution be sent to the President of the United States, to Speaker CLARK, to the Senate and House leaders of the majority party, to the two Senators, and to the Representative from Arizona; and be it further

Resolved, That the State chairman of Arizona be empowered, in forwarding the copies, to request that the resolution be read into the CONGRESSIONAL RECORD.

Passed unanimously March 20, 1916.

Mr. SHERMAN presented memorials of the St. Nicholas Parish, of Aurora, Ill., remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigation.

Mr. PHELAN presented a petition of the Woman's Club of La Jolla, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Lincoln Grange, No. 318, Patrons of Husbandry, of Cupertino, Cal., remonstrating against

an increase in armaments, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Santa Barbara, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bowie County, Tex., remonstrating against section 11 of the so-called cotton-futures act, which was referred to the Committee on Agriculture and Forestry.

Mr. HOLLIS presented petitions of sundry citizens of New Hampshire praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Merry Meeting Grange, Patrons of Husbandry, of Alton, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of 26 members of Mountain View Grange, No. 305, Patrons of Husbandry, of East Conway, N. H., remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cherrydale, Va., praying that an appropriation be made for the construction of a new aqueduct bridge over the Potomac River, in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McCUMBER presented petitions of sundry citizens of Leeds, N. Dak., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Crosby, Belfield, and Carl, in the State of North Dakota, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WEEKS. I present resolutions of the House of Representatives of Massachusetts, favoring moral support of the United States for the oppressed Jews in Europe. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions favoring action by Congress toward securing the moral support of the United States for the oppressed Jews in Europe.

Whereas at the close of the war of the nations that is now devastating Europe there will be a readjustment of the rights and privileges of citizenship in the belligerent countries; and

Whereas in some of the warring countries the Jews have been refused the privileges and responsibilities of full citizenship, denied equality before the law, and have been the subjects of persecution and oppression; and

Whereas the Commonwealth of Massachusetts has ever stood foremost for the assertion of human rights and has ever championed the cause of the weak and the oppressed: Therefore be it

Resolved by the House of Representatives of Massachusetts, That the Senators and Representatives in Congress from Massachusetts are hereby requested at the proper time to take concerted action toward securing the moral support of the United States for the oppressed Jews in Europe in their efforts to obtain full, complete, and honorable citizenship in the countries to which they have given loyal and patriotic devotion.

Resolved, That copies of these resolutions, attested by the secretary of the Commonwealth, be sent by said official to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted March 17, 1916.

A true copy.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts State Board of Trade, praying for the construction of an intracoastal waterway from Boston, Mass., to Pensacola, Fla., which was referred to the Committee on Commerce.

Mr. TOWNSEND presented a memorial of sundry citizens of Kalamazoo, Mich., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Republican Club of Detroit, Mich., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for the removal of certain restrictions imposed by belligerent nations upon United States international commerce and mail, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Morenci, Mich., praying for an investigation into the price of gasoline, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Commerce of Pontiac, Mich., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Chico, Centralia, Wenatchee, Rosalia, Mossyrock, Olympia, Klaber, and Tumwater, all in the State of Washington, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wenatchee, Tumwater, and Rosalia, in the State of Washington, praying for Government ownership of telegraph, telephone, and wireless systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Spokane, Wash., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Granger, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented petitions of sundry citizens of Indianapolis, Muncie, Fort Wayne, South Bend, Franklin, Huntingburg, Goshen, Tipton, Sardinia, Darlington, Russiaville, Yeoman, Richmond, Logansport, Evansville, Hanover, Charlestown, Franceville, Laurel, Portland, Valparaiso, Fountain City, Pulaski, and College Corner, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Branch, United Mine Workers, of Terre Haute, Ind., and a petition of Local Branch, International Molders' Union, of Montpelier, Ind., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Elkhart, Ind., praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Maine, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Cliff Island, Me., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for an investigation into conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for Government ownership of telephone and wireless-telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Scranton, Windber, and Philadelphia, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented memorials of sundry granges in the State of Pennsylvania, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. TILLMAN presented a memorial of the United States Chamber of Commerce, remonstrating against the enactment of legislation which would interfere with the development of industrial efficiency, which was referred to the Committee on Appropriations.

Mr. WARREN presented a memorial of Lyons Grange, No. 12, Patrons of Husbandry, of Lander, Wyo., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. SMITH of Michigan presented memorials of sundry citizens of Michigan, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Rotary Club, of Battle Creek, Mich., praying for an increase in armaments, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Leetsville, Gulliver, Mancelona, Paw Paw, Eureka, Elk Rapids, Baraga, Houghton, Orono, Munising, Ann Arbor, Lansing, Ypsilanti, Bay City, Portage, Cassopolis, Pentwater, Alden, Ellsworth, Hubbard Lake, Sparta, Harbor Springs, Hope, Sault Ste. Marie, and Millersburg, all in the State of Michigan, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Fort Laramie, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 2517) for the relief of Edward W. Whitaker, reported it with an amendment and submitted a report (No. 308) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 746. A bill to remove the charge of desertion from the military record of Capt. Daniel H. Powers (Rept. No. 309); and

S. 1274. A bill for the relief of Edward Stewart (Rept. No. 310).

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 4881) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars, reported it without amendment and submitted a report (No. 311) thereon.

Mr. KERN, from the Committee on Finance, to which was referred the bill (S. 3304) concerning the exportation of alcohol and other distilled spirits, reported it without amendment and submitted a report (No. 312) thereon.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 4764) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914, reported it with amendments and submitted a report (No. 315) thereon.

J. LAWRENCE LATHAM.

Mr. VARDAMAN. I am directed by the Committee on Post Offices and Port Roads, to which was referred the bill (H. R. 8466) to relieve J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., of the payment of cash and funds stolen from the post office, to report it favorably without amendment, and I submit a report (No. 314) thereon. I do not wish the bill to go to the calendar, but I ask unanimous consent that the bill and accompanying report be referred to the Committee on Claims for action by that committee.

The VICE PRESIDENT. The bill will be referred to the Committee on Claims for action.

DAUPHIN ISLAND RAILWAY & HARBOR CO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, and I submit a report (No. 313) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 1 of the act of June 25, 1910, so as to read:

That the Dauphin Island Railway & Harbor Co., a corporation existing under the laws of the State of Alabama, be, and it is hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto between the mainland at a point suitable to the interests of navigation at or near Cedar Point and Dauphin Island, both Little and Big, situated in Mobile County, State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the authority hereby granted shall be considered as withdrawn and deemed to be revoked if the said bridge or bridges and approaches thereto be not constructed and put in operation by or before the 18th day of September, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT M'HENRY MILITARY RESERVATION.

Mr. LEE of Maryland. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 68) to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation. The joint resolution was reported yesterday from the Committee on Military Affairs. It simply gives to the State of Maryland jurisdiction over the territory embraced in old Fort McHenry, which the city of Baltimore has had for some time past as a park, but it lacks jurisdiction for the enforcement of order upon the reservation as a park.

This joint resolution was introduced in the House and passed the House, and was reported favorably by the Senate committee and is now upon the calendar. I ask for its immediate consideration because it has to be ratified by the Maryland General Assembly, which is now in session and will adjourn in seven days. The terms of the joint resolution are perfectly reasonable, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRRIGATION OF ARID LANDS.

Mr. SMOOT. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with an amendment, Senate resolution 154 authorizing the Committee on Irrigation and Reclamation of Arid Lands to employ a stenographer, and so forth, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 4, to change the number of the bill from 4261 to 1922.

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or any subcommittee thereof, be, and is hereby, authorized during the Sixty-fourth Congress to hold hearings on the bill (S. 1922) in aid of reclaiming arid lands, and for other purposes; to employ a stenographer, at a cost not to exceed $1 per printed page, and to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 5292) granting to the State of Colorado sections 2 and 32 in every township of said State for educational purposes; to the Committee on Public Lands.

By Mr. POMERENE:

A bill (S. 5293) granting a pension to Florence Sanders (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5294) to enable the Secretary of Agriculture to combat and eradicate insects injurious to cotton and other agricultural products;

A bill (S. 5295) to enable the Secretary of Agriculture to continue the work of exterminating predatory animals destructive of sheep, goats, cattle, poultry, etc.;

A bill (S. 5296) for the maintenance and protection of useful farm bird reservations belonging to the Government of the United States; and

A bill (S. 5297) enabling the Secretary of Agriculture to study and control diseases of cotton and other agricultural products; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 5298) to add certain lands to the Ashley National Forest, Utah, and for other purposes; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 5299) granting a pension to William Shoemaker (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5300) granting an increase of pension to James L. Boothe (with accompanying papers); and

A bill (S. 5301) granting an increase of pension to Howard Miller (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5302) granting an increase of pension to Chester C. Overturf; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5303) granting a pension to Gordon Hinton; and

A bill (S. 5304) granting an increase of pension to Emily Elmer, formerly Emily Underdonk; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5305) for the relief of Allen Hayden; to the Committee on Military Affairs.

A bill (S. 5306) granting an increase of pension to Jennings Branham (with accompanying papers); and

A bill (S. 5307) granting a pension to Mary E. Howard (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5308) granting an increase of pension to Jasper Reeder; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5309) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 10, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank; to the Committee on Commerce.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to increase the appropriation for all necessary expenses for the eradication of southern cattle tick from $632,400 to $732,400, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

On motion of Mr. LEE of Maryland it was—

Ordered, That leave be granted to withdraw from the files of the Senate the original manuscript accompanying Senate Document No. 360, Sixty-fourth Congress, first session, entitled "The military law and efficient citizen army of the Swiss."

APPLICATIONS FOR PAROLE.

Mr. OWEN. I submit a resolution and ask that it be read. The resolution calls for information which I desire to have for the use of the Senate in connection with the consideration of the parole bill which I had the honor of submitting. If there is no objection, I should like to have it considered at this time.

The resolution (S. Res. 155) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Attorney General of the United States is hereby directed to transmit to the Senate a statement showing the number of applications for parole made under the act of June 25, 1910, and as amended by the act of June 23, 1913, the number of parole applications recommended by the warden of the several penitentiaries and the number of paroles granted under this act.

PROPOSED INTERNATIONAL TRIBUNAL (S. DOC. NO. 378).

Mr. SHAFROTH. Mr. President, I have a communication here from Mr. Oscar T. Crosby relative to an amendment which I have offered to the naval appropriation bill, the amendment providing for the establishment of an international tribunal or tribunals competent to secure peaceful determinations of all international disputes. The communication consists of only three or four pages, and I ask unanimous consent that it be made a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE SERVICE.

Mr. KERN. I present the following communication and ask that it be read.

The VICE PRESIDENT. The communication will be read.

The Secretary read as follows:

UNITED STATES SENATE,
March 3, 1916.

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

DEAR SIR: I hereby tender my resignation as a member of the Committees on Civil Service and Retrenchment, Education and Labor, Expenditures in the Department of Commerce, and Interoceanic Canals, and ask that it be accepted.

Very respectfully,
O. W. UNDERWOOD.

The VICE PRESIDENT. Without objection, the resignation of the junior Senator from Alabama as a member of the committees named is accepted.

Mr. KERN. I move the adoption of the following order, which I send to the desk.

The VICE PRESIDENT. The order will be read.

The order was read and agreed to as follows:

Ordered, That Senator JOHNSON of Maine be, and is hereby, appointed chairman of the Committee on Pensions to fill the vacancy in said chairmanship caused by the death of Senator SHIVELY, of Indiana.

That Senator LANE, of Oregon, be appointed chairman of the Committee on Fisheries to fill the vacancy in said chairmanship occasioned by the resignation therefrom of Senator JOHNSON of Maine.

That Senator TAGGART, of Indiana, be appointed chairman of the Committee on Forest Reservations and the Protection of Game, to fill the vacancy in said chairmanship caused by the resignation therefrom of Senator LANE, of Oregon.

That Senator TAGGART be assigned to membership on the following committees, to fill vacancies therein occasioned by the death of Senator SHIVELY, viz:

Committee on Pensions,
Committee on the Census,
Committee on Corporations organized in the District of Columbia,
Committee on Pacific Railroads,
Committee on Patents,
Committee on Territories; and also on the
Committee on Interoceanic Canals, to fill the vacancy thereon occasioned by the resignation therefrom of Senator UNDERWOOD.

That Senator BROUSSARD, of Louisiana, be appointed a member of the Committee on the Library, to fill the vacancy thereon occasioned by the death of Senator SHIVELY.

That Senator PITTMAN, of Nevada, be appointed a member of the Committee on Foreign Relations, to fill the vacancy thereon occasioned by the death of Senator SHIVELY.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3984) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. WALSH. I move that the Senate disagree to the amendments of the House, request a conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. WALSH. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and cer-

tain widows and dependent children of soldiers and sailors of said war; and

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

NATIONAL DEFENSE.

Mr. THOMAS. Mr. President, in view of the delay that is attending the consideration of Senate bill 4840, I desire to postpone until Friday, March 31, the notice which I gave that I would address the Senate on that bill.

The VICE PRESIDENT. The morning business is closed.

Mr. McCUMBER obtained the floor.

Mr. CHAMBERLAIN. Mr. President, may I ask a question of the chairman of the Committee on Indian Affairs?

The VICE PRESIDENT. Does the Senator from North Dakota yield for that purpose?

Mr. McCUMBER. I yield.

Mr. CHAMBERLAIN. I wish to ask the Senator from Arizona, the chairman of the Committee on Indian Affairs, as to the probable course of the appropriation bill that is now before the Senate, and whether he has any idea when it is likely to be disposed of?

Mr. ASHURST. Of course, so soon as the distinguished Senator from North Dakota finishes his speech, I intend to ask unanimous consent to proceed to the consideration of the Indian appropriation bill, and I am very certain if, say, commencing at 1 or 1.30 o'clock to-day the Senate shall give undivided attention to the bill we can conclude its consideration by 5 o'clock to-day.

Mr. CHAMBERLAIN. My reason for asking the question is that I am very anxious to call up the Army reorganization bill. I dislike to interfere with the pending appropriation bill if there is a chance to have it finished in a short time, but if the bill is not finished to-day I shall feel it my duty to ask the Senate to take up for consideration the Army reorganization bill not later than to-morrow morning.

Mr. ASHURST. I thank the Senator from Oregon. I assure him that unless Senators on our side make long speeches the bill will be finished by 5 o'clock. I hope they will refrain from doing so.

RURAL CREDITS.

Mr. McCUMBER. Mr. President, the Committee on Banking and Currency has reported a rural-credits bill. I have sometimes thought the Senator, who as chairman of the subcommittee reported the bill, felt that those who disagree with that particular measure were antagonistic to rural-credits legislation. I wish to assure him that I am as earnestly in favor of some rural-credits legislation being passed as he is, and if I do not agree with him I want him to credit me with entire good faith in the criticisms I may make of the pending bill. I am urging these objections with the hope that we may in the end secure a rural-credits law that will meet American conditions.

Mr. President, as I look over the vast number of salaried employees provided in this rural-credits bill, beginning with five members of the Federal farm-loan board, with a term of eight years and a salary of $10,000 each per year; when I contemplate the army of registrars, special land-bank appraisers, attorneys, experts, assistants, land-bank directors, presidents, vice-presidents, secretaries, land-bank officials, as many as may be deemed necessary of each class; the many officers and agents of farm-loan associations, appraisers, and so forth, all to draw salaries and all to be paid for their expenses, I am astonished that such an enormous, extravagant machine should be foisted on the public. And I wonder why the committee having at heart the real interest of the agriculturists, the decrease in the rate of interest, should provide such elaborate, expensive machinery, which must be covered by the interest charged.

I naturally ask myself why the elaborate system of banks which we now have could not be utilized so as to save the heavy expense of bank-buildings maintenance, and all of these other expenses for salaries, and so forth.

I find the answer, and the only answer, in section 3 of the bill, which provides that all such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883, and amendments thereto, or any rule or regulations made in pursuance thereto: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service. In other words, the President is not required in filling these positions to draw from the civil-service list, but when all have been appointed he can then blanket them all into the civil service, where they may rest securely as long as life shall last.

And so the real interest of the farmer is sacrificed that thousands of places may be made for political adherents. And yet there are those who have the audicity to say that this bill must be freed from partisanship. Why, Mr. President, it is conceived in partisanship.

As one reads over this bill one of the first questions that would challenge his consideration is, Why are there two bills in one? Why are there two entire and distinct systems of rural credits, governed by separate provisions? If both are good, why have two systems? If either is weak, why not discard the weak one, or cure its defect, make it perfect, and discard the other? The Democratic platform calls for a rural-credit law. It does not call for two laws. The truth of the matter is, Mr. President, that the committee itself must have doubts, and grave doubts, as to the utility of either one or both of these schemes, and in their desperation they provide for two systems, hoping that possibly one of them might prove a success or that the intelligence of business men might enable them to choose between the two.

Provision is first made for Federal land banks. The United States proper is to be divided into 12 districts, and no district shall contain a fractional part of a State. Within this district the Federal Farm Loan Board must establish a Federal land bank with a capital of not less than $500,000. But, Mr. President, in order to establish a land bank in one of these districts with $500,000 capital some one must be induced to raise the capital, some one must build the banking house, and some one must operate the establishment. There are few people in the world who can afford to go into a business for philanthropic purposes only. There must be a fair financial inducement; if not, the project will go begging. The ordinary business man, after reading the entire bill, after ascertaining the enormous overhead expenses to meet the demands of the army of employees appointed for political reasons and covered into the civil service, would hesitate to invest his capital in the undertaking or advise others to do so. Now, the proponents of this measure undoubtedly saw that danger, that its weakness would be apparent to the experienced business man, and they provided for it in a very simple manner. They forced the Government to go into it, loss or no loss. They reasoned out that the Government, by taxing the people generally, could raise money, and the Government, having the power to increase taxes for its support, could afford to allow its money to lie idle without interest, or could lose it entirely. And so it provided that—

> If within 90 days after the opening of said books any part of the minimum capitalization of $500,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon 30 days' notice.

In other words, if this scheme is so bad or so uncertain that it will not invite capital from the public, the Government will squeeze the capital out of the public and force it into the bank. And I will prophesy right here that every one of these banks, if any should be established, would be Government-owned banks; that the Government will be compelled to take all the stock of these banks. A great many Senators here would not support a measure where the Government merely guaranteed the farmers' paper for half the value of the farm securing it, because it smacked too much of paternalism; and yet they will turn around and support a measure where the Government itself actually goes into the banking business and furnishes the money without any interest, in an undertaking in which the capital in due time will probably be eaten up by salaries and expenses.

Of course, provision is made that if the subscription of any private individual can be secured for any of this stock, his subscription shall retire so much of the Federal subscription which is to be retired without interest.

But, Mr. President, these Federal banks must have something besides their capital to do business with. Much of the capital would necessarily be used in the construction of great banking buildings, and as there would only be 12 of these in the United States we would expect that they would be of such quality and proportion as would comport with the dignity of a Government institution. And this would make a big hole in the capital. As there would be no inducement for an average business man to deposit his funds in this kind of a bank, we must get the deposits elsewhere. So there is a provision that the Secretary of the Treasury may designate any of these banks as depositories of public money, except receipts of customs, and employ these banks as financial agents of the Government. But it is provided that the Secretary of the Treasury shall require of the Federal land banks satisfactory security, by the deposit of United States bonds or otherwise, for the safe-keeping and prompt payment of the public money deposited.

And then the same section provides:

No Government funds deposited under the provisions of this section shall be invested in mortgage loans.

I do not just understand at a glance of what use the funds would be if they were not to be invested in mortgage loans. But be that as it may, before the bank can deposit security for this deposit of money it must buy that security, and it takes money to buy the security. So it would seem to me that this deposit to be made by the Government could not be of any practical value to the bank. It would cost dollar for dollar. It would not loosen money for investment in farm loans.

Premising that this Federal land bank system, with all of its elaborate provisions, might be a failure, the committee has recommended the trial of another system which is called a joint-stock land bank. In this last system it is getting down to a more practical proposition. There are such banks operated as private concerns in the country, banks or associations that deal only in farm mortgages. Some of these, as I am informed, guarantee the farmers' paper. They loan to the farmer for 6 and 7 per cent interest and they borrow money for from 4 to 5 per cent, use it in the purchase of that farm loan, and their profit is from 1 to 2 per cent.

Now, that is in substance the proposition of my amendment to the rural credits bill, except it reduces interest to the farmer to 4½ per cent. Instead of the Government buying all of the stock, as it naturally will in these Federal land banks—instead of its paying a portion of these heavy expenses—instead of its furnishing money to be used without compensation—instead of its losing its capital in an investment—instead of all these overhead expenses my amendment provides that the Treasurer of the United States shall take the first-mortgage loans on farms, operated by farmers, and upon which farmers are living, bearing 4½ per cent, and that the Government shall secure from lenders the money to purchase these mortgages, which shall never be greater in amount than half the value of the lands, for 4 per cent, holding the mortgages as security and making a profit of one-half of 1 per cent, which will, in my opinion, pay more than its expenses if it does its business through the Federal and State banks now in existence.

It is barely possible, Mr. President, that some of these loan associations already organized, doing business in the manner I have suggested, may think there is some advantage in being organized under Federal laws or induced to incorporate under the Federal act and get the Government to go into the proposition as a partner, furnishing the greater amount of the capital without interest. This, I admit, may possibly bring into existence the joint-stock banks. But even those will be so controlled by the Government, will be so loaded down with conditions, will be so hampered by Government agents, and will have such salaries of Government employees to be met that the business, in my judgment, could not be made a success.

These joint-stock banks may be formed by any number of persons, not less than 10, and the shareholders shall be held individually responsible, equally and rateably, for all contracts, debts, and engagements of such bank to the extent of the amount of the stock owned by them in addition to the amount paid in and represented by their shares. In other words, following the rules with reference to national banks, if there is a failure, the stockholder will not only lose the money he put in but may be assessed just that much more to meet the debts of the institution.

Now, no person would take that responsibility unless the profits to be obtained would be sufficient to justify the liability. And those profits could only be met by the interest that would be paid by the farmer making the loan, and that means that he could not get cheap money.

The promoters of this legislation seem to forget that some one mush meet the vast expenses incident to the operation of these banks. They seem to forget that the only real profit that comes to these banks must come from the interest on mortgage loans. The farmer must pay it. The farmer wants a low rate of interest. And, Mr. President, a low rate of interest will not meet the demands of this complex, political, Government ridden institution.

Under the joint-stock proposition the Government of the United States can not purchase or subscribe for any of the capital stock. The joint-stock bank may be organized in some States for $250,000 and in others at $500,000, according to population.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield.

Mr. GALLINGER. I have been detained from the Senate, and so have not been privileged to hear the Senator's remarks up to this point; but I note the Senator says that the farmer wants a low rate of interest. About what rate of interest would that be, may I ask the Senator?

Mr. HOLLIS. I am deeply interested in the discussion, and I wish my colleague would speak so that I can hear him.

Mr. GALLINGER. I will endeavor to do so. The Senator from North Dakota has suggested that the farmer wanted a low rate of interest. I inquired of the Senator about what rate of interest the farmer would consider a low rate.

Mr. McCUMBER. I thought, Mr. President, that the rate of 4½ per cent, as provided for in the bill which I introduced, to be charged to the farmer was certainly as low as he could possibly expect.

Mr. GALLINGER. If the Senator will permit me, I will make a suggestion as to the method that is adopted in New Hampshire. Our banks are loaning money freely to the farmers at 5 per cent on mortgages which are free from taxation. That seems with us to be a very satisfactory rate; and, so far as I know, there is no complaint whatever made as to the rate.

Mr. McCUMBER. And, in addition, I think the Senator might also state that in New Hampshire the farmer has the privilege of paying off his mortgage probably at any interest-bearing date.

Mr. GALLINGER. He has.

Mr. McCUMBER. He has the privilege of doing so at least in five years.

Mr. GALLINGER. That is true.

Mr. SHEPPARD. Mr. President, may I ask a question here?

Mr. McCUMBER. Certainly.

Mr. SHEPPARD. I want to ask the Senator from New Hampshire how long such mortgages run as a rule?

Mr. GALLINGER. I do not know as to that, but I think they are very liberal in that regard. I apprehend that there may be no specified date, but as to that possibly my colleague knows better than I do.

Mr. HOLLIS. Mr. President, I will state that practically all mortgage loans in New Hampshire made by savings banks are either on demand or for six months, but where the security is kept good they are allowed to run on indefinitely. It is well recognized in New Hampshire that when a farmer puts a mortgage on his farm, unless he is fortunate enough to sell a timber lot, it stays there until he dies, and this bill is intended to have amortized loans, so that the farmer will be encouraged to pay off his mortgage instead of allowing it to run indefinitely.

Mr. GALLINGER. That is about as I have understood it. Mortgages, however, are rarely foreclosed in our State.

Mr. SUTHERLAND. Mr. President, will the Senator from North Dakota permit me to ask him whether or not this rate of interest, 5 per cent, is confined to the farmers?

Mr. GALLINGER. Not at all.

Mr. SUTHERLAND. Can anybody borrow money at 5 per cent?

Mr. GALLINGER. Anybody can, but the banks are making very liberal loans to farmers at the present time, more liberal than they did in former years.

Mr. McCUMBER. Because of his security?

Mr. GALLINGER. Because of his security.

Mr. SUTHERLAND. But anybody with good security can borrow money in New Hampshire at 5 per cent?

Mr. GALLINGER. He can get it at 5 per cent.

Mr. McCUMBER. If we could get money on our farms all over the United States at the rate of 5 per cent, as suggested by the Senator from New Hampshire, I do not think anyone would have ever introduced a bill of this character. I do not think we could complain of the 5 per cent rate, and I am a little inclined to think that the banking system provided in this bill could not make enough profit to pay its expenses and loan money at 5 per cent. Therefore, I do not think any such banks will be established in the State of New Hampshire.

Mr. SHEPPARD. Mr. President, I wish to ask one further question. Does the Senator from New Hampshire know whether the farmer is charged commissions for making those loans?

Mr. GALLINGER. The farmer is not charged any commission whatever. The loans are made directly by the banks.

Mr. SHEPPARD. Who pays the expense of the abstract of title?

Mr. GALLINGER. We rarely ever require abstracts of title in New Hampshire. We are an old State; we were finished a good while ago, and we do not have to go through with a good deal of the process that in some other States is necessary. I think there is no charge whatever beyond the 5 per cent interest.

Mr. HOLLIS. Mr. President, will the Senator from North Dakota yield to me for a moment?

Mr. McCUMBER Certainly.

Mr. HOLLIS. I do not want any misunderstanding in regard to this matter. I have been trustee of one of our largest savings banks for a good many years. Every applicant for a loan from a savings bank has to pay for looking up the title; an attorney has to search the title and certify that it is good. The mortgagor has also to pay for drawing the papers and for recording the deed; but in New Hampshire those charges are very light; they would appear so to a westerner, at any rate.

Mr. GALLINGER. They are a mere trifle.

Mr. HOLLIS. Investigation shows that there are more or less commissions that creep in in one way and another, so that the average rate on farm loans in New Hampshire, including the commissions and the charges, is 5.3 per cent.

Mr. McCUMBER. Now, to proceed. Having provided these two systems of banks, we must in some way connect them up with the borrowers. This is done by providing farm-loan associations, both limited and unlimited—we have a double system there again—and providing that such associations shall have representation on boards of directors of the banks in proportion to the amount of unpaid principal on loans made to their members by the land banks. There are a vast number of complex provisions relating to this, the principal one of which is the bigger the debt the greater the voting power.

Section 7, relating to these national farm-loan associations, provides that the directors and all officers, except the secretary-treasurer, shall serve without compensation unless payment of salaries is approved by the Federal farm-loan board. I do not know how it is in some other States, but I know the farmers of my State can not and will not give their time without compensation. The position of officer of that association will be a thankless job, and no one will court it.

As I have stated before, this bill seems to be based upon an assumption that there is philanthropy in business. That is not the American idea, so far as I have been able to ascertain it. I know of no one in this country who is spending his time and talents solely for the benefit of some one else.

Then it is provided that the reasonable expenses of the secretary-treasurer of the loan committee, and other officers of these farm-loan associations and salary of the secretary-treasurer shall be paid from the general funds of the associations; and when no such funds are available the board of directors may levy an assessment upon members and prospective members of the association in proportion to the amount of loans granted or applied for by them, which may be repaid as soon as funds are available; or it may secure an advance from the Federal land bank of the district, to be repaid with interest at 6 per cent per annum, from dividends belonging to said association.

I want anyone who knows anything about northern agriculture, at least, to ask himself whether if he were living upon one of those farms he would be willing to obligate himself for such expenses? Would he subject himself to such assessments? And if it were possible to borrow this money from a Federal land bank—and I do not know where the Federal land bank would get it, unless it had something to sell, for even the Government deposits can not be used to purchase a mortgage—the fact that the interest on the obligation of the association is 6 per cent would mean that the farmer would have to pay at least 8 or 10 per cent in order to meet this interest and added overhead expenses.

I am very positive, Mr. President, that no farmer in a normal state of mind would tie himself up to such a proposition.

It is then provided in the same section that 10 or more natural persons, owners or to become owners of farm lands, qualified as security for a mortgage loan, may unite to form a national farm-loan association, and that loans of not more than ten thousand or less than two hundred may be made to one person. This opens up, if the bill could be operated at all, an opportunity for speculators. The number of farmers who would ever want to borrow $10,000 are quite scarce. It is not even necessary that the person making the application shall live upon the land and farm it at all. He may rent it or hire some one else to operate it. He may be a speculator pure and simple. He may be simply an owner of land or he may desire to purchase land. If he could get the Government to carry the loan in a State which is rapidly developing, he might well afford to pay the interest, buy a large tract of land, and wait for the rise in value.

Then there is another provision, very peculiar, which, in my opinion, would stop the prospective North Dakota borrower at the very threshhold of the bank. It is this:

> Any person desiring to borrow must purchase stock at par equal to 5 per cent of the face of the loan, which shall be paid off and retired upon full payment of the loan.

In other words, if a farmer wants to borrow $2,000 he must first spend a hundred dollars to entitle him to that privilege. Of course, that hundred dollars, on which he will have to pay interest to some one, may be a complete loss. The provision is that it will be returned to him when the loan is paid. But what guaranty has he that it will not be used up in the expense account of the system? He is not only not protected, but he is liable to be assessed for expenses. And even if it were repaid, he has lost the interest which he has paid on this money, and this, added to the interest which he pays upon the principal loan, may make his interest charges more than they now are.

Turning to the restrictions on loans, we find that they, of course, must be duly recorded first mortgages. Then there must be an agreement under the provisions of section 12 for the payment of a fixed number of semiannual installments, sufficient to provide for an agreed rate of interest during the term and the payment of principal on what is known as the amortization plan. In other words, the farmer borrowing must pay his interest and a portion of the principal every six months. In the northern cereal-raising States we have but one crop a year. The farmer must pay everything out of that crop. That crop is not generally harvested before November. Now, he must either retain enough money without interest to pay the installment due the next June or else he must borrow the money in the bank the next June to pay the interest and carry him over until he harvests his next crop. This will necessitate borrowing at the local bank. I think the average farmer will have enough sagacity to understand that if he pays interest semiannually he pays more than the annual rate of interest. There is not a loan made in the Northwest now that provides for semiannual interest. Practically all mortgages are so drawn that the interest payments are due from November to January.

Under the provisions of this bill every mortgage runs for at least 5 years and not more than 36 years. Can any of you Senators comprehend the state of mind of a northern farmer who would want to tie up his land in a mortgage for 36 years, or 30 years? Why, we can not even find any who are willing to make a 10-year loan, and the truth is that in most instances they are insisting upon the right, even in a 5-year loan, of paying the principal on any interest-paying date. This amortization plan, applicable in Europe, where land values are excessively high, where the purchaser of land is not supposed to be able to pay off the mortgage in less than from two to three generations, has no applicability to States where land passes from hand to hand, from man to man, almost as freely as horses and cattle. Our farmers are at least sufficiently optimistic to believe that within from 5 to 10 years they will be able to lift any mortgage. And if they are sensible they would prefer to pay a higher rate of interest and have the privilege of paying off any amount at any time they see fit than to carry principal and interest from 25 to 30 years. This right to pay off principal in whole or in part after five years is given in the bill. I mention the longer term simply to show that it will not be taken advantage of, at least in the northern sections.

Again, it is provided that the rate of interest charged for such loans shall not exceed the legal rate of interest fixed by law for national banks. The rate fixed for national banks is the rate limit fixed by the State. They can not collect usurious interest. In my State the limit would be 10 per cent. In some parts of the State farmers are able now to borrow money at 6 per cent, and it ranges all the way from that to 10 per cent in the new sections.

I understood, however, from the remark of the Senator from Texas [Mr. SHEPPARD] yesterday, in criticizing this same bill, that the rate could not exceed 5 per cent. I do not so read it, unless the provision has been amended since I read it.

Again, the farmer is limited in the purposes for which he wishes to borrow the money. He may borrow it to buy a home or a farm, or for equipment of that farm, for buildings and improvements, or to pay a debt that is already in existence.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I do.

Mr. HOLLIS. I do not desire to have the Senator labor under a misapprehension. The bill provides that the farm-loan bonds shall not carry a rate higher than 5 per cent, and that the banks shall not loan at a rate to exceed 1 per cent more than the rate that the bonds carry. Therefore it will not be possible, under the committee bill, to loan to farmers at a rate exceeding 6 per cent.

Mr. McCUMBER. I am afraid, Mr. President, from my knowledge of the business in the Northwest at least, that the expenses of conducting this system would be such that it would be impossible to loan to the farmers even for 6 per cent.

Mr. HOLLIS. But the bill especially limits it. If they can not loan at 6 per cent or less, they can not loan at all, under this bill; so the farmer of North Dakota will not be injured.

Mr. McCUMBER. It could not be operated in a State at all if the expenses would be more than that.

The farmer could not borrow this money, for instance, to send his son to college. He could not borrow it to send his wife to a hospital, although his land might be clear. He could not borrow money to send a member of his family to be operated on for appendicitis by a specialist. He would have to go to the bank in such case and pay the rate of interest charged by the bank. If the loan is a safe one, and it ought not to be made unless it is safe, then it ought not to be any business of the Government what purpose the money is borrowed for.

The statement of Mr. Youmans in opposition to this rural credits bill was criticized. Here is one of the statements:

Even the most ardent champion of the legislation can not but admit that its provisions are clumsy, cumbersome, and provide an enormous amount of useless machinery to do a very simple thing.

Now, I want any Senator to read over this bill of 78 pages and then say whether this objection is well founded. The only thing to be accomplished is that the farmer be able to secure money on a mortgage bearing a low rate of interest. The means of effectuating that simple proposition, according to the views of the proponents of this bill, necessitates one of the most cumbersome, complex systems that could be conceived of, a system far more cumbersome than the entire banking system of the United States, a system that not only duplicates in number the regional banks, but provides for two distinct systems of local banks, and for the necessity of another system of farm organizations, a system which requires farm organizations and the individual farmers who wish to borrow to subscribe for stock and to become affiliated with this enormous machine, the duty and functions of which are set out with such elaborateness and detail and are so inconsistent with each other in many instances that nothing short of the courts can finally construe their meaning.

Another point made by Mr. Youmans is:

By the provisions of section 31 it is made the duty of the farm loan commissioner to make examination of the laws of every State in the United States and to inform the farm loan board as rapidly as may be whether in his judgment the laws of each State, relating to the conveying and recording of land titles and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure to the holder thereof adequate safeguards against loss in the event of default on loans secured by such mortgages.

Pending the making of such examination in the case of any State the Federal farm loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of the farm-loan bonds.

As suggested by Mr. Youmans, the first duty of the farm-loan commissioner would be to make an examination of the laws of the State. And while he is making that examination every mortgage therefrom must necessarily be ineligible. In other words, they could not be received until he makes favorable report. Why is such provision necessary? Is it conceivable that any State in the Union has not provided a system of recording securities on land and of foreclosing the same and obtaining title? Every one of these States has such provisions. Neither the Federal board nor any other Federal authority could change them or modify them in any respect. It opens up a field for excuse and delay. That is the only objection that probably can be urged to that provision, that it is absolutely useless.

Again, as I have already stated, this system is a duplication of the regional-bank system in some respects, and it might be well to know the expense of operating the Federal banking system. Mr. Youmans says:

It is plain from an examination of the bill that it is designed upon the general model of the Federal reserve act. It provides for a Federal farm-loan board of five members, four of whose salaries alone will aggregate $40,000 a year.

There are in continental United States about 8,000 national banks, members of the Federal Reserve System.

The expenses of the Federal Reserve Board alone are about $216,000 a year. The salaries of its employees amount to $108,650 per year, and the salaries of the examiners who examine the banks in the Federal Reserve System amount to $396,000 per year.

The expenses of the Federal reserve banks, of which there are 12, were last year $1,490,729. The estimated expenses of these same banks for next year are $1,611,000. These expenses include such items of salaries as governor, ranging from $30,000 a year to $7,500 a year; members of the staff, from $12,000 a year, with various head men at four, five, six, eight, and ten thousand a year.

In fact, the Federal Reserve Board admits in its report, December 31, 1915, Document No. 442, Sixty-fourth Congress, first session, that several of these banks are overorganized in their high-salaried lists.

But these expenses, great as they are, were founded on the mobilization and concentrated organization of the business of 8,000 national banks already established and existing.

There are about 20,000 State and private banks, including 1,660 loan and trust companies, scattered throughout the country.

Still, in the face of all these facts and conditions it is not proposed by the provisions of this bill to use any part of existing financial agencies, but to create an additional burdensome system for the farmers to support.

Mr. Youmans further states:

The bill seems to assume that farm-loan associations composed of "borrowers" will be promptly organized either on the limited or unlimited plan, and that by this means both a surplus and "capital" will be supplied.

Such associations can have neither income nor capital except it be supplied by the farmers. An association composed of borrowers alone can rarely supply either.

These farm-loan associations may assess the farmers for "interest, dues, and other sums," and fix the interest rate at the limit of the interest charged by national banks. This in effect would make the interest charges to the farmers higher than those afforded by established institutions.

For information as to interest rates, commissions, and other data see tables in appendix, which were submitted by Secretary Houston before the joint committee November 13, 1915.

It is thus seen that this feature of the bill, not taking into account inertia or local opposition, is practically impossible of successful working out.

These farm-loan associations are a poor attempt to follow the plan of building and loan associations, so many of which failed a few years ago on account of expenses and inability to provide capital from borrowers alone.

And finally in his statement he says:

"Instead of being a piece of genuine rural-credit legislation, the system provided is only a shadowy substance floating in a sea of finance with neither chart, compass, nor sailing orders. It is simply a head, the Federal farm loan board resting upon nothing. This head must develop its own body, temporarily using the funds of the Federal Government in the meanwhile, while it attempts to find out through the farm loan commissioner whether there are any safe landing places under the land laws of the several States. The administrative features are overweighted with officers and salaries.

"It provides that there can be no farm loans under this system until there are borrowing-farmers' loan associations, and there can be no borrowing-farmers' loan associations until there is a group of borrowing farmers who are willing to buy stock in such associations and pay the undetermined fees, costs, and expenses which may be incurred.

"These farm-loan associations may not act directly as a means of collecting the savings and available investment funds of the community and as a medium between the investor and borrower, but must, by the terms of the act, be composed of borrowers alone.

"In general, hardly a farmer in the United States could avail himself of the elaborate apparatus attempted to be created by this bill.

"The bill could be nothing else than a failure and its passage merely block the way to a straightforward rural-credit system or systems.

"The opponents of real practical legislation would point to the existence of this law and its unused provisions and solemnly assure the country that it was the result of many commissions, probably half a million dollars of expenditure, and that it was costing, even though unworked and unworkable, perhaps $500,000 a year, and yet was not being used by the farmers of the country, without stopping to explain that its provisions make such use impossible of successful accomplishment.

"These are but a few of the serious and insurmountable objections to the bill as drawn.

"An examination of the bill discloses numerous limitations and restructions upon the operation of the proposed system.

"The dangerous character of the bill is nowhere better illustrated than in the specification of the extensive and, in many cases, senseless powers of the Federal farm loan board, here briefly set out:

Mr. President, I have offered an amendment to this bill, an amendment simple and inexpensive, one that will not cost the Government a penny and will reduce interest on farm loans to 4½ per cent. If I had a million dollars' worth of first-mortgage loans maturing right along from the present time through a period of 20 years, secured on lands which can not be lost, which are as permanent as the earth itself, of the value of at least $2,000,000, I could very well afford to issue my personal bond for a million dollars or a series of bonds of from $100 to $500 each, due in 20 years, with privilege of payment within 10 years, bearing 4 per cent interest, retaining the half per cent interest for my expenses and profits. There could be no possibility of a loss on my part with such a margin. Nothing but the worst character of negligence could bring about any loss.

Now, what I could do, had I the money, can be done by the Government through the use of its instrumentalities in any amount.

The Government has 8,000 national banks. Every national bank is to-day to a certain extent a Government agency. The Government could make every State and private bank, numbering about 20,000, its agency. The Government would then have an agent bank in every little town and village throughout the United States. Every bank has its own officers. Those officers know the men and they know the character of the lands in their respective vicinities. In addition to this there are a large number of bank examiners. These bank examiners in order to know the paper, its character and value, held by any bank, must necessarily know the character of the country which must pay that paper. Now, instead of the creation of another great system of banks, suppose the Government should utilize the banks now operated in the United States and all of their officers and all of these agents. Beginning at the bottom of the procedure: A farmer who would need to borrow a thousand dollars would go to the nearest bank just as he does to-day.

He would make a written application for a thousand-dollar loan, answer about 40 questions which would elicit not only the character and value of his land but its certainty of paying interest and principal of the loan—such a number of acres under cultivation, his family, the number of boys who could do work, and many other questions that would all point toward his ability to make good his payments.

This application would bear the appraisement of two of his neighbors, sworn to. This would be presented to the cashier or president of the bank. He knows the man, he knows the land, and he is also required to pass his judgment on the value and character and safety of this loan. The farmer then draws up his mortgage and accompanies it with an abstract showing the title and showing that it is clear. The banker examines this, passes judgment on it, and receives a small fee for his services. He is the agent of the Government, and is held responsible by the Government for good faith. He sends this mortgage, abstract, and application, with his approval, to the bureau of farm credits in Washington. The papers are examined; they are found to be correct, and the Government advances the money for that loan. At the same time there are a thousand other loans coming in from other sections, and he has enough loans maturing at different times, or will mature as new ones are made each year; and the Government then issues its bond in amounts of from one hundred to five hundred dollars in an amount equal to the mortgages. The mortgages bear 4½ per cent and the bonds 4 per cent. The bonds will run for 20 years. There will be such a demand immediately for these bonds that even premiums will be offered. The money received would pay for the mortgages. The Government would be out nothing. It would simply guarantee, in effect, the mortgages. It would occupy the position of a factor who guarantees the payment of the mortgages. And so this could be continued just as long as there would be purchasers for the bonds. It might amount to even billions, but it would not be the Government money which would be invested. There would be no army of employees to be paid. The system would not be a political system any more than the national banks are now political organizations. There would be no conflict with the local banks. Every farmer doing business with that bank would become the bank's customer. The bank would be paid for its services. It could well afford to act as the agent of the Government and for the convenience of the farmer in the collection of the coupons. If the farmer desired to be carried over for any reason, the bank, knowing the security, would advance him the money to carry him over. If there was a failure of crops one year, the local bank would be glad to assist in carrying the burden of the interest for another year. If the farmer should not have his crop harvested at the time the interest becomes due, the bank would accommodate him. The bank might lose a very little in the interest it is now receiving from farm loans, but it would more than make it up. The smaller the amount the farmer has to send out of the country to pay his interest the greater amount he will have to spend in his own community. This amount saved will be invested and that investment will require business with the bank again.

If you wish to know how the farmer can proceed to make a loan through the system proposed by the committee, all you have to do is to read these 78 pages forward and then backward, and then begin to pick out the sections that would seem to indicate his course of procedure. You will find that before the farmer can make a loan he must wait until at least nine other of his neighbors wish to do the same thing and at the same time. Then he must wait until the spirit of organization begins to move. This is generally a slow-moving process in agricultural communities. But when the fever has progressed to a particular stage and farmers begin to talk over the benefits to be derived by organizing a borrowing society they may possibly take hold of the project. And they may within a year or so crystallize these 10 or 20 or 100 borrowers into an association. That is the first step.

The next step will be to get some kindly disposed gentleman to start a $500,000 bank somewhere in their State or some other State, possibly four or five hundred miles distant from this organization. Of course, they will have to assure this man that he will not be expected to put any real money into the project, just simply start the project going, and the Government will then be compelled, under the provisions of the law, to subscribe for the stock.

After that is done and after all of the vast machinery is set into place, after all the officers have been appointed and their salaries fixed, the next thing will be a request to the farmer who wants to borrow money for a deposit of 5 per cent of the amount of money he wishes to borrow. He must become a lender before he becomes a borrower. He probably has not thought of that before. But with patience he goes to a bank and informs the cashier that he wishes to borrow money from the bank to deposit with another association so that he may borrow from it. The banker may or may not lend the money to assist in losing his customer. The chances are, I think, that the bank would dispose of the question before the farmer ever got away. But if the banker does loan it, he may be satisfied with a straight note or chattel security, or he may demand a mortgage on the farm to secure the money advanced. Having straightened this matter out and deposited the money, then the real business of securing a loan has just begun. The first step has been taken. Now come along the experts, the appraisers, the abstractors, the examiners, the special legal advisers, assistants, and special agents who start him along the pathway of dubious and uncertain complexity until he arrives at the doorway of the real land-bank which may be, as I have suggested, in his own State or in some other State hundreds of miles distant.

I should be pleased to follow him in all of the devious ways he must travel before he secures the money on his proffered mortgage. But, Mr. President, the other business of this session will not permit me to take the time to properly explain each step which must be taken by him before he finally reaches the inner temple, only to find that the capital stock has been used to build an elegant bank building and pay expenses, and the few dollars which were left have already been expended, and the deposits made by the Government under the provisions of the bill can not be invested in mortgage loans. If he is early on the ground, one of the very first, he may find some money in the bank.

But now the question of what interest his loan shall bear must be decided upon. Just how it is to be decided upon before the whole system is in working order and its expenses ascertainable I am unable to say. I assume that the interest must be fixed upon a self-sustaining basis; that while it can not be higher than the State laws would allow, which would be 10 per cent in my State, it must be sufficient to take care of all the expenses. And if it is run upon a self-sustaining basis, even without profit, I believe that the interest would be very much higher than the farmers now generally pay upon first mortgages on real estate.

Mr. President, we have spent enormous sums of money in investigating the rural-credits system of Europe. I think that investment is worse than thrown away, because it has influenced the proponents of rural-credits legislation. It has impressed Old World systems, not at all applicable to conditions in the United States, upon this proposed legislation. I am certain that it would have been much better if we had initiated in this country a system adapted to American conditions and, with our knowledge of those conditions perfected, our legislation without reference to foreign customs. This whole amortization plan is European, not American.

The extremely high price of land in Europe, with its dense population, is such that no purchaser, if he had not already accumulated the means from other sources, could buy that land in a lifetime and pay for it from its earnings. It would be several generations before it would be paid for. The original purchaser would simply transmit to his heirs such equity as he might have, with the purchase price possibly reduced a little. No such condition exists in this country. The American farmer is always optimistic. He expects always to pay for the land with a few crops. He can buy his land on the crop-payment plan in the North. If he has a big crop, he can pay off considerable in a single year. If he has a failure, the matter runs over until the next year. He has not the same sentiment, the same regard, for landed estates that the foreigner has in his country. He will sell his farm as freely as he would sell his stock if he thinks it profitable to do so. He differs from the European farmer in many respects. He is either by nature or custom entirely independent of all his neighbors. He does not live in communities as in Europe. He goes about his own business and has no inclination to attend to the business of others. He is averse to any kind of liability other than his own. He does not like to sign the notes of his neighbors. He does not want to become responsible for the debt of the farmers adjoining him, much less for the debts of farmers in other counties or States. He is opposed to long-term mortgages. Being hopeful and energetic, he wants to pay off his debt whenever he can and in whatever installments he and his creditor may agree upon.

But there is another and greater difference. The American farmer does not want any red-tape business connected with his proceedings. When he wants money he wants it right away. When he wants to pay it, he wants to be at liberty to do so without long delay and secure his release. He regards his time as worth something and is impatient at delays. He would rather pay a higher rate of interest than to be put to too much trouble in securing his loan.

In the amendment which I propose to the farm-credits bill I have answered the demand for simplicity and cheap money. I can see no reason on earth why it is necessary to provide for another distinct or two more distinct banking systems. I do not know why on earth it is necessary to add an enormous expense for the building of new bank structures and for an army of officials. We have our national banks; we have our State banks. They are already constructed, officered, and doing business. They are convenient to every farm in the country. Why not utilize that system and that agency and avoid all this great expense?

My substitute requires no new, complex, and untried system. It is based on the theory that there is any quantity of money in this country ready and eager for investment at 4 per cent on long-time securities free from taxation and of unquestioned safety; that a Government debenture bearing 4 per cent interest will find its purchaser as rapidly as it is offered; that if the Government is proffered a million dollars of farm mortgages bearing 4½ per cent interest, secured on land worth fully $2,000,000, and which farm mortgages mature and others take their places during all of that period of 20 years, the Government can with absolute safety issue its debentures in multiples of $100 for the face of these mortgages, holding the securities, applying the interest received from the mortgages upon the interest due upon the debentures; and that the difference of a half of 1 per cent between the interest on the mortgage and the interest on the debenture will fully compensate the Government for its trouble. The Government, in fact, will not be furnishing the money. In practice the Government will occupy the position of a factor who guarantees the interest on the mortgage which he sells, and nothing more.

Now, under the simple method which I propose every national bank will at once be made the agency of the Government for receiving and transmitting the farmers' mortgages, collecting and disbursing payments. Every State bank which will avail itself of the opportunity can also become such agency, and such State bank, without question, would become such agency. It would be compelled to do so in order to hold its customers.

Now, what will the farmer do if he wants a loan? He will not have to borrow 5 per cent of his proposed loan to deposit before he can secure his loan. He will not have to join any society. He will not be compelled to be stockholder in any kind of a concern. He will not be compelled to submit himself to the responsibility of taking care of the debts of other farmers. He will do just what he has to do to-day—sign an application answering, say, 40 questions, or whatever may be necessary to fully explain his situation, character of land and its condition, and ability to take care of interest and principal. He will have two of his neighbors verify his statement and give their appraisal of the cash or selling value of the land. He will then go to the bank with which he is accustomed to deal. This bank will see to the drafting of the mortgage, the examination of an abstract, and, as an agent of the Government, will also place its appraisement upon the value of the security. This bank, if the farmer is borrowing $500, will charge him $5. Not a big fee; but the bank will have this man as its customer, and will undoubtedly have enough other business with him to compensate it if this charge seems not sufficient. In nine cases out of ten if the farmer needs the money right away the bank would advance it for him the very day that he comes in.

This bank would then forward the securities, with the abstract of title, to the bureau of farm credits. That bureau would examine the abstract and the mortgage and send its draft to the bank. As soon as it had collected a sufficient number of these mortgages, this bureau would issue debentures and sell them to pay for these and to purchase other mortgages. The moment this law would become effective the bank examiners would be required, in addition to their present duties, to report the general values and character of lands within their respective districts. They would not have to go into the country and make appraisals for this purpose. No examiner can properly pass his judgment upon the paper of any bank in any State unless he knows in a general way the value and character of the lands within that section, and his knowledge can be utilized by the Government.

This is practically all there would be to the system I have mentioned. It has been suggested that there might be cases of overvaluation of lands. Well, there could not be unless there was gross negligence. One of the questions, of course, in the application would be, What is the land assessed at? That of itself would be some evidence of its value. It will be so fully and completely described and the means by which the farmer makes his livelihood would be so fully set forth that no one would be deceived unless through his own inexcusible negligence. It certainly affords greater protection in that respect than the bill reported. The banker, being the agent of the Government, is held responsible for any loss that would grow out of his negligence, and if he declared land, which he knew to be worth only $4,000, to be $8,000, and the Government should suffer any loss, he would be held responsible.

But there is another reason why the bank would not overestimate the value. There would be many times in the farmer's life when he would have to borrow an additional sum over the first mortgage on his land. The banker doing business with him and who will furnish that money will be interested that there is a good margin of value in the land over the first mortgage.

There has been some criticism of my bill, that it is paternalistic, that the Government is lending the money. Now, as a matter of fact, that criticism is not good. The Government is simply by its action bringing the farmer who wishes to borrow money into direct communication with the widow or the estate which wishes to lend money and eliminates the intermediary. Your bill reported by the committee is, on the other hand, purely paternalistic. It compels the Government to go into this banking business. It has assumed that no one will subscribe to the stock of these banks except the farmer, who is compelled to subscribe an amount equal to 5 per cent of his loan in order to borrow, and that the Government will subscribe for practically all of the stock. That puts the Government directly into the banking business for the assumed benefit of just one class of its citizens. The Government pays some of the expenses, and if the thing is a failure from the outset the Government, of course, will have to suffer the losses.

Nor, Mr. President, is the scheme I propose in any sense as paternalistic as has been the custom of the Treasury Department for years. Whenever speculation gets so rife in the great cities that there is bound to be a time when inflated values will burst the great financiers call upon the Government to empty its Treasury into the banks of the great cities that they may be able to protect themselves and for the very purpose of keeping down the rate of interest. And when matters become normal the money is returned to the Treasury.

So, too, I can find a stronger precedent in paternalistic action in the fact that the Government is now engaged in building a railroad in Alaska that will cost at least $45,000,000. We will find it again in the case of the Government guaranteeing the bonds of railroads in the Philippine Islands. If the Government can consistently guarantee railroad bonds, why not farm mortgages?

If the Government can do all of these things for the benefit of special lines of business, it certainly ought not to hesitate to issue a debenture upon farm mortgages secured by farm lands at least double the value of the security. The Government can far better do this because the land can not be destroyed. The land can not fail in business. The land can not lose its capitalization. The land will continually grow in value as the Nation grows in population.

Here, then, we have two propositions, one complex, top-heavy, expensive, and unworkable, in my opinion; the other simple, inexpensive, and which, without any possible question, will bring the results desired—cheaper rates of interest for the farmer and a sure income to the lender.

Why should we even hesitate between a simple, inexpensive, certainty and a complex, expensive uncertainty?

Mr. President, my judgment as to the inefficiency and lack of adaptability of this proposed legislation to the agricultural conditions of this country is fortified by the judgment of the farmer organizations of my own State and evidenced by petitions against its enactment from all over that State. I introduced five such petitions this morning.

But it was intimated on this floor a few days ago that as the provisions of this bill are not compulsory it could not injure anyone. That is not a pertinent answer to our criticisms. The people do want a good, workable, beneficial rural credits bill. They know if we provide one that will not be a success it will sound the death knell of any other rural credits legislation for years to come. They therefore know that improper or inefficient legislation is far worse than no legislation, and they ask that no rural credits legislation shall be enacted at this session. They ask this because they believe it would be impossible, with the other work to be done during the session, to bring forward and to get adequate consideration for any other system.

The Senator from Texas has introduced a rural credits bill patterned after the German landschaft system. He explained the provisions of that bill and showed that it was far more simple and far less expensive than the committee bill. While my judgment is that the bill proposed by the Senator from Texas is an improvement over the committee bill, I still hold to my conviction that any system based upon foreign conditions

will not meet American conditions. No one questions the success of the landschaft system in Germany, but Germany is not the United States. The Senator quoted in support of his bill the comment of Mr. Wallenborg, as follows:

I have read the text of the bill. I am unable to give an opinion on matters of detail and points of procedure, as I am unacquainted with local conditions and with the psychology of the farming population to whom the measure is to apply.

Mr. President, it is just these local conditions and the psychology of our farming population which raised a suspicion in the mind of Mr. Wallenborg that we must take account of in any rural credits bill. And it is to those things that both the committee and the Senator from Texas have, in my judgment, failed to give proper weight. Local conditions are not the same in this country as in Germany. The psychology of the farming people of the United States and Germany is not similar, as I have heretofore pointed out.

In a rapidly developing country the farmers do not want their land tied up for 50 or 75 years in any kind of a system. When the American farmer wants to borrow he wants the money right away, and he wants to pay it when he can, according to his crop returns, and thereupon be released. He does not want his progress to be either stayed or accelerated by what his neighbor may do or fail to do.

The Senator from Texas yesterday stated that the system of collecting from the landschaft was similar to that in vogue in drainage districts in this country. Now, I do not believe there is a farmer in my State who would want to apply the district drainage system to the payment of the mortgage on his own land or that of his neighbors in that district. I do not believe he would want to combine his land with others to pay off his indebtedness through many years under any amortization plan. He wants to be independent of his neighbor in every respect.

And I can but repeat, Mr. President, that I regret exceedingly that in this work of providing an American rural credits bill we should have inadvertently led our minds astray by attempting to plant a European system in American soil. It would have been far better to have studied the present American system of loans, the demands and the characteristics of the American farmers, and evolved a purely American rural credits bill.

Mr. President, I ask that the bill which I have introduced on this subject, and which is extremely short, may be printed, to follow my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill referred to is as follows:

A bill (S. 831) to facilitate farm credits and decrease interest charges on farm securities.

Be it enacted, etc., That there is hereby created in the Treasury Department a bureau to be known as the bureau of farm credits. Said bureau shall be presided over by an officer who shall be designated commissioner of farm credits. The Secretary of the Treasury shall provide for sufficient clerical force to perform the duties of said bureau.

SEC. 2. That there is hereby appropriated and set aside for the use of said bureau, in the manner hereinafter provided, the sum of $10,000,000, or so much thereof as may be necessary.

SEC. 3. That the said sum so provided shall be used for the purpose of purchasing notes secured by first mortgages on agricultural lands, as hereinafter provided, for stationery and clerical expenses, and such other expenses as may be incident to the business of said bureau.

SEC. 4. That every National bank and every State bank desiring to avail itself of the privileges herein provided are hereby created and declared to be agencies of the Treasury Department for the purpose of receiving from mortgagors notes and mortgages securing same, advancing the moneys to the said mortgagors and transmitting said notes and mortgages to the bureau of farm credits, and receiving in return therefor the amount advanced to the mortgagor by the said bureau.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to apportion the sum hereby appropriated among the several States according to the agricultural population, importance of the agricultural productions of each State, and percentage of agricultural lands incumbered by mortgages or trust deeds, and to pay for such notes and mortgages as may be presented to the extent of the amount apportioned to any State.

SEC. 6. That any owner of agricultural lands within the United States who is living upon and farming such lands desiring a loan under the provisions of this act shall execute a promissory note due in 10 years, bearing interest at the rate of 4½ per cent per annum, interest payable annually, which interest shall be evidenced by 10 coupon notes attached to said principal note, and which coupons shall also bear interest at the rate of 5 per cent per annum from the date of maturity until paid, payable annually. Said note shall also provide that the principal may be paid on any interest-paying day after the expiration of five years. Said note shall be secured by a first mortgage upon the lands so farmed by the owner and executed and recorded in the manner provided by the laws of the State in which the land is situated for the execution and recording of mortgages on real estate. Such mortgage shall be accompanied by an application for loan, which application shall recite the purpose for which the loan is desired, the market value of the land, the value at which it was last assessed for taxation, the value and kind of buildings thereon, the number of acres under cultivation, the character and quality of the soil, the number of acres capable of being cultivated, and such other information as may be required by the rules of the said bureau. Said application shall have attached thereto or made as a part thereof an affidavit signed by the owner and at least two neighbors who are thoroughly acquainted with land values in the vicinity, stating the market value of such lands and the market value of the particular lands to be mortgaged. Said note, mortgage, and application shall also be accompanied by an abstract of title duly certified by an abstract company, the register of deeds, or other officer authorized by the laws of the State to make and certify abstracts of lands, which abstract shall show no other mortgages, judgments, delinquent taxes, or other liens of any character against the said lands, unless the purpose of the loan is to secure money to cancel such liens. Said owner shall then present to any National bank or State bank accepting the provisions of this act the said loan papers. The said abstract and papers shall be carefully examined by the president, cashier, or other officer of the bank for the purpose of ascertaining whether the title is perfect in the mortgagor, whether the land is affected by any liens, who shall certify the result of his examination of the abstract, and who shall further certify what, in his opinion and judgment, is the actual cash selling price of the land. And no mortgage shall be accepted for a greater amount than one-half of the value of such lands, including improvements; nor in any event to an amount exceeding one-half of the actual market value thereof. The said bank may charge the borrower for its services in examining papers and abstract and in forwarding the papers to the bureau of farm credits a sum not exceeding 1 per cent of the amount of the mortgage. No mortgage shall be less than $300 nor more than $10,000 to one person or company, and shall be in multiples of $100. The said notes and mortgages shall not be dated at the time they are executed and presented to the bank. The said bank shall forward all the said papers to the said bureau of farm credits, which bureau shall examine the abstract, note, mortgage, and application, and if said abstract shows the land to be clear or to have no liens of greater amount than the amount desired to be loaned, and all papers properly executed, it shall remit to the bank forwarding the papers the amount of the loan and shall date the notes and mortgage the date on which the remittance is made, from which date interest shall begin to accrue; and all coupons shall be dated to correspond with the date affixed to the principal instrument; and said bureau shall return, with the remittance, the abstract of title. Upon receipt of the said abstract of title by the bank, said bank shall require the abstract to be continued up to date of payment by said bank to the borrower, and if said abstract after being continued shows the land clear the bank shall indorse over to the borrower the remittance made by the bureau of farm credits. If there are any liens upon the land, the bank, out of the remittance, shall first pay and have canceled such liens and pay the balance to the borrower. The bank shall be held responsible for any negligence in the performance of its duties as agent of said bureau. The principal and all interest coupons shall be payable at the bank where and through which the loan is negotiated and remitted by said bank to said bureau.

SEC. 6. That whenever the bureau of farm credits shall have received such mortgages to the extent of $1,000,000 it shall issue bonds in the name of the United States, payable in 20 years and bearing 4 per cent interest, payable annually, with the privilege and option of the said bureau to pay the principal at the expiration of 10 years. Said bonds shall be issued in denominations from $100 to $500 each, and the said commissioner of farm credits shall sell the said bonds for the face value thereof to any person applying therefor, preference being given to those desiring small investments. Said bonds shall not be subject to taxation by the United States, a State, or municipality. All moneys received by the said commissioner in the sale of bonds and the principal and all interest paid on said mortgages shall be covered into the said fund of $10,000,000 and used in the payment of mortgages as they may be presented, the expenses of the bureau, the interest on bonds, and payment thereof at maturity.

SEC. 7. That all mortgages shall run to the commissioner of farm credits, and said commissioner shall have all the rights and authority of a mortgagee under the laws of the State wherein such mortgage is executed.

SEC. 8. That all taxes of every kind levied by a State or municipality which may become a lien prior to said mortgage shall be paid by the mortgagor at least 30 days prior to the time such lands could be sold for delinquent taxes. Upon his failure to do so, or to pay any other lien that may attach to said lands and become superior to said mortgage, the commissioner may pay the same and the mortgage shall stand as security for such sums so paid and interest thereon at 8 per cent per annum. And said mortgage shall further provide that in default of the payment of any interest or the payment of taxes, or other superior liens, as aforesaid, the commissioner may foreclose the premises pursuant to the laws of the State in which the land is situated. All papers necessary for the foreclosure proceedings shall be prepared and premises foreclosed by the proper law officer of the bureau. In lieu of foreclosure the commissioner may sell the mortgage to any person desiring to purchase the same, without recourse, and the money so received shall be covered into said fund. Upon foreclosure, the said commissioner may transfer and assign the certificate of sale to any purchaser, and after the period of redemption has expired, may sell the lands. And any sum received therefor shall in like manner be covered into said fund.

SEC. 9. That it is the purpose of this act not only to secure and facilitate borrowing upon agriculturel lands at a reasonable rate of interest, but also to afford a means for those who desire a safe investment, and so long as the said bureau shall be able to dispose of bonds at par it shall accept mortgages presented to any extent above the $10,000,000 hereby appropriated.

SEC. 10. That said bonds shall be negotiable in form, and transferable by indorsement, and may be bought and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act, approved December 23, 1913, and may also be received as collateral for the issue of Federal reserve notes under the provisions of section 16 of said act.

SEC. 11. That the word "mortgage" shall be construed to include deeds of trust or any other instruments of security on agricultural lands.

SEC. 12. That the Secretary of the Treasury shall make all needful rules and regulations to carry out the provisions of this act.

SEC. 13. That this act shall take effect from and after its passage and approval.

Mr. HOLLIS. Mr. President, the subject of rural credits applied in the one phase of land mortgage credits is very large; it covers a very wide field, and I shall not attempt to discuss it to any extent to-day. I wish to say, however, following the remarks of the distinguished Senator from North Dakota [Mr. MCCUMBER] that I have had the honor of serving with four different committees—subcommittees, joint committees, and committees of the Senate—on the subject of rural credits in the last two and a half years. The bill that the Committee on Banking

and Currency has reported is the result of the labors of those committees.

I wish the subject were so simple and so easily disposed of as the distinguished Senator from North Dakota seems to think it is; but my mind goes back to some years ago, when the Republican Party was in control of the Government; and if the problem had been as simple as the Senator thinks it is, that party would have doubtless extended to the farmers the relief which the Senator now advocates.

The measure which has been reported by the joint committee to the Senate and to the other House and by the Senate Banking and Currency Committee to the Senate is the result of an investigation of all existing systems; and at the proper time I think I shall be able to satisfactorily explain to the Senate in detail every provision of that bill.

Before I take my seat I desire to say that the address we listened to yesterday made by the Senator from Texas [Mr. SHEPPARD] and the address we have listened to to-day from the Senator from North Dakota [Mr. MCCUMBER] show the diversity of views that may be entertained on this subject. The Senator from Texas would have us adopt the German landschaft system in its entirety; the Senator from North Dakota would have the Government make direct loans to the farmers. Those two addresses represent the two opposite sides of the question, and I think I shall be able to show that the bill recommended by the Senate committee represents the medial road between those two extremes and represents the true American system.

FEDERAL JUDGES.

Mr. SMITH of Georgia. Mr. President, a few days ago, when Senate bill 706 was before the Senate, the Senator from Utah [Mr. SUTHERLAND] put in the RECORD the report of the minority of the House committee. I wish to make a brief reply to that report, and I will be glad to do so this morning; but if it will necessitate a call for a quorum, I would rather yield at once to the Indian appropriation bill. I shall only ask to take up Senate bill 706 to present a brief reply, and then I shall not desire to keep the bill longer before the Senate at this time. I now ask that Senate bill 706 be laid before the Senate.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Chair lays before the Senate a bill the title of which will be stated.

The SECRETARY. A bill (S. 706) to amend section 260 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMITH of Georgia. Mr. President, I desire to reply briefly to the minority report of a member of the House Judiciary Committee, which was read in the Senate at the request of the Senator from Utah.

The House minority report is based principally upon the contention that this bill is "an attempt to evade, if not a direct violation, of the Constitution of the United States."

The House minority report urges that the provision in the bill which allows the old judges to be assigned to special work and places the responsibility upon the new judges to perform the burden of the work deprives the old judges of their offices.

It, in effect, claims that the performance of all the duties of a circuit or district judge is essential to a continuation in the office of a circuit or district court judge.

It also asserts that the "good behavior" referred to in the Constitution means "good moral conduct," and followed to its logical consequence means that a judge, no matter how old and how inefficient, mentally or physically, if his moral conduct is still good, can not be relieved by Congress from any of the duties pertaining to the office.

If this position were sound, the Constitution has authorized Congress "from time to time" to ordain and establish inferior courts and has left no power vested in Congress to provide for the efficient administration of the business of the courts.

When a district is created and provision made for the appointment of a judge for the district, it is reasonable to suppose that the judicial work of the district is sufficient to occupy the time of a man, able mentally and physically.

The argument of the minority report leads to the conclusion that this judge must be left in charge of all the business of a district, or, at least, authorized to interfere with all the business, although he has ceased to possess the mental and physical capacity to do the work, it only being necessary that his moral conduct should be good.

Such a construction of the Constitution would defeat the due administration of justice.

The minority report in the House refers to the case of Martin against Hunter (1 Wheat., p. 328). In the same decision Justice Story uses the following language:

The judicial power of the United States shall be vested (not may be vested) in one Supreme Court and in such inferor courts as Congress may from time to time ordain and establish. Could Congress have lawfully refused to create a Supreme Court or vest in it the constitutional authority? * * * The judicial power must, therefore, be vested in some court by Congress, and to suppose that it was not an obligation binding upon them but might at their pleasure be kept or declined, is to suppose that under the sanction of the Constitution they might defeat the Constitution itself. * * * They might establish one or more inferior courts. They might parcel out the jurisdiction among such courts from time to time at their own pleasure, but the whole judicial power of the United States should be at all times vested in either original or appellate form in some courts created under its authority.

Inferior courts, by the terms of the Constitution, are to be ordained and established from time to time as Congress may see fit. The Constitution does not say they are to be ordained and established and stop there, but the words "from time to time" are used, that the power and duty to change after they are ordained and established may clearly be preserved to Congress.

Congress speaking for the people fixes the jurisdiction of the courts, changes the courts, abolishes them if it sees fit, classifies the work in the court if it sees fit. Indeed, it has unlimited authority with reference to the jurisdiction of the courts and the work of the judges, except that a judge is to hold his office during "good behavior."

This bill in no sense takes the office of judge away from an older judge, but it requires that when an old judge ceases to be able to efficiently administer the business of the court, a new judge shall be appointed.

If it is the constitutional duty of Congress to provide courts in which the judicial responsibilities of the Government are to be enforced, it follows as a necessary consequence that the duty rests upon Congress to see that those courts are open for the trial of causes, civil and criminal, and that opportunity through them is given for the efficient administration of the business required to be performed in the courts.

If the work requires an additional judge Congress should provide for his appointment, and it follows necessarily that the power is in Congress to distribute the work between the judges.

This bill provides that where a judge of a circuit or district court has passed 70 and is entitled to retire on full pay but fails to do so there shall be an additional judge appointed where required to give efficiency to the administration of the business of the court.

The bill then provides for the distribution of the work between the two judges.

It places the burden of the work on the new judge and leaves the old judge to do such work as may be specially assigned to him, and for which his age, ability, and strength fit him.

As there are to be two judges in a single district, provision for the distribution of the work between them is essential. Otherwise, conflicts between the judges would be inevitable.

The Constitution does not say that a judge after appointment must retain all the work of the office, or that Congress can not classify the work between two judges. It only provides that the old judge shall retain office. The entire control of the subject, barring the right of the judge to hold office during good behavior, is with Congress.

The only limitation on the power of Congress is the provision which gives the judge a life position if his behavior is good.

Legislation by Congress exercising the fullest power of providing additional judges and providing for the classification of their work, has heretofore been passed in a number of instances.

Special acts have been passed, due in each instance to the age or the infirmity of a judge, by which provision has been made for the appointment of a second judge for the same court. These acts have provided further that the presiding judge of the circuit court of appeals may distribute the work.

The Judicial Code contains a provision that wherever two judges have been appointed in the same district the chief judge of the circuit court of appeals of the circuit can assign work to each if they do not agree with reference to a division.

Congress not only has asserted the power to distribute the work between two judges in a district but it has authorized the power of distribution to be exercised by a judge of the circuit court of appeals.

Before the creation of the circuit court of appeals, circuit court judges did nisi prius work and had nisi prius jurisdiction throughout their circuits. This jurisdiction was largely taken from them, and they were left only to serve in nisi prius when specially designated by the Chief Justice of the Supreme Court.

Congress established the Court of Commerce, and provided a certain number of judges of the circuit court of appeals to sit upon this court.

Afterwards it abolished the Court of Commerce and left these judges afloat to do only such work as might be assigned to them by the Chief Justice.

Judges who formerly presided over the Commerce Court are now judges assigned to no circuit court of appeals. They are

judges afloat. They do only work when specially assigned to it. Do they still hold their offices?

When one of them is assigned by the Chief Justice to preside in any circuit or to hold a nisi prius court, is he not still a judge of the circuit court of appeals?

The question answers itself.

After the bill now before the Senate passes and one of the older circuit court judges or district court judges is assigned to a special piece of work, either by the presiding judge of the circuit court of appeals or by the Chief Justice of the Supreme Court of the United States, does anyone question that under this legislation he could perform the duties to which he was assigned?

If this is true, then he still retains the office which he now holds, and this legislation does not take from him his office, and clearly, therefore, it does not violate the provision of the Constitution which guarantees a judge to hold office during good behavior.

Once more I call attention to the fact that this legislation was recommended by Mr. Attorney General McReynolds, and also recommended twice by Mr. Attorney General Gregory. We have, therefore, the opinion of the Department of Justice, three times given, that this law is constitutional; that the legal position taken by the minority report of the House is unsound and that legislation is necessary to prevent the administration of justice from suffering as a consequence of judges remaining upon the bench long beyond the time when they are capable of adequately discharging their duties.

INDIAN APPROPRIATIONS.

Mr. ASHURST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. SMOOT. Mr. President, there are only about half a dozen Senators in the Chamber, and perhaps many Senators do not know that the Indian appropriation bill is up. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Page	Stone
Borah	Kenyon	Pittman	Sutherland
Brandegee	Kern	Poindexter	Swanson
Catron	Lane	Pomerene	Thomas
Chamberlain	Lippitt	Saulsbury	Thompson
Chilton	Martin, Va.	Shafroth	Townsend
Clapp	Martine, N. J.	Sheppard	Underwood
Cummins	Myers	Sherman	Vardaman
Curtis	Nelson	Shields	Wadsworth
Hardwick	Norris	Simmons	Walsh
Hitchcock	Oliver	Smith, Ga.	Warren
Hollis	Overman	Smoot	Williams
Husting	Owen	Sterling	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER], who is unavoidably detained because of official business. He is paired with the junior Senator from Idaho [Mr. BRADY].

I also desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES]. He is absent from the city.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF], on account of illness.

Mr. STONE. I announce the absence of my colleague [Mr. REED], who has been called from the city on important business. I wish to have this announcement stand for the day.

Mr. CATRON. I wish to announce the unavoidable absence of my colleague [Mr. FALL], who probably will be absent for several days.

The PRESIDING OFFICER. Fifty-one Senators have responded to the roll call. A quorum is present.

Mr. ASHURST. I ask that the Secretary resume the reading of the bill.

The reading of the bill was resumed, at line 21, on page 71.

The next amendment of the Committee on Indian Affairs was, on page 72, after line 12, to insert:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1917: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 72, after line 22, to insert:

The authority contained in the act of March 3, 1911 (36 Stats. L., pp. 1058–1070), for the use of the interest accruing on funds of the Five Civilized Tribes on deposit in banks to defray expenses of per capita payments to the Indians of the proceeds of the sale of their surplus unallotted land, shall be deemed sufficient to include salaries and wages of any employees actually and necessarily engaged in the work of making such per capita payments.

The amendment was agreed to.

The next amendment was, on page 74, line 20, after the word "prescribe," to insert "*And provided further*, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1917, to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $35,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stats. L., p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1917, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to pay the cost of maintenance during the current fiscal year of the tribal and other schools and to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe: *And provided further*, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1917, to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

The amendment was agreed to.

The next amendment was, on page 75, after line 22, to insert:

For the salaries and expenses of not to exceed six oil and gas inspectors, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000.

Mr. ASHURST. Mr. President, on page 76, line 1, after the word "allotted," I move to insert "or tribal"; and after the words "lands" I move to insert "in the State of Oklahoma"; and I move to strike out the words "leased by members of the Five Civilized Tribes," so that, if amended, it will read:

Allotted or tribal lands in the State of Oklahoma.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 76, line 1, after the word "allotted," it is proposed to insert "or tribal"; after the word "lands," to insert "in the State of Oklahoma," and to strike out the words "leased by members of the Five Civilized Tribes."

Mr. SMOOT. Mr. President, that is a restriction, and I should like to ask the Senator in charge of the bill why it should be made. Why not allow the appropriation to be used as provided for in the amendment, and apply to all members of the Five Civilized Tribes, rather than the way the Senator now proposes?

Mr. ASHURST. If the Senator is correct in his view, I have no objection. At present it would relate and restrict the matter solely to the lands leased by members of the Five Civilized Tribes, whereas if the amendment which I have proposed were adopted it would apply to allotted or tribal lands leased in the whole State of Oklahoma, whether of the Five Civilized Tribes or otherwise.

I think, if the Senator will pardon me, this is an enlargement, and the way it is written in the bill it is a restriction.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I hope the amendment offered by the Senator from Arizona to the amendment will not be agreed to. It is limited to the lands allotted and unallotted to the Five Civilized Tribes, and if you extend it and let it apply to all of

Oklahoma you will have to increase the force very materially, in my judgment.

Mr. ASHURST. I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The Senator from Arizona withdraws the amendment to the amendment. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 76, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to effectuate a compromise settlement of the suit of the United States *v.* E. Dowden and others decided adversely to the Government on January 4, 1915, by the United States Circuit Court of Appeals for the Eighth Circuit and now pending on appeal in the Supreme Court of the United States, and for said purpose to purchase whatever right, title, and interest that said E. Dowden may have in or to the land involved in said suit, said land being situated within the area segregated for town-site purposes at Tuttle, Okla., and to take such other action as may be necessary to quiet the title in the Choctaw and Chickasaw Nations to said land and in the purchasers from said nations at the Government sale of the town lots; and for the above purpose the sum of $57,500, together with interest thereon at the rate of 6 per cent per annum from February 24, 1916, to date of settlement, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That the United States is to be reimbursed to the extent of the proceeds heretofore derived, or which may hereafter be derived, from the sale of the town lots within the area affected by such compromise settlement.

Mr. SMOOT. Mr. President, it is very seldom that the rate of interest is provided in any bill passed by Congress. I will ask the Senator from Oklahoma to state why a rate of interest at 6 per cent is included in this amendment.

Mr. OWEN. It is because of an agreement made between the Government and Dowden, who has recovered judgment against the Government.

Mr. SMOOT. Is the interest to run only from the date of the judgment?

Mr. OWEN. From the date of the agreement. They made a compromise agreement, subject to approval by Congress, and the Government officials say if the agreement does not go through it will probably subject the Government to additional costs, amounting in all to a sum in the neighborhood of $100,000.

Mr. SMOOT. I am not objecting to the amendment.

Mr. OWEN. I know the Senator is entirely right in regard to the United States paying interest on any obligation, but this is not an obligation of the United States primarily; it is a judgment against the United States for a much larger sum, and this is a compromise agreement which the Government officers have made, and, if it is accepted by Congress, interest should be paid from that date.

Mr. SMOOT. It bears interest only from the date of the agreement?

Mr. OWEN. That is all.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," on page 77, line 12, to change the number of the section from 19 to 20.

The amendment was agreed to.

The next amendment was, on page 77, line 24, after the word "improvements," to strike out "$12,000; for remodeling sewer system, $5,000; in all, $119,000" and insert "$15,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200; for new laundry machinery, $2,000; for one new rotary brick oven, $1,800: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $135,500," so as to make the clause read:

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,000; for general repairs and improvements, $15,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200; for new laundry machinery, $2,000; for one new rotary brick oven, $1,800: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $135,500.

The amendment was agreed to.

The next amendment was, on page 78, line 25, after the word "act," to strike out "in the discretion of the Secretary of the Interior, shall be deposited in the Treasury to the credit of said Indians" and insert "shall be paid, share and share alike, to the enrolled members of the tribe," so as to make the clause read:

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, $4,000: *Provided*, That section 3 of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation in the State of Oregon," approved May 13, 1910, be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 3. That when such lands are surveyed and platted they shall be appraised and sold, except land reserved for water-power sites as provided in section 2 of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expense incurred in carrying out the provisions of this act, shall be paid, share and share alike, to the enrolled members of the tribe."

The amendment was agreed to.

The next amendment was, on page 79, after line 11, to insert:

That the sum of $1,000, or so much thereof as may be necessary, of the tribal funds of the Klamath Indians of the State of Oregon, is hereby appropriated to pay the actual expenses of the two delegates of the said tribe who have been elected by the general council of the Klamath Indians to attend to the business of the tribe and pay their expenses to Washington in February and March, 1916, to present the affairs of the said Klamath Indians of the State of Oregon to the officials of the United States.

The amendment was agreed to.

The next amendment was, on page 79, after line 20, to insert:

For the construction of a bridge across the Williamson River on the Klamath Indian Reservation, Oreg., $3,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended, reimbursable to the United States by the Indians having tribal rights on said reservation, and to remain a charge and lien upon the lands and funds belonging to said Indians until paid.

The amendment was agreed to.

The next amendment was, on page 80, line 14, after the words "at least," to strike out "one-third" and insert "one-half," so as to read:

For the construction of two bridges on the Umatilla Indian Reservation, in Oregon, suitable for wagon and other purposes, across the Umatilla River, at a limit of cost of $28,000, the first at or near Thorn Hollow Station, the second at or near Mission Station, the sum of $18,666 is hereby appropriated to be expended under the direction of the Secretary of the Interior and to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of said Indians: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Oregon, or from the county of Umatilla, at least one-half of the cost of said bridges, and that the proper authorities of the said State of Oregon or the said county of Umatilla shall assume full responsibility for, and agree at all times to maintain and repair, said bridges and construct and maintain the approaches thereto: *Provided further*, That any and all expenses above the amount herein named in connection with the building and maintenance of said bridges shall be borne by the said State of Oregon or the said county of Umatilla.

The amendment was agreed to.

Mr. ASHURST. May I ask the attention of the Senator from Oregon [Mr. LANE]? In line 7, page 80, I move to strike out the numerals "$18,666" and insert "$14,000."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 80, after line 22, to insert:

That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Klamath Band of Indians, or other bands of Indians residing in the State of Oregon, have against the United States; and such suit or suits as may be instituted hereunder shall, if the convenience of the court admit, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court exceed in amount such sum or sums as may have been fixed therefor under the terms of any contract entered into between the Indians and their attorney in conformity with section 2103 and the following of the Revised Statutes of the United States for the prosecution of their claim.

The amendment was agreed to.

The next amendment was, under the head of "Pennsylvania," on page 81, line 22, to change the number of the section from "20" to "21."

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," on page 82, line 2, to change the number of the section from 21 to 22; in line 4, after the word "superintendent," to strike out "$61,500" and insert "$62,955"; and in line 5, after the words "in all," to strike out "$67,500" and insert "$68,955: *Provided*, That the unexpended balance of the $10,000 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school," so as to make the clause read:

SEC. 22. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $62,955; for general repairs and improvements, $6,000; in all, $68,955: *Provided*, That the unexpended balance of the $10,000 appropriated by the act approved August 1, 1914, for repairing buildings and re-

placing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school.

The amendment was agreed to.

The next amendment was, on page 82, line 19, after the word "new," to strike out "boiler" and insert "boilers"; in line 20, after $1,000, to strike out "in all, $55,750" and insert "for barn, $5,000; in all, $60,750," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, $43,750; for general repairs and improvements, $6,000; for steel water tank, $2,000; for new boilers and installation thereof, $3,000; for addition to shop building, $1,000; for barn, $5,000; in all, $60,750.

The amendment was agreed to.

The next amendment was, at the top of page 84, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to provide adequate school facilities for Indian children now without Government or public-school facilities in the Sioux Indian country, and there is hereby appropriated $250,000 for this purpose, which shall include the purchase of necessary sites, to be immediately available.

Mr. GRONNA. The hyphen between "public" and "school" in line 3 should be stricken out.

The PRESIDING OFFICER. It will be so ordered. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment was, under the head of "Utah," on page 85, line 14, to change the number of the section from 22 to 23.

The amendment was agreed to.

The next amendment was, on page 87, after line 9, to insert:

For a proportionate share of the amount required to construct an interstate wagon road or highway through the Kaibab Indian Reservation, Utah, the sum of $9,000: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper in the employment of Indian labor for the construction of said road or highway.

The amendment was agreed to.

The next amendment was, on page 87, line 22, after the word "expended," to insert:

Provided, That this appropriation shall be used to hold, maintain, and operate said systems so as to secure to the Indians their paramount rights to so much of the waters of the streams in said reservation as may be needed by them for agricultural and domestic purposes, and to regulate the use, enlargement, and extension of said systems by any person, association, or corporation under the provisions of the act of June 21, 1906 (34 Stat. L., p. 325), only upon the acquisition of a right thereto as provided in the act of March 1, 1899 (30 Stat. L., p. 941).

So as to make the clause read:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, reimbursable as therein provided, $40,000, to remain available until expended: *Provided*, That this appropriation shall be used to hold, maintain, and operate said systems, etc.

Mr. SMOOT. I make a point of order on the proposed amendment, the proviso beginning on page 87, line 23, down to and including line 10 on page 88.

The PRESIDING OFFICER. What is the point of order?

Mr. SMOOT. The point of order is that it is legislation on an appropriation bill.

Mr. ASHURST. I confess that the amendment is subject to the point of order. I admit that.

The PRESIDING OFFICER. The Chair sustains the point of order.

The next amendment was, on page 88, after line 10, to insert:

To reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils at the Washakie School, Box Elder County, during the school year of 1913 and 1914, and for the education of 21 Indian pupils at the same school during the school year of 1914 and 1915, $1,684.

The amendment was agreed to.

The next amendment was, on page 88, after line 18, to insert:

For the education of 22 Indian pupils at the Indian school at Washakie, Box Elder County, for the school year 1915 and 1916, or so much thereof as may be necessary, $832.

The amendment was agreed to.

The next amendment was, on page 88, after line 22, to insert:

To enable the Secretary of the Interior to protect the north abutment of the Government bridge at Myton, Utah, from high water, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 89, line 2, to change the number of the section from 23 to 24.

The amendment was agreed to.

The next amendment was, on page 89, line 15, after the word "Washington," to strike out "$13,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Indians at Colville, Taholah, Puyallup, and Spokane Agencies, including pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $15,000.

The amendment was agreed to.

The next amendment was, on page 94, after line 5, to insert:

That there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $95,000, to be used by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior, in the acquisition of water rights for the lands heretofore allotted to Indians, situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash., and for the payment of the proportionate operation and maintenance charges of the said district. The Secretary of the Interior is authorized to negotiate for said water rights and to pay therefor as he may deem appropriate, such part of the sum herein appropriated as he may determine to be necessary for the best interests of the Indians: *Provided*, That nothing herein contained shall be construed to authorize any lien or claims upon or against said allotted lands not herein specifically appropriated for: *Provided further*, That the amounts expended under this appropriation shall be reimbursed to the United States by the owners of the land on behalf of which such expenditure is made, upon such terms as the Secretary may prescribe, which shall be not less favorable to the Indians than the reimbursement required of settlers upon lands irrigated under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. L., p. 388), and acts amendatory thereof or supplementary thereto; and if any Indian shall sell his allotment or part thereof, or receive a patent in fee for the same, any amount of the charge made to secure reimbursement remaining unpaid at the time of such sale or issuance of patent shall be a lien on the land, and patents issued therefor shall recite the amount of such item.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 95, line 13, to change the number of the section from 24 to 25.

The amendment was agreed to.

The next amendment was, on page 96, after line 3, to insert:

There is hereby appropriated the sum of $95,000, to be used in addition to the tribal funds of the Stockbridge and Munsee Tribes of Indians, for the payment of the members of the Stockbridge and Munsee Tribes of Indians who were enrolled under the act of Congress of March 3, 1893, equal amounts to the amounts paid to the other members of said tribe prior to the enrollment under said act, and such payments shall be made upon the certificate and order of the Commissioner of Indian Affairs upon claims being filed with him, showing to his satisfaction that such claimants, or the ancestors of such claimants, were enrolled under the act of March 3, 1893, entitled, "An act for the relief of the Stockbridge and Munsee Tribes of Indians of the State of Wisconsin."

The amendment was agreed to.

The next amendment was, on page 96, after line 18, to insert:

For the purchase of pure-bred dairy cattle for the Oneida Indian School, Wisconsin, $10,000.

The amendment was agreed to.

The next amendment was, on page 97, line 12, after the word "self-supporting," to insert:

Provided, That in order to train said Indians in the use and handling of money, not exceeding $25,000 of the above appropriation may be paid to them per capita, or be deposited to their credit subject to expenditure in such manner and under such rules and regulations as the Secretary of the Interior may prescribe.

So as to make the clause read:

For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the Act of Congress approved June 30, 1913, $100,000, or so much thereof as may be necessary, said sum to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in House document No. 830 (60th Cong., 1st sess.), and the Secretary of the Interior is hereby authorized to expend the said sum of $100,000 in the clearing of land and the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting: *Provided*, That in order to train said Indians in the use and handling of money, not exceeding $25,000 of the above appropriation may be paid to them per capita, or be deposited to their credit subject to expenditure in such manner and under such rules and regulations as the Secretary of the Interior may prescribed.

The amendment was agreed to.

The next amendment was, on page 97, after line 17, to insert:

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, in full settlement of the claims against the United States of the St. Croix Chippewa Indians of Wisconsin whose names appear upon the final roll prepared by the Secretary of the Interior pursuant to the provisions of the act of Congress approved August 1, 1914, and which final roll is contained in the report of the Secretary of the Interior to the House of Representatives, dated March 3, 1915, the same being House Document No. 1663 (63d Cong., 3d sess.). That the Secretary of the Interior is hereby authorized and directed to distribute said funds per capita among said Indians appearing upon said final roll, or in his discretion, the per capita share of each said Indian may be credited to him and expended by said Secretary for his benefit in such manner, including the purchase of land, as he may deem proper: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized and directed to strike from the said final roll of the St. Croix Chippewas the name of Maggie Staples, No. 39 thereon, and also to strike therefrom the name or names of any other Indians who shall hereafter be found to have received an allotment of lands on any Indian reservation: *And provided further*, That no part of the money hereby appropriated shall be paid to any persons whose names shall be so stricken from the final roll by the Secretary of the Interior.

Mr. CURTIS. I make a point of order against that amendment that it is a claim.

The PRESIDING OFFICER. What is the point of order?

Mr. CURTIS. It is a claim. It is shown on the face of the item that it is a claim, which has no place on an appropriation bill.

Mr. CLAPP. Mr. President, just a moment. This is an item that does not pertain of course to my State. It was put on, I think, by request of the senior Senator from Wisconsin [Mr. LA FOLLETTE]. He is not here. I should like to call the attention of the junior Senator from Wisconsin [Mr. HUSTING] to the amendment.

Mr. HUSTING. Mr. President, I did not hear the statement of the Senator from Minnesota on this side of the Chamber.

Mr. CLAPP. We are now on page 97 of the bill, embracing the appropriation of $125,000 for the St. Croix Chippewa Indians of Wisconsin, to which item a point of order has been made by the Senator from Kansas [Mr. CURTIS] and to which I wish to invite the attention of the junior Senator from Wisconsin [Mr. HUSTING], his colleague [Mr. LA FOLLETTE] not being present. I am not certain whether or not the junior Senator from Wisconsin is familiar with the matter.

Mr. HUSTING. I will say to the Senator from Minnesota that I am not familiar with it.

Mr. CURTIS. Mr. President, I might say to the Senator from Wisconsin that there is no question that this item is a claim. I would not raise the point of order against it if it were not for the fact that the membership rolls in this case have not yet been fully settled, and it seems to me that it would be unwise to put a claim on an appropriation bill until we fully know where the money is going and until such rolls are fully settled.

Mr. HUSTING. Mr. President, I desire to say that the senior Senator from Wisconsin will return early next week, and I would suggest to the Senator that the item be passed over for the present.

Mr. ASHURST. I will say to the Senator from Wisconsin that we are going to pass the bill to-day. Will the Senator from Kansas withdraw his point of order for 20 or 30 minutes, so that I may furnish the Senator from Wisconsin certain data that the committee had before it when it acted on the question?

The PRESIDING OFFICER. Does the Senator from Kansas accede to the suggestion of the Senator from Arizona?

Mr. CURTIS. Mr. President, I am perfectly willing, if it is so desired, to pass the amendment over for the present, but whenever the amendment is considered I shall insist on the point of order, and I thought we might as well settle it now as any other time.

The PRESIDING OFFICER. Is there objection to the amendment being passed over temporarily? The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 99, line 9, after the word "prescribe," to insert:

Provided, That no lands shall be cleared for agricultural purposes, pursuant to the foregoing provision, excepting such lands as have been heretofore completely and wholly cut over.

So as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of $300,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to expend the same in the clearing of land, the erection of sanitary homes, and the purchase of building material, seed, teams, farming equipment, dairy stock, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting, under such regulations as he may prescribe: *Provided*, That no lands shall be cleared for agricultural purposes, pursuant to the foregoing provision, excepting such lands as have been heretofore completely and wholly cut over.

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

Section 3 of the act of March 28, 1908 (35 Stat. L., p. 51), is hereby amended to read: "That the lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp wood, and other marketable materials obtained from the forests on the Menominee Reservation shall be sold under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of all forest products shall be deposited in the Treasury of the United States to the credit of the Menominee Tribe of Indians. Such proceeds shall bear interest at the rate of 4 per cent per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

The amendment was agreed to.

The next amendment was, on page 100, after line 2, to insert:

That, without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Washington has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land, and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party who shall finally be adjudged to be the owner of such land: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

Mr. WALSH. Mr. President, that seems to me rather a strange provision, and I should like to have a little explanation of it. Apparently there is a controversy between the United States, as the representative of the Indians, and the State of Wisconsin as to the ownership of this land, and it is provided that the timber shall be sold and the amount of proceeds deposited.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Vermont?

Mr. WALSH. Certainly.

Mr. PAGE. I want to say to the Senator from Montana that I have personally visited this reservation, and I confess that it is unlike any other reservation in the United States, and this legislation is unlike any other legislation. The purpose of this legislation is to try out the management of a lumber project by the Indians themselves. I think a great deal of honest labor has been devoted to this matter to see if we could not make it practicable for the Indians to conduct their own business affairs. I think, although I am not certain about it, that if the Senator should go to the bottom of this matter and make a careful investigation he would find that there is nothing wrong in the proposed legislation, and that the proposed experiment ought to be tried out. I know that for a few years this experiment proved to be a bad failure. A large mill was built at Menomonie, which was run by the Indians, with the exception of white superintendents. The loss at first, I think, was quite large, but I have recently been informed by the Senator from Wisconsin [Mr. LA FOLLETTE] that much improvement is being made in the management of this enterprise and that it now bids fair to be a success. I hope the Senator from Montana will allow the experiment to be tried out still further, especially since it is the wish of the Wisconsin Senators that this be done.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. PAGE. I yield?

Mr. CURTIS. I want to state that this is an amendment relating to the sale of timber. Under the existing law such timber must be sold at public auction to the highest bidder for cash, while other people who have timber for sale are selling it on time. As a result of that law, the Indians are losing $50,000 a year. The department believes that this amendment will enable the Indians to sell their timber in competition with others and to thereby obtain purchasers. There is great danger to the timber that is reserved. There are now over 45,000,000 feet of it that is liable to the ravages of fire, because it can not be sold for cash. I understand that the department is very anxious to have the proposed amendment made in the act of 1908.

Mr. ASHURST. If the Senator from Vermont will permit me, I will state that the proposed sale will in no wise interfere with the litigation, because the proceeds of the sale will be deposited and await the result of the litigation. I read a short extract in reference to the matter as follows:

House hearings, page 408; Senate hearings, page 523.

The justification for this item is found on page 408 of the House hearings. The timber in that country has been very largely manufactured, and unless this timber on the school lands and swamp lands where there is controversy as to the ownership is sold soon the opportunity for selling it at the highest price may not be much longer available. The provision was in the bill last year and was agreed to by the conferees. Suits have been instituted involving the title to the timber, and it is thought best to sell it, cover the money received into the banks under proper security to the Government, and hold it subject to the termination of the litigation. The emergency exists for the sale at the present state of the lumber market, when the best price likely to be had will be received.

Mr. CURTIS. Mr. President, I want to correct the statement which I made. I thought the question was on the amendment at the bottom of page 99, beginning in line 13, on that page, and ending in line 2, on page 100. My statement applied to that amendment. I know nothing about the other amendment.

Mr. PAGE. I also wish to say that it was to the amendment to which the Senator from Kansas has just referred that I was addressing my remarks—to the clause relative to the Menominee Reservation in Wisconsin. I now find that that amendment has been agreed to.

Mr. WALSH. Mr. President, I was about to remark that the explanation made by both the Senator from Vermont [Mr. PAGE] and the Senator from Kansas [Mr. CURTIS] seemed to be quite inconsistent with the language of the amendment.

I will say, however, that I was not speaking about the wisdom of the proposition from an economic standpoint; it may be a very good thing to authorize the sale of this timber; but evidently here is the situation: There is a controversy between the United States, representing the Indians, on the one side, and the State of Wisconsin on the other, concerning the ownership of this timber, and it is proposed to sell the timber and to put the proceeds of the sale into a court to await the event of that litigation.

Mr. OWEN. That is by consent of the parties.

Mr. WALSH. It is as to that I wished to inquire.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 100, after line 17, to insert:

The allotment of any Indian on the Lac du Flambeau Reservation, in the State of Wisconsin, or any part of such an allotment, with the consent of the allottee, or in case of death, of his heirs, may be leased for residence or business purposes for terms not exceeding 20 years, under such rules and regulations as the Secretary of the Interior may prescribe, and with the consent of the Indians of the Lac du Flambeau Tribe, to be obtained in such manner as the Secretary of the Interior may require, the unallotted tribal lands within the said reservation may be leased under like conditions and for similar terms and purposes.

The amendment was agreed to.

The next amendment was, on page 101, after line 3, to insert:

For the repair and construction of sidewalks in the village of Odanah, within the Bad River Reservation, $1,000, said sum to be reimbursed to the United States from any moneys which are now or which may hereafter be placed to the credit of the Bad River Band of Wisconsin Chippewa Indians.

The amendment was agreed to.

The next amendment was, on page 101, after line 9, to insert:

For the completion of the road on the Red Cliff Reservation, $6,500, to be reimbursed out of the funds of the Indians of said reservation, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," on page 101, line 5, to change the number of the section from 25 to 26.

The amendment was agreed to.

The next amendment was, on page 102, line 5, after the word "Wyoming," to strike out "$1,721.66" and insert "$1,721," so as to make the clause read:

For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyo., $1,721.

The amendment was agreed to.

The next amendment was, on page 102, line 18, after the words "Wind River Reservation," to insert "including the ceded lands of said reservation," and in line 20, after the word "Wyoming," to strike out "$3,000" and insert "$5,000," so as to make the clause read:

To enable the Secretary of the Interior to have prepared and submitted to Congress at the beginning of the next regular session plans and estimates of the character and cost of structures necessary for completing the irrigation of all of the irrigable lands of the Shoshone or Wind River Reservation, including the ceded lands of said reservation, in Wyoming, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 103, to insert:

For the payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools, October 21, to November 11, inclusive, 1912, $257.

The amendment was agreed to.

The next amendment was, on page 103, after line 4, to strike out:

SEC. 26. Annually on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives estimates of the amounts of receipts to, and expenditures which the said Secretary recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That from and after July 1, 1917, the Secretary of the Interior shall not expend any of the moneys which may be to the credit of any Indian tribe, whether received or held as a tribal fund or otherwise, except such amounts as are specifically authorized by Congress, and that all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 104, after line 8, to insert as a new section the following:

SEC. 27. That section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103), is hereby amended so as to read as follows:

"On or before the 1st day of July, 1917, the Secretary of the Interior shall cause a system of bookkeeping and accounting to be installed in the Bureau of Indian Affairs which will afford a ready analysis of expenditures by appropriations and by units of the service, showing for each activity or class of work the expenditures for salaries and wages of employees; construction, repair, and rent of buildings; traveling expenses; transportation of supplies; stationery, printing, and binding; telegraphing and telephoning; heat, light, and power service; dry goods, clothing, and subsistence; purchase, repair, and operation of passenger-carrying vehicles; equipment; fuel; forage; schoolroom supplies, medical supplies; and for other purposes. Such further analysis and such additional changes and improvements in the system of bookkeeping and accounting shall be made as may be advisable in the judgment of the said Secretary.

"On the first Monday in December, 1918, and annually thereafter, a detailed statement of expenditures, as heretofore described, for the preceding fiscal year shall be transmitted to Congress by the Secretary of the Interior.

"The sum of $12,000 is hereby appropriated for expenses of installing the new system of bookkeeping and accounting required by this section, including the pay of expert accountants, at a rate of not exceeding $15 per day, and their assistants, to be employed by the Secretary of the Interior; transportation and sleeping-car fare of such employees when traveling under orders of the Commissioner of Indian Affairs; and the purchase of such books, stationery, and other supplies as may be necessary."

Mr. LANE. I move to strike out all of that provision included between lines 5 and 18, on page 105, and to insert in its place a provision which I send to the desk. I move this amendment for the reason that there is an expenditure of $12,000 provided for installing a new system of bookkeeping, and I am informed that there is a board of efficiency organized especially for that purpose. If the work is turned over to that board, it will be done without any expense at all to the Government.

Mr. ASHURST. Let the amendment to the amendment which has been proposed by the Senator from Oregon be stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 105 it is proposed to strike out from line 5 to line 18, inclusive, as follows:

On the first Monday in December, 1918, and annually thereafter, a detailed statement of expenditures, as heretofore described, for the preceding fiscal year shall be transmitted to Congress by the Secretary of the Interior.

The sum of $12,000 is hereby appropriated for expenses of installing the new system of bookkeeping and accounting required by this section, including the pay of expert accountants, at a rate of not exceeding $15 per day, and their assistants, to be employed by the Secretary of the Interior; transportation and sleeping-car fare of such employees when traveling under orders of the Commissioner of Indian Affairs; and the purchase of such books, stationery, and other supplies as may be necessary.

And in lieu thereof to insert:

That on or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of accounting for the Bureau of Indian Affairs that will meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913, 38 Statutes at Large, page 103.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. SUTHERLAND. Mr. President, I do not quite understand the reference in the latter part of the proposed amendment. It refers to section 26 of the Indian appropriation act of 1913. Is not that section of that act superseded by the language of the amendment? It says:

That section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103), is hereby amended so as to read as follows.

The point is that the reference should be to this amendment, and not to the act of 1913, which is superseded.

Mr. LANE. That may be so.

Mr. SUTHERLAND. That is the only point of the suggestion.

Mr. LANE. I do not know as to that.

Mr. SUTHERLAND. It should say "in accordance with the foregoing," and not "in accordance with the act of June 30, 1913," which is superseded by this act.

Mr. ASHURST. Mr. President, I am in favor of this amendment, but I believe it should begin by striking out all after line 13, on page 104. Does that meet the views of the Senator from Utah?

Mr. SUTHERLAND. I do not know; I am not familiar with the statute; but the point is that if you leave in the provision which precedes the amendment, then the reference should be to this provision and not to the act which is superseded.

Mr. ASHURST. That is true.

Mr. SUTHERLAND. If you strike out the whole section and insert the amendment proposed by the Senator from Oregon, then the reference is correct.

Mr. LANE. Then I move to strike out the entire section. I am acquainted in a general way with the faults of the system. As I am reliably informed, the books have never been analyzed and no balance has ever been taken from them since the early foundation of the bureau. An expert was employed to check the books over, but he was unable to strike a balance. The department itself freely acknowledges that it can not do so and asks for the installation of a system which will allow their accounts to be handled in a proper and businesslike manner. I understand that there is a board or bureau provided by the Government for that purpose, and I do not see any reason why we shall expend $12,000 when it can be done without the cost of a penny. That is my object, and if it requires the striking out of the whole section to perfect my amendment, I will ask that that be done.

Mr. WALSH. Mr. President, upon what information does the Senator suggest to us that the recommendations of the Efficiency Commission will meet the necessities of the case?

Mr. LANE. All I know about it is that there is in operation a certain bureau of efficiency, and I am reliably informed by several Senators of whom I have made inquiry that it is competent to do the work. The department desires the task accomplished, and there is further evidence, as I said awhile ago, in the report of the special experts who failed to balance the books.

Mr. OWEN. I believe the Bureau of Efficiency was abolished, though as to that I am not certain.

Mr. LANE. I spoke to the senior Senator from Utah [Mr. SMOOT] a moment ago regarding the matter, and he assured me that the bureau was perfectly reliable and competent. Personally I do not know the members of it.

Mr. OWEN. Mr. President, I call the attention of the Senator from Oregon to the first part of section 27 as proposed, which requires the Secretary of the Interior to put into force before the 1st day of July, 1917, this system, and the second part of the proposal as made by him provides that the manner of the bookkeeping shall be prescribed by the Bureau of Efficiency or the board of efficiency experts, whoever they are. There are two different proposals entirely—one in relation to the form prescribed and the other that when it is prescribed it shall be put into effect. Does the Senator wish to leave the matter merely with the suggestion by the Efficiency Bureau as to form, without requiring it to be put into effect?

Mr. LANE. No. If the Bureau of Efficiency suggest a good plan, and it meets with the approval of Congress and the Secretary of the Interior, I think we ought to take measures to adopt it. The matter has been running along now for 80 years without any remedy, and this is merely a step in the right direction.

Mr. OWEN. I agree with the Senator that it should be done.

Mr. LANE. I know the Senator does. The Senator from Oklahoma referred to the matter before the Committee on Indian Affairs and made the same recommendation that I have made.

Mr. OWEN. I made such recommendation. I suggest that the amendment be agreed to, and then it can be adjusted in conference.

Mr. JONES. Mr. President, I understand we are now considering the amendment on page 103, to strike out section 26.

The VICE PRESIDENT. That has already been stricken out.

Mr. JONES. Has that amendment been agreed to?

The VICE PRESIDENT. It has been agreed to.

Mr. JONES. I am very sorry that that is the case. I did not realize that we had progressed that far. I should like to ask the chairman of the committee now as to why section 26 is stricken out? Why is it that we can not have an item in this bill that will require of the department a full and complete accounting of all moneys that it expends?

Mr. ASHURST. Mr. President, the Senate committee was of the opinion that the matter substituted, commencing on line 9, page 104, would provide a better, more efficient, and a more accurate method of accounting.

Mr. JONES. Then, section 27 is intended as a substitute for section 26.

Mr. ASHURST. That is the idea; section 27 is intended to be a substitute for the portion stricken out.

Mr. JONES. Let me ask the Senator, will section 27 require the Indian Office to keep and submit to Congress detailed statements of the moneys of the Indians which they expend for the benefit of the Indians, or does it only cover appropriations made by Congress?

Mr. LANE. I am informed, if the Senator will permit me, that section 27 will not accomplish that.

Mr. JONES. That is what I thought.

Mr. LANE. The provision in the amendment which I am offering as a substitute for this will allow that to be done.

Mr. JONES. The Senator is offering a substitute for the provision in the bill?

Mr. LANE. I am.

Mr. JONES. I am glad to know that, because I understand that the Indian Office always has been acting under authority given them possibly years and years ago. They have had to expend money for the benefit of the Indians, and have been spending thousands and thousands of dollars without rendering any accounting, and we can not get any accounting. That ought not to be permitted.

Mr. LANE. That, Mr. President, is my understanding. Not thousands, but hundreds upon hundreds of thousands have been expended without a report ever being made to Congress. We know nothing about it and can not secure the information.

Mr. ASHURST. Mr. President, if the Senator from Washington believes that the amendment offered by the Senator from Oregon [Mr. LANE] is not adequate and is insufficient to require the department to furnish the data he thinks should be furnished, and which I presume all think should be furnished, there is no objection whatever to so amending the provision that it will accomplish the object desired.

Mr. JONES. I will say that I could not think that the chairman of the committee would be opposed to the information being furnished.

Mr. ASHURST. Everybody is in favor of requiring the information to be furnished.

Mr. JONES. I do not know what the language of the amendment proposed by the Senator from Oregon is. I should like to have it again stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to add a new section to the bill, as follows:

SEC. 27. That on or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of accounting for the Bureau of Indian Affairs that will meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913. (38 Stat. L., 103.)

Mr. JONES. Mr. President, I do not know what the provisions of section 26 of the Indian appropriation act referred to are; I have not had time to look up that act; I do not know what that section requires; and I do not know whether or not the amendment meets the situation. I take it, however, that this matter can be adjusted pretty well in conference, and, in view of the opinion expressed here by the chairman of the committee, I have no doubt that there will be worked out in conference a reasonable, broad, comprehensive provision, and one that will take care of the situation. So I shall have nothing further to say regarding it.

Mr. ASHURST. Mr. President, I think I can present a solution of the difficulty, to which all Senators will agree. Let the Senate disagree to the amendment striking out section 26 and adopt the amendment proposed by the Senator from Oregon. That surely is so broad and so comprehensive that it is bound to include every possible fund concerning which accounting and reports should be made.

Mr. JONES. Does the Senator mean to disagree to the amendment striking out section 26?

Mr. ASHURST. Yes; disagree to the committee's amendment, which would restore section 26, and then add the amendment of the Senator from Oregon.

Mr. JONES. That would be satisfactory to me.

Mr. ASHURST. Then, the most remote excursion of the imagination could not possibly find anything concerning which the bureau would not be called upon to make reports.

Mr. JONES. That would be satisfactory to me.

Mr. OWEN. I desire to call the attention of the chairman of the committee to the fact that if the Senate disagrees to the amendment striking out section 26, that section will stand in the bill and will not be in conference. It will be necessary to agree to the amendment striking that section out in order to put the subject matter into conference.

Mr. JONES. I would rather not have it in conference; I would rather have section 26 agreed to; but, in view of the fact that I am advised by the President of the Senate that the amendment striking out section 26 has already been agreed to, I desire to express the hope that the conference committee will work the matter out satisfactorily.

Mr. ASHURST. Mr. President, one further word. Whatever form the amendment takes, I think we should make the appropriation of $12,000 to provide for sufficient clerks to carry out its provisions.

Mr. JONES. I am not opposing that at all.

Mr. ASHURST. I think that it will cost $12,000 a year for clerk hire to provide this information. I say that now, so that Senators may be advised.

Mr. JONES. We ought to have the information; we can not dispense with the provision for the accounting of the Indian funds merely because it may cost a little money. It probably will cost a little something, but I am not opposed to the appropriation at all. What I am anxious to have is the accounting.

Mr. ASHURST. I wish to assert that the accounting as provided for by section 26 will require at least $12,000 a year to provide the necessary experts and clerks.

Mr. SMITH of Michigan. Question!

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment as amended.

Mr. JONES. As I understand, section 26 is stricken out, so that it will go to conference.

The VICE PRESIDENT. That provision will go to conference.

Mr. JONES. I really have no objection to that. The whole matter, then, will be worked out in conference.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to.

Mr. SMITH of Michigan. I desire to offer an amendment.

The VICE PRESIDENT. Is it a committee amendment?

Mr. SMITH of Michigan. It is not.

The VICE PRESIDENT. The committee amendments are not disposed of as yet, and they are to be disposed of first, under the order of the Senate.

Mr. SMITH of Michigan. Very well.

The VICE PRESIDENT. The Secretary will state the first amendment passed over.

The SECRETARY. The first amendment passed over is on page 67, after line 18, to insert:

To pay the Women's Board of Domestic Missions, Reformed Church in America, $10,000 to reimburse said board for buildings on the Fort Sill Military Reserve, in the State of Oklahoma, constructed by said board with the consent of the Government and utilized for the education and civilization of the Fort Sill Apache prisoners of war until the removal of said Indians from said Fort Sill Military Reserve.

Mr. GRONNA. Mr. President, I dislike very much to make a point of order against this item, but it is clearly subject to a point of order, because it is a private claim, and it ought to be considered by the Committee on Claims. A similar item went out on a point of order on the floor of the House. It may be that this is a meritorious claim; and I will say, as one member of the Claims Committee, that if it is referred to that committee I shall give it very careful consideration. I do not think, however, it should go on this bill, and I therefore make the point of order that it is a private claim on a general appropriation bill.

Mr. OWEN. Mr. President, the claim referred to is to reimburse the Women's Board of Domestic Missions of the Reformed Church in America the cost of the buildings which were erected for the instruction of these Indians, who were then moved away by the Government of the United States, leaving the buildings without any use to which they could be put by the Women's Board of Domestic Missions.

I think what the Senator says is true with regard to its being subject to a point of order, and I can not with good grace argue that it is not subject to a point of order, because I really think it is. I had hoped, however, that it might not meet that objection, because of the special merit of the case.

The VICE PRESIDENT. What rule of the Senate makes this item subject to a point of order?

Mr. OWEN. It is a claim against the United States on account of this action. I assumed, therefore, that it was subject to a point of order.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Oklahoma a question about this item. I seem to recollect that it has been up before. It seems to me that it was before the committee when I was a member of it.

Mr. OWEN. Yes; it was recommended, I believe, during the last Congress, but the Indian appropriation bill failed during the last Congress.

Mr. SUTHERLAND. It was quite fully investigated by the Indian Affairs Committee at one time, as I recall.

Mr. OWEN. Yes.

Mr. SUTHERLAND. And we were all of the opinion that it was a meritorious item.

Mr. OWEN. It is a meritorious item, and I had hoped no point of order would be made against it.

Mr. SUTHERLAND. The item has been pending for a great many years, has it not?

Mr. OWEN. Not a great many years; just three or four years. It could be sent to the Claims Committee, I suppose, if the point of order is insisted upon, and might be disposed of there.

The VICE PRESIDENT. Let the Chair see if he understands the point of order of the Senator from North Dakota. Is it that this is a claim?

Mr. GRONNA. That it is a claim on an appropriation bill.

The VICE PRESIDENT. Where is the rule that makes it subject to a point of order?

Mr. GRONNA. I think Rule XVI.

The VICE PRESIDENT. There is not anything there about a claim.

Mr. GRONNA. I read paragraph 4:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The VICE PRESIDENT. The Senator is right. The point of order will be sustained.

Mr. GRONNA. Now, Mr. President, I ask that we recur to page 44.

Mr. ASHURST. Mr. President, if the Senator will pardon me, there was another amendment, a Wisconsin amendment, passed over. A point of order was made against it. I should like to have that matter determined.

Mr. GRONNA. Very well.

The SECRETARY. The next amendment passed over is at the foot of page 68:

For continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, $40,000; to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended.

Mr. GRONNA. Mr. President, I believe the senior Senator from Utah [Mr. SMOOT] asked to have that amendment go over. I do not see him in his seat at this moment.

Mr. TOWNSEND. The Senator from Utah is in the Committee on Appropriations. He will be here very shortly.

Mr. GRONNA. I ask, then, that we recur to page 44.

On March 24 the junior Senator from Minnesota [Mr. CLAPP] offered an amendment to the bill striking out, beginning with line 21 on page 44, the remainder of that page, and also the matter on page 45 down to line 20, and inserting a provision which I did not clearly understand at the time. My objection to the proposed legislation was that it would permit the cutting and disposition of immature timber.

Mr. CLAPP. Mr. President, if the Senator will pardon me a moment, he has misstated the page. The amendment to which he refers begins on line 17 on page 43, and continues to and inclusive of line 20 on page 47.

Mr. GRONNA. That is correct The Senator's amendment does protect the growing timber; but I desire to offer an amendment to the amendment of the Senator from Minnesota, which I will send to the desk.

The VICE PRESIDENT. Is not this an amendment to which the Chair sustained a point of order?

Mr. ASHURST. Yes, Mr. President.

Mr. CLAPP. Why, Mr. President, the Vice President will recall the fact that on my suggestion the point of order was reserved; and it is the desire of the Senator from North Dakota now to perfect the amendment before the point of order is disposed of. The Chair will recall, I think, that I asked the Chair to withhold the ruling on the point of order until another day.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. The Chair, beyond any doubt, said that the point of order would be sustained, and that there could be an appeal to the Senate. As the Chair understood, it was simply going over until the senior Senator from Minnesota [Mr. NELSON] returned, in order that the appeal might be taken, and the Senate might settle the question.

Mr. CLAPP. That is true. At the same time, as long as the matter is pending, I can not see why the amendment might not be perfected.

The VICE PRESIDENT. The Chair has not any objection to the amendment being perfected if it can be done under the state of the record. That is the only question—whether the state of the record is such that the amendment can be offered.

Mr. NELSON. Mr. President, I understand that the matter is pending and has not been finally disposed of, and that with that amendment the Senator from Oregon [Mr. LANE], who made the point of order, is willing to withdraw the point of order.

The VICE PRESIDENT. On what day was this amendment considered?

Mr. NELSON. The 24th of March.

Mr. CLAPP. Friday.

The VICE PRESIDENT. Let the Chair see if he can find out the state of the record. [A pause.] The record seems to be in a condition about as follows: That the point of order was sustained, and that the Senator from Minnesota asked the Chair to withhold his ruling until to-morrow, after it was sustained. The Chair then said that he would withhold the ruling, but would decide it the same way upon to-morrow. That seems to be all there is of the record.

Mr. LANE. Mr. President, what is the status of the matter at this time?

The VICE PRESIDENT. The Chair has given the status of the record, as nearly as he can. The Chair assumed that the sole question would be an appeal from the ruling of the Chair when the senior Senator from Minnesota returned.

Mr. OWEN. Mr. President, I suggest, as a parliamentary adjustment of the matter, that the Senator from Minnesota might make his motion to amend the bill with the proposed amendment intended to be offered by the Senator from North Dakota, and then the matter would come up anew; and, if no point of order were made against it, it would go through without taking the time for debate.

Mr. CLAPP. Mr. President, there can be no question——

Mr. NELSON. Will not the Senator from Oregon temporarily withdraw the point of order?

Mr. LANE. I have no objection to temporarily withdrawing my point of order against the amendment, reserving the right to renew it.

Mr. NELSON. If the point of order is withdrawn, then I suppose the amendment offered by the Senator from North Dakota would be in order.

Mr. LANE. Mr. President, I am informed by men who tell me that they have had communication with the Indians whose affairs are concerned in this proposition that the amendment which has been offered by the Senator from Minnesota [Mr. CLAPP], with the further amendment submitted by the Senator from North Dakota [Mr. GRONNA], is satisfactory to them. That is all I was trying to accomplish. If it does that, I am willing to agree to it; and if it does not, then I want to raise another point of order against it.

The VICE PRESIDENT. The difficulty seems to be that there is a point of order and there is not a point of order.

Mr. GRONNA. Mr. President, to my mind the Chair was clearly right in sustaining the point of order. I will therefore offer as a new amendment the amendment offered by the Senator from Minnesota, with my amendment added to it.

The VICE PRESIDENT. That is perfectly clear. The difficulty can be gotten around in that way, and the matter will then be before the Senate.

The SECRETARY. The amendment proposed by the Senator from Minnesota, on behalf of his colleague, is as follows:

Beginning in line 21, on page 44, it is proposed to amend the committee amendment by striking out down to the word "*Provided*," in line 20, on page 45, and inserting in lieu thereof the following:

That lands within said Red Lake Indian forest which are not covered with standing and growing merchantable pine timber and which are suited for the production of agricultural crops and which are fronting upon a lake shore may be allotted to individual Red Lake Indians: *Provided*, That no such allotment shall exceed 80 acres nor have more than 80 rods fronting upon a lake shore: *Provided further*, That in case an Indian has improved and cultivated more than 80 acres, his allotment may embrace his improvements to the extent of 160 acres.

That said forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon, and he is hereby authorized to sell and manufacture only such standing and growing pine and oak timber as is mature and has ceased to grow, and he is also authorized to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable, and he is further authorized to construct and operate sawmills for the manufacture of the timber into merchantable products and to employ such persons as he shall find necessary to carry out the purposes of the foregoing provisions, including the establishment of nurseries and the purchase of seeds, seedlings, and transplants when needed for reforestation purposes.

At the end of that amendment the Senator from North Dakota [Mr. GRONNA] proposes to add:

Provided, That all timber sold under the provisions herein shall be sold on what is known as the bank scale.

Mr. ASHURST. There is no objection to that amendment.

Mr. LANE. I withdraw my point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Minnesota as amended.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, just a word right in that connection. In the case of the amendment on page 39, beginning with line 11, and running down to and including line 18, on page 40, the appropriation of $6,000 for the expenses of the tribal council, a point of order was submitted to the Senate, and the Senate sustained the point of order. At the time I entered a motion to reconsider the vote by which that point of order was sustained. I desire to have that question submitted.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota to reconsider the vote whereby the Senate decided that the amendment beginning in line 11, page 39, and running to and including line 18, on page 40, was decided to be not germane to the Indian appropriation bill. [Putting the question.] The Chair is unable to decide.

Mr. CLAPP. I call for a division.

The VICE PRESIDENT. All in favor of reconsidering the vote whereby this amendment was decided to be not germane will rise. [A pause.] All those opposed will rise. [A pause.] The motion to reconsider is agreed to.

Now the question is again before the Senate as to whether this amendment is germane. [Putting the question.] The Chair refuses to decide the vote, there being one "aye" and one "no."

Mr. CLAPP. I call for a division.

The VICE PRESIDENT. All those who believe the amendment is germane will rise. [A pause.] Those who believe it is not germane will rise. [A pause.] The Senate decides that the amendment is germane.

The question now is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 97, the proviso beginning on line 18:

There is hereby appropriated out of any money in the Treasury not otherwise appropriated——

Mr. ASHURST. Mr. President, that has been read.

Mr. HUSTING. Mr. President, I simply want to say that when my attention was called to this matter a little while ago I stated that I was not familiar with it. The matter has been under the charge of the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Since that time I have looked into the subject; and inasmuch as the point of order appears to be well taken, I do not see that any objection I can interpose will do any good.

Mr. CURTIS. Mr. President, I make the point of order on the amendment that it is a claim. It shows on its face that it is a claim.

The VICE PRESIDENT. The language of the rule is, "private claim."

Mr. SMOOT. This is a private claim.

Mr. OWEN. Mr. President, has the point of order been sustained?

The VICE PRESIDENT. Not yet.

Mr. CURTIS. Mr. President, it is a claim of individual Indians, and could not very well be anything but a private claim; and the last part of the amendment is clearly general legislation.

The VICE PRESIDENT. The Chair is not sufficiently advised about the state of this claim to rule as to whether it is a private claim or not. What is the fact about it? Has the $125,000 been found due these Indians?

Mr. CURTIS. Mr. President, the Secretary of the Interior found so much money due a certain part of a tribe of Indians that had not been paid to them as annuities. This amendment is to authorize him to pay each of those individuals, and the latter part of it authorizes him to make a roll and to strike names from the roll of that band or part of the tribe that had claimed they were entitled to be enrolled, if he finds they are not entitled to enrollment.

It seems to me that the item is objectionable in two respects: First, that the first part of it is a claim, and, second, that the second part is general legislation.

The VICE PRESIDENT. The Chair is going to sustain the point of order.

Mr. ASHURST. Mr. President, there is an item passed over in regard to Oklahoma.

The VICE PRESIDENT. Is it a further committee amendment?

Mr. ASHURST. A committee amendment, passed over. It was the item for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior, and so forth.

Mr. PAGE. Will the Senator kindly give us the page?

Mr. ASHURST. Yes; I will. The amendment is found on page 68 of the bill. The senior Senator from Utah [Mr. SMOOT] requested that this item be passed over; and I wish to read the following justification from page 302 of the House hearings:

The act of August 4, 1912 (37 Stats., 518–534), as supplemented by the act of June 30, 1913 (38 Stat. L., 77–94), appropriated $300,000 for the relief and settlement of the Fort Sill Apache Indians confined

as prisoners of war at the Fort Sill Military Reservation. Of this amount, $120,000 was apportioned by the office to be used for the removal of those Fort Sill Apaches who elected to go to the Mescalero Reservation, about 183 in number, and $180,000 was set aside to be used for the purchase of lands in Oklahoma for those electing to remain there.

With the exception of approximately $9,000, this fund is exhausted, but the work of purchasing lands for the 82 members of the band who elected to remain in Oklahoma has not yet been completed, viz, there are yet 13 minor Indians unprovided for, who are entitled, under the regulations jointly adopted by this department and the War Department governing the procedure to be followed in these cases, to a $2,000 allotment each, making a total of $26,000, and three heads of families entitled to allotments worth $3,000 each, under the aforesaid regulations, making a grand total of $35,000 yet needed for the completion of the allotment work.

The aforesaid regulations provided, in accordance with an understanding theretofore had with the Indians, that rations should be furnished them during the first year of their stay on their new allotments. This part of the agreement was not carried out, owing to a misconception of the matter by the superintendent in charge, and it is now proposed to allow 80 Indians $12 per month per capita to reimburse them for rations purchased during the aforesaid period from their own funds. This will involve an outlay of $11,520. The cost of land, $35,000, plus the allowance in lieu of rations, $11,520, less the $9,000 balance on hand, shows a minimum amount yet required of $37,520. The difference between this amount and the sum asked for has been added to cover unforeseen expenses with a view to avoiding the necessity of asking for a further appropriation. If not required, it will be returned to the Treasury in the usual manner.

That is the explanation and justification. I think it should go into the bill.

Mr. SMOOT. Mr. President, before the amendment is agreed to I should like to offer an amendment to it, to strike out the words on page 69, line 3, "and to remain available until expended."

Mr. ASHURST. There is no objection to that.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 69, line 3, it is proposed to strike out the words "and to remain available until expended."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. Are there any further committee amendments?

Mr GRONNA. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. On page 3, line 22, it is proposed to amend the bill by changing the period after "$150,000" to a colon, and adding the following:

Provided, That the provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506).

Mr. GRONNA. Mr. President, section 2139 of the Revised Statutes of the United States was amended on July 23, 1892, so as to include therein the prohibition of the sale of beer and similar intoxicants to Indians. On January 30, 1897, this act was further amended so as to prohibit the sale of extracts, bitters, or any other article which produces intoxication to Indian wards of the Government. Section 2140 of the Revised Statutes provides method of enforcing the prohibition against the introduction of liquors into Indian country. By some oversight sections 2140 and 2141 were not changed at the same time that 2139 was. It is therefore proposed to perfect these two sections of the Revised Statutes by including in their provisions the prohibition against beer and other liquors so that the purpose of Congress in keeping liquor away from the Indians and out of the Indian country may be fully effective.

Mr. SUTHERLAND. Where does the amendment come in?

Mr. GRONNA. On page 3, after the numerals "$150,000." It simply has reference to enforcing the prohibition law in the Indian country.

Mr. ASHURST. Mr. President, I have given this amendment some considerable attention. I have examined the statute. I see no objection to it. I think it would be a salutary provision. It simply provides that no intoxicating liquor, malt, vinous, or spirituous, shall be brought into the Indian country on an Indian reservation. I see no objection to the amendment.

Mr. SUTHERLAND. Let me ask the Senator from North Dakota why he put it in as a proviso? That would seem to make it a limitation upon the appropriation of $150,000. It is not in any manner connected with the appropriation. It does not affect the use of the money. It seems to me the Senator ought to offer it as an independent provision of the bill.

Mr. GRONNA. I agree with the Senator from Utah, and I ask unanimous consent to strike out the word "*Provided*" and let it be an independent provision.

Mr. WALSH. Mr. President, as to the amendment of the Senator from North Dakota, I am in entire accord with the desire of the Senator to have this fault in legislation corrected; but really an appropriation bill is not the proper place in which to carry legislation of this character. Does not the Senator feel that it would be easy to put through a separate bill amending the provision of law and have the legislation enacted in an orderly way?

Mr. GRONNA. I will say to the Senator from Montana that this affects only Indian lands. It is, of course, clearly legislation; the Senator is correct in that, and it would be subject to a point of order if it is made; but the amendment is offered only for the purpose of perfecting the law, making it possible for the Indian Office to enforce the prohibition law on Indian reservations. I hope there will be no objection to it.

Mr. WALSH. The Senator will understand I have no objection at all to the amendment, and it is not my purpose to raise a point of order, but it is rather unfortunate to have such provisions in the midst of an appropriation bill, where one searching the statutes would scarcely expect to find them, and where, in the indexing of the statutes, it would, in all reasonable probability, be overlooked. One would naturally go to the penal statutes, to the subject of crimes, to find a statute of this kind, and not look for it in an appropriation bill. I would not make the exception, except that I can not conceive that there would be any difficulty at all in putting through a bill intended to correct this defect in legislation.

The VICE PRESIDENT. Where is it offered? The Secretary does not understand where it is offered.

Mr. GRONNA. Strike out the word "*Provided*" and insert it as a new section, as suggested by the Senator from Utah.

The VICE PRESIDENT. After the appropriation or before?

Mr. GRONNA. After the appropriation.

Mr. ASHURST. Let it be a new paragraph instead of a new section.

The SECRETARY. After line 22, page 3, insert:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506).

The VICE PRESIDENT. The amendment will be agreed to without objection.

Mr. SMITH of Michigan. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 101, after line 3, insert:

With the consent of the Indians of the Lac Court Oreilles Tribe, to be obtained in such manner as the Secretary of the Interior may require, flowage rights on the unallotted tribal lands, and, with the consent of the allottee or of the heirs of any deceased allottee and under such rules and regulations as the Secretary of the Interior may prescribe, flowage rights on any allotted lands in the Lac Court Oreilles Reservation, in the State of Wisconsin, may be leased or granted for storage-reservoir purposes. The tribe, as a condition to giving its consent to the granting or leasing of flowage rights on tribal lands, and any allottee or the heirs of any deceased allottee, as a condition to giving his or their consent to the leasing or granting of flowage rights on their respective allotments, may determine, subject to the approval of the Secretary of the Interior, what consideration or rental shall be received for such flowage rights, and in what manner and for what purposes such consideration or rental shall be paid or expended; and the consideration or rental shall be paid or expended under such rules and regulations as the Secretary of the Interior may prescribe.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Michigan.

The amendment was agreed to.

Mr. OVERMAN. I offer the following amendment:

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 62, under the North Carolina items, after line 15, insert:

For building a bridge across the Ocona Lufty River at Cherokee, on Government Indian school reservation in Swain County, N. C., $15,000.

The amendment was agreed to.

Mr. JONES. I offer an amendment, to come in on page 92, after line 7.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 92, after line 7, insert:

For the third installment in payment of $635,000 for water supply for irrigation of 40 acres of each Indian allotment on the Yakima Indian Reservation irrigation system in the State of Washington, provided by the act of August 1, 1914 (38 Stat. L., p. 604), $100,000 to be covered into the reclamation fund.

The amendment was agreed to.

Mr. BORAH. On behalf of my colleague [Mr. BRADY], who is absent on account of illness, I offer an amendment, which I ask to have read and adopted.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, after line 12, insert:

That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, determine, and render judgment upon the claims, of whatsoever nature, both legal and equitable, of the following-named citizens of Idaho: Mrs. James Heatley and children, Abe Anderson, David Anderson, Neils Anderson, Chris. Wittinrich, W. H. Chester, William Williams, Fred Larsen, James W. Chester, Grant E. Barney,

Joseph Nelson, John Swank, Mrs. Mattie M. Clement, Peter Anderson, Fred A. Rogers, George E. Tolmie, George W. Strong, Ira H. Hogan, Mrs. Donald Tolmie, Francis M. Merrell, jr., Charles C. Dewitt, John Boyd, Mrs. Abe C. Anderson, Lewis S. Pond, and L. S. Marriott, as to the amount of damages sustained as the result of the overflow of the land occupied by them and injury done to their improvements thereon held under possessory rights in connection with the construction by the Federal Government of the reservoir to provide storage water for the irrigation of lands belonging to the Indians on the Fort Hall Reservation in Idaho.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I would like to have the attention of the Senate for a moment. Under the laws of Minnesota, State highway aid can only be applied where all the land that is affected by the highway is subjected to the matter of assessments and benefits. In the northern part of Minnesota the State is embarrassed in the laying out and perfection of the highway plans because some of the lands are Indian allotments.

I have prepared an amendment which was in the bill last year. It is very carefully safeguarded. No assessment becomes effective until it is approved by the Secretary of the Interior. It carries no appropriation either of public funds or Indian funds. It simply makes a charge against the land when the Secretary of the Interior, upon examination, feels that the benefit of the road warrants it. The absence of the legislation practically prevents the building of roads where a part of the highway plan involves running by Indian allotments. I wish very much the Senate would permit me to put this amendment on the bill.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 47, after line 20, insert:

That whenever the board of county commissioners of any county in the State of Minnesota establish a State rural highway in accordance with the laws of said State, which highway directly benefits allotments of Indians not subject to taxation or special assessments, but which allotments would be assessed for such benefits under the laws of the said State were they not exempt by treaty, act of Congress, or other law, the said board of county commissioners may make a schedule of assessments against such benefited allottees, the amount of said assessments in each case being that prescribed by the laws of the said State for lands situated and benefited similar to the allotments of such allottees, and when so made file the same with the Secretary of the Interior. If, in the judgment of the Secretary of the Interior, the projected State rural highway is one that will be for the best interests of the Indian allotments affected, then he shall ascertain whether the assessments proposed against the said allottees are fair and just as compared with assessments against other lands similarly situated and benefited. If he shall find that said assessments are fair and just in the manner and to the extent aforesaid, he shall make an order that the said assessments are and shall be charged against the several allottees benefited and provide for notice thereof being served upon any allottee affected thereby. But the amount of any assessment or levy made or charged during the time said allotments are held in trust by the United States shall not be nor at any time become a lien on said allotments. The Secretary of the Interior is hereby authorized and empowered to pay to the county treasurer of such county said assessments and parts thereof as they become due out of any funds belonging to the Indians owning said benefited allotments, and which funds are under the control of the United States or Secretary of the Interior, or out of any tribal funds under the control of the United States or Secretary of the Interior which are subject to be prorated among the members of the tribe to which the Indians owning such benefited allotments belong. Such sums as may be paid from tribal funds shall be charged against the Indians whose respective assessments have been paid: *Provided*, That every Indian who has been assessed in the manner aforesaid shall have the right to appeal within 30 days after being notified of such assessment to the Secretary of the Interior for a reexamination and readjudication of whether or not he has been assessed greater than his proportionate share, and the Secretary of the Interior is hereby authorized to reduce the amount of such assessment if in his judgment justice requires it.

Mr. ASHURST. Mr. President, I have looked into the matter and this same provision was in the bill last year, agreed to by the Senate and the House, and it was agreed to by the conference. Personally I have no objection to it.

Mr. OWEN. Mr. President, the proposal, I think, is entirely right and justified; I am in favor of it, but I should like to have it apply to Oklahoma. I should think every Senator would want it to apply to his own State, because it is a very necessary and proper provision.

Mr. CLAPP. I have no objection. I think it ought to apply undoubtedly wherever under the State laws it is necessary for the court to deal with the question.

Mr. OWEN. I move to amend the amendment by striking out the words "the State of Minnesota" and inserting "in any State."

Mr. CLAPP. I have no objection whatever to the amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Strike out the words "the State of Minnesota" where it occurs in line 2 and insert the words "in any State."

The amendment to the amendment was agreed to.

Mr. PAGE. Now, Mr. President, I should like to say a word on this subject. In view of what we have been doing here for the last 30 minutes, I do not think anyone ought to offer any objection to any kind of legislation.

Mr. ASHURST. No one has done so.

Mr. PAGE. But it seems that as matters have gone on our friends here have taken more and more courage, until now they propose an amendment here that is in effect a proposition to cover the whole United States, and to do it on an appropriation bill.

To my mind this legislation is vicious. I do not want to interpose my views against the views of those who understand the matter better than I, but I do believe we had better hesitate about it before going further in the way of legislating on this appropriation bill. I do not want to see this amendment adopted. It ought not, in my judgment, to pass; and certainly it ought not to pass as an amendment to an appropriation bill.

Mr. CLAPP. Mr. President, I called the attention to the nature of this amendment. I hardly think the suggestion that amendments are being rushed is warranted. Everyone understood the character of this legislation.

Mr. CURTIS. Mr. President, I make the point of order that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

Mr. CLAPP. Now, in relation to the bill itself, I gather from the statement of one of the clerks that when the Senator from North Dakota [Mr. GRONNA] reintroduced the amendment which I offered on Friday the clerk did not recognize it as a reintroduction of the entire amendment which I offered on Friday. I know the Senator intended that his amendment should be added to the entire amendment. The entire amendment should be agreed to. Otherwise it leaves the legislation absolutely meaningless.

Mr. GRONNA. I agree with the Senator. That was my intention.

Mr. CLAPP. I ask that the record be made to conform with that statement.

The VICE PRESIDENT. Will the Senator from Minnesota tell the Secretary of the Senate where it begins and where it ends, as he desires to have it agreed to by the Senate?

Mr. CLAPP. The amendment was printed, and reads as follows:

On page 44, in line 12, to strike out the word "section" and insert in lieu thereof the word "paragraph."

Strike out all beginning with line 21, on page 44, down to the word "*Provided*," in line 20, page 45, and insert in lieu thereof the following:

"That lands within said Red Lake Indian forest which are not covered with standing and growing merchantable pine timber and which are suited for the production of agricultural crops and which are fronting upon a lake shore may be allotted to individual Red Lake Indians: *Provided*, That no such allotment shall exceed 80 acres nor have more than 80 rods fronting upon a lake shore: *Provided further*, That in case an Indian has improved and cultivated more than 80 acres, his allotment may embrace his improvements to the extent of 160 acres.

"That said forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon, and he is hereby authorized to sell and manufacture only such standing and growing pine and oak timber as is mature and has ceased to grow, and he is also authorized to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable, and he is further authorized to construct and operate sawmills for the manufacture of the timber into merchantable products and to employ such persons as he shall find necessary to carry out the purposes of the foregoing provisions, including the establishment of nurseries and the purchase of seeds, seedlings, and transplants when needed for reforestation purposes: *Provided*, That all timber sold under the provisions herein shall be sold on what is known as the bank scale."

Provided, That no contract shall be made for the establishment of any mill, or to carry on any logging or lumbering operations which shall constitute a charge upon the proceeds of the timber, until an estimate of the cost thereof shall have first been submitted to and approved by Congress.

That the Secretary of the Interior may issue permits or grant leases on such lands for camping or farming. No permit shall be issued for a longer term than one year and no lease shall be executed for a longer term than five years. Every permit or lease issued under authority of this act to Indians or to other persons or corporations, and every patent for an allotment within the limits of the forest created by section 1, shall reserve to the United States the right to cross the land covered thereby with logging roads or railroads, to use the shore line, or to erect thereon and use such structures as shall be necessary to the proper and economical management of the Indian Forest created by this act; and the Secretary of the Interior may reserve from allotment tracts considered necessary for such administration.

After the payment of all expenses connected with the administration of these lands as herein provided the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians and draw interest at the rate of 4 per cent per annum. The interest on this fund may be used by the Secretary of the Interior in such manner as he shall consider most advantageous and beneficial to the Red Lake Indians. Expenditure from the principal shall be made only after the approval by Congress of estimates submitted by the said Secretary.

That the Secretary of the Interior shall select and set apart an area not exceeding 200 acres, in sections 20, 21, 28, and 29, township 151 north, range 34 west, cause the lands thus selected to be surveyed

and platted into suitable lots, streets, and alleys, and dedicate said streets and alleys and such lots and parcels as he may consider necessary to public uses. The lands thus selected shall not be allotted, but held as an Indian town site subject to further legislation by Congress.

That the timber on lands of the Red Lake Indian Reservation outside the boundaries of the forest created by section 1 may be sold under regulations prescribed by the Secretary of the Interior, and the proceeds administered under the provisions of the general deficiency act of March 3, 1883 (22 Stat. L., 590), and the Indian appropriation act of March 2, 1887 (24 Stat. L., 463).

The VICE PRESIDENT. That was read and agreed to.

Mr. CLAPP. But the trouble is the reading clerk, and I am not finding any fault with him, read only a portion of the amendment down to the point where the Senator from North Dakota had inserted his amendment. So it stands now as only being that part of the original Nelson amendment, and it leaves the record meaningless, while the Senator from North Dakota intended, of course, that the entire amendment should be incorporated.

Mr. OWEN. The trouble was that the Senator from North Dakota, in making his amendment, left no option about it. The clerk read simply what was sent up, and it is not the fault of the clerks at the desk at all.

Mr. CLAPP. I submit that the amendment which I have read and which I now send to the desk is the amendment offered on Friday, and I have no question that the Senator from North Dakota so understood.

Mr. GRONNA. I agree with what the Senator from Minnesota has said.

The VICE PRESIDENT. The amendment as amended will be agreed to.

Mr. POINDEXTER. I offer the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 94, after line 5, insert, as a new paragraph:

The Secretary of the Interior is authorized and directed to lease to citizens of the United States for mining purposes unallotted mineral lands on the diminished Spokane Reservation in the State of Washington for periods of 25 years, with privileges of renewal on such reasonable renewal conditions as may be determined by the Secretary of the Interior, and also with reasonable conditions to be fixed by the Secretary of the Interior providing for the prosecution of mining development and operation. Such leases shall be made to applicants in the order in which applications shall be made. Free opportunity shall be given for prospecting of the said land, and rental shall be based upon mining production and shall be reasonable, and the proceeds of rental shall be paid into the Spokane Indian tribal fund.

Mr. PAGE. Mr. President, I should like to ask the Senator from Washington if this matter has ever been considered by the Committee on Indian Affairs?

Mr. ASHURST. Mr. President, let me answer that question. This provision was before the Committee on Indian Affairs last year, of which the distinguished Senator from Vermont was then as now a member. He took part in the discussion. It was agreed to by the Senate, it was agreed to by the House, and it was agreed to by the conference.

Mr. PAGE. Mr. President, that probably is true, but I do not recall back easily what I did 12 months ago.

It is a matter concerning which I now remember absolutely nothing. If there is any argument in favor of it, it has not been presented to me, and I do not quite understand why we are asked now to adopt legislation which has not been considered by any committee this year. It may have been before the committee last year or the year before. I do not know why the Senator from Washington did not permit us to consider it in committee and pass upon it this year. I should like an explanation.

Mr. POINDEXTER. Mr. President, it might have been proper to have presented the amendment again. It undoubtedly would have been, but in view of the fact that it has not only been considered by the committee but was debated at considerable length in the Senate and adopted by the Senate I thought it would be proper to offer it here now.

The amendment relates to a single Indian reservation in which the agricultural lands have been opened for agricultural entry and have been taken up as homesteads. Certain parts of the land were reserved as timberland and are still in the reservation, which is now called a diminished Indian reservation. There are supposed to be certain minerals there. They do no one any good, Indians or whites, so long as they are not developed. I fail to see any tangible ground of opposition to some method by which these mineral lands may be opened.

I would have preferred myself that the lands be opened up under the mineral laws of the United States with some sort of a royalty based upon mining profit to be paid into the Indian fund, but rather than not have them opened at all I have offered this amendment, which is in accordance with the policy of the administration in regard to reserved Indian lands, and with legislation which they say they expect to present to Congress, but which they have not presented. It is in order to get some action and to unlock the doors which have shut progress from this reservation that I have offered the amendment in this form.

Mr. PAGE. Mr. President, I think the Senator from Washington has said sufficient to enlighten the Senate upon one point, at least, and that is that this is a proposition of such importance that it ought not to come before us and be acted upon in an appropriation bill. Is there in the mind of the Senator from Washington the slightest doubt about this being legislation?

Mr. POINDEXTER. Certainly it is not general legislation, Mr. President. It is special legislation applicable to a particular reservation.

Mr. PAGE. But is it germane to an appropriation bill?

Mr. POINDEXTER. It is not germane; but it is not open to the objection of being general legislation.

Mr. PAGE. It would seem to me clearly so; but I yield to the Senator's better judgment of these matters. It seems to me that it is clearly open to a point of order.

Mr. POINDEXTER. I hope the Senator will not make the point of order.

Mr. PAGE. Mr. President, I will not make the point of order. I will simply object to its adoption.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. TOWNSEND. On page 32, after line 3, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 32, after line 3, insert:

For reimbursement of Joseph Bradley, a member of the Saginaw Swan Creek and Black River Band of Chippewa Indians, in the State of Michigan, for traveling and incidental expenses incurred by him as an authorized representative of said band while appearing before Congress and the Interior Department in January, February, and March, 1916, $250, or so much thereof as may be necessary, to be immediately available.

Mr. PAGE. Mr. President, I do not raise the point of order, because that seems to be an improper thing to do here to-day; but I do not think the amendment is germane to this bill or that it ought to be adopted.

Mr. TOWNSEND. If the Senator from Vermont desires me to say a word about it, I will explain how the amendment happened to be offered here and was not presented before the committee.

Mr. PAGE. I will withdraw any suggestion on my part as to making a point of order. I simply say that we are loading down this bill with private claims, and yet, in offering the amendment, I do not think the Senator is doing otherwise than following the common custom.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Michigan [Mr. TOWNSEND].

The amendment was agreed to.

Mr. ASHURST. I propose the amendment which I send to the desk, to come in under the head of "Utah."

The VICE PRESIDENT. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. It is proposed to insert, under the head of "Utah," the following amendment:

That the lands and also all the mineral therein, within the former Uncompahgre Indian Reservation, in the State of Utah, which were specifically reserved for future action of Congress, in the act approved March 3, 1903 (32 Stat., p. 998), and the remainder of the lands within even-numbered sections, in said reservation, reserved in the act approved June 7, 1897 (30 Stat., p. 87), as containing gilsonite, asphaltum, elaterite, or other like substances, and which were, by said act of March 3, 1903, authorized to be sold and disposed of in tracts not exceeding 40 acres, shall, unless otherwise reserved, be immediately open to settlement, location, occupation, and entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein.

Mr. SMOOT. Mr. President, I wish to say that that amendment as a bill passed the Senate on March 9, 1916, and there is a favorable report from the department on it.

Mr. ASHURST. I ask unanimous consent to include in the RECORD the report of the department on this subject.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The report referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1915.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of your request for report upon S. 6623, Sixty-third Congress, second session, providing that lands and the minerals therein within the former Uncompahgre Indian Reservation, in the State of Utah, reserved for future action of Congress by the acts of March 3, 1903 (32 Stat., 998), and June 7, 1897 (30 Stat., 87), as containing gilsonite, asphaltum, elaterite, or other like substances,

shall, unless otherwise reserved, be immediately opened to settlement, location, occupation, and entry under all the land laws of the United States.

The act of June 7, 1897, supra, opened to location and entry under the land laws of the United States the unallotted lands in the former Uncompahgre Indian Reservation, except lands containing the substances named, the title to the latter being reserved to the United States.

The act of March 3, 1903, supra, validated certain locations made upon the lands in question under the mining laws, provided that the even-numbered sections containing the minerals named might be disposed of by the President in tracts not exceeding 40 acres each, and that the balance of the lands and all the mineral therein should be specifically reserved for future action of Congress. This reservation, it will be noticed, was of the odd-numbered sections within said former reservation.

The act of June 21, 1906 (34 Stat., 376), validated and confirmed, as against the United States, certain patents issued upon said lands prior to March 3, 1903, upon locations made prior to January 1, 1891.

The Director of the Geological Survey reports that, in so far as he is advised, no elaterite, ozocerite, or sand asphaltum has been produced in commercial quantities from these lands, but there are in existence therein extensive and valuable veins of gilsonite, estimating that there are situated upon the even-numbered sections within said reservation upon unpatented lands 20 miles of veins and upon the odd-numbered sections 30.2 miles of veins.

Letters have been written to this department by some residents of the State of Utah, urging the opening of these minerals to disposition under the general mining laws, on the ground that this would open to location and entry by the general public considerable areas of land containing the minerals described, and promote a healthy competition with the owners of the deposits, the title to which has heretofore passed from the United States.

Upon careful consideration of the entire matter, I am of the opinion that the lands in question should be opened to disposition under the public-land laws. It is presumably the intent of the bill that lands containing valuable deposits of gilsonite or other minerals shall be subject to location, entry, and patent under the general mining laws of the United States, and the nonmineral lands, if any, be subject to disposition under appropriate nonmineral laws. In this connection, attention is directed to the act of July 17, 1914 (Public, No. 128), "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

In order to make it entirely clear that the lands in question, if mineral, shall be opened only to location and disposition under the mining laws, and if nonmineral, only under the nonmineral land laws of the United States, it might be well to amend line 7, page 2, to read: "Entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein."

Cordially, yours,

FRANKLIN K. LANE.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arizona [Mr. ASHURST].

The amendment was agreed to.

Mr. JONES. Mr. President, I offer the amendment which I send to the desk, to come in on page 93, after line 5.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 93, after line 5, it is proposed to insert the following:

That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of any portion of the lands included within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., p. 584), at not less than the appraised value thereof, and to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State.

Mr. CHAMBERLAIN. Mr. President, I should like to ask the Senator from Washington whether or not the War Department has approved of this suggested amendment?

Mr. JONES. The reservation therein referred to has been abandoned as a military reservation, and the Indian Office has sent a letter approving the amendment. I ask that the letter may be printed in the RECORD in connection with the amendment.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1916.

MY DEAR SENATOR: I have the honor to acknowledge receipt of your letter of March 15, 1916, inclosing for report copy of an amendment intended to be proposed to H. R. 10385, authorizing the sale of the land in the abandoned Fort Spokane Military Reservation, Wash.

The proposed amendment authorizes the sale and disposition of any portion of the lands included within said military reservation not necessary for hospital purposes at not less than the appraised value thereof.

The lands in question are no longer needed for Indian school purposes, and inasmuch as such lands as may be necessary for hospital purposes are expressly excepted from the operation of the proposed amendment, I see no objection to the enactment of the proposed amendment into law, provided that it be modified so as to make the proceeds available for use in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians. I suggest that this be accomplished by adding the following after the word "thereof," in line 8 of the proposed amendment:

"And to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State."

There is inclosed a redraft of the proposed amendment, with the modification above suggested incorporated therein, and as modified I recommend that the proposed amendment be enacted into law.

Cordially, yours,

ANDRIEUS A. JONES,
Acting Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. SMOOT. Mr. President, on yesterday, I think it was, I offered an amendment to strike out, on page 5, in lines 8 and 9, the words "to be immediately available," referring to the Choctaw and Chickasaw hospital in Oklahoma, $20,000. In a letter from the Assistant Commissioner of Indian Affairs the urgent necessity of this appropriation being made immediately available is set out in full. I entirely agree with the statement of the assistant commissioner, and I now ask that the vote by which the amendment offered by me striking out those words was agreed to may be reconsidered.

The VICE PRESIDENT. The amendment proposed by the committee was disagreed to, was it not?

Mr. SMOOT. Yes.

The VICE PRESIDENT. In the absence of objection, the vote whereby the committee amendment was disagreed to is reconsidered, and that amendment is now agreed to. The Chair hears no objection.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. At the end of the North Dakota items, on page 66, it is proposed to insert:

That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Sisseton and Wahpeton Bands of Sioux Indians, and to enter judgment, and in determining the amount to be entered herein the court shall deduct from any sums found due said Sisseton and Wahpeton Bands of Sioux Indians any and all gratuities paid said bands or individual members thereof subsequent to March 3, 1863: *Provided*, That in determining the amount to be entered herein, the value of the land involved shall not exceed the value of such land on March 3, 1863. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed $15,000.

Mr. GRONNA. Mr. President, I shall not detain the Senate, but wish simply to say that this legislation was in the Indian appropriation bill of last year but went out in conference. It also passed the Senate last year as a separate bill, and has likewise passed the Senate this year. This legislation has been recommended by the Secretary of the Interior. It simply proposes to carry out treaty stipulations with these bands of Sioux Indians.

Mr. ASHURST. Mr. President, I have no objection to the amendment, but I hope Senators will not hold me to a strict account should our conferees find themselves unable to retain the amendment in conference. I must say that this is the just and proper place for such legislation; but I fear that we may not be able to get all the conferees to agree on it. Let the amendment go into conference, however, Mr. President.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The Chair hears none.

Mr. OWEN. Mr. President, on page 3 of the bill there is a provision "for the suppression of the traffic in intoxicating liquors among Indians," for which there is appropriated $150,000. That expenditure is made comparatively ineffective by the requirement under the law of proving that a person

found in possession of intoxicating liquors has violated the law relating to introducing liquors across the State line. I now propose an amendment that the possession by a person of any intoxicating liquors in the country where the introduction is prohibited, shall be prima facie evidence of unlawful introduction. This legislation is desired by the administrative officers in Oklahoma, especially where we have great difficulty with that feature.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 3, after line 22, after the amendment already agreed to at that point, it is proposed to insert:

The possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. Mr. President, I have an amendment here that is recommended by the department, and it has also been favorably reported by the Committee of the House of Representatives on Indian Affairs. It relates to a matter that I have observed considerably with reference to Indian reservations in my State, and I think it is very important that it should be adopted. On page 14, after line 6, I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 14, after line 6, it is proposed to insert the following:

That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid, but susceptible of irrigation, and that the allottee by reason of old age or other disability can not personally occupy or improve his allotment or any portion thereof, such lands, or such portions thereof, may be leased for a period not exceeding 10 years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. ASHURST. Mr. President, if no other Senator has an amendment to offer, I wish, in candor and frankness, to propose an amendment which the Senate Committee on Indian Affairs refused to report favorably and refused to authorize me to include in the bill. I feel, however, that as an individual Senator it is incumbent upon me to move the amendment at this time. In the committee I proposed an amendment appropriating $10,000 for the purpose of making an investigation as to the necessity, feasibility, or practicability of opening for sale and settlement the unallotted lands of the Colorado River Indian Reservation. First, I ask that my proposed amendment be read, again stating that members of the committee will recall that the amendment, I think, received but one vote in the committee, and that was my vote, but I wish now to propose the amendment on my own individual responsibility.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, after line 20, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding $10,000 from the proceeds from the sale of town lots on the Colorado River Reservation, arising under the act of April 30, 1908 (35 Stat. L., p. 77), for the examination and final location surveys of a dam site on the Colorado River, and the investigation and survey of an irrigation system to supply the land of the Colorado River Reservation from said dam, and for the design, preparation of maps, plans, and detailed specifications for said works, and estimate of cost thereof, for the utilization of the reserved rights to water from the Colorado River in the State of Arizona for the irrigation of approximately 150,000 acres of land on said reservation.

Mr. ASHURST. Mr. President, I shall be very brief. In 1908 an act of Congress was passed setting apart some 900 or 1,000 acres for the town site of Parker, Ariz. The town site was surveyed and the then honorable Secretary of the Interior in 1910 or thereabout paid a visit to that part of the country and delivered an interesting speech, describing to the assembled persons the fertility of the soil and stating that it would be a very good investment for American citizens if they would purchase some of the town lots, because the reservation would inevitably be opened. Accordingly citizens of my State—excellent and worthy citizens—purchased lots and paid for them at an appraised value. The Government was dissatisfied with the appraised value and cause another appraisement to be made, whereupon the price of the lots was elevated some 500 per cent. The citizens then paid the same; but I have been unable, the Member of the House from Arizona has been unable, and my distinguished colleague [Mr. SMITH] has been unable to induce the department to do anything further; and here, in the center of a desert, are these worthy citizens who went there, and who were attracted there partly because of the implied, if not expressed, promise of the Government to open the unallotted lands to entry.

Mr. President, under those sales there was taken from citizens of the United States, mostly citizens of Arizona, the sum of $62,103. There has been used of that fund $7,089, leaving in the Treasury as the avails of the sale of those lands the sum of $55,012.

Mr. President, I wish to have the Secretary read at the desk a short extract from the Parker Post, a paper published at Parker, Ariz., describing the situation.

The VICE PRESIDENT. In the absence of objection the Secretary will read, as requested.

The Secretary read as follows:

It is now a little over five years ago since Uncle Sam's real estate agents slipped into Parker and sold about $100,000 worth of sandy desert lots to the people of this community, and other investors, who relied upon the implied promises of the Government that the surplus lands of the Colorado River Indian Reservation would be open to settlement and entry within a reasonable time.

At the time of the auction sale of lots in the Parker town site a horde of deputy United States marshals accompanied the receiver of the Phoenix Land Office for the purpose of guarding the treasure chest which Uncle Sam accumulated here through the enterprise of his real estate sharks. Before the week ended our good uncle cleaned us up a la Wallingford, the guardians of the money chest departed, and not a peep has been heard from his fly-by-night agents since.

Any cheap real estate grafter who had gotten away with one one-hundredth part of the amount which Uncle Sam filched from the Parker people would now be serving a term in the penitentiary. Yet, in view of the rotten deal we have had from our Government, our Senators and Congressman have been powerless to do anything toward making the Government fulfill its promises or make restitution to the investors in town lots, which are absolutely worthless until such time as the surplus lands of the reservation are opened to settlement.

During the reading by the Secretary,

Mr. GRONNA. Mr. President——

Mr. ASHURST. I prefer to have the article read in its entirety; I do not want the article divided and "chopped up." It is interesting and pertinent.

Mr. GRONNA. Does not the Senator think it is a reflection upon the officials of the Government?

Mr. ASHURST. I state truth and state facts; all that I do is to state facts; I do not pay any attention to results if I am stating facts.

After the reading of the article was concluded,

Mr. ASHURST. Mr. President, I present a memorial, which was unanimously adopted by the Legislature of Arizona, asking that the unallotted lands of this reservation be opened. I ask unanimous consent to include that memorial of the Legislature of Arizona in the RECORD.

The VICE PRESIDENT. In the absence of objection, the matter referred to will be printed in the RECORD.

The memorial referred to is as follows:

To the Senate and House of Representatives of the Congress of the United States of America in Congress assembled:

Your memorialists, the Second Legislature of the State of Arizona, in regular session convened, respectfully represent:

That during the years of 1908 and 1909 the then Indian agent of the Colorado River Indian Reservation, under authority of the Department of the Interior, granted numerous permits to persons to settle upon certain lots in the Parker town site, Yuma County, Ariz.

That an appraisement was made of the lots of said town site under the direction of the Department of the Interior during the year 1909, and the persons occupying lots under permits granted by the department were given a preference right to purchase said lots.

That about 90 days thereafter a second appraisement of all lots in the Parker town site, including those occupied by permittees, was ordered by the Department of the Interior, and the valution was raised from 300 to 600 per cent above the figures set forth in the first appraisement. That this raise in appraised values was made because of the fact that the town site of Parker is within a short distance of the allotted Indian land on the Colorado River Indian Reservation, the surplus area of which was planned by the Department of the Interior to be opened to purchase and settlement at an early date.

That the said permittees occupying lots upon the Parker town site have paid to the United States under the valuations of town lots under the second appraisement the sum of $24,562.

That on May 10, 1910, the authorities of the United States held an auction sale of lots within the Parker town site and $56,698 worth of said lots were sold to residents of Parker and other investors. That $37,623 have been paid to the United States for lots purchased at said auction sale and there is still owing to the United States upon said sales the sum of $19,075.

That immediately prior to the auction sale of town-site lots at Parker Congress passed an act as follows:

"For the construction of a pumping plant to be used for irrigation purposes on the Colorado River Reservation, together with the necessary canals and laterals, for the utilization of water in connection therewith, for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land, $50,000, to be reimbursed from the sale of the surplus lands of the reservation."

That the above act was, in effect, a representation by the United States that the surplus land of the Colorado River Indian Reservation was soon to be opened to settlement and entry by bona fide settlers. That the lots put up for sale at said auction had a prospective value only upon the assumption that said surplus lands would be opened to settlement at an early date. That the enormous increase in the valuation of lots in the Parker town site by the second appraisement above referred to was only justified by the carrying out of the implied promise contained in the above act that the surplus lands of the Colorado River Indian Reservation would be open to settlement.

That the town site of Parker is a barren desert, on land having an intrinsic value of less than $1 an acre. That whatever added value it may have arises from the fact that it is adjacent to the bottom lands of the Colorado River Indian Reservation, in which the surplus lands above referred to lie; and unless said lands are opened to settlement and entry the town site of Parker is worth little, or not more than any other desert land.

That the residents of Parker and numerous other residents of the State of Arizona interested therein, who were induced to purchase lots in the Parker town site by reason of the implied promise of the United States above set forth to open the reservation lands to entry, have repeatedly petitioned Congress and the Department of the Interior for the opening of said surplus lands.

That said purchasers of lots in Parker have further evidenced their reliance upon said implied promise of the United States to open said lands by investing large sums of money in buildings and improvements in said town of Parker, all of which will be worthless unless the said lands are opened to settlement.

That the allotments of land to the Indians belonging on said reservation have been approved by the Department of the Interior and the surplus land, amounting to approximately 125,000 acres, which might be open to entry, is segregated.

That, to the best knowledge and belief of your memorialists, there exists a sufficient flow of underground water for the irrigation and reclamation of the surplus lands.

That the surplus Indian lands above described are highly desirable as prospective farms, and hundreds of energetic and enterprising citizens of this State alone are awaiting the opportunity to secure tracts of lands for the purpose of making their homes thereon. That to the best knowledge and belief of your memorialists a large amount of the delay in opening the surplus lands of said reservation to settlement in accordance with the said implied promise of the United States has been caused by unnecessary entanglements of official red tape in the various bureaus at Washington having charge of reclamation work and Indian affairs.

That another reason which has been assigned for the delay in opening said lands for settlement is the fact that people having large cattle interests have leased certain of the lands involved and have been exerting their influence to delay the opening of said lands for settlement: Therefore be it

Resolved by the Senate and the House of Representatives of the Legislature of the State of Arizona, That the Congress of the United States be, and it is hereby, urged to enact any legislation which may be necessary for the opening for settlement of said lands, to the end that the implied promise of the United States, made to the settlers and purchasers of lots within the Parker town site, to the effect that Indian lands within the Indian reservation would be opened for settlement, be carried out.

Resolved further, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and to the Representatives of Arizona in Congress, and that our Representatives in Congress be, and they are hereby, requested to do all in their power to accomplish the enactment of such legislation.

Passed the senate March 6, 1915, by a vote of 17 ayes; 2 absent.

W. P. SIMS, *President.*
OSCAR COLE, *Secretary.*
By C. P. CRONIN,
Assistant Secretary.

Passed the house March 4, 1915, by a vote of 28 ayes; 7 absent.

WM. E. BROOKS,
Speaker of the House.

Mr. ASHURST. Now I formally offer the amendment.

The VICE PRESIDENT. The amendment has been read.

Mr. CURTIS. Mr. President, the chairman of the committee is correct in stating that the committee was opposed to this amendment. As it is not estimated for by any department and is not reported from any standing committee, I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. OWEN. Mr. President, the Indian appropriation bill has so often been made a vehicle for legislation that I should like to present an amendment, to come in on page 10, line 20, which I regard as of some importance. Recently at the town of Tulsa, Okla., two United States deputy marshals were shot down in cold blood by a man engaged in the liquor traffic there. These marshals were sent to search the premises. This man shot them through a door and killed them both. The community was very much affected by a controversy between the liquor people and those who were opposing them, and the result was that the man who killed the deputy marshals was discharged. The Government attorney very violently protested against the action, and attributed it to the manner in which justice was attempted to be administered in that particular instance. I think the United States ought to protect its own servants and ought not to allow them to be killed without the criminals being subject to the laws of the United States. The proviso which I wish to offer, and which should follow immediately after the appropriation of $200,000 for the Indian police, reads:

Provided, That any person or persons committing murder, manslaughter, or assault with intent to kill on an Indian policeman or on any United States marshal or deputy marshal while in the discharge of his duties shall be subject to penalties provided by the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising jurisdiction within the district where such crime was committed.

Of course, the amendment is subject to a point of order, if any Senator wishes to make it; but it seems to me that the Government ought to protect its own servants. If the language of the amendment be not altogether apt, it can, I take it, be adjusted in conference, if it meets with the general approval of the Senate.

Mr. THOMAS. I should like to inquire of the Senator whether the State courts are not open and equipped with machinery for the administration of justice and for the punishment of such offenses?

Mr. OWEN. I stated—perhaps the Senator was not in—what occurred in the State court in Oklahoma.

Mr. THOMAS. Yes; I heard the last statement of the Senator. Of course, justice sometimes miscarries, but it seems to me, Mr. President, that it is rather dangerous, to put it mildly, by such a sweeping amendment, to clothe the Federal courts with jurisdiction of crimes committed in the States. While it may be within our power to enact such legislation, nevertheless it might privilege the officers of the United States and extend the jurisdiction of the Federal courts over crimes which, under the guise of having been committed against men in the discharge of official duty, were really the outgrowth of those ordinary relations with which Federal judicial authority has nothing to do.

I appreciate the reason upon which this proposed amendment is based, and, while it doubtless is justified in the particular case, it seems to me that the remedy which is suggested by an isolated transaction, so to speak, might be utilized to deprive the State courts of a great deal of their necessary jurisdiction. I do not want to make the point of order against the Senator's amendment, but I do not think that we should enact such legislation without giving very serious consideration as to the consequences which may follow from its enactment.

Mr. OWEN. Mr. President, I call attention to the fact that the amendment only applies to the Indian police and deputy marshals, who are charged with certain duties. They are sent to arrest men for violating the laws of the United States, and they ought not to be shot down in a community which is hostile to them and have juries packed in favor of those who shoot them and have justice so administered that they can not secure protection for their lives. The proper administration of the laws of the United States is impeded if the officers do not have adequate protection.

Mr. CLARK of Wyoming. Mr. President, I want to ask the Senator whether or not the circumstances which he has detailed are not also sought to be covered by a bill which the Senator now has pending before the Senate Judiciary Committee, on which a subcommittee is now working, and concerning which the subcommittee has asked the views of the Department of Justice? Does not that bill cover the same class of cases referred to in the amendment?

Mr. OWEN. The amendment covers the same subject matter, but is, of course, a very condensed form of that bill.

Mr. CLARK of Wyoming. Yes; but it is the same condition that the Senator seeks to reach.

Mr. OWEN. The same condition, yes; but the necessity for the amendment arises from the difficulty of getting bills through Congress. It is so difficult to get a bill passed which has to go through the Judiciary Committee of the Senate, then pass the Senate, then have to go through the Judiciary Committee of the House, and then pass the House, that I did not think it would be at all likely that we would get any action during the present Congress.

Mr. CLARK of Wyoming. It is very unfortunate that the local authorities can not properly attend to such matters.

Mr. OWEN. I think they do in nine hundred cases out of a thousand.

Mr. CLARK of Wyoming. I want to assure the Senator that the subcommittee of the Judiciary Committee, to which the Senator's bill was referred, has not been quiescent, but has been at work upon it. I think I may safely say that the subcommittee has substantially agreed upon a portion of the Senator's bill, and has referred the matter to the Department of Justice for its consideration and its views upon the particular matters in the bill. In that view would it not suggest itself to the Senator that the provision—because it involves a matter of a great deal of importance—should take the regular course, instead of being put upon a bill where it can not be subject to discussion?

Mr. OWEN. I thought that the action which might be taken by the Judiciary Committee would be a proper basis for the substitution in the conference report of some other provision for this particular item—which, of course, is very brief—if it meets with the approval of the House of Representatives. I was aware

that the committee had the matter under consideration, and I assumed that they would draft a measure that would cover this exigency. But the difficulty of getting such bills through is so great that the matter goes along from year to year. It has been now 20 years since the chief of Indian police, under my charge as United States Indian agent for the Five Tribes, was murdered in cold blood on Christmas eve on the streets of Muskogee, and without any remedy in the world. The Government gave him no protection. He took his life in his hands in dealing with Indian citizens there and exciting their animosity, and he was shot down, as I have said, in cold blood on the streets of Muskogee. It does not promote the administration of justice that the United States fails to protect its servants when those servants are sent to discharge a public duty.

Mr. SUTHERLAND. Mr. President, of course the proposed amendment would not affect that case. I imagine the Senator will agree to that statement.

Mr. OWEN. I did not hear exactly what the Senator said.

Mr. SUTHERLAND. I say, of course, if the amendment suggested by the Senator from Oklahoma were adopted, it could not affect the case to which the Senator has referred.

Mr. OWEN. No; that was covered shortly afterwards by a statute which made the crime subject to the courts of the United States, where an Indian policeman was killed by an Indian.

Mr. SUTHERLAND. But the case that has already happened can not be subjected to this law, because then it would be an ex post facto law.

Mr. OWEN. That only related to cases where they were killed by Indians. In the case of Sam Six Killer, who was chief of the Indian police and was killed by Indian citizens, the United States had no jurisdiction; but Congress did after that, upon my request, pass an act giving jurisdiction to the United States courts in such cases.

Mr. SUTHERLAND. The amendment suggested by the Senator from Oklahoma covers a pretty broad field. It applies not only to officials of the Indian Service, but it applies to deputy United States marshals and other officers of the Federal Government.

Mr. OWEN. In the discharge of their duty. I thought it covered a rather narrow field, because it only deals with the men who serve writs against those who belong to the criminal class.

Mr. SUTHERLAND. But the amendment is much broader than the subject matter of the bill to which it is to be attached. It covers the whole field.

Mr. OWEN. Yes; I agree with the Senator in that respect. That is true.

Mr. SUTHERLAND. I dislike very much to make a point of order against the amendment, and yet I think it is a subject that ought to be given very careful consideration.

Mr. OWEN. Then I ask that it be confined to the Indian police.

Mr. SUTHERLAND. Even then, it opens up a very broad field, at any rate as a precedent. I wish the Senator would not offer it to this bill. I think it is a matter that ought to be considered fully by the Judiciary Committee. It is now receiving consideration at the hands of that committee, and I am quite sure it will be reported out in some form. I do not know just what form it will assume.

Mr. OWEN. If anything relating to the matter which would make it a subject of conference were to be put on the bill, then the views of the Judiciary Committee could, I take it, prevail by having them presented. That is what I hoped to accomplish. I thought that by putting this within the range of the conference report the Judiciary Committee might make suggestions that would cover it precisely according to what they might find necessary under the present statute.

Mr. WALSH. Mr. President, will the Senator from Utah permit me to make an observation?

Mr. SUTHERLAND. Yes.

Mr. WALSH. I am in entire accord with the Senator from Oklahoma in his desire to have this legislation enacted, and I am quite satisfied that under the decision In re Nagel there is no doubt about the jurisdiction of Congress to provide for the punishment of these crimes of violence committed against an officer of the United States in the discharge of the duties of his office. We now have a statute which relates to obstructions in the enforcement of process and crimes committed; but the penalty is of a trifling character, and it makes it only a misdemeanor.

The bill referred to was referred to a subcommittee of the Committee on the Judiciary, and a letter on the subject was received from the Attorney General. He suggests a general act applicable to the case, a draft of which had been prepared. It presents a rather important question of the strict bounds and lines of the jurisdiction as between the Federal Government and the State government in respect to the jurisdiction of Congress, and I express the hope, also, that the measure will be allowed to take its usual course. I feel very certain that the matter can be reported to the Judiciary Committee at its next meeting, and I feel quite satisfied that a speedy report will come from that committee. I feel very sure that there will be no opposition whatever to the spirit of the bill. It is a mere matter as to the details and the form it shall take.

Mr. OWEN. Mr. President, if the Senators feel that this amendment ought not to go on the bill, after what I have stated, I shall not insist upon it, but will very cheerfully withdraw the proposed amendment.

The VICE PRESIDENT. The amendment is withdrawn.

The bill is still in the Senate and open to amendment. If there be no amendment to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 13768) making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

HOUSE BILL REFERRED.

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916 was read twice by its title and referred to the Committee on Appropriations.

DEFICIENCY APPROPRIATIONS FOR THE MILITARY ESTABLISHMENT.

Mr. MARTIN of Virginia. From the Committee on Appropriations, I report back favorably without amendment the bill (H. R. 13768) making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916, namely:

MILITARY ESTABLISHMENT.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, and for radio installations, motor cycles, and motor-driven vehicles used for technical purposes, $600,000, to remain available during the fiscal year 1917: *Provided, however,* That not more than $500,000 of the foregoing appropriation shall be used for the purchase, maintenance, operation, and repair of airships and other aerial machines and accessories in the Aviation Section; and for the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be necessary for the Aviation Section.

QUARTERMASTER CORPS.

Pay: For pay of the Army, including the same objects, except mileage, specified under this head in the Army appropriation act for the fiscal year 1916, $1,577,017.42.

Mileage to officers and contract surgeons: For mileage to officers, acting dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, $20,000.

Subsistence: For subsistence of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $753,141.

Regular supplies: For regular supplies, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $667,483.08.

Incidental expenses, Quartermaster Corps: For incidental expenses, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $86,960.86.

Horses for Cavalry, Artillery, Engineers, etc.: For the purchase of horses for Cavalry, Artillery, Engineers, etc., including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $1,529,000.

Barracks and quarters: For barracks and quarters, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $31,300.

Transportation: For transportation of the Army and its supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $1,355,447.25.

Water and sewers at military posts: For water and sewers at military posts, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $60,110.50.

Clothing, and camp and garrison equipage: For clothing, and camp and garrison equipage, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $1,223,542.

MEDICAL DEPARTMENT.

Medical and Hospital Department: For Medical and Hospital Department, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $37,500.

ORDNANCE DEPARTMENT.

Ordnance service: For the current expenses of the Ordnance Department, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $20,000.

Manufacture of arms: For manufacturing, repairing, and issuing arms at the national armories, $6,000.

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, $644,000.

This bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. I ask to have taken from the calendar and postponed indefinitely Order of Business 241, which is the original Senate bill 4840, reported to the Senate, as House bill 12766 has been reported and takes the place of the Senate bill on the calendar.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. OVERMAN. This is the Senate committee substitute?

Mr. CHAMBERLAIN. It is.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which had been reported from the Committee on Military Affairs, with an amendment.

Mr. CHAMBERLAIN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection to temporarily laying aside the unfinished business? The Chair hears none.

ORDER OF BUSINESS.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The VICE PRESIDENT. Is there any objection?

Mr. SMITH of Georgia. I object.

Mr. SMOOT. Mr. President, I simply want to say to the Senator that there are about 16 pages of bills on the calendar under Rule VIII.

Mr. SMITH of Georgia. We should take the bills up, then, and dispose of them in their order.

Mr. SMOOT. We have about an hour this afternoon in which it seems to me we should make at least some progress upon the calendar.

Mr. SMITH of Georgia. Has the Indian appropriation bill been finished?

Mr. SMOOT. It has; and the Army reorganization bill, which is now the unfinished business, has been temporarily laid aside. I thought it would be a waste of time to take up now, at this hour, a bill upon which we know there will be discussion. I thought that within the next hour we could clear perhaps three-fourth of all the bills on the calendar under Rule VIII to which there is no objection.

Mr. SMITH of Georgia. Mr. President, in one sense that is true; and, again, it is also true that if we allow bills not objected to to be disposed of in that way it is going to be very difficult to get up and pass upon meritorious bills on the calendar that ought to be disposed of. There ought to be a time when we can take up the calendar and dispose of bills as we reach them. We now have an hour and a half, and I do not see why we should not go on with Order of Business 18, Senate bill 706.

Mr. SMOOT. Of course, if the Senator insists upon it, I have no objection at all, with the exception, of course, that the bill will not be passed to-night and the time will be wasted.

Mr. SMITH of Georgia. It will not be wasted. There are Senators who have views they desire to present on the subject, and they are present, and I think it would be well for them to submit their views. I move that the Senate proceed to the consideration of Senate bill 706, to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

EXECUTIVE SESSION.

Mr. VARDAMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 29, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 28, 1916.

APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Probational Second Lieut. Oscar Otto Kuentz, Corps of Engineers, to be second lieutenant in the Corps of Engineers, with rank from April 1, 1915, the date of his original appointment. (The incumbent's probational appointment will expire March 31, 1916.)

PORTO RICO REGIMENT OF INFANTRY.

Manuel Font, of Porto Rico, to be second lieutenant in the Porto Rico Regiment of Infantry with rank from October 22, 1915, vice Second Lieut. Leopoldo Mercader, promoted September 1, 1915.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Mason M. Patrick, Corps of Engineers, to be colonel from March 24, 1916, vice Col. William M. Black, appointed Chief of Engineers with the rank of brigadier general.

Maj. Meriwether L. Walker, Corps of Engineers, to be lieutenant colonel from March 24, 1916, vice Lieut. Col. Mason M. Patrick, promoted.

Capt. Max C. Tyler, Corps of Engineers, to be major from March 24, 1916, vice Maj. Meriwether L. Walker, promoted.

First Lieut. Albert H. Acher, Corps of Engineers, to be captain from March 24, 1916, vice Capt. Max C. Tyler, promoted.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Henry C. Rexach, Porto Rico Regiment of Infantry, to be captain from September 1, 1915, vice Capt. Laurance Angel, who resigned August 31, 1915.

First Lieut. Pedro J. Parra, Porto Rico Regiment of Infantry, to be captain from September 6, 1915, vice Capt. Stewart McC. Decker, retired from active service September 5, 1915.

Second Lieut. Leopoldo Mercader, Porto Rico Regiment of Infantry, to be first lieutenant from September 1, 1915, vice First Lieut. Henry C. Rexach, promoted.

Second Lieut. Urbino Nadal, Porto Rico Regiment of Infantry, to be first lieutenant from September 6, 1915, vice First Lieut. Pedro J. Parra, promoted.

POSTMASTERS.

CONNECTICUT.

John G. St. Ruth to be postmaster at Windsor, Conn., in place of Charles T. Welch. Incumbent's commission expires April 5, 1916.

MICHIGAN.

William P. Nisbett to be postmaster at Big Rapids, Mich., in place of Frank E. Hardy. Incumbent's commission expires May 8, 1916.

MISSOURI.

William M. Brown to be postmaster at Polo, Mo., in place of James Tait. Incumbent's commission expires April 24, 1916.

J. S. Divelbiss to be postmaster at Braymer, Mo., in place of L. F. Blacketer. Incumbent's commission expires April 24, 1916.

OHIO.

Fred. D. Baker to be postmaster at Sunbury, Ohio, in place of O. W. Whitney. Incumbent's commission expires April 2, 1916.

William E. Haas to be postmaster at Delaware, Ohio, in place of E. L. Porterfield. Incumbent's commission expired February 27, 1916.

NEW JERSEY.

William Gerard to be postmaster at Rockaway, N. J., in place of Vancleve F. Mott. Incumbent's commission expired March 13, 1916.

TENNESSEE.

Charles C. Berry to be postmaster at Dyer, Tenn., in place of James Rogers, jr. Incumbent's commission expires April 15, 1916.

John I. Cox to be postmaster at Bristol, Tenn., in place of Alvin J. Roller. Incumbent's commission expired June 15, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 28, 1916.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from March 13, 1916.

John McAllister.
Fenwick Beekman.
Thomas Alexander Kenyon.
Frank David Smythe.
Alfred Gibson Farmer.
Treston Reed Ayars.
William Johnston Cranston.
Gardner Nathan Cobb.
Morris Kellogg Smith.
Charles Marion Aves.
Ralph Griffiths Stillman.
Gerald Peirce Lawrence.
George Albert O'Connell.
Milton Hickox Prosperi.
Walter Ashby Frankland.
Ralph Henry Kuhns.
Harry Delphos Orr.
James Patterson.
William Eugene Kendall.
George Warner Mosher.
Maurice Lyon Puffer.
John Christian Dallenbach.
Irwin James Shepherd.
Ralph Waldo Wakefield.
Walter Benjamin Harvey.
Henry Thorndyke Chickering.
S. Mortimer Hill.
Joseph Gardner Hopkins.
John Allen Hawkins.
Albert Rudolph Hatcher.
Harry Vincent Paryzek.
Richard Dexter.
Herbert Vance Weihrauch.
Marion Arthur Blankenhorn.
Chester Dale Christie.
James Gerard Kramer.
Dean Flewellyn Winn.
Samuel Fosdick Jones.
Burnley Lankford.
Charles Franklin Hoover.
Horace David Arnold.
Alexander Swanson Begg.
John Warren.
Frank Percival Williams.
Henry Lindsay Sanford.
Thomas Pollock Shupe.
Zabdiel Boylston Adams.
Elliot Gray Brackett.
Benjamin Irving Harrison.
Herbert Newton Greene.
Allen Graham.
Seward Erdman.
Ferdinand Hartmann Dammasch.
Lyman Foster Huffman.
George Emerson Brewer.
John Jacob Smith.
Charles North Dowd.
John Punnett Peters, jr.
Samuel Bradbury.
Arthur Shade Jones.
Leroy Briggs Sherry.
William Edgar Lower.
Alan De Forest Smith.
Harry Selby Purnell.
Cecil Claire Lawhorn.
Brainerd Hunt Whitbeck.
Harold Oliver Ruh.
Harry Gordon Sloan.
Howard Lester Taylor.
John Patrick O'Neil.
Walter Black Rogers.
Richard Lloyd Cook.
Charles Albert Bowers.
John Guy Strohm.
William Raymond Barney.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. Edward N. Jones, jr., to be lieutenant colonel.
Capt. William C. Rogers to be major.
First Lieut. Vernon W. Boller to be captain.
Second Lieut. Charles E. Coates to be first lieutenant.
Second Lieut. Robert H. Willis, jr., to be first lieutenant of Infantry.

CAVALRY ARM.

Second Lieut. Ronald D. Johnson to be first lieutenant.

POSTMASTERS.

ARIZONA.

William J. Daze, Winslow.

GEORGIA.

Sam M. Barnett, Chatsworth.
Mary R. Blacker, Dodge.
Annie C. McCord, Harlem.
Lonnie E. Sweat, Blackshear.

KENTUCKY.

Garland G. Lanum, Fordsville.

NEW YORK.

Francis H. Alvord, Liverpool.
Henry W. Bowes, Bath.
Chauncey G. Brown, St. Johnsville.
Roy Ferguson, Lake Placid Club.
Robert J. Hutchinson, Depew.
Howard V. Kenyon, North Creek.
William H. Nolan, Little Falls.
R. E. Purcell, jr., Philadelphia.
L. N. S. Rockwell, Otisville.
W. D. Schaffer, Newfane.
Jesse H. Shepard, Sherburne.
Charles Williamson, Glens Falls.

TENNESSEE.

John I. Cox, Bristol.

VIRGINIA.

Henry L. Munt, City Point.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 28, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that the good men do lives after them, since all men cherish the good and abhor the evil in man; hence we pray that our lives may be worthy and full of good deeds. The name Judas Iscariot lives only as a synonym for hypocrisy, while the Cross has been glorified and made the synonym for heroism, divine love, and holy sacrifice. May we as individuals abhor evil and cleave to that which is good, that our deeds may live and our names be inscribed on the roll of honor, that we may swell the mighty chorus:

I live to hold communion
With all that is divine;
To feel there is a union
Twixt nature's heart and mine;
For wrong that needs resistance,
For the cause that lacks assistance,
For the dawning in the distance,
And the good that I can do.

In the spirit of the Lord Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. ROGERS. Mr. Speaker, I understood the Journal to state that leave of absence was granted to the gentleman from Pennsylvania [Mr. MOORE]. It was granted to Mr. DARROW on the request of the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. MOORE of Pennsylvania. I thank the gentleman from Massachusetts.

The Journal was approved.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the urgent deficiency bill (H. R. 13043).

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the urgent deficiency bill, which the Clerk will report.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is the inquiry?

Mr. MANN. While a conference report is a matter of high privilege, is it in order to take it up except by unanimous consent under the rule under which we are now operating?

Mr. FITZGERALD. I have read the rule, and I do not think it requires unanimous consent.

Mr. MANN. The rule says immediately upon the passage of the rule the House shall proceed with the consideration of the immigration bill.

Mr. FITZGERALD. A conference report is highly privileged, and a motion has to be made to go into the Committee of the Whole House on the state of the Union anyway under this rule.

Mr. MANN. No; the committee automatically goes in.

Mr. FITZGERALD. The rule does not provide that; I read it.

Mr. MANN. The Speaker has ruled and we have been doing it every time the committee has sat.

Mr. FITZGERALD. Nothing in the rule requires the House to automatically resolve itself into the Committee of the Whole House on the state of the Union.

Mr. MANN. But that is what we have been doing.

Mr. CANNON. A conference report can stop a motion to adjourn.

Mr. MANN. Not when you have a special rule.

The SPEAKER. The Chair thinks the conference report is in order under this rule. The Clerk will report it.

The conference report was read as follows:

CONFERENCE REPORT (NO. 442).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Omit the matter inserted and stricken out by said amendment; and the Senate agree to the same.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.
THOMAS S. MARTIN,
JOHN F. SHAFROTH,
F. E. WARREN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, submit the following detailed statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 1: Appropriates for miscellaneous expenses for the District of Columbia Supreme Court for the fiscal years 1911, 1914, and 1915, as proposed by the Senate.

Nos. 2, 3, 4, and 5, relating to the Bureau of Yards and Docks of the Navy Department: Appropriates $52,000 for maintenance, as proposed by the Senate; and strikes out the appropriations of $85,000 and $45,000, respectively, for contingent expenses and repairs and preservation at navy yards and stations.

No. 6: Appropriates $10,000, as proposed by the Senate, for roads, bridges, trails, etc., in the Platt National Park, Okla.

Nos. 7 and 8, relating to the Department of Justice: Appropriates 55 cents for miscellaneous expenses for the fiscal year 1912 and $6 for enforcement of antitrust laws for the fiscal year 1913, as proposed by the Senate.

No. 9: Appropriates $1,500, as proposed by the Senate, for the salary of the commissioner in Glacier National Park for the fiscal year 1916.

No. 11: Strikes out the paragraphs inserted by the Senate and House of Representatives, authorizing the payment of salary to Ewing C. Bland for services as United States marshal for the western district of Missouri.

Nos. 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, relating to United States courts: Inserts all of the appropriations proposed by the Senate for ascertained deficiencies in appropriations for fiscal years prior to the fiscal year 1916.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, I notice that the conference report strikes out entirely the provision covering Senate amendment No. 11.

Mr. FITZGERALD. The so-called Bland provision?

Mr. MANN. Yes.

Mr. FITZGERALD. The Senate has insisted on this provision, and the House managers believe that Mr. Bland had served in good faith and ought to be paid, but it was thought perhaps preferable to let it go over until a future time.

Mr. MANN. The House believed the man ought to be paid a certain amount and the Senate believed he ought to be paid a smaller amount, and the conferees agreed that he should not be paid anything. Well, that looks like a very reasonable compromise.

Mr. FITZGERALD. Well, the result accomplished, I suppose, was satisfactory to some one.

Mr. MANN. But I wondered upon what theory that could be called a compromise in conference.

Mr. FITZGERALD. Well, it is on the theory this man had in good faith rendered services for which he was entitled to be paid, and those gentlemen who might be supposed to represent his views expressed the belief that if the United States did not wish to pay the compensation to which he was entitled he did not care to take a portion of it.

Mr. MANN. He prefers to take his chances with future Congresses?

Mr. FITZGERALD. To try to bring it up at a later time, when there will be a different atmosphere.

Mr. MANN. Of course the item itself was subject to the point of order when it went to the House, and the point of order would very likely be made the next time if he does not want the money.

Mr. FITZGERALD. That is a matter of argument.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE MILITARY ESTABLISHMENT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House as in the Committee of the Whole House on the state of the Union the bill (H. R. 13768) to supply urgent deficiencies for the Army, because of the situation on the Mexican border.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13768) making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is there any reason why we should not go into the Committee of the Whole House on the state of the Union on the bill?

Mr. FITZGERALD. Except I thought perhaps we might save a little time. So far as I am aware nobody desires any considerable time to discuss anything that can not be said under the five-minute rule.

Mr. MANN. I do not desire to say anything, but it seems to me it is rather bad practice.

Mr. FITZGERALD. I think we can expedite it if we consider it in the House.

Mr. BURNETT. Is it a conference report?

Mr. FITZGERALD. No; it is a deficiency bill.

Mr. MANN. I do not object, but I do not like the precedent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this the first reading of the bill?

The SPEAKER. Yes; it is the first reading.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendment.

Mr. MANN. Mr. Speaker, I wish the gentleman from New York would make a very brief statement.

Mr. FITZGERALD. Mr. Speaker, a short time ago Congress passed a resolution authorizing the President to increase the Army to the war strength. Under that resolution 29,290 men would have been added to the various arms of the service. By an order, dated March 21, the President directed that certain organizations serving outside of the mainland of the United States should not be increased to the war strength. The result of the order is that the increase in the various branches of the service within the United States will increase the Army by 25,571 men. These increases are distributed as follows: Three thousand nine hundred and fifty-six for the Cavalry, 19,300 in the Infantry, 907 in the Field Artillery, 13,076 in the Signal Corps, 350 in the Ordnance Department, 1,300 in the Quartermaster Corps, 60 in the Engineers, and 302 in the Coast Artillery. Immediately upon the approval of the joint resolution recruiting was started. Directions to the United States forces on the border to proceed into Mexico for the purpose of apprehending Villa necessitated that certain equipment and outfit be acquired that was not then in the possession of the department. One hundred and twelve motor trucks for transportation purposes have been acquired and a number of horses and other equipment has been purchased.

As a result of the joint resolution increasing the various branches of the service, it is necessary to acquire 5,000 additional horses for the Cavalry, 1,050 for the Artillery, 450 riding horses for Infantry regiments, and 10 bell horses for pack trains. Six hundred thousand dollars is recommended for the Signal Corps. Five hundred thousand dollars of that sum to be available for the purchase of high-power aeroplanes and the necessary equipment to operate them. There are now with the Army on the border eight aeroplanes in serviceable condition.

Mr. GARNER. Will the gentleman yield just there?

Mr. FITZGERALD. Yes.

Mr. GARNER. What is the cost of a high-power aeroplane such as is contemplated to be purchased there?

Mr. FITZGERALD. Twelve thousand dollars, which figure includes spare parts. This appropriation is sufficient to acquire 24 aeroplanes, with the necessary motor trucks and other equipment. The organization is in squadrons, with 12 planes to a squadron. It is the purpose of the department at this time to acquire but 8 planes, with the necessary motor trucks and other necessary equipment. Due to the uncertainty, however, of the situation on the border, and anxious to be provided for any emergency, the department requests that the appropriation be made sufficient so that, if desirable or necessary, the additional planes and equipment may be obtained prior to the 1st of July. If no necessity arises for the acquisition of the aeroplanes prior to the 1st of July the money is to continue available during the next fiscal year and to be part of the appropriation for the service for the next fiscal year.

Mr. BENNET. Will my colleague yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. BENNET. The Aero Club of America has sent literature—I do not know how widespread, but I got some of it—in which they said we had only three or four low-power aeroplanes in Mexico, and that the reason—and I am not indorsing this now—and the reason we had no more aeroplanes was the very culpable neglect of Congress to make any appropriations. I notice that in the Army bill last year we appropriated $600,000 for the Signal Corps service. I want to ask my colleague what was the real fact in relation to the action of Congress in connection with aeroplanes?

Mr. FITZGERALD. The statement of Gen. Scriven is to the effect that there are eight serviceable machines on the border. However, the high altitudes in which the planes are operating there has made the operation somewhat more difficult. The general stated that they had 23 machines in all. He said, when before the Committee on Appropriations:

> At San Diego there are 10 machines, but they are all training machines, and a training machine is not considered suitable for the work, for the reason that they are slower and heavier machines than scouting machines and land more slowly.

In the Philippines there are four machines that could be used. At Columbus, N. Mex., he said, there are eight machines, and, as far as I can make out from the reports of the papers, and so on, they are all accounted for, with the possible exception of one. Lieut. Gorrall was lost and ran out of gasoline and had to land; but reports in this morning's papers state that one machine that had a broken axle—by running into a bank in the dark—has been repaired, so that there is now only one machine that may be out of commission, or may not be, I do not know; at all events, eight machines are all we have there.

They are operating at an altitude of about 8,000 feet. It is desired to obtain some of the later type of the more highly powered machines. The American manufacturers in all their contracts with foreign Governments at this time have clauses which permit them to deliver to the Government of the United States in case of necessity, or in case they are called upon, machines being made under contract for foreign Governments.

It was stated that one of the difficulties with the machines in the United States is that we have not developed the motor to that degree of perfection that obtains in motors in other countries. It is stated that the machines that are being sent abroad by American manufacturers are used with the motor made in this country only in the training schools, but when the machines are sent to the front for use in actual service a foreign motor is substituted for the American motor.

A situation now exists where the Army is in the field, and the necessity for these planes is apparent; and the committee unanimously, with no division in it, recommended the sum stated to be necessary in order to provide adequately for the service.

Mr. BENNET. So far as my colleague is informed, I take it from his remarks that Congress has appropriated whatever sums for aeroplanes the War Department has asked for. Is that a correct statement?

Mr. FITZGERALD. I am not certain as to the appropriations. But I have the figures here. The estimate for 1916, the current year, was $700,000. The appropriation is $600,000. For 1915 the estimate was $550,000, and the appropriation was $500,000. For 1914 the estimate was $375,000, and the appropriation $375,000.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Congress has practically appropriated within $150,000 all that was estimated during the past few years; that is, out of total estimates aggregating $1,625,000 Congress has appropriated all the estimates except $150,000.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. I think the gentleman is mistaken about having appropriated the estimate last year.

Mr. FITZGERALD. I am not mistaken, because I have taken the precaution to read the figures from the records.

Mr. BENNET. It is $100,000 less.

Mr. GARDNER. I did not catch what the gentleman said.

Mr. FITZGERALD. I said that I have taken the precaution to read the figures from the records.

Mr. GARDNER. I understood the gentleman to say that Congress had appropriated the entire estimate.

Mr. FITZGERALD. I said the estimate was $700,000 and the appropriation $600,000 for the year 1916, but during the three years Congress had appropriated $150,000 less than was estimated, and the total appropriation was $1,475,000. I would say that that is practically the sum estimated by the department.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman answer a question?

Mr. FITZGERALD. I will try.

Mr. HAMILTON of Michigan. Will the machines we have ordered be equipped with the same high-powered motors as the machines we have been sending abroad have been equipped with?

Mr. FITZGERALD. The purpose is to purchase machines of the very latest and most highly developed type.

Mr. HAMILTON of Michigan. Do we have to order the foreign motor?

Mr. FITZGERALD. No. We will have to use American motors. We can not purchase foreign motors at this time.

Mr. HAMILTON of Michigan. I understood the gentleman to say we did not manufacture in this country motors of the same high power as the foreign-made motors.

Mr. FITZGERALD. I say that we do not manufacture as good a motor, but we have to get along with the best we can get. No foreign motor can be obtained at this time.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BENNET. Just to permit me to call attention to the fact that this Congress is being criticized all over the United States because we have not 40 or 50 high-powered aeroplanes when the estimates show that if we had given the department every dollar that they asked for we could have had only eight more high-powered aeroplanes than we have. Throughout the country there is entirely too much criticism of Congress.

Mr. FITZGERALD. I am very well acquainted with a number of these estimable gentlemen in the Aero Club of America. Their fad is aeronautics. They seem to imagine that everybody in the United States should think only about aeroplanes. They favor the appropriation of more money for aeroplanes for various branches of the service than for any other possible thing. They are high-minded, honest, patriotic, intelligent faddists. They do good work, although they are, like most of the critics of Congress, extreme in their criticisms and lacking in information. [Laughter.]

Mr. BENNET. I notice that they had to admit that Congress appropriated money for 60 aviators, and the War Department was unable to find more than 15 aviators in the country, so that Congress appropriated more for aviators than could be used.

Mr. FITZGERALD. My recollection is that last year the War Department was able to obtain only 25 officers under the law to train as aviators.

Mr. BENNET. I think it was fewer than that. I think it was only 15.

Mr. FITZGERALD. I think I made a liberal statement.

Mr. BARNHART. Mr. Speaker, will the gentleman yield there?

Mr. FITZGERALD. Yes.

Mr. BARNHART. For three years, maybe four, Members of Congress have been getting at least weekly grists of letters, sent them from this Aero Club of America, and I understand that the newspapers, big and little, throughout the country are being exploited by this Aero Club. I would like to know whether the gentleman from New York has information as to whether the money to promulgate this great advertising scheme is furnished by manufacturers of aeroplanes, or whether it is furnished by these enthusiasts that he speaks of?

Mr. FITZGERALD. I believe these men are enthusiastic. It is their hobby, and they ride it.

Mr. BARNHART. Do they pay for it?

Mr. FITZGERALD. I believe they pay for it. They have a very fine establishment in New York. They are men of large means, and I think they pay for all that publicity themselves.

Mr. BARNHART. Are any of them engaged in manufacturing aeroplanes?

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield to the gentleman from Illinois.

Mr. BUCHANAN of Illinois. If what I get from some of the letters that I have received from the president of this Aero Club, referred to by the gentleman from Indiana [Mr. BARNHART], can be relied on, they are more interested in the construction of battleships than they are in the development or manufacture of aircraft. If my recollection serves me aright, too, it seems that Congress, as to the Navy Department at least, has appropriated more money than has been used by the department for the manufacture and development of aircraft.

Last Congress I offered an amendment to the appropriation bill to have the Government establish a plant to manufacture aeroplanes, where the aircraft—both the engines and otherwise—could perhaps have been developed, but my amendment was voted down. If such a plant was established, we would perhaps now be leading the European countries instead of depending upon them for engines, and so forth. In my judgment it is due largely to the heads of the department not being willing to prepare for the manufacture by the Government instead of depending on private manufacturers, who for the last year and a half have been more interested in the extortionate prices and large profits they are able to get from the belligerent nations than in the development of their machines. If my recollection serves me right, the public records will bear out that statement.

Mr. COX. Mr. Speaker, just one question. Will the gentleman from New York kindly inform the House about this, because it is rather a revelation to me that American manufacturers are not able to make as good an engine as is made abroad. What is the cause of that? Is the department able to give any reason for that?

Mr. FITZGERALD. I am unable to say, except that it frequently happens that in some of the foreign countries they develop and perfect things more quickly than we do, but I think that eventually the American manufacturer equals, if he does not excel, them.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. I think it is conceded by everybody everywhere that the American automobile engine is the best that there is in the world, and that we make as good an automobile here as they make any place in the world; and the same kind of an engine that runs an automobile will run an aeroplane.

Mr. FITZGERALD. No.

Mr. MADDEN. Yes.

Mr. FITZGERALD. They need lighter engines, and they have trouble with the ones made here.

Mr. MADDEN. We have the facilities to make the best machines in the world, and we make them, and there is no reason why we can not compete with any nation in the world, and we are doing it.

Mr. FITZGERALD. No; we are not doing it on aeroplane engines.

Mr. MADDEN. We are making a higher class automobile than any other country in the world.

Mr. FITZGERALD. I am not talking about automobiles.

Mr. MADDEN. And we are making a better class of engine than England or France or any other country. Our automobiles are of a higher type; they last longer; they do more work at less cost; they use less gasoline, with less friction. They will run farther without repairs, and the result of all that is that, instead of buying automobiles from abroad, as we used to do, we are selling automobiles all over the world, and it is recognized that the machines that are made here are superior to any machines that are made anywhere; and the same type of engine that is used in the automobile is the type of engine that must be used in the aeroplane.

Mr. BARNHART. Oh, no.

Mr. MADDEN. Yes.

Mr. HAMILTON of Michigan. Is the gentleman aware that the manufacturers of some very high-grade automobiles in this country are buying their engines abroad with which to equip their automobiles?

Mr. MADDEN. They may be doing that because they have not the facilities to make them.

Mr. HAMILTON of Michigan. No; it is because they get a better engine abroad, because they can not make as good an engine here.

Mr. MADDEN. We do make them.

Mr. HAMILTON of Michigan. No.

Mr. FITZGERALD. I will concede that the gentleman knows more about automobiles than I do.

Mr. Speaker, the other items in this bill are to provide for the pay of the men and for supplies of different characters required by the increase in the Army authorized by the joint resolution. I may say that the situation in the department at this time is a little unusual. Unexpectedly, because of very aggravating conditions, orders were issued to the troops on the border to enter Mexico for the purpose of apprehending Villa. I do not think there is any dissent in the country as to the propriety of that action. However much we may desire to avoid war, we do not propose that any bandit shall raid American territory, kill our citizens, and destroy our property without prompt and efficient action on our part to punish those who act in such manner. [Applause.] Haste was essential. Villa has been engaged in warfare for some time, and has been noted for the rapidity of his movements. Our expedition was organized as rapidly as possible. The department was compelled in some instances to issue orders for supplies, although there was no money available and although it contravened certain provisions of the Revised Statutes. The matter was mentioned to me informally, and I made the statement that under the conditions that existed, in my opinion Congress would be more likely to criticize the administration for failing to act because of the lack of funds than it would be to criticize the department for

doing everything necessary, regardless of authority to do so, relying upon the fact that, without any dissent whatever, Congress would approve the action of the administration and provide the funds necessary to pay for whatever equipment had been ordered. This bill is being urged at this time so that that situation may be relieved and that the funds may be available, that the department may do everything necessary to carry out the purposes of the expedition.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. GREEN of Iowa. As I understand the bill, there is no provision in it for the purchase of additional machine guns.

Mr. FITZGERALD. No.

Mr. GREEN of Iowa. There is no necessity for it.

Mr. FITZGERALD. There is no necessity for it, and they could not be had if there were. This bill is to provide for this emergency. The fortifications bill, which will be reported in the very near future, will, I think, satisfy everybody with the provision which it will make for matters of that character.

Mr. GREEN of Iowa. I mention it simply because in various newspapers throughout the country there has been a great deal of entirely unfounded criticism. As an illustration of this I will mention one editorial which I saw, criticizing the Army for using the Lewis machine gun——

Mr. FITZGERALD. Which they are not using at all.

Mr. GREEN of Iowa. They are not using at all; but this editorial criticized Congress for not supplying the Army with machine guns. I understand that we have appropriated something like $150,000 a year for several years, which has not been used by the department for the purchase of machine guns.

Mr. FITZGERALD. I do not recall that; but the type of gun is always determined by the ordnance experts in the department and not by Members of Congress.

Mr. GREEN of Iowa. Certainly; but this article was criticizing Congress on the assumption that it had pursued a course just the opposite to what it has pursued. In fact, the department has not been using the money that has been appropriated for the purpose.

Mr. FITZGERALD. Despite the fact that there seems at times to be a somewhat widespread belief that Congress consists of the greatest aggregation of incompetent and unpatriotic citizens that could be gathered together from all the four corners of the United States, it manages somehow to blunder into doing what is pretty nearly the right thing most of the time.

Mr. SHERLEY. If the gentleman from New York will permit me, it is only proper to say that the criticism is not only undeserved but frequently undeserved touching the Army and the equipment and supplies of the Army. The reason why the moneys have not recently been expended touching machine guns has been explained repeatedly in hearings before various committees dealing with the matter; they were undertaking to get the very latest type of gun, and properly so. The Army has now sufficient machine guns, that are good guns, to take care of its needs as they exist to-day in Mexico, and are likely to exist in the near future.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To interrogate the gentleman from New York.

The SPEAKER. Does the gentleman from New York yield?

Mr. FITZGERALD. I yield to be interrogated. [Laughter.]

Mr. MOORE of Pennsylvania. About 10 days ago the chairman of the Committee on Military Affairs brought in a resolution which was unanimously passed by the House, the purpose being to bring the Army up to its full strength. Is this urgent deficiency bill to put into effect the terms of that resolution?

Mr. FITZGERALD. It is the result of the joint resolution and the conditions on our border.

Mr. Speaker, the total amount carried by the bill is $8,611,502.11, and that sum is based on the estimates for the additional 25,000 men for a period of three months, commencing on the 1st of April to the 30th of June.

Mr. CANNON. Mr. Speaker, I am a member of the subcommittee that reported this bill. It was reported to the House unanimously by the full committee. I do not desire to take much time. I indorse what the gentleman from New York [Mr. FITZGERALD] had said touching the items in the bill, and yet I want to make a very few remarks. I recognize that this is a time for action and not for criticism, and yet it is proper, I think, due to myself, due to the House, due to this Congress, to call attention to the fact that when history comes to be written, as it will be written and ought to be written, for the purpose not so much of criticism but for the guidance of future Congresses touching proper appropriations for the Navy and for the Army for the national defense.

In my time I have seen many Presidents and many Congresses elected, and am old enough to recollect back as far as 1844 that one party put into its platform a plank for the annexation of Texas, and in the very next line a paragraph declaring that our northern border should be "Fifty-four forty or fight," which is now the northern boundary between British Columbia and Alaska. Polk was elected President upon that platform.

Texas was annexed. And yet during the very progress of that campaign the Secretary of State, Calhoun, was negotiating with Great Britain for the establishment of a boundary at 49 degrees north latitude between the United States and British Columbia. We owned up to the Alaskan boundary by discovery, and that treaty was consummated under Polk's administration and was ratified in the Senate after a great fight, opposed by Douglas, who was a Member of the House, and by Hannegan and many other Democratic Senators in the Senate, as is recorded by Benton in his Thirty Years in the United States Senate.

We lost British Columbia, and it has been to our sorrow since that time. You may say that this is ancient history, but the results show what party platforms amount to and what the action of Congress from time to time amounts to. The results are with us now, and will be with us always.

While I indorse these appropriations, I am not here to indorse the action which makes the appropriations, so far as the condition on the Mexican border and in Mexico are concerned, absolutely necessary as to the production of these conditions which render the appropriations necessary. The historian will write in the future whatever may be the result on the border or in Mexico.

At the beginning of the Mexican War, which resulted in the annexation of Texas, all parties, while they had much language before the war began—all parties, including Lincoln, who was at that time in the Congress—solidly, unanimously, and most amply provided in a hurry for the support of the Army and the Navy, as this House is solidly providing for this appropriation and others that are necessary not only in Mexico but for the national defense. [Applause.]

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916, namely:

Mr. LONDON. Mr. Speaker, I move to strike out the last word. Two weeks ago, when the resolution authorizing the President to increase the Army to its full war strength for the purposes of the expedition into Mexico came up, I found myself in the uncomfortable position of voting against the entire House on the resolution. It was with a deep sense of responsibility and with an intense feeling of sadness that I did vote alone, against the entire House, on the Mexican question. I believe, however, that I was right and that you were wrong. The President now realizes that in the blundering treatment of Mexico no more serious blunder has been committed than this so-called punitive expedition.

The present conflagration in Europe started with a punitive expedition by Austria-Hungary against helpless Serbia. Look at the history of colonial expansion in the last half century and you will find that one-half of the wars were preceded by punitive expeditions.

Mr. RAGSDALE. Will the gentleman yield?

Mr. LONDON. I will yield if my time is extended.

Mr. BURNETT. I shall object to that.

The SPEAKER. The gentleman from New York declines to yield.

Mr. LONDON. You can not chase a bandit with an army of 50,000 men, just as you can not use a locomotive to chase a bird. The entire proposition is an indefensible one. Within a week or two weeks you will find your Army deep in the territory of Mexico and you will find the Mexican people rallying around that bandit as a patriot. Every day this invasion continues you are increasing the strength of the bandit Villa or of some similar bandit. Only yesterday the President was compelled to appeal to the press to stop inflaming passions, to stop the spreading of misleading news. I fear that in spite of the pacific and honorable intentions of the President he will be forced by a dishonest press, by a press dictated by most unclean motives of its owners, to maintain a large army in Mexico and to spread out the area of invasion. Then you will find yourselves at war, not with a bandit but with the Mexican people. That is why I voted against the resolution, and if I had more time now I hope I could convince a good many of you

that this punitive expedition into Mexico is one of the most serious blunders in the President's career and one of the most serious blunders on the part of this Congress. What I would do is this: I would have the National Guard, I would have the Regular troops, I would have a citizen army protect every inch of the border of the United States; I would vote an appropriation of hundreds of millions of dollars to protect every inch of the border of the United States, but I would not permit a single soldier to invade or enter the territory of another people, because that means laying the foundation for a long war, and war is a calamity.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Speaker, continuing my argument against the "punitive" expedition into Mexico, and under leave to extend my remarks, I respectfully submit that the danger of invading the territory of a friendly nation is hardly appreciated by the great masses of the people.

It is scarcely believable that this satanic performance of Villa was a mere accident. The truth will be known some day, and the world will learn that the bandit, Villa, was the mere tool of interests which sought to embroil the United States in a war with Mexico.

That there are powerful interests whom nothing would suit better than the annexation of Mexican territory can not be successfully contradicted.

The President is evidently alarmed over the situation. May I quote from his appeal to the press the significant words:

The object of this traffic in falsehood is obvious. It is to create intolerable friction between the Government of the United States and the de facto government of Mexico for the purpose of bringing about intervention in the interest of certain American owners of Mexican properties.

When we compare the total wealth of Mexico with the proportion of that wealth held by American capitalists we will understand the reason for the President's alarm.

In Consular Report No. 168, prepared by Consul Letcher at Chihuahua, and published July 18, 1912, the total valuation of wealth within the borders of Mexico is placed at $2,434,241,422, of which Americans owned $1,057,770,000, or 43 per cent, while Mexicans owned only $792,187,242, or 32½ per cent of the total. The remainder of the wealth of Mexico was held by British, French, German, and other foreign capitalists. Consul Letcher explained that he secured these statistics from Mexican federal and state reports and from other sources equally trustworthy.

This report shows, among other things, the following items of comparison between American and Mexican ownership in Mexico:

Class of property.	Holdings.		Per cent American.
	American.	Mexican.	
Railway stocks	$235,464,000	$125,440,000	53
Railway bonds	408,926,000	12,275,000	72
Mines	223,000,000	7,500,000	77
Smelters	26,500,000	7,200,000	72
National bonds	52,000,000	21,000,000	26
Oil business	15,000,000	650,000	58
Rubber industry	15,000,000	4,500,000	68

The most notable items of Mexican property held chiefly by the Mexicans are houses, ranches, live stock, bank deposits, and retail stores—none of which would naturally be acquired by foreign capitalists in preference to railroads or mines.

All of the chief industrial, financial, and manufacturing enterprises are owned or controlled by foreign capitalists. The Mexican people have been dominated by the worst form of a foreign aristocracy—the aristocracy of foreign capital, and in this cash aristocracy American capitalism has a larger representation than all other foreign capitalists combined. What the pacification of Mexico will mean to American capital can also be gathered from the statistics of imports from and exports to Mexico.

From or to—	Imports from Mexico.		Exports to Mexico.	
	1912-13	1913-14 (9 months).	1912-13	1913-14 (9 months).
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
United States	9,728,755	6,106,928	23,203,570	13,901,557
Great Britain	2,590,009	1,579,761	3,114,710	2,131,478
France	1,833,795	1,089,401	715,101	747,094
Germany	2,522,076	1,738,768	1,643,801	966,031
Spain	1,053,064	437,171	218,282	205,426
Belgium	280,343	218,196	515,124	143,776

The administration is unwittingly playing into the hands of the annexationists.

With American troops on Mexican territory, the de facto government of Mexico is placed in an impossible position. If it yields and does not resist the march of American troops, it will bring upon itself the charge of betraying its own people. If it resists, we will find ourselves at war with Mexico without a formal declaration of war. In any event, we run the risk of strengthening the hand of Villa.

Our losses have so far been insignificant. Should there be a serious loss of life, should some of our soldiers be ambushed, should some outrage be perpetrated upon the wounded, the aroused indignation of the people of America and the instinctive passion for revenge which is still strong in men's hearts will compel a continuance of the war and the overrunning of Mexico. Thus an expedition which had for its origin a police measure for the capture and apprehension of a bandit will expand into a war with a friendly nation. The more sacrifice is made in the hunt after the elusive Villa, the more deeply into Mexican territory he will lure the pursuing American Army, the wider area which will be occupied by the invading force of the United States, the greater will become the pressure that the Army remain in Mexico until that unfortunate land is completely pacified, the more insistent will become the demand that the occupied territory be retained under control of American arms, and the stronger will be the appeal for the annexation of Mexican territory.

Sweden, Norway, Holland, and Switzerland have, during the last 20 months, taxed themselves to the utmost to defend their borders against attack and to prevent the violation of their territory.

As I said before, I would cheerfully vote any appropriation which may be necessary to defend the frontier of the United States.

There is a small group of workers who argue that because the working class is oppressed the worker has no home to defend. It is true that the working class occupies the mere subcellar of the structure of society, but it is entirely due to ignorance, inertia, indifference, and lack of understanding on the part of the working people themselves. It would be just as foolish for the working people of Holland to say that they will refuse to build the dikes which protect Holland from the invasion of the ocean, because when free from the danger the capitalists will take advantage of the worker, as it would be for the working class in America to say that, because the capitalistic interests largely control the life of the country, the worker has no home to defend.

The stoker on a luxurious ocean liner, covered with sweat and grime, deep in the hold of the ship, underpaid and despised, the last one to escape danger, is as surely interested in the welfare of that ship as the "bloated capitalist" in the first cabin. They are both passengers on the same ship.

Knowing all this, I draw a sharp line of demarcation between a war of defense and a war of aggression. We must defend against attack. No sacrifice can be too great for that. We must not permit ourselves to be the aggressors. We must sternly oppose any policy that may lead to war.

I protest against the invasion of Mexican territory. It is not too late to withdraw to the border. My vote against the emergency appropriation is a vote of warning and of protest.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word. I desire to ask the chairman of the Committee on Appropriations for some information. I was called out of the Chamber when he made his statement. Is the amount carried in this emergency bill to meet the military necessity of the Mexican situation?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. The eight million dollars. Will the gentleman tell the House how much money we expended in connection with sending the Army and Navy to Vera Cruz, Mexico?

Mr. FITZGERALD. I do not know.

Mr. AUSTIN. Is not that information in the possession of the Committee on Appropriations?

Mr. FITZGERALD. It is not. I never inquired.

Mr. AUSTIN. Have we made an appropriation covering it?

Mr. FITZGERALD. No.

Mr. AUSTIN. Has an estimate been submitted to the committee?

Mr. FITZGERALD. There may have been some items included in deficiency bills in previous sessions of Congress, but I do not recall them now.

Mr. AUSTIN. Mr. Speaker, I withdraw the pro forma amendment.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, and for radio installations, motor cycles and motor-driven vehicles used for technical purposes, $600,000, to remain available during the fiscal year 1917: *Provided, however,* That not more than $500,000 of the foregoing appropriation shall be used for the purchase, maintenance, operation, and repair of airships and other aerial machines and accessories in the aviation section; and for the purchase, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles, which may be necessary for the aviation section.

Mr. MANN. Mr. Speaker, I move to strike out the last word. Reference has been made to the number of aeroplanes now in the War Department. I do not know what the number is. I notice by the morning papers a statement that of the aeroplanes on the Mexican border all but two are out of commission, that only two are available. It seems to me that this ought to bring home to us the fact that while we may sit and dream about everything being in perfect shape for national defense, yet after all, we really learn by experience here and in the Army. I am not making any criticism of the Army. They are learning now by actual experience what they need to know. This country will only learn by actual experience, and the little trouble down on the border ought to make us appreciate the fact that we can only learn by experience; that the Army itself only learns by experience; and that while we nominally have eight aeroplanes there and possibly ought to have eighty, according to the newspapers we have but two. We are not in very good communication with what troops we have in Mexico.

Reference has been made to the Aero Club of America. Goodness knows, I am under no obligation to them. I think possibly they have more severely criticized me than any other Member of the House, but perhaps that is only because they send me copies of their criticisms and letters, and so forth. They are doing a good work in trying to make us appreciate the fact that under modern war conditions aeroplanes are absolutely essential. On the Mexican border we ought to be in almost hourly communication with the troops that we have by aeroplanes. We ought to have had aeroplanes enough there to have located the man we are seeking. No one knows where he is. The only way we can find him will be when we construct aeroplanes enough to locate him, and probably by that time he will have hidden himself in a hole, where no aeroplane operator can see him.

Mr. Speaker, while I am on my feet I desire to announce that I am going to ask, if no one else does, for a roll call on this bill, in the hope that it will demonstrate that the American Congress when money is needed to protect our border or to take care of our troops will always provide it without a dissenting voice. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois has referred to statements in the press to the effect that there are but two serviceable aeroplanes on the border. Gen. Scriven is the head of the Signal Corps. He appeared before the Committee on Appropriations on Saturday morning and stated at that time that there were eight serviceable machines at Columbus, N. Mex.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I simply wish the facts to be known, so that no one will be misled by inaccurate newspaper statements.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Speaker, did not Gen. Scriven state to the committee that his statement was based on newspaper reports; that is, his statement as to whether these machines are in order?

Mr. FITZGERALD. No; his statement was that, as to reported accidents, he had seen an account in the morning newspapers of a machine having broken down.

Mr. MANN. And he stated that from the press report. The press reports this morning are to the effect that all of the machines, except two, have had accidents happen to them.

Mr. FITZGERALD. I do not place entire confidence in reports about the conditions relating to troops on the border for publication, on account of the difficulty of getting accurate information.

Mr. MANN. I do not say that at all in the way of criticism.

Mr. FITZGERALD. I understand; but I do not wish to be misunderstood about the situation.

Mr. MANN. But the fact is they are not enough; everybody knows that.

Mr. FITZGERALD. They are asking this money to get more, and we are trying to accommodate them. I withdraw the pro forma amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last two words. In the last Congress—in fact, ever since I have been a Member of Congress—I have tried to exercise my influence to secure the development and construction of aircraft and submarines. One reason perhaps was, I believe that when they are fully developed the battleships will be proven to the satisfaction of everybody to be obsolete and inoperative, and the money that is being put into them, in my judgment, is a waste of the people's money. As I stated before, I have asked, by way of offering amendments, to have the Government manufacture, or the establishment of a plant to manufacture, aircraft, for the reason I wanted the Government to have the benefit of the efficiency of our Army and Navy engineers, who I think are the best in the world, in the development of engines and the improvement of our submarines, instead of being in the rear of European countries. If this plan had been adopted, in my opinion we would now be in the lead in regard to the development and manufacture of aircraft; and it seems to me now, after the experience we have had that our Army and Navy officials have been unable to secure the manufacture by private yards, that Congress should lose no time in authorizing a plant to be established for the purpose of developing and the manufacture of aircraft. Not only, in my opinion, would we get more efficient machines, but while the Army and Navy officials were manufacturing or looking after the manufacture of aircraft, they would also obtain an experience that would be advantageous to them in the operation of these machines, and perhaps we would have more efficient operators of aircraft; and I will at the opportune time——

Mr. GORDON. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Again strive to secure the establishment of a Government plant for this purpose. I yield to the gentleman.

Mr. GORDON. What would the gentleman do if all of these machines and all the different parts and appliances were covered by patent, as I understand is the case? How would the Government get control of those?

Mr. BUCHANAN of Illinois. The Government can secure these patents as easily as any private manufacturer, in my judgment, if we will exercise our influence and prerogatives. It is only a matter of earnest effort on the part of our Government officials in striving to secure the best that they can for the Government for this purpose. That is my opinion, and while gentlemen may be wiser in regard to those matters than I am, my opinion leads me to believe the Government can do those things. Perhaps they may have to purchase patents, and so forth, and then if we will utilize the efficiency of the Army and Navy engineers, in my opinion, they will develop those patents that will probably be an improvement upon anything that we have at the present time.

Mr. BAILEY. Will the gentleman yield?

Mr. BUCHANAN of Illinois. I will.

Mr. BAILEY. I would like to ask if the aeroplane we have to-day is less efficient than that used in the European war, either by the Germans, French, or British?

Mr. BUCHANAN of Illinois. Well, I can not answer that question; I will say to my friend that I am informed that American manufacturers are manufacturing aircraft for the European belligerent nations, which is evidence that they are to some degree at least satisfactory to those countries.

The SPEAKER. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 374, nays 1, not voting 59, as follows:

YEAS—374.

Abercrombie	Barnhart	Buchanan, Ill.	Capstick
Adamson	Beakes	Buchanan, Tex.	Caraway
Aiken	Beales	Burgess	Carew
Allen	Belt	Burke	Carlin
Almon	Bennet	Burnett	Carter, Mass.
Anderson	Blackmon	Butler	Carter, Okla.
Anthony	Booher	Byrnes, S. C.	Casey
Ashbrook	Borland	Byrns, Tenn.	Charles
Aswell	Britt	Caldwell	Chiperfield
Austin	Britten	Callaway	Church
Ayres	Browne	Campbell	Cline
Bacharach	Browning	Candler, Miss.	Coady
Bailey	Bruckner	Cannon	Coleman
Barkley	Brumbaugh	Cantrill	Collier

Connelly	Gray, Ind.	Lobeck	Saunders
Conry	Gray, N. J.	Loft	Schall
Cooper, Ohio	Green, Iowa	Longworth	Scott, Mich.
Cooper, W. Va.	Greene, Mass.	McAndrews	Sells
Cooper, Wis.	Greene, Vt.	McClintic	Shackleford
Copley	Griffin	McCracken	Shallenberger
Costello	Hadley	McCulloch	Sherley
Cox	Hamill	McDermott	Sherwood
Crago	Hamilton, Mich.	McKellar	Shouse
Cramton	Hamilton, N. Y.	McKenzie	Siegel
Crisp	Hamlin	McKinley	Sims
Crosser	Hardy	McLaughlin	Sinnott
Cullop	Harrison	McLemore	Sisson
Curry	Haskell	Madden	Slayden
Dale, N. Y.	Hastings	Magee	Sloan
Dale, Vt.	Haugen	Maher	Small
Dallinger	Hawley	Mann	Smith, Idaho
Danforth	Hay	Mapes	Smith, Mich.
Davenport	Hayden	Martin	Smith, Minn.
Davis, Minn.	Hayes	Matthews	Smith, N. Y.
Davis, Tex.	Heaton	Mays	Smith, Tex.
Decker	Heflin	Miller, Del.	Snell
Dempsey	Helgesen	Miller, Minn.	Sparkman
Denison	Helm	Miller, Pa.	Stafford
Dent	Helvering	Mondell	Steagall
Dickinson	Hensley	Montague	Stedman
Dies	Hernandez	Moon	Steele, Iowa
Dill	Hicks	Mooney	Steele, Pa.
Dillon	Hill	Moore, Pa.	Steenerson
Dixon	Hinds	Morgan, Okla.	Stephens, Cal.
Dooling	Holland	Morin	Stephens, Miss.
Doolittle	Hollingsworth	Moss, W. Va.	Stephens, Nebr.
Doremus	Hood	Murray	Stephens, Tex.
Doughton	Hopwood	Neely	Sterling
Dowell	Houston	Nelson	Stout
Driscoll	Howard	Nicholls, S. C.	Sulloway
Drukker	Howell	Nolan	Sumners
Dunn	Huddleston	North	Sweet
Dupré	Hughes	Norton	Swift
Dyer	Hulbert	Oakey	Switzer
Edmonds	Hull, Iowa	Oglesby	Taggart
Ellsworth	Hull, Tenn.	Oliver	Tague
Elston	Humphrey, Wash.	Olney	Talbott
Emerson	Humphreys, Miss.	O'Shaunessy	Tavenner
Esch	Husted	Padgett	Taylor, Ark.
Estopinal	Hutchinson	Page, N. C.	Taylor, Colo.
Evans	Igoe	Park	Temple
Fairchild	Jacoway	Parker, N. J.	Thomas
Farley	James	Parker, N. Y.	Thompson
Farr	Johnson, Ky.	Patten	Tillman
Ferris	Johnson, S. Dak.	Peters	Timberlake
Fess	Johnson, Wash.	Phelan	Tinkham
Fields	Kahn	Platt	Towner
Finley	Kearns	Porter	Treadway
Fitzgerald	Keating	Powers	Tribble
Flood	Keister	Pratt	Van Dyke
Flynn	Kelley	Price	Vare
Fordney	Kennedy, R. I.	Quin	Venable
Foss	Kent	Ragsdale	Vinson
Foster	Kettner	Rainey	Volstead
Frear	Key, Ohio	Raker	Walsh
Freeman	Kiess, Pa.	Ramseyer	Ward
Fuller	Kincheloe	Randall	Wason
Gallagher	King	Rauch	Watson, Pa.
Gallivan	Kinkaid	Rayburn	Watson, Va.
Gandy	Kitchin	Reavis	Webb
Gard	Konop	Reilly	Whaley
Gardner	Lafean	Ricketts	Wheeler
Garner	La Follette	Riordan	Williams, Ohio
Garrett	Lazaro	Roberts, Mass.	Williams, T. S.
Gillett	Lee	Rogers	Wilson, Fla.
Glass	Lehlbach	Rouse	Wilson, Ill.
Glynn	Lenroot	Rowe	Wilson, La.
Godwin, N. C.	Lesher	Rowland	Winslow
Good	Lever	Rubey	Wise
Goodwin, Ark.	Lieb	Rucker	Woods, Iowa
Gordon	Lindbergh	Russell, Mo.	Young, N. Dak.
Gould	Linthicum	Russell, Ohio	The Speaker.
Graham	Littlepage	Sabath	
Gray, Ala.	Lloyd	Sanford	

NAYS—1.

London

NOT VOTING—59.

Adair	Griest	Meeker	Scully
Alexander	Guernsey	Moores, Ind.	Sears
Barchfeld	Hart	Morgan, La.	Slemp
Black	Henry	Morrison	Snyder
Cary	Hilliard	Moss, Ind.	Stiness
Chandler, N. Y.	Jones	Mott	Stone
Clark, Fla.	Kennedy, Iowa	Mudd	Sutherland
Darrow	Kreider	Nichols, Mich.	Tilson
Dewalt	Langley	Oldfield	Walker
Eagan	Lewis	Overmyer	Watkins
Eagle	Liebel	Paige, Mass.	Williams, W. E.
Edwards	Loud	Pou	Wingo
Focht	McArthur	Roberts, Nev.	Wood, Ind.
Garland	McFadden	Rodenberg	Young, Tex.
Gregg	McGillicuddy	Scott, Pa.	

So the bill was passed.

Mr. FOCHT. Mr. Speaker, I was a second late on the call, but I would have voted "yea" had I been present.

Mr. EAGLE. Mr. Speaker, I was not in the Hall when the roll was being called, but I was on the way. Had I been present, I would have voted "yea."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "yea."

The Clerk announced the following pair:

Mr. GUERNSEY with Mr. MCGILLICUDDY.

The result of the vote was announced as above recorded.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GARRETT, by unanimous consent, was granted leave of absence, indefinitely, on account of illness of mother.

The SPEAKER laid before the House the following communication:

PATTERSON, GA., *March 28, 1916.*

MY DEAR MR. SPEAKER: On account of the failing health of my father, I am compelled to ask an extension of my leave for another week.

Very sincerely, yours,

J. R. WALKER.

Hon. CHAMP CLARK,
Speaker House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, on the request of Mr. GREENE of Vermont, change of reference was made of the bill S. 1425 from the Committee on Military Affairs to the Committee on War Claims.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. On what?

Mr. CRAMTON. On the general subject of national defense.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

IMMIGRATION.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, with Mr. SAUNDERS in the chair.

Mr. BENNET. Mr. Chairman, I move to amend page 14, line 12, by inserting in front of the word "published" the word "or" and by striking out after the word "published" the words "or distributed."

Mr. SABATH. To what page does the gentleman refer?

Mr. BENNET. Page 14, line 12.

The CHAIRMAN. The Clerk will report the amendment from the desk.

The Clerk read as follows:

Page 14, line 12, after the word "printed," insert the word "or," and after the word "published" strike out the words "or distributed," so that the lines as amended will read:

SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit or attempt to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed or published in any foreign country, whether such promise is true or false, and either the civil or criminal penalty or both imposed by said section shall be applicable to such a case.

Mr. BENNET. Mr. Chairman, late yesterday afternoon, just before the committee rose, I called the attention of the committee to the situation to which this amendment is directed. I agree with the Committee on Immigration in relation to publications in a foreign country. I can see the merit of that. But we have a border reaching from Detroit to the Pacific Ocean where our country adjoins Canada. Canada is just as much a foreign country as any other country; and, under this bill, if a merchant in Detroit, or a factory in Detroit or at any other place, like Niagara Falls, for example, prints an advertisement, published in America, circulated largely in America, asking for help of any kind, and that paper goes across the Canadian border, as our papers do, and any person in Canada—man or woman—reads that advertisement, and comes into the United States in consequence of that advertisement, and goes to that factory without disclosing the fact that he or she comes because of that advertisement, and is employed, the man who employs that person is subject to the penalties of section 5, which are both civil and criminal, the civil penalty being $1,000 fine per person.

I do not think it was the intention of the committee—and it ought not to be the act of Congress—to punish a man who publishes in the United States, for circulation in the United States, an advertisement in an American paper, when it accidentally falls into the hands of a Canadian, who takes advan-

tage of the advertisement and comes to this country, only across the border.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. BENNET. Yes.

Mr. McLAUGHLIN. Does not the gentleman think it wise and proper, as to an advertisement addressed to anybody who may read it, giving notice of the fact that employment is open or help is needed, that a distinction should be made between that kind of an advertisement and a special communication sent to an individual, soliciting or offering employment? One might be entirely harmless and proper, and the other might be wrong.

Mr. BENNET. The gentleman asks, Do I not think it would be wise? Wise on the part of whom?

Mr. McLAUGHLIN. Wise on the part of the law to distinguish between the two cases.

Mr. BENNET. I think there would be danger of weakening the law if we tried to do it. I see point in what the gentleman has in mind, but, while on my feet in this way, I do not know that I could phrase an amendment that would cover the point. But I do say that if the committee strikes out these words "or distribute" we will protect an American who advertises in an American newspaper.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. BENNET. Yes.

Mr. HAYES. The gentleman would not claim, I think, that in the case he puts a man could be prosecuted criminally because of such publication or distribution, because it is the intent that is the controlling factor.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. Why, Mr. Chairman, as we go along further in this bill instances will be brought to the attention of the committee where the committee has attempted, at least, to eliminate the whole question of intent out of an American prosecution. The gentleman from California [Mr. HAYES] asks me whether it can be done. It is done in the State of New York in one instance. I will give the gentleman an instance—where a man is found with empty bottles in his possession, and the law presumes the attempt to appropriate them in violation of the branding act.

Mr. HAYES. The gentleman should understand that if the statute makes that presumption, that is not the usual presumption of law. There must be a criminal intent before you can prosecute a man for a felony or other crime.

Mr. BENNET. I will say to the gentleman frankly that what I think would happen to a man under this would be that he would be sued for a thousand dollars and he would have no defense.

Mr. HAYES. The gentleman must recognize the fact that this fine is imposed by immigration officials, and I am sure he would not claim in a case of that kind, where it was clearly not the intention of having an advertisement of that kind distributed in Canada for the purpose of inducing immigration, that the officials of the United States would prosecute a man under those circumstances.

Mr. BENNET. All I can say is that it has been done.

Mr. HAYES. Then the man under whom it was done should have been removed from office.

Mr. BENNET. I remember the old story of the man who was confined in jail and who sent for his lawyer, and his lawyer said to him, "You can not be put in jail for that," and the man said, "Yes; but I am here." The gentleman from Nebraska [Mr. LOBECK] told me yesterday of a case in Omaha almost on all fours, where the advertisement, as I recall it, was circulated in an Omaha newspaper and read in Canada, and a woman came into the United States from Canada because of that advertisement in an Omaha newspaper, and the man who put the advertisement in that American newspaper was sued.

I think that is all wrong. But I am not standing up here and saying that the department ought not to execute the law. It is a pretty hard law when the only defense you can put up is that the department could not enforce it. Unless this is stricken out the department will have cases of that kind.

Mr. HAYES. But the publisher had no part in its distribution?

Mr. BENNET. No.

Mr. HAYES. How in the world could he be liable for something that he had not done? I think the gentleman is building mountains out of nothing here. I can not understand it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BURNETT. Mr. Chairman, the contention of the gentleman from New York is so absurd that I move that all debate be now closed.

Mr. BENNET. The gentleman has the right to do that, but it is not absurd.

Mr. BURNETT. Mr. Chairman, I renew my motion that the debate be now closed.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the section.

Mr. BURNETT. I make a point of order that that is not in order.

The CHAIRMAN. The gentleman from Alabama has moved to close the debate. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BURNETT. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 82, noes 34.

Mr. BENNET. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BURNETT and Mr. BENNET.

The committee again divided; and the tellers reported—ayes 114, noes 34.

Accordingly the motion to close debate was agreed to.

The CHAIRMAN. Debate is closed, and the question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET. May we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 14, line 12, after the word "printed," insert the word "or," and after the word "published" strike out the words "or distributed."

The amendment was rejected.

The Clerk read as follows:

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psycopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examiner at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, or who are Hindus, or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine.

Mr. BURNETT. Mr. Chairman, a committee amendment.

The CHAIRMAN. There is a committee amendment in the section, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 18, line 16, insert the word "of" at the beginning of the line.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The Clerk read as follows:

Amendment offered by Mr. BURNETT: Page 19, line 20, strike out the period and insert a colon and add *"Provided,* That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisions or exceptions to section 3 hereof exempted from the excluding provisions of said section."

The CHAIRMAN. Does the gentleman from Alabama desire recognition on this amendment?

Mr. BURNETT. I do not care to discuss it. I think its purpose is obvious. Some members of the committee expressed a doubt as to whether aliens who are fleeing from religious persecution would be permitted by the steamship companies to take passage on their vessels, even if they were admissible to this country. The committee were of the opinion that if they were admissible aliens there could not be any such thing as a penalty on the steamship company, but in order to leave no doubt about that matter the gentleman from New York [Mr. SIEGEL] offered an amendment, which the committee accepted, and this is that amendment. It is offered in order that there may be no doubt about it.

Mr. BENNET. Mr. Chairman, when the committee proposes a good amendment, I suppose a Member will be permitted to rise and say that it is a good amendment, despite the vote of a moment ago.

This is a good amendment. It does not go far enough, and after the amendment is adopted, as I assume it will be, as it ought to be, I propose to follow it up with a perfecting amendment which, it seems to me, is absolutely necessary.

In these five minutes I also want to say one other thing. The controversial points of this bill were the literacy test, the head tax—to which a considerable number of Members were opposed—and the Japanese section, in opposition to which I stood nearly alone. Those parts of the bill have been passed; but for six years I was on the Committee on Immigration, and for nearly three years on the Immigration Commission, and I do know something about the immigration laws, and I do not think this Congress has yet got to the point where a man ought to be criticized for rising to propose a perfecting amendment. The House has a right to vote it down if Members do not agree with it; but so long as an amendment is in the line of what a Member on his responsibility thinks is a perfecting amendment, he ought to be treated with courtesy and consideration, and his amendment ought not to be called ridiculous.

Mr. GARDNER. Mr. Chairman, the gentleman has a perfecting amendment that he wishes to offer?

Mr. BENNET. To the section.

Mr. GARDNER. Not to the amendment?

Mr. BENNET. Oh, no.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 18, line 24, strike out the words "because unable to read or."

Mr. BENNET. Mr. Chairman, I wish to congratulate the Committee on Immigration on the broadening of the literacy test. I want to congratulate them on the amendment which they have just offered, which was necessary, and I want to call their attention to the absolute necessity of this amendment, unless their exemption is to be a fraud and a sham. I want to say frankly that I do not think the committee intend that exemption to be a fraud and a sham.

When I was on the Immigration Commission a part of my duty was to study the way in which tickets were sold to immigrants. For various reasons I was the only member of the committee who came up through Calabria and traveled through Roumania and went into the question of ticket selling in Russia. I know just how these tickets are sold. If this fine fell on the steamship company, that would be one proposition; but these tickets are sold by little agents back in the interior of the country, and here is what is going to happen: A woman will come to one of these little agents in Russia, in Kiev, and say, "I want a ticket to America." He will say, "Can you read?" She will say: "No; I can't read, but my husband is in America, and under the American law I have a right to be admitted there, because I am his wife." The agent will say to her: "Look what a chance I am taking. The American law says that I can not take any security from you. I must take the chance that you are this man's wife; I must take the chance that you will not sell the ticket to somebody else; and if it turns out that you are deceiving me, or that your husband is dead, or will not receive you, or anything of that sort, I will have to pay you back your transportation money, the steamship company will have to bring you clear back from New York to Russia, and in addition to that I will have to pay the sum of $200."

No agent is going to take such a chance as that. If it was not for the provision later on in the bill, preventing the agent from taking security, he would do that ordinary business thing. He would say: "Very well, put up security against this fine and against these penalties." But he is prohibited from doing that; and although I know the committee do not intend it, this simply means that no ticket will be sold to any person abroad who can not read. Now, there is a plain, simple statement of a business fact that ought to appeal to every business man on this floor. If you want your exemption to work, strike out these words. An agent can tell whether a man is a Japanese or a Chinaman, so as to come under the other provisions. A surgeon can tell whether a man is more or less afflicted; but nobody can tell to a certainty whether a person who can not read will be adjudged to come within some of the exceptions to section 3.

Mr. HAYES. Mr. Chairman, the gentleman from New York professes to be very solicitious for the welfare of the immigrant. This provision in the bill which he seeks to strike out is one of the most valuable provisions in the bill. It is intended to prevent the steamship companies bringing aliens to the country who would not be admissible. The language can not be made plainer, and I hope the amendment will be voted down.

Mr. LONGWORTH. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 18, line 24, strike out the words "because unable to read or."

Mr. BENNET. So it will read:

Any aliens who are excluded by the provisions of section 3 of this act who are Hindus—

And so forth.

The CHAIRMAN. The question is on the amendment.

The question was taken, and on a division (demanded by Mr. BENNET) there were 3 ayes and 39 noes.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 22, after the word "addition," insert the words "whenever the Secretary of Labor shall so direct."

Mr. BENNET. Mr. Chairman, I am quite sure that the committee does not want to be unfair as between transportation companies and penalize countries that have adopted good laws. The best immigration laws in the world are the laws of the Italian Government, and those laws require and have required for years a good deal of what is in this section. I was not sure but that the law might have been repealed, so I wrote to the Italian embassy in the city and got this reply:

REGIA AMBASCIATA D'ITALIA,
Washington, February 11, 1916.

DEAR SIR: With reference to your inquiry of the 2d instant, I beg to inform you that the Italian law of emigration provides in a general way that the steamship companies must take emigrants excluded from a foreign country back to an Italian port free of charge. The companies are further liable for damages to the emigrant if it is proved that they were aware of the circumstances which would cause his rejection before leaving the port of departure.

Very truly, yours,

MACCHI DI CELLERE,
Royal Italian Ambassador.

Hon. WILLIAM S. BENNET,
United States Representative, Washington, D. C.

Unless this language I have suggested is put in, which leaves it discretionary with the Secretary, here will be the situation. The English and the Germans have not done a thing by law for the people who leave their country. The Italians have, and yet you treat them all alike, and you pile onto the Italian steamship line whose Government has already acted the same fine that you put on the Germans and the English which have not done a thing.

Mr. SABATH. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SABATH. The gentleman knows that I am in favor of any amendment that would aid the immigrant, but I can not

understand how his amendment would help, because if the Italian Government has such stringent laws the Italian companies could not violate this provision, and consequently they will not be subject to any of the fines.

Mr. BENNET. The question whether they violate the laws are passed upon by our officials, and properly so. The steamship companies claim that they do not violate the laws, while our officials claim that they do. What happens when an immigrant is sent back is this: If an Italian is brought back he can bring suit in an Italian court not only for the money paid but for his loss of time, and the court invariably gives him judgment not only for the money but for the loss of time at the rate of 2 liras a day, or about 40 cents. My opinion is that when a country has passed good laws for the protection of immigrants we ought to recognize that fact and put in the hands of the Secretary of Labor the power not to impose those penalties where the penalty is already being imposed by the law of the country from which the steamship comes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, line 8, after the word "addition" insert the words "whenever the Secretary of Labor shall so direct."

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the section under consideration, and all amendments thereto, close at the expiration of five minutes. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I will ask unanimous consent that a similar amendment may be read from the desk and deemed to be pending before I take my five minutes.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Page 18, line 16, after the word "addition" insert the words "whenever the Secretary of Labor shall so direct."

Mr. BENNET. Mr. Chairman, I have no desire to take the five minutes, and I will simply content myself with saying that the same reasons which applied to the other amendment apply to this, and, in my judgment, reiterated after 10 years of experience, where foreign countries that are bringing residents to our country who are to be, first, residents and then citizens are enacting laws to protect the citizens brought here by the steamship companies, we ought not to discriminate against them and put on double penalties. I ask unanimous consent that a vote be taken on both amendments at once.

The CHAIRMAN. The question is on the two amendments offered by the gentleman from New York.

The question was taken, and the amendments were rejected.

The Clerk read as follows:

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, or international bridges or toll roads other than railway lines, which may enter into a contract as provided in section 23 of this act, bringing an alien to, or providing a means for an alien to come to, any seaport or land border port of the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such person, owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor, and on conviction thereof shall be punished by a fine in each case of not less than $200 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, a penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

Mr. GALLIVAN. Mr. Chairman, my attention has just been called to a speech on "Immigration" printed in the RECORD of Saturday, March 25, by the Hon. JOHN H. STEPHENS, of Texas. No word of this speech was delivered on the floor of this House, but the gentleman, taking advantage of the privilege granted to him by the House to extend his remarks, has seen fit to refer to my activity in the last Congress against the passage of this bill and in favor of sustaining the veto of President Wilson when this House was called upon to consider the President's message. His insinuations as to the reasons for my support of the veto, and his quotations from an alleged Washington newspaper with reference to myself, I shall ignore as unworthy of even passing notice. I have always been proud of the small part I played in helping to sustain President Wilson's decision, and I fervently hope that the opportunity may come for similar action at some future time.

Every man within the sound of my voice knows I am unalterably opposed to the Burnett bill, and I think I have expressed that opposition in a decent, honorable, manly way, without any reflection upon or impeachment of the motives of the honorable gentlemen who support it. For this reason I can not ignore one statement made by the gentleman from Texas [Mr. STEPHENS] in the extension of his remarks, which reads as follows:

Mr. Speaker, the Bible tells us that a man can not serve two masters, and human experience abundantly sustains this doctrine; therefore there can be no English, German, Irish, or Catholic American, because a man can not serve two masters; if they are Americans, they can not be a German, Britisher, or Irishman. I regret to state that many men who have taken the oath of allegiance to the United States, thereby renouncing their allegiance to any foreign prince, potentate, or power, have, since the beginning of the present great European war, forgotten their oaths and are now boldly taking the side of their relatives by blood, and have also boldly criticized our Congress and our President, thereby rocking our ship of state, making it much harder for our good and great President to steer clear of all foreign complications that might lead our country into war, which God forbid.

This is a specific charge that an Englishman can not become a loyal American citizen; that a German can not become a loyal American citizen, and last, but not least, that an Irishman can not be a loyal American citizen. There would be glory enough for one speech if the statement stopped with this comprehensive denunciation, but it did not. Aroused to the highest pitch of patriotism and probably with the intention to do a lasting service to humanity and to set forth the ideals of Texas in their true light, the orator in writing his speeeh took pains to say that there could be no Catholic American.

This exalted and statesmanlike strain comes from the Representative of the thirteenth district of Texas, which he would have us know is the cradle of loyalty and the shrine of patriotism.

No immigrant can be a patriot, eh? How marvelous are the miracles wrought by time! Cooke County and the celebrated town of Gainesville, the seat of Cooke County, are located in that illimitable region of light called Texas and in the bosom of the thirteenth district, whence comes these burning words. Yes; time is not only a healer of wounds but in its vicissitudes it can breed patriotism where there was treason, civilization where there was savagery, light where there was darkness, learning where there was ignorance, and security where there was ruthless and wholesale murder.

When the State of Texas undertook to make itself a part of a foreign nation which, if it had succeeded, would have deprived us of the services of the gentleman from Texas, and after this attempt to make aliens of the third part of the American people had been in progress for some time, and the tragic year of 1862 arrived, a series of events occurred at Gainesville, Tex., that appear as a blot of darker infamy on the darkest page of the history of crime.

There were a number of men in Cooke County and adjoining counties in Texas who had in their hearts a veneration for the American flag. It was only 17 years since they proudly brought the State of Texas into the Union and it was a proud day in their lives when the Stars and Stripes first floated over the broad prairies of Texas as a part of the United States. Some of them banded themselves together to prevent their being drafted into the Confederate Army. They made no riot; they did not kill anyone; they committed no crime at all except what was then the most horrible offense imaginable in what is now the distinguished gentleman's district—they objected to being dragged from their homes and compelled to fire on the flag of their country.

Now, if I had the narrow-minded prejudices of the gentleman from Texas [Mr. STEPHENS] when he discusses immigration, I would probably proceed to quote from rumors or from cheap weekly newspapers published in backwoods towns to substantiate what I shall say took place in this sanctuary of loyalty described as the thirteenth district of Texas. I shall set it forth as a contrast to the genuine patriotism of our immigrant children as proven on a hundred battle fields.

I shall not consult my feelings as the gentleman from Texas consulted his. I shall not speak in any spirit of hatred as did the gentleman who quoted the Book that commands us to love one another. But this occasion should not pass without reminding the gentleman from Texas of how patriotism and loyalty had their birth where he has been honored most.

In October, 1862, 42 white citizens of the United States, nearly all farmers, without trial, without process of law and solely on suspicion of their being banded together to restore the Union and the Constitution in Texas, and to refuse to be compelled to do the work of treason on the battle field and shoot down their fellow citizens and perhaps their kindreds who were fighting in defense of their country, were put to death

under circumstances of such stony-hearted barbarity as would cause Pancho Villa to turn away in horror.

There is an elm tree in Cambridge, Mass., a city so ably represented here by my worthy colleague Mr. DALLINGER, under which Washington drew the sword of liberty; there was the Charter Oak at Hartford, whose every leaf was a witness of the American spirit of independence. There is an elm in the yard of the Capitol said to have been planted by Washington, and the most beautiful tree in this city is another elm in the Capitol Grounds planted by the hands of Charles Sumner, but there was an elm tree in Gainesville on which 40 citizens were strangled to death for their loyalty to the flag of their country. The other two brave hearts broke away from the guards on the way to execution and were mercilessly shot down.

There was a citizen of Gainesville, Dr. Thomas Barett, a minister of the gospel as well as a physician, who went through the terrible experience of serving on a mock jury which was appointed by a committee of a mob and felt itself authorized to condemn to death any man connected with this loyal organization by a majority vote. The doctor wrote an account of the murders in 1885, which was published in pamphlet form and is found in the Library of Congress. And here I pause to say that it is the only literary production from that distinguished district that appears to be found in the Library, a district whose Representative pleads for the literacy test. And I further say that while I have been more or less familiar with books, I would be amazed to learn of any book written in Texas that is well known among the people of the United States. What book was written there? Will any gentleman tell me? What invention to lift from the shoulders of labor the burden of toil and to help to feed a hungry world was ever invented in Texas? What lasting monument of genius bears witness to the intellectual toil of Texas? What work of art hangs in any gallery that was penciled there? What statue was ever sculptured to plead to posterity for the remembrance of the great by any citizen of that grassy expanse that geographers call Texas? It was hoped that the liberation of the slaves would glorify and exalt the minds of men in that region of the lash and the auction block; but the hopes were disappointed, for the minds of men were on the contrary enslaved and, politically at least, there can be but one expression of thought in an empire whose 265,000 square miles are a source of pride to its inhabitants, as if they had filled an ocean and created Texas—Texas, that wants no immigrants.

But coming back to Dr. Barrett. He wrote a pamphlet, the sincerity of which is marked by the simplicity of its style. Perhaps he tempered his language to fit the understanding of his patriotic neighbors. He begins the narrative of the appalling murders with this gentle apology:

> The war between the States, North and South, have existed more than a year, the war fever having risen to boiling heat, the Confederate Congress passed the conscript law. This law was very offensive to many, and particularly to those who were afterwards members of the organization for which they were hung.

The doctor then goes on to say that one man, who afterwards disappeared, threatened to raise a company to resist conscription for the Confederate Army. But there was a mysterious initiator, as the learned doctor calls him, who initiated men into the organization. Finally some one notified the military authorities of the Confederacy; all the militia was called out and a great number of arrests were made, including about 150 farmers of the county, and the prisoners were brought to Gainesville and crowded into the county jail.

When I arrived near town—

Says the doctor—

> there were crowds in sight in every direction, armed and pressing forward prisoners under guard. The deepest and most intense excitement that I ever saw prevailed. Reason had left its throne. * * * Soon after I arrived on the square I heard hanging spoken of. I found the tree had been selected, that same old historic elm, with its long and bending limbs, which was afterwards used for that purpose. The crowd seemed to be settling down on beginning to hang—

Says the narrator, with easy familiarity with scenes of death.

Then he goes on to say that a meeting was called and a chairman appointed, and "a motion was made and carried for the Chair to appoint five men to select a jury to decide upon a course to be pursued with these men." Dr. Barrett reluctantly accepted an appointment as a juror. "The jury met and passed an order that a majority should rule." This, of course, was in accordance with Gainesville democracy. Then, in accordance with what they conceived to be the privileges of the Magna Charta, they proceeded to try the prisoners. A fact came out in the testimony that caused a shudder throughout that whole region.

"The Confederate Government had a large amount of ammunition at Sherman, which was guarded day and night. Cooke County had about 400 pounds of powder and other ammunition to suit it. Their plans were to rise in the night and take all the ammunition at Sherman and Gainesville and leave the county without ammunition, and take the county."

The precious material with which the flag of our country was to be riddled was in danger of being monopolized by those treacherous conspirators. It was darkly hinted, as the painstaking doctor narrates, that it was their purpose to join Gen. Blount's division of the Union Army. It was soon circulated about the town that it was the purpose of these men to rise in the night and murder their neighbors, especially including women and children. This is the kind of plot that always haunts the midnight hours of a true and genuine patriot. There used to be a great many people in this country who were even more patriotic than the gentleman from Texas who were grievously disappointed because some wholesale murder had not taken place in the night. They were dishonored as prophets among their compatriots, and their want of accurate information as to the date of the massacre was a subject of comment among their friends that was very painful to them. The pious doctor does not fail to state that the extermination of the loyal Confederates of Cooke County and adjoining counties was providentially prevented by a heavy rain. The painstaking jury soon discovered that "the night of the big rain" was the night that was set for the slaughter of the innocents.

And now the doctor, with the simplicity of a prophet, quietly recites what took place in the jury room:

> One man, known to be a leader, was brought in and proven to be guilty, he being the man who initiated the two men who had been initiated and reported to the military. This man was condemned and hung; another was brought and was disposed of in the same way, and this was continued until seven were doomed to die likewise.

It seems as though the jury was not doing business with the necessary dispatch, and—

> The crowd were threatening—

As Dr. Barrett says—

> to take the prisoners out and kill all of them. There was a trial made to have me taken off the jury because I took the lead in opposing these violent measures. We who opposed hanging insisted to turn the men over to the civil or military authorities instead of hanging.

At this juncture the jury made a mistake. They tried and condemned the eighth man, but "he was only slightly in it," and Dr. Barrett made a plea in his behalf. He sets out his humane speech to the jury with a dramatic precision that seems to indicate that he had read Homer. He threatened to leave the jury, but was persuaded by some of his friends to remain and have at least a few more men hanged to prevent the lynching of all the prisoners. So he decided to continue as a juror in the interests of humanity and hang a few more.

Lest this might seem incredible, I insert the words of the devout physician who was compelled to admit that it was fitting that certain of the prisoners "should die for the people":

> The excitement had reached the jury room. I and a few others saw the situation at once. The testimony against the men on which they had been tried was all written down, consequently there was nothing to be done but read it and take the vote. One was put on trial, the vote taken, and he condemned to hang; a second was disposed of in the same manner. I made a trial to stop the course of things, but I saw that it was useless to make any attempt to save the men by a vote. I then proposed a compromise; I proposed to allow them to select six of the worst ones and hang them, and set the rest at liberty. I saw they were going to hang a good many more than that, and I was striving to save as many as possible, but the jury rejected my proposition. When they rejected it, hope fled, and I took my seat to watch the course of events. I sat sad and silent till six were condemned and not one set at liberty, for it was "hang or set at liberty." The jury changed its rules and granted a new trial to the eighth prisoner on the two-thirds plan.

Having the benefit of this rule, number eight was not immediately hanged but was turned over to the military authorities.

For several days after this the jury seemed to hesitate at further convictions. This resulted in nightly attempts to lynch all the remaining prisoners, which was prevented by a heroic jailer whose name the cautious and circumspect doctor apparently for reasons best known to himself, fails to mention, even 23 years after the fact. Saturday night came and, the jury being disinclined to work on the Sabbath, took a vote and decided what to do with the balance of the prisoners and adjourned until the next Saturday, agreeing to keep their decision secret until that time. Then they went home. The secret which the doctor fails to divulge in his narrative "leaked," as he said, during the night and there was general dissatisfaction expressed with the wholly inadequate administration of justice by the 12 good men and true. No doubt there was then, as now, a large contingent of patriots in Gainesville who were deeply interested in the administration of justice.

A glorious Sabbath morning in October came for the worship of God and for the inculcation of the doctrine of loving thy neighbor as thyself, a doctrine which the average immigrant

never forgets. The sun mounted the heavens and a procession was seen moving toward the elm tree in the square. It was headed by a wagonload of men who loved their country better than they did Cooke County, Tex., flanked by files of soldiers. The tender-hearted doctor did not wish to be present at the strangling of these men. "I took my seat in a porch at the northeast corner of the square, where I knew that the men would be hauled in a wagon down California Street. * * * I had not been there long till I saw the death wagon coming with two of the prisoners * * * and this was continued until late in the evening before the last one was hung." Dr. Barrett goes on to say that he asked why the military authorities had taken the men from the jury, contrary to what they had decided to do, and to the day that he wrote his narrative he was never able to find out. Fourteen men were martyred on the elm tree that day. They were all heads of families and all had children but one, according to Dr. Barrett.

There was a sense of propriety in that portion of Texas then superior to what seems to be the case now. "There was an order passed that women should not be permitted to be present at the hanging," writes Dr. Barrett, but Texas has fallen from her high estate, for a few weeks ago we read of a man being roasted alive in the presence of women and children in that State, where formerly there would be none but an exclusive and limited audience admitted to the spectacle.

It was hoped by the humane part of the community that this holocaust of 21 lives would suffice to vindicate the insulted patriotism of Gainesville, but during the week two terrible things happened in the county. Two men who had been vindictively hostile to the prisoners were shot down in the chapparal that fringes the Red River. One of them was pursuing his accustomed sport of deer hunting during the saturnalia of death. No one up to the date of Dr. Barrett's history ever found out who had killed them. Of course none of the prisoners had any share in the murders. They were closely guarded many miles from the scene. But such was the condition of the public mind in and about Gainesville that the prisoners were held accountable for the murders, and the people demanded that they should suffer death for the crimes of those who the public believed were their friends. Probably this was the time when the glowing patriotism of Gainesville had its birth.

In fact, the strain was so great at that time in what is now the thirteenth district of Texas that men seemed to prefer to be hanged rather than endure it. The pious historian of Gainesville does not fail to put this paragraph in his account of the suppression of loyalty:

> Here I must state that all the time that this thing was going on occasionally men who were in this clan were coming in and surrendering, and some of them had been hung.

Saturday came and the jury, having rested, reassembled. While Dr. Barrett does not say so, it seems plain from his account that the horrible secret that they nursed in their breasts during the whole week was that they intended to advise the release of all the prisoners when they next met, hoping in the meantime that local patriotism would sufficiently subside to allow them to exercise this much humanity. But when they came together the public demand for vicarious atonement for the death of the two citizens was overwhelming.

I have overlooked an instructive paragraph found at page 11 of Dr. Barrett's pamphlet:

> A man who was very active against those men came into the jury room and told us he had a proposition to make. He was told to make it. He referred to a man who was prominent among the prisoners, observing that if there was anything kept back this man knew it. He proposed to the jury to bring him and tell him if he would reveal everything that the jury would release him, and for us to release him according to promise, and he would attend to him before he got home.

Due to the efforts of Dr. Barrett and what might be called the everlasting honor of the remainder of the jury this offer of disinterested public service was solemnly declined.

Another Sabbath sun rose on Gainesville and cast the long shadow of the elm tree on the town. The Sabbath was again remembered, if not kept holy, at the northern limit of Texas. The old woman who was knitting in Dickens's Tale of Two Cities would have left her seat near the guillotine to witness the scene of that Sabbath day in Gainesville. Dr. Barrett is at his best when he comes to describe what happened on this day:

> But that dreadful Sunday dawned and I went to Gainesville not to see the men hung, for I would not see any of those men hung; but I went to see how things which were going on would terminate. I took my seat in the same porch at the northeast corner of the square, where I sat when the 14 men passed which the mob took from the jury and hung.
>
> The hanging did not commence very early, and when the last one was hung the sun was low. * * *
>
> There were 40 hung and 2 who broke from the guard were shot and killed, making 42 deaths.

And every face that was distorted in death beneath that elm tree was the face of a White American citizen, an American perhaps whose lineage dated back to the founders of the Republic, the very kind of citizen for whose protection and welfare the gentleman from Texas has made an asault on other citizens on account of the accident of their birth or the manner in which they worship God.

The doctor then mercifully shifts the scene to the close of the Civil War and with the utmost innocence describes the coming of the United States forces:

> The Federal soldiers came in, and such running and taking to the brush had never been in Cooke County; not only the jury, but a good many others who had taken an active part in the hanging.

This should be described in the history of Gainesville as the "Hegira of the patriots."

Under the law of the United States every man who willfully had taken part in this wholesale murder could have been regularly tried by court-martial and hanged according to law. An order was issued preventing the military trial of those men. If they had been hunted down and regularly tried and hanged, there would even be more patriotism in the thirteenth district of Texas to-day than there is now.

Mr. Chairman, I make this assertion boldly that owing to the very fact that the North had a cosmopolitan population which although united in devotion to the Union it could not be united in any plan or policy to wreak vengeance on the fallen South. If they were a homogeneous population and if they were all of that noble stock represented by the gentleman from Texas, they would have parceled out the South, and especially Texas, among the victorious soldiers in the good old Anglo-Saxon way. If this happened, the gentleman probably would not be here. Being a man of evident piety, every time he looks about on the fair and limitless patrimony of Texas he ought most devoutly to thank his Maker that the loyal people of the United States were not all like him. I do not dislike him personally. He is a good man for Gainesville, giving expression to the philosophy of the region in which he lives and the light in which it is studied. He probably desires to advertise Texas at the expense of the immigrant, and if this is his purpose I shall help him. Oh, yes; I like him, but I do not like his exclusive and narrow-minded doctrine. If I had the vocabulary of that other distinguished gentleman, who fittingly represents the whole State of Texas as a Congressman at large, I mean Mr. DAVIS, inadequately called "Cyclone" DAVIS, I would pay my respects to the sentiments expressed by the gentleman from the thirteenth district of the celebrated Lone Star State. If it is a fact that Texas has a horror of the immigrant, it is fitting and proper that the gentleman from Texas should do his best to cause the immigrant to have a horror of Texas. If this is an acceptable public service in that State, he has certainly rendered it with a degree of effectiveness and ability rarely ever performed through the medium of the CONGRESSIONAL RECORD.

Mr. Chairman, I also have a notion of what the duty of the public ought to be. I believe that a monument ought to be erected by the Government to commemorate those 42 martyrs who suffered death primarily for their devotion to the Government of the United States, and it is my present purpose to introduce a bill to erect a shaft that will plead to posterity for their remembrance. They did not die in vain! These men would not have barred the worthy immigrant from our shores, and the immigrant children of this glorious Republic in this day and hour breathe a prayer for their everlasting repose.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the chairman of the committee to an omission, or to, rather, a misplaced punctuation mark occurring on lines 23, 24, and 25, on page 19. As the bill reads it says:

> SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, or international bridges or toll roads other than railway lines, which may enter into a contract as provided in section 23 of this act, bringing an alien to—

In the law as it is at present there is no comma after the words "railway lines" in line 24, and the result is that unless the gentleman omits the provision the section will apply only, and this is a penal section——

Mr. BURNETT rose.

Mr. BENNET. Does the gentleman see the point?

Mr. BURNETT. In other words, the gentleman desires to strike out the comma after the word "lines"?

Mr. BENNET. Yes; and if I were drafting the section I think I would go even to the extent of putting the words "other than railway lines which may enter into a contract as provided in section 23 of this act" in parentheses, this being a penal statute.

Mr. BURNETT. Oh, I think the comma at the end will make it a parenthetical statement.

Mr. BENNET. Will the gentleman offer the amendment? He seems to have better success with amendments than I do.

Mr. BURNETT. I will accept the amendment of the gentleman striking out the comma after the word "lines" in line 24. The gentleman is right for once.

Mr. BENNET. Mr. Chairman, I offer that amendment on page 19, line 24.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 24, strike out the comma after the word "lines."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 20, line 4, before the word "failure," insert the word "negligence."

Mr. BENNET. Mr. Chairman, the insertion of this word simply continues the existing law. The gentleman from California [Mr. HAYES] asked me a few moments ago if you could punish a man criminally for an act done without intent. I answer him in the words of his bill, that it is purposed here to do precisely that thing. If a conductor upon a railroad which has not made the contract, or the keeper of an international bridge, permits, without negligence, an alien to get off his railroad car or a bridge at some point other than designated by the immigration officials, he is guilty of a misdemeanor, although the alien may have knocked him down or clubbed him or gotten away and across the line, and particularly in the case of the railroad which crosses the line at some place other than the place designated. Yet that man who had been pounded, who had been assaulted, could be brought up in the United States court, tried for a misdemeanor, and, worse, if he be convicted the minimum penalty is mandatory and he could not be fined less than $200.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Is it not true that there is an administrative penalty at the end of the section that grants an alternative?

Mr. BENNET. Where?

Mr. GARDNER. Section 10, that the gentleman is reading from.

Mr. BENNET. No, sir; that applies only to steamships. I am talking about railroad lines.

Mr. GARDNER. Where does the gentleman's amendment come in?

Mr. BENNET. Line 4, page 20, in front of the word "negligence."

Mr. GARDNER. There surely is at the end of section 10, "or if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer"——

Mr. BENNET. Yes; such "vessel." Why, Mr. Chairman, this is just another instance of the fact that gentlemen ought to have the right, without being criticized, to get up here and attempt to perfect this bill. The gentleman from Massachusetts knows this immigration law and he sees the defect instantly.

Mr. GARDNER. No; I am not sure at all.

Mr. BENNET. Of course, he does. A railroad train is not a vessel. The gentleman is no lawyer, but he has good, hard common sense. No; this is not a comma business, either. We have put one penalty on a conductor or trainman of a railroad and another for the steamship man, and if he thinks he has a valid excuse, why the Secretary of Commerce will let him off or give another penalty, which penalty is on the vessel, but if a brakeman on a railroad happens to let an immigrant escape he must go into court and be fined not less than $200.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. GREEN of Iowa. I did not quite understand what the gentleman stated about this being a continuation of the law at the present time.

Mr. BENNET. This amendment I have offered is simply to continue existing law.

Mr. GARDNER. The word "negligent"——

Mr. BENNET. Is in the existing law. Now, it is proposed to strike out and provide when a man has an accident and by reason of that accident, when he acted in the utmost good faith—and I would like to get the attention of the lawyers, if not on the other side, on this side—as to whether they are going——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. BENNET. As to whether they are going to vote to make a man guilty of a misdemeanor and punishable by a minimum fine—the maximum fine is $1,000—of $200 for doing an act without any intention of doing wrong.

Mr. MANN. And over which he may have no control.

Mr. BENNET. And over which he may have no control.

Mr. GARDNER. Mr. Chairman, I am not prepared to say that there might not be an amendment necessary at the end of that section, but to insert once more the word "negligent"——

Mr. BENNET. To continue it.

Mr. GARDNER. To continue the existing law, which has the word "negligent" inserted before the word "failure," would be a great mistake. I want to read from the report of the Commissioner General of Immigration in 1911. In 1911 the Commissioner General of Immigration submitted to us the draft of a new immigration law. The wording of section 34 of that draft law has been adopted in a modified form in section 10 of this bill. The wording submitted at that time by the Commissioner General of Immigration made it the "mandatory and unqualified duty of every person, including owners, officers," and so forth, to prevent the escape of persons who had no right to land in this country. The Committee on Immigration two or three years ago—I have forgotten exactly when—came to the conclusion that this "mandatory and unqualified" provision recommended by the Commissioner of Immigration ought not to be adopted, and yet that steps must be taken to prevent beyond peradventure the landing in this country of unauthorized persons. Consequently it was decided to omit the word "negligent" before the word "failure." I am going to read from the report submitted by the Commissioner General of Immigration in 1911. At that time he submitted to Congress the draft of a new immigration bill. Section 34 of the commissioner's bill is very like section 10 of this bill which we are considering and substantially the same as section 18 of the act of 1907, which endeavors to guard against the unauthorized landing of immigrants. Section 18 of existing law, the act of 1907, carries the word "negligent" before the word "failure." Here is what the commissioner says in this connection:

Section 34 is section 18 of the act of 1907 materially strengthened. And it needs to be so strengthened, for various decisions by the courts, especially one by the Supreme Court (197 U. S., 442), under the rules of strict construction observed in criminal and penal matters, have almost destroyed this important requirement, particularly in the case of Chinese seamen and other alien seamen diseased, or criminal, or otherwise disqualified, whose cases are also covered in an alternative way by the succeeding two sections.

And then he goes on to explain the necessity of strengthening the law. That is what the committee tried to do by omitting the word "negligent," and I believe that the committee accomplished its purpose. The word "negligent" was omitted in the bill vetoed by President Wilson, and I think also in the bill vetoed by President Taft as well. I am not at all sure but that the gentleman from New York is quite right in calling attention to the fact that the administrative penalty provided at the end of section 10 does not cover cases of railroad transportation. As to the amendment which the gentleman actually offered, I am opposed to it.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended three minutes, so I may ask him a question.

The CHAIRMAN. The time of the gentleman has not expired.

Mr. BENNET. I beg pardon, I will ask the question then. Is the gentleman aware when the bill passed this last year that it had the word "person"——

Mr. GARDNER. What word "person"; in what part of that section?

Mr. BENNET. Line 5.

Mr. GARDNER. Just read the connecting words, please.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended three minutes.

The CHAIRMAN (Mr. HAY). Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER. It says that it shall be the duty of every person——

Mr. BENNET. It was there, but it was not in line 5.

Mr. GARDNER. As the bill passed the House last year, it read this way:

That it shall be the mandatory and unqualified duty of every person, including owners——

Mr. BENNET. Yes; but read on in line 5.

Mr. GARDNER. It says—

Officers, and agents of vessels of transportation lines (other than those lines which may enter into a contract, as provided in sec. 23 of this act) bringing an alien to any seaport or land border port.

Mr. BENNET. Of course, the words "or providing means for an alien to come" are added. But, after the words "negligent failure," it is now "of any such person." Last year it was not, I am informed.

Mr. GARDNER. The gentleman is mistaken, I think.

Mr. MANN. The word "person" was not in.

Mr. BENNET. I would like to ask the gentleman what amendment he would suggest at the end of section 10, that he thinks——

Mr. GARDNER. I do not know. I have not given it any thought, and, not being a lawyer, I can not construct amendments offhand. But I can see the point the gentleman raises, and, so far as I am concerned, I am perfectly willing to listen to anything the gentleman has to say if he has an amendment. But meanwhile I think we had better dispose of his first amendment, which is actually pending.

Mr. BURNETT. The word "negligent" was left out on the suggestion of the department, because if left in there it devolved upon the department first to prove that the transportation company was negligent, and the Chinese and others that were coming in in violation of law were escaping because the Government was not able to prove that the steamship was negligent.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BURNETT. I did not know that I was speaking in the gentleman's time.

It strikes me, Mr. Chairman, the case the gentleman speaks of is not failure—not any kind of failure. I do not believe that any court would ever charge a jury that where a railroad conductor or somebody had been knocked down and prevented by some kind of force, whether actual or constructive, that that was a failure; where it was prevented from being done. You see the danger of leaving "negligent" in there as the law did before. It was stricken out intentionally for the purpose of preventing that kind of failure of justice—the escape of the Chinese that were coming in in violation of the Chinese-exclusion law.

I am informed by an agent of the department that there are very few of these that ever come in, so far as railroad companies are concerned, and this proposition is leveled at the steamship companies; that they are the ones that often bring in these people, and if the Government has to prove it is negligently done, it puts on the Government a burden it will be hard to carry. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I ask unanimous consent that it may again be reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GREEN of Iowa. Mr. Chairman, I agree with the gentleman from New York, but I also see much force in the suggestion made by the gentleman from Alabama [Mr. BURNETT]. It seems to me that what we ought to do is to afterwards return to this section in order that an amendment may be provided which in some way would reach the transportation companies—that is, to add to the proviso or exceptions in the latter part of the clause some sort of a provision that would reach the transportation companies. Then I think we would have the section in the form in which it ought to be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BENNET. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 28.

So the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

Mr. BENNET. Before we get off this section, I was going to suggest to the gentleman from Alabama, in view of the suggestion of the gentleman from Massachusetts and the gentleman from Iowa, and the further apparent discrimination in the last proviso, whether he would not pass this section over, so that an amendment could be reached which would cover transportation companies as well as steamship companies?

Mr. BURNETT. They are covered by the paragraph in the first part of the section, and it would be utterly impracticable, it seems to me, to apply the same law to a railroad as it would to steamship companies. It is impracticable to have it otherwise.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, after line 16, insert as a separate section the following:

"That when any country, by order or otherwise, excludes from entering their territory certain classes of the citizens of the United States the same classes of citizens from such country are hereby prohibited from entering the United States."

Mr. HUMPHREY of Washington. Mr. Chairman, I want to take occasion to call the attention of the committee to a situation that exists in the Pacific northwest that has recently been brought to my attention.

By an order in council certain classes of American citizens are prohibited from entering British Columbia. That order in council was issued as of date of Thursday, September 30, 1915. By this order in council, I say, issued on Thursday, September 30, 1915, certain classes of people from this country and all other countries were prohibited from entering certain ports in Canada. I will read from that order:

Artisans, laborers, skilled and unskilled, shall be and the same are hereby prohibited.

And then it names the ports, which includes all the ports of British Columbia.

Now, the result of that policy has been that a great many laborers of British Columbia have come down into the State of Washington, and then they are not permitted to return to British Columbia. Not only do they prohibit their own people from returning to British Columbia, but they do not permit Americans of any of these classes I have named to go into British Columbia

Only a few days ago I received a telegram in the case of a young man by the name of John Peirce Moller, who was in the employ of the Ford Automobile Co., who went over there last June. He was a skilled laborer. He had charge of one of the shops or one of their salesrooms—I do not know which. Last February he visited his home near Seattle, and when he attempted to return he was prohibited from entering under the order just read. It was stated by an official that he would have been deported anyway.

The present condition is a great hardship on the people of our State, and I want to read a resolution passed by the State Federation of Labor at North Yakima, Wash., January 19, 1916. I read:

Resolution by Delegate E. P. Marsh, Typographical Union 410, Everett, Wash.—Referred to committee on resolutions.

Whereas the continued depression in industry and employment in the State of Washington demands remedy, and it is apparent that such remedy must begin by a more vigorous and effective enforcement of United States Immigration laws to prevent entry of foreign unemployed, European and Chinese, from British Columbia; and

Whereas such entries of unemployed from Canada, Chinese and Europeans, amounted to many thousands during the past year, as evidenced by more than 2,000 arrests of such foreigners by the limited force of immigration officers now maintained; and

Whereas the force of United States immigration inspectors in the State of Washington has been heavily reduced and offices closed, until there are now fewer officers on duty than there were eight years ago; and

Whereas figures of the United States Treasury show a balance of immigrant head-tax collections over expenditures for enforcing immigration laws during the past 15 years of more than $10,000,000; and

Whereas practically the entire land and water boundary of the State of Washington are left open to the entry of foreigners from Canada because of the parsimonious attitude of the Federal Government, resulting in the coming of a foreign horde of pauper unemployed, throwing out of employment thousands of American workmen in Washington, Oregon, and California and reducing wages below the point of a bare existence: Therefore be it

Resolved, That we call upon our Senators and Representatives in Congress to demand that the money collected for immigrant head tax be expended in enforcing the immigration and Chinese-exclusion laws, and that the force of immigrant inspectors in the State of Washington be at once increased; that such inspectors be supplied with proper means of running down, detecting, and preventing smugglers from operating; and that American labor be given the protection from foreign pauper competition that it has the right to expect.

Passed at annual convention, State Federation of Labor, North Yakima, Wash., January 19, 1916.

Last winter, according to information I have received from a letter the secretary of the Washington State Federation of Labor wrote to the Secretary of Labor, 63 per cent of the people who applied for charity in the city of Seattle were foreigners, and a majority of them came, as they believe, from British Columbia. I do not believe that we ought to permit British Columbia to make this country a dumping ground for her laborers.

Mr. BURNETT. Were those that came in Canadians or people from all the countries of the world?

Mr. HUMPHREY of Washington. They were, as I understand it, people from all the countries of the world who had

gone to British Columbia and then want to come down to this country.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Washington [Mr. HUMPHREY] be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GARDNER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes; I yield.

Mr. GARDNER. Can the gentleman from Washington explain why it is that they close the stations in British Columbia to those returning artisans and do not close places of entry in any other part of the Dominion of Canada?

Mr. HUMPHREY of Washington. I have no direct information as to why——

Mr. JOHNSON of Washington. Will the gentleman permit me?

Mr. HUMPHREY of Washington. Just a moment. I have no direct information as to why that order is made to apply only to British Columbia, but I know that it does apply to that Province, because I have a copy of that order in my hand, and before this order was issued they largely followed that practice anyway. For the past two years there has been constant complaint from the people of my State, especially from the labor organizations, about this influx of foreign labor from British Columbia and their action in prohibiting their people from returning.

Mr. GARDNER. They can get in at Saskatchewan or Alberta and take the train?

Mr. JOHNSON of Washington. The prohibition is by the Province itself.

Mr. HUMPHREY of Washington. No; the gentleman is mistaken about that. This order was issued at Ottawa, but it applies only to British Columbia.

Mr. GARDNER. Will the gentleman read it?

Mr. HUMPHREY of Washington. I can read it, but it will take up all of my time. I will be glad to read it, however. I read:

[P. C. 2295. Privy Council, Canada.]

AT THE GOVERNMENT HOUSE AT OTTAWA,
Thursday, the 30th September, 1915.

Present: His royal highness, the Governor General, in council.

His Royal Highness the Governor General, by and with the advice of the King's Privy Council for Canada, under and by virtue of the provisions of subsection C of section 38 of the immigration act—9–10, Edward VII—and in view of the present overcrowded condition of the labor market in the Province of British Columbia, is pleased to order, and it is hereby ordered, as follows:

From and after 1st October, 1915, and until after the 31st day of March, 1916, the landing at any port of entry in British Columbia hereinafter specified of any immigrant of any of the following classes or occupations, viz, artisans, laborers, skilled and unskilled, shall be, and the same is hereby, prohibited.

The following ports of entry in British Columbia are hereby designated as the ports of entry at which this order shall apply:

Vancouver, Victoria, New Westminster, Nanaimo, Prince Rupert, Kamloops, Keremeos, Kingsgate, Ladner, Fort Simpson, Anyox, Atlin, Chilliwack, Bridesville, Midway, Steveston, Chemainus, Powell River, Chopaka, Carson, Cascade, Comox, Osoyoos, Rykerts, Rossland, Stewart, Union Bay, Ganges Harbor, Douglas, Gateway, Grand Forks, Huntingdon, Pacific Highway, White Rock, Mission Junction, Whales Island, Mynoaster, Ladysmith, Paterson, Aldergrove, Upper Sumas, Waneta, Newport, Alberni.

RUDOLPH BOUDREAU,
Clerk of the Privy Council.

This order expires within a few days, unless it has been reissued, and as to that I am not informed.

Mr. BURNETT. Is that order still in existence, or was it a temporary order?

Mr. HAYES. It expires on the 31st of this month.

Mr. HUMPHREY of Washington. Yes; it expires on the 31st of March, unless it has been reissued.

Mr. Chairman, I want to say that I received a copy of this order from Mr. Lansing, the Secretary of State. Now I yield to the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, this is a very important matter, and this is the first time it has been called to my attention. I am of the opinion that if it is agreed to the amendment should be redrafted. I therefore ask unanimous consent that without prejudice we be allowed to return to it later.

Mr. HUMPHREY of Washington. I will be glad to do that, because I drew it hurriedly.

Mr. GARDNER. Reserving the right to object, Mr. Chairman, it does not belong here anyway. This section refers to the inspection of immigrants on board ship.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that the proposed amendment may be offered to some other portion of the bill, and without prejudice to offer the same.

Mr. MANN. He asks that it may be temporarily passed over, Mr. Chairman.

The CHAIRMAN. Yes; and that it may be temporarily passed over. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last two words.

Mr. GREEN of Iowa. I do that for the purpose of recurring to the amendment that was proposed by the gentleman from New York [Mr. BENNET]. I will consume less than one minute, so I hope nobody will object.

It did not occur to me at all that anybody would suppose I would attempt to put an amendment on the section just read for "libeling" any transportation company in the sense of a vessel. I know that can not be done. Any lawyer knows that it would be easy to draft an amendment that would apply the penalty to the transportation company itself, but not to an employee or the conductor of the train. It is evident that is what should be done.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 3 hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject such aliens to an observation and examination sufficient to determine whether or not they belong to the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That, with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports and whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto, and the provisions of this section shall be excepted from that portion of section 38 of this act which provides that this act shall not be construed to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto.

Mr. BURNETT. Mr. Chairman, I have a committee amendment which I wish to offer to the section.

The CHAIRMAN. The gentleman from Alabama offers a committee amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment, page 21, line 21, change the comma to a period, and strike out all the rest of the section.

Mr. BENNET. Mr. Chairman, I favor this amendment; but before it passes I want to ask the chairman of the committee if he does not think the very laudable purpose he is attempting would be better served if he put the period after the word "port" in line 18, page 21, and struck out the rest of the section? Before he answers that question I will give him the reasons why I think it is so.

Section 11 of the passenger act of 1882 requires the collector of customs of the collection district within which a vessel comes to direct an inspector or other officer of the customs to make an examination of the vessel and to admeasure the compartments or spaces occupied by the immigrant passengers, or passengers other than cabin passengers during the voyage, and so forth. In other words, when a vessel comes into the port of Boston, Philadelphia, Baltimore, or New York, the customs inspector goes on board after the vessel has docked and measures the ship, and if the provisions in relation to the cubic space and the arrangements of berths, and everything of that kind, are not as required by law, then the vessel is fined. But there is one thing that the customs inspector does not do. He does not go on board the vessel until after the passengers are off, and therefore he is not able to certify as to the conditions of cleanliness and matters of that sort. This ought to be a practical bill; and in practice in the port of New York and also in the port of Philadelphia, and I do not know but in other ports, the immigrant inspectors go down the bay, get on the boat, and come up to the landing on the vessel. While they are looking over the emigrants they have time to do one other thing, and only one thing of value, and that is to see whether the vessel is cleanly

kept, well kept, and whether conditions are such that human beings ought to be there. Now, if they could be given authority to report that, something worth while would be done; but, under this amendment, you are putting on them a duty that they can not ever perform.

The customs inspector can not take aboard a vessel carrying 1,200 people his measuring rod and his diagrams and measure the ship and see if it has the correct amount of cubic space that is required by section 1 of the passenger act. Therefore while by concentrating his attention the immigrant inspector might be required to do a useful thing, you are compelling him to certify whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto. He does not know. He can not find out. It is not his business, and there is a danger about it. The customs inspector will say, "Well, the last voice of Congress is that the immigrant inspector shall do this. Heretofore I have been doing it; but if Congress wants the immigrant inspector to do it, let him do it." The immigrant inspector is not on the vessel at a time when he can do it, because as soon as the vessel docks he goes with the immigrants down to Ellis Island or the similar place at some other port.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I think there will be no trouble about our agreeing on this proposition.

The CHAIRMAN. Does the gentleman ask to modify his amendment?

Mr. BURNETT. Yes. I have been informed that it would be practically impossible, so far as the inspectors are concerned, and that they would necessarily have to depend on the customs officers. Hence I think there will be no objection to putting the period after the word "port" and striking out all the rest of the section.

Mr. SABATH. Mr. Chairman, I wish to ask a question of the gentleman from Alabama. Would not the immigration inspector have the right to accompany the revenue officer on the revenue cutter and meet the boat as the revenue officer does, and therefore would he not have an opportunity to ascertain the conditions before the immigrants are unloaded?

Mr. BURNETT. It would not be prevented.

Mr. BENNET. May I answer that question? It would not be prevented. He would have the right; but I think the gentleman from Alabama sees the point, and I think he is right in modifying his amendment as we propose doing.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment:
Page 21, line 18, insert a period after the word "port" and strike out the remainder of the paragraph.

The amendment was agreed to.

Mr. BURNETT. Now, Mr. Chairman, while we are on this subject, I ask unanimous consent to turn to page 62 for the purpose of offering an amendment, in line 13, to strike out the word "or," and in line 14, preceding the word "the," to insert the words "nor to repeal, alter, or amend," and in line 16 change the colon to a comma and insert the words "except as provided in section 11 hereof." I ask unanimous consent to go over to page 62 for that purpose.

Mr. MANN. Mr. Chairman, it would require the reading of section 62. I have no objection.

Mr. BURNETT. That is the section repealing certain sections and excepting certain other sections. Now, under this amendment we want to see that this section 11 is excluded from the repealing section.

The CHAIRMAN. Is there objection?

Mr. MANN. Will it not require the reading of the section first?

The CHAIRMAN. The rule requires the reading of the section. Does the gentleman from Illinois ask for the reading of the section?

Mr. MANN. Oh, I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 62, line 13, strike out the word "or," and in line 14, preceding the word "the," insert the words "nor to repeal, alter, or amend," and in line 16 change the colon to a comma and insert the words "except as provided in section 11 hereof."

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words, for the purpose of making some remarks about the inspection service.

Mr. BURNETT. How much time does the gentleman desire?

Mr. AUSTIN. Just two or three minutes. Prior to entering Congress I was in the Consular Service, and one of my duties was to inspect the ships and give a certificate, and also to see about the inspection of foreign emigrants as they were loaded aboard the ships. I do not know what the present methods are, but if they are similar to those eight or nine years ago they are a failure and a farce. I know a European steamship company having soliciting agents scattered all over Europe. I recall one of its officers told me it had 1,200 agents in the field soliciting emigrant business. They finally gather these emigrants at an English port; they were from various countries on the Continent. They were marched down the morning the vessel was inspected and sailed, went aboard the ship, and the medical inspection was by the physician paid by the steamship company as they marched up the gangplank. The physician now and then would have an emigrant stand aside, believing he was affected with the eye disease—trachoma.

There is no wonder we get so many people here from abroad who are defective in health, in mind, and in body. We ought to amend our immigration laws so that an American surgeon will be compelled to make a careful and thorough examination of these people prior to their going aboard ships destined for American ports.

We ought to go further in order to protect our country and our institutions. We really ought to have every emigrant in Europe who desires to come to this country furnish our consular representative before his departure from a foreign port with a statement of where he resides in the old country and references, and at the same time give our representative an opportunity to make an investigation as to what his character has been, if he is honest, industrious, and a law-abiding person and in good health, and so forth, and if he intends to make the United States his home. It would be rendering a service to many of these people, because, as has been stated here, 25,000 were returned last year, being rejected as a result of an examination at an American port. Many of them before starting for America sell their homes and all they possess, and they take their chances on passing our local examination. They are permitted to go aboard the ship, they pass the easy examination on the other side, and then when reaching American ports, where the examination is more thorough and careful, they are rejected and returned home. So in justice to the emigrant and in justice to our country we ought to require a thorough examination and investigation of the emigrant on foreign soil before he departs as to his health, character, and so forth.

Mr. SABATH. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. SABATH. Does the gentleman know that we have a provision in this bill which makes it impossible for a steamship company to have agents abroad advertising in order to stimulate immigration?

Mr. BENNET. That has been in the law for years.

Mr. SABATH. That is a very strict provision.

Mr. AUSTIN. We ought to go further than that and have our representative on the other side make an investigation into the character of these people, whether they will be able to pass an examination on this side.

Mr. BENNET. Mr. Chairman, I desire to be heard in opposition to the amendment for the purpose of laying before the House some curious facts. It would seem at first blush as though the gentleman from Tennessee was absolutely right about inspection. I have seen examinations by American surgeons at Naples and at Genoa—Naples being one of the large ports of departure. They were good surgeons and did their work well. I have seen the steamship loaded at Liverpool, and the gentleman from Tennessee is absolutely correct as to what happens. Down at Patras, in Greece, the Austro-Americana Line sent out loads of emigrants without any inspection at all, and the result was that they were heavily fined, and in addition when the aliens came back to Fiume they nearly wrecked the place. After that the Austro-Americana people sent their physician to this country to study our ways at Ellis Island. I saw him at Patras before the people were loaded on the boat examining the aliens physically. They were so careful about it that they would stamp the man on the wrist with an indelible stamp, and the stamp was changed every day, so that nobody knew what it was except the captain of the vessel and the surgeon.

At Fiume the consul went down himself with a physician and inspected the emigrants. At the port of Antwerp the authorities told the American consul to keep off the wharf, that they would do their own inspecting, and he could have nothing to do with it.

Now, the fact was this—and I am offering the fact without any comment—that the percentage of rejection of aliens at Ellis Island who came from these four ports because of physical conditions was less as to those coming from Antwerp than those coming from Naples, Fiume, and Patras.

Mr. AUSTIN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. AUSTIN. The very fact that the governor of the gentleman's State made a complaint about the number of aliens in the public institutions—insane and other asylums—is proof, is it not, that our methods of inspection are defective on this side even?

Mr. BENNET. No; because if a man comes in with a sound mind you can not say that he will not go crazy in three years. I will say that when I was on the Immigration Commission I took a physician and went to a number of ports—because anybody that has seen an inspection will say that they look defective—I took a physician there, and they said that the examination at Ellis Island was good. The gentleman from Massachusetts and myself in the Fifty-ninth Congress brought up the fact that Commissioner William Williams, one of the most rigid men in the service——

Mr. AUSTIN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. AUSTIN. How many do they inspect at Ellis Island?

Mr. BENNET. I was just about to answer the question. Commissioner Williams had the same idea that everybody has—he thought the investigation or examination was casual and inefficient—and being a man of a good deal of force, and having the power, he did this: He issued an order that the next 10,000 men that came into the port of Ellis Island should be taken into a room, stripped stark naked, and examined by four or five physicians; and that order was carried out, with the result that the percentage of rejections among the 10,000 was not noticeably different from the percentage of rejections of the 10,000 that preceded or the 10,000 that succeeded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN (Mr. HAY). That is not in order.

Mr. GARDNER. Then we will have to vote upon the motion to strike out the last word.

Mr. BURNETT. Mr. Chairman, these discussions are very illuminating, but a great many gentlemen are very anxious that the bill should be passed speedily. There is no amendment pending to which the discussion of the two gentlemen is germane at all.

Mr. GARDNER. That is true; but the fact is that the gentleman has brought up that old ghost of examining the characters of immigrants, and every time it is brought up and no one answers it and explains the true facts it spreads an opinion abroad that our inspection is insufficient.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. The fact is that the inspection at Ellis Island is superficial in appearance only. It is true that a tremendously long line of immigrants go through the lines with the greatest rapidity, the physicians standing on each side. These doctors are wonderfully expert, because they have been at this work for years. Whenever they see a man coming along about whom there is the least doubt they chalk him as he goes by, and that means that the man must be subjected to a special examination. One of the physicians makes a specialty of examining for favus and the other for trachoma. Those immigrants who are chalked have a thorough examination, and the others have only a casual examination, as has been said. The gentleman from New York [Mr. BENNET] has told what happened when the authorities tried an experiment to find out whether in reality the casual examination was too superficial. The doctors took 10,000 men, stripped them, and found that the results of the examination of these 10,000 men were practically the same as the results obtained from subjecting 10,000 men to the usual examination which I have described.

As to the question of examining into a man's character, in deference to the agitation over that matter, we inserted in the immigration bill a few years ago a provision that when a man came out to this country from any nation which issues what are known as "penal sheets," he must produce his penal sheet. In other words, if an immigrant came from Italy, for instance, where every man has a record given him showing whether he has committed any crimes or not, we provided that when he got here that man must present his penal sheet for examination. What happened? That provision was fought tooth and nail in this House and was almost beaten. It actually was beaten in the Senate, and it nearly wrecked the whole bill. Why? Because gentlemen got up in this House and in the Senate and told how Russia and some other countries, which are supposed to entertain a hatred for certain classes of their own people, would refuse to give immigrants these penal sheets or would give them false penal sheets for the express purpose of tyrannizing over them or preventing their emigration. The result of our attempt to satisfy the demands of those gentlemen who insist on our scrutinizing the moral characters of immigrants was that we almost wrecked our bill.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. FESS. I do not know that I got the full force of the gentleman's statement. Does it mean that what we call the superficial examination does not exclude more than would be excluded under a more rigid examination?

Mr. GARDNER. The 10,000 who were examined naked showed the same percentage of rejections as the 10,000 who were examined in the usual way, which has so often been alleged to be superficial.

Mr. FESS. And the conclusion is that it is not really superficial?

Mr. GARDNER. Precisely.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the question is on the amendment offered by the gentleman from Alabama.

Mr. MANN. Mr. Chairman, the gentleman's amendment provided, on page 62, line 16, for striking out the colon and then inserting the language. I think the gentleman wants to insert the language before the colon and after the word "thereto."

Mr. BURNETT. That is correct.

Mr. MANN. Then, will the gentleman change his amendment?

The CHAIRMAN. Without objection the Clerk will report the amendment as it is proposed to be modified.

The Clerk read as follows:

Line 16, page 62, after the word "thereto," insert the words "except as provided in section 11 hereof."

The CHAIRMAN. Without objection it will be so modified.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following as a new section.

The Clerk read as follows:

Insert at the end of line 4, page 22, the following as a new section: "SEC. 11a. That whenever after January 1, 1918, he may deem such action necessary, the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea and report the same to the proper United States officials at ports of landing. For every violation of this section any person, including any transportation company owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, to be received on board such vessel, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fines and costs, such sum to be named by the Secretary of Labor: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Labor that the provisions of this section are persistently violated by or on behalf of any transportation company it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions."

Mr. BURNETT. Mr. Chairman, I make the point of order that that proposition was voted upon yesterday.

Mr. BENNET. Mr. Chairman, this is not the proposition that was voted upon yesterday.

The CHAIRMAN. The present occupant of the chair was not at that time presiding.

Mr. BURNETT. The amendment was offered by Judge SABATH, of Illinois. In substance it was offered by the gentleman from Illinois [Mr. GALLAGHER], and afterwards a more elaborate amendment was offered by Judge SABATH, which embraced the same thing as Mr. GALLAGHER's and more.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes, the gentleman from New York to have five minutes thereof.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. BENNET. Mr. Chairman, reserving the right to object, I desire to say to the gentleman from Alabama that I never had a more serious purpose in my life than I have in this amendment. It may be that I shall require 10 minutes. This is not any filibuster; this is a question of life and death to the immigrant; and the gentleman ought to know it.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this conclude in 15 minutes, the gentleman to have 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this new section and all amendments thereto close in 15 minutes, of which the gentleman from New York shall have 10. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, there can be no question raised that this amendment can not be enforced, because I have added to the amendment offered yesterday by the gentleman from Illinois [Mr. SABATH] the enforcing provisions, as found on page 11 in section 7, and if those provisions are good and enforcible there, they are good here. Now, what is the situation? I was the subcommittee of the Immigration Commission that was given charge of investigating the conditions on board steamships, and I sent women inspectors into the steerages of the various ships. I sent Italians on Italian lines; I sent people who spoke other languages on the language ships. I sent seamen and English-speaking women on the English ships. There was one particular line running into Baltimore, concerning which I chose a woman from Baltimore, and because I had my own ideas of what happened to women in the steerages, I chose a big, broad-shouldered woman who I thought could take care of herself—I am going to speak very plainly—and she went clear back into Austria and came into this country as an immigrant over the railroads and steamships, and after she got back into the port of Baltimore she made a report which was printed as a part of Senate Document No. 206, Sixty-first Congress, second session. There were no matrons on that ship, there was no care taken of or given to the women, and this is what that woman found:

> The manner in which sailors, stewards, firemen, and others mingled with the women passengers was thoroughly revolting. Their language and the topics of their conversation were vile. Their comments about the women, and made in their presence, were coarse. What was far worse and of continual occurrence was their handling of the women and girls. Some of the crew were always on deck, and took all manner of liberties with the women in broad daylight, as well as after dark.
>
> Not one young woman in the steerage escaped attack. The writer herself was no exception. A hard, unexpected blow in the offender's face in the presence of a large crowd of men, an evident acquaintance with the stewardess, doctor, and other officers; general experience; and manner were all required to ward off further attacks. Some few of the women, perhaps, did not find these attentions so disagreeable; some resisted them for a time, then weakened; some fought with all their physical strength, which naturally was powerless against a man's. Others were continually fleeing to escape. Two more refined and very determined Polish girls fought the men with pins and teeth, but even they weakened under this continued warfare and needed some moral support about the ninth day. The atmosphere was one of general lawlessness and total disrespect for women. It naturally demoralized the women themselves after a time. There was no one to whom they might appeal. Besides, most of them did not know the official language on the steamer, nor were they experienced enough to know they were entitled to protection.

On that very ship an immigrant girl lying seasick in her bunk was attacked by the chief steward of the ship.

Mr. AUSTIN. Now, give us the name of that steamship company.

Mr. BENNET. The vote of the commission struck that out.

Mr. AUSTIN. It ought to go in. I ask the gentleman in the interest of truth and justice to give the name of the steamship company that permitted this condition to exist.

Mr. BENNET. Mr. Chairman, I have no right to override the vote of the commission. Now, that is an official public document. Now, on an Italian line I sent an Italian woman, a young woman, an attractive woman, and one afternoon she was sitting on the after deck when an officer came up and made some remark, not at the beginning offensive, but he had no sooner started in than around came a surgeon of the Royal Italian Navy, put there by the Italian Government for the purpose of protecting the immigrants, and that officer went away and that young woman was not molested afterwards. That is how they protect their women. Now, in the name of all that is decent why should not we put in a provision to protect these innocent women? I will tell you what happens. In big cities along the coast there come to the hospitals girls 13, 14, and 15 years of age suffering from venereal diseases, the result of attacks of sailors and officers of vessels. It happens always under large immigration. Go into the hospitals and they will tell you, and yet this House voted down a provision yesterday to give these women protection. I made up my mind that knowing the facts it was my duty, because I was a United States officer, in the collection of information and because I had the same humane feeling for the helpless that all this House ought to have, and I believe has, that it was my duty to bring it to the attention of the House plainly, emphatically, and directly.

Mr. AUSTIN. Now, may I ask the gentleman if he called the attention of the steamship company to this case he just mentioned to the House?

Mr. BENNET. We not only called the attention of the steamship company to the occurrence, but we called the attention of the department to the occurrence.

Mr. AUSTIN. What was done?

Mr. BENNET. Oh, the steamship company said they discharged the man. But I am a United States Congressman, and I want to put inspectors and matrons on these vessels, I will say to the gentleman. [Applause.]

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. BENNET. I will yield to the gentleman.

Mr. O'SHAUNESSY. Does not the gentleman consider it a very regrettable thing that that was no record vote yesterday on this question of protecting innocent women and girls on these steamships?

Mr. BENNET. I want to be fair. The House thought I was indulging in a filibuster. "Beware of the Greeks bearing gifts" But I do not think we voted particularly on the merits, and therefore I made up my mind that to-day if I had the strength and directness to do it I would bring the matter to the conscience of every man on this floor.

Mr. CRISP. Will the gentleman yield?

Mr. BENNET. I do.

Mr. CRISP. I am very much interested in what the gentleman says, and I would like to hear the gentleman discuss his amendment, as I did not hear the amendment read. What is the purpose of it?

Mr. BENNET. The purpose of the amendment is to give the Secretary of Labor, after the 1st day of January, 1918, the power, in his discretion, to put inspectors or matrons, either or both (at the expense of the United States), on every steamship sailing out of our ports. That is what my amendment is. Has my time expired?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BENNET. Mr. Chairman, I have concluded.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. BURNETT. Mr. Chairman, I object. There is an agreement as to time.

Mr. GALLAGHER. I was going to ask the gentleman if he did not think that under the proposed head tax we would collect enough money to pay all those expenses?

Mr. BENNET. Certainly. We raised the head tax to $8. We have the money.

Mr. BURNETT. Mr. Chairman, the gentleman's speech is a very strong argument for the literacy test, because those people, and those conditions of which he speaks, are among the people from southern Italy, whose immigration we are trying to check.

Mr. BENNET. The gentleman is entirely in error. These are from northern countries and coming into Baltimore.

Mr. BURNETT. He stated a moment ago it was an Italian girl.

Mr. BENNET. I said the Italian Government protected the Italians.

Mr. O'SHAUNESSY. Do you think the brutes that attack these women would fail to attack them if they were able to read or write?

Mr. BURNETT. The brutes that attack them, as a rule, Mr. Chairman, as was said by the commissioner in New York, are those from southern Italy. They are the ones that perpetrate the crimes, usually, against women. This was in the bill before. I favored it most earnestly. Great Britain, Germany, Italy, as I recollect it, Austria, and some of the other Governments, protested on the ground, as was said by the gentleman from Kentucky yesterday, that we had no right to invade their ships without their consent with our doctors.

Now, gentlemen, there is more in this than appears on the surface. If that kind of a protest is made to the President, although he might be inclined to waive his objections on the other grounds, might it not be probable that a number of countries coming and making that kind of a statement and protest to him, the gentlemen will get what some would like to have—a veto of this bill?

Mr. MADDEN. Will the gentleman yield for a question?
Mr. BURNETT. If I have time.
Mr. MADDEN. Does the gentleman contend it would not be within the power of the Secretary of Labor to exercise the discretion said to be granted to him by this amendment?
Mr. BURNETT. No doubt about that. That is provided in the amendment, I will say to the gentleman.
Mr. MADDEN. Is provided?
Mr. BURNETT. That is, it must be done within the discretion of the Secretary of Labor.
Mr. BENNET. The amendment says that.
Mr. MADDEN. What I want to ask the gentleman is whether he contends it would not be in the power of the Secretary of Labor to exercise this power if this amendment is enacted into law?
Mr. BURNETT. Of course, that is provided in the amendment itself.
Mr. MADDEN. I understood the gentleman to say that Austria and other countries object to our exercise of this discretion.
Mr. BURNETT. They object to us giving the Secretary of Labor the discretion to do something that they say we have no right to do. We have no right to invade their ships. It could only be by their consent, and under the present law I think the Secretary of Labor would have that right if they would consent to it. We return the insane and others, yet we certainly have no right to invade foreign ships. We would have no right to put doctors on foreign ships.
Mr. Chairman, I hope gentlemen will not be swept off their feet by appeals to sympathy. These are hard cases which the gentleman names, but there is the question of the rights of nations involved in this case. An American ambassador to Italy, just before leaving here, had the matter presented to him, and he discussed it with me, and I told him that I am heartily in favor of the provision. I believe cases of the kind as mentioned by the gentleman from New York [Mr. BENNET] often occur, but the question is whether we have got the right to do as he wants us to do or not. Let us not jeopardize the passage of this bill by putting something into it of doubtful right. Therefore, Mr. Chairman, I oppose the amendment, and I hope it will not be adopted.
Mr. SABATH. Could we not, as contemplated several times, deny steamships who would deny this right the right of entry?
Mr. BURNETT. Exactly.
Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent to address the House for one minute.
The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to address the House for one minute.
Mr. BURNETT. The time has expired.
Mr. O'SHAUNESSY. I would like one minute.
Mr. GARDNER. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. That motion is not in order.
Mr. BURNETT. Then others would want one minute. But I am willing to grant the gentleman from Rhode Island one minute and the gentleman from Massachusetts one minute.
The CHAIRMAN. Is there objection to the gentleman's request? The gentleman from Rhode Island asks unanimous consent that he may address the House for one minute. Is there objection?
Mr. BURNETT. I ask that the gentleman from Massachusetts——
The CHAIRMAN. And included with that——
Mr. MADDEN. Mr. Chairman, I ask unanimous consent to address the House for two minutes.
Mr. BURNETT. I object to all requests.
The CHAIRMAN. The time has expired, then. Nothing remains but putting the vote on the amendment.
The question was taken, and the Chair announced that the ayes seemed to have it.
Mr. O'SHAUNESSY. Division, Mr. Chairman.
The committee divided; and there were—ayes 59, noes 27.
So the amendment was agreed to.
The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3984) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. MCCUMBER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. MCCUMBER as the conferees on the part of the Senate.

IMMIGRATION.

The committee resumed its session.
The Clerk read as follows:

SEC. 12. That upon the arrival of any alien by water at any port within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read or write; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether in possession of $50, and if less, how much; whether going to join a relative or friend, and, if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane; whether ever supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possessions to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; if native born, the place and date of birth, or if naturalized the city or town in which naturalization has been had; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. If the chairman of the committee will turn to page 22 of the bill, at the beginning of this rather long section, on lines 16 and 17, he will see that the "manifests must be made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list," and so forth. Then, if he will turn over to section 13, page 27, not yet read—and this is the part that I talked about with the gentleman last night—he will see that first the commanding officer, line 20, page 26, and then the surgeon, page 27, line 10, are each required to swear—and in the case of the captain it is on lines 1, 2, and 3, on page 27—that "he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect." And the surgeon is required to make the same statement.

Now, of course, we have not yet reached section 13, but either the time when the manifest is made out ought to be changed in section 12 or there ought to be added, on page 27, the privilege to the surgeon to examine the aliens and find out what their condition is and amend the manifests so that the manifests will state the facts, and then swear to them.

As the situation is now, the list is made up when the aliens go on board. It may very possibly be that an alien who gets on board is afflicted with some disease which ought to keep that alien out of our country, and the surgeon ought to have the right, when he has made his examination, to make annotations on the manifests and to swear to the lists as they are, so that they will be helpful.

I have no amendment to suggest to this section unless the gentleman from Alabama wants to change the time when the manifests are made out, and I do not think he could, because the manifests are made out in the offices of the steamship companies abroad—made out in part before the alien even goes on board the vessel. But I make the suggestion now in order that the gentleman and his able assistants can take the matter into consideration by the time section 13 is reached.

Mr. BURNETT. In addition to the surgeon examining the aliens on the voyage the surgeons would have the opportunity to examine those aliens at the time of their disembarkation.

Mr. BENNET. Not necessarily.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. The surgeon on the ship sailing would certainly have the right to do that.

Mr. BENNET. But let me give the gentleman a case. Let us suppose that when the people go on board the vessel they are apparently all right; but suppose that some infectious or contagious disease, as, for instance, smallpox, breaks out within the period of incubation, and when the surgeon goes around he finds that case of smallpox. Now, under section 13, notwithstanding the fact that the man has smallpox and will be put in the hospital, the surgeon and the commanding officer are required to swear that there is nobody on the vessel that is inadmissible. The gentleman does not want that to go into the law?

Mr. BURNETT. They only swear to it at the time of the embarkation.

Mr. BENNET. No. Let me read it to the gentleman. Page 26, line 22, is to the effect that—

He has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act.

That oath is to be taken at the time of arrival into the United States. Then the provision reads further:

And that also, according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Now, take the best captain in the world, the most honest man, bringing immigrants from a foreign country. They are all right when they get on, and he puts down "John Jones, all right," all the way across the sheet. Now, John Jones develops smallpox, and yet this law requires that this captain, when they get to New York City, must swear before an official of New York City, that to his best knowledge and belief John Jones is all right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to conclude the debate. Perhaps the gentleman from New York and I can reach an agreement on the matter. I think it is fully provided for as it is, but at the same time I have no objection to allowing a statement to be made, showing that at the time of the embarkation the condition of the immigrant was such as it was, but that during the passage something of that kind, whatever it was, developed. But certainly he ought to be required to state the condition of the alien at the time of his embarkation. I am willing that it should be modified so that if there is a change of condition it can be noted at the time of landing.

Mr. BENNET. That is satisfactory.

Mr. SABATH. Will not this provision clear your contention:

Each list or manifest shall be verified by the signature or oath or affirmation of the master or commanding officer or the first or second below him in command.

Now, it is not necessary that it should be done at the time he receives the manifest, but he can have that privilege and right to do it at any time during the voyage.

Mr. BENNET. Oh, Mr. Chairman, I agree with the gentleman from Alabama that——

Mr. SABATH. It does not say that it shall be done at once.

Mr. BENNET. I agree that the commanding officer should be allowed to certify that, to the best of his knowledge, when these people came on they were all right, and then again on this side; when he gets to the port of New York City he should make a certification as to their condition when they arrive.

Mr. GARDNER. Suppose at the end of section 13 you add a proviso somewhat to this effect:

Provided, That in case any physical or mental ailment has been developed in any immigrant in transit that fact shall be noted by the captain or the surgeon on the report required by this section.

Would not that cover it?

Mr. BENNET. I think it would be better to put it the other way around, and make it affirmative.

Mr. GARDNER. When we reach section 13 you can cover it by a proviso.

Mr. BENNET. Yes.

Mr. GARDNER. As I understand it, the gentleman's objection is that the inward manifest is made out at the time of embarkation, and that at the time of arrival the captain or surgeon must certify that this manifest as made out at the time of embarkation is still correct.

Mr. BENNET. Yes.

Mr. GARDNER. While, as a matter of fact, it may not be correct?

Mr. BENNET. Yes.

Mr. GARDNER. Now, if by a proviso you allow the surgeon or captain to annotate the manifest, stating that there has been a change in transit, that is all that is necessary?

Mr. BENNET. That is all I want.

Mr. GARDNER. Then why not offer a proviso at the end of section 13?

Mr. BENNET. That is all I want. The reason I will not offer it now is because when we get to section 13, which is the next section, we can agree on that.

Mr. BURNETT. And that is the place where the amendment would apply—on section 13.

Mr. BENNET. And not on section 12.

Mr. BURNETT. Yes.

Mr. BENNET. I was going to suggest that they might change the time when the manifest was made out, but I do not think they ought to do that.

Mr. BURNETT. Oh, no; the time of the making of the manifest ought not to be changed. Then, let us go on and read section 13.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are these provisions in section 12 in reference to American citizens furnishing information—those going temporarily or permanently abroad—covered at all by the existing law, or are they entirely new?

Mr. BURNETT. What portion of the section?

Mr. MANN. In reference to the information to be furnished by the master of a vessel.

Mr. BURNETT. That is almost entirely existing law.

Mr. MANN. I think the provisions are all new.

Mr. BURNETT. The provision beginning on page 23, in line 11—

whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government because of his or their official character—

is new; but the part preceding line 11, page 23, is almost all in the existing law.

Mr. MANN. I am speaking of the provision in reference to information relating to American citizens going abroad, which is not in the existing law as a matter of fact, although I asked the question whether it was. What is the reason for it?

Mr. BURNETT. For outgoing passengers?

Mr. MANN. Yes; this all relates to outgoing passengers.

Mr. BURNETT. That is for the purpose of keeping track of those who are going out. It is a matter of information more than anything else.

Mr. SABATH. For statistical reasons?

Mr. BURNETT. For statistical reasons; yes.

Mr. MANN. Of course, it is rather galling to the average American citizen, if he wants to travel from one State to another, to be stopped at the border and asked for information about his life history, where he was born, and so forth, and probably it will be equally galling to give the same information if he wants to drop over into Canada, and I wondered whether there was a real necessity for it. It does not give much statistical information.

Mr. BURNETT. It was suggested by the Labor Department, as I have said, for the purpose of giving statistical information.

Mr. GARDNER. May I read what the commissioner said in 1911?

Mr. BURNETT. Yes.

Mr. GARDNER. The Commissioner General of Immigration in his annual report for the fiscal year ending June 30, 1911, says:

> The provisions with regard to furnishing data covering passengers leaving the United States are separated from those regarding passengers entering, and extended so as to cover citizens (native born and naturalized) departing with the intent to settle abroad, and to empower immigration officials to obtain information regarding aliens and permanently departing citizens leaving the country over the land boundaries similar to that furnished by transportation companies concerning those leaving by vessels. Information regarding sex, age, class of travel, and foreign port of debarkation of departing United States citizens who do not intend to reside permanently in a foreign country is also required. This information is now secured by indirect, nonstatutory means regarding all departing passengers. These modifications of the statistical requirements are essential to the compilation of accurate figures on this very important subject. Instead of requiring manifests of outward-bound passengers, "information" only is required, and provision is made for the adoption of regulations as to the form and manner in which it shall be collected and supplied. Here also an addition is made to insure the collection of accurate and properly segregated data concerning and as between the mainland and insular possessions, respectively.

Mr. MANN. Where an American citizen goes over into Mexico, do we have any requirement now that he must pass first through the hands of an immigration official, or if he drops over from North Dakota into Canada, or from Minnesota into Canada, is he required to go through the hands of an immigration inspector?

Mr. BURNETT. We have no such requirement in our law.

Mr. MANN. Does the gentleman think that that will ever be very popular with American citizens?

Mr. BURNETT. Possibly not, and yet I do not think it would be a bad idea to keep up with those who are going over to the other side.

Mr. MANN. It might be desirable to have statistics, to know how many people pass from the State of Indiana across into Illinois or vice versa, but I imagine that the person who would try it would find himself very unpopular.

Mr. GARDNER. If you go into Canada to-day you have to fill out on the train statistics as to your intention. I think that is done for the Canadian Government as a matter of fact; but every time I go across to Canada I have to fill out a blank and hand it to the conductor of the train, for the purpose of being given to some immigration inspector.

Mr. MANN. This would apply to going across the line anywhere, even if they did not go on a train.

Mr. DENISON. Mr. Chairman, I move to strike out the last word.

Mr. BURNETT. Mr. Chairman, I shall object to any speeches which are not germane—to anything not confined to the bill.

Mr. TOWNER. I desire to oppose the pro forma amendment offered by the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON] will be recognized first.

Mr. DENISON. Mr. Chairman, I do not wish to speak on this particular section of the bill. I asked for time to address the House on the bill during the general debate, but could not get it. I approve of the bill and intend to vote for it, and desire at this time to briefly state my reasons for doing so.

I favor the bill because I consider it a measure of protection. It will give some protection to the workingmen of our country. Mr. Chairman, if there is any one political principle in which I believe more than all others it is that of protection. I have made some little study of the history and principles of American politics, and I can not escape the conviction that protective legislation has contributed more than all other legislation to the industrial and commercial development and growth of the Nation. I care not who originates the legislation nor what particular form it assumes. If it protects the industries of our country or the wages and working conditions of our workingmen, if it will properly add to the material welfare of any considerable class of our people, whether they be farmers, stockmen, laboring men, or others, and protects them from depressing or injurious influences from abroad, I am for it.

I have listened, Mr. Chairman, with a great deal of interest to the discussion of the bill by Members of the House. A great many fanciful and far-fetched reasons, it seems to me, have been advanced both for and against it. If I understand it, it is, after all, but a measure of protection.

It, of course, revises and amends the general immigration laws, but its ultimate purpose is to protect, so far as can be done, American society from the corrupting and disintegrating influences that would follow the movement of the prohibited classes to our shores—to protect, as far as can be done, the standard of wages and the standard of living of American workingmen from the injurious competition of the ignorant and undesirable hordes of immigrants that will want to come here. I am in favor of such protection, and therefore will vote for the bill.

This bill, Mr. Chairman, again brings us, after all, face to face with a century-old divergence of political thought that has occupied the minds of the people of the country almost since its very beginning, and has found expression in the doctrines of the two great political parties. There has always been those among our statesmen who believe that the principles of political, industrial, and social economy are universal; that in dealing with them national boundary lines should not be taken into account; they believe that, all men being created free and equal, they should be allowed to pursue their own happiness and welfare unobstructed by national boundary lines or laws; they believe that the right to trade ought to be free; that the law of life, as was so eloquently stated by the gentleman from Massachusetts [Mr. GALLIVAN], is movement; and that the people should not be obstructed in this law of movement by national restrictive immigration laws.

On the other hand, there has been those among our statesmen who believe that the problems of political, industrial, and social economy are so far national in their nature that each Government should solve them in its own way in the interest of its own people. They believe that the right to trade should not be free, if by preventing free trade a Government can add to the material welfare of its own people; they believe that each Government ought to obstruct the so-called natural law of movement among people by restrictive immigration laws, if by doing so the welfare of its own people may be protected or promoted.

This divergence of political thought has manifested itself in most of the great political battles that have been fought in this country and has always been the fundamental difference between the Democratic and Republican Parties. The Democratic Party has, generally speaking, believed that the right of free trade should meet no interference at the national boundary line by protective tariff laws; that there should be no interference by protective legislation with free competition between the laborers of America and other countries, in the price of labor.

On the other hand, the Republican Party has always believed in the wisdom of the policy of interfering with free trade among nations by such protective tariff legislation as would properly foster, encourage, and protect the industries of our own people; and that this Government should protect its own workingmen from the competition of those of other countries by such legislation as would best accomplish that result.

Now, Mr. Chairman, this same old question, it seems to me, is involved in the bill now under consideration. As I have said, it is but a measure of protection. It will help protect American workingmen in their wages and their conditions of living. It is in harmony with the principles for which the Republican Party has always stood, and therefore I am for it.

The Republican platform of 1912 contained this provision:

> We pledge the Republican Party to the enactment of appropriate laws to give relief from the constantly growing evil of induced or undesirable immigration which is inimical to the progress and welfare of the people of the United States.

It is only the evil of "induced" or "undesirable" immigration that this bill seeks to provide against. And I confess I am unable to understand the attitude of those few Republicans here who are opposed to this bill. We have always believed in the policy of protecting American labor from the competition of the cheaper labor of foreign countries by a protective tariff. We have told the people in every great campaign that American industries could not maintain American wages and the better standard of living for American laborers unless protected, by proper tariff laws, from the competition of the industries of foreign countries where the standard of living was lower and the wages of labor so much less than in America. We have advo-

cated a protective tariff because it would protect American workingmen from the competition of the cheaper labor in other countries. Why should we not protect American workingmen, as far as we can, from the competition of ignorant and undesirable foreign laborers who would come into this country, especially when we know that they have been and will be brought in great numbers by the steamship companies and others for selfish purposes?

Mr. Chairman, in legislating upon a question of this kind I want to be consistent as well as conscientious; and I agree with the statement made here last Saturday by the distinguished chairman of the committee, Mr. BURNETT, that those few Republicans who are against this bill are not consistent.

On the other hand, it is a real pleasure to see so many of our Democratic friends supporting this protective legislation. You gentleman on that side of the House are ordinarily so skeptical, so scary about anything that sounds like protection, it must be a genuine surprise to the country to see so many of you supporting this bill. And I want to say that in voting for this bill you Democrats are no more consistent with the past attitude of the Democratic Party toward American labor than are those Republicans who are voting against it.

Many of you Democrats who are going to vote for this bill, which will help to protect American labor from the competition of ignorant and undesirable labor that would come or be brought into this country, will, nevertheless, oppose a protective tariff which would protect American labor from the competition of the cheaper labor of those working in foreign countries.

No; you Democrats are not consistent with the past policy of your party toward American labor in supporting this protective legislation. But you are right in doing so. And I am glad to have you go with us thus far in doing this much for the laboring men of our country. I, of course, do not know how true it is, but I am told, Mr. Chairman, that this bill, if it passes Congress, will be vetoed, and that if we would have this legislation we must pass it over the President's veto. A similar bill passed by the last Congress was vetoed, and we naturally suppose, unless the President reverses himself on this question, as he has on so many other questions in the past two years, this bill will likewise be vetoed. I have heard, too, that the majority party at the other end of the Capitol will try to prevent this bill from passing the Senate in order to prevent the political embarrassment of another presidential veto. I am disposed to share the views of those who fear that after the European war closes and the millions of men now under arms are released, the most desirable of the laborers will remain in their native countries while many of the undesirable will want to come to the United States. So we have need for this legislation now, as we have never needed it before, and I believe that the political party that defeats this bill, whether its defeat be accomplished by one means or another, will have to answer to American labor when American labor has another chance to speak at the polls.

Mr. Chairman, on September 5, 1912, after the President had been nominated, he made an address before the Association of Foreign Language Newspapers in New York City, and was reported by the papers as saying on that occasion:

> I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but those who declare themselves Americans. * * * Of course, if the immigrants are allowed to come in uninstructed hosts, and to stop at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness; there is going to be deterioration; there is going to be everything that will be detrimental to the immigrant.

It will be noticed that the President used the expression "uninstructed hosts," and said such immigration would result in unhappiness and in deterioration. Yet the President afterwards reversed himself and vetoed a bill which had no other purpose than to prevent the induced or undesirable immigration of "uninstructed hosts." And that is all this bill will do. I am convinced that the American people want this legislation. Farmers' organizations, labor organizations, and other organizations have indorsed it. And the objections to it are, to my mind, only fanciful and theoretical.

Mr. Chairman, I represent a district where there are many laboring men. There are eight or ten thousand coal miners there, to say nothing of thousands more engaged in other kinds of labor. Those men are organized and have made a study for years of labor conditions in this country. I have respect for their judgment. I have sympathy for their aspirations. I am interested in their welfare. I have no doubt they fairly represent the other laboring men all over this country of ours, and so far as I can conscientiously do so I will support any legislation that will protect them—that will fairly maintain their wages or improve their standard of living and their condition in life.

I have received many letters and resolutions from the people of my district urging me to support this bill. I have not yet received one against it. And I am happy in the belief that in supporting it my own conscientious judgment is in entire harmony with the wishes of the people I represent.

I do not share the belief, or, rather, the suspicion, of those who have professed to see a question of religious discrimination involved in this legislation. It is not the purpose of the bill to prevent people of any particular religion from coming to this country. Neither do I share the views of those who have asserted that it is aimed at the people of any particular nation. No one who would be of any value to this country will be excluded by the provisions of this bill.

It is only a question of self-protection after all. Every nation has the right to and should enact such legislation as is necessary or desirable for its own protection and perpetuity. To that end it is the course of wisdom to surround the sources of our population with such safeguards as will prepare all of our people as far as possible for the duties as well as the privileges of citizenship in the Republic. Mr. Chairman, I do not believe the literacy test provided in this bill is either arbitrary or unfair. It is in keeping with our ideals. Education is the very foundation of our Republic. We have made it compulsory in nearly all, if not all, of the States of the Union. We compel our own people to acquire at least some education. Why should we not require it of those who would come here from other lands? This country will not suffer by the exclusion of those who could not pass the literacy test provided by this bill. If it becomes a law the requirements will soon become known in other lands, and those who would really want to come to America to live—who would be worthy of citizenship in a Republic—would soon learn to read and write well enough to pass the literacy test. Others we do not want.

I can not but admire the sentiments of those who still cling with a sort of tenacious fetishism to the old doctrine that America is an asylum for the oppressed and its doors must be left open for the free entry of any who would come from the four corners of the earth. That idea belonged to former generations. It is a beautiful thought, but in the practical application of it to the conditions of our day, with our hundred millions of people, we must look to our own preservation and the perpetuity of our institutions and ideals. No one claims that ignorance is necessarily an indication of dishonesty or undesirability. It seems distressingly fanciful to me to refer with pitying pathos to our noble ancestors who could not read or write as an argument against the literacy test.

The great majority of the American people have come to believe that on the whole the higher the average of education and intelligence of our people the better it will be for their happiness and progress. One does not necessarily have to be able to read and write in order to be a good citizen. But we must advocate and encourage popular education or abandon our ideals and weaken the very foundation of the Republic. And I believe, Mr. Chairman, that the enforcement of the literacy test in the admission of immigration into this country will be but an exemplification of one of the popular ideals of our people, and will not only tend to protect our labor and purify our population but will increase the respect and esteem in which we are held by other nations.

Mr. Chairman, I wish to say in conclusion that I would not favor this bill if it closed our doors either to political or religious refugees from any country or to people of other countries who are qualified for citizenship here. But the former are expressly exempt from the provisions of the bill, and the latter are not excluded at all. There are many Germans, French, English, Italians, Russians, and other nationalities in the district I represent. Most of them are good citizens. Many of them are among our best farmers, miners, and merchants. And I do not believe those who are here would complain at the provisions of this bill. Most of them, Mr. Chairman, are themselves laboring men, and no doubt share with other laboring men of the country the belief that American labor should at least have the protection that will result from the provisions of this bill. [Applause.]

Mr. TOWNER. Mr. Chairman, I desire a few minutes to call the attention of the House to what I conceive to be the constitutional power of Congress to regulate and control the conditions under which foreign vessels may bring immigrants to this country. The power that the Constitution grants to Congress over foreign commerce is absolute. There is no limitation whatever. It is within the power of Congress to prohibit any foreign ships coming to our shores. It is within the power of Congress to make any condition that it desires upon

which vessels may enter our ports and upon which vessels may be allowed to clear from our ports. It is within the power of Congress to pass any laws that they may deem wise or advisable regulating the conditions under which emigrants may be brought to this country. I can conceive of no condition that might arise that would interfere in the slightest degree with the full exercise of this power, except one, and that may be treaty agreements with foreign nations. There is no other limitation that can be placed on the power of Congress to absolutely regulate these matters.

So, when gentlemen talk about the foreign vessels being foreign territory, which we could not invade for the purpose of inspecting immigrants, they are laboring under a misapprehension regarding the power of Congress. We can say that no such vessels shall enter our ports unless they allow inspectors to be placed on the vessels at the port of departure and that they be allowed to inspect the emigrants on the voyage over. We can impose any regulation of that character that we deem wise or expedient. So Congress need feel no hesitancy in imposing any judicious law they think right on a vessel entering or clearing our ports that goes to the protection of the immigrant or of the people of the United States. Nearly all the immigrants coming to this country are brought here on foreign vessels. Naturally, these foreign steamship companies want to be as free as possible from restraint and control by this country. Instead of that being a reason why we should allow them relief from surveillance, we should consider it a reason why we should subject such commerce to control, in our own interest and in the interest of humanity. I am glad to anticipate that if this bill becomes a law the conditions of the immigrant will be materially improved and our own country will be further protected from undesirable immigrants.

Mr. KENNEDY of Rhode Island was recognized.

Mr. BURNETT rose.

The CHAIRMAN. Does the gentleman from Alabama desire recognition?

Mr. BURNETT. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. STAFFORD. Mr. Chairman, was not the gentleman from Rhode Island recognized before that?

The CHAIRMAN. The Chair will state that he asked the gentleman from Alabama if he desired recognition, and the gentleman from Alabama went on and made his motion. The Chair had before that recognized the gentleman from Rhode Island.

Mr. BURNETT. Very well, Mr. Chairman; I give notice that I shall object to any discussion not pertinent to the bill.

The CHAIRMAN. What is the motion of the gentleman from Rhode Island?

Mr. KENNEDY of Rhode Island. I move to strike out the last three words. Mr. Chairman, on Saturday last, during a period when I was not in the House, the gentleman from Ohio [Mr. FESS] addressed a statement to the House in an endeavor to administer a gentle tap to my distinguished colleague, Mr. O'SHAUNESSY. His language was as follows:

> Why, my friends, Brown University gave to the country Horace Mann, this country's greatest educator, and the founder of the common-school system of America. He was a son of Massachusetts but an alumnus of Brown. It gave Mr. Justice Hughes, who is much talked about to-day in the country. [Loud applause.] It gave our country, the United States, the greatest State university president, namely, Prof. Angell, of Michigan University. [Applause.] And it gave a former superintendent of the public schools of Chicago, President E. Benjamin Andrews. Mr. Chairman, the States so advanced on educational lines, with such achievements to their credit, see their Representatives vote against this educational test. [Applause.]

Now, I respectfully yield to the gentleman from Ohio in order that he may explain, for the moment, whether or not he desired to leave the inference that any of these distinguished gentlemen whom he named in that statement favor a literacy test.

Mr. FESS. Will the gentleman yield?

Mr. KENNEDY of Rhode Island. I will.

Mr. FESS. In reply to the question by the gentleman from Rhode Island I will say that I have not any direct or specific information from any one of these men as to whether they would stand for the educational test or not, and had not that in my mind when I spoke. Since the gentleman has read it, I can see that that inference might have been drawn that I might have thought that they stood for the test. I want to be frank with the gentleman from Rhode Island, as well as with the House, in stating that I had no information whatever. I rather think they would stand for it, however, but that is only an opinion.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am glad the gentleman from Ohio made the last statement. He completely cleared himself of any intention to leave the inference which I thought could plainly be drawn from the language he indulged in on Saturday; but being a college president himself, and a very distinguished one, and guiding the destinies of an institution over which Horace Mann, one of the gentlemen named formerly presided, undoubtedly he feels that the members still living of that great galaxy of Brown University's sons entertain the same opinion he does with respect to the literacy test.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask for three minutes more.

Mr. BURNETT. Mr. Chairman, I object. I move that all debate on this amendment close in five minutes.

Mr. O'SHAUNESSY. Oh, Mr. Chairman, I ask unanimous consent that the gentleman from Rhode Island be permitted to proceed.

Mr. BURNETT. I object. The question of Brown University is not an issue to-day.

Mr. KENNEDY of Rhode Island. Mr. Chairman, my remarks are connected with this bill.

Mr. BURNETT. I object.

Mr. KENNEDY of Rhode Island. I make the point of order that there is no quorum present.

Mr. BURNETT. I will not object to two minutes.

Mr. KENNEDY of Rhode Island. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I withdraw the point of no quorum. I was about to say that I object to being placed in the picture painted by the gentleman from Ohio to be looked upon by this House as a Member who would oppose a policy that is essentially educational. I do not think that this literacy test is educational, although the last sentence indulged in by my friend from Ohio [Mr. FESS] on Saturday is that this is an educational test. The literacy test is not an educational test. The term "education" covers a much broader field than does the term "literacy." In looking up hurriedly the question as to whether these distinguished and scholarly sons of Brown, whom he named, ever favored a literacy test, I found certain information which I desire at this time to lay before the House, and incidentally disabuse the gentleman's mind of what he thinks might be the opinion of these gentlemen on the matter. Of course, Horace Mann lived a number of years ago. He was very distinguished, both in educational and philanthropic lines. An educational test of any nature, or a literacy test, would be a thing unthinkable in those days, as it ought to be at the present time, and one would not expect, therefore, that Horace Mann would have uttered any views on the subject. But in a lecture which he delivered in Portland on August 30 and 31, 1844, he gave the following definition of education, and it has an important bearing on this matter under discussion:

> I hardly need to say, that by the word "education," I mean much more than an ability to read, write, and keep common accounts. I comprehend under this noble word such a training of the body as shall build it up with robustness and vigor, enabling it to act, formatively, upon the crude substances of nature—to turn a wilderness into cultivated fields, forests into ships, or quarries or clay pits into villages and cities.

That definition comports exactly with the position taken by those who oppose the literacy test on this floor. Mr. Chairman, I also discovered that Dr. E. Benjamin Andrews, as late as 1913, said some very emphatic things concerning immigration on the phase of amalgamating our foreign born:

> The slow amalgamation of outlanders is not a national peril. Our citizenship from abroad is, in the main, good and the least likely part of it will become valuable with time. The Nation's experience with immigration hitherto is ground for hope.

Speaking about the tendency of foreigners to flock together, President Andrews says:

> The superciliousness of Americans tends to make foreigners herd. Men whose fathers, grandfathers, or great-grandfathers were themselves immigrants put on an air of superiority toward people landing yesterday.
>
> In many cases this nucleization among Americans of foreign origin is harmless. Elsewhere, though showing a bad side, it is so evanescent that no patriot need lose sleep over it.
>
> Immigrants, however ignorant, should be shown a sympathetic spirit, not avoided, scolded, or dealt with in a patronizing way. Present statutes excluding undesirable foreigners should be carried out with discrimination and in good faith.

Not a solitary word in favor of the literacy test. [Applause.]

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. KENNEDY of Rhode Island. I wish I could obtain more time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916; and

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives is requested:

S. 4476. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912.

IMMIGRATION.

The committee resumed its session.

The Clerk read as follows:

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and other items of information required by this act, are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

Mr. BURNETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, line 20, change the period to a colon, and add:

"*Provided*, That if any changes in the condition of said aliens should occur or develop during the voyage of the vessel on which they are traveling, such changes shall be noted on the manifest before the verification thereof."

Mr. MANN. Mr. Chairman, I suggest that the gentleman modify his amendment by striking out the word "should," so that it will read:

Provided, That if any changes in the condition of said aliens occur, etc.

Mr. BURNETT. I will accept that suggestion.

The CHAIRMAN. Without objection, the modification will be made as indicated.

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported as modified?

The Clerk read as follows:

Page 27, line 20, change the period to a colon, and add:

"*Provided*, That if any changes in the condition of said aliens occur or develop during the voyage of the vessel on which they are traveling, such changes shall be noted on the manifest before the verification thereof."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BENNET. Mr. Chairman, it seems to me that that amendment covers the proposition, and while the language may not turn out to be the very best, there is another place where it can be corrected if necessary. The main error is corrected, and I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, lines 19 and 20, strike out the words "a United States consular officer" and insert "an officer competent to administer oaths."

Mr. BENNET. Mr. Chairman, the language of this section is vague and it is not anywhere certain where the oath is to be taken, except that it apparently is to be taken upon arrival in this country. I think that a better amendment even than the one that I have offered would be to leave in the words "a United States consular officer" and add "or an officer competent to administer oaths." Then it would cover cases of both manifests. It would cover the case of the manifest as it was put on the vessel abroad and the case of the manifest as it was amended when the vessel came into the port of the United States.

Mr. BURNETT. Mr. Chairman, the change was made in the Senate. It was not a change of ours, and I think the suggestion of the gentleman is a good one, and I will accept the amendment.

Mr. BENNET. Then I ask unanimous consent to modify my amendment so as not to strike out those words, but to add the words "or an officer competent to administer oaths."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 27, lines 19 and 20, after the word "officer," in line 20, add "or an officer competent to administer oaths."

Mr. BURNETT. Change the period to a comma.

Mr. BENNET. Yes.

Mr. BURNETT. And then add "or other officer competent to administer oaths."

Mr. MANN. That is, to insert after the word "officer," in line 20, the words "or other officer competent to administer oaths."

Mr. BURNETT. Yes; to strike out the period and change it to a comma.

Mr. MANN. The engrossing clerk will attend to that part of it.

Mr. BURNETT. "Authorized" is a better word than "competent."

Mr. BENNET. Yes.

The CHAIRMAN. The Clerk will report the amendment in its final form.

The Clerk read as follows:

Strike out the period after the word "officer" and insert a comma and insert "or other officer authorized to administer oaths."

Mr. MANN. Well, Mr. Chairman, the amendment ought to read, "insert after the word 'officer.'" There is no comma required there and you do not strike out the period.

Mr. BURNETT. The period would be at the end of the inserted words.

Mr. MANN. Why, of course.

Mr. BURNETT. That is right. Just add the words "or other officer authorized to administer oaths" after the word "officer" and the period then automatically goes to the end of the sentence.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels, the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this act bind the said vessels, transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said vessels, transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the vessels or transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 hereof. Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in section 18 of this act.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman for the purpose of calling attention to the fact that the manner specified in section 18 of this act apparently does not fit the offense under section 15; and as section 15 is a rather important section, and a good deal of it new, and it amounts to a good deal of money to some people if they could evade it, it seems to me there ought to be a provision in here for punishing the person who does not comply with the provision. Now, I am very frank to say I have not myself worked out any proposition, but I have come to the very definite conclusion that the language "shall be punished in the manner specified in section 18 of this act" does not cover any of the offenses on page 29. Now, I have no suggestion to make. I do not think I am entitled to make any suggestion unless I have formulated it in the form of an amendment; but in the form in which the section is it can be violated at will.

Mr. BURNETT. Because there is no penalty attached to it?

Mr. BENNET. That is exactly the suggestion I make to the gentleman.

Mr. BURNETT. It says, "shall be punished in the manner specified in section 18 of this act."

Mr. BENNET. If the gentleman will turn to section 18 and read it with care, although it is a pretty long section, he will find that there are two or three methods, and so forth, in there—bonds and everything else.

Mr. BURNETT. Does not the gentleman think that at the bottom of page 36——

Mr. BENNET. I do not, because that provision is to the effect if the consignee has violated any of the foregoing provisions.

Mr. BURNETT. It says there, "if it shall appear to the satisfaction of the Secretary of Labor such person," and so forth, "has violated any of the foregoing provisions."

Mr. BENNET. That is section 18.

Mr. BURNETT. It does not say that. I think it would relate back to section 15, and it also refers to section 18.

Mr. MANN. If the gentleman will pardon me, if he will read a little further he will see that it says that for the violation of the foregoing provision the punishment is in the sum of $300 for each and every violation of all the provisions of this section. That is section 18. Whatever he may have violated he can only be punished for a violation of section 18, apparently. I have not given it, however, very careful attention.

Mr. BENNET. I gave it careful attention, and I am frank to say I was negligent in that I should have drawn an amendment, but I had several other amendments.

Mr. BURNETT. Let us pass it over, and I will ask some of the lawyers about that.

Mr. BENNET. Does the gentleman ask unanimous consent to pass it without prejudice?

Mr. BURNETT. Yes. Has the gentleman any other amendment to this section?

Mr. BENNET. To section 15 I have no amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the section just read be passed with leave to recur to it at some future time to make such motion as the gentleman may think appropriate in reference to the same. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor. All aliens arriving at ports of the United States shall be examined by two such medical officers at the discretion of the Secretary of Labor, and under such regulations as he may prescribe. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all ports of entry designated by the Secretary of Labor, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. Any alien certified for insanity or mental defect may appeal to the board of Public Health surgeons, and may introduce before such board one expert medical witness at his own cost and expense. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors at the discretion of the Secretary of Labor and under such regulations as he may prescribe. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than $200 nor more than $2,000; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall, on conviction thereof, be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 30, line 16, by adding at the end of the line the words "not less than."

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, I want to congratulate the committee on their praiseworthy effort to secure a competent medical examination in every instance, but I do not think that they meant to limit the number of physicians who were to make the examination to two. In close cases now on Ellis Island four or five physicians examine a man. I think what the committee meant was that at least two should examine. If you will put in the language I have suggested, "not less than," you have secured what I think the committee was after and also have not taken away the right that the board now has to call in four or five members of the staff in close cases in order to decide.

Mr. MANN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MANN. It says "at the discretion of the Secretary of Labor."

Mr. BENNET. I saw that. It is not clear, and the words "not less than," it seems to me, might serve a very useful purpose. The idea of the committee was that no one doctor acting alone could adopt a view which would reject an alien, and before the alien could be rejected in every case at least two doctors should examine him.

Mr. MANN. If I recall, the language "at the discretion of the Secretary of Labor and under such regulations as he may prescribe," is new in the bill.

Mr. BURNETT. Yes.

Mr. MANN. I am not sure that saying "shall be examined by not less than two medical officers, at the discretion of the Secretary of Labor," would change the meaning at all.

Mr. BENNET. You mean as to the discretionary part?

Mr. MANN. It is at the discretion of the Secretary of Labor.

Mr. BENNET. Yes. The gentleman from New Jersey calls my attention to the fact that in the same section the expression "at least two inspectors" is "at the discretion of the Secretary of Labor."

Mr. BURNETT. I think there is no objection to the language the gentleman suggests. I think it would be considered that way. It is for the purpose of giving them two, anyway, and I have no objection to that amendment.

Mr. MANN. Of course, it is all left to the discretion of the Secretary of Labor under this new language. That language was not in the bill, if I recall correctly, that passed the House before.

Mr. BENNET. I want to make it sure.

Mr. MANN. The language as to the inspectors on the next page, lines 14 and 15, to which the gentlemen from New Jersey just called the attention of the gentleman, "the discretion of the Secretary of Labor," is now new. To say that a thing shall be done by, at least, so many, in the discretion of the Secretary or somebody else, adds nothing whatever. It is at his discretion as to whether it shall be done by more or less, or none at all.

Mr. BENNET. I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman from New York [Mr. BENNET] has expired.

The question is on agreeing to the amendment.

Mr. BURNETT. I think it will be acceptable, Mr. Chairman.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 31, line 3, strike out the words "board of Public Health surgeons" and insert "Bureau of the Public Health Service."

Mr. BENNET. Mr. Chairman——

Mr. MANN. If the gentleman will permit, there is no such bureau of the Government as the Bureau of the Public Health Service. The Public Health Service——

Mr. BENNET. I simply fell into the same error as the committee did, then, because there is no such body as the board of public health surgeons. Mr. Chairman, the committee attempted to do a very excellent thing, and I am glad the gentleman from Illinois [Mr. MANN] is correct as to the language. They attempt to provide, for the first time in the history of immigration, that an alien certified for mental disease may appeal to somebody and may bring before such board one expert medical witness at his own cost and expense. As the law stands now an alien who is charged with insanity is examined by the surgeons at the port of entry only and without right of appeal or expert witness. This committee did give him the expert witness, and now, if the gentleman from Illinois [Mr. MANN] will give us the correct description of the service——

Mr. HAYES. Public Health and Marine-Hospital Service.

Mr. MANN. The title is the "Public Health Service." We call it the "United States Public Health Service." But I think if the gentleman will add the word "Service" after the word "Health," in line 3, it will cover all he wants.

Mr. BENNET. That you make it "a" instead of "the" in front of "Board."

Mr. MANN. It is not so unless it is so created.

Mr. BENNET. The mere language mentioning the board does not create it. I think "a" board is right.

Mr. BURNETT. That is called a board by the Public Health Service, and those that they designate are expected to act under this bill at the call of the public health board.

Mr. BENNET. They might as well call it the Ten Commandments. But I think if the gentleman from Illinois is correct, and——

Mr. MANN. Make it a board of public health surgeons.

Mr. MILLER of Minnesota. Should it not be a board of surgeons of the Public Health Service?

Mr. BENNET. If the gentleman will stop and recall, there are boards of these surgeons over the United States, and if you say "the board" then you limit appeal to some one particular board unless you state "the board of public health surgeons" at the particular port. But if you state "a board," then there can be any number of appeals pending at the same time.

Mr. MANN. I should not think that would make any difference.

Mr. BENNET. I should.

Mr. SIEGEL. Mr. Chairman, this amendment was drawn by myself and presented to the committee. At each of the stations there is what is known as the board of Public Health surgeons, consisting of three surgeons connected with the Public Health Service of the United States, and this bill now provides for such a board.

Mr. MANN. Where?

Mr. BENNET. Nowhere.

Mr. BURNETT. I am inclined to believe that the word "the" is a proper word, because it is the particular board designated at those places.

Mr. BENNET. Then, you ought to make it read something like this: "The board of Public Health surgeons" at that particular port, or something like that, because if you simply say, "The board of Public Health surgeons" that is the idea of exclusion. Suppose one man was certified at Boston and another at San Francisco and another at New York——

Mr. BURNETT. I think, gentlemen, that is highly technical.

Mr. BENNET. I am in sympathy with what the gentleman is trying to do, and I congratulate him on it.

Mr. BURNETT. I understand.

Mr. MANN. How would it be to say, "the proper board"?

Mr. BURNETT. I think that is satisfactory.

Mr. SABATH. If any amendment is to be accepted, would not the word "proper" be the one?

The CHAIRMAN. Does the Chair understand that the language is agreed upon by the gentlemen?

Mr. BENNET. I suggest it should read "The proper board of Public Health Service surgeons."

Mr. MILLER of Minnesota. Mr. Chairman, I would like to make an inquiry, if the language just suggested should be adopted. The words "proper board" would simply refer to one single board or group of men?

Mr. MANN. That would mean the board at the city or port.

Mr. BENNET. You can say "The board of Public Health Service surgeons at the port of arrival." Then there would be no question.

Mr. MILLER of Minnesota. Would not this language that I previously suggested absolutely answer the purpose? "A board of Public Health Service surgeons."

Mr. BURNETT. That has been suggested by the law officer of the department.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to modify my amendment by providing as follows:

A board of surgeons of the Public Health Service.

Mr. SLAYDEN. That covers it in every port.

Mr. BURNETT. That is the suggestion made by the law officer of the department.

The CHAIRMAN. The Clerk will now report the amendment as it has been agreed upon.

The Clerk read as follows:

Amend, page 31, lines 2 and 3, so that the language would read: "Any alien certified for insanity or mental defect may appeal to a board of the Public Health surgeons.

Mr. STAFFORD. Oh, no. It should be "to a board of surgeons of the Public Health Service."

Mr. BENNET. Is that satisfactory to the gentleman from Alabama?

Mr. BURNETT. Yes. I did not understand whether it had been changed or not.

Mr. STAFFORD. The Clerk erroneously reported it.

The CHAIRMAN. The Clerk will again report the amendment as it will read.

The Clerk read as follows:

To a board of surgeons of the Public Health Service.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 32, line 22, strike out "shall" and insert "may."

Mr. BENNET. Mr. Chairman, I think possibly we have the right to confer on the court jurisdiction to punish for contempt in such cases as this; but I do not think there is any authority in Congress or in any other legislative body to say to a court created by it that it shall punish a particular offense as a contempt. That is for the court to say. We can confer authority to punish such a thing as contempt, but we can not make it mandatory and say that they shall punish such a thing as a contempt.

Mr. BURNETT. I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 33, lines 3 and 4, strike out the words "less than six months nor."

Mr. BENNET. Mr. Chairman, when we adopted the Penal Code here a few years ago we entered upon a policy of abolishing minimum sentences; and I think, with the exception, possibly, of two or three sections of the Penal Code, there are no minimum sentences. Of course, the argument for that is very familiar. The gentleman from Tennessee [Mr. HOUSTON]——

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. WILSON of Florida. Did we not also adopt the policy in the Criminal Code of defining what a misdemeanor is and what a felony is? Here it is provided that the punishment shall be not more than two years. That of itself would make it a felony under existing law, but it is described here as a misdemeanor.

Mr. BENNET. Mr. Chairman, the gentleman from Florida was a very able assistant United States attorney. I am very glad to say that, inasmuch as I do not carry the language of the penal code in mind, if the gentleman says that is the provision of the penal code it is the provision of the penal code. If that is so, it is another error that ought to be corrected, and I suggest that the gentleman draft a provision for that purpose. But my purpose was to make this immigration law correspond to the general statutes of the country. If it was a good work to abolish minimum sentences throughout the penal law, then they ought to be abolished under this act. That is the sum and substance of the argument.

Mr. BURNETT. Mr. Chairman. I do not agree with the gentleman. I suppose that almost all the States have minimum fines and minimum sentences. We should not want to say that there should be a fine of $2,000 in all cases or that there should be a fine of not more than $200. I do not agree with the idea that that ought to be stricken out.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. BURNETT. Yes; I yield.

Mr. MANN. We simply fixed the maximum penalty. The judge will fix the penalty. We did that all through the criminal code. I do not think there is a minimum penalty in the criminal code.

Mr. BURNETT. If we revised it that way, Mr. Chairman, I doubt if we acted wisely. There might be a case where there was a minimum of 1 cent. There ought to be a minimum penalty.

Mr. MANN. Under the criminal code that is left to the judge as to the amount.

Mr. BURNETT. As to the amount of the fine?

Mr. MANN. Yes. I think there has been very little criticism of that under ordinary conditions. In other words, cases have happened where no one desired a minimum penalty and where because of a minimum penalty they were not convicted at all.

Mr. BENNET. That is what would happen here.

Mr. MANN. The gentleman from Tennessee [Mr. HOUSTON], I think, was on the commission, and the gentleman from Kentucky [Mr. SHERLEY] was a very active member of the commission that revised the criminal code, and since that time we have endeavored in Congress to maintain the same policy by providing only for a maximum penalty and not providing for a minimum penalty. I care nothing about it, as far as this is concerned; but, having adopted that policy in the criminal code, I have always tried, where I had anything to do with the law, to maintain the same policy.

Mr. BENNET. I will say to the gentleman that the best practical argument in favor of my amendment is the fact that where a jury know that there is a fairly high minimum penalty they will hesitate to convict. Now, for instance, page 32, line 25, provides—

That any person * * * who shall * * * impede * * * any immigration official or employee in the performance of his duty under this act * * * shall be punished by imprisonment for a term of not less than six months * * * or by a fine of not less than $200.

The way to construe a statute is by what could be done under it, and this means that if a laborer employed in the Immigration Bureau was wheeling baggage along a wharf at Ellis Island, and a man should trip him, or anything of that sort, he would be impeding an immigration employee in the discharge of his duty; there would be no defense, he would have to be convicted, and this would require him to be punished by imprisonment for not less than six months, or by a fine of not less than $200. Now, that means that unless an offense is pretty serious the man will not be convicted at all.

Mr. HOUSTON. Will the gentleman yield for a statement?

Mr. BENNET. Yes.

Mr. HOUSTON. I want to state that the policy of the joint committee in preparing the criminal code was to abolish and do away with the minimum penalty, both as to fine and imprisonment.

Mr. BENNET. Always.

Mr. HOUSTON. For the purpose of more successfully enforcing the criminal law. In many cases a technical violation would require only a very slight punishment, and a fixed minimum fine or imprisonment would prevent the possibility of enforcing the law. We should extend a wise discretion to the courts, and I want to say that the provision to which I refer has been very highly commended by the Federal judiciary.

Mr. BURNETT. I understood the gentleman to say that the court imposes a penalty. That is not true of the fines, is it? The jury imposes the fine, does it not?

Mr. HOUSTON. In the Federal courts the court fixes the fine.

Mr. BURNETT. That is not the invariable rule, though, is it?

Mr. MANN. Oh, yes; it is the invariable rule. The jury never fixes the punishment in the Federal court.

Mr. BURNETT. I believe it was an unwise change, but if that policy has been adopted by the codifiers of the Criminal Code, it is proper that it should be followed in this bill, however much I doubt the wisdom of the action of the codifiers heretofore. Under the statement of the gentleman from Tennessee [Mr. HOUSTON] that that is the uniform policy in the new codification, I think the law ought to be uniform, and I accept the amendment. I understand it is the gentleman's intention to offer an amendment also making it apply to the minimum imprisonment.

Mr. BENNET. I have two additional amendments.

Mr. BURNETT. Along the same line?

Mr. BENNET. Yes.

Mr. BURNETT. They may all be voted on at once.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 33, lines 4 and 5, strike out the words "less than $200 nor," and on page 33, line 9, strike out the words "less than one nor."

Mr. BENNET. I ask unanimous consent that the three amendments be voted on together.

The CHAIRMAN. The gentleman asks unanimous consent that the three amendments be voted on at one time. Is there objection?

There was no objection.

The amendments were agreed to.

Mr. MANN. Mr. Chairman, in line 5, on page 33, after the figures "$2,000," I move to insert the words "or both."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 33, line 5, after the figures "$2,000," insert the words "or both."

Mr. BURNETT. That is so it may be either fine or imprisonment or both.

Mr. MANN. Or both. If you strike out the minimum penalty, that ought to be inserted.

Mr. BURNETT. I think so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. WILSON of Florida. I move to strike out, in line 4, on page 33, the words "two years" and to insert "one year."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amendment offered by Mr. WILSON of Florida: Page 33, line 4, strike out the words "two years" and insert in lieu thereof the words "one year."

The CHAIRMAN. Is that amendment accepted?

Mr. BURNETT. In view of what the gentleman says about misdemeanors, I think that amendment ought to be accepted.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I wish to take up the amendment that was passed by agreement awhile ago, and I ask unanimous consent that that amendment may be inserted on page 10, after line 23, instead of on page 20, line 16.

The CHAIRMAN. The Chair understands this is in pursuance of an agreement made at the time.

Mr. BURNETT. Yes; when it was passed over.

Mr. HUMPHREY of Washington. It was passed over by agreement, and I want to ask now that it may be inserted at another place.

The CHAIRMAN. The Clerk will report the amendment. The Chair does not quite understand the gentleman's request.

Mr. MANN. He asks unanimous consent that the amendment which is now pending may be offered to section 3, instead of being offered as a new section.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may be offered at the point indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 10, line 23, following the colon insert:

"That whenever any foreign country shall by statute, executive order, or otherwise exclude from its territory any class or classes of citizens of the United States upon grounds different from the grounds for excluding aliens from the United States herein specified, the same class or classes of aliens residing in said country shall be excluded from the United States so long as such exclusion of United States citizens continues."

Mr. HUMPHREY of Washington. I think the words "*Provided further*" ought to be inserted at the beginning of the amendment. I do not know that I have anything further to say about the amendment.

Mr. BURNETT. In view of the statement made by the gentleman this morning as to the conditions up there on the Canadian side, I agree with him most heartily that that amendment ought to be adopted.

Mr. BENNET. Mr. Chairman, I agree with both gentlemen that the amendment ought to be adopted, but there is a question as to phraseology. I call the attention of the gentleman to this language. It is proposed in the amendment that whenever any foreign country shall by statute, executive order, or otherwise exclude from their territory any class or classes of citizens of the United States on grounds different from grounds on which we exclude aliens from the United States herein specified, and so forth. Ought not that to be "such foreign country"?

Mr. MANN. The meaning is that if any foreign country excludes American citizens going from this country to that country upon other grounds than we enumerate in this bill for aliens coming into this country, then we shall apply the same rule to their citizens coming here.

Mr. McLAUGHLIN. Mr. Chairman, in regard to the language of that amendment my impression is that the officials of Canada refuse to permit, under certain circumstances, citizens of this country to go into Canada, and they refuse also to permit Canadians who have come over here but who have not acquired citizenship to return to Canada.

Mr. HUMPHREY of Washington. I do not know whether that broad construction has been given to the order or not, but the order prohibits aliens, either of skilled or unskilled labor, going into that territory, and as a matter of fact many people have come to the United States from Canada, and when they attempted to return have been refused admission.

Mr. McLAUGHLIN. The amendment of the gentleman from Washington does not cover that, because it speaks only of citizens of the United States, and the ones of whom I speak have not become citizens of the United States. They are residents and inhabitants, but not citizens.

Mr. MANN. We could not control foreign countries in regard to that; we could hardly put up restrictions on that ground.

Mr. McLAUGHLIN. If for some reason we wished the emigrants to return, we can say that they shall return.

Mr. MANN. We could order them out of the country, but we could not force Canada to take them.

Mr. McLAUGHLIN. If we wanted them to return, we could set up the same disqualifications for people coming to this country that they set up for people going to theirs; in other words, making it work both ways.

Mr. MANN. There is undoubtedly much force in what the gentleman says, but still I think it would be safer to let it stand with reference to our own citizens.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, on page 32, line 10, after the word "require," I move to insert the words "by subpœna." The paragraph as drawn does not state how the inspector may require the attendance and testimony of the witness.

Mr. BURNETT. I have no objection, but I think that would follow by whatever legal process was necessary, and there might be some other process than a subpœna.

Mr. GREEN of Iowa. The chairman will observe that further on it is intended that it should be by subpœna.

Mr. HAYES. Mr. Chairman, is not there danger that by that amendment you will narrow the provision? He might be arrested instead of being served by subpœna.

Mr. GREEN of Iowa. The gentleman from California should know that an inspector would have no authority to arrest.

Mr. BURNETT. An attachment might be issued to bring him before the court.

Mr. GREEN of Iowa. The gentleman from Alabama knows that an inspector could not issue an attachment.

Mr. HAYES. What is the object of a subpœna if it has no force and if there is no power existing to enforce it?

Mr. GREEN of Iowa. If the gentleman from California had had much experience in such matters, or in matters of that kind, he would not make that assertion. We can authorize any officer or inspector or clerk of a court to issue a subpœna, but that is as far as we can go. The subpœna is a well-recognized means of requiring the attendance of witnesses which is perfectly well understood. It means a certain form which is and ought to be generally used.

Mr. BURNETT. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decisions of any two members of the board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Labor: *Provided*, That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section 21 hereof, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

Mr. SABATH. Mr. Chairman, I move to strike out, in line 19, page 34, the words:

All hearings before such boards shall be separate and apart from the public.

I am of the impression that no hearings in this country should be private and apart from the public, so that no one can be informed or succeed in obtaining information of what is transpiring before such a tribunal. I have objected to this provision before; and I can not help thinking that it is manifestly unfair to have these hearings in an excluded place, away from the public, depriving friends and relatives and the public from knowing what is occurring in those boards and what is being done by those inspectors.

The hearings as conducted, if they can be called hearings, closely resemble inquisitions, which type of persecution is practiced in only one country that I know of, namely, Russia. If the gentlemen of the House are of the opinion that we should follow the practice of that country, then the paragraph should remain as it is, and the hearings of these immigrants who are asking for admission to our shores should be kept strictly secret, or as the provision states, "separate and apart from the public." I can hardly believe that the majority of the Members now present are in favor of such a practice.

I wish to quote from the Report of the Immigration Commission of 1910 and set out here the words of the gentlemen who, after two years of study of the immigration question, advised against these secret inquisitions:

On page 32, volume 1, we find the following sentence:

The boards exercise a power which, if not properly used, may result in injustice to the immigrant or, through the admission of undesirable aliens, in harm to the country.

On the same page we find the following paragraphs:

At all the important ports the boards of special inquiry are composed of immigrant inspectors, who generally are without judicial or legal training. This, together with the fact that they are selected by the commissioners of immigration at the ports where they serve, tends to impair the judicial character of the board and to influence its members in a greater or less degree to reflect in their decisions the attitude of the commissioner in determining the case. The character of their decisions is indicated somewhat by the fact that nearly 50 per cent of the cases appealed are reversed by the Secretary of Commerce and Labor, whose decision under the law must be based solely upon the evidence

adduced before the board. This record of reversals on appeal suggests that their decisions which are not reviewed may be equally wrong. In justice to the immigrant, and to the country as well, the character of these boards should be improved. They should be composed of men whose ability and training fit them for the judicial functions performed, and the provision compelling their hearings to be separate and apart from the public should be repealed.

In view of the number and importance of these appeals from the boards of special inquiry and the amount of time and labor demanded of the Secretary and Assistant Secretary of Commerce and Labor, an additional assistant secretary should be authorized by Congress.

On page 46 we have the following direct recommendation of the commission:

To strengthen the certainty of just and humane decisions of doubtful cases at ports of entry, it is recommended: That section 25 of the immigration act of 1907 be amended to provide that boards of special inquiry should be appointed by the Secretary of Commerce and Labor, and that they should be composed of men whose ability and training qualify them for the performance of judicial functions; that the provisions compelling their hearings to be separate and apart from the public should be repealed and that the office of an Assistant Secretary of Commerce and Labor to assist in reviewing such appeals be created.

Mr. Chairman, to me it is indeed amusing to see how frequently the chairman of the Immigration Committee [Mr. BURNETT] refers to the report of this Immigration Commission, and how frequently he points to the recommendation of the commission in regard to the literacy test, and how he extolls the work and care which the commission bestowed in the investigation of this problem.

Whenever he can find anything in the report which tends to sustain his position on the literacy test or other restrictive measures he loses no opportunity to impress the matter on the minds of the gentlemen of the House.

On the other hand, he can easily forget and omit to mention recommendations of the commission which have a tendency to aid the immigrant.

I believe that this provision should be eliminated, and I hope that the gentlemen of this House will vote to strike it from the bill.

Mr. BURNETT. Mr. Chairman, this has been the law for many, many years. It is not only in the interest of expedition of business at these ports, but it is in the interest of the alien himself. The alien comes here under embarrassing conditions and embarrassing environments, and to have a public hearing, with all the chattering and harangue that would take place, especially when the aliens from certain sections of the country are permitted there in unlimited numbers, would be really against the interest of the alien himself. Harm has not been done. It has been the law for many years, and it absolutely would be impossible for the department to conduct these examinations if it had to be in the open, under the conditions that would prevail at Ellis Island and the large ports. I hope that the amendment of the gentleman will not prevail.

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of calling the attention of the gentleman from Alabama [Mr. BURNETT] to the fact that he and I, as members of the Immigration Commission, when we gave the matter full consideration came to precisely the same conclusion that the gentleman from Illinois [Mr. SABATH] now reaches. On page 32 of volume 1 of the Report of the Immigration Commission the gentleman and I said:

All hearings before boards are required to be separate and apart from the public, but a complete permanent record of the proceedings, including all testimony produced, is kept. The decision of any two members of the board shall prevail; but either the alien or any dissenting member of the board may take an appeal to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to final disposal of the case until it has been passed upon by the Secretary. At all the important ports the boards of special inquiry are composed of immigrant inspectors, who generally are without judicial or legal training. This, together with the fact that they are selected by the commissioners of immigration at the ports where they serve, tends to impair the judicial character of the board and to influence its members in a greater or less degree to reflect in their decisions the attitude of the commissioner in determining the cases. The character of their decisions is indicated somewhat by the fact that nearly 50 per cent of the cases appealed are reversed by the Secretary of Commerce and Labor, whose decision under the law must be based solely upon the evidence adduced before the board. This record of reversals on appeal suggests that their decisions which are not reviewed may be equally wrong.

In justice to the immigrant and to the country as well the character of these boards should be improved. They should be composed of men whose ability and training fit them for the judicial functions performed, and the provision compelling their hearings to be separate and apart from the public should be repealed.

I think the gentleman and I were right, and we followed up that in the same set of conclusions on page 46 by making certain recommendations. We not only put it in our conclusions but in our recommendations, as follows:

To strengthen the certainty of just and humane decisions of doubtful cases at ports of entry it is recommended:

That section 25 of the immigration act of 1907 be amended to provide that boards of special inquiry should be appointed by the Secretary of Commerce and Labor, and that they should be composed of men whose ability and training qualify them for the performance of judicial functions; that the provisions compelling their hearings to be separate and apart from the public should be repealed, and that the office of an additional Assistant Secretary of Commerce and Labor to assist in reviewing such appeals be created.

Mr. SABATH. Mr. Chairman, from what report is the gentleman reading?

Mr. BENNET. From volume 1 of the Report of the Immigration Commission.

Mr. SABATH. That is the Immigration Commission that for nearly two years investigated conditions pertaining to immigration?

Mr. BENNET. Yes; there were nine of us, and we were men of very differing minds and habits of thought, but on this question of the boards of special inquiry, as on every other question, in fact, except the literacy test, we came to a unanimous conclusion, and the unanimous conclusion that we came to after two years of work was that this provision to keep these hearings separate and apart ought to be abolished, and one of the reasons for it was stated there that it was absolutely——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. We thought it was absolutely repugnant to our institutions to have any form of a trial in a star chamber, and that when a man was on trial for the right to remain in the country of his choice that it ought not to be possible to have that man tried behind closed doors. We all agreed to it, the gentleman from Alabama as well as——

Mr. SHERWOOD. What was this commission to which the gentleman referred?

Mr. BENNET. This was the Immigration Commission, consisting of Senator LODGE, Senator DILLINGHAM, Senator Percy, Representative Howell, of New Jersey, the gentleman from Alabama [Mr. BURNETT], myself, Prof. Jenks, of Cornell University, William R. Wheeler, of San Francisco, and Mr. Neill——

Mr. SHERWOOD. And the commission reported unanimously?

Mr. BENNET. Unanimously.

Mr. BURNETT. Mr. Chairman, the gentleman, I think, is correct in that statement. To a man who ever practiced law it was very abhorrent, there is no question, to have these secret hearings. I have investigated the matter very carefully since the report of the commission and have conferred time and time again with the officials of the Immigration Bureau, and reached the deliberate conclusion that it is not only impracticable as a matter of expeditiousness but that it was in the interest of the immigrant himself to have the hearing in this manner. Now, you take these people, especially along the Mediterranean Sea, excitable, mercurial people, to allow them to just come in at any time where some poor immigrant was being examined as to his admissibility, and in the interest of that immigrant himself I believe it would be an injustice to him, and hence I reached the conclusion, after a long deliberation, that the doors should not be thrown wide open to the public. In the first place, they will never get along with any business—it will be a handicap to them all the way through—and in the next place I believe it will be such an embarrassment to the immigrant himself to be confronted with all these people there that it will be absolutely and positively an injury to him.

Mr. MANN. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. MANN. That is the law now?

Mr. BURNETT. Yes.

Mr. MANN. What in practice is the method adopted? Is the effect of this simply that he goes there before a whole lot of immigrants?

Mr. BURNETT. I will say to the gentleman that the practice, I am informed, is that an immigrant, his witnesses, and any near relatives come in, but they keep the general public out.

Mr. MANN. They do not let the other immigrants come in?

Mr. BURNETT. No.

Mr. MANN. I mean they do not have the hearing before the whole mass of immigrants?

Mr. BURNETT. They do not.

Mr. MANN. The story of one is not told to these others and made public?

Mr. BURNETT. No.

Mr. MANN. Is that the only purpose of it?

Mr. SABATH. There is no special secrecy about it. It is a rank inquisition; no American person is permitted to be present; no one can be there with the exception of the board, consisting of three members, an interpreter, and stenographer.

Mr. MANN. Has the gentleman himself ever attended any of these?

Mr. SABATH. Yes; and I could not secure admission except by a special permit from the Commissioner of Immigration at Ellis Island. I could not enter there although I was a Member of this House.

Mr. BENNET. And even the immigrant can not take some friend in there to help him?

Mr. COX. Can he take a lawyer?

Mr. SABATH. No; he can not——

Mr. MANN. If they would ever take a lawyer in they would never get through with it.

Mr. BURNETT. If you would ever take a lawyer there you would never get through with it at all, because there are always small lawyers there hunting for that kind of a job.

Mr. SABATH. I am not speaking in favor of their having the privilege of a lawyer, but I do believe that the immigrant should be permitted to have his brother or father or any relative whom he may desire to have there with him, when he is being quizzed or examined.

Mr. BURNETT. If it is the disposition on the part of the committee to amend this, they certainly ought not to turn this open to the general public. They will be doing the immigrant an injustice if they undertake to do it. If it is desirable to make any amendment at all, it ought to be an amendment to allow the immigrant to designate some friend or relative to be there with him.

You know those people; you have come in contact with them and their environments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. COX. Does not the gentleman feel that the immigrant should have the right to select some one to go in there with him?

Mr. BURNETT. That is possible; and I would not object seriously to the immigrant being permitted to select some friend or member of the family, but we would not be treating the immigrant right if we opened up those investigations to everybody around there—that chattering crowd.

Mr. COX. Has not the gentleman been a prosecuting attorney in his own district?

Mr. BURNETT. No; I never was.

Mr. COX. I was prosecuting attorney, and we frequently had men and women come into the grand-jury room who were almost scared to death. You take a stranger there that does not know anybody at all, and it looks as if you were doing him an injury.

Mr. BURNETT. But you did not permit friends to come into a grand-jury room.

Mr. COX. I do not know but that I have.

Mr. SABATH. Mr. Chairman, by eliminating this proviso it does not signify that we would throw the doors wide open, but we will eliminate the special proviso which makes these hearings private and exclusive, and they have certain rules over there that they can adopt, which will exclude the general public from the hearings. But an unfortunate man, who has traveled 3,000 miles and finally arrives here, is a stranger in a strange land, and if he is brought before this board he is scared to death. He can not answer half of the questions. He does not understand, and in a majority of the cases the interpreter does not understand the language of the man, and before he knows he is rejected or he is refused admission. I think it is manifestly unfair and unjust, and I believe that this amendment should prevail and this part should be stricken out.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words.

Mr. BURNETT. Mr. Chairman, I have an amendment here that I think perhaps will meet the objections. I do not want to appear oppressive to these people. I feel that we ought to protect a man who comes in here, and offer him the protection of the Government. Very often unlimited access by the public is not a protection to the immigrant.

Mr. SIEGEL. Mr. Chairman, I offer an amendment to perfect the matter.

The CHAIRMAN. Does the gentleman from New York [Mr. BENNET] yield to his colleague [Mr. SIEGEL]?

Mr. BENNET. I yield.

The CHAIRMAN. The gentleman from New York [Mr. SIEGEL] sends an amendment to the desk, which the Clerk will report.

The Clerk read as follows:

Page 34, line 20, after the word "public," insert the words "but the immigrant may have one friend or relative present who is not a lawyer."

Mr. SIEGEL. Now, Mr. Chairman, I think that just about covers the entire situation. Years ago, over at Ellis Island there was what was known as a group of lawyers who made a practice of preying upon immigrants who arrived there. That, however, has been abolished in recent years. All, I believe, that the immigrant who arrives here desires is to have some one who is acquainted with our institutions and knows our form of procedure to be present and advise him. It is for that reason that I have offered the amendment, and I have taken particular pains, therefore, to insert the provision that the immigrant should have a friend or relative, because such a person is deeply interested in his welfare. I do not think that lawyers are seeking to be present at these hearings for the sake of the compensation involved. When I say that, I am not reflecting upon the profession, because I have been a part and parcel of it for 14 years, and know that our standard is very high.

Mr. MANN. Will the gentleman yield?

Mr. SIEGEL. I will, with pleasure.

Mr. MANN. Suppose that the only relative or friend the immigrant had was a lawyer?

Mr. SIEGEL. That would be a most extraordinary case to arise over there.

Mr. BENNET. Here is the real difficulty, though: Now there are on the island 48 representatives of charitable and missionary societies, and the man who would give the best service to the immigrant, by and large, would be usually the representative of one of those societies. He speaks his language and everything of that sort. Now, it might happen, and I am not sure but in the case of the Hebrew Sheltering and Immigrant Aid Society the representative is a lawyer—Mr. Lipsitch—but I am not sure; I think some of the representatives are lawyers.

Mr. BURNETT. They may have others in the society. That is a large society, as I understand, but there are some others that are not large. The gentleman appreciates that the purpose I have is that I do not want these poor fellows who have $25 in their pocket to be exploited by that little crowd of shysters that would be around Ellis Island, and I am willing to do anything reasonable in order to prevent that. If the lawyer is really a relative of the immigrant, I would not care anything about it. All I want is that they shall not be there representing them as attorneys and exploiting them and extorting money from them.

Mr. BENNET. May I make this suggestion; that is, if they would strike out the part there "shall not be a lawyer," all the rest of it can be covered by regulation.

Mr. BURNETT. Say, "under such regulations as may be provided by the Secretary of Labor."

Mr. BENNET. All right.

Mr. SIEGEL. I accept that.

The CHAIRMAN. Will the gentleman modify his amendment, then?

Mr. MANN. Strike out the words "not a lawyer" and insert "under such regulations as may be prescribed."

Mr. SABATH. But this language should be eliminated: "All hearings before such boards shall be separate and apart from the public."

Mr. MANN. Oh, no; "under regulations to be prescribed by" whoever it is.

Mr. BURNETT. By the Secretary of Labor. It is under his jurisdiction, you know.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment: Page 34, line 20, after the word "public," insert "but the immigrant may have one friend or relative present under such regulations as may be prescribed by the Secretary of Labor."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. I am very much afraid that if this be passed and placed in the bill it will permit the fleecing of these men, and it will further permit articles to be published in newspapers every time a sad case appears—and every case that gets before the board is a sad case. The man who goes into that board, where there are already officials of the Government, and where a complete stenographic record will be made, will interfere with the proceedings, which are usually harsh and severe, and will run to the newspapers and start stories to the effect that there is a great state of affairs in that room, so that the people will think that the Government is engaged in a malicious inquisition. I am opposed to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I wish to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. MILLER of Pennsylvania. Which last word is that? [Laughter.] On what page will you find that? [Laughter.]

Mr. BENNET. The last word of the section. I make that motion for the purpose of calling the attention of the chairman of the committee to what is being done in the proviso on page 35, lines 12 to 20. Under the practice, as it is at present, when a medical board makes a certificate that a man has a crooked finger, or anything of that sort, the board of special inquiry has that certificate before them, but they do not have to base their decision upon that certificate. They do not have to say that because a man has a crooked finger, therefore he is likely to become a public charge.

Now, it looks to me that under the language as it is amended, if the examining medical officer certifies that a man has a crooked finger, such as most of us who played baseball when we were young have, therefore he is likely to become a public charge, the board of special inquiry has nothing in the world to do but to find that the man is likely to become a public charge, because it says the decision of the board of special inquiry shall be based upon the certificate of the examining medical officer. Of course there is a provision there for an appeal, but there is a prior provision that all that can go up to the Secretary is what was before the board, and the Secretary must decide what was before the board, and what was before the board is the certificate. In other words, you absolutely abolish, so far as any effective purpose is concerned, the board of special inquiry whenever the surgeon makes a certificate. Now, I do not think that any President of the United States would ever sign a bill with that provision in it, and the gentleman possibly is interested in that part of it.

Mr. MILLER of Pennsylvania. Mr. Chairman, I am satisfied that to strike out the last word, being the word "act," on line 20, page 35, could not possibly do what the gentleman from New York [Mr. BENNET] desires. [Laughter.] I think it would be very ill-advised to strike out the word "act," in line 20, and I hope the amendment will fail. [Laughter.]

The CHAIRMAN. The gentleman from New York withdraws his pro forma amendment.

Mr. MANN. Just what difference does it make whether you insert "shall be" or leave it out? It is a mere grammatical expression. Is it not the law now that "the decision of the board of special inquiry, based upon the certificate of the examining medical officer, shall be," and so forth?

Mr. BENNET. That is all the difference in the world.

Mr. MANN. I do not see that it makes any difference whether you refer to a thing as based upon it or say that it shall be based upon it.

Mr. BENNET. If the gentleman will give me his attention for a minute, I will tell him how it will make a difference in practice.

Mr. MANN. It can not have worked out in practice, because there has been no practice. The gentleman is objecting to the words "shall be" in the bill. Is not that what I understand the gentleman's contention to be?

Mr. BENNET. Yes.

Mr. MANN. It seems to me it is a mere grammatical expression, which does not affect the meaning of the provision in the slightest degree.

Mr. BENNET. The existing law, as I recall it, is that the decision of a board of special inquiry, based upon the certificate of the examining medical officer, and so forth, shall be final.

Mr. MANN. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent for three minutes, so that I may answer the inquiry of the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman asks unanimous consent for three minutes to answer the question propounded by the gentleman from Illinois. Is there objection?

There was no objection.

Mr. BENNET. Under the present law the department has adopted a rule—and if I am not correct I want the gentleman from Alabama to correct me in this. This rule differentiates, as it has the right to do, and puts in the two classes—first, the class where the board of special inquiry acted solely upon the medical certificate; second, where they took the medical certificate and other evidence. Now, under this law as it would be with the words "shall be" included, the board of special inquiry could take testimony for a week and disprove absolutely everything that the doctors found, prove that their certificate was without foundation, and, nevertheless, the decision "shall be" based upon the certificate of the examining medical officer. No matter what the facts are, no matter what the proof is, the certificate governs.

Mr. MANN. If the gentleman will permit, it is only made final under the existing law, so far as the language is concerned, when it is based upon that.

Mr. BENNET. Exactly, but under the law as proposed——

Mr. MANN. It means the same thing.

Mr. BENNET. No; but under the law as proposed they must base their decision upon the certificate. I could test that very easily by suggesting to the gentleman from Alabama that we drop out the words "shall be."

Mr. BURNETT. It must be based upon the certificate, because the whole thing is on the certificate.

Mr. BENNET. Is the gentleman willing to drop out the words "shall be"?

Mr. BURNETT. I do not think so. I think they are all right.

Mr. GALLAGHER. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GALLAGHER. If the words "shall be" cut no figure in there, what is the objection to striking them out?

Mr. BURNETT. If they cut no figure, what is the harm of leaving them in?

Mr. BENNET. Those words do cut a figure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I move to strike out the words "shall be," in line 13, page 35.

The CHAIRMAN. The gentleman from New York offers an amendment, which the clerk will report.

The Clerk read as follows:

In line 13, page 35, strike out the words "shall be."

The amendment was rejected.

The Clerk read as follows:

SEC. 18. That all aliens brought to this country in violation of law shall be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came, on the vessels bringing them, unless, in the opinion of the Secretary of Labor, immediate deportation is not practicable or proper. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien, or to take any security for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any aliens found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act or other laws of the United States; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is

satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien shall be treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Insert, at the end of section 18, the following new paragraph:

"The Secretary of Labor shall cause to be examined papers of admission of all aliens at the expiration of three years from the date of admission. Within that period every male alien above the age of 21 years must file a supplemental affidavit that he has applied to the proper officials for citizenship, and will comply with the necessary requirements to become an American citizen. Any alien not furnishing such affidavit with proper evidence from a court having charge of naturalization within 6 months after the expiration of 3 years shall be notified of this provision of law by the Secretary of Labor, and if he fails to file affidavit within 30 days showing his intention of citizenship, he shall be deported under direction of the Secretary of Labor.

"This section is not applicable to diplomats or consular representatives, or to persons sent as the special representatives of their Government in any official capacity to the United States, or to persons coming as students to regular institutions of learning, a certificate to this effect having been filed with the original admission papers."

Mr. BURNETT. Mr. Chairman, I make the point of order against that amendment that it is not germane to the bill.

Mr. TREADWAY. I understood the chairman yesterday that he did not think he would make the point of order when this was presented.

Mr. BURNETT. I remember I stated that to the gentleman, and I withdraw the point of order.

Mr. TREADWAY. Mr. Chairman, this amendment was offered yesterday, and the gentleman who was in the chair at the time considered it not germane to the paragraph on which I offered it. The idea which it contains is that a man above the age of 21 years, after he has resided for three years in this country, should declare his intention of becoming an American citizen or else should not remain in this country.

There are many, many thousands of aliens in this country who have been here an indefinite period of time. They have made use of the opportunities offered here for education and livelihood. They should become American citizens. I suppose the suggestion will be offered that it will prevent having in this country a class of people capable of doing the lower grades of manual labor. If at the expiration of three years these men have not assimilated enough of American institutions to want to become American citizens, it seems to me that there is no place for them here. They ought to return to the countries from which they came, and it seems to me right and proper that we should ask them to take upon themselves the responsibility of American citizenship if they are to receive its benefits and its opportunities.

We do not want to force citizenship upon them, but if they remain here in this country they ought to have obtained sufficient interest in our institutions to ask for the privileges and responsibilities of citizenship. I trust it will be made one of the provisions of our immigration law.

Mr. SABATH. Mr. Chairman, it seems to me that the gentleman who has proposed this amendment is under the impression that hardly any of these aliens make application for citizenship or even file declarations of intention to become American citizens. I wish to state that within the last year alone we have issued in the United States 96,390 certificates of naturalization.

Mr. TREADWAY. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. TREADWAY. Has the gentleman any statistics of the number of aliens that have been in this country three years or more and who have not applied for citizenship? That is the phraseology of the item, and one that I am interested in.

Mr. SABATH. It shows that a large number of them do. The figures which I have given only show the aliens who have actually prosecuted their petitions for final naturalization before the courts. There are thousands of others who, under the law, must wait from one to three years yet before they can ask for their final papers.

Mr. COX. Can the gentleman state about what per cent?

Mr. SABATH. Nearly all that can pass the examination. Of course, we have sections of our country where it is impossible for them to be naturalized. We have certain sections where nearly 40 per cent of those who make application are denied the privilege of becoming American citizens because they can not pass the examination to which they are subjected.

I wish to assure the gentleman, the proponent of this amendment, that the people are only too anxious and too desirous to become American citizens, especially those to whom he refers.

Mr. CULLOP. Will the gentleman yield?

Mr. SABATH. I will.

Mr. CULLOP. Of the number you represent as applying for citizenship last year, have you any data showing how many had been in this country more than three years at the time they made the application?

Mr. SABATH. No, I have not. The statistics which I have here I will read for the information of the House and the gentleman from Massachusetts. In 1909 there were 38,372 aliens naturalized. In 1910 there were 39,000. In 1911 there were 56,000. In 1912 there were 69,000. In 1913 there were 82,000. In 1914 there were 105,000.

This will show that the number of aliens who are desirous of becoming American citizens is increasing from year to year. We must take into account the fact that in 1907 there was a new naturalization law enacted which makes it rather hard for many of these people to become American citizens. The requirements are very stringent; they must know how to read and write; they must be familiar with the English language; they must know all about our Government; and as I stated yesterday, they are subjected to an examination that some Members of this House could not pass. Were it not for that fact a much larger number of these people would be naturalized.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. I would like two minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. SABATH. I want to assure you gentlemen that the great majority of these aliens are only too desirous and too anxious to go and file their declarations and after the lapse of the necessary time become American citizens. But we have some cases where people are working on the railroads or on farms and it is absolutely impossible for them to file their applications as speedily as those who reside in the cities.

Under the gentleman's amendment, these people who are working on the railroads or in the rural districts would suffer, rather than those who reside in the cities. You say that you want the immigrant to go to the farms and yet you penalize him for doing so.

I hope that the amendment of the gentleman from Massachusetts will not prevail.

Mr. SLAYDEN. Mr. Chairman, I am out of all sympathy with the suggestion of the distinguished gentleman from Massachusetts. It seems to me that American citizenship is a high privilege that should be sought and not forced on unwilling people. I can not but believe that citizens who are forced to become such are undesirable citizens. A man who shall have lived here for three years without coming to appreciate the fact that citizenship in the United States is a boon is not a desirable citizen to have.

Mr. TREADWAY. Mr. Chairman, I will ask the gentleman if he understands that the purport of the amendment is not to force citizenship on a man but to make him choose whether he prefers to be an American citizen or leave the country?

Mr. SLAYDEN. I understand it perfectly. It is enforced citizenship or deportation. That is the idea, is it not?

Mr. TREADWAY. That is correct.

Mr. SLAYDEN. Mr. Chairman, I do not think we have a right to deny people of other countries the right to come here and reside. They do not deny us that privilege, as I understand it, at least not in the more advanced countries. I would not deny it to them, and I would certainly rather have them residing here as aliens, earning their living and giving their labor for what they receive in the way of pay, without becoming citizens, than to have them become citizens by compulsion. I hope the amendment will not prevail.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last word. The Secretary of Labor was interviewed by a reporter of the Cincinnati Inquirer on the same proposition, and the question put to him was as follows:

"Should aliens, who come here to find work, be required to take out papers of naturalization?"

"I do not think so," Secretary Wilson answered. "The alien who becomes a citizen or takes steps to become a citizen should do so freely and not under any sort of compulsion. He should want to be an American, should believe in our institutions, and love liberty. Such a man

will make a good citizen and his children will be patriotic Americans. It would be no gain to the country were he forced to accept citizenship; on the contrary, it would be a hurt.

"Furthermore, if entrance to the United States were conditional on citizenship, nothing could prevent an alien from applying for his first papers, thus signifying his intention, and then refusing later to complete the required process. Fraud would be encouraged and we should be making a mockery, as I see it, of a sacred privilege."

Mr. Chairman, I agree with the Secretary of Labor. I say that to force men to become citizens of this country without due regard or appreciation on their part of what our institutions stand for, of what our country has endeavored to achieve, and of our history, would indeed be a mockery. I say further, Mr. Chairman, that the passage of such an amendment to this bill would be in violation of the treaties, the gentleman's agreement, and the conventions that exist between the United States and the Governments of Europe and Asia. I go a step further and say that the adoption of such a provision would undoubtedly be declared unconstitutional. We would be endeavoring, in fact, to compel men of other nations who have the right to come and reside here, to become citizens or else threaten them with deportation. What would become of our boasted freedom and what kind of a new citizenship would we have if we were to adopt such an amendment? I desire to see aliens become citizens as quickly as the law permits, but I think more of the future of my country and I therefore urge the defeat of the amendment as being in contravention of American principles and detrimental to our best interests.

Mr. McLAUGHLIN. Mr. Chairman, in my judgment the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY] ought not to be adopted. My feeling in this matter and the reasons for my opinion have been very well expressed by the gentleman from Texas [Mr. SLAYDEN]. I think citizenship ought not to be forced upon people coming to this country. It ought to be a matter of choice with them and not of compulsion. I think the result would be if the amendment offered by the gentleman were adopted, and it should become a part of our law, that undesirables would become citizens.

I have in mind another matter which I think would make it undesirable to have this enacted into the law. These men seeking to become citizens have to make application and present themselves before a court. They have to show certain qualifications, and if the court were aware of the fact that the alternative to a favorable action on an application were deportation it might influence its action and cause it to act favorably upon the application and admit the applicant to citizenship when otherwise the application would be refused. For the reasons that have been so well stated by the other gentlemen, and for those which I have feebly suggested myself, I believe the amendment ought not to be adopted.

Mr. AUSTIN. Mr. Chairman, the gentleman from Illinois [Mr. SABATH], in opposing this proposition, read to us the number of aliens who have been naturalized. Out of a million, practically, that landed on our shores annually, less than a hundred thousand have become naturalized per annum. The gentleman from New York [Mr. SIEGEL] has quoted from the present Secretary of Labor, Mr. Wilson, in this connection. I desire to call his attention to the fact that the present Secretary of Labor and the present Secretary of Commerce, Mr. Redfield, as Members of this House voted for the literacy test and voted to pass the Burnett bill over President Taft's veto.

If there is a sound proposition here, it is the one contained in this amendment. Why should we not require of these aliens, when they come here to enjoy the opportunities in a new country, that they should identify themselves with us as a people? They come here and they share in our liberties, the opportunity to earn a living and to care for themselves and their families. They take advantage of our public free-school systems to educate their children at public expense, and they utilize our public hospitals for their sick and insane.

But there is the proposition that they will not become Americanized and will not accept American citizenship, but hold themselves in reserve, when there is a foreign war, to leave our shores and fight for a foreign country.

Mr. GALLAGHER. Will the gentleman yield?

Mr. AUSTIN. Not at this time. It is one of the most serious objections in the minds of millions of American people to this constant flow of immigration that a million people come here annually to make this their new home, with absolutely no interest at all in becoming American citizens. I was on a subcommittee which investigated the Colorado strike, and I took occasion to ask many of the strikers and strike breakers—and 90 per cent of them were aliens—how long they had lived in America and if they had taken out naturalization papers, and almost without exception they admitted they had never taken the first step toward becoming American citizens. We had some on the stand who had resided in America for 11 years who had made no effort to become American citizens. We ought to compel them to become citizens or return to their foreign homes. If they remain, and our country should become involved in a war, our Government should have the right to demand their services in defending the country. They have come here to share in the benefits of a free country, and they owe it to themselves and to this Government, which provides a new home for them, to lose no time in identifying themselves and becoming American citizens, to bear their just part in aiding, defending, and building up the country which protects and cares for them in war and in peace. I am surprised that any Member of this House would stand in the way of a movement looking to requiring these people to do what plain, simple, ordinary honesty and justice should demand of them. [Applause.]

Mr. GALLAGHER. Will the gentleman yield to a question now?

Mr. AUSTIN. Yes.

Mr. GALLAGHER. Is it not possible that there is a difference between the figures stated by my colleague [Mr. SABATH] in reference to naturalization papers and those who come here and declare their intention?

Mr. AUSTIN. There may be. I have seen the statement that only 20 or 25 per cent of the Italians coming to this country make any attempt at becoming American citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I oppose this amendment because I think it will be a species of duress on these people. I do not believe in hothousing or forcing men to become citizens, and I believe they are bad citizens when forced to become such; and I would rather see them be birds of passage, coming and going, than to have the toga of American citizenship placed upon this class of people by a species of force. That is my objection to it. I believe that a man who comes here for the purpose of settling and helping to build up the material prosperity of our country, like the great Germanic people, the people from the British Isles, the people from the Scandinavian countries, and other countries, is going to seek citizenship voluntarily; but when you meet that low class from southern Europe—Sicilians, people from south Italy, the Greeks, Syrians—and Mexicans and hold them up by saying, "You are going to be sent back to your country if you do not become an American citizen," you are forcing a bad people into citizenship. [Applause.] Gentlemen, there is the objection I have to it. I am not objecting to this on the grounds of my distinguished friend, Judge SABATH, and others, but I am opposing it because I believe it would be against the interests of American citizenship, and therefore I do not believe that class of people ought to be hothoused into citizenship, or that for one moment, as intimated by my friend from Tennessee [Mr. AUSTIN] that they will love our flag, the Stars and Stripes, when we force them either to become citizens or go back to their own country, and I am more afraid of them when they become American citizens without any instinct of American patriotism in their hearts than I would be afraid of them as birds of passage, coming and going to other countries. [Applause.]

Mr. AUSTIN. If they are not worthy to be citizens ought they to be kept in this country?

Mr. BURNETT. Well, now, by this bill, when it passes, many of the undesirables will be kept out, and, gentlemen, it is going to pass—already the Chicago Tribune, the Philadelphia Inquirer, and many other great metropolitan newspapers of the country have foreshadowed the danger there will be unless it passes, and it will pass. I hope and pray that there may be no veto over which it must pass, but if there be a veto, Mr. Chairman, although I have the most profound respect for the great man who presides in the White House, the people of this country are demanding that this bill, or some more stringent measure, pass, and it will pass at this session unless it is hung up in the Senate, and it will become a law and keep lots of these people out. [Applause.]

Let us not hothouse them into citizenship, because they are unfit for citizenship if they must have that kind of legal or political duress held over them in order to force them to become citizens.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURNETT. I make a motion that all debate be now closed.

Mr. TREADWAY. That is hardly fair.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MOORE of Pennsylvania. Did not the Chair recognize the gentleman from Pennsylvania before he observed the gentleman from Alabama?

The CHAIRMAN. I proposed to recognize the gentleman from Pennsylvania when the gentleman from Alabama asked a question, and I asked the gentleman if he desired to make a motion. As chairman of the committee, I recognized him in preference to anyone else. I did not formally recognize the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I understood the Chair had formally recognized the gentleman from Pennsylvania.

The CHAIRMAN. No. The gentleman from Alabama [Mr. BURNETT] moves that all debate close on this amendment.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 59, noes 14.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

The question is on the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, line 11, after the word "to" insert before the word "pay" the words "fail to."

Mr. BENNET. Mr. Chairman, I think the chairman will see that that amendment is not necessary. There is a patent omission there. If he will look on line 9, page 36, he will see that the language there is "fail to," and on line 10 it is "fail to." Therefore, on line 11, it should be "fail to." And unless those words are put in, the provision will be, what the gentleman did not mean, that it shall be unlawful for any master, purser, person in charge, and so forth, to pay the cost of their maintenance while on land.

Mr. BURNETT. There is no doubt but that that is a clerical error. The word "fail" ought to be in there.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word of the amendment.

Now, Mr. Chairman, the gentleman from Alabama [Mr. BURNETT] has been sweeping the deck so clear on the strength of resolutions of one kind or another that have come to him during the last 10 years, that I think it is important to say to the committee that there are some other people who do not agree with him. Of course he has resolutions from patriotic societies and a great many from labor organizations, but apparently the gentleman from Alabama has not taken into consideration the women who are organized in this country. It may be that the women have not the right to vote in his State, and, therefore, it amounts to little when the question of suffrage arises, but the good women of the country understand the moral side of this question and the perpetuation of the household probably appeals to them.

I have in my hand a letter which I think the gentleman from Alabama has had, but which he has not been good enough to read into the RECORD up to the present time. It comes from the legislative department of the General Federation of Women's Clubs of the United States. Let me read in part so as not to take up all of my five minutes:

PITTSBURGH, PA., *March 27, 1916.*

The General Federation of Women's Clubs, which is one of the largest organized bodies of women in the world, having a membership of more than 2,000,000 women, has authorized me, as the chairman of its department of legislation, to oppose the literacy test in the Burnett immigration bill.

I have made this statement to Mr. BURNETT by letter some time since, but I desire to remake it, and make it to one who will publicly state this opposition to the House and have it noted in the RECORD.

I wish also to add that the general federation is not an organization that indiscriminately approves or disapproves of any particular piece of legislation as many associations do, simply because they are requested so to do. On the contrary, we exercise the greatest care in our indorsement of or opposition to bills. But we have steadfastly opposed this literacy test, because we believe it to be both unjust and unwise.

Very respectfully, yours, LUCY DORREY IAMS.

Mr. Chairman and gentlemen of the committee, the gentleman from Alabama has taken peculiar pleasure on several occasions in referring to the fact that the Philadelphia Inquirer has apparently changed front on this question of literacy and has indorsed his proposition to that extent. He gleefully quotes from it because it is a Republican newspaper, published in a great Republican city, and he likes to rub it in a little bit, and cram it down the throats of the Representatives from the great Pennsylvania city.

Now, why does he not quote from some Democratic newspapers from the same State? I could produce the Philadelphia Record, a Democratic paper, which takes the other view, also the Philadelphia Ledger, but I do not care to go into those details now. I could not do it in five minutes, anyhow. But I do want to quote briefly from one of the great Democratic organs of the State of Pennsylvania, and thus meet the gentleman from Alabama on his own ground. I shall quote from the Pittsburgh Post, which I think is as stalwart a supporter of the President of the United States as is the New York World, which some think the distinguished gentleman from Missouri, the Speaker of the House, referred to when he said that "President Wilson had the world by the tail."

The Pittsburgh Post, this Democratic Pennsylvania paper, says:

IMMIGRANTS EAGER TO LEARN.

News in the cosmopolitan department of the Post and reports from the school authorities of the city are of peculiar interest in connection with the coming vote in the lower branch of Congress this week on the proposed "literacy test" for immigrants. They show eagerness on the part of the immigrants in this busy district to learn English and prepare for American citizenship. What any of them lack in requisites of a common education when they arrive is being made up with encouraging rapidity.

Think of it—this is a Democratic newspaper in opposition to the Democratic chairman of a Democratic committee, coming from the Democratic State of Alabama. I read further:

This shows the unfairness and the shortsightedness, from the standpoint of a land of opportunity and one greatly in need of labor, of a literacy test that would deny opportunity to the individual trying to better his condition and which would at the same time interfere with the progress of the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. The gentleman from Alabama is holding up the progress of the country, according to his own organ in Pittsburgh.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. It is all in the same tone; and I shall ask leave, Mr. Chairman, to extend it in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Alabama [Mr. BURNETT] desire recognition?

Mr. BURNETT. The amendment offered by the gentleman was adopted, was it not?

Mr. BENNET. No. The committee has to adopt it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURNETT. Line 13 is the same, I believe.

Mr. FESS. There are two other omissions.

Mr. CULLOP. In lines 14 and 15 there is the same omission of the word "fail" as was pointed out in line 11 on page 36. The gentleman had the words "fail to pay." And then on line 12 it should be "fail to make any charge," or "fail to take any security," on line 13.

Mr. BENNET. Oh, no. The gentleman should go back to line 5 on page 36, "that it shall be unlawful for any master, purser, or person in charge, agent, owner, or consignee of any such vessel * * * to make any charge."

Mr. BURNETT. We do not want to fail there.

Mr. CULLOP. It is unlawful to fail to make it.

Mr. BENNET. You want it to be unlawful to take any security? I should be very glad personally to see the words "fail to" in there, but I think the gentleman from Alabama would object.

Mr. BURNETT. That is not intended.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 38, line 16, strike out "a" where it occurs before the word "medical" and insert the words "and examining," so that the line will read "That upon the certificate of an examining medical officer," etc.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, in another portion of the bill it is provided that the medical examination shall be conducted by officers of the United States Public Health Service except in certain contingencies, and the Secretary is authorized to employ physicians who have had not less than four years' experience.

Now, if the language is left in the bill as it is, it does not confer any authority upon the certificate of one of those surgeons who is not a medical officer of the United States Public Health Service. The amendment which I have suggested makes the line read:

Provided further, That upon the certificate of an examining medical officer.

Now, if you are going to make a man an examining medical officer, his certificate ought to have exactly the same weight as a similar certificate of any other examining medical officer.

Mr. BURNETT. I have no objection to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do this for the purpose of continuing a few observations with reference to the comments of the Pittsburgh Post, a Democratic newspaper, which is opposing the Burnett immigration bill. The chairman of the committee has had considerable satisfaction in quoting the Philadelphia Inquirer upon several occasions, because it has seemingly swung into line for the Burnett bill; and therefore, in order to keep him up to date, I recur to the Pittsburgh Post, a Democratic paper, which stands true to its opposition to the literacy test. When my first five minutes expired, I was reading from an editorial from that paper, which at the point where I left off read something like this:

This shows the unfairness and the shortsightedness, from the standpoint of a land of opportunity and one greatly in need of labor, of a literacy test that would deny opportunity to the individual trying to better his condition and which would at the same time interfere with the progress of the country. If the immigrants performing work in our industries that calls for brawn rather than literacy were suddenly withdrawn from the mills, the plants would be obliged to close for a time, throwing many thousands of other workers out of employment. But the schools established for the education of the immigrants in American ways show that there is no selfishness that would hold the aliens down to illiteracy.

This, I think, the gentleman from Alabama ought to be informed upon, because it gets to the crux of the situation. I read:

The record shows that as soon as they have capacity for advancement they are advanced, their old places going to the newcomers; the rate of industrial expansion in this country guarantees employment for the able-bodied immigrants about as rapidly as they arrive. This holds throughout the land; but owing to the great industries here that are constantly attracting alien labor, Pittsburgh is a conspicuous example in Americanization work.

In addition to classes in citizenship conducted in connection with the public-school system there are classes in English for the beginners, and the resort to them, as pointed out, shows the keenest appreciation of the opportunities. The social-center work also appeals strongly to the aliens, many of the women receiving instructions through it not only in English, but in domestic science. Adding to these opportunities provided under American auspices must be recalled the work of the numerous societies of the foreign-born residents, particularly in music. They preserve traditions of their native lands that are generally admired and add to the richness of our national life. That the great majority of them teach loyalty to the adopted country is shown by the number of their members ready to volunteer to fight for the United States at any sign of danger to it.

With such educational forces at work here the immigrant who is illiterate when he arrives is soon placed on a better foundation. The Congressmen advocating a literacy test are at least in need of some practical education.

Mr. Chairman, all this comes from a Democratic authority, which has in mind the needs of the country, the needs of the labor market, the welfare of humankind in general. It recalls in particular the attitude of President Woodrow Wilson upon this question and desires to see that his hands shall be upheld and sustained by this House in this as in other instances. The attitude of this Democratic authority justifies an appeal to the gentleman from Alabama to change his course of action and permit worthy and deserving immigrants to come into the United States without being penalized or thrown back into the thraldom of Europe because they have the misfortune to be unable to read. I commend this high Democratic authority to the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, I do not wonder that the gentleman goes into conniption fits every time we read something from his home paper in favor of restriction and therefore goes a thousand miles away from my home to get something that he thinks fits my case. Here is another good one from his home paper—the Philadelphia Inquirer—this morning. It seems that every day they are trying to get the gentleman to swing around into the reform corps that has been forming here for the last few days. Here is what they say about it now:

WHY BRING IN MORE ILLITERATES?

"Do we find illiteracy in this country?" asked Representative KAHN, of California, in a speech opposing the literacy test in the immigration bill. "Of course we do," was his answer to his own question. "Let us sweep our own doorsteps before we talk of illiteracy in other parts of the globe."

Now, here is what the gentleman's paper says:

A poor argument, that. How are we going to keep our own doorsteps clean if litter is constantly gathering on them? If we have illiterates—and we have—why let in all other illiterates that the world produces?

Put the literacy test in the immigration bill and it would settle at once the Chinese and Japanese coolie question. That alone would be worth while.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a friendly question?

Mr. BURNETT. Certainly. All the questions between us are friendly.

Mr. MOORE of Pennsylvania. I think the Philadelphia Inquirer has evil designs upon the Democratic Party. It is a good, strong Republican paper, and it fears you may put this question up to the President of the United States and compel him to reverse himself. That is what it is trying to avoid.

Mr. BURNETT. Is that the question the gentleman wants to ask?

The CHAIRMAN. The Chair will say to the gentleman from Alabama that there is an amendment pending.

Mr. BURNETT. That is what I was addressing myself to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn; and the question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was agreed to.

Mr. BURNETT. Now, Mr. Chairman, in order to carry out the agreement that we made a section or two back, I move to insert, on page 36, line 24, after the word "provisions," the words "or any of the provisions of section 15 hereof"; and, on page 37, line 3, I move to strike out the words "this section" and insert in lieu thereof the words "said sections."

I think that meets the difficulty that was passed over some time ago.

Mr. BENNET. May we have those amendments reported?

The CHAIRMAN. The gentleman will send his amendments to the desk and they will be reported.

The Clerk read as follows:

Page 36, line 24, after the word "provisions," insert the words "or any of the provisions of section 15 hereof."

Mr. BENNET. Mr. Chairman, the gentleman from Alabama and myself have only the same purpose in connection with this. It takes a moment to see how this fits in.

Mr. BURNETT. That was prepared by the law officer of the department.

Mr. BENNET. He is a pretty good law officer, but, after all, we are the Members of Congress. May we have the amendment reported again?

The CHAIRMAN. Without objection, it will be reported again.

The amendment was again read.

Mr. BENNET. Right on first blush I rather think that that is a proper amendment

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 37, line 3, strike out the words "this section" and insert in lieu thereof the words "said sections."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 17, strike out the words "of the United States Public Health Service."

Mr. BENNET. Mr. Chairman, I will say to the chairman of the committee that that simply is perfecting the amendment that I offered, and I do not think he will have any objection to it.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 23, strike out "a" and insert "an examining."

Mr. BENNET. Mr. Chairman, an examining medical officer is a very important officer, but he can not examine literary questions. Therefore it seems to me it might be pertinent to read a few lines from the Washington Post of this morning. It is as follows:

THE LITERACY TEST.

With strange persistence the House of Representatives again attempts to bar the gates of the United States to honest, able-bodied immigrants by imposing a literacy test. In the face of history and in spite of the repeated reminders of patriotic Presidents of both parties, the House clings to the notion that immigrants unable to read and write are not fit material to enter the United States.

The pressure for this legislation comes from men who were themselves immigrants not long ago, and who would now shut the door through which they entered. They would monopolize the opportunities of America under the pretext of purifying the stream of immigration. They stand directly athwart the pathway of progress, and would call a halt to the march of millions of honest and hard-working aliens who have in them the stuff of which America is made.

How can immigration be purified by a language test? Will it keep out Black Handers, and poisoners, and anarchists, and birds of prey generally? There is no pretense that book learning makes for morality or that lack of it implies criminality. No one has had the hardihood to suggest that if an anarchist were unable to read he would be more criminal than he is. The literacy test is not set up as a moral sieve, but is intended merely to restrict immigration without regard to its moral quality. It is a device for excluding good and bad, indifferently, for the benefit of those already in. It is supposed that it will make labor scarcer and therefore raise wages.

The United States needs more labor if it is to develop and meet the needs of an increasing population. Illiterate immigrants do not remain illiterate long, and even while illiterate they are good workers. Probably the proportion of shirkers is smaller than among immigrants who have absorbed the vicious socialistic stuff dealt out to the submerged tenth in Europe. Immigrants do not make up the majority of meddlesome agitators in this country. The worst offenders, who would wreck the Constitution and introduce crazy schemes of reform, are pure-bred Americans, like those who rule in Kansas and Oregon. The average immigrant finds the United States so far ahead of the old country that he is willing to take his chances without wasting his time in inventing improvements in government.

If Congress should pass the literacy test, it is to be hoped that the President of the United States will knock it squarely out with a veto, and thus keep the doors open to the deserving of other lands, without regard to their lowliness and previous lack of opportunity.

Mr. BURNETT. Has the gentleman from New York any other amendments to offer?

Mr. BENNET. On this particular section I have one more, and that is formal.

The CHAIRMAN. An amendment is already pending; and the question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 24, strike out the words "of the United States Public Health Service."

Mr. BENNET. That is the same thing, I will say to the Chairman.

Mr. AUSTIN. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for two minutes on this amendment. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I want to say, in reference to the editorial read by the gentleman from New York [Mr. BENNET] from the Washington Post opposing the illiteracy test, that about 8 or 10 years ago Congress authorized the creation of a commission composed of nine members to investigate the immigration question. The Member from New York [Mr. BENNET] was on that commission, along with eight other very able and distinguished Members of both Houses of Congress and private citizens. They spent four years investigating and traveling over foreign lands from which we are receiving immigration. They spent in round numbers about a million dollars, and the testimony, reports, and so forth, cover 42 volumes. That commission, by a vote of 8 to 1, the gentleman from New York [Mr. BENNET] being the exception, recommended this identical legislation, the literacy test, in order to keep out undesirable immigrants. That is my answer to the editorial quoted from the Washington Post by the gentleman from New York [Mr. BENNET].

Mr. SABATH. Mr. Chairman, I have frequently wondered how the gentleman from Tennessee, who is often heard on the floor of this House arguing wisely and prudently, can speak so recklessly and incorrectly the moment the question of immigration is projected before the House. For that reason I am again obliged to call his attention to the fact that this Immigration Commission to which he has alluded as being appointed about 15 years ago, was not appointed until 1907, or only a little over 8 years ago. It was during Mr. Roosevelt's Republican administration, and no doubt the gentleman will remember in what a deplorable condition the country was at that time. We not only had a general business depression and hard times, but a real Republican panic.

Mr. JOHNSON of Washington. Would the gentleman like to hear what the Federal Commission on Industrial Relations reports as to those conditions now, and the need for this bill?

Mr. SABATH. You will remember that at the time the commission was appointed and began its work, business was at a standstill and thousands upon thousands of men were out of work. It was of conditions prevailing at that time and in the years 1908 and 1909 that the commission was speaking. Those conditions do not prevail under this Democratic administration. Work is now plentiful, the country is prosperous, and the laboring men are in demand all over the country, under this Democratic administration. [Applause on the Democratic side.]

Mr. AUSTIN. Is it not a fact that when the President vetoed this former bill there were 4,000,000 people idle and unemployed and that the mayor of New York, Mr. Mitchell, reported that there were 500,000 in that city out of employment?

Mr. SABATH. Again the gentleman is mistaken as to the figures. There may have been quite a few out of work in the centers of population, but this was also partly due to the fact that many laborers were coming in from the summer work on the farms and also the fact that certain industries, such as the building trades, can not operate in the winter. It is also a fact that there was a conspiracy on foot, on the part of the railroads and the moneyed interests, to browbeat the Congress into sidestepping the revision of the tariff and the Interstate Commerce Commission into increasing the railroad rates. Under the leadership of President Wilson the Democratic Congress has enacted legislation which has secured for this Nation and the people of this country the greatest period of prosperity that we have ever witnessed. [Applause on the Democratic side.]

Mr. AUSTIN. Making ammunition to kill these people in Europe. That is what the prosperity is.

Mr. SABATH. That statement of the gentleman is again only about 5 per cent correct, and if I had my way very little of it would be manufactured for export or for our own use.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. GALLAGHER. I want to read a little notice taken from the Washington Herald of March 17, 1916:

WILMINGTON NEEDS WORKERS.

That 100 men and an equal number of women are wanted in a Wilmington, Del., factory immediately is announced in a letter sent the Washington Board of Trade by the chamber of commerce of the town. The letter declares Wilmington has exhausted the supply of its unemployed and that the factory is in dire need of the extra workers. Good wages are assured.

Mr. JOHNSON of Washington. What kind of a factory is that?

Mr. SABATH. I do not know what the gentleman from Washington is driving at, but I do know that what applies to Wilmington applies to Chicago and to every section of our country. Laborers are in demand, work is plentiful, and the country is prosperous. This notwithstanding the fact that the gentleman from Washington and perhaps his colleague, the gentleman from Tennessee, for political reasons would like to see it otherwise.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10384, the immigration bill, and had come to no resolution thereon.

CENTENNIAL OF COAST AND GEODETIC SURVEY.

The SPEAKER laid before the House the following communication:

DEPARTMENT OF COMMERCE,
UNITED STATES COAST AND GEODETIC SURVEY,
Washington, March 28, 1916.

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
The Capitol, Washington, D. C.

MY DEAR MR. SPEAKER: You are no doubt acquainted with the fact that the United States Coast and Geodetic Survey is celebrating its centennial by appropriate exercises on April 5 and 6, 1916.

These exercises will take place on the above dates at the new National Museum.

I am inclosing herewith a program, and you will observe that those who are to take part in this celebration are men of prominence.

On behalf of the United States Coast and Geodetic Survey I wish to extend an invitation to the Members of the United States House of Representatives to attend the sessions at the new National Museum and also the exhibit in the same building.

I am, respectfully, yours,

E. LESTER JONES,
Superintendent.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4476. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years; and

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

CHANGE OF REFERENCE.

The SPEAKER. The Chair finds on the Speaker's table the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, which was inadvertently referred to the Committee on Indian Affairs. The chairman of that committee has reported to the Speaker that it does not belong to his committee. Without objection the bill will be re-referred to the Committee on Public Lands, where it properly belongs.

HOUR OF MEETING THURSDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 10.30 o'clock on Thursday, in order to take up the immigration bill and finish it as soon as possible.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 10.30 a. m. on Thursday. Is there objection?

Mr. MANN. That is with the understanding that the immigration bill does not come up to-morrow.

Mr. KITCHIN. No; the immigration bill does not come up to-morrow.

Mr. SABATH. Mr. Speaker, reserving the right to object, is there not a possible way by which we could agree to take up the bill to-morrow?

Mr. KITCHIN. No; to-morrow is Calendar Wednesday.

The SPEAKER. There is one way in which it could be taken up, and that is by a vote of two-thirds of the Members to dispense with the proceedings in order on Calendar Wednesday.

Mr. MANN. But that would not bring this bill up to-morrow.

The SPEAKER. The Chair investigated the matter this morning, and the rule itself provides that the bill shall be in order any day except Calendar Wednesday.

Mr. SABATH. Would it not be possible to postpone Calendar Wednesday until Thursday?

The SPEAKER. If the gentleman could get two-thirds of the House to vote with him he could postpone the day and do away with it.

Mr. MANN. But it would not bring up this bill.

The SPEAKER. That could be done by unanimous consent.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry. The rule provides for convening at 11 o'clock. Would this unanimous-consent order be overturned by that rule?

The SPEAKER. The Chair thinks not. Is there objection to the request of the gentleman from North Carolina that when the House adjourns to-morrow it adjourn to meet at 10.30 o'clock Thursday next?

There was no objection.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the bill H. R. 13768, the appropriation bill which we passed this morning.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, at 6 o'clock and 13 minutes p. m., the House adjourned until to-morrow, Wednesday, March 29, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hellen S. Waste, widow of John P. Waste *v.* The United States (H. Doc. No. 948); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William A. Ryan *v.* The United States (H. Doc. No. 949); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of August Reimers *v.* The United States (H. Doc. No. 950); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Melissa Redfearn, niece of Jeremiah Redfearn, deceased, *v.* The United States (H. Doc. No. 951); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank W. Perry *v.* The United States (H. Doc. No. 952); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Marcellus J. W. Holter *v.* The United States (H. Doc. No. 953); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Hayes *v.* The United States (H. Doc. No. 954); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Horace B. Boyd, son of Samuel S. Boyd, *v.* The United States (H. Doc. No. 955); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nettie J. Peake, daughter of Thomas D. Elliott, deceased, *v.* The United States (H. Doc. No. 956); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Caroline S. Mindil, Katrina W. Westbrook, and Amy I. Pfouts, children and sole heirs of Henry J. Sheafer, deceased, *v.* The United States (H. Doc. No. 957); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary M. Thornton, widow of John W. Thornton, deceased, *v.* The United States (H. Doc. No. 958); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank M. Duke *v.* The United States (H. Doc. No. 959); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Imogene T. Fisher, widow of Newton D. Fisher, deceased, *v.* The United States (H. Doc. No. 960); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Reuben L. Fox *v.* The United States (H. Doc. No. 961); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Gilmore *v.* The United States (H. Doc. No. 962); to the Committee on War Claims and ordered to be printed.

16. A letter from the Secretary of the Treasury, submitting draft of a bill to authorize and direct the Secretary of the Treasury to enlarge, extend, remodel, and improve the Federal building at Harrisonburg, Va., for the better accommodation of the post office and other governmental offices (H. Doc. No. 963); to the Committee on Public Buildings and Grounds and ordered to be printed.

17. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State submitting an estimate of deficiency in the appropriation for the International Radiotelegraphic Conference for the calendar year 1915 (H. Doc. No. 964); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 6911) to amend section 4747 of the Revised Statutes relating to pensions, reported the

same with amendment, accompanied by a report (No. 443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section, reported the same with amendment, accompanied by a report (No. 447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, reported the same with amendment, accompanied by a report (No. 448), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12775) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River, reported the same without amendment, accompanied by a report (No. 449), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 7419) granting a patent to a certain strip of land to Elisha A. Crandall, reported the same without amendment, accompanied by a report (No. 444), which said bill and report were referred to the Private Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (H. R. 7430) for the relief of William Foglio, reported the same without amendment, accompanied by a report (No. 445), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 11606) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir Wyoming, and for other purposes, reported the same without amendment, accompanied by a report (No. 446), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 7423) for the relief of Elizabeth M. Dodge, reported the same with amendment, accompanied by a report (No. 450), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7731) granting an increase of pension to John J. Hunt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7729) granting a pension to Louis Toupin, alias Louis Beaudette; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13656) granting an increase of pension to William H. Van Name; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A joint resolution (H. J. Res. 157) authorizing the Secretary of the Treasury to pay, out of any money in the Treasury, a sum sufficient to cover exemption of soldiers from draft during the Civil War, to reimburse the heirs of Christopher B. Heebner; Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 13821) to amend section 13 of the act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: A bill (H. R. 13822) providing for a military highway between Vancouver Barracks Military Reservation, via Fort Columbia, and Fort Canby, Wash.; to the Committee on Military Affairs.

By Mr. DECKER: A bill (H. R. 13823) to provide for the erection of a public building in the city of Neosho, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13824) for the erection of a Federal building at Aurora, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 13825) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to make margarin and other substitutes for dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal-Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to repeal an act defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, with amendments thereto; to the Committee on Agriculture.

By Mr. DAVIS of Texas: A bill (H. R. 13826) for the purchase of a site and the erection thereon of a public building at San Benito, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of Oklahoma (by request): A bill (H. R. 13827) with reference to the Huron Cemetery at Kansas City, Kans.; to the Committee on Indian Affairs.

By Mr. HERNANDEZ: A bill (H. R. 13828) to provide for the purchase of a site and for the erection of a public building thereon at Silver City, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: A bill (H. R. 13829) providing for the erection of a public building at Centralia, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. MONTAGUE: A bill (H. R. 13830) to create the Coast Guard Aerial Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 13831) to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRISON: A bill (H. R. 13832) for the purchase of a site for a public building at Columbia, Marion County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 13833) relating to the reclamation of arid, semiarid, swamp, and overflow lands through district organizations, and authorizing Government aid therefor; to the Committee on Irrigation of Arid Lands.

By Mr. LINDBERGH: A bill (H. R. 13834) to provide for the erection of a public building in the city of Wadena, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13836) to provide for the erection of a public building in the city of Cass Lake, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. DILL: A bill (H. R. 13837) relating to the reclamation of arid, semiarid, swamp, and overflow lands through district organizations, and authorizing Government aid therefor; to the Committee on Irrigation of Arid Lands.

By Mr. LIEB: A bill (H. R. 13838) to establish a Department of Aviation and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13839) for the purchase of a site for a public building at Campbellsville, Taylor County, Ky.; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 13840) to amend an act approved May 29, 1908, entitled "An act to amend an act entitled 'An act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia,' approved June 8, 1896"; to the Committee on the District of Columbia.

By Mr. GARDNER: A bill (H. R. 13841) to provide for the acquisition of a site for the erection of a post-office building at Salem, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 13842) making an appropriation for the establishment of a radio station at Seward, Alaska; to the Committee on Appropriations.

By Mr. POWERS: A bill (H. R. 13843) to provide for the erection of a public building at Pineville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. GARLAND: A bill (H. R. 13844) providing that an imprint shall be placed on all articles manufactured in the United States and becoming the subject of interstate commerce, and providing that no manufactured articles or goods shall be admitted to the United States unless bearing an imprint; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 13845) to amend section 5 of the "Panama Canal act," by authorizing the President, by proclamation, to make and from time to time amend rules for the measurement of the gross and net tonnage of vessels as a basis for tolls which will correspond to and follow similar rules for measurement prevailing at the Suez Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: A bill (H. R. 13846) to authorize the Secretary of the Interior to sell all the unclaimed and duplicate allotments on the Oneida Indian Reservation in Wisconsin; to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 13847) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on the Public Lands.

By Mr. AUSTIN: Resolution (H. Res. 187) requesting the President of the United States to furnish to the House of Representatives information showing expenditures on account of the occupation of Vera Cruz, Mexico, by the armed forces of the United States; to the Committee on Expenditures in the War Department.

By Mr. TINKHAM: Memorial favoring action by Congress toward securing the moral support of the United States for the oppressed Jews in Europe; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13848) granting an increase of pension to Christina Latscha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13849) granting an increase of pension to Sarah Duffy; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13850) granting an increase of pension to Joanna Garvey Dowling; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 13851) granting an increase of pension to John H. Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13852) granting an increase of pension to Hugh L. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13853) granting an increase of pension to Andrew Goddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13854) granting an increase of pension to Jerome B. Hendricks; to the Committee on Pensions.

Also, a bill (H. R. 13855) granting an increase of pension to John A. Prosise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13856) granting an increase of pension to J. D. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13857) granting a pension to David M. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13858) granting a pension to Daniel Burkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13859) granting a pension to Daniel Best; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13860) granting a pension to Masina Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13861) granting a pension to Jane Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13862) granting a pension to Catherine Hartly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13863) granting a pension to Matthew Wright; to the Committee on Pensions.

Also, a bill (H. R. 13864) granting a pension to Jane Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13865) granting a pension to Charles N. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13866) granting a pension to Malissa Sands; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13867) granting a pension to James F. Pryor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13868) granting a pension to Ada G. Northern; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 13869) for the relief of the estate of Levi Hontz; to the Committee on Claims.

By Mr. CANDLER of Mississippi: A bill (H. R. 13870) to authorize the Postmaster General to settle the accounts of Capt. J. H. Estes; to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 13871) granting a pension to George G. Richie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13872) granting a pension to James W. Beville; to the Committee on Pensions.

Also, a bill (H. R. 13873) granting an increase of pension to Maria H. Meigs; to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 13874) granting an increase of pension to Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 13875) to remove the charge of desertion from the record of Patrick McGough; to the Committee on Military Affairs.

By Mr. HASKELL: A bill (H. R. 13876) granting an increase of pension to David S. Milliken; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13877) granting an increase of pension to Mary J. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13878) for the relief of the city of Bandon, Oreg.; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 13879) granting a pension to Armon Ellison; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 13880) for the relief of Ezra Adkins; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13881) granting an increase of pension to Mrs. Cornelia Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13882) granting an increase of pension to James H. Raney; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13883) for the relief of Lon Lewis, alias Alonzo E. Schneider; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 13884) granting an increase of pension to Sarah E. Roberts; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13885) granting an increase of pension to Daniel Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13886) granting an increase of pension to Cynthia Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13887) to correct the military record of James Mosley; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 13888) granting a pension to Margaret E. Angel; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 13889) granting an increase of pension to Jennie Duer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13890) granting a pension to Nancy Wagner; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 13891) granting an increase of pension to Charles A. Hatch, late band member, Siege Artillery Brigade; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13892) granting an increase of pension to James C. Hyatt; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13893) granting an increase of pension to Green Williams; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 13894) granting an increase of pension to William Duffy; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13895) granting an increase of pension to Moses Knight; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13896) granting a pension to Charles C. Mauch; to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 13897) for the relief of Michael H. Feeley; to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13898) granting a pension to George M. Younger; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13899) for the relief of David A. Ernsberger; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 13900) granting a pension to Elizabeth Foisia; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 13901) granting a pension to James W. Grant; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 13902) granting an increase of pension to Francena Morgan; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 13903) granting a pension to Marion A. Hey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13904) granting a pension to William A. Martin; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 13905) granting a pension to John W. Sweger; to the Committee on Pensions.

Also, a bill (H. R. 13906) granting a pension to Charles W. Holmes; to the Committee on Pensions.

Also, a bill (H. R. 13907) granting a pension to Thomas H. Shelley; to the Committee on Pensions.

Also, a bill (H. R. 13908) granting a pension to John Gabriel; to the Committee on Pensions.

Also, a bill (H. R. 13909) granting a pension to Frank S. Bishop; to the Committee on Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 13910) granting an increase of pension to Elizabeth Davisson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13911) granting an increase of pension to Francis M. Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13912) granting a pension to Monroe Cole; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 13913) to reimburse the Navajo Timber Co. of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerks' desk and referred as follows:

By Mr. ADAIR: Petition of Central Christian Church, 2,000 people; First Baptist Church, 550 people; 175 people of Anderson; Friends' Church, 150 people; Central Christian Sunday School, 1,200 people; elders of Presbyterian Church, 200 people; trustees Anderson Universalist Church; and Park Place Methodist Episcopal congregation, all of Anderson, in the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Grace Methodist Episcopal Church, 106 people; Trinity Episcopal Church; First Methodist Episcopal Church, 1,100 people; and 31 people, all of Anderson; Congregational Sunday School, 107 people; Methodist Episcopal Sunday School, 200 people; Epworth League, 25 people; Methodist Episcopal Church, 180 people, all of Ridgeville; and First Mennonite Church of Berre, all in the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of Hamilton County Woman's Christian Temperance Union, favoring legislation prohibiting exportation of intoxicants to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Memorial of Perryton Grange, No. 1905; Kirkersville Grange, No. 1683; Clearfork Grange, No. 255; Nellie Grange; Walhonding Valley Grange, No. 1751; and Sullivan Grange, No. 1810, all of the seventeenth Ohio district, against the so-called Madden rider; to the Committee on the Post Office and Post Roads.

Also, petition of Prof. R. S. Colwell and 10 other members of the faculty of Denison University, at Granville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Trenton (Ohio) Christian Endeavor Society, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BACHARACH: Petitions of sundry citizens of Atlantic County and Vineland, N. J., and vicinity, in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of sundry citizens, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of Edward J. Brennan, of New York, favoring passage of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Ward Hall, of New York, favoring House bill 10845, providing for military training in civil educational institutions; to the Committee on Education.

Also, petition of Arthur Schelling, of New York, favoring Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fored V. Sanger, New York City, relative to claim of civilians employed in Canal Zone; to the Committee on Appropriations.

Also, petition of American Eight-hour Law League, of New York, favoring eight-hour law for all railroad workers; to the Committee on Labor.

Also, petition of Ph. Rheimvalt, jr., of New York, favoring Emerson resolution relative to milk for babies in Europe; to the Committee on Foreign Affairs.

By Mr. BUCHANAN of Texas: Petition of retail dealers of the tenth congressional district of Texas, for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Rev. F. O. Woestemeyer, Presbyterian Church, Smithville; W. E. Foster, First Baptist Church; 25 people of Taylor; Beverly W. Allen and 4 others, Austin; J. M. Black, University Methodist Church, 149 people, Austin; J. W. Guthrie and others, Austin, all in the State of Texas, for national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of 400 people of Ocala, 130 people of Gainesville, and 150 people of Fernandina, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of sundry citizens of Mineral Ridge and vicinity, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Albert S. Connelly, asking that certain evidence presented to the House Committees on Expenditures in the Interior and War Departments affecting the conduct of Senator WARREN be referred to the Judiciary Committee; to the Committee on Rules.

Also, memorial of Federal Employees' Union No. 15007, American Federation of Labor, indorsing the Nolan bill; to the Committee on Reform in the Civil Service.

By Mr. DALLINGER: Petitions of 12 people of Arlington; Arlington Heights Christian Endeavor, 20 people, of Arlington; Christian Endeavor, 62 people, of Arlington; Boys' Brigade, 70 people, of Arlington; 53 people of Arlington; and Woman's Christian Temperance Union, 82 people, of Watertown, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of Island Lodge, No. 238, International Order of Good Templars, Spokane, Wash., in support of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. DILLON: Petition of citizens of Brule County, S. Dak., opposing Senate bill 645; to the Committee on the District of Columbia.

By Mr. DOREMUS: Memorial of Typothetæ Franklin Association, asking for an embargo on exportation of papers; to the Committee on Ways and Means.

By Mr. DRUKKER: Petitions of sundry citizens of New Jersey, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles and Charlotte A. Rowland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of Elliot C. Chapman and other citizens of Oakland, Cal., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of A. F. Drew and 27 others, of La Farge, Wis., protesting against House bills 491 and 6468, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of A. F. Drew and 25 others, of La Farge, Wis., protesting against House bill 652, to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. FARR: Petition of Patrick J. Canavan, Frank McDonnell, and other members of Bartenders' Local Union No. 134, of Scranton, Pa., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Petition of National Association of Animal Industry employees, relative to salaries, etc., of Bureau of Animal Industry employees; to the Committee on Agriculture.

By Mr. FULLER: Papers to accompany a bill to increase pension of Lewis B. Rex; to the Committee on Invalid Pensions.

Also, petition of Public Health Section, Rockford, Ill., and Illinois State Association of Graduate Nurses, favoring House

resolution 137 for a committee to investigate the sanitary condition of dairies; to the Committee on Rules.

Also, petition of Elisha L. Thayer, of Rockford, Ill., for adequate preparedness; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of sundry citizens, indorsing House bill 5792; to the Committee on Agriculture.

By Mr. GARDNER: Petition of Longfellow Lodge, International Order of Good Templars, of Haverhill, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of North Shore (Mass.) Automobile Association against present high price of gasoline; to the Committee on the Judiciary.

Also, memorial of General Court of Massachusetts, relative to moral support of United States for oppressed Jews in Europe; to the Committee on the Judiciary.

By Mr. GARRETT: Petition of citizens of Fowlkes, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY of New Jersey: Petition of certain citizens of Jersey City, N. J., against the passage of House bills 652, 6468, and 491; to the Committee on the Post Office and Post Roads.

By Mr. GREGG: Petition of W. C. Stovall and other citizens of Anderson County, Tex., against the passage of House bills 491 and 6468, and similar bills; to the Committee on the Post Office and Post Roads.

Also, petition of W. C. Stovall and other citizens of Anderson County, Tex., against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. HAWLEY: Memorial of the Woman's Christian Temperance Union of Dundee, Oreg., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of sundry citizens of Athena, Oreg., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HEATON: Petition of 49 citizens of Tamaqua, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of 27 people of Colby; 50 members of the Woman's Christian Temperance Union of Retsil; people of Seattle; Brighton Congregational Church, 45 people, of Seattle; and citizens of Skagit, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of North Yakima, route 6, Wash., opposing passage of House bill 652; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: Petition of 51 people of Tacoma, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of council of the city of Tacoma, Wash., favoring the passage of House bill 9137; to the Committee on Military Affairs.

Also, petition of 60 people of Tacoma, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of 53 citizens of Pierce County, Wash., supporting House joint resolutions 14, 81, and 74, Senate bills 3033 and 3034, Senate joint resolution 73, and House bills 6828 and 6829; to the Committee on Foreign Affairs.

Also, petitions of 60 citizens of Camas, Wash., and 22 citizens of Carrolls, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petitions of sundry citizens and church organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Dr. K. G. Cherrington, of Pawtucket, R. I., favoring passage of Lobeck bill, providing for a standardization of salaries in Bureau of Animal Industry; to the Committee on Reform in the Civil Service.

Also, petition of Master Printers' Association of Rhode Island, favoring passage of House bill 11621; to the Committee on the Post Office and Post Roads.

Also, petition of Round Table Club, of Woonsocket, R. I., indorsing House resolution 137, providing for investigation of marketing of dairy products; to the Committee on Agriculture.

Also, petition of Newport (R. I.) post-office clerks, favoring passage of House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions from Methodist Church, Baptist Church, Christian Endeavor Society, and Woman's Christian Temperance Union, all of Harrison Valley, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of the Chamber of Commerce of the State of New York, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Federal Employees' Union No. 15007, to those Members of Congress who voted against the enactment of the Borland rider or its successors; to the Committee on Reform in the Civil Service.

By Mr. LENROOT: Petitions of citizens and church organizations of the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petition of S. V. Levi, R. P. Smith, H. G. Troutman, A. Deutsch & Bro., Kayst Beavelsley Co., O. A. Kelsey & Son, Pervis Walker, W. M. Hume, E. W. Davis, Butler Hardware Co., G. W. Smith, H. Sangferd, Creek & Helar Co., Robert Sisson, Earl F. McConnell, and K. Galligon, all of Oakland City, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Menke & Dassel Co., Daniel A. Heldt, Frank E. Butts, Susott & Geriche, and F. W. Kampe, all of Elberfeld, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Rosenbaum & Bro., H. Brinkman Co., A. A. Schint, W. H. Lichtenberger, Chas. Smith, jr., & Sons, Joseph Schlomer, W. A. Bryant, Stinson Bros., Charles W. Rhein, W. C. Niblo, A. Hastings & Bro., Charles Dawson, Boyce & Williams, Isaac Rosenbaum, J. S. Evans, James W. Pearson & Son, S. H. Gonemeier & Sons, and Klein & Wasem Grocery Co., all of Mount Vernon, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Homer Lichtenberger, Henry Mann, sr., Lichtenberger & Co., Frank J. Meier, and S. H. Wheatcraft, all of New Harmony, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of P. E. Robb & Co., Rothert Bros., George E. Niles, and Joseph F. Schafer, all of Poseyville, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Putchett & McReynolds Co., Cleveland & Newman, Fisher & Boren, Garrison Bros., J. E. Stevens, and O. D. Barton, all of Cynthiana, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of George T. Ford Co., Elmer Kichie, J. L. Bryant, McCarty Hardware Co., Charles B. Runcie, and August Roelemann, all of Fort Branch, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of the C. W. Halbruge Co., T. W. Savage, American Grocery Co., S. Wiener & Sons, the Laird Balderson Co., W. H. Nuetzel, Rimstidt & Feigel, Rimstidt Hardware Co., J. G. Baum, A. Kassel, Fred Walker, M. Oelze, W. A. & A. M. Partridge, Wade Thomas, Mr. Doty, and L. M. John, all of Rockport, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of E. H. Lacke, Verner Kriekham, F. Litzenberger, E. G. Harris, Edw. G. Folz, Herman Brizius, H. Rober, J. W. Folz, J. M. De Forest, John Frederick, J. W. Fuguny & Bro., and William Phral, all of Newburg, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of Picker Bros., the Model, Lewis & Parker, H. J. Mauser, E. A. Jarrett, L. W. Jarrett, Ed. Maier, L. W. Owens, William Kindermann Sons, Heinzle & Nester, Charles Harmon, P. Kehrer & Son, L. C. Gentry, Boonville Implement Co., and George Trimble, all of Boonville, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of J. W. Chambers, T. M. Nance, G. B. Howard, and C. W. Usery, all of Velpen, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of L. Robling & Son, S. E. Fowler, D. H. Thirey, H. T. Lobbey, E. M. Hauchin, W. E. Myers, A. Wolfson, and Gilbert McCord, all of Winslow, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of Teceport Co., First National Bank, per L. S. Bryant, Farmers & Merchants National Bank, and S. H. West, president National Bank, all of Fort Branch, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of the Model Clothing Store, Harvey Lucas & Son, by H. Lynn Lucas, Gilbert Stephens Co., Sprowl Bros., H. Smith, J. W. Scantlin, William Criswell Co., H. E. Wolf & Co., Carl G. Applegath, Herman Vollmer, H. G. May, M. E. Shoptaugh, C. E. Mossman, Thomas H. Riggs, C. S. Scull, Watson's Shoe Store, Herriot Carithers Co., Princeton Hardware Co., Economy Store, and E. E. Ensley, all of Princeton, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of William P. Casey, F. O. Milburn, Preston Milburn, J. M. Myrick, Stirmer & Jones, and H. A. Milburn, all of Patoka, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of H. P. Phillips, Shawburn & Co., C. J. Snyder Co., H. C. De Priest, Frank L. Steelman, and E. H. Harrington, all of Hazleton, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Young Men's Christian Association of Evansville, Ind., by Mr. W. M. Wheeler, chairman of the invitation committee, M. H. Lockyear, chairman of the committee of arrangements, and 200 manufacturers, professional and business men, favoring the passage of the Sheppard-Webb joint resolutions proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage-liquor traffic; to the Committee on the Judiciary.

By Mr. LOUD: Petition of W. H. Price, of Iosco, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petitions of Stoneham Sunday School, 50 people, of Stoneham; Clarendon Evangelical people, of Clarendon; and 150 people of Clarendon, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of Lower Oswego Falls Grange, Fulton; Three-Mile Bay Grange, No. 126, Patrons of Husbandry; Nelson Grange, Nelson, N. Y.; and Bernhards Bay (N. Y.) Grange, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PETERS: Petitions of Methodist Episcopal Church of East Readfield; 40 people of China; citizens of Winthrop; 8 citizens of Winthrop; 14 citizens of Winthrop; 21 citizens of Wayne; union temperance meeting of Machias; Methodist Episcopal Church Ladies' Guild, 25 people, of Fairfield; Sunday School of Methodist Episcopal Church of Winthrop; Christian Endeavor Society of Winslow; 60 people of China; Methodist Episcopal Church of Winthrop; and 25 people of China, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of Baptist Church of Long Beach, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of Lowell, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Brook Lodge, International Order of Good Templars, of Bethuen and Andover, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of sundry citizens of Brooklyn, in favor of adequate preparedness; to the Committee on Military Affairs.

Also, petition of Lilla R. Willcox, of Brooklyn, favoring the Linthicum resolution; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. G. Fevrie, of Brooklyn, opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Fallert Brewing Co., of Brooklyn, favoring the Emerson resolution; to the Committee on Foreign Affairs.

Also, petition of J. W. S. Harding, jr., of New York, opposing House bill 9411; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Harry P. Knight, of Brooklyn, indorsing House bill 435; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of the "400" of Center City; Methodist Episcopal people of Center; Woman's Christian Temperance Union Institute; 78 people, Duke Center; Woman's Christian Temperance Union of Center City; 100 people of Rixford; 60 people of Rixford; 100 people of Center City; 250 people of Westover; 50 people of Westover; 500 people of Clearfield; 75 people of Clearfield; Presbyterian Church of Clearfield; and 250 people of State College, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of State College Presbyterian people, of State College; 60 people of Westover; Baptist Sunday School of 272 people, of Westover; Woman's Christian Temperance Union of 147 people, of Bellefonte; Baraca Bible Class of 60 people of State College; 100 citizens of Unionville; Free Methodist people of Unionville; Presbyterian Church of Unionville; 75 people of Martha; and Friends' Church of Unionville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 8899, for relief of Emma Richards; to the Committee on Invalid Pensions.

Also, petition of Loren D. Chapman and 104 citizens of Eaton Rapids, Mich., favoring Fuller pension bill; to the Committee on Pensions.

Also, petition of Miles W. Ward and 4 citizens of Union City, Mich., favoring House joint resolution 127, relative to milk for babies in Europe; to the Committee on Foreign Affairs.

Also, papers to accompany House bill 13702, for relief of Frederick A. Greening; to the Committee on Pensions.

By Mr. SNELL: Petition of Mrs. F. J. Bellinger, in behalf of Scotch Bush Grange, No. 699, of Hammond, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. G. E. Cady, in behalf of Chazy Grange, of Chazy, N. Y., favoring the adoption of a Federal Constitution prohibition amendment; to the Committee on the Judiciary.

Also, resolution of Charles C. Holden, Mrs. Alfred W. Grey, and Julius E. Webster, in behalf of the Sunday school of the First Baptist Church of Ticonderoga, N. Y., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, resolution of Miss Jemima Howe, in behalf of the Woman's Foreign Missionary Society of Malone, N. Y., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, resolution of S. W. Riggs, in behalf of Stockholm Town Sunday School Association, representing 500 people, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of 50 citizens of Forston; 78 citizens of Beltrami and Crookston, Polk County; 8 citizens of Stewartville; and 43 citizens of Crookston, all in the State of Minnesota, against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bear Park; Trofast Lodge, International Order of Good Templars, of Bear Park; and 25 citizens of Viking Township, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Temple Sewing Society of Los Angeles, Cal., protesting against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of citizens of Hillsboro, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Resolution adopted by members of the Cherry Valley Mission, Cherry Valley, Pa., numbering 50 members, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by members of the Rockey Spring Congregation of New Galilee, Pa., numbering 125 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the First Methodist Episcopal Church of New Brighton, Pa., numbering 400 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the Bell Memorial Presbyterian Church of Ellwood City, Pa., representing 350 members, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by a congregation of Presbyterians representing 150 people, of New Brighton, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the Methodist Protestant Church of New Brighton, Pa., numbering 400 people, favoring national prohibition; to the Committee on the Judiciary.

Also, petition favoring the purchase of a site and the erection thereon of a public building at Midland, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. VAN DYKE: Petitions of sundry citizens and church organizations of the State of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Rev. Millard F. Johnson and 11 others, of the town of Middleboro, Mass., petitioning for passage of Webb-Smith national prohibition resolution, so called, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of the Baptist Sunday School of Rock, in the town of Middleboro, Mass., for passage of Webb-Smith reso-

lutions, so called, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of C. L. Goodspeed and 21 citizens of the town of Dennis, Mass., favoring passage of so-called widow's pension bill; to the Committee on Invalid Pensions.

By Mr. WARD: Petition of Fred M. Sawyer, pastor of Methodist Episcopal Church, Chatham Center, N. Y., against sale of intoxicating liquors in island of Porto Rico; to the Committee on Insular Affairs.

Also, petition of W. S. Empleton, of Grahamsville, N. Y., and others, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *March 29, 1916.*

(Legislative day of Tuesday, March 28, 1916.)

The Senate reassembled at 12 o'clock a. m., on the expiration of the recess.

Mr. CHAMBERLAIN. Mr. President, I ask that House bill 12766, reported from the Committee on Military Affairs of the Senate, be proceeded with.

The VICE PRESIDENT. The Chair lays the bill before the Senate.

The SECRETARY. A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Sutherland
Bankhead	Hughes	Page	Swanson
Beckham	Husting	Phelan	Taggart
Borah	James	Pittman	Thomas
Brandegee	Johnson, S. Dak.	Ransdell	Thompson
Catron	Jones	Shafroth	Tillman
Chamberlain	Kenyon	Sheppard	Townsend
Clapp	Kern	Sherman	Vardaman
Clark, Wyo.	McCumber	Simmons	Wadsworth
Culberson	Martin, Va.	Smith, Ga.	Walsh
Curtis	Martine, N. J.	Smith, Mich.	Warren
Dillingham	Myers	Smoot	Weeks
Gallinger	Norris	Sterling	Works
Harding	Oliver	Stone	

Mr. KERN. I wish to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

THE SUGAR INDUSTRY.

Mr. SIMMONS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. CHAMBERLAIN. I yield.

Mr. SIMMONS. I wish to ask unanimous consent out of order to submit a report from the Committee on Finance.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SIMMONS. On behalf of the Committee on Finance I report back favorably with an amendment the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and I submit a report (No. 317) thereon. This is the bill commonly known as the sugar bill, and I report it with the recommendation that it be passed as proposed to be amended.

The VICE PRESIDENT. The bill will be placed on the calendar.

NATIONAL-PARK SYSTEM.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. CHAMBERLAIN. I yield.

Mr. THOMAS. I ask unanimous consent out of order to present a series of resolutions from the Gilpin County Metal Miners' Association and the Clear Creek County Mining Association, of Colorado, protesting against a further extension of the national-park system to the domain of that State. I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CAL.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield, but I should like very much to proceed with the pending measure before the Senate.

Mr. WORKS. I wish to ask for the present consideration of Senate bill 4671, which is on the calendar. It is an urgent matter.

Mr. CHAMBERLAIN. I am willing to yield to that if it does not lead to discussion. I am familiar with the bill, and I think it ought to be attended to promptly.

The VICE PRESIDENT. Is there objection to the present consideration of the bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal.?

Mr. SIMMONS. Mr. President, let us know what the bill is before we give our consent to its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SIMMONS. That seems to be a rather complicated matter and it requires some explanation, at least. I am rather constrained to object.

Mr. WORKS. If the Senator will allow me to explain it, I think he will not object to its present consideration. It involves the cancellation of a number of entries on desert land and simply extends the time in order to allow the entrymen to procure water for the land. If the bill is not passed, their rights will be forfeited. Therefore it becomes a very important matter.

Mr. SIMMONS. Will the Senator state whether there was any division in the committee that reported the bill?

Mr. WORKS. None at all; and it is recommended by the Secretary of the Interior, in order to protect the rights of these desert-land entrymen.

Mr. SIMMONS. And it is necessary to pass it before the 1st day of May?

Mr. WORKS. Yes, sir; it is.

Mr. SIMMONS. As there was a unanimous report of the committee and it is recommended by the department, I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, on page 2, line 3, before the word "Riverside," to insert "in," and on the same page, line 15, after the word "May," to insert "first," so as to make the bill read:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 18, and 19, in township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1919, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been had. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1919, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, I desire to say that it had been my purpose to address the Senate on the subject of the military policy of the United States from colonial times until this present bill. It would not have taken very much time, but it would have taken more time than I thought I ought to consume at the expense of the business of the Senate. It seems to me that the people of the country are demanding results rather than a discussion of these questions, and for that reason I have concluded not to undertake to address the

Senate at length on the subject, but to confine myself to this particular measure that has been reported from the Senate Committee on Military Affairs.

That there has been inefficiency in the military system of the country, Mr. President, goes without saying.

Mr. BORAH. Mr. President, can we have order, so that we may hear what the Senator from Oregon is saying?

Mr. CHAMBERLAIN. It does not disturb me, Mr. President.

Mr. BORAH. It disturbs me, because I am interested in what the Senator is saying.

The VICE PRESIDENT. The Chair for three years has been requesting order in the Senate, and has not secured it yet.

Mr. CHAMBERLAIN. I was remarking that there has been inefficiency in our military policies and systems since the earliest colonial times goes without saying, Mr. President, and there is no better evidence of that fact than that Washington, as commander of the forces during the Revolution, judging from the records, seems to have spent most of his time in writing letters to the Continental Congress and in appealing to them for some assistance in the way of the creation of an efficient army for the purposes of the Revolution. His appeals fell upon deaf ears, because practically at no time were his requests upon the Continental Congress complied with. There was a division of responsibility between the State authorities and the National Government which rendered the Continental Army at all times more or less inefficient, and not until the Continental Congress of the United States, in the final days of the Revolution, vested in Washington almost absolute power and authority was he able to control the situation which confronted him.

From that time until this recommendations have been made by distinguished Secretaries of War and by distinguished Army officers to the Congress of the United States, pointing out not only the inefficiencies but suggesting methods by which they might be avoided and by which some relief might be granted. Gen. Knox, one of the earliest Secretaries of War—in fact, the first after the Revolution—formulated a plan for the organization of an efficient army, but no action was taken upon it. Subsequent to his time other Secretaries of War and other distinguished officers and retired officers of the Army have formulated plans for the organization of the armed forces of the United States, both the Regular troops and the militia, but I believe none of those recommendations have been at any time more than partially complied with.

In 1912 the then distinguished Secretary of War, who gave this subject very great consideration—I refer to Mr. Stimson—called upon the General Staff to formulate a policy and to report upon the organization of the land forces of the United States. On the 10th of August, 1912, he embodied that report in a printed document, and in it he said:

> The accompanying report of the General Staff on the organization of the land forces of the United States contains the broad outlines of a comprehensive military policy. The General Staff has been directed to proceed with a detailed study of the plan with a view of securing specific recommendations for the executive and legislative action necessary to carry the policy into effect. During the progress of this work notes and suggestions with a view of perfecting the policy are invited, and for this purpose the report is published for the consideration of the Army, the National Guard, and all others who are interested in the development of a sound military policy for the Nation.

That document was published, and it was pretty generally considered by all those who were interested in a military policy for this country, but nothing was done by Congress.

Some of the suggestions which were made by the General Staff at that time have been embodied in the law from time to time in the way of riders on appropriation bills; and I want to say, Mr. President, that nearly all the military legislation of this country that has been curative and that has been effective has been enacted by placing riders on appropriation bills, where they have no place whatsoever. But there seemed to be no other way to correct the inefficiency that existed in the military system of the country.

The Senate will probably remember that in the Sixty-third Congress the distinguished then Secretary of War, Mr. Garrison, asked me to introduce for him several measures, all intended to perfect the military system of the country and to cure defects which existed therein, and it was hoped that eventually these bills might be attached as riders to the Army appropriation bill. My position then, Mr. President, with the Secretary of War and my position since has been that these military appropriation bills are not intended to carry general legislation. I differed from the Secretary of War about that and insisted that he ought to have a measure formulated by those experts of the Army who are capable of doing the work, place it in the form of a statute, and submit the matter to Congress, so that the responsibility for the enactment of a proper military policy should be placed upon the Congress of the United States by the suggestion of one consistent and perfected measure that the Congress could act upon.

The result was that nothing was done with that piecemeal legislation, Mr. President, but the Secretary of War very properly did this: He called upon the General Staff to take up for consideration the report which had been made by Mr. Stimson, and to extend it to the present time. What was done by the General Staff and the War College was very properly also embodied in a report, which I have before me, and it states:

> This appendix consists of the statement of proper military policy, prepared by the War College division of the General Staff Corps in response to orders issued to them in the month of March, 1915, to prepare and submit a complete and exhaustive study on this subject. This statement, with its accompanying estimation of cost, was submitted to me—

That is, to Secretary of War Garrison—

> on the 11th day of September, 1915, and transmitted to you—

That is, the President of the United States—

> on September 17, 1915, together with my own final recommendation in the premises.

Mr. President, that report, which was at that time submitted by the Secretary of War to the President September 17, 1915, is an extension of the report which was formulated by the General Staff under the administration of the War Department by Mr. Stimson. I am not going to read the report, but I am going to read just the first statement of it, so that the Senate may see, when this bill has been read, that the bill follows in the main all of the suggestions which were embodied in the report and the extension of the report of 1912.

I particularly call the Senate's attention to this, because, if Senators will observe the reading of the bill, they will find that while the Military Committee may have disagreed as to numbers in the report probably both as to the enlisted personnel and as to the officers, we have followed the general outlines which have been recommended by an expert body of men.

> The substance of this policy will, therefore, be a clearly and succinctly expressed statement, with the reasons therefor, of a proper military policy for the United States, for the organization of—
>
> I. (a) The Regular Army; (b) the Organized Militia.
>
> This should be followed by—
>
> II. A careful study of the question of a reserve for both the Regular Army and the Organized Militia and, if possible to agree upon it, a plan for the formation of such reserves.
>
> III. The Volunteers: Their organization and relation to the Regular Army and the Organized Militia.
>
> IV. Reserve material and supplies which should be available and which can not be promptly obtained if delayed till the outbreak of war.

Of course this committee did not have anything to do about that in this bill, because that comes on the supply bills in another measure.

> The Secretary of War is of the opinion that a statement which shall contain everything that is pertinent to the foregoing subjects will inform Congress of all the essential things that the best judgment of the War Department thinks it is justified in asking Congress to provide in peace and to be prepared to provide in war. These things, being such as commend themselves to the general military intelligence, if they do not so commend themselves there can be no policy such as is now aimed at, may be assumed to be those that will be asked for by succeeding administrations of the War Department—at least, they will indicate the general line of development to be pursued. Such a statement will constitute what he has in mind as a comprehensive military policy.
>
> There are many other things that will from time to time be asked of Congress or, when authority exists for it, that will be done without asking legislation. Such things may be requests for appropriations to build new posts in view of the abandoning of others; the concentration of the Army in a smaller number of posts in definite areas of the country; projects for promotion, retirement, etc.; plans for training the Army and the militia, etc.
>
> Such things have no part in the statement of a general military policy which the Secretary of War now desires to have prepared, and, in order to save time and labor and to concentrate attention upon that which is essential, he desires any such extraneous matter to be eliminated from the study which he has directed.

That is a brief résumé, Mr. President, of the line of policy that was laid down by the War College, and it is the line which has been followed very largely by this committee in the consideration of a military policy.

Mr. SMITH of Michigan. Mr. President, will the Senator from Oregon yield to me?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Michigan. In laying down the principles of the General Staff and of the then Secretary of War, I do not understand that they indicate the extent to which the Army should be increased. Am I misinformed about that?

Mr. CHAMBERLAIN. It practically recommends the strength of the Army.

Mr. SMITH of Michigan. What was the maximum strength of the Army which they recommended? I do not in asking the question desire to divert the Senator from the course of argument he wishes to pursue.

Mr. CHAMBERLAIN. They recommended something near half a million with the colors and in the reserves, as I now recall.

Mr. SMITH of Michigan. And what is the plan as now proposed by the Senator from Oregon and his committee?

Mr. CHAMBERLAIN. If the Senator from Michigan will allow me to proceed in regular order, I think I shall get all that before the Senate; but I will now say that the maximum proposed by the Senate bill, or, rather, the House bill as proposed to be amended by the Senate committee, is 250,000 of the regular force; but the number of troops provided for in the bill, exclusive of the Quartermaster Corps and the Hospital Corps, is about 178,000. I will say to the Senate that I think I shall get the answers to most of the questions which are likely to be asked me before the Senate in the course of my statement, and then, after I have made the statement, I shall be very glad to attempt to answer anything which Senators may desire to ask.

Mr. BRANDEGEE. Mr. President, will the Senator from Oregon, before he proceeds, clearly state what he means by the maximum of 250,000, and yet that the bill only provides for 178,000?

Mr. CHAMBERLAIN. We put that—178,000 men—as the minimum strength of the Army.

Mr. BRANDEGEE. But that could be increased to 250,000?

Mr. CHAMBERLAIN. It could be increased to 250,000 without any further legislation.

Mr. President, I desire to ask to have printed as a part of my statement in this matter the "Statement of a Proper Military Policy for the United States," of date September, 1915. It is not very long and it will itself answer a great many questions which will be asked about the matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT OF A PROPER MILITARY POLICY FOR THE UNITED STATES.

[Prepared by the War College Division, General Staff Corps, in compliance with instructions of the Secretary of War, March, 1915.]

APPENDIX C.

This appendix consists of the Statement of Proper Military Policy, prepared by the War College Division of the General Staff Corps, in response to orders issued to them in the month of March, 1915, to prepare and submit a complete and exhaustive study on this subject. This statement, with its accompanying estimation of cost, was submitted to me on the 11th day of September, 1915, and transmitted to you on September 17, 1915, together with my own final recommendation in the premises.

WAR COLLEGE DIVISION.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, September 11, 1915.

Memorandum for the Chief of Staff:
Subject: Military policy.

1. Memorandums from your office, dated March 11 and March 17, 1915, directed the War College Division to make a complete and exhaustive study of a proper military policy for the United States, and to prepare a clearly and succintly expressed statement of the policy, basing it, in a general way, upon the "Report on the Organization of the Land Forces of the United States, 1912," "eliminating everything that is not necessary for the easy and quick comprehension of the military policy, and adding anything which may be necessary to afford such comprehension."

2. The following extract from the memorandum of March 17, 1915, gives the subjects which the "statement" was to cover, viz:

"The substance of this policy will, therefore, be a clearly and succintly expressed statement, with the reasons therefor, of the recommended strength and organization of—

"I. (a) The Regular Army;
(b) The Organized Militia."

This should be followed by—

"II. A careful study of the question of a reserve for both the Regular Army and the Organized Militia and, if possible to agree upon it, a plan for the formation of such reserves.

"III. The Volunteers: Their organization and relation to the Regular Army and the Organized Militia.

"IV. Reserve material and supplies which should be available and which can not be promptly obtained if delayed till the outbreak of war.

"The Secretary of War is of the opinion that a statement which shall contain everything that is pertinent to the foregoing subjects will inform Congress of all the essential things that the best judgment of the War Department thinks it is justified in asking Congress to provide in peace and to be prepared to provide in war. These things, being such as commend themselves to the general military intelligence (if they do not so commend themselves, there can be no policy such as is now aimed at), may be assumed to be those that will be asked for by succeeding adminstrations of the War Department—at least, they will indicate the general line of development to be pursued. Such a statement will constitute what he has in mind as a comprehensive military policy.

"There are many other things that will from time to time be asked of Congress or, when authority exists for it, that will be done without asking legislation. Such things may be requests for appropriations to build new posts in view of the abandoning of others; the concentration of the Army in a smaller number of posts in definite areas of the country; projects for promotion, retirement, etc.; plans for training the Army and the militia, etc.

"Such things have no part in the statement of a general military policy which the Secretary of War now desires to have prepared, and, in order to save time and labor and to concentrate attention upon that which is essential, he desires any such extraneous matter to be eliminated from the study which he has directed."

3. Following these lines, the accompanying "Statement of a Proper Military Policy for the United States" was prepared.

4. It is proposed to supplement this paper later with memoirs on such subjects as require more detailed discussion than would be appropriate to this paper.

M. M. MACOMB,
Brigadier General, Chief of War College Division.

INTRODUCTION.

THE MILITARY PROBLEM CONFRONTING THE UNITED STATES.

1. The evolution of national military policies: National policies are evolved and are expanded as the Nation grows. They reflect the national sense of responsibility and also the national ambitions. They constitute the doctrine underlying acts of statesmanship and diplomacy. A nation's military policy is the national doctrine of self-preservation. The world is never without virile, capable, and progressive nations, the circumstances of whose development have imbued them with the belief that their vital interests demand an active aggressive policy. They are forced to resort to universal service in the effort to fulfill, at any cost, what they conceive to be their destiny. In the United States the development of the Nation has proceeded under an environment so favorable that there is no well-defined public opinion in regard to what constitutes an adequate military policy. Heretofore isolation, combined with the necessity of preserving the balance of power, has been a sufficient guaranty against strong hostile expeditions from Europe or Asia. The safeguard of isolation no longer exists. The oceans, once barriers, are now easy avenues of approach by reason of the number, speed, and carrying capacity of ocean-going vessels. The increasing radii of action of the submarine, the aeroplane, and wireless telegraphy all supplement ocean transport in placing both our Atlantic and Pacific coasts within the sphere of hostile activities of oversea nations.

The great mass of the public does not yet realize the effect of these changed conditions upon our scheme of defense.

Another thing that militates against the evolution of a sound military policy for our country is the erroneous conclusion drawn by the people from our past experiences in war. In developing such a policy victory is often a less trustworthy guide than defeat. We have been plunged into many wars and have ultimately emerged successfully from each of them. The general public points to these experiences as an indication that our military policy has been and still continues to be sound. That this is not really the belief of those in authority is shown by the fact that each war of importance has been followed by an official investigation of our military system and the policy under which it operated. The reports of these investigations give a startling picture of faulty leadership, needless waste of lives and property, costly overhead charges augmented by payment of bounties to keep up voluntary enlistments, undue prolongations of all these wars, and finally reckless expenditure of public funds for continuing pensions. These documents supply convincing proofs that all such shortcomings have been due entirely to a lack of adequate preparation for war in time of peace. But we have not yet learned our lesson. It has never been driven home by the bitterness of defeat. We have never known a Jena or a Sedan. At no stage of our national life have we been brought face to face with the armed strength of a great world power free to land sufficient forces to gain a foothold at any desired portion of our coasts. That we have to some extent felt this danger is evidenced by our efforts to provide a navy as a first line of defense and to supplement it with the necessary harbor fortifications; but we have not yet realized that our ultimate safeguard is an adequate and well-organized mobile land force. Experience in war has shown the need of these three elements, but the public has not yet demanded that they be perfected, coordinated, and combined in one harmonious system of national defense. Not until this has been accomplished will a proper military policy for the United States be adopted.

2. Our abiding national policies: The majority of our people have always believed in asserting their own rights and in respecting those of others. They desire that the cause of right should prevail and that lawlessness should be crushed out. To live up to these high ideals imposes upon us new duties as a world power; duties that require something more positive than a policy of mere passive defense. In addition, there are two underlying and abiding national policies whose maintenance we must consider as necessary to our national life. These are the "Monroe doctrine" and the policy of avoiding "entangling alliances." They are distinctive and affect our international relations in a definite manner. In addition, policies may develop in the future as a result of international relations with respect to trade conditions.

A general consideration of our responsibilities as a Nation and of our geographical position indicates that the maintenance of our abiding policies and interests at home and abroad involves problems of defense measures both on land and on sea. The solution of the general problem of national defense must be sought in the provision of adequate land and sea forces and a consideration of their coordinate relationship.

3. Coordinate relationship of Army and Navy: Upon the Navy devolves the solution of the problem of securing and maintaining control of the sea. To accomplish this it must be free to take the offensive promptly—that is, to seek out and defeat the enemy fleet. The use of any part of the high-sea fleet for local defense defeats the chief object of the Navy and is a misuse of naval power. A fleet defeated at sea and undefended by an adequate army is powerless either to prevent invasion or even its own ultimate destruction by combined hostile land and naval forces. In illustration compare the cases of the Spanish Fleet at Santiago and the Russian Fleet at Port Arthur with the present example of the German, Austrian, and Turkish Fleets under the protection of land forces.

Upon the Army devolves the task of gaining and maintaining on shore the ascendency over hostile land and naval operations. To accomplish this it must be able to seek out promptly and to defeat, capture, or destroy the invader wherever he may attempt either to secure a footing upon our territory or to enter the waters of our har-

bors with the objective of threatening the destruction of the seaport or of a fleet driven to seek refuge or repair therein.

The problems involved in operations against hostile land forces are complex and include only as an incident the protection of harbor defenses on the land side. The problems of harbor defense against attack from the sea are simple and passive in their nature.

4. Coordinate relationship of statesman and soldier: In our country public opinion estimates the situation, statecraft shapes the policy, while the duty of executing it devolves upon the military and naval departments.

Such a doctrine is sound in direct proportion to its success in producing a military system capable of developing fighting power sufficient to meet any given national emergency, at the proper time, supported by all the resources, technical and economic, of the country, in a word—preparedness. All the other world powers of to-day have realized the necessity of maintaining highly trained and organized military and naval forces in time of peace, and all, or nearly all, are allied in powerful coalitions.

Without superiority on the sea or an adequate land force there is nothing to prevent any hostile power or coalition of powers from landing on our shores such part of its trained and disciplined troops as its available transports can carry. The time required is limited only by the average speed of its vessels and the delay necessarily consumed in embarking and disembarking.

In order that the American people can intelligently decide on a doctrine of preparedness which shall constitute the military policy of the United States, and that Congress and the Executive may be able to carry out their decision, information concerning the military strength of other great nations and shipping available for transport purposes must be clearly set forth.

The work of the statesman and of the soldier and sailor are therefore coordinate; where the first leaves off the others take hold.

5. Preparedness of the world powers for over-sea expeditions: Control of the sea having been once gained by our adversary or adversaries, there is nothing to prevent them from dispatching an over-sea expedition against us. In order to form an idea of the mobile force we should have ready to resist it an estimate must first be made of the approximate number of troops that other nations might reasonably be expected to transport and of the time required to land them on our coasts.

The number of thoroughly trained and organized troops an enemy can bring in the first and succeeding expeditions under such an assumption is a function of—

(a) The size of the enemy's army; and

(b) The number, size, and speed of the vessels of the enemy's merchant marine that can be used as transports.

Should our enemy be a nation in arms—that is, one in which all or nearly all of the male inhabitants of suitable physique are given a minimum of two years' training with the colors in time of peace (and this is true of all world powers except ourselves and England), it is evident that the size of the first expedition and succeeding expeditions would be limited only by the number of vessels in the transport fleets. It also follows that as the capacity and number of steamers in the merchant marine of any nation or group of nations increase in the future, the number of trained soldiers which such nation could send in such expedition will also increase, and our trained forces should be correspondingly augmented.

What the conditions were in August, 1914, is shown in the following table, which may be regarded as a reasonable estimate:

Preparedness of the great powers for over-sea expeditions.

Nation.	Strength of army.	Tonnage available of ships with capacity over—			First expedition using 50 per cent of tonnage given.		Second expedition using 75 per cent of tonnage given.		Time needed to—	
		3,000 tons.	2,000 tons.	1,000 tons.	Men.	Animals.	Men.	Animals.	Load and cross ocean with first expedition.	Return, load, and recross with second expedition.
									Days.	*Days.*
Austria-Hungary	4,320,000	.....	762,756	.....	72,000	14,000	108,000	21,600	20.7	40.4
France	5,000,000	.....	1,705,931	.....	160,931	32,186	243,295	48,279	15.8	30.0
Germany	5,000,000	3,569,962	4,018,185	.....	387,000	81,270	440,000	94,600	15.8	30.8
Great Britain	[1] 695,000	13,000,000	.....	.....	170,000	90,000	.....	.....	14.0	27.0
Italy	2,600,000	.....	1,065,321	.....	91,000	13,650	136,000	20,475	18.3	35.0
Japan	2,212,000	.....	.....	[2] 1,013,985	95,745	24,416	142,622	36,623	22.5	41.0
Russia	5,000,000	.....	428,019	.....	37,630	7,940	66,444	11,918	20.5	40.0

[1] 240,000 territorials.

[2] Japanese field regulations indicate the intention to use steamers of 1,000 tons; for this reason and because of the large amount of steamers between 10 and 12 knots speed, all Japanese steamers over 10 knots speed and a thousand tons gross have been considered.

[3] Fifty per cent has been assumed as the figure representing the amount of shipping in or within call of home ports at outbreak of war.

NOTE.—The allowance prescribed in our Field Service Regulations of 3 tons per man and 8 tons per animal for ships over 5,000 tons and 4 tons per man and 10 tons per animal for vessels under 5,000 tons has been used in estimating the capacity of ships, except where the regulations of any country prescribe a different allowance. These allowances include rations, water, forage, etc., for the voyage and a margin for three months' reserve supplies. The tonnage allowance covers men, animals, and all accessories and is sufficient to provide for vehicles (including guns).

Fighting power is the result of organization, training, and equipment backed by the resources of the country. Available shipping is a matter of commercial statistics.

The quality, organization, and efficiency of these troops, except those of Japan, which demonstrated their excellence in the Russo-Japanese War, are now undergoing a supreme test of military strength on land and sea. In addition, where certain nations have transported troops by sea their capabilities in this respect have to some extent been shown. This test by the ordeal of battle is visibly demonstrating their organization, their fighting power, and the rate at which each is capable of developing and maintaining its military strength.

This evidence, produced under conditions of actual warfare, presents an example of the resultant efficiency of any nation that has developed a sound military policy—the soundest policy being the one which insures a successful termination of the war in the shortest time.

6. Statement of the military problem: From what has been stated we are forced to the conclusion that we must be prepared to resist a combined land and sea operation of formidable strength. Our principal coast cities and important harbors have already been protected by harbor defenses which, by passive method alone, can deny to an enemy the use of these localities as bases for such expeditions.

The enemy being unable to gain a foothold in any of these fortified areas by direct naval attack, will therefore be forced to find some suitable place on the coast from which land operations can be conducted both against the important coast cities and the rich commercial centers in the interior. Long stretches of coast line between the fortified places lie open to the enemy. The only reasonable way in which these localities can be defended is by providing a mobile land force of sufficient strength, so located that it may be thrown in at threatened points at the proper time.

It has just been shown what the strength of these expeditions might be, as well as the time required for any one of them to develop its whole effective force. Hence it can be seen, when we take into consideration the possible two months' delay provided by the Navy, that our system should be able to furnish 500,000 trained and organized mobile troops at the outbreak of the war and to have at least 500,000 more available within 90 days thereafter. Here, however, it must be pointed out that two expeditions alone will provide a force large enough to cope with our 1,000,000 mobile troops, and consequently we must at the outbreak of hostilities provide the system to raise and train, in addition, at least 500,000 troops to replace the losses and wastage in personnel incident to war. To provide this organized land force is the military problem before us for solution.

I. THE REGULAR ARMY.

GENERAL FUNCTIONS OF THE REGULAR ARMY.

7. In the endeavor to reach a just conclusion as to the strength and organization of a Regular Army, adequate to play its part in our national defense, it must not be forgotten that this defense is a joint problem requiring for its correct solution the united efforts of both Army and Navy, and that the ultimate strength of the greater war army is dependent to a considerable extent upon the part to be played by the fleet. It is therefore assumed in this discussion that the Navy is preparing to place and maintain in the Pacific, when the occasion requires, a force superior to that of any oriental nation, and, in the Atlantic, one second only to that of the greatest European naval power.

The Regular Army is the peace nucleus of the greater war army of the Nation. Its strength and organization should be determined not only by its relation to the larger force, but by its own peace and war functions. It must be prepared at all times to meet sudden and special emergencies which can not be met by the army of citizen soldiers. Its units must be the models for the organization and training of those of the great war army.

Some of the functions of the Regular Army are:

(a) To furnish the entire strength of our garrisons outside of the United States proper both in peace and war.

(b) To garrison our harbor defenses within the United States proper in time of peace.

(c) To furnish detachments of mobile forces in time of peace sufficient for the protection of these harbor defenses and naval bases against naval raids which, under modern conditions, may precede a declaration of war.

(d) To furnish sufficient mobile forces to protect our principal cities by preventing the landing of hostile expeditions for their capture in the intervals between our fortified harbors or near such cities.

(e) To supply a mobile reserve to reenforce our garrisons outside of the United States proper during periods of insurrection and disorder.

(f) To furnish expeditionary forces for minor wars resulting from the occupation of foreign territory where treaty rights or fundamental national policies may have been threatened.

(g) To prepare in advance its existing administrative and supply departments for the equipment, transportation, and supply of the great war army of the Nation.

(h) To assist in the training of organizations of citizen soldiers.

8. Concerning the strength and organization of the Regular Army, the following points are to be considered:

(a) At the outbreak of war the Regular Army at home should be strong enough, with the addition of organized and trained citizen soldiers, to form the first line of defense in order to give sufficient time to permit the mobilization and concentration of our greater war army, and to seize opportunities for such immediate initial operations as may be undertaken before the mobilization of the army of citizen soldiers can be completed.

(b) It should be so organized and located that it can be economically and efficiently trained, quickly and easily mobilized and concentrated, and readily used as a model in the education and training of the citizen forces.

MOBILE AND COAST ARTILLERY TROOPS AND THEIR FUNCTIONS.

9. Experience has shown that our regular land forces and others modeled upon them must consist of two distinct classes, i. e.:
(a) Mobile troops.
(b) Coast Artillery troops.
These two groups have their own special functions for which they are trained and equipped and from which they should not be diverted except in some emergency.

The function of the Coast Artillery is to man our harbor defenses designed to protect important seaports from direct naval attacks and raids from the sea. The armament and accessories of these forts are intended to be so complete and powerful as not only to prevent hostile landings at all places within range of the guns, but also to cover all navigable waters in the vicinity of great seacoast cities so thoroughly as to leave no dead spaces from which enemy ships, either at anchor or during a run-by, could bring them under bombardment. While these harbor forts are important elements in our scheme of defense, they are, nevertheless, powerless to prevent invasion at points outside the range of their guns. The total length of our coast line is enormous, and the stretches covered by harbor defenses are and must remain very small compared with the unprotected intervals that lie between them. If we should lose command of the sea an invader would simply land in one of these intervals. It therefore follows that the ultimate defense of our coasts depends upon defeating a mobile army of invasion, and this can be done only by having mobile forces prepared to operate in any possible theater of war. At this stage of hostilities the problem becomes one of cooperation between Coast Artillery and mobile troops, but there can be no fixed relation in the strength of these two classes of land forces. The necessary strength of Coast Artillery troops depends upon the number and character of harbor defenses established; that of mobile troops upon the nature and extent of the defensive and offensive operations for which the Nation decides to be prepared.

RELATION BETWEEN HOME AND OVER-SEA GARRISONS.

10. The most rational method of determining the proper strength and organization of the Regular Army is based upon the fact that this force is and must be divided into two distinct parts—one for over-sea service; the other for home service. Each of these parts must have its proper quota, both of mobile and Coast Artillery troops.

The troops on over-sea service consist of the detachments required to meet the special military problems of the Philippines, Oahu, Panama, Alaska, Guantanamo, and Porto Rico. Each of these detachments has a distinct tactical and strategic mission, and is to operate within a restricted terrain. All of them are limited to over-sea communication with the home country, and all of them may therefore be isolated for considerable periods, especially in the critical first stages of war. It is obvious that under these circumstances these detachments should be prepared to meet all military emergencies until reenforcements from the United States can reasonably be expected. They must, therefore, be maintained at all times at full statutory strength, and must, in addition, be organized with the view to being self-supporting, preferably during the continuance of war, or at least until the Navy has accomplished its primary mission of securing the command of the sea.

The force at home is on an entirely different basis. It may or may not be given an adequate strength in time of peace, but it is supported by all of the resources of the Nation. It may be increased at the pleasure of Congress, and it may be reenforced by considerable forces of citizen soldiery. It follows from these considerations that the Military Establishment of the United States in time of peace should first provide effective and sufficient garrisons for the political and strategic outposts of the United States, and that the residue at home should be organized with the view to ultimate expansion into such war forces as national interests may require.

GENERAL REQUIREMENTS OF OVER-SEA SERVICE.

11. The Philippines: A decision to defend the Philippines against a foreign enemy is a matter of national and not of military policy. But in studying the military requirements of such defense it must be remembered that, under conditions of modern warfare, unless our Navy has undisputed control of the sea, we can not reenforce the peace garrison after a declaration of war or while war is imminent.

12. Oahu: The maintenance of the naval base at Pearl Harbor, Oahu, is an essential factor in the military problem of holding the Hawaiian Islands. These islands constitute a vital element in the defense of the Pacific coast and in securing to ourselves the full value of the Panama Canal as a strategic highway between the two oceans.

The problem of holding the Hawaiian Islands can be solved by making Oahu, and therefore Pearl Harbor, secure against all comers. A satisfactory solution requires the joint action of the Army and Navy. Pearl Harbor and Honolulu are already protected from direct naval attack by fortifications, now nearing completion. These, while deemed adequate to meet the conditions existing when they were designed, must now be strengthened to meet the recent increase in power of guns afloat; but no matter how complete these harbor fortifications on the southern coast of Oahu may be, they are unable to prevent attacks either on the remaining hundred miles of coast lying beyond the range of their guns or on the other islands of the group. Consequently there should be in addition a force of modern submarines and destroyers forming part of the permanent naval equipment of Pearl Harbor with sufficient radius of action to keep the Hawaiian waters thoroughly patrolled throughout their whole extent and to make them dangerous for enemy vessels. Should this force be worsted in combat and withdrawn before the arrival of our high-sea fleet, the complete control of the local waters might pass temporarily to the enemy, so that the ultimate security of both Honolulu, the naval base at Pearl Harbor, and, indeed, of the whole group, depends upon including in the Oahu garrison enough mobile troops to defeat any enemy that may land anywhere on the island. It is clear that perfect coordination between the Army and Navy at this station is absolutely essential to success in holding this key to the Pacific. Unless we provide such dual defense of the Hawaiian Islands we can not be sure of retaining control even of that part of the Pacific lying within the sphere of defense of our western coast. By making such provision the high-sea fleet is left free to seek out the enemy fleet in Pacific waters.

13. Panama: The Panama Canal is a very important strategic position which it is our duty to hold. By our control of this highway between the two oceans the effectiveness of our fleet and our general military power is enormously increased. It is therefore obvious that the unquestioned security of the canal is for us a vital military need. The permanent garrison should be strong enough to guard the locks, spillways, and other important works and to prevent a naval attack which, under modern conditions, may even precede a declaration of war. We should, therefore, be able, even in peace, to man the seacoast guns and mine defense that cover the approach to the canal, and we must have enough mobile troops to defeat raids. A modern fleet might land a small raiding party of several thousand bluejackets at any one or more of a number of places, and such a force landing out of range of the seacoast guns could, if unopposed, penetrate to some vulnerable part of the canal within a few hours. The permanent garrison should, therefore, include a mobile force strong enough to anticipate and defeat naval raids at the beginning of hostilities and to protect the canal against more serious land operations liable to be undertaken later. If the enemy is operating on one ocean only, it might be possible to send reenforcements from the United States, but to count on such relief would be running too great chances. By authority of the Republic of Panama, this garrison is given facilities in time of peace to operate beyond the Canal Zone in order that the troops may be properly trained for their special mission and made familiar with the terrain over which they may be called upon to operate in defending the canal.

14. Guantanamo: The policy of the United States contemplates the establishment of a naval base at Guantanamo. Garrison of Coast Artillery and mobile troops are necessary for its defense and should be assigned to station there at the proper time.

15. Alaska: The garrison of Alaska should be large enough to support the authority of the United States and, in time of war, to maintain our sovereignty over a small selected area of the Territory. As work on the Alaskan Railroad progresses, the military needs of Alaska will increase.

16. Porto Rico is to be classified with the Philippines and Guam. Unlike Alaska and Hawaii, these island possessions have not been organized as Territories; nevertheless, they all belong to the United States and must be protected.

GENERAL REQUIREMENTS OF HOME SERVICE.

17. General distribution of Coast Artillery troops in fortified areas: It has already been shown where we should have garrisons for over-sea service, and why. It now remains to show how we should distribute our regular troops for service at home. Coast Artillery stations should correspond to the fortified areas on the seacoast, and these are indicated by the position of the harbor defenses, which are at present located as follows:

Portland, Me.; Portsmouth, N. H.; Boston; New Bedford; Narragansett Bay; Long Island Sound; New York; the Delaware; Baltimore; the Potomac; Chesapeake Bay; Cape Fear; Charleston; Savannah; Tampa; Key West; Pensacola; Mobile; New Orleans; Galveston; San Diego; Los Angeles; San Francisco; Pudget Sound; and the Columbia.

18. General distribution of mobile troops in strategic areas: As previously explained, the influence of harbor defenses is limited to the areas within the range of their guns. To provide harbor defenses without mobile forces necessary to cover the unprotected intervals that lie between them would be comparable with attempting to make a house burglar proof by barring the doors and leaving the windows open. There is not a case in history where seacoast fortifications, efficiently manned, have been captured by direct attack from the sea. In all cases of capture mobile land forces have been employed for the purpose, and an enemy that hopes for success must undertake landing operations against us. We must therefore decide upon a rational distribution of our mobile forces to meet this contingency.

19. Puget Sound area: Western Washington is bordered on the east by the steep and rugged Cascade Mountains, on the south by the Columbia River, and on the north by Juan de Fuca Strait and Canada. This corner of the United States is completely cut off from the rest of the country by great natural obstacles and presents an extensive front for attack by sea. While the maps show some 20 passes across the Cascade Mountains, communication with the East is almost entirely by three railroads, all crossing at points less than 50 miles apart, and having tunnels or other vulnerable structures. The only practicable wagon road is effectually closed to traffic for between four and five months each year by heavy snows. Communication with the south is by one line of railroad, crossing the Columbia River by bridge at Vancouver. Communication between this section and the east and south is thus largely dependent upon a number of structures readily destroyed by high explosives and impossible of restoration to traffic within a definite time. The two railroads along the Columbia River, at the point where it breaks through the mountains, could be easily wrecked so as to require considerable time to repair, and the gorge could be held by a small force against a large one coming from the east. If an enemy succeeds in entering western Washington and in seizing and destroying the important bridges and tunnels, he would be so securely established as to render it extremely difficult to dislodge him. In this rich region an invader could maintain himself indefinitely. The harbor defenses maintained in this region are reasonably strong. Ordinary precaution demands that a mobile force of reasonable strength be also maintained in this region.

20. California area: There are five transcontinental lines of railway entering California. The Western Pacific and Southern Pacific by the passes through the Sierras northeast of Sacramento; the Atchison, Topeka & Santa Fe and the San Pedro, Los Angeles & Salt Lake via Daggetts Pass northeast of Los Angeles; and the Southern Pacific via the Salton Sea and Gorgonia Pass, southeast of Los Angeles. There are no other passes through the Sierras that have been considered practicable. There is no railroad running south into Lower California. Only one railroad, the Southern Pacific, runs north into Oregon. As in the Puget Sound region, communication with the East is largely dependent upon structures readily destroyed by explosives and impossible of restoration to traffic within a definite time; California and the greater centers of population are separated by wide expanses of sparsely settled country. To transport promptly large bodies of troops into California would be difficult, if not impossible, in face of opposition at the passes. The invader would have a most fertile region at his back, while the reverse would be the situation with us.

The harbor defenses maintained in this region are reasonably strong, but they are of little use unless supported by a reasonably strong mobile force maintained in this region.

To rely for defense during the first stages of a war upon a mobile force shipped in from the East is to invite disaster.

21. Atlantic area: In case of war with a first-class power on the Atlantic, that portion of our country lying between and including Maine and Virginia would undoubtedly be the primary object of an invader. While all other points along the Atlantic and Gulf coasts and all points on our land frontiers would undoubtedly be in danger, the danger would be secondary to that of the North Atlantic States above named. Here, also, the harbor defenses are reasonably strong, and here, also, a mobile force should be kept sufficient in size to hold important points until the citizen soldiery can be mobilized.

While many other regions are important, the three regions described—Puget Sound, California, and the North Atlantic States—contain the critical areas.

22. Middle West area: The center of population of the United States is in the Middle West, and here should be located a mobile force for use in case of need, on either the Pacific or Atlantic coast, the northern or southern border.

NECESSARY STRENGTH OF MOBILE TROOPS FOR OVER-SEA SERVICE.

23. Constant study of the problem which confronts each of our over-sea garrisons in connection with the advance made in arms, transportation, tactics, lines of information, methods of communication, undersea craft, and aerial operations has led to the conclusions that the strength of the over-sea garrisons herein given is the minimum below which they should not be allowed to fall at any time.

The general requirements of over-sea service have already been stated for each of the several localities concerned. It now remains to determine the necessary strength to meet these requirements, taking up each case in turn.

24. The Philippines: If in accordance with national policy it is decided to keep the American flag flying in the Philippines in war as in peace, it becomes essential to hold Manila Bay.

25. Oahu: Having in mind the principles governing the relations between home and over-sea garrisons, the force maintained at all times in Oahu should include:

Nine regiments of Infantry (three brigades).
One regiment of Cavalry.
Two regiments of Field Artillery.
Two battalions Engineers; one battalion Signal Corps; one aero squadron; one telegraph company.
Two ambulance companies.
Fourteen companies Coast Artillery.
This force will total about 25,000 combatant officers and men.

26. Panama: The force maintained at all times in the Canal Zone should include:

Nine regiments of Infantry (three brigades).
One regiment of Cavalry.
One regiment of Field Artillery (3-inch mountain howitzers).
Two battalions of Engineers; one battalion Signal Corps; on aero squadron; one telegraph company.
One ambulance company; one evacuation hospital.
Twenty-one companies Coast Artillery Corps.
This force will total about 24,000 combatant officers and men.

27. Guantanamo: The policy of the United States contemplates the establishment of a naval base at Guantanamo. Garrisons of Coast Artillery and mobile troops are necessary for its defense and should be assigned to station there at the proper time.

28. Alaska: The garrison of Alaska should be large enough to support the authority of the United States and, in time of war, to maintain our sovereignty over a small selected area of the Territory. As work on the Alaskan Railroad progresses the military needs of Alaska will increase.

In time of peace it is believed that the Alaskan garrison should be one regiment of infantry (1,915 officers and men), to be increased later as circumstances may demand.

29. Porto Rico: The present garrison, reorganized into a full regiment of three battalions, etc., is sufficient (1,915 officers and men).

30. The following table gives a summary of the minimum garrison to be maintained on over-sea service:

Table of garrisons for over-sea stations.

Localities.	Regiments of Infantry.	Regiments of Cavalry.	Batteries of Field Artillery.	Battalions of Engineers.	Battalions, Signal Corps.[1]	Aero squadrons.	Companies of Coast Artillery Corps.
Philippines	9	3	18	[2]1½	1½	1	26
Oahu	9	1	12	2	1½	1	14
Panama	9	1	6	2	1½	1	21
Alaska	1	.....	.....	.....	.....	.....	.....
Porto Rico	[3]1	.....	.....	.....	.....	.....	.....
Total	29	5	36	5½	4½	3	61

[1] Includes one telegraph company in each garrison.
[2] 1 company mounted for Cavalry brigade.
[3] Native.

Combatants—	Officers and men.
Mobile	74,500
Coast Artillery Corps	7,500
Total	82,000

NECESSARY STRENGTH OF MOBILE TROOPS FOR HOME SERVICE.

31. Careful studies made at the War College, extending over a period of years, lead to the conclusion that the strength of the Infantry, Cavalry, Field Artillery, Engineers, and Signal troops of the Regular Army maintained at home in time of peace, and the distribution of administrative units of these arms in the principal strategic areas, should be as given in the following table:

Combatant troops.

	Infantry regiment.	Cavalry regiment.	Field Artillery regiment.	Engineer battalions.	Battalions, Signal Corps.	Aero squadrons.
Puget Sound area	9	3	[1]3½	2½	[1]1½	1
California	9	4	3½	2½	1½	1
North Atlantic States	9	4	3½	2½	1½	1
Middle West	9	3	3½	2½	1½	1
Mexican border	.....	6	1	⅝	1	1
Total	36	20	15	10	7	5

[1] Each Cavalry brigade to have 1 battalion horse artillery; 1 company mounted Engineers; 1 company Signal Corps.

Approximate total, 121,000 officers and men.

These troops should be organized in higher tactical units and distributed in strategic areas substantially as follows:

Puget Sound area: One division (less divisional Cavalry) and one Cavalry Brigade (of three regiments).

California: One division and one Cavalry brigade.

North Atlantic States: One division and one Cavalry brigade.

Middle West: One division (less divisional Cavalry) and one Cavalry brigade.

Mexican border: West of El Paso, one Cavalry brigade; east of El Paso, one Cavalry brigade.

NECESSARY STRENGTH OF COAST ARTILLERY TROOPS REQUIRED FOR SERVICE OVERSEAS AND AT HOME.

32. The strength of the Coast Artillery depends upon the number of guns and mine fields installed and projected, and upon the assistance to be received from Organized Militia units. An estimate prepared in the office of the Chief of Coast Artillery gives the following strength in companies required under the supposition that all mine fields and all over-sea guns and one-half the guns at home are manned from the Regular Army

	Companies.
Philippines	26
Oahu	14
Panama	21
United States	228
Total	289
Total companies (gun and mine)	289
Officers and men	34,413

TOTAL STRENGTH OF THE REGULAR TROOPS REQUIRED FOR ALL SERVICES.

33. Combining all previous estimates of Coast Artillery and mobile troops required for service in over-sea garrisons and at home, the following tabular statement of the required strength of the Regular Army in units appropriate to each arm, results, viz:

Localities.	Infantry regiments.	Cavalry regiments.	Field Artillery regiments.	Coast Artillery companies.	Engineer battalions.	Signal Corps battalions.
Philippines[2]	9	3	3	26	1½	1
Oahu	9	1	2	14	2	1
Canal Zone	9	1	1	21	2	1
Alaska	1	.....	.....	.....	.....	.....
Porto Rico	1	.....	.....	.....	.....	.....
Puget Sound area	9	3	3½	.....	2½	1½
California	9	4	3½	.....	2½	1½
North Atlantic States	9	4	3½	.....	2½	1½
Middle West	9	3	3½	.....	2½	1½
Mexican border	.....	6	1	.....	⅝	1
United States	.....	.....	.....	228	.....	.....
Total required	65	25	21	289	15⅛	[3]10

[1] Includes aero squadrons.
[2] Nine regiments Infantry, 2 regiments Field Artillery, 2 battalions Engineers. Filipinos to be added, 21,000 officers and men.
[3] This estimate can only be verified by an inspection of all the harbors in question, for which inspection there has not been sufficient time since this estimate was received.

These figures may be summarized as follows:

Oversea:		
Mobile (combatant)	74,500	
Coast Artillery Corps	7,500	
		82,000
In United States:		
Mobile (combatant)	121,000	
Coast Artillery Corps	27,000	
		148,000
Total:		
Mobile (combatant)	195,500	
Coast Artillery Corps	34,500	
		230,000

To this total should be added officers and men for the Sanitary, Quartermaster, Ordnance Department, etc., appropriate to a force of this strength, amounting approximately to 30,000 officers and men. Including Philippine Scouts, 21,000, the grand total becomes 281,000.

34. Organization: The tables of organization, approved and published on February 25, 1914, for the information and government of the Regular Army and Organized Militia of the United States, have been taken as the guide in estimating the numerical strength of the personnel of the various tactical and administrative units men-

tioned in this report. This was done as a matter of convenience and because the service generally is familiar with these tables, which are the latest official publication of the War Department on this subject. They conform to the Field Service Regulations, and are the best that can be devised under the limitation of the present laws governing the Army, but it can not be too emphatically stated that they are for emergency use only and contain certain undesirable and unscientific features, which should be corrected as soon as the necessary legislation can be obtained. For example, the war organization shown in the tables is provisional only, while the peace strength is arranged so as not to exceed the total enlisted strength of about 93,000 men now permitted by existing appropriations.

This limitation falls heaviest upon the Infantry, whose organizations on home service are maintained at only 43 per cent of full statutory strength, while the Cavalry organizations are maintained at 75 per cent and those of Field Artillery at 77 per cent of such strength. It is generally conceded that our Infantry companies should each have the full statutory strength of 150 men in order to permit proper training of the officers in time of peace and supply efficient fighting strength in time of war.

In consequence of the greatly reduced strength of these Infantry organizations, their efficiency is unduly decreased and overhead charges correspondingly increase.

The requirements of modern war demand that a machine-gun unit, a supply unit, and certain mounted men be attached to each regiment, and that units of various strengths be assigned to brigade and division headquarters. None of these units is authorized by law, yet all are essential. Tables of organization, 1914, represent an effort to adapt an archaic statutory organization to modern requirements by organizing the necessary additional units, provisionally. This has been done by detaching from statutory organizations the personnel required. An examination of the tables will show that more than 5 per cent of the Infantry personnel authorized by Congress have been diverted from their legitimate duty as members of statutory organizations and have been assigned to provisional units which, while necessary and essential, have only the sanction of departmental authority and lack the efficiency which can only be given by statute. In the Cavalry more than 9 per cent are similarly diverted.

Recognizing these facts, the War College Division of the General Staff has prepared a plan for organizing on modern lines an army of the strength just shown to be necessary for the national needs. Should this plan be approved, the organization of the Regular Army, the militia, and whatever reserves are formed would proceed along the new lines.

II. The Organized Militia.

35. The act of Congress approved April 25, 1914, commonly known as the volunteer law, defines the land forces of the United States as "the Regular Army, the organized land militia while in the service of the United States, and such volunteer forces as Congress may authorize."

The Organized Militia, in addition to its use as a State force, is available for use by the Federal Government, as provided in the Constitution, viz, to execute the laws of the Union, suppress insurrection, and repel invasion.

36. Constitutional functions of the Organized Militia: Its constitutional functions are the following:

(a) A State force to preserve order within the State limits, in order to avoid calling upon the Regular Army or the Organized Militia of other States to discharge such function.

(b) A Federal force when called forth by the President, as prescribed by Congress, for any of the three purposes authorized by the Constitution.

37. Some uses of the Organized Militia as a Federal force: Having been called forth as militia, they may be used as follows:

(a) As Coast Artillery supports and reserves.

(b) To guard and protect certain bridges, canal locks, arsenals, depots of supplies, docks, navy yards, and other vunerable points in the home territory.

(c) To guard lines of communication within the limits of the United States.

38. Limitations: It is stated later in this report that 12 months, at 150 hours per month, "is considered the minimum length of time of actual training considered necessary to prepare troops for war service." Due to constitutional limitations, Congress has not the power to fix and require such an amount of training for the Organized Militia. No force can be considered a portion of our first line whose control and training is so little subject to Federal authority in peace. No force should be considered a portion of our first line in war unless it be maintained fully organized and equipped in peace at practically war strength. This would exclude the Organized Militia from consideration for service in the first line mainly because of the impossibility of giving it in peace the training required for such function. It may be necessary to continue Federal support of the Organized Militia in order that some organized force may be immediately available for the purposes set forth in paragraphs 3 and 4.

39. Recommendations: In the preparation of plans for the national defense and for the preservation of the honor and dignity of the United States, the number of troops that are deemed necessary are largely in excess of the total regular and militia forces available in the United States.

It is only during the existence of war, or when war is imminent, that any other forces may be raised under existing law. When Congress so authorizes the President, he may call forth volunteers.

Section 3 of the volunteer law provides that under certain conditions organizations of the Organized Militia may be received into the Volunteer Service in advance of any other organizations of the same arm or class from the same State, Territory, or District; and section 4 of the act of May 27, 1908, amending the militia law, provides that the militia shall be called into the service in advance of any volunteer force that may be raised.

It is evident that it can not be known prior to the existence of the imminence of war what organizations, if any, of the Organized Militia will enter the Volunteer Service, and that no definite plans can be prepared providing for the use of such organizations, either as militia or as volunteers, until war is actually upon us.

No legislation affecting the Organized Militia is recommended beyond the repeal of all provisions of laws now in effect whereby militia or militia organizations may or must be received into the Federal service in advance of any other forces.

This recommendation is not to be construed as advocating express repeal of certain sections of existing laws relating to the Organized Militia, but as suggesting that any legislation hereafter proposed for the organization of a Federal reserve force shall contain the usual concluding section repealing all laws and parts of laws inconsistent therewith, and that such legislation be so framed as to render inconsistent with it the provisions of law just referred to.

III. Reserves.

40. Reserves include: (a) Well-instructed soldiers of the Regular Army furloughed to what is herein termed the regular reserve, (b) citizen soldiers, (c) reserve officers.

41. The regular reserve: As the United States should have a mobile force of 500,000 soldiers available at home at the outbreak of war, the Army, with the regular reserve, should amount to this strength. In order to develop the necessary regular reserve with the Army at the strength advocated in this policy, enlistments would have to be for about eight years—two with the colors and six in reserve. That would, in eight years, result in approximately the following mobile forces at home available at the outbreak of war:

(1) Mobile regular troops (combatant) with the colors	121,000
(2) The regular reserve	379,000
Total	500,000

During the first weeks of war in this country the military situation will probably be critical. At that time every fully trained soldier should be put in the field. To do that with the small military establishment herein advocated it is necessary that during peace the Army be kept at war strength, and that the regular reserve be organized and not kept back to replace losses expected during war. Such losses should be replaced from depot units.

42. Citizen soldiers: In addition to the 500,000 fully trained mobile troops mentioned above, at least 500,000 more—a total of 1,000,000 men—should be prepared to take the field immediately on the outbreak of war and should have had sufficient previous military training to enable them to meet a trained enemy within three months. Twelve months' intensive training is the minimum that will prepare troops for war service. Therefore the 500,000 partly trained troops above referred to require nine months' military training before war begins. Military efficiency of reserves requires that Regular Army officers be assigned thereto for training purposes—at least one to every 400 men—and that organizations and specially designated noncommissioned officers of the Army be utilized in instructing reserves, as far as practicable.

Based upon experience with Tables of Organization, 1914, the War College Division has recently prepared a new plan of organization for the Army. The Regular Army and the reserves should be organized according to this plan. Organizations should be formed of men from the districts to which their respective organizations are assigned for recruiting. For this purpose, each organization should be assigned to a district from which recruits most suitable for the service required of the organization may be obtained—mounted units to horse-raising districts, technical troops to manufacturing districts, etc. As a rule, the size of districts should be about in proportion to population of the qualifications—age, etc.—required. Organizations in war should be kept at full strength from the depot units which they should have in their respective recruiting districts.

43. Reserve officers: Officers for staff and organizations of reserves, and officers for temporary appointment in the Regular Army, as provided for in section 8 of the volunteer law (act of Congress approved Apr. 25, 1914), should be selected and trained in time of peace. The President should be authorized to issue, by and with the advice and consent of the Senate, commissions as reserve officers to citizens of the United States who upon examination prescribed by the Secretary of War, demonstrate their physical, mental, moral, and professional fitness therefor, and who duly obligate themselves to render military service to the United States while their commissions are valid. Such commissions should be valid five years, and renewable under such regulations regarding examinations and qualifications as the Secretary of War may from time to time prescribe.

IV. Volunteers.

44. In addition to any forces that may be maintained and trained in time of peace, provision must be made for vastly increasing such forces in time of war. These must come from the untrained body of citizens, and provision for raising them is contained in the act of Congress approved April 25, 1914.

45. This act meets the military needs for raising volunteer troops, as far as concerns the enlisted personnel, except in two particulars, which are: First, that under the existing laws certain organizations of the militia, with numbers far below the full strength, can enter the volunteer force in advance of other similar volunteer organizations from the same State; and, second, no volunteers of any arm or branch can be raised until all the militia of that particular arm or branch have been called into the service of the United States. The changes necessary to remedy these defects have been set forth in paragraph 39 under the subject of the Organized Militia.

V. Reserve Material.

46. Of all the features disclosed by the war in Europe none stands more clearly revealed than the power to be derived from national economic organization behind the armed forces of a nation.

47. In a war of gigantic proportions the chances of success are immeasurably lessened by wastage, abuse, and confusion. Steps should be taken looking toward a national organization of our economic and industrial resources as well as our resources in fighting men.

48. In its report the commission appointed by the President to investigate the conduct of the War Department in the War with Spain used the following language:

"One of the lessons taught by the war is that the country should hereafter be in a better state of preparation for war. Testimony has been taken on this subject and suggestions have been made that large supplies of all the material not liable to deterioration should be kept on hand, to be continuously issued and renewed, so that in any emergency they might be available. Especially should this be the case with such supplies, equipment, and ordnance stores as are not in general use in the United States and which can not be rapidly obtained in open market."

49. The lack of such articles as shoes, wagons, harness, rifles, saddles, medical chests, and so on, will render ineffective an army just as certainly as will the lack of ammunition.

50. For the purposes of storage military supplies may be divided into four classes:

(a) Supplies that can be obtained in great quantities in the open market at any time.

(b) Those that can be obtained in sufficient quantities on 15 days' notice.

(c) Those that can be obtained on three months' notice.

(d) Those that can not be obtained within three months.

51. The War College division of the General Staff is of the opinion that for purposes of defense we should maintain the troops enumerated in Parts I and II of this report.

52. A fully trained force, to be effective during the critical period when war is imminent and during the first few weeks of a war, must not be hampered by lack of necessary supplies and equipment. For this reason, supplies of all kinds which can not be obtained in the open market at any time must be kept on hand, in use and in store, at home and oversea, sufficient to equip without delay all troops whose training warrants sending them promptly into the field.

53. It is probable that as soon as war becomes imminent the continental army—500,000 mobile troops—will also be called out. As this partially trained force can not be expected to take the field within three months' time, it is practicable to refrain, after the third year, from keeping on hand or in store for it any articles of equipment except those necessary to complete its training and those which can not be procured within three months.

54. The total number of harbor-defense troops necessary is about 50,000. Due to conditions of service, it is believed that ultimately supplies of all kinds for 60,000 should be kept on hand.

55. In any great war volunteers must be called out in addition to the troops above enumerated.

56. It would be unwise to have on hand at the beginning of a war merely the supplies sufficient to place in the field our first contingent of troops and to complete the training of the continental army, and to be unprepared to supply to even a limited extent the volunteer army we should have to raise, not to mention replacements of arms, ammunition, clothing, and equipment of all kinds for those already in the field; but on account of the great sum of money which will be necessary in entering upon a program for collecting and storing military supplies it is believed that the subject of equipment for a volunteer army and replacements for the Regular and continental armies should be provided for by obtaining options with domestic manufacturers to furnish the required supplies, all of domestic manufacture, in accordance with tentative contracts to be made by the supply departments with such manufacturers in time of peace. By so doing we will be taking the initial steps toward organizing the industrial and economic resources of the country as well as its resources in fighting men.

57. Referring to Part II, approximately the following troops will be available at the close of the successive years:

	Fully trained mobile troops.	Partially trained continental army.	Harbor-defense troops.	Total.
First year	160,000	185,000	30,000	375,000
Second year	219,000	351,000	40,000	610,000
Third year	320,000	500,000	50,000	870,000
Fourth year	383,000	500,000	52,000	935,000
Fifth year	439,000	500,000	54,000	993,000
Sixth year	489,000	500,000	56,000	1,045,000
Seventh year	534,000	500,000	58,000	1,092,000
Eighth year	574,000	500,000	60,000	1,134,000

A study of these figures and of the difficulties we have experienced in the past in the matter of supplies lead to the conclusion that the program adopted for procuring reserve supplies should be such that at the close of each year we should have in use and in store, at home and oversea, supplies of all kinds necessary to equip:

	Infantry divisions.	Cavalry divisions of 9 regiments.	Harbor-defense troops.
First year	13	3	30,000
Second year	22	5	40,000
Third year	32	6	50,000
Fourth year	34	7	52,000
Fifth year	36	8	54,000
Sixth year	37	9	56,000
Seventh year	38	10	58,000
Eighth year	40	10	60,000

The supplies acquired during the first three years should include all articles which can not be obtained in sufficient quantities on 15 days' notice, those acquired during the last five years to include only those articles which can not be obtained on three months' notice. After the eighth year the program should be extended to provide for the storing of such additional machine guns, rifles, field guns, ammunition, etc., as may be considered advisable.

58. In order that vast supplies pertaining to one supply bureau should not be secured and relatively nothing be done by other supply bureaus, supplies should be obtained progressively in complete division units.

59. In order that the efforts of the various supply bureaus may be properly coordinated by the Chief of Staff, reserve supplies should be collected in general supply depots located in accordance with the general principle below enumerated. Each general supply depot should be considered a place of issue in time of peace for all articles of field equipment, so that the stock on hand will be continually turned over and the machinery for the issuing and forwarding of supplies will be in operation at the outbreak of war. The commander of each general supply depot should be either a line or a staff officer specially selected by and reporting direct to the Chief of Staff and independent of the control of any one particular staff department but keeping in touch with all. The commander of each general supply depot should be assisted by the necessary commissioned, enlisted, and civilian personnel. Supplies for not more than three division units should be stored at any one locality. Each place selected for a reserve storehouse should be one that will be at all times under adequate military protection, where ground is available and where abundant railroad facilities exist.

60. As a general military principle, no supply depot, arsenal, nor manufacturing plant of any considerable size, supported by War Department appropriations for military purposes, should be established or maintained east of the Appalachian Mountains, west of the Cascade or Sierra Nevada Mountains, nor within 200 miles of our Canadian or Mexican borders, and steps should be taken gradually to cause to be moved depots and manufacturing plants already established in violation of this military principle.

61. The estimated cost of the field equipment of one Infantry division, Tables of Organization 1914, is as follows:

	Can be obtained in the open market in great quantities at any time.	Can be obtained on 15 days' notice.	Can be obtained on 3 months' notice.	Can not be obtained on 3 months' notice.
Signal supplies	$722.12	$1,688.51	$6,030.46	$385,310.26
Quartermaster supplies	51,983.35	54,054.45	3,177,083.47	
Engineer supplies				
Ordnance supplies	5,779.67	7,730.96	257,489.89	4,164,770.68
Medical supplies	10,997.95	10,189.63	88,861.51	

And the estimated cost of one Cavalry division of nine regiments is approximately as follows:

	Can be obtained in the open market in great quantities at any time.	Can be obtained on 15 days' notice.	Can be obtained on 3 months' notice.	Can not be obtained on 3 months' notice.
Signal supplies	$370.80	$1,638.53	$4,290.61	$277,156.43
Quartermaster supplies	55,102.48	76,143.40	4,584,628.93	
Engineer supplies				
Ordnance supplies	31,862.02	18,630.56	311,056.68	3,541,004.68
Medical supplies	13,454.99	13,960.57	108,630.36	

62. While the amount of money involved is large, practically all of it will remain at home, especially if every effort be made by the supply bureaus to eliminate from supply tables all articles not of domestic manufacture. It must also be kept in mind that it is cheaper to buy war supplies in time of peace than in time of war.

[Memorandum for the Chief of Staff.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, September 11, 1915.

Subject: Estimate of cost of the military establishment recommended by the War College Division, September 11, 1915.

1. The following estimate of cost is submitted pursuant to instructions of the Chief of Staff dated September 7, 1915:

2. The figures for the cost of the Regular Army are based upon the actual appropriations therefor during five consecutive years. (See W. C. D. 9053–81.) Where appropriations made during those five years have been in part employed in building up a reserve of supplies, the figures have been placed, in the following estimates, under the heading "Reserve matériel." The initial cost will, of course, be greater than that of any succeeding year, for in the first year have been included a complete equipment of new machine guns, field guns, etc. After the first year the expense will be for upkeep only. As for shelter, the figures submitted are based upon the expense of upkeep of all present occupied barracks and quarters plus the expense of putting in cantonment all new regular units to be organized.

3. The estimated cost should not convey the idea of actual expenditure, for it must be kept in mind that military supplies, whose value is approximately $43,000,000, are at present in store and available for use.

4. The estimated cost for the Organized Militia is the same as that indicated in W. C. D. 9053–75, August 21, 1915.

5. The estimated cost of the continental army has been obtained by adding 25 per cent to the estimated cost of 400,000 men, submitted in W. C. D. 9053–75, August 21, 1915.

6. The estimated costs of reserve matériel given in paragraph 61, Statement of a Proper Military Policy, have been submitted by the chiefs of the bureaus of the War Department concerned.

7. Estimated cost:

Regular Army:	
First year	$258,960,000
Per year thereafter	249,973,000
Organized Militia, per year	7,060,000
Continental army:	
First year	87,500,000
Second year	70,000,000
Third year	85,000,000
Per year thereafter	62,500,000

M. M. MACOMB,
Brigadier General, Chief of War College Division.

Mr. CHAMBERLAIN. Mr. President, there has been a great deal of discussion about serious differences between the Secretary of War and the Committees on Military Affairs of the House and Senate. There were, of course, some differences, but I think none of them are so serious but that they may be adjusted in conference.

I want to say, in reference to the Senate bill, Mr. President, that I have been working at it for several months, with consultations now and then with different officers of the Army in whose judgment I had confidence. When the bill was finally framed by me as a basis for the preparation of a proper bill, it was not introduced into the Senate, but it was printed and submitted to the Committee on Military Affairs for discussion; so that the bill, as it comes out of the committee now, has been prepared by the Military Committee, and there has been

at no time, I desire to say to the Senate, any political question, any policy of party, or any other subject discussed except this bill. My Republican friends have never at any time undertaken to inject any political or partisan discussions into the deliberations of the committee or to interfere with the preparation of a bill that would have for its purpose the very best interests of the whole country. So it has been with my Democratic friends on the committee in the preparation of the bill before the committee.

After it was prepared, the committee sent the bill to the War Department for submission to the War College and the General Staff, and we have had the reports of those organizations on the bill, with estimates and everything I think the Senate will want to be advised about. We have had hearings that went into the whole question without stint, as far as it was possible for us to go. In the consideration of the bill, in order that the Senate may know that this committee was trying to do its whole duty to the Senate and to the country, I will state that we had before us the so-called Garrison plan; we had the Hay bill; we had before us every measure which had been prepared or had emanated from any authoritative source; and this bill of ours has embodied in it what we concluded was the best of all of them, and I believe I am safe in saying that it has the pretty general approval of the experts in the Army and in the country. While we do not give the Army what it asks, we have undertaken to reorganize it so as to have it along the lines of a consistent organization.

In our further efforts to get the bill before the Senate in proper shape we had the Secretary of War detail to us two very competent and distinguished officers of the Army, to whom we are greatly indebted for the assistance they have given us. Gen. William H. Carter, a retired Army officer, who has probably commanded larger bodies of troops in this country than any other officer in the Army, has assisted us, and Maj. William D. Connor, an officer of the Engineer Corps, was with us, and has remained with us all the time, not to formulate a bill but in an advisory capacity, to discuss with the committee all the technical questions which have arisen, and they have been faithful in their efforts to assist in reaching a proper conclusion. So much for the genesis of the bill and the efforts the committee has made to try to get before the Senate a proper measure.

The bill deals with five subjects, and it is in that connection that I desire to have the Senate bear in mind the report from which I read a while ago. They are, first, the regular force—that is, the Regular Army; second, officers of the reserve corps; third, reserve officers' training corps; fourth, the volunteer force; and, fifth, the National Guard. That covers all of the possible sources from which to organize an army, whether it be a regular army or a volunteer force or the National Guard.

Now, for the increases. I want to show the Senate the increases which the present bill makes over the existing Regular Army organization. It increases the Regular Army by the addition of 34⅓ regiments of Infantry, 10 regiments of Cavalry, 15 regiments of Field Artillery, 5 regiments of Engineers, 93 companies of Coast Artillery, 2 battalions of Mounted Engineers, and 7 aero squadrons. The total increase of the enlisted personnel of the Army over and above the present organization is 74,789 men. That is exclusive of the Hospital Corps and the Quartermaster Corps, because under the law as it is now these two branches of the service are not considered or counted as a part of the enlisted strength. They have never been counted as such; in other words, they are not a combatant force and their duties are not in the line of the Army.

Mr. STONE. But they are a very important branch of the service.

Mr. CHAMBERLAIN. They are a very important branch, and the Army could not get along without them, I will say to the Senator. The authorized strength in enlisted men, including the Philippine Scouts, at the present time is 89,324; the Quartermaster Crops, 6,000; the Hospital Corps, 4,012; and unassigned recruits, 4,000; making a total present actual strength of the line, including the Philippine Scouts, the Quartermaster Corps, and the Hospital Corps, 102,660 men. That is what the Army consists of to-day.

Mr. OVERMAN. Is that the authorized, or is that the actual strength?

Mr. CHAMBERLAIN. That is the actual strength. Of course there are included in those 102,660 men, as I have just stated, and not to be considered as a part of the enlisted strength, 4,900 in the Quartermaster Corps, 4,436 in the Hospital Corps, and 4,000 unassigned recruits. The unassigned recruits are those that have been enlisted in the service but have not yet reached their destination. The Philippine Scouts are also included in the total I have given.

Mr. President, the present bill, if enacted into law, will give——

Mr. SIMMONS. How many Philippine Scouts are there?

Mr. CHAMBERLAIN. I will give the Senator the exact number—5,733.

Mr. STONE. That is a sort of local force.

Mr. CHAMBERLAIN. The scouts are used over in the Philippines, but they are a part of the Army.

Mr. TILLMAN. May they be brought over here?

Mr. CHAMBERLAIN. I presume so; but they are made part of the Army for the purpose of service in the Philippines.

Mr. President, the pending bill would give us, if enacted into law, an enlisted strength, including the Philippine Scouts, of 174,789 men. If we add to that the Quartermaster Corps, the Hospital Corps, and the unassigned recruits, it would give us 194,586 men.

Now, I wish to call the attention of the Senate to this difference between the House and Senate bills: The House bill appears to give only a strength of 140,000 men; but there are to be added to that the men I have added to make the strength under the Senate bill 194,586—the Hospital Corps and the Quartermaster Corps, whatever that number might be—so that the enlisted strength provided in the House bill would be run up in excess of 140,000 if these branches of the service be counted as part of the strength of the Army.

In order to have the matter in form for the purpose of comparison under the present bill, the actual increase in the present force would be as follows: Enlisted men, including the Philippine Scouts, 74,789; Quartermaster Corps, 409; Hospital Corps, 3,278; unassigned recruits, 2,098; making a total increase of 80,574.

Mr. WORKS. Mr. President, in making these calculations does the Senator include the 20,000 that were added to the force lately?

Mr. CHAMBERLAIN. No; I have not, because that is a matter of such recent occurrence that we have not gotten reports as to the number of men enlisted.

Mr. SMITH of Georgia. That 20,000 is part of this 80,000, is it not?

Mr. CHAMBERLAIN. No, sir; I am not figuring on that in any estimates I shall give.

Mr. SMITH of Georgia. The Senator means this 80,000 would be in addition to that 20,000?

Mr. CHAMBERLAIN. Of course, if this Army bill passes, that would be absorbed in the general organization.

Mr. SMITH of Georgia. That was what I asked. That 20,000 is a part of this 80,000?

Mr. CHAMBERLAIN. It would be.

Mr. SMITH of Georgia. It is only 60,000 in addition to that 20,000?

Mr. CHAMBERLAIN. They would be absorbed under this bill and become a part of the organization as established.

The commissioned strength of the Army as at present constituted is 5,045. The proposed increase is 5,681, practically double and a little more than double the present commissioned strength, making a total of 10,726; and therein, as I shall attempt to show a little while later, is one of the defects in the present system—the lack of officers for the proper training of the men.

The proposed organizations, if the bill is enacted, will consist of seven Infantry divisions, two Cavalry divisions, one Porto Rico regiment, the Philippine Scouts, one regiment in Alaska, and various smaller detachments of troops.

Now, I am going to call attention to a few of the defects in the present system.

One of the Senators asked me to have the present law, the Senate bill, and the House bill printed in parallel columns. The two latter might be printed in parallel columns for the purpose of comparison, Mr. President; but the military organization of this country is the result of legislation covering a period of more than 130 years. It has been embodied in independent statutes occasionally, but most generally added in the form of riders to appropriation bills; so that it would be almost impossible to parallel the Military Code, which consists of about 680 pages, with these two bills so as to make it intelligible to anybody. We have not attempted to do it, and I do not know that it would be possible to do it.

Mr. STONE. But the Senate and House bills could be paralleled?

Mr. CHAMBERLAIN. We could parallel these two bills; yes. The first defect in the Army, Mr. President, is recognized, and yet there is a very great difference of opinion as to what ought to be done in the premises. I refer to the number of enlisted men or the size of the Army. The resolution which was passed here some days ago providing for raising 20,000 volun-

teers is one indication of the lack of enlisted men to perform the service necessary to be performed in this country even at the present time. Not only is the Army too small, but the distribution of the men amongst the various arms of the service does not follow any well-defined military plan. The Infantry or Cavalry division is the militant unit for field service, and an army that is not composed of complete divisions is not a force prepared to fight for the best advantage of the numbers composing it. The number of organizations in the bill before the Senate now has been determined upon so as to provide sufficient garrisons in our oversea territories and to form from the remainder complete divisions within the United States. This existing defect is best illustrated by our so-called Cavalry division, in which there exists a full number of Cavalry regiments and one regiment of Horse Artillery, but for which none of the auxiliary troops are at present provided, such as mounted engineers, mounted signal troops, and the necessary sanitary troops and aerial squardons.

One thing in this connection that is frequently overlooked is the fact that it is absolutely essential that our foreign garrisons be kept and maintained at the war strength; because if anything should happen to our Navy—which I hope may never be—not one of them is so situated that troops could be transferred to it. So it ought to be the policy of the country, if it intends to hold these colonial possessions, to have the garrisons maintained all the time at war strength; and that has been impossible of accomplishment under the present system.

Another defect in the organization is that certain of the organizations are maintained at war strength when others are maintained at a strength entirely too small to provide for the necessary instruction of officers or of men. Take an instance in the present organization of the maximum strength of an Infantry company being 150 men and the minimum strength being 65 men: Taking away from the 65 men the number necessary for duties that they are now compelled to do—the machine-gun work, the quartermaster's and supply work, and other local details, and absences from sickness and other unavoidable causes—reduces the company in many cases to from 40 to 50 men, and sometimes even lower. Whether it be true or not I do not know, but I have heard it stated by men who claim to know that at Vera Cruz some of the companies were so depleted that the commanding officers there did not take them out on dress parade, in order not to let the people see how few men there were in the companies. So that with a minimum strength of 65 men the companies are so depleted under the present system that there are not enough men even to train the officers in their work or to have the men properly trained.

Under the present bill we keep the maximum strength of the company at 150 men, as the present organization is, but we place the minimum strength at 100 men, so that, counting the ordinary absences from sickness and other unavoidable causes, it might reduce the men to 90; but we have made provision for the constitution of headquarters companies and supply companies and machine-gun companies independent of the regular organization, so that men are not detailed from the companies, as now, to perform this work, but they are separate organizations. No modern army is attempted to be equipped in any other way than that the regiments shall have their supply companies to do the work which the Commissary Department now does and to do the work of the machine-gun and headquarters companies which enlisted men now perform, reducing and depleting the active fighting force of the Army. That is one of the essential and material changes made by the Senate bill over the present organization, in thus constituting a regimental headquarters, a machine-gun company, and a supply company, so that in future, if this bill is enacted, these men will not have to be detailed from the other active services of the Army to do work which requires trained men.

Another defect in the system, it has seemed to the committee, is the term of enlistment.

Mr. LODGE. Mr. President, would it trouble the Senator if I asked him a question?

Mr. CHAMBERLAIN. Not at all.

Mr. LODGE. What does that make the regimental strength? I mean, including these additional companies, the machine-gun companies and the headquarters companies, which are now filled from the line.

Mr. CHAMBERLAIN. I will give it to the Senator. It would give a total minimum strength of 1,336 and a maximum strength of 1,964, with all these included.

The terms of enlistment were thought by the committee to have been too strict. The House recognized that proposition, too, because a change was made in the bill covering enlistment. It has been suggested—though I have my doubts about its correctness—that desertions have been caused largely by reason of the fact that long-term enlistments induced men to desert to get back into civil occupations. But, Mr. President, there is absolutely no accounting for desertions. Under all conditions, under all circumstances, no matter what they have been, there have been desertions, varying in large numbers or in small numbers in such a way as to make impossible of ascertainment the reasons therefor, and the War Department has been unable to reach a satisfactory conclusion on it. But however that may be, under existing law the enlistment term binds the man to serve for four years with the colors, with the proviso that he may be passed to the reserve at the end of three years. Now, note the modification of the law: Under the proposed law the terms of enlistment have been ameliorated so that an enlisted man, if serving within the limits of the United States, can, if he so desires, go to the reserve at any time after the expiration of two years. That is at his discretion. If particularly apt and intelligent, he may be furloughed to the reserve after the expiration of one year. So that no man hereafter can claim that he has been compelled to desert because of the long term of enlistment, either with the colors or in the reserve, because if he is active and if he is diligent and if he is bright and desires to prove the mettle that is in him he can get out of his own volition at the end of one year.

Mr. GORE. The full term is left four years, however?

Mr. CHAMBERLAIN. Yes.

Mr. BRANDEGEE. Mr. President, I should like to understand the Senator as he goes along, if I can, and if it will not disturb him I should like to ask him a question.

Mr. CHAMBERLAIN. It will not disturb me at all.

Mr. BRANDEGEE. The Senator says that as a result of one of the defects in the present system, which authorizes a company to be 150 men, some of the companies at Vera Cruz only had 65 men. What was the defect in the system that resulted in the companies being so depleted?

Mr. CHAMBERLAIN. The principal defect was in detailing men from the company—that is, holding it at a minimum of 65 men and then detailing men from it to handle machine guns, and so forth, and perform other detail duties that are proposed to be performed under a separate organization.

Mr. BRANDEGEE. I understand how any company could be depleted if these men were taken away from the company and were assigned to other duties that are not strictly military; but what was there about the system that prevented the company being kept full if the people in charge of the Army wanted to keep it full?

Mr. CHAMBERLAIN. The President was only authorized to have 100,000 men, and if you filled all of these companies up to a strength where the detail of men to other duties would not seriously injure the companies you would have an Army very much in excess of the authorized strength.

Mr. BRANDEGEE. The defect, then, was simply that there were too many companies for the total number of troops authorized?

Mr. CHAMBERLAIN. It might be put in that way.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NORRIS. At the end of two years, the Senator says, under the plan the committee proposes, the private soldier, the enlisted man, passes into the reserve.

Mr. CHAMBERLAIN. If he desires.

Mr. NORRIS. I wish the Senator would explain, unless he is expecting to do so at some other time—it seemed to me it would be appropriate to do it here, however—just what is the relation of the soldier when he becomes a member of the reserve.

Mr. CHAMBERLAIN. The bill specifies that particularly. I will just read that part of the bill to the Senator, so that he will see. The bill itself provides exactly what his status will be when he goes out:

> On and after the 1st day of July, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first four years to be in the active service with a branch of which those enlisted form a part and, except as otherwise provided herein, the last three years in the Regular Army reserve hereinafter provided for.

They go into the reserve anyhow after the term of enlistment expires, whether they serve three years, or whether they serve two years, or whether they serve one year, and the reserve system is provided for in this bill.

Mr. NORRIS. What is the status of the soldier when he goes to the reserve? Does he still draw pay? Is he subject to call at any time?

Mr. CHAMBERLAIN. That is another provision of the bill to which I wish to call attention. A good deal of fun has been made of the fact that only 16 men were a short while ago within the reserve that was attempted to be created under a former act

of Congress. That was true then, but the fact was lost sight of that the bill creating this reserve, under the law as it then stood, had not taken effect. It took effect, I think, some time in November. I am not sure about the date, but there are a good many more now. But the difficulty in the matter of the creation of a reserve is the difficulty in keeping up with the men after they go into the reserve.

A man goes out of the Army at San Francisco, for instance. He works his way on the farms and in the factories and in other ways to New York. He finally becomes a resident of the State of New Jersey. It has been impossible to keep up with him. Now, in order to undertake to make the reservist feel that he is really a part of the Government and to keep in touch with him we have provided here—that is one of the new features of the bill—that hereafter the reservist shall receive $24 per annum as a reservist, payable semiannually.

Mr. NORRIS. The reservist is subject to call at any time, is he?

Mr. CHAMBERLAIN. Until his term of enlistment expires.

Mr. NORRIS. Yes; until his term of enlistment expires.

Mr. SMITH of Georgia. Not at any time.

Mr. CHAMBERLAIN. Only in time of war, of course.

Mr. SMITH of Georgia. Or threatened war.

Mr. NORRIS. Now, let me ask the Senator another question. When the active list is depleted by soldiers going into the reserve, is that list then repleted by additional enlistments?

Mr. CHAMBERLAIN. Oh, yes; recruiting is going on all the time.

Mr. NORRIS. The figures which the Senator has given with regard to the strength of the Army do not include the reserve?

Mr. CHAMBERLAIN. Oh, no, sir. There is very serious difference of opinion as to our ability to recruit the Army even up to the maximum of 250,000 provided by this bill or to a minimum of 178,000. I believe The Adjutant General claims that it is not possible to keep a total strength of more than 150,000 troops as a minimum.

Mr. BRANDEGEE subsequently said: Will the Senator from Oregon permit me, before the Secretary proceeds to read the bill, to have inserted in the RECORD the act referred to in section 56, which is the section of the bill authorizing the President to organize and maintain a volunteer force?

Mr. CHAMBERLAIN. I think it would be well to have it inserted.

Mr. BRANDEGEE. I think it would be well to have it in the RECORD so that we can see it. Therefore I ask that it be inserted in that portion of the Senator's remarks where he was discussing the provisions of section 56 of the bill.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it is so ordered.

The act referred to is as follows:

[Public, No. 90, 63d Cong.—(H. R. 7138).]

An act to provide for raising the volunteer forces of the United States in time of actual or threatened war.

Be it enacted, etc., That the land forces of the United States shall consist of the Regular Army, the organized land militia while in the service of the United States, and such volunteer forces as Congress may authorize.

SEC. 2. That the volunteer forces shall be raised, organized, and maintained, as in this act provided, only during the existence of war, or while war is imminent, and only after Congress shall have authorized the President to raise such a force: *Provided*, That the term of enlistment in the volunteer forces shall be the same as that for the Regular Army, exclusive of reserve periods, and all officers and enlisted men composing such volunteer forces shall be mustered out of the service of the United States as soon as practicable after the President shall have issued a proclamation announcing the termination of the war or the passing of the imminence thereof.

SEC. 3. That when volunteer forces are to be raised the President shall issue his proclamation, stating the number of men desired for each arm, corps, and department, within such limits as may be fixed by law, and he shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may be necessary for the purpose of examining, organizing, and receiving into the service the men called for: *Provided*, That the power to organize volunteer forces shall include the power to provide, within such limits as are or may be prescribed by law, the officers and enlisted men of all grades and classes, and the trained nurses, male and female, that may be necessary in the various arms, corps, and departments: *Provided further*, That when three-fourths of the prescribed minimum enlisted strength of any company, troop, or battery, or when three-fourths of the prescribed minimum enlisted strength of each company, troop, or battery comprised in any battalion or regiment of the organized land militia of any State, Territory, or the District of Columbia, organized as prescribed by law and War Department regulations, shall volunteer and be accepted for service in the Volunteer Army as such company, troop, battery, battalion, or regiment, such organization may be received into the volunteer forces in advance of other organizations of the same arm or class from the same State, Territory, or District, and the officers in the organized land militia service with such organization may then, within the limits prescribed by law, be appointed by the President, by and with the advice and consent of the Senate, as officers of corresponding grades in the Volunteer Army and be assigned to the same grades in the said organization or elsewhere as the President may direct: *Provided further*, That all enlisted men received into the service in the volunteer forces shall, as far as practicable, be taken from the several States and Territories and the District of Columbia in proportion to the respective populations thereof: *Provided further*, That when the raising of a volunteer force shall have been authorized by Congress, and after the organized land militia of any arm or class shall have been called into the military service of the United States, volunteers of that particular arm or class may be raised and accepted into said service in accordance with the terms of this act regardless of the extent to which other arms or classes of said militia shall have been called into said service.

SEC. 4. That the volunteer forces shall be subject to the laws, orders, and regulations governing the Regular Army in so far as such laws, orders, and regulations are applicable to officers or enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law; and no distinction shall be made between the Regular Army, the Organized Militia while in the military service of the United States, and the volunteer forces in respect to promotion or to the conferring upon officers or enlisted men of brevet rank, medals of honor, certificates of merit, or other rewards for distinguished service, nor in respect to the eligibility of any officer of said Army, militia, or volunteer forces for service upon any court-martial, court of inquiry, or military commission: *Provided*, That the organization of all units of the line and of the signal troops of the volunteer forces shall be the same as that prescribed by law and regulations for the corresponding units of the Regular Army: *Provided further*, That when military conditions so require, the President may organize the land forces of the United States into brigades and divisions and such higher units as he may deem necessary, and the composition of units higher than the regiment shall be as he may prescribe: *Provided further*, That to each regiment of Infantry, Cavalry, and Artillery, and to each battalion of Engineers and Signal Corps troops organized under this act there shall be attached the same personnel of the Medical Department as are attached to like organizations of the Regular Army: *Provided further*, That the organization of the coast defenses, of machine-gun detachments, establishments of the Medical Department, remount depots, military trains, secret-service agencies, military prisons, lines of communication, including their supply depots, and of other adjuncts that may be necessary in the prosecution of war, and the organization of which is not otherwise provided for by law, shall be as the President may from time to time direct.

SEC. 5. That except as otherwise provided herein the President is authorized, by and with the advice and consent of the Senate, to appoint all volunteer officers required by this act, but the number and grade of such officers shall not exceed the number and grade of like officers provided for a like force of the Regular Army: *Provided*, That all appointments below the grade of brigadier general in the line of the volunteer forces shall be by commission in an arm of the service and not by commission in any particular regiment; and officers in each arm of the service shall be assigned to organizations of that arm, and transferred from one organization to another in that arm, as the interests of the service may require, by orders from the Secretary of War: *Provided further*, That no officer above the grade of colonel shall be appointed under the provisions of this act.

SEC. 6. That to provide the staff officers that will be necessary in the various staff corps and departments in time of war or while war is imminent, and that are not otherwise provided for in this act, the President is authorized to appoint, by and with the advice and consent of the Senate, such number of volunteer staff officers of grades authorized by law for the Regular Army as he may find necessary for such corps and departments: *Provided*, That the total number of such staff officers so appointed, including all such officers of the Organized Militia called into the military service of the United States, shall not exceed the ratio of 1 officer to 200 enlisted men for all militia and volunteer forces called into the military service of the United States: *Provided further*, That the number of volunteer staff officers appointed in any grade in the various staff corps and departments shall not exceed in any staff corps or department the proportionate strength of regular officers of the corresponding grade as established by law for the corresponding staff corps or department of the Regular Army: *Provided further*, That the President may appoint, by and with the advice and consent of the Senate, volunteer chaplains at the rate of one for each regiment of Volunteer Infantry, Cavalry, and Field Artillery, and one for every 12 companies of Volunteer Coast Artillery raised, with rank corresponding to that established by law for chaplains in the Regular Army.

SEC. 7. That in appointing the volunteer officers authorized by this act the President may select them from the Regular Army, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, from the country at large, from the organized land militia of the District of Columbia, and, upon the recommendation of the various governors, from the organized land militia of the several States and Territories in proportion, as far as practicable, to their respective populations, and as far as compatible with the interests of the military service, from the localities from which the troops with which the officers appointed upon said recommendation are to serve shall have been recruited: *Provided*, That in appointments from the country at large preference shall be given those who shall have had honorable service in the Regular Army, the National Guard, or the volunteer forces, or who shall have been graduated from educational institutions in which military instruction is compulsory: *Provided further*, That at the same time not to exceed one Regular Army officer shall hold a volunteer commission in any one battalion of volunteer engineers or signal troops, or in any one battalion of Volunteer Field Artillery; and not to exceed four Regular Army officers shall at the same time hold commissions in any one regiment of Volunteer Cavalry, Field Artillery, or Infantry, or in any 12 companies of Coast Artillery, including their field and staff: *And provided further*, That Regular Army officers appointed as officers of Volunteers under this act shall not thereby vacate their Regular Army commissions nor shall they be prejudiced in their relative or lineal standing therein by reason of their service under their volunteer commissions.

SEC. 8. That the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher volunteer rank, shall be filled by temporary promotions, according to seniority in rank of officers holding commissions in the next lower grade in said arm, staff corps, or department; and all temporary vacancies created in any grade by temporary promotions shall in like manner be filled from, and thus create temporary vacancies in, the next lower grade; and the vacancies that remain thereafter in said arm, staff corps, or department,

that can not be filled by temporary promotions, as prescribed in this section, may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions, as hereinbefore prescribed, shall be filled by temporary details made in the manner prescribed in said sections 26 and 27 and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details are so made shall be filled as hereinbefore in this section prescribed: *Provided*, That officers temporarily promoted or appointed under the terms of this section shall be so promoted or appointed by the Presiednt, by and with the advice and consent of the Senate, for terms that shall not extend beyond the termination of the war or, if war shall not occur, beyond the passing of the imminence thereof, as defined by the President's proclamation, and upon the expiration of said terms said officers shall be discharged from the positions held by them under their temporary promotions or appointments: *Provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions, nor shall they be prejudiced in their lineal or relative standing in the Regular Army under permanent commissions, by reason of their services under temporary commissions authorized by this section.

SEC. 9. That all returns and muster rolls of organizations of the volunteer forces and of militia organizations while in the service of the United States shall be rendered to The Adjutant General of the Army, and upon the muster out of such organizations the records pertaining to them shall be transferred to and filed in The Adjutant General's Office. And regimental and all other medical officers serving with volunteer troops, or with militia organizations in the service of the United States, in the field or elsewhere, shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, in The Adjutant General's Office, as provided for herein for other reports, returns, and muster rolls.

SEC. 10. That in time of war or while war is imminent all organizations of the land forces in the military service of the United States shall be recruited and maintained as near their prescribed strength as practicable. For this purpose the necessary rendezvous and depots shall be established by the Secretary of War for the enlistment and training of all recruits, and in order that officers may be available for recruiting duty the President is authorized, by and with the advice and consent of the Senate, to appoint officers of Volunteers of the proper arm of the service, additional to those elsewhere herein authorized, in number not to exceed at the rate of 1 major, 4 captains, 5 first lieutenants, and 5 second lieutenants for each organized regiment of Cavalry, Field Artillery, or Infantry, each 3 battalions of Engineers, or each 12 companies of Coast Artillery; that for purposes of instruction and discipline the troops at recruit depots herein authorized may be organized into companies and battalions, at the discretion of the Secretary of War, with noncommissioned officers and privates of such grades and numbers as may be prescribed by the President. The recruit rendezvous and recruit depots herein prescribed shall be under the direct control of the Secretary of War, and shall render their reports and returns to The Adjutant General of the Army: *Provided*, That to maintain the organized land militia organizations in the military service of the United States at their maximum strength the recruiting rendezvous and depots in any State or Territory may, at the request of the governor thereof, enlist and train recruits for the organized land militia organizations in the service of the United States from said State or Territory.

SEC. 11. That in the organization of a recruiting system, after Congress shall have authorized the raising of volunteer forces, the President is authorized to employ retired officers, noncommissioned officers, and privates of the Regular Army, either with their rank on the retired list or, in the case of enlisted men, with increased noncommissioned rank; or he may, by and with the advice and consent of the Senate, appoint and employ retired officers below the grade of colonel, with increased volunteer commissioned rank not to exceed in the case of any officer one grade above that held by him upon the retired list, or retired enlisted men with volunteer commissioned rank not above the grade of first lieutenant: *Provided*, That retired officers and enlisted men while thus employed shall not be eligible for transfer to the field units, but shall receive the full pay and allowances of the respective grades in which they are serving, whether volunteer or regular, in lieu of their retired pay and allowances: *Provided further*, That upon the termination of the duty or, in case of those given volunteer rank, upon muster out as volunteers said retired officers and enlisted men shall revert to their retired status.

SEC. 12. That, except as otherwise specifically prescribed by law, all officers provided for in this act shall be subject to such assignments of duty and such transfers as the President may direct: *Provided*, That medical officers of Volunteers when detailed as consulting surgeons shall not exercise command over the hospitals to which they may be assigned for duty, except that by virtue of their commissions they may command all enlisted men: *Provided further*, That medical inspectors shall be detailed for duty with each army, field army, or army corps and division, and for the base and lines of communications, and that no officer shall be detailed for duty as a medical inspector except he be experienced in military sanitation.

SEC. 13. That all officers and enlisted men of the volunteer forces shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades in the Regular Army.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved, April 25, 1914.

Mr. HUGHES. Will the Senator permit me to ask him a question at this point?

Mr. CHAMBERLAIN. Certainly.

Mr. HUGHES. I have been called from the Chamber once or twice, and the Senator may have already dealt with these matters. I have not heard him, however. In framing this plan, was any change made in the rate of pay of the enlisted man?

Mr. CHAMBERLAIN. No, sir.

Mr. HUGHES. What is the rate of pay now?

Mr. CHAMBERLAIN. Fifteen dollars a month on the first enlistment, and upon reenlistment it is increased so that the maximum he attains is $25 a month.

Mr. HUGHES. Has the committee given any consideration to the question as to whether or not the low pay of the soldier is in any way responsible for the disinclination to enlist in the Army, or to remain in the Army after enlistment?

Mr. CHAMBERLAIN. I will say that the committee did not go into that subject, except in a very small way. There were a number of changes made, but not so far as the enlisted personnel is concerned.

Mr. HUGHES. I should like to ask the Senator another question, which I think is akin to that. What authority fixes the character or quantity of the rations supplied to the enlisted men of the Army?

Mr. CHAMBERLAIN. The regulations of the War Department.

Mr. HUGHES. Who draws the regulations, and who finally decides on the matter?

Mr. CHAMBERLAIN. Everything is approved by the Secretary of War.

Mr. HUGHES. And this legislation does not attempt to deal with that at all?

Mr. CHAMBERLAIN. It does not attempt to change the present system with regard to that.

Mr. HUGHES. I do not know just what the enlisted man's ration consists of, but not very long ago it was sadly insufficient, in my opinion; and I have always believed that the character and quantity of the rations received by the enlisted men had a great deal to do with whatever dissatisfaction there was in the service. For instance, in my time there was no butter ration allowed to the enlisted man, no sugar, no milk. In other words, the enlisted man in the United States Army could not, under the regulations, be as well fed as the average mechanic's son in the average workingman's home in the United States of America. It always seemed to me that that was a matter of sufficient importance to engage the attention of the appropriate committees of the House and Senate. I do not think this very important matter should be left in the hands of any irresponsible authority. It seems to me it is of sufficient importance to engage the attention of the committee and of this body.

Mr. CHAMBERLAIN. I will say that there has never been a suggestion of complaint by enlisted men or anybody else, so far as that is concerned, as to rations furnished these men; and my experience from personal contact with the situation is that they fare a good deal better than many of us do in our own home. I do not know but that there may be exceptional cases.

Mr. HUGHES. I assure the Senator if he is under that impression it is a very erroneous impression, because the Senator lives much better than it is possible for enlisted men to live. It is true that in barracks, by selling supplies and running a sort of denatured canteen, which is now permitted, the men directly contribute enough money to get fairly decent food under certain conditions. But I can go to my own experience. At one time I was served out a travel ration which consisted of hard biscuit and canned corned beef which nobody could eat. I do not know of anyone who has the hardihood to eat it more than once, on a hot day in the South in the summer time—the squash mess of canned corned feed which was poured out of the can and placed upon hard-tack. One of the traditions of the United States Army, which every other civilized nation has departed from, is that soldiers can not fight unless they have hard-tack. I think it was originally instituted as a sort of armor plate. In 1898 that was a part of the regular rations, and I believe that condition exists to-day.

Mr. CHAMBERLAIN. I do not think the Senator ought to appeal to conditions which existed in 1898, which were concededly bad, so bad that I believe a later distinguished President of the United States got up a round robin that was applicable not only to the men but to the officers. But that is what we are trying to remedy now. It is to be in a position where we will not be unready for whatever may come, just as we were unready when a few days ago we set out in pursuit of a bandit down on the southern boundary line, and it took four or five or six days to get started. That is not the fault of the Army; it is the fault of Congress in failing to do its duty by the Army or the country, and it is that condition we are trying to correct here now.

I do not hear any complaint about the supplies furnished the troops or to officers of the Army. I have not heard of any desertions on that account.

Mr. SMITH of Georgia. Could not the Senator furnish to the Senate during the consideration of the bill from the War Department a statement of the kind of food which is furnished to the private soldier so that we may see just what it is?

Mr. CHAMBERLAIN. I can do that; but it seems to me that the proper place for that would be in the supply bill when it comes up and not to undertake to incorporate that in a bill which has for its purpose the organization of the Army. I will undertake to furnish that information to the Senate.

Mr. CHAMBERLAIN subsequently submitted the following for insertion in the RECORD:

[Bulletin No. 21.]

WAR DEPARTMENT,
Washington, May 28, 1914.

I. The following Executive order is published to the Army for the information and guidance of all concerned:

EXECUTIVE ORDER.

In accordance with the provisions of section 40 of the act entitled "An act to increase the efficiency of the permanent Military Establishment of the United States," approved February 2, 1901, which authorizes the President to "prescribe the kinds and quantities of the component articles of the Army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require," the Executive order of January 11, 1911, as amended by Executive orders of January 21, 1913, and July 15, 1913, prescribing the Army ration is revoked, and the following is promulgated for the information and guidance of all concerned, to take effect June 1, 1914.

The kinds and quantities of the component articles of the Army ration and the substitutive equivalent articles which may be issued in place of such components shall be as follows:

1. GARRISON RATION.

Component articles and quantities.		Substitutive articles and quantities.	
Beef, fresh....oz..	20	Mutton, fresh....oz..	20
		Bacon[1]....oz..	12
		Canned meat, when impracticable to furnish fresh meat....oz..	16
		Hash, corned beef, when impracticable to furnish fresh meat....oz..	16
		Fish, dried....oz..	14
		Fish, pickled....oz..	18
		Fish, canned....oz..	16
		Turkey, dressed, drawn, on Thanksgiving Day and Christmas, when practicable....oz..	16
Flour....oz..	18	Soft bread....oz..	18
		Hard bread, to be ordered issued only when the interests of the Government so require....oz..	16
		Corn meal....oz..	20
Baking powder.oz..	.08		
Beans....oz..	2.4	Rice....oz..	1.6
		Hominy....oz..	1.6
Potatoes[2]....oz..	20	Potatoes, canned....oz..	15
		Onions, in lieu of an equal quantity of potatoes, but not exceeding 20 per cent of total issue.	
		Tomatoes, canned, in lieu of an equal quantity of potatoes, but not exceeding 20 per cent of total issue.	
		Other fresh vegetables (not canned) when they can be obtained in the vicinity or transported in a wholesome condition from a distance, in lieu of an equal quantity of potatoes, but not exceeding 30 per cent of total issue.	
Prunes....oz..	1.28	Apples, dried or evaporated....oz..	1.28
		Peaches, dried or evaporated....oz..	1.28
		Jam, in lieu of an equal quantity of prunes, but not exceeding 50 per cent of total issue.	
Coffee, roasted and ground....oz..	1.12	Coffee, roasted, not ground....oz..	1.12
		Coffee, green....oz..	1.4
		Tea, black or green....oz..	.32
Sugar....oz..	3.2		
Milk, evaporated, unsweetened.oz..	.5		
Vinegar....gill..	.16	Pickles, cucumber, in lieu of an equal quantity of vinegar, but not exceeding 50 per cent of total issue.	
Salt....oz..	.64		
Pepper, black..oz..	.04		
Cinnamon....oz..	.014	Cloves....oz..	.014
		Ginger....oz..	.014
		Nutmeg....oz..	.014
Lard....oz..	.64	Lard substitute....oz..	.64
Butter....oz..	.5	Oleomargarine....oz..	.5
Sirup....gill..	.32		
Flavoring extract, lemon....oz..	.014	Flavoring extract, vanilla....oz..	.014

[1] In Alaska, 16 ounces of bacon, or, when desired, 16 ounces salt pork or 22 ounces salt beef.

[2] In Alaska the allowance of fresh vegetables will be 24 ounces instead of 20 ounces, or canned potatoes, 18 ounces instead of 15 ounces.

NOTE.—Food for troops traveling on U. S. Army transports will be prepared from the articles of subsistence stores which compose the ration for troops in garrison, varied by the substitution of other articles of authorized subsistence stores, the total daily cost per man of the food consumed not to exceed 20 per cent more than the current cost of the garrison ration, except on Thanksgiving Day and Christmas, when 60 per cent increase over the same current cost is authorized.

2. TRAVEL RATION (FOR TROOPS TRAVELING OTHERWISE THAN BY MARCHING, AND SEPARATED FROM COOKING FACILITIES).

Component articles and quantities.		Substitutive articles and quantities.	
Soft bread....oz..	18	Hard bread....oz..	16
Beef, corned....oz..	12	Hash, corned beef....oz..	12
Beans, baked..oz..	4		
Tomatoes, canned, oz....	8		
Jam....oz..	1.4		
Coffee, roasted and ground....oz..	1.12		
Sugar....oz..	2.4		
Milk, evaporated, unsweetened.oz..	.5		

3. RESERVE RATION.

Component articles and quantities.		Substitutive articles and quantities.	
Bacon....oz..	12		
or canned meat, oz....	16		
Hard bread....oz..	16		
Coffee, roasted and ground....oz..	1.12		
Sugar....oz..	2.4		
Salt....oz..	.16		

4. FIELD RATION.

The field ration is the ration prescribed in orders by the commander of the field forces. It consists of the reserve ration in whole or in part, supplemented by articles of food requisitioned or purchased locally or shipped from the rear, provided such supplements or substitutes correspond generally with the component articles or substitutive equivalents of the garrison ration.

5. EMERGENCY RATION.

An emergency ration, prepared under the direction of the War Department, will be issued, in addition to the regular ration, as required for troops on active campaign or in the field for purposes of instruction, and will not be opened except by order of an officer or in extremity. Company and detachment commanders are responsible for the proper care and use of emergency rations carried on the person of the soldier.

6. SAVINGS.

All articles of the garrison and travel ration due a company, or other organization, will be retained by the quartermaster and credit given to the organization for the money value of these articles at the current price of the articles; and the quartermaster will pay as savings to the organization commanders any excess in value of the stores so retained over those purchased by the organization. Such savings shall be used solely for the purchase of articles of food.

In time of peace the ration-savings privilege, with the exception hereinafter noted, will be suspended for troops on the march. The ration to be issued to troops on the march in time of peace will be prescribed by the commander and will not exceed the allowances prescribed for the garrison ration. When so ordered by such commander, the savings privilege on certain specified articles of the ration will be allowed.

Upon arrival of troops at mobilization or concentration camps the ration-savings privilege will be suspended and entirely replaced by issue of rations in kind. This same restriction holds during the period of field operations.

WOODROW WILSON.

THE WHITE HOUSE, *May 13, 1914.*

[2163024 C—A. G. O.]

II. General Orders, No. 15, War Department, 1911; paragraph 2, Bulletin No. 5; and Bulletin No. 28, War Department, 1913, relative to executive orders pertaining to the Army ration, are rescinded.

[2163024 C—A. G. O.]

By order of the Secretary of War.

W. W. WOTHERSPOON,
Major General, Chief of Staff.

Official:

GEO. ANDREWS,
The Adjutant General.

Mr. CHAMBERLAIN. Mr. President, another defect in the present system—and I think everybody realizes it—is the absence of officers from their organizations. The law authorizes the detachment of 200 officers for work with the agricultural colleges where military training is had and with the National Guard of the several States, and yet 600 are detached for that service and there are still demands made upon the department for a detail of these officers for duty in connection with the schools of the country.

This bill, Mr. President, corrects that. It will authorize the detail of more men from the Army for the purpose of instructing the young men in the schools of the country. So in this bill we undertake to provide for the present lack of officers on the theory that no organization can be properly trained that is not amply provided with experienced officers, and the Senate bill provides a sufficient number of extra officers for the many details to the National Guard, colleges, and so forth, contemplated by existing law, thus leaving the necessary complement of officers with the company and battalion units.

I have heard some distinguished gentlemen insist that all this legislation was for the benefit of Army officers and not for the

men; that we have too many officers now, and we ought not to increase the number. Yet I venture to say the records of the War Department will show that some of these same gentlemen have frequently been appealing to the Secretary of War to have Army officers detailed for service at the schools of their States or with the National Guard of their States. The bill undertakes to cure that defect by increasing the number of extra officers.

Mr. NORRIS. Mr. President, will it interfere any with the Senator's remarks if as he goes along and gives a detail of the committee bill he would also give us an idea as to what the bill passed by the House provided on that same subject?

Mr. CHAMBERLAIN. I would not hesitate to do that, but it would consume an immense amount of time. I have, with the assistance of the gentlemen who have been assisting me, taken the House bill as a basis for legislation in the Senate as though it were the bill that was pending here, and I have left in it in roman letters the provisions of the House bill which were in exact accord with the Senate bill or varied very little from it, and added the Senate provision as an amendment in italics. But to undertake to discuss each of these changes now would take a good deal of time, and I think it would be better, if the Senator will pardon me, to take that up when the provisions of the bill are reached.

Mr. NORRIS. Very well, if the Senator prefers that course. I think we ought to have a comparison between the two bills, because that is eventually what we will be called to vote upon.

Mr. CHAMBERLAIN. I would a little rather not do that until we reach the provisions of the bill.

Mr. NORRIS. I will not ask the Senator to do it now.

Mr. CHAMBERLAIN. I will say to the Senator every bit of it will come up again when we reach the discussion of the bill in the Senate.

Mr. OVERMAN. I should like to ask a question for information right here. Has the Senator any information as to how many men there are in this country who, in the last 15 years, have been honorably discharged from the Army who were enlisted men and who, if we had war to-day, could be called upon?

Mr. CHAMBERLAIN. I do not think there is any possible way under the sun to reach a conclusion as to the number.

Mr. OVERMAN. Is there not some way by which we could learn how many men, in the last 15 years, were honorably discharged from the Army?

Mr. CHAMBERLAIN. The report of The Adjutant General shows that about 15,000 men go out each year.

Mr. OVERMAN. So that in 10 years there would be 150,000?

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. Those men would be competent as to age if they volunteered for service. What is the limit of age at which they are taken in the Army?

Mr. DU PONT. Not all of them would be competent. Some were discharged on account of disabilities.

Mr. OVERMAN. If there were at least 150,000 men in the last 10 years who have been honorably discharged from the Army and who were capable of doing service, can we not ascertain exactly what number would be available?

Mr. CHAMBERLAIN. I think the history of the country shows that they do not rally to the colors very rapidly when they are needed. They did not in the Spanish-American War, and I do not think in any previous wars. As a matter of fact, I think the military history of the country will show that men leave the colors as soon as their enlistment expires, even if it is on the eve of battle, and that they do not come back at all.

Mr. BRANDEGEE. I will ask the Senator if any attempt is made by the department to keep track of the whereabouts of men who have been discharged?

Mr. CHAMBERLAIN. No; I do not know of any provision of law under which the Government could keep in touch with those men. As I stated awhile ago, we have undertaken by the pending bill to make men feel after serving this period of enlistment they will still be a part of the Army, and we undertake to pay each $24 a year. It is not much, but I believe that it will be enough to induce every man who went into the service to keep in touch with the Government.

Mr. SUTHERLAND. May I ask the Senator, while he is on that question, do I understand that the bill which the Senator reports makes no provision by which a soldier may, without his own consent, be retired and go on the reserve list?

Mr. CHAMBERLAIN. I do not understand the Senator's question.

Mr. SUTHERLAND. As I understand it, at the end of two years the soldier has his option to remain in the Army.

Mr. CHAMBERLAIN. Or go on the reserve.

Mr. SUTHERLAND. He may go on the reserve list. At the end of his period of enlistment he may reenlist. There is no limit on the number of times he may reenlist.

Mr. CHAMBERLAIN. Yes; you mean to reenlist in the Regular Army?

Mr. SUTHERLAND. Yes.

Mr. DU PONT. After four years he goes to the reserve.

Mr. CHAMBERLAIN. He can reenlist in the Army.

Mr. SUTHERLAND. As many times as he pleases within the age limit.

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. So there is no provision by which he may be retired and go upon the reserve list so long as he choses to remain in the Regular Army.

Mr. CHAMBERLAIN. No, sir. The acceptance of his enlistment depends on the authorities. They can decline to let him reenlist if there is any disqualification in the man, either morally or physically or mentally.

Mr. SUTHERLAND. That would probably disqualify him from becoming a member of the reserve.

Mr. CHAMBERLAIN. Yes, sir. Mr. President, I have discussed the principal changes that have been made in the organization, and I want to discuss very briefly the principal changes in the Infantry and Cavalry and the Field Artillery. This bill provides for a headquarters company, a supply company, and a machine-gun company to each regiment of Infantry and Cavalry, and a headquarters company and a supply company to each regiment of Field Artillery. I am going to call the attention of the Senate to the purpose of that change so that Senators may see it affects the strength of the company organization, because these men who did this duty formerly either came out of the Quartermaster's Corps or out of the company enrollment of enlisted men.

The object of the headquarters company is to furnish an organization in which will be collected, under the command of the adjutant, all the personnel necessary to perform the regimental duties of administration, and is made to include the band, the regimental orderlies, headquarters clerks, and so forth. It will have charge of the records and of the preparation of all reports and returns required of the regiment. So in the very nature of things these details under the present system reduce the combatant force.

For purposes of administration and for properly caring for the pay and supply of the regiment and of all papers, funds, and property pertaining thereto, it is proposed to combine all the regimental personnel charged with these functions into a supply company, under the command of the quartermaster. It will include the drivers of vehicles, the clerks and noncommissioned personnel necessary for paying and supplying the regiment. It seemed to be the general opinion that the personnel of this company should belong to the regiments and not to any staff corps, and therefore the former plan has been adopted.

The machine-gun company, it goes without saying, ought to be one of the best trained arms of the service. Yet under the organization as it exists now the men who man the machine guns are taken from the enlisted personnel, thus depleting the fighting strength of the company.

Mr. NORRIS. Under the bill proposed by the committee will not the ordinary private soldier be drilled in the use and handling of machine guns?

Mr. CHAMBERLAIN. Oh, yes; but if you take 10, 15, or 20 or more men of the Infantry force to man machine guns, you have depleted your fighting strength in that branch of the service; and they are dependent on each other.

Mr. NORRIS. I thought, the way the Senator expressed it, the bill provided for specially trained men, and that the ordinary enlisted man would not therefore get any practice in the use of machine guns.

Mr. CHAMBERLAIN. Oh, they will get practice in all these branches, but it is just like the coast defense service. It is an expert service. A man might learn something about handling a gun in the coast defense if he is in the Infantry somewhere, but the man who in the last analysis must do the work is the man who has been there all the time and knows every part and piece of machinery necessary to manipulate the guns.

Mr. LODGE. Is it not true, I will ask the Senator, that machine-gun companies or corps are in the modern army in Europe to-day separate from infantry and cavalry?

Mr. CHAMBERLAIN. They are. It is a fact.

Mr. LODGE. It is a separate organization?

Mr. CHAMBERLAIN. It is. We have made it to conform with the modern fighting machine. The instruction of the personnel charged with this weapon is so essentially different from that of the other companies of the regiment that such companies should be permanent and self-contained, as are the other companies of the regiment. The proposed company will be armed with six machine guns, with one extra gun in case of breakage.

Mr. THOMPSON. How many companies are to be provided with the machine guns?

Mr. CHAMBERLAIN. One for each regiment.

Mr. President, I think I have in a general way covered the changes that have been made as affecting the Regular Army. There is no essential change in the Cavalry, except an addition in the organization proper of this regular branch of the service.

I have called attention particularly to the changes that have been made in the personnel.

Another feature of this bill, Mr. President, is the provision that is put in it for the military training in our colleges and universities. The Senator from Ohio [Mr. POMERENE] introduced a bill here, known as the Pomerene bill, which was carefully prepared by him with the assistance of gentlemen who were connected with these schools and who have in recent times advocated the training of the young men in the schools and universities.

That bill impressed the committee as one of the most progressive steps toward the proper military training of the young men of the country, and we engrafted it, almost without change, in this bill. Some of the gentlemen who had assisted in its preparation appeared before the committee, and I personally, aside from that, had a number of discussions with them. There is nothing compulsory about it.

My personal view, Mr. President, if I may digress, is that the best way to train the young men of the country is to teach them that with the rights of citizenship go the duties of service to the country and the adoption of some sort of compulsory military training. There is not any reason in the world why every young man in this country should not be taught to understand that he owes a duty to his country in time of need.

Mr. POMERENE. If I may make a suggestion, has it not been demonstrated during the present European war that one of the weaknesses of the system prevailing, for instance, in Great Britain is that they did not have sufficient officers with whom to train their soldiers?

Mr. CHAMBERLAIN. There is no doubt about it.

Mr. POMERENE. It was partly to meet that defect that the bill to which the Senator refers was prepared.

Mr. CHAMBERLAIN. I believe from the investigations I have made that in the five years after a system of compulsory training—and by that I do not mean compulsory service—was engrafted upon the statutes of our country you could absolutely do away with the largest part of the standing army and retain only what was necessary for a police force. However, that is aside from this bill, and I do not care to get into a discussion of it.

Mr. BORAH. The Senator speaks of compulsory training. Does the Senator think that would be a practicable proposition as a matter of legislation?

Mr. CHAMBERLAIN. I have not any doubt of it. I introduced a bill modeled after the Australian system and engrafted into it a part of the Swiss system, and it is now pending before the Committee on Military Affairs. I realize the great prejudice that exists against it. I do not know why. It does not involve military service, except in so far as training may be, and it comes at a time in a young man's life when it assists him in his physical as well as in his mental development, and does not differ essentially from the requirements that are usual in the gymnasia of the best schools of the country.

Mr. BRANDEGEE. Mr. President, the Senator from Oregon says that the country is not ripe for universal military training. The country will never be ripe for it unless it is educated, unless people are educated to the benefits that might be derived from it, will it? What does the Senator think would ripen the country to a conception of the necessity of it?

Mr. CHAMBERLAIN. Two years' military training in the schools of the country.

Mr. BRANDEGEE. What does the Senator think is necessary in order to bring public opinion to a realization of that conception?

Mr. CHAMBERLAIN. I may have misjudged the sentiment of the country; I hope I have; but there has always been more or less of prejudice against it, and friends of mine on this side of the Chamber who oppose it—I do not know that they oppose it in public speech—forget that Jefferson advocated it, that Washington advocated it, and that many of the great Democrats as well as great Republicans of this country have advocated some sort of compulsory military training.

Mr. BRANDEGEE. The Senator from Oregon has no doubt that the country would ripen up quickly enough if it was necessary for the defense of the country, has he?

Mr. CHAMBERLAIN. There is no doubt about that.

Mr. President, this military training in schools for the purpose of creating and training officers for the reserve corps is an innovation which I think ought to appeal very strongly to the Senate. It trains officers who go into the officers' reserve corps and their services can be called into requisition in case of emergency.

There is another proposition that is in this bill, Mr. President, that goes a long way to train the civilian for the duties that his country may demand at his hands, and that is as to railroad men, telegraphers, hospital attendants, wireless operators, aviators, chauffeurs, powder experts, technical men in civil life of every kind. There is a provision in the bill that enables them to come into the reserve corps if they want to. They do not have to do so; it is not compulsory; but a very distinguished engineer of New York—Mr. Parsons—came before the committee and showed that there were hundreds of splendidly equipped young engineers in this country who would be glad to go into the reserve corps, just as there are thousands of young doctors and dentists who would be glad to go into the reserve and to serve their country whenever they may happen to be needed.

I venture to say that under this provision of the bill, if it is enacted by Congress, these young engineers and others all over the country will enter the reserve corps, and when they are needed they will take the place of and assist the engineers in the Engineer Corps of the Army. They are brilliant young men, and many of them have been educated at the military schools of the country.

Mr. President, there is a provision in the bill for an increase in the Aviation Service and also in the Field Artillery. Both of those services are inadequate under the law as it now stands. I am not criticizing the personnel of the Aviation Service any more than I have been criticizing the personnel of the enlisted men or the commissioned men of the Army, but the Aviation Service is notoriously weak. That is not the fault of the personnel particularly, but it is the fault of a Government that is unwilling to appropriate the money to give these men the necessary equipment to properly serve their country. Take the aeroplanes south of us on the border, Mr. President, and I think out of four or five which undertook to cross the desert in pursuit of Villa two went down to earth.

Mr. BORAH. And the machine guns did not work, I understand.

Mr. CHAMBERLAIN. The machine guns would not work, I am informed. It is not the fault of the Army that that condition exists. There is not a better esprit de corps among any body of men than that which exists in the Army and Navy of the United States.

Mr. LODGE. I will ask the Senator from Oregon, is it not true that the aeroplanes which we have in Mexico carry only one man?

Mr. CHAMBERLAIN. I think it is true.

Mr. LODGE. And every aeroplane of the thousands which are being used in Europe carries a pilot and an observer?

Mr. CHAMBERLAIN. And in some instances they also carry tons of explosives.

Mr. LODGE. Yes; and they are armored.

Mr. CHAMBERLAIN. Yes. A Senator asks me sotto voce, Who is responsible if it is not the Aviation Corps? I say Congress is responsible. I tried to get the Secretary of War a year ago to submit a plan for the reorganization of the Army so that Congress might assume a responsibility and act upon a responsibility which the Constitution devolves upon it, and I now venture to say that, in the discussion of this bill and in the discussion of appropriation bills when they come up here, you will find Senators—distinguished Senators on this floor—protesting against burdening the people of this country with taxation for the support of the Army, and claiming that it is against the spirit of our institutions. The pacifist is here in the land, vociferous in his demands that no money shall be spent for the organization or the maintenance of an army, although the very life of our country may be at stake.

It is said that we shall never have any more wars. God grant that that may be true; no man would dislike to see war more than would I. Although I was a very young man, I can very distinctly remember the raiding parties of first one army and then another going across my father's plantation in the Southland and taking whatever was in sight as the legitimate prey of war. Nobody wants war any less than I do; but no man can tell what may happen to this country within 24 hours.

Who could have predicted the blowing up of the *Maine* and the taking unto ourselves of Cuba and the Philippines, and becoming at one step a world power, Mr. President? I am perfectly willing to leave the settlement of the Mexican question to our distinguished President, who knows the situation and

who, I know, wants to do what is best to do for the country; but no man can tell where that trouble is going to lead us.

Mr. SMITH of Georgia. We certainly need some good aeroplanes down there.

Mr. CHAMBERLAIN. We certainly need some aeroplanes and evidently we need some troops.

I for one will never consent, so long as I am at the head of the Military Affairs Committee, that the young men of our country shall, without some preparation, be enlisted and enrolled and sent to certain death in the event of an invasion or an attack by any first-class military power.

Washington said—and we ought to give him credit for knowing what he was talking about—that if he were compelled to state what the facts were about an untrained soldiery, whether they were a benefit or a disadvantage, he would have to say truthfully that they were a disadvantage rather than a benefit to their country.

So you will find, Mr. President, I will say, in answer to the Senator's question, that when we come to discuss the Army appropriation bill some of our good friends here—and I have no criticism of them—will be insisting that we ought not appropriate this money, and that it is a burden upon the American people.

If I may be permitted to digress just for a moment from the subject in hand, I will say that not only have we become a world power, Mr. President, by reason of stretching our wings across the Pacific, over the Philippines, the Sandwich Islands, the Panama Canal, and Porto Rico, and exercising a care over other countries adjoining us, but the United States seems more strongly disposed now than ever to assert the Monroe doctrine and to make it become more than a mere paper doctrine. Where does that lead us? I hope it may not involve us in trouble; but if we do undertake to assert it, we must be prepared to do so by something more than by mere word of mouth. That requires more men and a reorganized Army and Navy.

Mr. GALLINGER. Mr. President, the Senator has called our attention to the declaration of Washington as to the practical uselessness of an untrained army. I think we had an object lesson in that at the first Battle of Bull Run, which I very well remember, and we have had an object lesson in unpreparedness from the fact that six days elapsed after the murderous raid of Villa and his bandits at Columbus before our troops crossed the frontier.

Mr. CHAMBERLAIN. There is no doubt about the Senator's statement of the fact.

Mr. GALLINGER. I fully agree with the Senator that we need preparedness and that it ought to be of sufficient magnitude to protect us from disaster that may come to us at any moment if we are not prepared.

I was attracted by the observation of the Senator from Georgia [Mr. SMITH] that we need aeroplanes. I believe that we have two dilapidated aeroplanes left, but we have not a single aeroplane, and have not had a single aeroplane, that has been equipped with what France and Germany have placed on their aeroplanes, to enable them to become real instruments of war. Two of our aviators were lost in Mexico. They ought to have had an instrument in their aeroplanes to have told them something as to where they were drifting, but such aeroplanes as we have had have been all of the commonest, rudest kind, and mostly they have gone to destruction.

Mr. CHAMBERLAIN. I do not think there is any question about that, Mr. President.

Mr. HUGHES. Mr. President, some time ago I brought to the city of Washington and introduced to the officer in charge of the Aviation Corps a young man, whose name I have forgotten for the moment, but who was a professional flier. He was interested in a plant in the city of Paterson which was manufacturing armored aeroplanes. He had the drawings of an aeroplane, heavily armored and able to carry a pilot, an observer, and a machine-gun operator, as I recollect. He asked me to introduce him to the proper authorities in order that he might learn what the plans of the Government were in connection with the development of the aeroplane service. He wanted to become a Government flier. Subsequently he went to Europe and achieved considerable distinction in his operations over there.

I do not know what the situation is now; but the head of the aeroplane service at that time told me that there were not more than a dozen men in the United States who could fly across country, and there were hardly any of them, as I understood, in the service. He condemned at once the proposition that this young man laid before him. He said the Government was not operating along those lines; and, as I recollect, he said it was for the reason that we did not have the men. It does not seem to me that it makes much difference how many aeroplanes we may have if we have not the pilots to fly them.

Mr. CHAMBERLAIN. There are plenty of men in civil life who could pilot them.

Mr. HUGHES. I do not think there are many such men available in civil life. The officer asked the young man whom I took to the department to enumerate the men whom he knew who were competent for this service. The young man replied, "I will fly; I will fly down here from Paterson and light in the War College grounds, or anywhere you say, in this machine, which I should like to sell to the Government and operate for the Government." The officer again asked how many men are there who will fly across country now. The young man enumerated one or two, and then the officer counted them off, and said they had left the country or were under some other disability, and that morning they could not get hold of or count on 12 men in the whole United States who could fly across country.

Mr. POMERENE. Mr. President, I have had some information to the effect that under the present state of the law it will be impossible to give these experienced fliers the status of a soldier, so that if one of them were to meet with any mishap while serving the country it would simply be as an individual.

Mr. CHAMBERLAIN. That is correct, only they get a little higher pay in that service; that is all.

Mr. HUGHES. They get about $1,200 or $1,500 a year, I think.

Mr. CHAMBERLAIN. They get better pay; but I do not think $10,000 a year would induce me to go up in one of our present aeroplanes.

Mr. HUGHES. I do not think it would induce me to go up in one of them either.

Mr. POMERENE. If I may further ask the Senator a question, my information also is to the effect that the principal difficulty with our present aeroplanes is with the engines; that they are of very inferior mechanism, and for that reason more than for any other they have not been rendering the service which is desired in Mexico.

Mr. CHAMBERLAIN. I really do not know the reason for it; I know that they come down when they go up, and pretty suddenly sometimes. I am not machinist or expert enough to know the reason, but that is the condition; and I know this, too, as a member of the Appropriations Committee of the Senate, and, Mr. President, it is an old story: Officers of the Ordnance Department and of the Signal Corps have come before the committee and told the committee time and time again—not once, but dozens of times—about our needs of artillery, our deficiency in ammunition, aeroplanes, and in everything else; but Congress will not appropriate the necessary money to accomplish what is needed.

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me, I wish to say with reference to the operators of flying machines that I know that in a number of instances there have been young officers who were anxious to be assigned to such work that they might practice and have the experience, but they were not given the opportunity. I think we have not had the machines; they have been defective as to their engines; we have not had a sufficient number and have not appropriated enough to give the skilled officers of the Army an opportunity to test them out and to gain the experience which, I am satisfied, they would quickly gain if they had the opportunity. I believe they would be as expert as anybody if we gave them a chance.

Mr. CHAMBERLAIN. I do not think there is any doubt about that. The deficiency of our aeroplane service has been brought touchingly home to me within the very recent past. The Senate will remember the case of a young midshipman of the Navy, a young Portland, Oreg., boy, who died while at the academy. There was a great difference of opinion as to how he met his death, and there were some who insist, and with some reason, that he was killed. His young brother at West Point graduated a short while ago and was detailed for duty in the aviation service. After he had become an expert he went up in one of these defective machines with a brother officer. On its way up the machine fell a distance of 600 feet or more, and killed the young man who accompanied my young Oregon friend, very seriously injuring the latter. That is the thing we are sending our young men up against at San Diego and other places in the United States.

Mr. WORKS. Mr. President, as I remember, six young officers have lost their lives at the San Diego training station within the last few years, and it has generally been said that it was the result of defective machinery.

Mr. CHAMBERLAIN. I do not think there is any doubt about it; we have had it called to our attention.

Mr. KENYON. Mr. President, do we not pay as much for these machines as other nations do? And why is it that the

machine that we are using in this country should be so defective? Machine for machine we pay more, do we not?

Mr. CHAMBERLAIN. I think probably we pay as much as anybody.

Mr. KENYON. Why are they defective?

Mr. CHAMBERLAIN. There are a good many reasons for it, I will say to the Senator. In the first place, the service is given too small an appropriation to buy first-class machines. They try to make a small appropriation do a great deal more than it is capable of doing.

Mr. THOMAS. Mr. President, if the Senator will permit me, I will suggest that perhaps the fault is not entirely with Congress. There are some investigations, I think, now being made, or which shortly will be made, with regard to the efficiency as well as the conduct of the Aviation Corps at San Diego.

Mr. CHAMBERLAIN. I think possibly that may develop something; I hope it will; I hope it will develop enough to make Congress realize the importance of giving this matter proper attention. But, Mr. President, I am taking more time than I expected, and more time than I would have taken if I had been permitted to proceed without interruption.

Mr. SMITH of Georgia. I expect the Senator will consume the remainder of the day.

Mr. CHAMBERLAIN. I am not going to do so.

Mr. President, referring again to the proposition of our friends who are opposed to doing anything toward increasing the strength of our Army, who say that we do not need a larger Army, that we are not going to have any war, and that after the war in Europe is over there will be no nation that can war with us, I wish to say that I have not any prophecies or predictions to make with reference to what may happen as to an invasion from a European country; but I do want to call attention to one pertinent fact:

After the Civil War was over, and we had lost billions in wealth and millions in lives of the flower and chivalry of the North and South, there was no better Army on the face of the globe than those old veterans who survived the war and there was not a power on the face of the earth that could have successfully confronted them. They were willing to go anywhere, and they did talk about going somewhere, at the behest of the country; but fortunately they did not have to go.

Then, in this connection, some people talk about "cultivating a military spirit"—"a militaristic spirit, indeed." Mr. President, let us remember Gen. Grant received the sword of Lee in surrender at Appomattox and tendered it back to him with a grace that won the plaudits of the world, and told his comrades in arms to go back and till their fields and their farms, and every man of them went back and tried to revive the country that had been devastated by the ruthless hand of war. And so with the old soldiers, Mr. President, on the northern side. They went back and were absorbed into the useful life of this Republic, and we have four or more of them here to-day, survivors of the Union side, and three of whom are members of the Military Affairs Committee and one, I believe, of the southern side, living useful lives and maintaining the very best traditions of our country.

Mr. President, I would rather have a militaristic spirit, if you please, than to have a spirit which makes us bend to every yoke that may be pressed upon our shoulders. There has been a tendency here to destroy, not a militaristic spirit, which does not exist in our country, but to destroy the martial and patriotic spirit which every free people must have if they would assert their rights, and only their rights, and be prepared to enforce their just demands when occasion requires.

Mr. President, there are two other propositions in this bill to which I am going to call attention. The first is the creation of a volunteer force that is exclusively under Federal control. The Secretary of War had a so-called continental army plan. It did not seem to meet with the approval of the country generally, and when the Secretary of War was on the stand I asked him if he could not eliminate the detailed provisions in the continental army scheme so as to narrow it down to a scope where it would be easy of enforcement and accomplishment. The Secretary tried it and got it in very much better shape. The committee was not quarreling with the Secretary of War. We were all trying to get something to meet the emergencies and to place our country in a proper position of defense. That did not work. We could not hammer that into such shape, and we were weeks in trying to do that; but finally, and through the assistance of the Judge Advocate General of the Army, in a very few lines we provided for the organization of a volunteer force, exclusively under Federal control, that it seems to the committee and to the country, so far as I have been able to judge from reading the newspapers, meets with the approval of the people, and I call your attention to it.

It has been pretty generally recognized that the volunteer act of 1914, approved April 25, 1914, is one of the best pieces of constructive military legislation that the Congress ever passed. My old friend, the Senator from Delaware [Mr. DU PONT], framed the bill in the first instance, and it failed of passage, I believe, and subsequently it was adopted in the House. It was introduced in the House in terms very much like the bill as it finally became the law.

Now, Mr. President, that volunteer act applies only in time of war. In trying to devise some system that would meet the situation we accepted that law as a basis for action in time of peace as well as in war, and the pending bill has that provision. It is very short, and I am going to read it to the Senate, so that you may see how easy it has been to create a force that is entirely under the jurisdiction of the War Department.

Section 56 provides:

The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district—

That would raise about 261,000 men—

The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

Mr. President, the adoption of that portion of the volunteer act recognizes the desire and meets the wishes evinced by the young men all over this country to join in summer camps and drill. They have recently had an encampment up at Plattsburg. They are now talking of organizing a training camp in California and other camps in other parts of the country, so as to meet the wishes of these gentlemen, who have been the strong advocates of this plan, combining the pleasures of a summer vacation with the most strenuous kind of work, because they work 8 and 10 hours a day when they do go into these training camps for 25 or 30 days at a time. These would all come under this provision and become enlisted soldiers of the United States, ready for service.

Mr. SMITH of Georgia. Mr. President, does this provision authorize the President in time of peace to take practically 261,000 more soldiers into the Army?

Mr. CHAMBERLAIN. Oh, no; just for training purposes, and only for a limited time.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I do.

Mr. CUMMINS. What is the difference between this section and the existing law?

Mr. CHAMBERLAIN. We have not any law on that subject.

Mr. CUMMINS. The section refers to the law of 1914.

Mr. CHAMBERLAIN. Oh! The Senator means, what is the difference between the law as it stands to-day and the act of 1914?

Mr. CUMMINS. No; I mean, what is the difference between this section and the act of 1914, to which reference is made in the section?

Mr. CHAMBERLAIN. The act of 1914 provides, in the very first section, that these men shall be utilized only in time of war.

Mr. CUMMINS. The Senator from Oregon just answered the Senator from Georgia that this section did not authorize the President to enlist 261,000 men in time of peace.

Mr. CHAMBERLAIN. I may have been mistaken about that statement.

Mr. CUMMINS. I think the Senator is mistaken about that.

Mr. CHAMBERLAIN. Yes; I probably am.

Mr. CUMMINS. I think it authorizes the President to enlist these men at any time and to maintain them——

Mr. SMITH of Georgia. As long as he sees fit.

Mr. CUMMINS. As long as he sees fit to maintain them; and in that lies the difference between this section and the act of 1914, which limited the right of the President to enlist the men to a time of war or threatened war.

Mr. SMITH of Georgia. This, without any limitation, as written, practically puts it in the power of the President to add 261,000 more men to the Army.

Mr. CUMMINS. This section has no limitation, either as to the conditions under which men may be called into the service or as to the length of time during any year for which they may be required to render service.

Mr. SMITH of Georgia. And, practically, the President could add to the Army under this provision 261,000 soldiers.

Mr. DU PONT. Without pay.

Mr. SMITH of Georgia. Oh, no; they receive the same pay that other soldiers do.

Mr. DU PONT. Only when they are in training.

Mr. SMITH of Georgia. When the President has them with the Army; and he can have them there all the time he wishes.

Mr. CHAMBERLAIN. I think probably the Senator from Iowa is correct. I have not read that provision critically for some time, and I may be mistaken in my view about it; but there ought to be some limitation in that regard, if the Senator is correct about it.

Mr. CUMMINS. I hope it will not be thought that I speak in a hostile way.

Mr. CHAMBERLAIN. I understand the Senator.

Mr. CUMMINS. I am opposed to the section; but I want the National Guard enlarged so that it will accommodate the whole desire which the Senator from Oregon has in view.

Mr. CHAMBERLAIN. Of course, these sections and provisions of the bill will come up for discussion from time to time, and there may be many suggestions like that now that have not crossed my mind. I had not thought of it. My recollection was that it limited it to particular times; but the Senator may be entirely correct; and if so, there ought to be some limitation. But that will now organize, with proper limitations, if you please, a volunteer force that is completely under Federal control.

The suggestion of this, Mr. President, brings up the same question that has been the bone of contention ever since the country was organized, and that is the war between the militia, so called, and a purely Federal force. I have not any fear of that fight. I say that the Congress of the United States ought to determine this matter once and for all, so as to have a dependable force.

Why, Mr. President, we remember the history that we learned in our schools. We read about the heroism of our ancestors, and they were heroic; there is not any question about that. We read about the magnificent victories that were accomplished, from Bunker Hill to Yorktown. We hear that all the time. I never heard of anything else but the successes of our troops in the Revolutionary period; and the victories that they did accomplish were the most remarkable victories and accomplished under terrible circumstances. We do not read about the defeats, Mr. President, between Bunker Hill and Yorktown. We do not read about the inefficiencies of our system. There has been that constant war between the States and the Nation with regard to an organized force. Here were some States paying enormous bounties to their men in the Revolutionary days, and the Government itself was paying bounties. Each was bidding against the other as to which should have the services of the men. Short-time enlistments were in vogue. I do not wonder, Mr. President, that Washington got down on his knees in the snow at Valley Forge and prayed for divine assistance. He could not get it from the Continental Congress.

Mr. CUMMINS. Mr. President, the Senator from Oregon must recognize, however, that the Government of the United States at this moment bears very little resemblance to the Government under which Washington fought the War of the Revolution, and that the rights of the Colonies or States during that war were very different from the rights of the States under the Constitution.

Mr. CHAMBERLAIN. Oh, yes; of course I understand that; and there is a very great difference between the militia of that day, as it was enlisted, and the organized National Guard of to-day.

Mr. CUMMINS. I only desire to state that in my opinion—and I intend to try to make it good before the debate is over—Congress has just as much power over the National Guard as it has over the Army, with just one exception, namely, the right of the States to appoint the officers, just as in the great part of the German Army the Empire does not appoint the officers, and no one has ever felt that the Empire was weak in its authority over the German Army.

Mr. NELSON. Mr. President, will the Senator allow me a moment?

Mr. CHAMBERLAIN. I yield to the Senator from Minnesota.

Mr. NELSON. I want to call attention to the fact that while we had the so-called State militia or National Guard in all the Northern States, or most of them, at the time of the Civil War, I never knew of an instance where a regiment of National Guards, as such, bodily enlisted in the Army of the United States. Our Volunteer Army was formed by individual enlistments. I never knew of a case where a militia regiment or a militia company, as an organization, bodily entered the United States Army.

Mr. OVERMAN. Oh, yes; that was done.

Mr. NELSON. They simply enlisted as individuals during the days of the Civil War.

Mr. CUMMINS. Mr. President, even if that was true, it was simply because Congress did not exercise the power it had under the Constitution.

Mr. OVERMAN. I want to say that that was not true in the South.

Mr. CHAMBERLAIN. I hope we will not get into a discussion of the merits or demerits of the National Guard in the consideration of this question, Mr. President.

Mr. NELSON. I will say to the Senator from North Carolina that I did not intend to refer to the South.

Mr. CHAMBERLAIN. Mr. President, with some limitations, that might be put in this bill, if it is as broad as the Senator suggests—and we will ascertain that in the discussion of it—I think we are prepared for the organization of a splendid Federal force.

The only other matter to which I desire to call attention is this——

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him one question?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Georgia. What does the Senator estimate that force is to cost annually—I mean the force provided for under section 56?

Mr. CHAMBERLAIN. If the Senator will turn to page 25 of the report of the committee on the original bill he will find the costs estimated. Does the Senator want me to state them, or will a reference to the report be sufficient?

Mr. SMITH of Georgia. I thought it would be interesting to have the Senator include that statement in his remarks at this time, if he cares to do so.

Mr. CHAMBERLAIN. The cost of volunteers for the first year would be $24,000,000—I am just going to state it in round numbers—for the second year $31,000,000, for the third year $39,000,000, for the fourth year $47,000,000, and annually thereafter $27,000,000. That includes, if the Senator will note, new and other equipment that will be necessary.

Mr. SMITH of Georgia. It was contemplated that those sums should be spent upon this volunteer army?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SMITH of Georgia. For 30 days' service a year?

Mr. CHAMBERLAIN. For 30 days' service a year. That shows the understanding of the committee with reference to this bill. We all thought it only applied to that.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I want to ask the Senator a question before he leaves the subject of the National Guard. What is the present outlay for the National Guard, under the present law, upon the part of the Federal Government?

Mr. CHAMBERLAIN. I will say to the Senator that I have not the exact figures here, but they are something like seven or eight million dollars.

Mr. BORAH. How much does the Senator's bill increase the expenditure on the part of the Federal Government?

Mr. CHAMBERLAIN. Yes, sir——

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. CHAMBERLAIN. Pardon me; just let me answer that question. The National Guard under the present bill for the first year is $46,000,000 in round numbers, for the second year $50,000,000, for the third year $40,000,000, for the fourth year $45,000,000, and $40,000,000 annually thereafter.

Mr. BORAH. That would be the expenditure under your proposed bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BORAH. What is the difference between the increase of expenditure under your bill and the increase of expenditure under the bill from the House?

Mr. CHAMBERLAIN. I do not think ours increases it very much. I think we decrease it. I have a statement here right on that point that I will ask to have inserted in the RECORD showing the cost.

I am going to have it inserted in the RECORD so that they may stand in conjunction—the cost of the National Guard, Table 11 of the Senate committee's report, and a statement showing the cost of the National Guard under House bill 12766.

I will state that the cost of the National Guard the first year will be under the bill passed by the House in round numbers $42,000,000, as compared with $46,000,000 under our bill; the second year it will cost $47,000,000, as compared with $50,000,000 under our bill; the third year it will cost $58,000,000, as compared with our $40,000,000. For the fourth year it will cost $77,000,000, as compared with our $45,000,000, and annually thereafter under the House bill it will cost $53,550,000 and under the Senate bill $40,873,000.

I will ask that the tables be printed in conjunction with each other.

The VICE PRESIDENT. It will be so ordered.

The tables referred to are as follows:

Cost of National Guard under House bill 12766 as passed by House.

Corps or department.	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Sixth year and annually thereafter.
Quartermaster	$15,384,000.00	$18,652,000.00	$25,421,000.00	$35,123,000.00	$40,048,000.00	$37,510,000.00
Ordnance:						
Current cost	2,656,000.00	4,225,000.00	5,606,000.00	8,188,000.00	9,720,000.00	9,720,000.00
New equipment	18,885,000.00	18,885,000.00	20,614,000.00	29,660,000.00	20,059,000.00	.....
Heavy artillery	2,721,000.00	2,721,000.00	4,565,000.00	.....	4,565,000.00	.....
Engineer	722,000.00	680,000.00	605,000.00	1,195,000.00	660,000.00	350,000.00
Signal	2,104,200.00	2,074,500.00	1,288,400.00	2,716,000.00	832,000.00	5,620,000.00
Medical:						
New equipment	84,400.00	98,200.00	215,400.00	369,300.00	197,700.00	135,000.00
Current cost	65,000.00	98,000.00	125,000.00	155,000.00	180,000.00	215,000.00
Total	42,621,600.00	47,433,700.00	58,439,800.00	77,406,300.00	76,261,700.00	53,550,000.00

Cost of National Guard.

	First year.	Second year.	Third year.	Fourth year.	Annually thereafter.
Quartermaster Corps	$17,846,2000.00	$20,581,400.00	$21,685,800.00	$23,817,500.00	$24,760,200.00
Ordnance Department:					
Current cost	3,201,000.00	5,099,000.00	7,600,000.00	12,123,000:00	12,123,000.00
New equipment	18,689,400.00	18,689,400.00	8,743,000.00	8,743,200.00	.....
Heavy artillery	3,265,000.00	3,265,000.00	1,532,000.00	.....	.....
Corps of Engineers	722,400.00	680,070.00	230,000.00	235,000.00	235,000:00
Signal Corps	2,525,000.00	2,489,400.00	722,400.00	748,700.00	3,600,000.00
Medical Department	100,800.00	117,800.00	124,200.00	155,000.00	155,000.00
Total	46,349,800.00	50,922,000.00	40,637,400.00	45,820,400.00	40,873,200.00

Cost of regular forces under House bill 12766 as passed by House.

Corps or department.	First year.	Second year.	Third year.	Fourth year.	Fifth year and thereafter.
Quartermaster	$105,100,000.00	$113,199,000.00	$121,298,000.00	$128,470,000.00	$126,276,000.00
Ordnance:					
Current cost	3,810,000.00	4,196,000.00	4,535,000.00	4,870,000.00	4,870,000.00
New equipment	4,895,000.00	3,062,000.00	3,532,000.00	2,938,000.00	.....
Heavy artillery	1,175,000.00	724,000.00	.....	590,000.00	.....
Engineer	210,000.00	213,000.00	295,000.00	218,000.00	210,500.00
Signal:					
Current cost	900,000.00	1,318,500.00	1,538,500.00	1,758,500.00	1,978,500.00
New equipment	734,000.00	262,000.00	260,000.00	255,000.00	.....
Medical	916,000.00	1,006,000.00	1,094,600.00	1,184,000.00	1,184,000.00
Total	117,740,000.00	123,980,500.00	132,552,500.00	140,283,500.00	134,519,000.00

Mr. CUMMINS. In stating the estimated cost of the Volunteer force I think the Senator from Oregon ought to state the basis on which the estimate is made—that is, the length of time.

Mr. CHAMBERLAIN. Thirty days.

Mr. CUMMINS. I did not understand that he had included that element.

Mr. CHAMBERLAIN. It includes the equipment, you must understand.

Mr. CUMMINS. Certainly, but they are in camp for only 30 days in the year.

Mr. WADSWORTH. Will the Senator from Oregon yield for a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. WADSWORTH. The recent estimate of annual cost is for 261,000 Federal Volunteers. May I ask the Senator if that estimate is made with a view in mind of having a proportionate number of Cavalry and Field Artillery, with horses and complete equipment?

Mr. CHAMBERLAIN. Does not the report answer the question of the Senator?

Mr. WADSWORTH. No, sir.

Mr. CHAMBERLAIN. I am not sure what enters into that ascertainment. It was made in the War Department.

Mr. WADSWORTH. If the Senator will permit me, the point is this: The National Guard includes cavalry and field artillery, with the maintenance of horses in considerable numbers. That is the case to-day, and it will be much greater the case if the bill should pass in its present form. Yet the National Guard is to cost $40,000,000. Now, the Volunteers are to be in excess of the National Guard in numbers, but are to cost only $27,000,000. I can not see how they can keep a mounted organization under such an estimate.

Mr. CHAMBERLAIN. Of course, I do not know what is embraced in it, but under the act of 1914, which is adopted by the committee's provision in the bill, the President, I think, can organize those forces just as he sees fit.

Mr. DU PONT. There is nothing to prevent the President from organizing as many Artillery and Cavalry organizations as he pleases.

Mr. WADSWORTH. Could he maintain them in those proportions for $27,000,000 a year?

Mr. CHAMBERLAIN. It is only for 30 days.

Mr. WADSWORTH. What is to become of the horses for the other 11 months? That is the point.

Mr. LEE of Maryland. Will the Senator yield to me?

Mr. CHAMBERLAIN. Certainly.

Mr. LEE of Maryland. I wish to ask the Senator how many men are contemplated, in Table 12, in the first year's estimate for the cost of volunteers?

Mr. CHAMBERLAIN. It seems to me that that table covers the whole business, I will say to the Senator.

Mr. LEE of Maryland. How many men are estimated for?

Mr. CHAMBERLAIN. The whole number.

Mr. LEE of Maryland. The whole maximum?

Mr. CHAMBERLAIN. Two hundred and sixty-one thousand.

Mr. LEE of Maryland. The whole maximum number possible?

Mr. CHAMBERLAIN. Yes, sir.

Mr. President, nothing remains to call the attention of the Senate to except the National Guard. I fully agree with the Senator from Iowa that the difficulties which have existed with reference to the National Guard have been not due to any lack of power in the General Government to legislate with reference to it, but it has been a lack of the exercise of that power by Congress. We have, as some people are pleased to say, 48 little armies throughout the United States, all acting under different jurisdictions and without any regard to each other. But, Mr. President, that is because Congress has not exercised its power. I claim with the Senator that if Congress will only exercise the power, it has almost as complete jurisdiction to do as it pleases with the National Guard as it has with the organized Regular troops, with the exception only of the appointment of officers.

Now, we have undertaken in this bill to exhaust all the power the Federal Government has under the Constitution and to so limit the power of appointment of officers that even that will be measureably a Federal force. This, I will say, is the arbitrary action of the committee, but it is done after consultation with the National Guard officers and the authorities of the States who are anxious to become as useful a component part of the armed establishment as it is possible for them to be. They have given us every assistance possible and are willing to do whatever Congress feels is necessary for them to do, and which can be constitutionally done to make them to all practical purposes a Federal force.

Mr. BORAH rose.

Mr. CHAMBERLAIN. Does the Senator want to interrupt me?

Mr. BORAH. The Senator said that under the Constitution the National Government has the same power over the National Guard it has over the Army except as to appointing officers. What force and effect and scope does the Senator give to the clause "and also the training of the National Guard"?

Mr. CHAMBERLAIN. Training "under the discipline prescribed by Congress."

Mr. BORAH. Exactly. You can prescribe discipline and it is left to the State officers to train them. But to prescribe a form of discipline amounts to nothing unless it is carried out, and whether it shall be carried out depends upon the State.

Mr. CHAMBERLAIN. Mr. President, the power to discipline and train these State troops prescribed by Congress, it seems to me, carries with it the power to do everything that you could do with the National Guard.

Mr. BORAH. Exactly; but it is left to the State to train the National Guard. Now, Congress can prescribe the discipline. If they are trained they must be trained according to the discipline, but the initiative is upon the part of the State as to whether or not it shall train the National Guard.

Mr. CHAMBERLAIN. Suppose they do not do it.

Mr. BORAH. Exactly; suppose they do not.

Mr. CHAMBERLAIN. They go out.

Mr. BORAH. Precisely, and there is where the danger lies. There is the weakness—the breakdown.

Mr. CHAMBERLAIN. I am speaking of the laws as they exist now. Let me call the Senator's attention to the fact that we have prescribed rules and methods that will subject these men to court-martial proceedings and the Articles of War.

Mr. BORAH. I agree with the Senator. You have exhausted the powers of the National Government, and I think perhaps overdrawn.

Mr. CHAMBERLAIN. It may be so. I hope we have.

Mr. BORAH. But the point with me is that undoubtedly the appointment of officers belongs to the State. My observation and my reading lead me to believe that those officers will be appointed as a result of political preference.

Mr. CHAMBERLAIN. We tried to avoid that, I will say to the Senator.

Mr. BORAH. I know you have; but, with all due deference to the ability of the committee and the great zeal and ingenuity the committee has manifested and exercised in regard to it, it seems to me it is impossible to avoid it.

Mr. CHAMBERLAIN. I differ from the Senator; but the courts would have to determine in the final analysis.

Mr. BORAH. The court has determined the basic principles.

Mr. CHAMBERLAIN. Let me say this to the Senator: If I am not very much mistaken in my recollection of the conditions in reference to the civil-service law, I think the law as it was first passed was upset by the Supreme Court on the theory that it deprived the President of the constitutional power of appointment. So to correct that the law was amended so as not to deprive the President of the appointing power, and the commission is required to certify up three instead of one. It looks like a distinction without a difference. They certify up three, and the President takes one of the three. The power of selection is preserved.

Mr. BORAH. But does the Senator make no distinction as between the limiting of the power of the President to appoint a Federal officer and the limiting of the power of separate sovereignty in the reserved right to appoint officers?

Mr. CHAMBERLAIN. The Senator and I read the constitutional provisions and look at them from a different viewpoint.

Mr. President, as I said a while ago, notwithstanding the decision of the Attorney General of the United States, Mr. Wickersham, under the Taft administration; notwithstanding the opinion of The Adjutant General, who is a very distinguished man; notwithstanding the views of a great many distinguished men in the country to the contrary, I believe that Congress has unlimited control over the National Guard, except in the matter of the appointment of officers.

Mr. BORAH. Suppose Congress should pass a law providing that the governor of a State should be limited to three men in the appointment of chief justice of the State. Could we pass such a law, assuming that was an appointive office?

Mr. CHAMBERLAIN. Of course not. I have not any doubt on that point.

Here again is the difference that I talked about a while ago, Mr. President—Federal and State control. It has made inefficient the Military Establishment of this country from the earliest days. It has been due to this hairsplitting—and I am not referring to the Senator's argument, because I know the Senator never indulges in that—but because of the hairsplitting differences of distinguished men in the past, as to the jurisdiction that the Congress and the State has over this subject.

Mr. BORAH. The Supreme Court has decided very explicitly that the power of appointment is plainly and exclusively with the State. That has been settled not only by the plain terms of the Constitution but by the decision of the court. If that is true, I do not believe that it is within the power of the National Government to say that the governor of a State shall appoint one of three men. That would unquestionably be a limitation on the power of the State. I do not believe Congress can limit that power. It was a power belonging to the States without limit, and no part of it was delegated to the National Government. I am speaking now of the power to appoint the officers.

Mr. DU PONT. The bill does not say that. The bill says that the Government will not pay any officer unless appointed after a certain examination.

Mr. BORAH. That is an effort to get around the Constitution through the persuasive power of money, and is neither constitutionally or morally very attractive.

Mr. CHAMBERLAIN. Mr. President, let me say to the Senator—and the Senator's experience will vindicate the statement I make—it is said the Constitution follows the flag, and it does. It has followed it into jurisdictions and into countries and territories where no man ever conceived it would have to go; but it goes.

Mr. President, if this question has to be determined by the Supreme Court of the United States or any court when there is an emergency confronting our people, I have not any doubt about what it will hold.

Mr. BORAH. That is just exactly what happened in 1812. The Supreme Court of Massachusetts and the Supreme Court of Connecticut held that the power to determine what should constitute an emergency justifying the calling out of the militia rested with the State. Twelve years after the war was over the Supreme Court of the United States reversed that opinion; but the war was over.

Mr. CUMMINS. Mr. President, I should be very sorry if this constitutional question prejudices the minds of Senators against the National Guard in this early stage of the discussion upon the bill. I know there is a widespread prejudice against it, but we begin the whole subject with a false provision. We look upon the militia as State troops. They are not State troops. There is no such thing as a State militia any more than a national militia. The Constitution does not say anything about a State militia. The Constitution describes these troops as militia, and when they are organized they are not State troops, they are national troops, if they are organized under the power of Congress.

I agree that the Constitution reserves to the States the power to appoint officers, and I do not dispute the view just expressed

by the Senator from Idaho [Mr. BORAH] that we can not limit or affect the power of appointment. But the moment the officers are appointed they may become, if Congress so wills, not State officers but Federal officers. They command a Federal force and are just as much subject to the lawful orders of the President of the United States as would be an officer of the Regular Army. That is my view of it.

If an officer of the National Guard should receive at the same time an order from the governor and an order from the President and those orders were inconsistent with each other, then he must obey the order of the President because the Federal law is the supreme law of the land.

The question of how far we can influence the choice made by the States in appointing officers of the National Guard is a very interesting inquiry, but I hope that Senators will not make up their minds finally until the whole subject is fully discussed.

Mr. SMITH of Georgia. Mr. President——

Mr. CHAMBERLAIN. I hope Senators will not get up a discussion on this point, because I want to get through.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield, and to whom?

Mr. CHAMBERLAIN. As the Senator from Georgia rose first, I yield to him.

Mr. SMITH of Georgia. I want to ask the Senator from Iowa a question. I want his opinion as to how far under the power of organizing and arming and disciplining the militia the National Government has the right to prescribe the qualifications of officers. The governor could select them; but if the National Government can organize, arm, and discipline and prescribe the rules, could it not prescribe qualifications for the officers without the power of selecting them?

Mr. CUMMINS. Mr. President, I prefer to answer that question later in the debate. I will say, however, I have serious doubt about the congressional power to limit directly in any way the discretion or authority of the State in the appointment of officers.

Mr. CHAMBERLAIN. I now yield to the Senator from Illinois.

Mr. SHERMAN. As supplemental to what the senior Senator from Iowa [Mr. CUMMINS] has said, I wish to suggest that a part of the fears that have been expressed here about the appointment of the officers of the State militia will not be realized. I wish to add to what the Senator from Oregon has already said that we must face, the utilization of the National Guard with reference to existing conditions. I know—and I say this for whatever it may be worth—the organizations of the National Guard in States of very reputable size whose officers are not only not appointed for political reasons but they endure through administration after administration, the same officers being affiliated with the political party that is in the minority. Politics does not have any place whatever in the organization or in the management of the State National Guard. On the contrary, politics has been entirely eliminated. The same adjutant general has served, to my certain knowledge, in some of the National Guard organizations for more than 14 years, although the present adjutant general in one State is of an entirely different political party from that of the governor of the State. On the contrary, instead of the fears of the Senator from Idaho [Mr. BORAH] being realized, I think under existing conditions, where the training is under the inspection or the immediate eye of the officers of the Regular Army, the tendency has been to eliminate politics everywhere and to go to a strictly military organization.

Mr. CHAMBERLAIN. I think, probably, that is largely true, though in some instances it exists.

Mr. President, I want to apologize to the Senate for having taken so much time. I did not intend to trespass on the time of the Senate so long; but I have stated in a very general way the provisions of the bill and the purposes sought to be accomplished by the committee.

Mr. SMITH of Georgia. Will the Senator explain to us a little further the object and the use of the increased expenditure for the National Guard, and, if he recalls it, exactly the difference between his plan for the National Guard and the plan of the bill as passed by the House? I want to say to the Senator I am very sure every Senator present is gratified at the time he has taken and is deriving real benefit from it.

Mr. CHAMBERLAIN. I thank the Senator.

One thing that occasions the difference between the House and Senate bills as to the National Guard is due to the fact that the House committee increases the number to about 800 for a congressional district and we increase it to 500.

Now, Mr. President, in conclusion I ask to have inserted in the RECORD the following summary of the maximum and minimum strength of the Army under Senate bill 4840 and under House bill 17766 as passed by the House. That will give a comparative statement for reference which will be available to Senators in the discussion of the bill.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

TABLE 1.—*Summary of the minimum strength of the Army.*

	Under existing law.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment) 65			30	30	90	461	460	460	1,531	26,569
15 Cavalry regiments 25			15	15	45	225	225	225	750	12,240
6 Field Artillery regiments 21			6	6	12	66	78	78	246	5,010
170 Coast Artillery Corps companies 263		1	14	14	42	210	210	210	701	[1] 19,321
Brigade headquarters Infantry, Cavalry, Field Artillery 43										
Headquarters troops, Infantry and Cavalry divisions 6										
General officers of the line	7	17							24	
General Staff Corps			[2] 4	[2] 6	[2] 12	[2] 12			[2] 34	
Adjutant General's Department		1	5	7	10				23	
Inspector General's Department		1	5	4	9				17	
Judge Advocate General's Department		1	2	3	7				13	
Quartermaster Corps	1	2	12	18	48	102			183	[3] 6,403
Medical Corps	1		14	24	105	[4] 239	[4] 215		598	[3] 4,012
Corps of Engineers		1	15	22	51	60	56	43	248	1,234
Ordnance Department		1	6	9	19	25	25		85	765
Signal Corps		1	1	2	6	22	74		106	1,472
Bureau of Insular Affairs		1	1		1				3	
Chaplains					15	[5] 23	[5] 29		67	
42 veterinarians										
Detached officers			8	9	27	82	74		200	
Detached enlisted men										
Additional officers[7]			4	3					7	632
Recruiting parties, depots, unassigned recruits[7]			25	1			1		27	
Military Academy[7]										6,098
Service schools detachments[7]										746
United States disciplinary barracks guards[7]										350
Disciplinary organizations[7]										110
Mounted orderlies[7]										7
Indian scouts[7]										75
Total Regular Army	9	27	161	167	487	1,515	1,447	1,016	4,829	85,044
Additional force, Philippine Scouts						52	65	65	182	5,733
Grand total	9	27	161	167	487	1,567	1,512	1,081	5,011	90,777

[For footnotes see p. 5082.]

TABLE 1.—*Summary of the minimum strength of the Army*—Continued.

	Under Senate bill 4840 or Senate committee amendment to H. R. 12766.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment) 65	.....	.....	65	65	195	975	1,040	975	3,315	87,035
15 Cavalry regiments 25	.....	.....	25	25	75	400	400	400	1,325	24,900
6 Field Artillery regiments 21	.....	.....	21	21	48	237	294	258	879	18,018
170 companies Coast Artillery Corps 263	.....	1	24	24	72	360	360	360	1,201	24,897
Brigade headquarters, Infantry, Cavalry, and Field Artillery 43	.....	.....	.....	.....	.....	.....	.....	.....	.....	288
Headquarters troops, Infantry and Cavalry Division 6	.....	.....	.....	.....	.....	6	6	6	18	738
General officers of the line	[8] 10	[9] 37	.....	.....	.....	.....	.....	.....	47	.....
General Staff Corps	.....	.....	10	12	32	34	.....	.....	88	.....
Adjutant General's Department	.....	1	7	13	39	.....	.....	.....	60	.....
Inspector General's Department	.....	1	4	8	16	.....	.....	.....	29	.....
Judge Advocate General's Department	.....	1	2	6	12	10	.....	.....	31	.....
Quartermaster Corps	[10] 1	[10] 2	17	30	54	155	.....	.....	259	[11] 6,409
Medical Corps	[12] 1	.....	20	40	214	[13] 622	.....	.....	[14] 1,070	[11] 7,290
Corps of Engineers	.....	1	23	30	72	152	148	79	505	5,334
Ordnance Department	.....	1	6	12	24	33	33	.....	109	1,065
Signal Corps	.....	1	3	10	23	64	215	.....	316	[15] 3,387
Bureau of Insular Affairs	.....	1	1	.....	1	.....	.....	.....	3	.....
Chaplains	.....	.....	.....	.....	.....	.....	.....	.....	[16] 136	.....
42 veterinarians	.....	.....	.....	.....	.....	.....	.....	.....	[16] 124	.....
Detached officers	.....	.....	19	23	185	389	426	.....	1,022	.....
Detached enlisted men	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,500
Military Academy [7]	.....	.....	4	3	.....	.....	.....	.....	7	632
Additional officers [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Recruiting parties, recruit depots, and unassigned recruits [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,098
Service school detachments [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	746
United States Disciplinary Barracks guards [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	350
Disciplinary organizations [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	110
Mounted orderlies [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indian scouts [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	56
Total Regular Army	12	47	251	322	1,042	3,437	2,922	2,078	10,544	188,853
Additional force, Philippine Scouts	.....	.....	.....	.....	.....	52	65	65	182	5,733
Grand total	12	47	251	322	1,042	3,489	2,987	2,143	10,726	194,586

	Under House bill 12766 as passed House.										
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.	Additional enlisted for foreign service.[16]
41 Infantry regiments (including Porto Rico regiment) 65	.....	.....	40	41	123	656	656	656	2,172	37,392	13,260
15 Cavalry regiments 25	.....	.....	15	15	45	240	240	240	795	14,400	1,440
108 Field Artillery batteries 21	.....	.....	12	12	36	192	192	228	672	15,660	1,539
222 companies Coast Artillery Corps 263	1	.....	19	19	56	278	278	278	929	25,203	.....
Brigade headquarters, Infantry, Cavalry, and Field Artillery 43	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters troops, Infantry and Cavalry Division 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
General officers of the line	7	17	.....	.....	.....	.....	.....	.....	24	.....	.....
General Staff Corps	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Adjutant General's Department	.....	1	5	7	10	.....	.....	.....	23	.....	.....
Inspector General's Department	.....	1	3	4	9	.....	.....	.....	17	.....	.....
Judge Advocate General's Department	.....	1	2	3	7	.....	.....	.....	13	.....	.....
Quartermaster Corps	1	2	16	22	60	131	.....	.....	232	[17] 7,780	.....
Medical Corps	.....	.....	31	54	235	672	.....	.....	992	[18] 5,928	.....
Corps of Engineers	.....	1	16	23	55	75	71	58	299	2,735	.....
Ordnance Department	.....	1	10	15	32	42	42	.....	142	1,115	.....
Signal Corps	.....	1	1	2	6	18	151	.....	179	2,698	.....
Bureau of Insular Affairs	.....	1	1	.....	1	.....	.....	.....	3	.....	.....
Chaplains	.....	.....	.....	.....	15	23	45	.....	83	.....	.....
42 veterinarians	.....	.....	.....	.....	.....	19	34	37	90	.....	.....
Detached officers	.....	.....	28	29	*84	420	425	.....	986	.....	.....
Detached enlisted men	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Military Academy [7]	.....	.....	4	3	.....	.....	.....	.....	7	632	.....
Additional officers [7]	.....	.....	22	1	.....	1	.....	.....	24	.....	.....
Recruiting parties, recruit depots, and unassigned recruits [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	4,587	.....
Service school detachments [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	746	.....
United States Disciplinary Barracks guards [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	350	.....
Disciplinary organizations [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	110	.....
Mounted orderlies [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indian scouts [7]	.....	.....	.....	.....	.....	.....	.....	.....	.....	56	.....
Total Regular Army	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Additional force, Philippine Scouts	.....	.....	.....	.....	.....	52	65	65	182	5,733	.....
Grand total	9	26	225	250	774	2,819	2,199	1,562	7,864	[17] 125,125	[8] 16,239

[For footnotes see p. 5082.]

TABLE 2.—*Summary of the maximum strength of the Army.*

	Under existing law.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment) 65			30	30	90	461	460	460	1,531	56,315
15 Cavalry regiments 25			15	15	45	225	225	225	750	18,540
6 Field Artillery regiments 21			6	6	12	66	78	78	246	7,116
170 companies Coast Artillery Corps 263		1	14	14	42	210	210	210	701	[1] 19,321
Brigade headquarters, Infantry, Cavalry, and Field Artillery 43										
Headquarters troops, Infantry and Cavalry division 6										
General officers of the line	7	17							24	
General Staff Corps			[2] 4	[2] 6	[2] 12	[2] 12			[2] 34	
Adjutant General's Department		1	5	7	10				23	
Inspector General's Department		1	3	4	9				17	
Judge Advocate General's Department		1	2	3	7				13	
Quartermaster Corps	1	2	12	18	48	102			183	[3] 6,403
Medical Corps	1		14	24	105	239	[4] 215		598	[5] 4,012
Corps of Engineers		1	15	22	51	60	56	43	248	2,002
Ordnance Department		1	6	9	19	25	25		85	[6] 765
Signal Corps		1	1	2	6	22	74		106	1,472
Bureau of Insular Affairs		1	1		1				3	
Chaplains					15	[6] 23	[6] 29		67	
42 veterinarians										
Detached officers			8	9	27	82	74		200	
Detached enlisted men										
Military Academy [7]			25	1			1		27	
Additional officers [7]										6,098
Recruiting parties, recruit depots, and unassigned recruits [7]			4	3					7	632
Service school detachments [7]										746
United States Disciplinary Barracks guards [7]										350
Disciplinary organizations [7]										110
Mounted orderlies [7]										7
Indian scouts [7]										75
Total Regular Army	9	27	161	167	487	1,313	1,447	1,016	4,829	123,964
Additional force, Philippine Scouts						52	65	65	182	5,733
Grand total	9	27	161	167	487	1,567	1,512	1,081	5,011	129,697

	Under Senate bill 4840 or Senate committee amendment to H. R. 12766.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rican regiments) 65			65	65	195	975	1,040	975	3,315	127,660
15 Cavalry regiments 25			25	25	75	400	400	400	1,325	26,825
6 Field Artillery regiments 21			21	21	48	237	294	258	879	26,599
170 Coast Artillery Corps companies 263		1	24	24	72	360	360	360	1,201	30,000
Brigade headquarters Infantry, Cavalry, Field Artillery 43										288
Headquarters troops, Infantry and Cavalry divisions 6						6	6	6	18	738
General officers of the line	[9] 10	[10] 37							47	
General Staff Corps			10	12	32	34			88	
Adjutant General's Department		1	7	13	39				60	
Inspector General's Department		1	4	8	16				29	
Judge Advocate General's Department		1	2	6	12	10			31	
Quartermaster's Department	[11] 1	[11] 2	17	30	54	[13] 155			259	[12] 6,409
Medical Corps	[11] 1		20	40	214	622			[14] 1,070	[13] 7,290
Corps of Engineers		1	23	30	72	152	148	79	505	7,797
Ordnance Department		1	6	12	24	33	33		109	[12] 1,065
Signal Corps		1	3	10	23	64	215		316	[12] 4,338
Bureau of Insular Affairs		1	1		1				3	
Chaplains									[15] 136	
42 Veterinarians									[15] 124	
Detached officers			19	23	165	389	426		1,022	
Detached enlisted men [7]										1,500
Additional officers [7]										
Recruiting parties, depots, unassigned recruits [7]										6,098
Military Academy [7]			4	3					7	632
Service schools detachments [7]										746
United States Disciplinary Barracks guards [7]										350
Disciplinary organizations [7]										110
Mounted orderlies [7]										
Indian scouts [7]										56
Total Regular Army	12	47	251	322	1,042	3,437	2,922	2,078	10,544	248,510
Additional force, Philippine Scouts						52	65	65	182	5,733
Grand total	12	47	251	322	1,042	3,489	2,987	2,143	10,726	254,243

[For footnotes see p. 5082.]

TABLE 2.—*Summary of the maximum strength of the Army*—Continued.

	Under H. R. 12766 as passed House.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment) 65			40	41	123	656	656	656	2,172	79,212
			15	15	45	240	240	240	795	20,880
15 Cavalry regiments [19] 25			12	12	36	192	192	228	672	21,816
6 Field Artillery regiments 21	1		19	19	56	278	278	278	929	25,203
170 Coast Artillery Corps companies 263										
Brigade headquarters Infantry, Cavalry, Field Artillery 43										
Headquarters troops, Infantry and Cavalry divisions 6	7	17							24	
General officers of the line										
General Staff Corps		1	5	7	10				23	
Adjutant General's Department		1	3	4	9				17	
Inspector General's Department		1	2	3	7				13	
Judge Advocate General's Department	1	2	16	22	60	131			232	[20] 7,780
Quartermaster Department [21]			48	84	362	1,034			1,528	[20] 9,124
Medical Corps		1	16	23	55	75	71	58	299	4,463
Corps of Engineers		1	10	15	32	42	42		142	1,115
Ordnance Department		1	1	2	6	18	151		179	2,608
Signal Corps		1	1		1				3	
Bureau of Insular Affairs					15	23	45		83	
Chaplains						19	34	37	90	
42 veterinarians			28	29	84	420	425		986	
Detached officers										
Detached enlisted men [7]			22	1		1			24	
Additional officers [7]										7,258
Recruiting parties, depots, unassigned recruits [7]			4	3					7	632
Military Academy [7]										
Service schools detachments [7]										
United States Disciplinary Barracks guards [7]										
Disciplinary organizations [7]										
Mounted orderlies [7]										
Indian scouts [7]										56
Total Regular Army										
Additional force, Philippine Scouts						52	65	65	182	12,000
Grand total	9	26	242	280	901	3,181	2,199	1,562	8,400	192,237

[1] Including 14 bands.
[2] Not additional to commissioned strength of Army.
[3] Of which 6,000 are not included in the strength of the Army.
[4] Number of captains and lieutenants depends upon length of service.
[5] Enlisted strength fixed by the President.
[6] Number of captains and first lieutenants depends upon length of service.
[7] Included in the strength of their organizations.
[8] Enlisted strength fixed by the President.
[9] Including Chief of Staff with rank of lieutenant general.
[10] Including assistant to Chief of Staff.
[11] Eventually 1 brigadier general only.
[12] Enlisted strength fixed by President, Quartermaster Corps and Hospital Corps men not counted in the authorized strength of the Army.
[13] Either captains or lieutenants.
[14] Not to exceed 15 to have the pay and allowances of majors.
[15] Dental surgeons at the rate of 1 per 1,000 enlisted men.
[16] Based on present organizations on foreign duty.
[17] Not counted in enlisted strength of the Army.
[18] Sec. 7 of bill as passed House provides that the total enlisted force of the line of the Army shall not exceed at any one time 140,000, except as provided in sec. 1 thereof.
[19] Additional in war, 324 officers, 12,258 men.
[20] Not counted in enlisted strength of the Army.
[21] 1,034 captains are captains and first lieutenants.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield, Mr. President.

Mr. POMERENE. The Senator has been speaking of the National Guard. A matter was called to my attention this morning that I should like to have an explanation of from the chairman of the committee. Section 108 of the bill provides that—

> Commissioned officers on the active list belonging to organizations of the National Guard shall annually receive as reimbursement for their expenses and compensation for their services, except during periods of service for which under existing law they may become entitled to the same pay as officers of corresponding grades of the Regular Army, at the following rates, namely: To captains commanding companies or similar units, $500; to first lieutenants of companies or similar units, $300; to second lieutenants of companies or similar units, $250.

As this section is framed it would seem that any officer in the National Guard above the rank of captain would not receive any compensation from the Federal Government at all. I confess I do not see the justice of saying that a man shall be paid for his services while a member of the National Guard so long as he is of the rank of captain or below that rank, but if he should have a rank above that of captain he shall not receive any compensation.

Mr. CHAMBERLAIN. I will state that the committee purposely struck out pay for officers above the rank of captain on the theory that in the National Guard, as it is at present organized, the captains are the working force of the unit. The company is the working unit. In some States, however, that hardly applies. I know at one time in my State we had a brigadier general and about three or four companies over which he presided. There was not any use for such an officer as that. The probability is that these higher ranking officers will be necessary in most of the States, I mean below the grade of brigadier general, but we limited it to the captain, assuming that he was the working factor in the development and training of the troops.

Mr. POMERENE. I want to say that so far as the National Guard in Ohio is concerned the men who do as much if not more work than the captains themselves are the colonels and lieutenant colonels. They have an immense amount of correspondence, and they provide their own stenographers usually. It does seem to me they should be entitled to at least the compensation which the committee in its wisdom has seen fit to give to a captain.

Mr. SMITH of Georgia. They get a captain's pay.

Mr. POMERENE. Under the provisions of the bill they would not get anything from the Federal Government.

Mr. SMITH of Georgia. I thought it meant that while they hold a higher rank the pay was not to go higher than that of a captain.

Mr. POMERENE. That was the provision of the bill as it passed the House, but it has been changed by the Senate committee so that an officer might be above the rank of captain and he would not get any pay at all from the Federal Government.

Mr. SMITH of Georgia. I will state that any officer of higher rank should, in my opinion, have the pay of a captain.

Mr. POMERENE. That is my judgment about it.

Mr. CHAMBERLAIN. May I say to the Senator from Ohio that when these National Guards go into encampment the higher officers are paid exactly as Army officers are paid, and that is where they do most of their work, where they have brigades.

Mr. POMERENE. They have a vast deal of detail work to do during the entire year, whether in camp or not.

Mr. CHAMBERLAIN. I will say to the Senator that that can come up by way of amendment when we reach that provision of the bill.

Mr. CUMMINS. Before the Senator from Oregon takes his seat I should like to ask him one question. He may have answered it while I was out of the Chamber. What are the circumstances under which the President can increase the Regular Army to 250,000?

Mr. CHAMBERLAIN. The distinction is between peace and war or when war is imminent.

Mr. CUMMINS. The President is limited——

Mr. CHAMBERLAIN. He is limited in time of peace.

Mr. CUMMINS. In peace he is limited to the number of men provided in the bill substantially.

Mr. CHAMBERLAIN. Yes, sir; practically two-thirds of the maximum strength.

I now ask that the bill be read.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee in the nature of a substitute.

The SECRETARY. The Committee on Military Affairs reports to strike out all of the bill after the enacting clause and in lieu thereof to insert:

That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the National Guard while in the service of the United States, and such other land forces as Congress may from time to time authorize.

SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, corps, and Army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the detached officers, the chaplains, the veterinarians, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit-depot detachments, and unassigned recruits; the service-school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as may be hereinafter provided for.

SEC. 3. Composition of brigades, divisions, etc.: The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field battalion of Signal Corps, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry Brigades, one regiment of Field Artillery (horse), one battalion of mounted engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical corps shall consist of a headquarters, two or more Infantry divisions, one or more Cavalry brigades or a Cavalry division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. Nothing herein contained, however, shall prevent the President from increasing or decreasing the number of organizations prescribed for the typical brigades, divisions, and corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.

SEC. 4. Headquarters personnel of higher tactical units and trains: The brigade headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. The typical headquarters of an Infantry, Cavalry, or Field Artillery brigade shall consist of 1 brigadier general, 1 adjutant, 2 aids (lieutenants), 1 sergeant, 1 cook, 6 privates and 1 wagoner. A division headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. The typical Infantry and Cavalry division headquarters shall consist of 1 major general, 1 chief of staff, 1 adjutant, 1 inspector, 1 judge advocate, 1 quartermaster, 1 surgeon, 1 ordnance officer, 1 signal officer, 1 sanitary inspector, 2 assistants to the chief of staff, 4 assistants to the quartermaster, 1 assistant to the surgeon, 3 aids (captains or lieutenants), 1 headquarters troop, consisting of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 horseshoers, 1 saddler, 2 cooks, 2 buglers, 1 mechanic, 14 privates first class, and 43 privates, and a quartermaster detachment of 5 sergeants first class, 5 sergeants, and 5 wagoners. Officers for the headquarters troop shall be detailed from the Cavalry Arm, and when detailed such details shall be subject to the provisions of section 27, act of Congress approved February 2, 1901. A corps or army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe.

Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to be detailed under the provisions of sections 26 and 27, act of Congress approved February 2, 1901.

SEC. 5. General officers of the line: There shall be appointed, as now provided by law, including 6 major generals and 15 brigadier generals now holding commissions as general officers of the line of the Army, 10 major generals, of whom one shall be available for service as Chief of Staff and one to command each division; 37 brigadier generals, 3 of whom shall be available as assistants to the Chief of Staff: *Provided*, That hereafter in time of peace major general shall be appointed from officers of the grade of brigadier general, and brigadier generals shall be appointed from officers of the grade of colonel of the Regular Army.

SEC. 6. The General Staff Corps: The General Staff Corps shall consist of one Chief of Staff, detailed in time of peace from major generals of the line, who shall while so serving have the rank, pay, and allowances prescribed for a lieutenant general, and shall take rank and precedence over all other officers on the active list of the Army; 3 assistants to the Chief of Staff, brigadier generals, detailed in time of peace from the brigadier generals of the line, 1 of whom shall be the president of the Army War College and 1 of whom shall be Chief of the Division of Militia Affairs; 10 colonels; 12 lieutenant colonels; 32 majors; and 34 captains, to be detailed from corresponding grades in the Army under such rules of selection as the President may prescribe. If any officer so detailed shall be promoted to the next higher grade while so serving, the number of officers of the General Staff Corps in the grade to which he is promoted shall be increased by one for such time as the officer so promoted is an additional number in the advanced grade. The total number of officers detailed to the General Staff Corps shall at no time exceed the aggregate of the numbers herein specified for the several grades. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps it shall be permitted to temporarily assign them to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he has served two years with the branch of the Army in which commissioned, except in cases of national emergency or in time of war. Section 27 of the act of Congress, approved February 2, 1901, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps. The Chief of Staff shall not serve as a member of any board of officers convened to select and recommend officers for detail in the General Staff Corps, and upon being relieved from duty as Chief of Staff by reason of expiration of tour, retirement, or other cause, the Chief of Staff shall revert to his permanent rank in the Regular Army.

SEC. 7. The Adjutant General's Department: The Adjutant General's Department shall consist of 1 Adjutant General, with the rank of brigadier general; 7 colonels; 13 lieutenant colonels; and 39 majors.

SEC. 8. The Inspector General's Department: The Inspector General's Department shall consist of 1 Inspector General, with the rank of brigadier general; 4 colonels; 8 lieutenant colonels; and 16 majors: *Provided*, That so much of the act approved June 23, 1874, as authorizes the detail of 4 officers of the line as acting inspectors general is hereby repealed.

SEC. 9. The Judge Advocate General's Department: The Judge Advocate General's Department shall consist of 1 Judge Advocate General, with the rank of brigadier general; 2 colonels; 6 lieutenant colonels; 12 majors; and 10 captains: *Provided*, That the duties of the Judge Advocate General's Department may include investigations necessary in the administration of military justice: *Provided further*, That acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-maritial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require.

SEC. 10. The Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general, 2 assistants to the Quartermaster General with the rank of brigadier general, 17 colonels, 30 lieutenant colonels, 54 majors, 155 captains, and the pay clerks now authorized by law. The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President, in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, three-tenths of 1 per cent; quartermaster sergeants, 7 per cent; sergeants, first class, 10 per cent; sergeants, 15 per cent; corporals, 10 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates: *Provided*, That the master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized: *Provided further*, That when vacancies occur in the office of Quartermaster General and in the office of either of the assistants to the Quartermaster General, by retirement of the present incumbents or otherwise, such vacancies shall not be filled, but the offices in which the vacancies occur shall cease and determine; and the Quartermaster General shall thereafter have the rank of brigadier general.

SEC. 11. The Medical Department: The Medical Department shall consist of the Medical Corps, the Dental Corps, the Medical Reserve Corps, and the Nurse Corps. The Medical Corps shall consist of 1 Surgeon General, with the rank of major general, 20 colonels, 40 lieutenant colonels, 214 majors, 622 captains or first lieutenants, and the enlisted men herein provided: *Provided*, That persons hereafter commissioned in the Medical Corps shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps: *Provided further*, That captains in the Medical Corps shall take rank in that grade according to total length of commissioned service in the Medical Corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of general court-martial or of failure to qualify on examination for promotion: *And provided further*, That when a vacancy occurs in the office of Surgeon General, by retirement of the present incumbent or otherwise, such vacancy shall not be filled and such office, in the grade of major general, shall cease and determine; and the Surgeon General shall thereafter have the rank of brigadier general: *And provided further*, That hereafter the Secretary of War is hereby authorized to detail not more than

three officers of the Medical Corps of the Army for duty with the military relief division of the American National Red Cross.

The Medical Reserve Corps and the Nurse Corps shall be as now provided by law. The Hospital Corps of the Army, as authorized and constituted by existing law, shall be designated and known as part of the Medical Corps of the Army. The total enlisted strength of the Medical Corps shall be limited and fixed from time to time by the President, in accordance with the needs of the Army, and shall consist of master hospital sergeants; hospital sergeants; sergeants, first class; sergeants; corporals; cooks; horseshoers; farriers; saddlers; mechanics; privates, first class; and privates. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Medical Corps, namely: Master hospital sergeants, one-half of 1 per cent; hospital sergeants, one-half of 1 per cent; sergeants, first class, 7 per cent; sergeants, 11 per cent; corporals, 6 per cent. The number of cooks shall be limited and fixed from time to time by the Secretary of War. The number of horseshoers, farriers, saddlers, and mechanics shall be limited to one each for each regularly authorized field hospital company and one for each regularly authorized ambulance company. The number of privates, first class, shall not exceed 25 per cent of the number of privates.

The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons at the rate of 1 for each 1,000 enlisted men of the line of the Army. Dental surgeons shall have the pay and allowances of first lieutenants until they have completed 10 years' service. Dental surgeons of more than 10 but less than 25 years' service shall, subject to such examination as the President may prescribe, have the pay and allowances of captains. Dental surgeons of more than 25 years' service shall, subject to such examination as the President may prescribe, have the pay and allowances of major: *Provided*, That the total number of dental surgeons with pay and allowances of major shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.

Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

SEC. 12. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general: 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consist of 1 band, 7 regiments, and 2 mounted battalions.

Each regiment of Engineers shall consist of 1 colonel; 1 lieutenant colonel; 2 majors; 11 captains; 12 first lieutenants; 6 second lieutenants; 2 master engineers, senior grade; 1 regimental sergeant major; 2 regimental supply sergeants; 2 color sergeants; 1 sergeant bugler; 1 cook; 1 wagoner for each authorized wagon of the field and combat train, and two battalions.

Each battalion of a regiment of Engineers shall consist of 1 major; 1 captain; 1 battalion sergeant major; 3 master engineers, junior grade; and three companies. Each Engineer company (regimental) shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 3 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 6 sergeants; 12 corporals; 1 horseshoer; 2 buglers; 1 saddler; 2 cooks; 19 privates, first class; and 59 privates: *Provided*, That the President may, in his discretion, increase a regiment of Engineers by 2 master engineers, senior grade, and 2 sergeants; each battalion headquarters of a regiment of Engineers by 3 master engineers, junior grade; and each Engineer company (regimental) by 2 sergeants; 6 corporals; 1 cook; 12 privates, first class; and 34 privates.

The Engineer band shall consist of 1 band leader; 1 assistant band leader; 1 first sergeant; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; and 2 cooks.

Each battalion of mounted Engineers shall consist of 1 major; 5 captains; 7 first lieutenants; 3 second lieutenants; 1 master engineer, senior grade; 1 battalion sergeant major; 1 battalion supply sergeant; 3 master engineers, junior grade; 1 corporal; 1 wagoner for each authorized wagon of the field and combat train; and 3 mounted companies. Each mounted Engineer company shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 2 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 4 sergeants; 8 corporals; 2 horseshoers; 1 saddler; 2 cooks; 2 buglers; 12 privates, first class; and 37 privates: *Provided*, That the President may, in his discretion, increase the battalions of mounted Engineers by 1 master engineer, senior grade; 2 sergeants; and 3 master engineers, junior grade; and a mounted Engineer company by 2 sergeants; 3 corporals; 8 privates, first class; and 24 privates: *Provided further*, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

SEC. 13. The Ordnance Department: The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank of brigadier general; 6 colonels; 12 lieutenant colonels; 24 majors; 33 captains; 33 first lieutenants; the ordnance sergeants as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct: *Provided*, That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer: *Provided further*, That vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections 26 and 27 of the act approved February 2, 1901, the acts approved June 25, 1906, and February 24, 1915, and acts amendatory thereof relating to the Ordnance Department.

SEC. 14. The Signal Corps: The Signal Corps shall consist of 1 Chief Signal Officer, with the rank of brigadier general; 2 colonels; 9 lieutenant colonels; 15 majors; 40 captains; 101 first lieutenants; and the aviation section, which shall consist of 1 colonel, 1 lieutenant colonel, 8 majors, 24 captains, and 114 first lieutenants.

The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers, private, first class; and privates; the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, 2 per cent; sergeants, first class, 7 per cent; sergeants, 10 per cent; corporals, 20 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand: *Provided*, That nothing in this act shall be construed to limit in any way the provisions of the act of July 18, 1914, affecting the aviation section of the Signal Corps.

SEC. 15. Bureau of Insular Affairs of the War Department: Nothing in this act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department.

SEC. 16. Chaplains: That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of 1 for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and 1 for each 1,200 officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law.

SEC. 17. Veterinarians: The President is authorized to appoint, by and with the advice and consent of the Senate, veterinarians at the rate of 2 for each regiment of Cavalry, 1 for each battalion of Field Artillery and mounted Engineers, and 24 for the Quartermaster Corps. Veterinarians thus appointed shall have the pay and allowances of second lieutenants. Veterinarians who have served seven years as such shall, subject to such examinations as the President may prescribe, have the pay and allowances of first lieutenants. Veterinarians who have served more than 15 years as such shall, subject to such examinations as the President may prescribe, have the pay and allowances of captains. Veterinarians who have served more than 25 years as such shall, subject to such examinations as the President may prescribe, have the pay and allowances of majors: *Provided*, That the total number of veterinarians with pay and allowances of majors shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of line officers for promotion shall be applicable to veterinarians.

SEC. 18. Vacancies in commissioned personnel due to details; how filled: Vacancies which may occur in the commissioned personnel of The Adjutant General's Department, the Judge Advocate General's Department, the Inspector General's Department, the Quartermaster Corps, the Signal Corps, and the Bureau of Insular Affairs of the War Department shall be subject to the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, and section 3 of the act of Congress approved August 24, 1912. When a vacancy occurs in the office of Chief of Coast Artillery, Adjutant General, Judge Advocate General, Inspector General, Quartermaster General, Surgeon General, Chief of Engineers, Chief of Ordnance, Chief Signal Officer, the President is authorized to appoint to such vacancy, by and with the advice and consent of the Senate, an officer not below the grade of colonel, selected from the arm, corps or department, or from general officers appointed from the arm, in which the vacancy exists, and hereafter whenever the number of officers holding permanent appointments in any staff corps or staff department of the Army, except the Quartermaster Corps, shall have been reduced below four and a vacancy shall occur in an office above the grade of colonel in said corps or department, any officer of the Army with rank above that of lieutenant colonel who shall have served creditably for not less than three years by detail in said corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, shall, in addition to officers otherwise eligible, be eligible for appointment to fill said vacancy. Officers so appointed shall serve for a period of four years, but, except in time of war, no such officer shall serve under such appointment or be paid as if upon the active list beyond the date of his retirement in accordance with existing law. The position vacated by an officer appointed Chief of Coast Artillery, Adjutant General, Judge Advocate General, Inspector General, Quartermaster General, Surgeon General, Chief of Engineers, Chief of Ordnance, or Chief Signal Officer shall be filled by promotion in that arm, corps, or department, but the officer who has been or who may be hereafter thus appointed shall continue in the same lineal position in his arm, corps, or department which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be appointed: *Provided*, That no officer shall be eligible to a further detail as chief of an arm, corps, department, or bureau until he has served two years with the branch of the Army in which commissioned, except in an emergency or in time of war: *Provided further*, That when the number of colonels in any corps or department is less than six the chief of said corps or department may be detailed either from the colonels or lieutenant colonels: *And provided further*, That in time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade.

SEC. 19. Composition of Infantry units: Each regiment of Infantry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 15 second lieutenants, 1 headquarters company, 1 machine-gun company, 1 supply company, and 12 Infantry companies organized into 3 battalions of 4 companies each.

Each battalion shall consist of 1 major, 1 first lieutenant, mounted (battalion adjutant), and 4 companies. Each Infantry company in battalion shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 6 sergeants, 11 corporals, 2 cooks, 2 buglers, 1 mechanic, 19 privates, first class, and 56 privates.

Each Infantry headquarters company shall consist of 1 captain, mounted (regimental adjutant); 1 regimental sergeant major, mounted; 3 battalion sergeants major, mounted; 1 first sergeant (drum major); 2 color sergeants; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 1 sergeant; 2 cooks; 1 horseshoer; 1 band leader; 1 assistant band leader; 1 sergeant bugler; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 4 privates, first class, mounted; and 12 privates, mounted.

Each Infantry machine-gun company shall consist of 1 captain, mounted; 1 first lieutenant, mounted; 2 second lieutenants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 supply sergeant, mounted;

1 stable sergeant, mounted; 1 horseshoer; 5 sergeants; 6 corporals; 2 cooks; 2 buglers; 1 mechanic; 8 privates (first class); and 24 privates.

Each Infantry supply company shall consist of 1 captain, mounted; 1 second lieutenant, mounted; 3 regimental supply sergeants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 stable sergeant; 1 corporal, mounted; 1 cook; 1 saddler; 1 horseshoer; and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may in his discretion increase a company of Infantry by two sergeants, 6 corporals, 1 cook, 1 mechanic, 9 privates, first class, and 31 privates; an Infantry machine-gun company by 2 sergeants, 2 corporals, 1 mechanic, 4 privates (first class), and 12 privates.

The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized.

SEC. 20. Composition of Cavalry units: Each regiment of Cavalry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 16 second lieutenants, 1 headquarters troop, 1 machine-gun troop, 1 supply troop, and 12 troops organized into three squadrons of four troops each.

Each squadron shall consist of 1 major, 1 first lieutenant (squadron adjutant), and 4 troops. Each troop in squadron shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 cooks, 2 horseshoers, 1 saddler, 2 buglers, 10 privates (first class), and 36 privates.

Each headquarters troop shall consist of 1 captain (regimental adjutant), one regimental sergeant major, 3 squadron sergeants major, 1 first sergeant (drum major), 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 1 sergeant, 2 cooks, 1 horseshoer, 1 saddler, 2 privates (first class), and 9 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class).

Each machine-gun troop shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 horseshoers, 5 sergeants, 6 corporals, 2 cooks, 1 mechanic, 1 saddler, 2 buglers, 12 privates (first class), and 35 privates.

Each supply troop shall consist of 1 captain (regimental supply officer), 2 second lieutenants, 3 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 stable sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may, in his discretion, increase each troop of Cavalry by 10 privates (first class) and 25 privates; the headquarters troop by 2 sergeants, 5 corporals, 1 horseshoer, 5 privates (first class), and 18 privates; each machine-gun troop by 3 sergeants, 2 corporals, 1 mechanic, 1 private (first class), and 14 privates; each supply troop by 1 corporal, 1 cook, 1 saddler, and 1 horseshoer.

The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized.

SEC. 21. Composition of Field Artillery units: The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of 126 gun or howitzer batteries organized into 21 regiments.

In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks with such numbers and grades of personnel and such organizations as he may deem necessary. The officers necessary for such organization shall be supplied from the Officers' Reserve Corps provided by this act and by temporary appointment as authorized by section 8 of the act of Congress approved April 25, 1914. The enlisted men necessary for such organizations shall be supplied from the Regular Army reserve provided by this act or from the Regular Army.

Each regiment of Field Artillery shall consist of 1 colonel, 1 lieutenant colonel, 1 captain, 1 headquarters company, 1 supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes.

Each gun or howitzer battery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 stable sergeant, 1 mess sergeant, 6 sergeants, 13 corporals, 1 chief mechanic, 1 saddler, 2 horseshoers, 1 mechanic, 2 buglers, 3 cooks, 22 privates (first class), and 71 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery 1 packmaster (sergeant, first class), one assistant packmaster (sergeant), and one cargador (corporal).

Each headquarters company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 1 regimental sergeant major, 2 battalion sergeants major, 1 first sergeant, 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 sergeants, 9 corporals, 1 horseshoer, 1 saddler, 1 mechanic, 3 buglers, 2 cooks, 5 privates (first class), 15 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians first class, 4 musicians second class, and 13 musicians third class. That when a regiment consists of three battalions there shall be added to the headquarters company 1 battalion sergeant major, 1 sergeant, 3 corporals, 1 bugler, 1 private (first class), and 5 privates. When no enlisted men of the Quartermaster Corps is attached for such positions, there shall be added to each mountain artillery headquarters company 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

Each supply company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 2 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, 2 privates, and 1 wagoner for each authorized wagon of the field train. When a regiment consists of three battalions there shall be added to the supply company 1 second lieutenant, 1 regimental supply sergeant, 1 private, and 1 wagoner for each additional authorized wagon of the field train.

Each gun or howitzer battalion shall consist of 1 major, 1 captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain 3 batteries; horse artillery battalions and heavy field artillery gun or howitzer battalions shall contain 2 batteries: *Provided*, That the President may, in his discretion, increase the headquarters company of a regiment of two battalions by 2 sergeants, 5 corporals, 1 horseshoer, 1 mechanic, 1 private (first class), and 6 privates; the headquarters company of a regiment of three battalions by 1 sergeant, 7 corporals, 1 horseshoer, 1 mechanic, 2 cooks, 2 privates (first class), and 7 privates; the supply company of a regiment of two battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; the supply company for a regiment of three battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; a gun or howitzer battery by 3 sergeants, 7 corporals, 1 horseshoer, 2 mechanics, 1 bugler, 13 privates (first class), and 37 privates.

SEC. 22. Coast Artillery Corps: The Coast Artillery Corps shall consist of 1 Chief of Coast Artillery, with the rank of brigadier general; 24 colonels; 24 lieutenant colonels; 72 majors; 360 captains; 360 first lieutenants; 360 second lieutenants; 31 sergeants major, senior grade; 64 sergeants major, junior grade; 41 master electricians; 72 engineers; 99 electrician sergeants, first class; 275 assistant engineers; 99 electrician sergeants, second class; 106 firemen; 93 radio sergeants; 62 master gunners; 263 first sergeants; 263 supply sergeants; 263 mess sergeants; 1,784 sergeants; 2,516 corporals; 526 cooks; 526 mechanics; 526 buglers; 4,186 privates, first class; 12,562 privates; and 18 bands, organized as hereinbefore provided for the Engineer band. The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed 1,784. Coxswains shall receive $9 per month in addition to the pay of their grade: *Provided*, That the President may, in his discretion, increase the number of sergeants to 2,104, the number of corporals to 3,156, the number of privates, first class, to 5,225, and the number of privates to 15,675.

SEC. 23. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry shall be organized as provided herein for regiments of Infantry of the Regular Army.

The colonel and the lieutenant colonel of said regiment shall be detailed for four years by the President from officers of the Regular Army not below the rank of major, and the majors for like periods and from officers of the Regular Army not below the rank of captain, and, while so serving, officers so detailed shall have the rank, pay, and allowances of the grades to which they are detailed. The captains, first lieutenants, and second lieutenants shall be appointed and promoted, up to and including the rank of captain, as now provided by law, and nothing in this act shall be held or construed so as to deprive any officer of the Porto Rico regiment of the commission which he now holds therein, or of any right thereunder: *Provided*, That officers of the Porto Rico Regiment of Infantry promoted to the grade of captain since March 4, 1915, or hereafter so promoted, shall take rank on the relative list after all captains of said regiment who have been recommissioned as captains of Infantry.

All men enlisted in said regiment shall be citizens of Porto Rico, and hereafter all enlistments therein shall be as provided by this act for the Regular Army.

The pay and allowances of officers and enlisted men shall be the same as are provided by law for officers and enlisted men of like grades in the Regular Army.

The Porto Rico Regiment of Infantry, or organizations thereof, may be ordered for service outside of the island of Porto Rico, and the captains and lieutenants thereof shall be available for such detached service as the Secretary of War may direct; but vacancies created by officers so detached shall not be filled by promotions or appointments.

SEC. 24. All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the act of Congress approved March 3, 1911, recruiting parties, recruit depots and unassigned recruits, service-school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise.

SEC. 25. Original appointments to be provisional: Original appointments in the Regular Army, except of cadets graduated from the United States Military Academy, shall be provisional for a period of two years, at the close of which period such appointment shall be made permanent, provided the provisional appointee shall have demonstrated under such regulations as the President may prescribe his physical, moral, and professional fitness for such permanent appointment. Should any officer holding a provisional appointment become eligible for promotion, and qualify therefor, before expiration of the period of two years from the date of his original appointment, he shall receive only a provisional appointment in such higher grade until he has qualified for permanent appointment, as prescribed above. Should any officer holding a provisional appointment fail to establish his physical, moral, and professional fitness for permanent appointment, as prescribed above, he shall be honorably discharged at or before the expiration of two years from the date of his original appointment, with six months' pay of his grade at date of discharge.

SEC. 26. Increase to be made in five increments: The increase in the commissioned and enlisted personnel of the Regular Army provided by this act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, department, and the detached officers, as nearly as practicable, one-fifth of the total increase authorized for each arm, corps, and department, and of the detached officers. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July 1, 1916, and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July 1, 1917; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July 1, 1918; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July 1, 1919; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July 1, 1920: *Provided*, That in the event of actual or threatened war or similar emergency in which the public safety demands it, the President is authorized to immediately organize the entire increase authorized by this act, or so much thereof as he may deem necessary.

Vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled in the following order: First, from cadets graduated from the United States Military Academy; second, under the provisions of existing law, from enlisted men whose fitness for promotion shall have been determined by competitive examination; third, from members of the Officers' Reserve Corps hereinafter provided for between the ages of 21 and 27 years; fourth, from candidates from civil life between the ages of 21 and 27 years. The President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That appointments to the Corps of Engineers shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section 5 of the act approved February 27, 1911, without previously vacating their commissions as officers and

without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department: *Provided further*, That the provisions of existing law requiring examinations to determine fitness for promotion of officers of the Army are hereby extended to include all grades below that of brigadier general: *And provided further*, That examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command.

SEC. 27. The detached officers: Line officers detached for duty with the National Guard, together with those detached from their proper commands under the provisions of law for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the Staff Corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 19 colonels, 23 lieutenant colonels, 165 majors, 389 captains, 426 first lieutenants, including 200 detached officers authorized by the act approved March 3, 1911.

SEC. 28. Retirement of officers of Philippine Scouts: Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more: *Provided*, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 25 years: *Provided further*, That former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, and any former officer of Philippine Scouts who has been retired as an enlisted man by special act of Congress, shall be transferred to the retired list created by this section, and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.

SEC. 29. Enlistments in the Regular Army: On and after the 1st day of July, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first four years to be in the active service with a branch of which those enlisted form a part and, except as otherwise provided herein, the last three years in the Regular Army reserve hereinafter provided for. After the expiration of two years' service in a first or subsequent enlistment, enlisted men serving within the continental limits of the United States shall, except in time of actual or threatened hostilities, upon their own applications, be furloughed to the Regular Army reserve in the grade in which then serving, or may, in the discretion of the Secretary of War, be reenlisted for a period of seven years: *Provided*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act four years shall be counted as an enlistment period in computing continuous-service pay: *And provided further*, That whenever, in his opinion, the interests of the service require it, the President is hereby authorized to establish, in time of peace, recruit rendezvous and depots for the Regular Army, in part or in whole, as provided by section 10 of the act approved April 25, 1914, to provide for raising the Volunteer forces of the United States in time of actual or threatened war: *And provided further*, That the President is authorized to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each accepted recruit the postmaster procuring his enlistment shall receive the sum of $5. Postmasters may be authorized, under such regulations as the President may prescribe, to forward, at the expense of the United States, to designated recruit rendezvous such applicants for enlistment as may have satisfactorily passed a preliminary physical examination prescribed by the Secretary of War and conducted by an officer of the Medical Reserve Corps or a civilian physician designated for that duty by the Secretary of War; and for each accepted recruit examined by them officers of the Medical Reserve Corps and civilian physicians designated for the duty of examining applicants for enlistment shall receive the sum of $3.

SEC. 30. Pay of certain enlisted men in first enlistment: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act, during first enlistment, shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Corps; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Corps; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers, $36; supply sergeant, Infantry and Cavalry, Artillery, and Corps of Engineers; mess sergeant, Infantry, Cavalry, Artillery, and Corps of Engineers; cook, Medical Corps; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Corps; stable sergeant, Infantry, Cavalry, and Corps of Engineers; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Corps; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Corps; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; private, first class, Infantry, Cavalry, and Artillery, $18; bugler, $15. Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.

SEC. 31. Final discharge of enlisted men: No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment, as provided for in this act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army reserve his accounts shall be closed, and he shall be paid in full to the date such furlough becomes effective, including transportation in kind and subsistence as now provided by law for discharged soldiers: *Provided*, That when by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army reserve, upon due proof being made of such condition.

SEC. 32. Composition of the Regular Army reserve: The Regular Army reserve shall consist of first, all enlisted men now in the Army reserve or who shall hereafter become members of the Army reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army reserve under the provisions of this act; third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over 45 years of age who enlists in the Regular Army reserve for a period of four years; and, fourth, any person who is a citizen of the United States or who has declared his intention of becoming a citizen thereof, who, by the nature of his civil occupation or profession, is qualified for duty in the Quartermaster, Engineer, or Signal Corps, or in the Medical or Ordnance Departments, and who is physically qualified for the duties of a soldier and is between 18 and 45 years of age, who enlists in the Regular Army reserve for one of said corps or departments for a period of four years.

SEC. 33. That the President is authorized to assign members of the Regular Army reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may perscribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and in the event of actual or threatened hostilities he may mobilize the Regular Army reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand: *Provided*, That all enlistments in the Regular Army, including those in the Regular Army reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed: *Provided further*, That subject to such regulations as the President may prescribe for their proper identification and location, the members of the Regular Army reserve found physically fit for service shall be paid semiannually and at the rate of $24 a year while in the reserve.

SEC. 34. Regular Army reserve in time of war: When mobilized by order of the President the members of the Regular Army reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades: *Provided*, That any enlisted man who shall have reenlisted in the Regular Army reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period: *Provided further*, That members of the Regular Army reserve shall receive the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty: *And provided further*, That service in the Regular Army reserve shall confer no right to retirement or retired pay, and members of the Regular Army reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.

SEC. 35. Use of other departments of the Government: The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army reserve.

SEC. 36. Reenlistment in time of war: For the purpose of utilizing as an auxiliary to the Regular Army reserve the services of men who have had experience and training in the Regular Army, the President may, in time of actual or threatened hostilities, by proclamation or otherwise, call upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein; and any person who shall have been honorably discharged from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, is not over 50 years of age, shall reenlist in said Army, under such rules and regulations as the President may prescribe, shall receive on so reenlisting a payment for having kept himself fit for service, which shall be computed at the rate of $20 for each year that shall have elapsed since his last final discharge from the Regular Army and the date of his reenlistment therein under the terms of said call; but no such payment in excess of $200 shall be paid to any person under the terms of this section.

SEC. 37. Preference in the civil service: All enlisted men who have completed six years' service in the Regular Army with the colors, and who desire to enter the civil service, may be examined, under such regulations as the President may prescribe, by boards of not less than three commissioned officers, to be appointed by their respective commanding officers, and said boards shall certify as to the character of employment for which each applicant is recommended, and upon such recommendation and without further examination under civil-service rules, certified applicants shall be appointed to any vacancies existing or occurring within or under the jurisdiction of the War Department or the Secretary of War that may not be filled by promotion within the service in which the vacancy exists. In event of there being no vacancies under the War Department, the President may, in his discretion, direct the appointment of such certified enlisted applicants to vacancies under any other department of the classes for which recommended: *Provided*, That such civil employment shall not terminate any existing obligation as to service in the Regular Army reserve.

SEC. 38. Sergeants for duty with the National Guard: For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Corps, and Signal Corps of the Regular Army not to exceed 1,000 sergeants for duty with corresponding organizations of the National Guard and not to exceed 100

sergeants for duty with the disciplinary organizations at the United States disciplinary barracks, who shall be additional to the sergeants authorized by this act for the corps, companies, troops, batteries, and detachments from which they may be detailed.

SEC. 39. The Officers' Reserve Corps: For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army as provided for in this act and in section 8 of the act approved April 25, 1914, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe, not inconsistent with the provisions of this act, an Officers' Reserve Corps of the Army of the United States. Except as otherwise herein provided, a member of the Officers' Reserve Corps shall be subject to call for service only in event of actual or threatened war, and whenever called upon for service shall not, without his consent, be so called in a lower grade than that held by him in said reserve corps.

The President of the United States is authorized to appoint and commission, by and with the advice and consent of the Senate, reserve officers in all grades up to and including the grade of major, from citizens of the United States who, upon examination prescribed by the Secretary of War, are found physically, professionally, and morally qualified to hold such commission, the persons so commissioned to constitute and be known as the reserve corps of the several arms, corps, or departments in which commissioned by the President: *Provided*, That the proportion of reserve officers in any arm, corps, or department of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the same arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any arm, corps, or department of the officers' reserve corps shall not be limited.

All persons now carried as duly qualified and registered, pursuant to section 23 of the act of Congress approved January 21, 1903, and all officers of the Medical Reserve Corps shall, for a period of three years after the passage of this act, be eligible for appointment in the Officers' Reserve Corps in the arm, corps, or department for which they shall have been found qualified without further examination, except the physical examination, subject to the limitations as to rank herein prescribed.

Commissions duly issued by the President to officers of the Officers' Reserve Corps shall be in force for a period of five years unless terminated in the discretion of the President; such officers may be recommissioned either in the same or higher grade for consecutive periods of five years, subject to such examinations and qualifications as the President may prescribe: *Provided*, That officers of the officers' reserve corps shall have rank therein in the various arms, corps, and departments of said reserve corps according to grades and to length of service in their respective grades, and when employed in active service shall take rank next after all officers of the same grades in the Regular Army.

SEC. 40. The Officers' Reserve Corps in war: In time of actual or threatened war the Secretary of War may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, as officers in volunteer organizations, and officers of recruit rendezvous and depots, in such numbers as may be authorized by law. While such reserve officers are on such service they shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for officers in the Regular Army, their active service alone being considered, from the date upon which they are required by the terms of their order to obey the same.

SEC. 41. Instruction of officers of the Officers' Reserve Corps: To the extent provided for from time to time by appropriations the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, for periods not to exceed two weeks in any one calendar year, and while so serving such officer shall receive the pay and allowances of their grade: *Provided*, That with the consent of such officers the Secretary of War is authorized to prolong this period or to order them for duty on boards, or for consultation or advice, or for other temporary duty, to the extent justified by the amount appropriated and the public needs: *Provided further*, That in time of actual or threatened hostilities after all officers of the Officers' Reserve Corps of any arm, corps, or department have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or department in such numbers and grades as may be necessary: *And provided further*, That nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps have been ordered into active service: *And provided further*, That in determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him under the provisions of this section while serving in the Officers' Reserve Corps shall not be reckoned.

SEC. 42. The Reserve Officers' Training Corps: The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

SEC. 43. The President may, upon the application of any State institution described in section 42 of this act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

SEC. 44. The President may, upon the application of any established educational institution in the United States other than a State institution described in section 42 of this act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics, or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

SEC. 45. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of five hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

SEC. 46. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are over 13 years of age, and whose bodily condition indicates that they are physically fit to perform military duty or will be so upon arrival at military age.

SEC. 47. The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the reserve officers' training corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail under the provisions of this section shall extend for more than four years.

SEC. 48. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

SEC. 49. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.

SEC. 50. Student camps: The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks, except in time of actual or threatened war; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

SEC. 51. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer any graduate of the senior division of the Reserve Officers' Training Corps, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, and who shall have arrived at the age of 21 years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed 50,000: *Provided*, That any graduate of the senior division of the Reserve Officers' Training Corps undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

SEC. 52. When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, including such camp training as shall be prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

SEC. 53. Any physically fit male citizen of the United States, between the ages of 21 and 27 years, who shall have graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who while a student at such institution completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment as a reserve officer and as a tem-

porary additional second lieutenant in accordance with the terms of this act.

SEC. 54. The President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to sections 51 and 53 of this act and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

SEC. 55. No reserve officer or temporary second lieutenant appointed pursuant to this act shall be entitled to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this act.

SEC. 56. The Volunteer Army: The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

SEC. 57. Composition of the militia: The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have declared their intention to become citizens of the United States who are more than 16 years of age and not more than 45 years of age, and shall be divided into two classes, the National Guard and the Unorganized Militia.

SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 16 and 45 years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years.

All other militia shall be known as the Unorganized Militia.

SEC. 59. The Vice President of the United States, the officers, judicial and executive, of the Government of the United States; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States shall be exempt from militia duty without regard to age, and all persons who because of religious beliefs claim exemption from military service shall be eligible for such noncombatant service as the President may prescribe.

SEC. 60. Organization of National Guard units: The organization, armament, equipment, discipline, and training of the National Guard shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War, and the President may prescribe the particular unit or units as to branch or arm of the service to be maintained in each State, Territory, or District in order to secure a force which when combined shall form complete higher tactical units.

SEC. 61. The organization of all units of the National Guard, including their staffs and headquarters, shall be the same as corresponding units of the Regular Army: *Provided*, That the President shall, in time of peace, prescribe a maximum and a minimum strength for each unit.

SEC. 62. Number of the National Guard: The number of the National Guard to be organized under this bill within one year shall be for each State in the proportion of 200 for each Senator and Representative in Congress from such State, and a number to be determined by the President for Territories and the District of Columbia, and may be increased each year thereafter in the proportion of 50 per cent until a total peace strength averaging 500 for each Senator and Representative in Congress has been reached: *Provided*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time, or from maintaining existing organizations if they conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this act shall be construed to prevent any State with but one Representative in Congress from organizing a maximum of one regiment of troops, with such auxiliary troops as the President may prescribe; such organizations and members of such organizations to receive all the benefits accruing under this act under the conditions set forth herein: *And provided further*, That the word Territory as used in this act and in all laws relating to the militia and National Guard shall include Porto Rico and the Canal Zone.

SEC. 63. Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the act of May 8, 1792, which by the laws, customs, or usages of said States has been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of 1873, and the act of January 21, 1903, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they are serving.

SEC. 64. Assignment of National Guard to brigades and divisions: For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers of appropriate grade either from the National Guard or the Regular Army to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced.

SEC. 65. The President may detail one officer of the Regular Army as chief of staff and two officers of the Regular Army or the National Guard as assistants to the chief of staff of any division of the National Guard called into the service of the United States: *Provided*, That in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each tactical division of the National Guard.

SEC. 66. Adjutants general of States, etc.: The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War at such times and in such form as the latter may from time to time prescribe: *Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe.

SEC. 67. Disbursing officers of States, etc.: The governor of each State and Territory and the commanding general of the Militia of the District of Columbia may appoint, designate, or detail, subject to the approval of the Secretary of War, the adjutant general or an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and annually account for all property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation under section 1661 of the Revised Statutes, as amended, as shall be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safekeeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services from funds allotted to the State, Territory, and the District of Columbia in accordance with the numbers of officers and men of the National Guard of said State, Territory, or the District of Columbia who are actually enrolled and regularly receiving military instruction and training, as follows: Five hundred dollars for not less than 500 officers and men and not more than 1,500 officers and men; $700 for more than 1,500 officers and men and not more than 2,500 officers and men; $1,000 for more than 2,500 officers and men and not more than 3,500 officers and men; $1,250 for more than 3,500 officers and men and not more than 4,500 officers and men; $1,500 for more than 4,500 officers and men and not more than 5,500 officers and men; $1,750 for more than 5,500 officers and men and not more than 7,500 officers and men; $2,000 for more than 7,500 officers and men and not more than 8,500 officers and men; $2,500 for more than 8,500 officers and men: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an officer of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section.

SEC. 68. Location of units: The location of the units and headquarters of the National Guard within the States and Territories shall be fixed by the authorities thereof: *Provided*, That no part of the National Guard which is entitled to compensation under the provisions of this act shall be disbanded without the consent of the President.

SEC. 69. Enlistments in the National Guard: Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army.

SEC. 70. Enlisted men in the Organized Militia of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this act for the unexpired portion of their present enlistment contract. When the enlistment contract does not contain such an obligation, no enlisted man shall be recognized as a member of the National Guard until he shall have signed an enlistment contract containing the new obligation, upon signing which credit shall be given for the period already served under the old enlistment contract.

SEC. 71. Federal enlistment contract: The provisions of this act as to the National Guard shall not apply to enlisted men thereof who have not signed an additional contract, which shall include an obligation to bear true faith and allegiance to the United States and support the Constitution thereof and obey the orders of the President of the United States and the officers appointed over them, and which shall also contain the following agreement: "In the event that the President of the United States shall order the National Guard into active service because of actual or threatened war within three years from the date of my enlistment I agree to serve as a member of the National Guard in the service of the United States within or without the continental limits of the United States for the period of three years from the date of said order or until discharged by order of the President of the United States."

SEC. 72. Discharge of enlisted men from the National Guard: An enlisted man discharged from service shall receive a discharge in writing in such form and with such classification as is prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

SEC. 73. Federal oath for officers of National Guard: The provisions of this act as to the National Guard shall apply to officers thereof now

serving under their present commissions: *Provided*, That they have taken, or may hereafter take, an oath to bear true faith and allegiance to the United States, to support the Constitution of the United States, and obey the orders of the President of the United States: *Provided further*, That no person hereafter commissioned shall be recognized as an officer of the National Guard under the provisions of this act until he has accepted such commission and taken the prescribed oath, which shall contain the same agreement as to service prescribed for enlisted men.

SEC. 74. Hereafter commissioned officers of the National Guard shall not be recognized as such under the provisions of this act unless they shall have been selected from the following classes: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and ex-officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and for the technical branches and staff corps or departments such other civilians as may be specially qualified for duty therein.

SEC. 75. Qualifications for National Guard officers: The provisions of this act shall not apply to any person who has been appointed an officer of the National Guard unless he first shall have successfully passed such tests as to physical, moral, and professional fitness as may be prescribed by the President. The examination to determine the qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from officers of the Regular Army or of the National Guard, or of both.

SEC. 76. Filling of vacancies when in Federal service: All vacancies which exist or occur in the grade of second lieutenant of any portion of the National Guard in the active service of the United States shall be filled by the President from the enlisted men of the National Guard of the State, Territory, or District in which the vacancy occurs. All other appointments and promotions below the grade of lieutenant colonel shall, under the circumstances, be made by the President alone, and all appointments and promotions to the grade of lieutenant colonel and higher grades shall be made by and with the advice and consent of the Senate.

SEC. 77. Elimination board: At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service is being investigated, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer he shall be discharged.

SEC. 78. Vacation of commissions: Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial.

SEC. 79. Disposition of surplus officers: Officers of the National Guard rendered surplus by the disbandment of their organizations may be placed in the Officers' Reserve Corps. Officers may, upon their own application, be placed in the Officers' Reserve Corps.

SEC. 80. The National Guard reserve: Subject to such rules and regulations as the President may prescribe, a National Guard reserve shall be organized in each State, Territory, and the District of Columbia, to consist of honorably discharged enlisted men of the National Guard of the several States, Territories, and the District of Columbia: *Provided*, That reservists when engaged in field or coast-defense training with the active militia shall receive the same pay and allowances as enlisted men of like grade on the active list of the National Guard, and when called into active service shall be incorporated into the National Guard and be subject to the same laws, orders, and regulations which govern the same.

SEC. 81. Armament, equipment, and uniform of the National Guard: The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments provided for the Regular Army.

SEC. 82. Under such regulations as the President may prescribe, the Secretary of War is hereby authorized to procure, within the limits of appropriations made by Congress for the purpose, by purchase or manufacture, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, such number of United States service arms, with all accessories; field-artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this act, the State, Territory, or the District of Columbia shall make adequate provision for the protection and care of such property.

SEC. 83. Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided in this act.

SEC. 84. Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned without receiving any money credit therefor.

SEC. 85. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, such stores, supplies, material of war, and military publications as are furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they are listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they belong, and shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and material of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof and when so requisitioned by the United States and delivered, credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.

SEC. 86. Disposition and replacement of damaged property, etc.: All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia has been lost, damaged, or destroyed, or has become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard detailed by the Secretary of War and the report of such surveying officer shall be forwarded to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor; if it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value thereof shall be charged to the State, Territory, or the District of Columbia, to be paid for from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided further*, That if any State, Territory, or the District of Columbia neglects or refuses to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment is made.

SEC. 87. The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.

SEC. 88. Horses for Cavalry and Field Artillery of National Guard: Appropriations made for the particular purpose shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes.

Horses so purchased may be issued not to exceed 32 to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, the same to be sold as now provided by law when the latter purpose has been served.

SEC. 89. Appropriations made for the particular purpose shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

SEC. 90. Discipline to conform to that of Regular Army: The discipline, which includes training, of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this act.

SEC. 91. Training of the National Guard: Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 24 days each year, 5 of which shall be in rifle practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he is credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War.

SEC. 92. Inspections of the National Guard: The Secretary of War shall cause an inspection to be made at least once each year by officers of the Regular Army detailed by him for that purpose to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this act. The reports of such inspections shall serve as the basis for determining what organizations and individuals shall be considered as constituting the National Guard within the meaning of this act.

SEC. 93. Encampments and maneuvers: Under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or

in conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other expenses of that portion of the National Guard in the State, Territory, or the District of Columbia which may participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.

SEC. 94. When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction at a United States military post, reservation, or elsewhere the command of the military post or reservation where such encampments or maneuvers are held, and of the officers and troops of the United States there on duty, shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments or maneuvers for field or coast-defense instruction.

SEC. 95. Use of Regular Army personnel: The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty.

SEC. 96. Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard so designated to attend belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.

SEC. 97. When any portion of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction under the provisions of this act they may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.

SEC. 98. National Guard officers and men at service schools: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the Militia of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which the officer or enlisted man belongs for routine practical instruction at or near an Army post during its period of field training or outdoor season; and such officer or enlisted man shall receive the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances herein authorized exceed those of a captain.

SEC. 99. Detail of officers of Regular Army to duty with National Guard: Upon the request of the governor of any State, Territory, or the commanding general of the Militia of the District of Columbia, the President may detail officers of the active list of the Army to duty with the National Guard in such State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard with the permission of the President and terminable in his discretion without vacating their commissions in the Regular Army, or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with such State, Territory, or District of Columbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.

SEC. 100. Militia, when subject to laws governing Regular Army: The militia, when called into the service of the United States, shall from the time they are required by the terms of the call to respond thereto be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.

SEC. 101. System of courts-martial for National Guard: Except when called into the service of the United States, courts-martial in the National Guard of the United States shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for such courts.

SEC. 102. General courts-martial may be convened by order of the governors of the respective States and Territories and by the commanding general of the Militia of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduce noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

SEC. 103. The commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command of the National Guard, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100.

SEC. 104. The commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

SEC. 105. All courts-martial of the National Guard, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized.

SEC. 106. No sentence of dismissal from the service or dishonorable discharge shall, except when in the service of the United States, be executed until approved by the governor of a State or Territory or the commanding general of the Militia of the District of Columbia.

SEC. 107. Presidents of courts-martial and summary court officers of the National Guard shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision has been made for such action and in the Territories and the District of Columbia the same shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same.

SEC. 108. Pay for National Guard, officers: Commissioned officers on the active list belonging to organizations of the National Guard shall annually receive as reimbursement for their expenses and compensation for their services, except during periods of service for which under existing law they may become entitled to the same pay as officers of corresponding grades of the Regular Army, at the following rates, namely: To captains commanding companies or similar units, $500; to first lieutenants of companies or similar units, $300; to second lieutenants of companies or similar units, $250.

SEC. 109. Pay for National Guard, enlisted men: Each enlisted man on the active list belonging to organizations of the National Guard shall receive as reimbursement for his expenses and compensation for his services, except during periods of service for which under existing law he may become entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per cent of the initial pay now or that may be hereafter provided by law for enlisted men of corresponding grades of the Regular Army, but in no event to exceed $120 a year: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 48 regular drills of not less than one and one-half hours each during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 24: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least 24 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *And provided further*, That when any man enters into an enlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 24 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire, the compensation, if any, to which he may be entitled shall be determined in like manner: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed, except those periods of service for which under existing laws members of the National Guard may become entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army, may be accepted as service in lieu of such drills when approved by the Secretary of War.

SEC. 110. All amounts appropriated for the purposes of the two preceding sections shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Regular Army, and all disbursements made under the provisions of the two preceding sections shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

SEC. 111. No money appropriated under the provisions of this act for the National Guard shall be paid to any person not on the active list of the National Guard, except as provided in section 80 of this act, nor to any person who fails to qualify as to fitness for military service, under such regulations as the Secretary of War may prescribe.

SEC. 112. When Congress shall have authorized the use of the armed land forces of the United States requiring the use of troops in excess of those of the Regular Army, the officers and enlisted men of the National Guard, who have signed an enlistment or agreement to render military service to the United States and have received and accepted compensation for training for such service under the provisions of this act, and who have passed the required physical examination at the time of their enlistment, may be ordered into the service of the United States by the President to serve for a period of three years within or without the continental limits of the United States, unless sooner discharged by the President. Officers and enlisted men in the service of the United States, under the terms of this section, shall have the same pay and allowances as officers and enlisted men of the Regular Army.

SEC. 113. Rights to pensions: When any officer or enlisted man of the National Guard is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 114. Encouragement of rifle practice: The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country, and that all ranges so established and all ranges which may have already been constructed in whole or in part with Federal funds shall be open for use by those in all branches of the military and naval services of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. Where rifle ranges have been so established the Secretary of War is authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.

SEC. 115. Temporary vacancies in Regular Army due to details to the National Guard: In time of war the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army through appointments of officers thereof to higher rank in the National Guard under the provisions of this act shall be filled by temporary promotions according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department, and all vacancies created in any grade by temporary promotions shall be in like manner filled from and thus create temporary vacancies in the next lower grade, and the vacancies that remain thereafter in said arm, staff corps, or department that can not be filled by temporary promotions as prescribed in this section may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of February 2, 1901, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections 26 and 27 and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details are so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were ordered into active service as a part of the Army of the United States; and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details: *And provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

SEC. 116. Muster into the Federal service: Every officer and enlisted man of the National Guard who shall be called into the service of the United States shall be mustered under such regulations as the President may prescribe without further commission or enlistment and without making a physical examination previous to such muster a condition precedent thereto: *Provided*, That as soon as practicable after such muster there shall be a physical examination of the officers and men so mustered: *Provided further*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department.

SEC. 117. Noncompliance with Federal act: Whenever any State, Territory, or District shall, within a limit of time to be fixed by the President, have failed or refused to comply with or to enforce any requirement of this act relating to the National Guard, or any regulation promulgated thereunder and in aid thereof by the President, the National Guard of such State, Territory, or District shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act.

SEC. 118. Annual estimates required: The Secretary of War shall cause estimates to be submitted annually to provide the amounts necessary to carry out such provisions of this act as relate to the National Guard, and no money shall be expended under said provisions except as shall be specifically appropriated therefor.

SEC. 119. Applicable to land forces only: The provisions of this act in respect to the militia shall be applicable only to the militia organized as a land force, and shall take effect on July 1, 1916.

SEC. 120. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

Mr. CHAMBERLAIN. Mr. President, in view of the fact that a number of Senators have amendments to propose, I think probably we had better take up the bill by sections now so that they can consider the amendments that are proposed.

Mr. OVERMAN. Mr. President, may I ask the Senator in charge of the bill a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. OVERMAN. I notice that in the House bill as reported, from page 1 to page 105, there are certain sections stricken out. Do I understand that the committee has reported the Hay bill, which passed the House?

Mr. CHAMBERLAIN. Yes, sir.

Mr. OVERMAN. Does the committee report that bill back to the Senate with the recommendation that it do not pass, but that the substitute contained in the pages from 105 to the end of the bill be passed?

Mr. CHAMBERLAIN. I will say that there are quite a number of sections in the House bill that are not essentially different from the provisions of the Senate bill which we have reported as a substitute for the House bill, so that we are now considering the Senate bill as an amendment to the House bill.

Mr. OVERMAN. As an amendment?

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. As a whole?

Mr. CHAMBERLAIN. As a whole.

Mr. SMITH of Georgia. Or as a substitute.

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. That is an amendment. Now, say that we take up section 1 here. It is stricken out by the committee. The Senate has taken no action on it. The committee reports back the Hay bill in this bill, with lines running through it, so that it is stricken out.

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. Then the Senate takes no action on that at all. It takes the action on the proposed substitute?

Mr. CHAMBERLAIN. I understand that that will be the action of the Senate. If the Senator wants to amend the Senate bill by reinserting any provision of the House bill, it is open to amendment, of course.

Mr. OVERMAN. Suppose there are some provisions in the Hay bill that I like better than I do the corresponding provisions in the Senate bill?

Mr. CHAMBERLAIN. I think it would be perfectly proper to offer them as amendments to the Senate bill.

Mr. OVERMAN. Then we are not going to take up section 1, that is stricken out here and reported back by the committee?

Mr. CHAMBERLAIN. No, sir.

Mr. OVERMAN. It is here stricken out. The Senate has not stricken it out, but the committee has stricken it out.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). If the Senator from North Carolina will yield for a moment, the Chair will state the parliamentary situation as he understands it. The Senate may proceed to perfect the part stricken out, if it so desires, and then to perfect the part offered as a substitute, and each will be first perfected before the amendment is voted on as a substitute for the original.

Mr. OVERMAN. If the Chair pleases, the chairman of the committee does not understand it that way.

The PRESIDING OFFICER. The Chair was stating what he understands; and then it is in the hands of the Senate.

Mr. CURTIS. Why, Mr. President, under the rules, what right have we to amend the provisions stricken out by the Senate committee? The only thing that is before us is the amendment.

The PRESIDING OFFICER. They are not stricken out until the Senate votes to strike them out. This is a proposition which comes from the Senate committee to amend by substituting, and the original must be first perfected if anyone desires to offer amendments. Then the substitute is to be perfected, and then the Senate will vote to substitute, if it desires, or it will refuse to substitute.

Mr. CURTIS. Does the Chair hold that the House provisions that have been stricken out may be perfected?

The PRESIDING OFFICER. Certainly.

Mr. SMOOT. Mr. President——

Mr. OVERMAN. The chairman of the committee does not understand it that way.

The PRESIDING OFFICER. That is the rule, as the Chair understands it.

Mr. OVERMAN. That is exactly what I say; but the chairman of the committee says this is a substitute for the whole House bill.

Mr. SMITH of Georgia. It is just offered as a substitute. It has not been adopted as a substitute.

Mr. OVERMAN. I understand it has not.

Mr. SMOOT. Mr. President, I think the Chair has stated the rule correctly, with one exception. The rules provide that the substitute can be perfected as well as the original bill.

The PRESIDING OFFICER. That is what the Chair stated.

Mr. SMOOT. The Chair, however, stated that first the original bill had to be perfected, and then the substitute. I will say to the Chair that the Senate can proceed to perfect the substitute first, and then it can be offered as a substitute for the whole of the original bill.

The PRESIDING OFFICER. That is a matter entirely in the hands of the Senate. They may proceed to perfect either at their choice.

Mr. SMOOT. That is right. I agree with the Chair now.

Mr. CHAMBERLAIN. Then, Mr. President, I move that we proceed to perfect the proposed substitute.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to perfect the proposed substitute.

The motion was agreed to.

The PRESIDING OFFICER. The Senate now has before it for amendment the substitute offered by the committee.

Mr. OVERMAN. I suggest that we take it up by sections.

The PRESIDING OFFICER. Without objection, it will be so ordered. The Secretary will read the first section of the substitute for the purpose of amendment.

Mr. GALLINGER. I think we ought to have a larger number of Senators present, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smoot
Bankhead	Hollis	Overman	Sterling
Beckham	Hughes	Page	Sutherland
Brandegee	Husting	Poindexter	Swanson
Catron	James	Pomerene	Thomas
Chamberlain	Johnson, S. Dak.	Saulsbury	Thompson
Chilton	Jones	Shafroth	Tillman
Clapp	Lane	Sheppard	Townsend
Clark, Wyo.	Lee, Md.	Sherman	Vardaman
Cummins	Lippitt	Shields	Wadsworth
Curtis	McCumber	Simmons	Warren
Dillingham	Martin, Va.	Smith, Ga.	Weeks
du Pont	Martine, N. J.	Smith, Mich.	Works
Gallinger	Myers	Smith, S. C.	

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Chair has been requested to announce that the senior Senator from Maine [Mr. JOHNSON] is necessarily absent from the Senate. This announcement may stand for the day.

Mr. SAULSBURY. I have been requested to announce the necessary absence of the junior Senator from Louisiana [Mr. BROUSSARD] on official business.

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. CATRON. I wish to announce that my colleague [Mr. FALL] is absent on account of official business.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. CHAMBERLAIN. Mr. President, before proceeding with this measure, I will state that I understand there are quite a number of Senators who have set speeches to make on the bill; and, while I want to speed this measure as much as it is possible to do so, I do not want to undertake to amend the bill in advance of some speech bearing directly upon the subject in hand. Either the bill may be out of place or the speech may be out of place if it is made out of proper order.

Mr. OVERMAN. Mr. President, I suggest that the Senator, in his able speech this morning, and one that was very lucid in many respects—though I could not keep up with all the figures—has included a list of figures, which will appear in the RECORD in the morning and which we would all like to examine. I do not want to delay this bill at all. I join with the Senator in saying that I should like to see it disposed of as soon as possible; but I believe we would make time if he should let it go over and let us hear the speeches to-morrow, if anybody wants to speak, and let us look at the RECORD and see those figures and the important matters that he has published in the RECORD, and then take it up. I suggest that he let it go over until to-morrow.

Mr. SMITH of Georgia. Is not the Senator from Iowa to speak this afternoon?

Mr. CHAMBERLAIN. I have no desire in the world to do anything that might possibly impede the progress of this bill; and Senators here of longer experience than I think possibly it might hasten the matter if they could discuss it at length to-morrow. I am perfectly willing to have the bill go over until to-morrow; but I want the Senate to understand that I am going to press the bill after to-morrow morning, and, if necessary, to ask the Senate for evening sessions.

Mr. GALLINGER. Mr. President, will the Senator from Oregon yield to me?

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. No Senator is more anxious than I am to expedite the consideration of this bill and every other bill that may come before the Senate; but I really think it would be better to let it go over until to-morrow, and let Senators digest the Senator's speech, which is a very able and interesting one; and then, if Senators have set speeches to make, it occurs to me that they might well be made before we take up the bill for amendment. That would be my suggestion.

Mr. SMOOT. There is one notice already given for a speech to-morrow.

Mr. SIMMONS. Do I understand the Senator as saying that after to-day he will not put the bill over again because nobody is ready to go on and speak?

Mr. CHAMBERLAIN. No; after to-day, giving the Senators a full opportunity to look into the figures and statements I have put in the RECORD this morning, and the report of the committee that has been filed, they ought to be prepared to take up the matter and push it to a conclusion. Therefore, while I am perfectly willing to let it go over to-day, so far as I am concerned, after to-day I shall urge this bill upon the attention of the Senate until it is concluded.

Mr. GALLINGER. I think that is a wise procedure.

Mr. SIMMONS. I hope the Senator will adhere to that.

Mr. CHAMBERLAIN. I certainly will, if I can only have the Senator's assistance and presence here. In view of that, Mr. President, I request that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it will be temporarily laid aside.

FEDERAL JUDGES.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 706, to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMOOT. Mr. President, let me suggest to the Senator from Georgia that we take up the unobjected bills on the calendar under rule 8 and dispose of them, and then return to the bill referred to by him.

Mr. SMITH of Georgia. That, Mr. President, is an obstacle in the way of taking up bills that are objected to. I think a bill that is objected to is entitled to a hearing just as much as one that is not objected to.

Mr. SMOOT. I believe that is so; but——

Mr. SMITH of Georgia. I yielded last week, Mr. President, when there were several hours that I might have had, and the bill lost its place. I think this is the chance for us to have two hours and a half on this bill. I have said all I want to say, and I hope the Senators on the other side will express their objections.

Mr. SMOOT. I want to suggest to the Senator that there are 16 pages of bills on the calendar under Rule VIII. I do not believe it would take more than an hour and a quarter to consider the bills to which there is no objection.

Mr. SMITH of Georgia. I can not consent to that.

The VICE PRESIDENT. The Senator from Georgia moves that the Senate proceed to the consideration of Senate bill 706, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SUTHERLAND. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. KERN (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence on official business of the senior Senator from Florida [Mr. FLETCHER], who is paired with the junior Senator from Idaho [Mr. BRADY]. This announcement may stand for the day.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). Under an arrangement with the Senator from Michigan [Mr. TOWNSEND], I transfer my pair to his pair, and they stand paired, and therefore we are at liberty to vote. I vote "yea."

Mr. TOWNSEND (when his name was called). Under the statement made by the senior Senator from South Carolina [Mr. TILLMAN], I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I transfer the pair I have with that Senator to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. GALLINGER (after having voted in the negative). Having a general pair with the senior Senator from New York [Mr. O'GORMAN], who has not voted, I withdraw my vote.

Mr. DILLINGHAM (after having voted in the negative). I withdraw my vote, as I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, is not present.

Mr. CURTIS (after having voted in the negative). I desire to ask if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has not.

Mr. CURTIS. I withdraw my vote, having a pair with him. If at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withdraw my vote.

Mr. GRONNA. I have a pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the junior Senator from Nebraska [Mr. NORRIS] and will vote. I vote "nay."

Mr. CATRON (after having voted in the negative). I wish to inquire if the senior Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a pair with that Senator, and therefore withdraw my vote.

Mr. HARDING. I wish to inquire if the junior Senator from Alabama [Mr. UNDERWOOD] has voted?

The VICE PRESIDENT. He has not.

Mr. HARDING. I withhold my vote.

Mr. SMITH of Michigan (after having voted in the negative). I transfer my pair with the junior Senator from Missouri [Mr. REED] to the senior Senator from Idaho [Mr. BORAH], and will allow my vote to stand.

Mr. OVERMAN (after having voted in the affirmative). I wish to inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. He has not.

Mr. OVERMAN. I have a pair with that Senator. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD], and will allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the affirmative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Arkansas [Mr. ROBINSON], and will allow my vote to stand.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. MYERS. I inquire whether the junior Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. THOMPSON. I have been requested to announce the unavoidable absence of the junior Senator from Louisiana [Mr. BROUSSARD] on official business.

Mr. OLIVER. I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. CURTIS. I have been requested to announce that the senior Senator from Pennsylvania [Mr. PENROSE] is paired with the senior Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 33, nays 22, as follows:

YEAS—33

Ashurst	Johnson, S. Dak.	Pittman	Taggart
Bankhead	Kern	Pomerene	Thomas
Beckham	Lane	Shafroth	Thompson
Chilton	Lee, Md.	Sheppard	Tillman
Hitchcock	Martin, Va.	Shields	Vardaman
Hollis	Martine, N. J.	Simmons	Walsh
Hughes	Myers	Smith, Ga.	
Husting	Newlands	Smith, S. C.	
James	Overman	Swanson	

NAYS—22.

Brandegee	Jones	Page	Townsend
Clapp	Kenyon	Poindexter	Wadsworth
Clark, Wyo.	Lippitt	Sherman	Weeks
Cummins	Lodge	Smith, Mich.	Works
du Pont	McCumber	Smoot	
Gronna	Nelson	Sterling	

NOT VOTING—41.

Borah	Dillingham	Lewis	Saulsbury
Brady	Fall	McLean	Smith, Ariz.
Broussard	Fletcher	Norris	Smith, Md.
Bryan	Gallinger	O'Gorman	Stone
Burleigh	Goff	Oliver	Sutherland
Catron	Gore	Owen	Underwood
Chamberlain	Harding	Penrose	Warren
Clarke, Ark.	Hardwick	Phelan	Williams
Colt	Johnson, Me.	Ransdell	
Culberson	La Follette	Reed	
Curtis	Lea, Tenn.	Robinson	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. TOWNSEND. Mr. President, I was not here the other day during the discussion by the senior Senator from Georgia [Mr. SMITH], but, as I understand it, this is what might be properly called a Democratic emergency bill, providing an opportunity for appointing 19 Federal judges, involving an additional cost, if they are all appointed, as I understand it, of $124,000 to the already accumulating great deficiency.

I make this statement in order that we may start in properly with an understanding of the measure before the Senate as the discussion goes on.

Mr. CLARK of Wyoming. Mr. President, this bill is one to which I hesitate to address myself. It is a bill, notwithstanding the able argument made by the Senator from Georgia, about which there are very great differences—in the first place as to its constitutionality. But at this time I do not care to discuss that phase of it. I simply want to put before the Senate, as the Senator from Michigan [Mr. TOWNSEND] did, the exact import of the bill.

The difficulties at which the bill is apparently aimed are not arising now for the first time. They are inherent in our system. Those difficulties have been met from time to time in a manner that has been satisfactory thus far. That relief can still be afforded at this time. I think there is no Member of the Senate who is not willing, when a judge of the circuit court of appeals or a district judge is incapacitated for his duties and where he fails to avail himself of our retirement statute, that we shall provide by appropriate legislation for relief in that particular case. We have done it heretofore. There is no reason why we can not do it again. But here is a net thrown out over the entire judicial system of the United States save only the Supreme Court, and why it should stop at the Supreme Court, in view of the evident purpose of the bill, passes my comprehension.

This bill would have the exact effect stated by the Senator from Michigan [Mr. TOWNSEND]. By one act we place in the hands of the President of the United States the appointment of 19 additional judges if, in his judgment, the cause of justice may be better carried on. Now, why should we stop at 19? If it is proper to give the President this power to appoint additional judges when, in his view of the situation, the interests of justice demand additional judges, why not leave him free to appoint as many as he sees fit?

In Maryland and in various other districts we have made special provision that an additional judge shall be appointed, but that when a vacancy occurred the number of judges of the district should relate back to its original number, and the same in the circuit. Why not leave that as it is now? Simply because it becomes necessary to provide 19 additional places on the Federal bench in this year of grace 1916.

Mr. SMITH of Georgia. Will the Senator let me ask him a question?

Mr. CLARK of Wyoming. Certainly. I do not know that I can answer it.

Mr. SMITH of Georgia. What influenced Mr. Justice McReynolds, when Attorney General, three years ago in making the recommendation?

Mr. CLARK of Wyoming. We know about recommendations. I will ask the Senator from Georgia if he will vote for the additional recommendations that have been made by Attorneys General during the last 12 or 13 years?

Mr. SMITH of Georgia. I do not know what they are.

Mr. CLARK of Wyoming. I do not feel bound by a recommendation which is simply political in its effect. The Senator never would bring this bill before the Senate if there were in it a provision that not more than one-half of these judges should be appointed from one political party. Will he accept an amendment of that sort?

Mr. SMITH of Georgia. I would be glad to accept an amendment to the general judiciary law that not more than one-half the judges should be appointed from any political party.

Mr. CLARK of Wyoming. I will ask the Senator in regard to this particular bill.

Mr. SMITH of Georgia. I will as to this and as to the law generally.

Mr. CLARK of Wyoming. I shall call the attention of the Senator to that admission when the bill is up for amendment; and I hope those who collaborate with him on this bill will be as disinterested politically as the Senator from Georgia.

But, Mr. President, this is not an emergency measure, although it seems to be made so. It sets aside the Army bill; it sets aside the calendar of unobjected cases. It occurs to me that as to the emergency which the Senator says exists and

which everybody acknowledges does exist in some cases we can relieve those cases without passing a general bill of this sort.

It is an injustice, in the first place, upon the judges who are already upon the bench. It is an injustice because it takes from them some of the dignity and some of the authority which they now have and which they by right have. I can not see that the political necessity even exists for the passage of the bill at the present time.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martine, N. J.	Smith, S. C.
Bankhead	Hollis	Myers	Smoot
Beckham	Hughes	Nelson	Sterling
Brandegee	James	Newlands	Sutherland
Catron	Johnson, S. Dak.	Oliver	Swanson
Chamberlain	Jones	Page	Taggart
Chilton	Kenyon	Pittman	Thomas
Clapp	Kern	Poindexter	Thompson
Clark, Wyo.	Lane	Pomerene	Townsend
Cummins	Lee, Md.	Saulsbury	Vardaman
du Pont	Lippitt	Sheppard	Walsh
Gallinger	Lodge	Sherman	Warren
Gronna	McCumber	Shields	Weeks
Harding	Martin, Va.	Smith, Ga.	

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. CLARK of Wyoming. Mr. President, it is not my desire to have the RECORD state anything except the facts of the debate. I understood the Senator from Georgia to say that he would be perfectly willing to accept an amendment to this bill providing that not more than one-half the judges to be appointed now under the bill should be from one political party, and I made a few remarks with that notion in mind.

Mr. SMITH of Georgia. That was not what I meant. What I meant and what I said was this——

Mr. CLARK of Wyoming. Mr. President, the Senator now informs me that he understood me to make such a statement based upon his supposed statement, and he informs me that he did not make the statement.

Mr. SMITH of Georgia. The statement that I made, Mr. President, was that I would be glad to see a provision of law which would not allow more than half the judges appointed to be from either party. I did not mean simply as to this amendment of the law. Just as soon as there is an equal number of circuit court judges from some other party than the Republican Party, then I would be glad to see the continuation of an equal division.

Mr. CLARK of Wyoming. Of course, I do not want to enter into any controversy with the Senator. I remember perfectly well the statement which he made, which I replied to at the time. I asked him if he would be willing to have that rule applied to the present case, and I understood him to answer that he would. The stenographer's notes, of course, will show what he said, but it does not matter, because I know the Senator would not be willing——

Mr. SMITH of Georgia. No.

Mr. CLARK of Wyoming. To have the appointments divided under this bill. I know that his purpose is to get 16 Democratic Federal judges, and perhaps he will get them.

Mr. SMITH of Georgia. I find that others around me understood me to have made that statement, and as I did not——

Mr. CLARK of Wyoming. I am not questioning the Senator's statement.

Mr. SMITH of Georgia. I did not intend to make it and it was not made. I went over to the Senator and asked him as to what he understood me to say, and I told him if my language indicated that, it was an inadvertence and it was not what I meant. I simply meant to say that I would be glad to see the general distribution as to the entire bench equaled. I did not mean that I would be willing, as to such judges as were appointed under this bill during the next 12 months, that half of them should be Republicans when three-fourths of the judges now are Republicans.

Mr. CLARK of Wyoming. The misunderstanding was not as to what the Senator meant but as to what he said. I misunderstood what he said. I knew very well all the time what he meant.

Mr. SMITH of Georgia. What I said was what I meant. [Laughter in the galleries.]

The VICE PRESIDENT. The Chair will not continuously remind the occupants of the galleries that they must be quiet during discussions on the floor of the Senate.

Mr. CUMMINS. Mr. President, I had assumed that the bill under consideration this afternoon would be continued during the day, knowing its very great importance and the impatience of the people of the United States upon the subject to which it relates. I have in my office some material that I intended to use upon the debate of the bill which the Senator from Georgia has now brought before the Senate. I will not be able to use it at this moment, and must recall, as best I can, the essential facts with regard to our judicial system.

There are certain judges of the circuit court of appeals and certain other judges of the district court of the United States who ought to be removed from the offices they hold, not because of anything that they are doing, but because they are doing nothing. They are incapable by reason of physical infirmities for the performance of the duties which fall upon a judicial officer. I believe they can be removed if Congress would take the proper action and enact the proper procedure. I believe that if a judge of any court of the United States is incapable of rendering the service which his appointment requires and his office demands, and after the incapacity is manifest continues in the office, he is guilty of misconduct or misbehavior in office, and for such misconduct or misbehavior he can be removed. That is to say, the tenure of his office can be terminated and is terminated by the proper ascertainment of the fact of incapacity.

Some time ago I introduced a resolution directing the Judiciary Committee of the Senate to make an inquiry into this subject and report a proper procedure for the removal of Federal judges who were incapable of performing their duties. The resolution is now before the Judiciary Committee, and I assume that very soon the inquiry will be made and the procedure reported. I have a right to assume that it will be done because of the well-known celerity and promptness with which that committee considers all matters that are referred to it. I had hoped that the Senator from Georgia and other friends of the bill now under consideration would defer any effort to debate it until the inquiry I have suggested could be made and until the Senate could have an opportunity to pass upon the wisdom and legality of the report that will follow the inquiry.

It must be manifest to all Senators that it is infinitely better to remove in a lawful way judges who have become incapable of giving service to the public, whether those judges be 40 years of age or 70 years of age, than to attempt in the manner that is provided in the bill before us to remove, through legislative enactment and through an unauthorized delegation of power to the President of the United States, judges against the plain command and mandate of the Constitution.

I have often observed very dangerous approaches to the confines of the Constitution; some of those approaches are now before the Senate; but, so far as I remember, the ventures which touch the limit of our constitutional power are always undertaken in order to accomplish some wise, worthy, necessary, humane purpose. That is not true of this bill. It violates the Constitution of the United States plainly in two particulars, and for what object? In order that certain judges who may or may not have become incapacitated for work may be retired by the order of the President whenever he believes it is for the public good.

I hope that the Senate will be exceedingly deliberate in considering a question of that kind. I know the situation of the circuit in which the distinguished Senator from Georgia [Mr. SMITH] lives; I think it is known to all the members of the Judiciary Committee, and possibly to all the Members of the Senate. I believe with him that one at least of the judges of the circuit court of appeals in that circuit should resign and give opportunity for the appointment of an able-bodied man. In so saying it must not be understood that I am in the least degree criticizing the eminent judge, who has through a third of a century or more administered justice in the southern country with as fine a sense of fairness and equity as can be found in the annals of jurisprudence. The fact just stated, however, does not warrant the Senator from Georgia, in my opinion, in making the attempt to secure additional judicial force in that circuit in the way provided in this bill.

With these preliminary remarks, which will indicate, I am sure, my general view of the subject, I beg the attention of the Senate anew to some of the provisions of the measure. I hope the Senator from Georgia and all other Senators will understand that I am not dealing with this subject in a political way or viewing it from a political standpoint. I hope that my colleagues will believe that I would be as firmly and persistently opposed to the bill had we a Republican President as I am under a Democratic President. Those considerations do not affect my judgment in the least degree.

I am opposed to the measure, because, first, I believe it to be in direct contravention of two of the most vital parts of the Constitution; and, second, because, if it were constitutional, it

would be in the highest respect unwise to invest an executive officer with the power which this bill proposes to bestow upon the President of the United States.

Senators have already been advised that we have at the present time several judges who are beyond the age of 70 years, and who might resign with full compensation, and that within the next year many other judges will have passed beyond the age of 70 years. So that it is said—and I have verified the statement with some examination—that in the next year, if the President thought it for the public good, he could practically retire something like 19 Federal judges and appoint as many in their stead.

One of the peculiar things about this measure is that it does not apply to the Supreme Court of the United States. I have often wondered why the author of the bill did not extend it to the Supreme Court if it is wise to make the provision here made for the circuit courts of appeal and for the district courts. The Supreme Court of the United States is constitutionally as vulnerable to the attack made upon the judiciary in the bill as is either the circuit court of appeals or the district court. If a judge who has passed beyond the age of 70 years, and refuses to resign, or does not resign, ought to be retired, and if his judicial power, no matter what may be his physical and mental condition, should be taken away from him, the reason is as potent in its application to the Supreme Court as it is to any other Federal court.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Iowa a question?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. I ask the Senator from Iowa whether or not the reason in the case which he is supposing would not be stronger as applied to the Supreme Court, because there is a certain degree of flexibility in the circuit court of appeals and in the district court; that is, the judges are to a certain extent interchangeable. If a judge upon the bench of the circuit court of appeals is incapacitated, a district judge may be called to take his place and may sit upon the circuit court of appeals; if a district judge is incapacitated, another district judge may be assigned to take his place; but no such condition exists as to the Supreme Court of the United States. Nobody else can be called into that court. So, if there are degrees in a matter of that kind, I ask the Senator from Iowa whether he does not think the reason would be stronger in favor or such legislation as to the Supreme Court?

Mr. CUMMINS. Undoubtedly, Mr. President, the observation of the Senator from Utah has great weight, and I was about to touch upon that phase of the subject. The remark I had made was that, constitutionally speaking, the Supreme Court of the United States can be dealt with in precisely the same way as the circuit court or the district court can be dealt with. From the other point of view, that of policy, there is, as the Senator from Utah has stated, a much more persuasive reason for at all times keeping the Supreme Court full of able-bodied men under 70 years of age than exists with regard to the other Federal courts.

I hardly dare to suggest the reason—and it is a pure conjecture on my part—but I have sometimes thought it was a wholesome fear of the Supreme Court of the United States that kept that exalted tribunal out of the purview or operation of the proposed law. I can understand this reasoning in the minds of some Senators who have considered this bill—not that the reasoning has been expressed to me—but I can imagine that they are thinking that it might be easier to sustain the constitutionality of the act if the Supreme Court were omitted from it than it would be if the Supreme Court were included in it; and I rather admire the discretion on the part of those who have favored the bill in hesitating to excite the animosity of that great tribunal. I can understand how it might be thought by some Senators that the Supreme Court would look with greater favor upon the bill in its present form, because there are members upon the Supreme Court of the United States who are more than 70 years of age and who could at this time resign, and some of them could have resigned long ago, under the generous provisions of the legislation giving them their full salaries during their lives. I do not believe that the people of this country want the justices of the Supreme Court who are above 70 years of age to retire compulsorily. I know, and the Senator from Georgia knows, that some of them have rendered their most notable service after they passed the landmark which, under the laws of the country, gave them the right to cease work.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

Mr. SHERMAN. The Senator was speaking of the Supreme Court. Has the Senator the data before him of the ages of the justices of the present Supreme Court?

Mr. CUMMINS. That is one of the matters of which I spoke in the beginning. I have that information on my table in my office. I think, however, that I could state the ages of those who have passed 70 years, but I hesitate to do so.

Mr. SHERMAN. I will do so in order to incorporate it in the RECORD, if the Senator will permit me.

Mr. CUMMINS. Very well; I will be very glad if the Senator from Illinois will do so.

Mr. SHERMAN. There are three of the justices of the Supreme Court now who have passed the age, according to this bill, of judicial usefulness. There is one of them who soon will reach the age of three score years and ten. The Chief Justice of the Supreme Court, I may add, with the Senator's permission, is now 71 years of age, and, according to the contentions of some, ought to be retired if constitutional power will permit Congress to do so; an associate justice is now 73 years of age, and has reached that point of disability, because of the mere lapse of time, when, under this bill, he ought long ago, in keeping with official and judicial decency, to have retired. Another one, to make it a still more potent argument, is in his seventy-fifth year.

Mr. CUMMINS. Mr. President, I am very glad the Senator has made the statement, but I hope that all Senators will remember that I can yield only for questions, as I desire to continue this discussion.

Mr. SUTHERLAND. I should like to ask the Senator from Iowa a question.

Mr. CUMMINS. I yield for a question.

Mr. SUTHERLAND. In view of what has already been said, does the Senator from Iowa remember the age at the time of his death of the Chief Justice who came from the State of the Senator from Illinois, Chief Justice Fuller?

Mr. CUMMINS. I do not remember his age precisely, but I know he was much beyond 70 years when he died.

Mr. SUTHERLAND. My recollection is that he was well up toward 80 years of age at the time of his death.

Mr. CUMMINS. Mr. President, it is a false rule to apply to the judiciary, for very many of our judges in the long and honorable history of the judicial system of our country have performed their very best work after they had passed the age of 70. It may be assumed that such men are on the downward side of life, and it ought not to be surprising if some of them fail in their mental and physical strength; but the procedure for removal should be directed not to age, it should be directed to the man. If he has become feeble mentally or physically and unable to do his work, then he ought in some way to be removed, with the pension or compensation which this country very properly bestows upon her faithful servants; but if he is 71 or 72 or 73 years of age and is still strong mentally and physically and capable of rendering the service which he was appointed to render it is a refined cruelty, it is an exaggerated injustice to compel him to retire in the ignominious and humiliating way which this bill provides for his retirement. The method employed in the bill is infinitely worse than straightforward legislative removal.

Senators will remember that the plan of the bill is this, that when the new judge is appointed, after the President finds that the public good requires his appointment, the old judge continues nominally as a judge and nominally entitled to a seat in the court, but his honors are taken away from him; the new judge is given precedence and the old judge is permitted to do only those things which are specifically assigned him to do by either the circuit court of appeals in the one case or the Supreme Court of the United States in the other.

I can imagine the mortification felt by a judge who has held with honor and distinction a place in the public service for 25 years or more upon being being superseded by the entrance of a new appointee and being retired in the uncertain, vague way which is prescribed in this bill. But let me refer a little more carefully to the provisions of the bill, for it may be that I am assuming too much when I take it for granted that every Senator who hears me has read the bill.

Mr. KENYON. Mr. President, before my colleague leaves the point on which he was speaking I want to ask him a question about it. The bill recites:

> And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority.

What does that mean? What are the duties incident to seniority? What is the new judge to do, and what is left for the old judge to do?

Mr. CUMMINS. There is nothing left for the old judge to do at all save to try a case here or there which may be specifically assigned to him to try. The incidents attaching to seniority, I take it, are those of presiding over the court—that is, in the circuit court of appeals in the fifth circuit, we will say, Judge Pardee is the presiding justice of the circuit court of appeals, but if this bill were to pass and a new judge were appointed, Judge Pardee would instantly lose the position of presiding justice and would become the junior of all the judges of that circuit and would be subject to the orders of the new presiding judge.

Mr. KENYON. Does my colleague not think that that is merely a polite or an impolite invitation to resign, and does he not think that the right to resign is about all the right any self-respecting judge has left?

Mr. CUMMINS. It strains my disposition toward accuracy to admit that it is a "polite way." I am rather inclined to think that it is a very impolite and abrupt way to ask these judges to resign.

Mr. STONE. Mr. President, will my friend let me make an observation at this point?

Mr. CUMMINS. I will yield to the Senator for a question.

Mr. STONE. In a sense it is a question.

Mr. CUMMINS. I yield for that purpose.

Mr. STONE. Both Senators from Iowa have just referred to the humiliation which might result to a judge who, under the provisions of this bill, would be impliedly invited to resign or upon whom limitation in the exercise of his judicial power might be placed to his humiliation. This thought is the one to which I wish to direct the attention of the Senator. No one else, no other official holding office under the laws of the United States, except a Federal judge, holds for life or can retire on full pay.

That is a very exceptional favor conferred upon our judges. It has not been very long since a very distinguished man represented the great State of Iowa in this body, whose term here extended over 30 years, and whose service here was especially distinguished in every way that tended to the public good as he saw it. He died of old age. He could not have retired, after more than 30 years of a great service to his country in this body, on full pay or on half pay. But a judge who has served a third of that time, when he has reached the retiring age, can go back to private life, and all the days of his years remaining draw from the Treasury what he would have drawn if he had continued in office. I say, it is a very exceptional favor that we pay to the men who are appointed to the bench, and which does not apply in any other branch of the public service; and other branches of the public service are just as useful to the public interest and welfare.

The thought I present to the Senator is this: When a man who holds a judicial position reaches the point where he can be retired, and who, if he is capable of any kind of intelligent consciousness of his own condition, must know that he can not discharge the duties of his office because of disabilities, physical, mental, or whatever they may be, and yet refuses to take advantage of this exceptional favor which the laws of the country give to him, is it a humiliation to him if the Congress of the United States, the men who make the laws in this body, many of whom render fully as important service to the Nation as he, and enjoy no such favors as he, see proper to say that if he refuses to surrender his office either he shall be required to surrender it, or some one else shall be substituted to discharge the substantial duties of that place?

I think, Mr. President, if the Senator pleases, that the service of the Nation is entitled to some consideration while we are taking care of the sensitiveness of some judicial officer.

Mr. CUMMINS. Mr. President, it is absolutely impossible to differ from the views just expressed by the Senator from Missouri, and if he had been here when I began my discussion of the bill he would have known that I hold the same opinion that he has expressed so much better than I could possibly express it. I agree with the Senator from Missouri that when a judge, whether he is 70 years of age or 40 years of age, whether he is entitled to retire upon full pay or not, becomes incapable of doing the work of his office he ought to be removed from his office, for the people are entitled to a man so qualified, both mentally and physically, that he can perform the full measure of the work allotted to a judge. The difficulty with the bill, however—and I suspect the Senator from Missouri is not familiar with it—is that it gives the President the power to retire the judge, no matter what his physical or mental condition may be, if he has passed the age of 70 years.

Mr. STONE. I did not understand that.

Mr. SMITH of Georgia. I think the Senator's statement is rather extreme. It may give him the power, but if he——

Mr. CUMMINS. If the Senator from Georgia will allow me just a moment, I will yield to him. The principle of the bill, if established, will authorize Congress, in turn, to delegate to the President the power to retire in the same way a man of 30 years of age, or 40, or 50. The fact that the limitation in the bill is 70 years of age is not important, so far as the principle is concerned.

Now, I will show the Senator from Missouri that I am right, with regard to the matter of which I spoke. It is assumed that this applies only to judges more than 70 years of age, and who could retire upon full pay:

> In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years, as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint—

There is no standard of judgment upon the part of the President. Whenever he thinks that the public good requires the retirement of a particular judge he may appoint his successor, if the judge in office is more than 70 years of age and has been in office more than 10 years.

The Senator from Missouri had in mind that it was wise policy to retire a judge who had become unable, through physical or mental infirmities, to perform the work of his office; and with that conclusion, I think, no man can differ. But is the Senator from Missouri willing to say that instead of requiring the President or any other tribunal to find that the particular judge is incapable of work, if he shall find simply that the public good would be promoted, the judge then should be retired?

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I do not say that the President we now have would be guilty of any such injustice; but we might have a President who would think that the opinions of a particular judge were so inconsistent with his sense of the public welfare that he ought to be retired; and this bill would enable the President to retire any judge above the age of 70 years if he differs with him with respect to his judicial opinions.

I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator was not in the Chamber when I discussed this bill, and when I suggested to the Senate the substitution for the language used this language:

> If, in his opinion, the more efficient administration of the business of the court so requires.

Mr. CUMMINS. Mr. President, I think that would be simply a paraphrase of the language now in the bill; and even if it were adopted it would not avoid the objection I am trying to establish.

Mr. SMITH of Georgia. If the Senator will allow me, I stated at the time that I considered that was what the language in the bill now meant; but, lest there might be some doubt about it, I suggested the insertion of this substitute. I myself think the present language means practically the same thing.

Mr. CUMMINS. If the Senator from Georgia will so amend the bill as to create a tribunal before which the question of incapacity can be tried and determined, providing that upon the determination against the judge complained of he shall be removed from office, I will join with him in the endeavor to pass such a measure, for I think it is within our constitutional power to do it, and I think it would be very wise to do it.

Mr. SMITH of Georgia. The Senator's idea is to remove them from office upon the ground of lack of good behavior, and leave them with no compensation at all, as I understand?

Mr. CUMMINS. Certainly. It makes no difference to me about compensation. I think the policy of the law to pension our judges of long service is wise, but the first consideration is the public. The public which pays has a right to full service from the person it is paying; and the moment a judge, however unfortunate he may be, and however free from blame he may be, becomes incapable of doing the thing for which the public pays him, he ought to be removed.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. Would the Senator, by that proposed legislation, prevent a man from receiving a salary as a Senator and also at the same time a salary as a retired judge?

Mr. CUMMINS. Mr. President, if I could accurately remember my Shakespeare, I would venture to quote a single couplet:

> Thou canst not say I did it; never shake
> Thy gory locks at me.

I am no more in sympathy with that——

Mr. POMERENE. Mr. President, I have known the distinguished Senator from Iowa for quite a number of years, and I was quite aware of the fact that he had never had any experience on the bench, and therefore I did not charge him with having——

Mr. CUMMINS. I know perfectly well to whom the Senator from Ohio refers, and I must decline to draw his affairs into this very interesting debate.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Iowa why he thought the Senator from Ohio had gory locks? [Laughter.]

Mr. CUMMINS. That is just what embarrassed me when I came to quote this couplet and I looked across at my friend from Ohio and observed how inappropriate the quotation would be.

Mr. POMERENE. I did not think my friend from Utah would refer to my lack of locks. [Laughter.]

Mr. CUMMINS. If I have answered the Senator from Missouri—and I really intended to do it—I now proceed with the development of the bill. I am very anxious that the RECORD shall show just what it is, and I intend to read it, or certain parts of it, and comment upon it as I proceed.

The first section, which is a reenactment of section 260 of the laws relating to the judiciary, reads:

When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

What I have just read is the law at the present time. There is no change in those respects.

The section then proceeds:

In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit—

I pause a moment at that point to suggest that Congress has no constitutional power to confer the authority here mentioned upon the President of the United States. This bill is to take effect as to any particular judge or circuit when, in the opinion of the President, the public good requires it. Is it possible that Congress can delegate to an executive officer the authority to put into operation a law when, in his opinion, the public good requires it?

I am quite familiar, I think, with those authorities or cases which the Senator from Georgia has in mind; but inasmuch as I am not equipped with the decisions, having been drawn suddenly into the debate, I am not prepared to read from them, and to draw those distinctions which surely exist between this case and the cases in which the President can find a fact, which, being so found, puts into operation a law of Congress.

Under this bill the President is not required to find a fact. He is required to utter an opinion. What is necessary for the public good is always an opinion. If anyone doubts that, let him remember what takes place in the Senate every day it is in session. I assume that all Senators debate bills and thereafter vote according to their opinions of the public good. Will anyone contend that when I stand here and say that in my opinion the public good requires the defeat of this bill I have found or stated a fact? Yet that is precisely what the President is authorized to do. I am doing what I can to convince the judgments of my brother Senators that this bill is contrary to the public good, but I would not venture to assert that my argument or my conclusion upon it could be regarded as a fact.

Therefore, inasmuch as it is acknowledged that we can not delegate to the President the authority to put into operation a statute of the United States whenever he looks upon it or regards it as for the public good, the unconstitutionality of this bill is just as apparent as the sun will be to us if we ever have a fair, clear day, which I am beginning to doubt.

I ask the Senators who have reflected upon the measure this question: Suppose we were to pass—as we will in a few days—the military reorganization bill, and we were to add, as a last section:

This bill, after it is passed by Congress and approved by the President, shall be put into operation whenever the President thinks the public good requires it, and shall be suspended whenever he thinks the public good requires it—

And so on ad infinitum. The illustration shows more clearly than any volume of argument that we can not confer upon the President the legislative power of determining what is good for the public welfare. It is not a part of the Executive authority. The Congress of the United States determines what is good and what is not good for the public interest, and it can not delegate that authority to any other branch of the Government.

But that is only the first collision with the Constitution. This bill has the peculiar distinction of colliding with that charter of our liberties at more than one point. I read:

Who—

Speaking of the judge who is to be appointed—

notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority.

We have seen what place the new judge is to take in the court. Now let us see what happens to the old judge:

Provided, That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

Those who have followed the reading of the paragraph which I have just quoted will observe that after the appointment of the new judge the old judge can do nothing whatsoever unless some duty is specially designated for him by the presiding judge of the circuit court of appeals or by the Chief Justice of the United States. His authority after that time is limited to the commissions which may be imposed upon him, not by the law but by one or the other of these judges. He can do nothing—neither try a case nor sign an order nor perform the least of the functions of a judge—unless he is authorized to do it by the designation of the presiding judge of the circuit court of appeals or the Chief Justice of the United States.

I beg that Senators will observe that condition, because it furnishes the foundation for the proposition I am about to make. The bill not technically but in fact retires the judge from his judicial office. It deprives him of the power which under the law he was authorized to exercise when he was appointed by the President and confirmed by the Senate. The Constitution of our country says that the judge so appointed and commissioned shall hold his office during good behavior. Nothing has been found to impeach his good behavior in the operation of the bill to which I have referred, and the appointment of the new judge by the President and the finding that the appointment is required by the public good robs the judge appointed under the Constitution, and entitled to all its protection, of the powers of his office and removes him from the office as effectually as though it had been done by impeachment or by some other procedure which determined that there had been misconduct or misbehavior in office. Is it asserted that Congress in the first instance and the President in the second instance can remove or retire a judge appointed under the Constitution from his office unless he is guilty of misbehavior or has been found to have committed high crimes and misdemeanors? No; there is no lawyer who will so declare.

My distinguished friend from Georgia finds constitutional ground for this bill, as I understand it, in the thought that the retirement of the judge or the disposition of the judge in the manner I have read is not the equivalent of a removal from his office, that he continues still to hold the title of judge, and that consequently the Constitution is not invaded. These are not the days to consider form rather than substance. There may have been a generation that would have given some attention to a technicality of that sort, but if there was, the generation has gone, and very happily and fortunately gone, and in these times we look to substance. Whoever seeks to sustain the position that we may deprive a judge of all his functions, take away from him all the power that the office confers upon him or all that inheres in the office, and still claim that he has not been removed or that he is still a judge, will have undertaken a most difficult task. I can not agree to it. I can not concur in any such conclusion.

The remaining part of the bill I need not read, for it relates to the district judges and it makes exactly the same provision for the district courts and judges which I have read respecting the circuit court of appeals.

Mr. President, I have so great confidence in the sincerity of the Senator from Georgia, I have so great respect for his legal learning, and I feel so sure that he desires nothing but the public welfare, that I appeal to him not to wreck the Constitution, not to overthrow a policy as old as the Government

itself and that has maintained itself in the confidence of the people, in order to reach a very worthy object.

What he desires is another circuit judge in the fifth circuit, and I for one, as he knows, am willing to give it to him, for I have become familiar with the conditions of that circuit, and can not question his statement to the effect that owing to age and infirmity on the part of one of the circuit judges the people in that part of the country are in danger of being denied the prompt administration of justice. I think he would find among the Senators upon this side of the Chamber general concurrence in the views I have expressed, and I sincerely commend that course to him.

Mr. SUTHERLAND. Mr. President, I think, if this important bill is to proceed further to-night, we should have a quorum present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	James	Overman	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Page	Smith, S. C.
Chilton	Jones	Pittman	Smoot
Clapp	Kenyon	Poindexter	Sterling
Clark, Wyo.	Kern	Pomerene	Stone
Cummins	Lippitt	Saulsbury	Sutherland
Dillingham	McCumber	Shafroth	Swanson
Gallinger	Martin, Va.	Sheppard	Taggart
Hitchcock	Martine, N. J.	Sherman	Tillman
Hollis	Myers	Shields	Vardaman
Hughes	Nelson	Simmons	Wadsworth

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. Let the Secretary call the absentees.

The VICE PRESIDENT. The Secretary will call the roll of absent Senators.

The Secretary called the names of absent Senators.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call.

Mr. SUTHERLAND. I move that the Senate adjourn.

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Utah moves that the Senate adjourn.

The motion was not agreed to.

Mr. STONE. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. WALSH, Mr. RANSDELL, Mr. LANE, Mr. SMITH of Michigan, Mr. OLIVER, and Mr. WARREN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. STONE. I move that further proceedings under the order of the Senate be vacated.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years; and

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents petitions from the Pedro Cintron, of Patillas; the congregation of the Methodist Church of Carnerio; the Methodist Brotherhood Albion, No. 1334, of Guayama; and the congregation of the Methodist Episcopal Church of Vieques, in the island of Porto Rico, praying for prohibition in that island. The petitions will be referred to the Committee on Pacific Islands and Porto Rico.

Mr. POINDEXTER presented petitions of T. E. Wylie and sundry other citizens of Seattle; of C. C. Bishop and sundry other citizens of Everett; of Mrs. Charles Hepner and sundry other citizens of Shelton; and of D. G. Wallace and sundry other citizens of Puyallup, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Chris Foss and sundry other citizens of Mica; of H. Sorenson, Mr. and Mrs. R. Raddas, and sundry other citizens of Rockford; of Peter Larson and sundry other citizens of Hillyard; of J. F. Ogden and sundry other citizens of Farmington; of William Haslett and sundry other citizens of Greenacres; and of Arthur H. Grammar and sundry other citizens of Spokane, all in the State of Washington, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of Mr. and Mrs. R. Raddas, of Rockford; of Mrs. Margaret Otis and sundry other citizens of Hillyard; of Aksel Stai and sundry other citizens of Spokane; of Dr. Ada M. Jayne Weaver, of Seattle; and of Adam Zickler, J. D. Eastman, and sundry other citizens of Wilson Creek, all in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Century Club, Incorporated, of Seattle, Wash., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. WORKS presented petitions of sundry citizens of Berkeley, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the St. Croix County Union, of the American Society of Equity, of Cylon, Wis., remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

Mr. HUGHES presented petitions of sundry citizens of Passaic, Hopewell, Hackensack, Pemberton, Roselle, Mercer, and Belleville, all in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Atlantic City, N. J., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. WADSWORTH present a memorial of sundry citizens of Medina, N. Y., remonstrating against the enactment of legislation to provide for the closing of barber shops in the District of Columbia on Sunday, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ithaca, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a memorial of the Massachusetts State Branch of the Woman's Peace Party, remonstrating against an attempt by the United States to acquire any of the territory of Mexico, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," reported it with amendments and submitted a report (No. 316) thereon.

Mr. POMERENE, from the Committee on Foreign Relations, to which was referred the bill (S. 3606) for the relief of the contributors of the Ellen M. Stone ransom fund, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 5311) for the relief of J. L. Campbell and others; to the Committee on Public Lands.

By Mr. POMERENE:

A bill (S. 5312) granting an increase of pension to Lieut. Col. James F. Charlesworth; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5313) relating to the building of highways and assessment of benefits and damages adjoining Indian allotments; to the Committee on Indian Affairs.

By Mr. ROBINSON:
A bill (S. 5314) for the relief of John W. Fein; to the Committee on Claims.
By Mr. CUMMINS:
A bill (S. 5315) to correct the military record of Jerome Chilson (with accompanying papers); to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.
The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 30, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nomination received by the Senate March 29 (legislative day of March 28), 1916.

POSTMASTER.

MISSOURI.

Baylis Steele to be postmaster at Kansas City, Mo., in place of J. H. Harris, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 29 (legislative day of March 28), 1916.

POSTMASTERS.

CALIFORNIA.

Ora A. Woods, Winters.

COLORADO.

L. F. Allen, Littleton.
Minnie Johnson, Cortez.

CONNECTICUT.

Nelson M. Watson, Kent.

GEORGIA.

John H. Boone, Hazlehurst.
William E. Dunham, Cochran.
J. G. Hicks, Reynolds.
Robert Hutchinson, Lagrange.
M. M. McCranie, Sparks.

HAWAII.

William C. Irwin, Waialua.

INDIANA.

Emmett Scanlon, Boswell.

KANSAS.

F. N. Adam, Longton.
George W. Edwards, Alta Vista.
W. A. Morgan, Burrton.
Charles V. Parrott, Colby.
Bessie M. Williams, Belle Plaine.

MARYLAND.

William H. Jacobs, Aberdeen.

MISSISSIPPI.

Harry B. Brooks, Merigold.
Sallie Temple, Wesson.

MISSOURI.

Baylis Steele, Kansas City.

MONTANA.

Nathalie Patton, Malta.
A. C. Sipe, Broadview.

NEW JERSEY.

John A. Campbell, Highwood.
George Whetham, Haskell.

NEW MEXICO.

T. F. Gorman, Tucumcari.

NEW YORK.

Maurice A. Borden, Liberty.
Homer Brownell, Northville.
Frederick W. Schadt, Jeffersonville.
Mark A. Sweeney, Valley Falls.

NORTH DAKOTA.

Wallace W. O'Hara, Neche.

OHIO.

Homer G. Hansel, Logan.
H. H. McFadden, Steubenville.
John E. McFarland, Dresden.

SOUTH DAKOTA.

F. M. Crain, Redfield.
C. W. Martens, Milbank.
Edward McDonald, Deadwood.
James M. Rasmussen, Viborg.

UTAH.

Heber J. Sheffield, jr., Kaysville.

VIRGINIA.

William J. Kearney, Phoebus.

WASHINGTON.

S. Douglas Martin, Friday Harbor.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 29, 1916.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:
We bless Thee, Almighty God our heavenly Father, for the faith which holds us close to Thee when the clouds of sorrow and adversity come thick and fast about us, when friends deceive us, and hopes grow dim, but above all do we thank Thee for the constant and abiding faith which leads on through joy and sorrow, sunshine and cloud, to the full fruition of the perfected manhood in the Jesus of Nazareth. Give us, we beseech Thee, plenteously of that faith, that we may follow his lead in the common daily duties of life that Thy purposes may be fulfilled in us now and evermore. Amen.
The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY—SOUTH CAROLINA NAVAL MILITIA.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.
Mr. BURNETT (when the Committee on Immigration and Naturalization was called). Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BURNETT. Under the rule under which the immigration bill was being considered I understood from the Speaker that that bill would not be in order to-day.
The SPEAKER. The Chair thinks not.
Mr. BURNETT. Then, Mr. Speaker, I have a resolution which the committee directed me to call up, House joint resolution 79.
The SPEAKER. The Clerk will report the resolution.
The Clerk read as follows:

H. J. Res. 79. Authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.
Mr. BURNETT. Mr. Speaker, there is no objection, I think, to this resolution and I ask unanimous consent that the resolution may be considered in the House as in the Committee of the Whole House on the state of the Union.
The SPEAKER. The gentleman from Alabama asks unanimous consent that this resolution be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the resolution.
The Clerk began the reading of the resolution.
Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. STAFFORD. Is this resolution being read the first time, or is it being read for amendment?
The SPEAKER. This is the first reading of the resolution.
Mr. BURNETT. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the resolution.
The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the resolution. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Secretary of Labor is authorized to permit the South Carolina Naval Militia to occupy the Charleston immigration station and the dock therewith connected and use them as an armory and place of landing under such conditions as may be prescribed by the Secretary of Labor.

The committee amendment was read, as follows:

Amend, on page 2, line 7, by striking out the words "the Secretary of Labor" and inserting in lieu thereof the word "him."

Amend, by inserting after the word "him," at the end of line 7, the following: "*Provided*, That the State of South Carolina shall make, at its own expense, such repairs as may be necessary on said building and dock, ordinary wear and tear excepted, so long as the same is used for the purposes set forth in this resolution: *Provided further*, That the Secretary of Labor may take possession of and reoccupy said immigration station and dock, whenever, in his judgment, he may deem such possession and reoccupancy necessary."

Mr. MANN. Mr. Speaker, I move to strike out the word "necessary," at the end of the amendment, and insert the word "desirable."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 15, by striking out the word "necessary" and inserting the word "desirable."

Mr. BURNETT. We have no objection.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word for the purpose of obtaining some information as to when this immigration station was constructed and at what cost.

Mr. BURNETT. I yield to the gentleman from South Carolina [Mr. WHALEY].

Mr. WHALEY. Mr. Speaker, it was erected in 1912 at a cost of about $50,000.

Mr. STAFFORD. At that time was there any anticipation of a great flood of European immigrants, so that this building was deemed essential to properly take care of them in the important port of Charleston?

Mr. WHALEY. Just about a year before a steamship entered with immigrants, but it was the only one. But it was never anticipated at that time that immigrants would come to the southern ports.

Mr. STAFFORD. The people of South Carolina did not then take a position in opposition to immigration, but were very desirous of having public buildings at Charleston?

Mr. WHALEY. They never have taken a position against desirable immigration at any time, but that boatload did not prove to be a desirable standard.

Mr. STAFFORD. Was that an instance where the local officials sought to bring over a large number for home settlement?

Mr. WHALEY. I think it was a movement through the State, not through the local authorities.

Mr. STAFFORD. I mean it was through the State officials?

Mr. WHALEY. Through the immigration department of the State.

Mr. BENNET. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. BENNET. Just for the purpose of saying to the gentleman from Wisconsin that this bill for the Charleston immigration building was one of three which we passed by unanimous consent in the Congress of which the gentleman was a Member, the Fifty-ninth Congress, the purpose being to induce desirable immigration through the ports of New Orleans, Charleston, and Galveston.

Mr. STAFFORD. Does the gentleman mean that that purpose is accomplished, and this immigration station is to be abandoned?

Mr. BENNET. The gentleman from South Carolina is correct, and unfortunately that immigration did not come to Charleston but did continue to the ports of Galveston and New Orleans, so the project was about 66⅔ per cent successful.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WHALEY. I will.

Mr. MOORE of Pennsylvania. Was the site at Charleston donated by the State or by the city to the Government?

Mr. WHALEY. I think not; I think the Government purchased the site.

Mr. MOORE of Pennsylvania. I was under the impression it was donated, but I may be in error. Does the gentleman object to the amendment to the proviso on page 2, line 8, which would have the alterations made to the building subject to the approval of the Secretary of Labor?

Mr. WHALEY. The Secretary of Labor has recommended that in his annual report to Congress and has also written a letter about it.

Mr. MOORE of Pennsylvania. The gentleman does not understand. The proviso is that the State of South Carolina shall make at its own expense such repairs, and so forth, as may be necessary, but apparently the plans for these alterations are not to be submitted to anybody. It seems to me that the Secretary of Labor ought to see the plans before alterations are made, because the building eventually is to be turned back whenever the Secretary of Labor desires it. The proviso reads:

That the State of South Carolina shall make, at its own expense, such repairs as may be necessary on said building and dock, ordinary wear and tear excepted, so long as the same is used for the purposes set forth in this resolution.

I want to know whether the gentleman would consent to an amendment providing that the Secretary of Labor shall first see and approve these plans?

Mr. WHALEY. There are no alterations to be made, but simply repairs, so that the building would be kept in its present condition. There is no change to be made in it at all.

Mr. MOORE of Pennsylvania. It says:

Such repairs as may be necessary on said building and dock.

Mr. WHALEY. Repairs only.

Mr. MOORE of Pennsylvania. Why should not the Secretary of Labor have supervision of them?

Mr. FITZGERALD. He has enough to do without being bothered with it.

Mr. WHALEY. I will say to the gentleman from Pennsylvania there never has been a door opened for immigration. There is only a caretaker there to-day, paid by the Government. The object of this is to relieve the Government of that expense and put it on the State of South Carolina.

Mr. MOORE of Pennsylvania. Exactly. It is a fair and proper request, and I am in favor of it; but deteriorations may occur by reason of the occupancy of the premises by the Naval Militia of South Carolina, and the building is to come back to the Government after they are through with it. Why would the gentleman object to this sort of an amendment:

Provided, That the State of South Carolina shall, subject to the approval of the Secretary of Labor, make such alterations—

And so forth.

Mr. WHALEY. I think it is not necessary to burden the Secretary of Labor with these repairs. It is not going to change the building at all.

Mr. FITZGERALD. If the gentleman will permit me, I have seen this building.

Mr. MOORE of Pennsylvania. Pardon me. Is this the final word?

Mr. FITZGERALD. If we did what ought to be done in this case, we would not let the State of South Carolina take this under a revocable permit. We would give it to them under condition that they would accept it absolutely or we would not give it to them at all. It is in a place where it is worthless for any purpose except for a boathouse, and the Secretary of Labor should not be worried by being compelled to pass upon every suggestion in regard to making repairs and keeping that building in serviceable condition.

Mr. MOORE of Pennsylvania. The building is to be turned back in as good order as it is taken.

Mr. FITZGERALD. It ought not to come back.

Mr. MOORE of Pennsylvania. I disagree with the gentleman as to that.

Mr. FITZGERALD. The best thing that can be done, from the standpoint of the United States, is to get somebody to take this building off our hands. We ought to give it to the State of South Carolina. Although it has not been opened, we have had requests before Congress for money to furnish the staff necessary to conduct it, although the windows are boarded up and you can not enter it without a jimmy.

Mr. MOORE of Pennsylvania. I know that the gentleman from New York [Mr. FITZGERALD] is partial to the station at Ellis Island, but I think it well sometimes to distribute a little bit of the immigration of the country, and let a part of it go to Charleston, or Galveston, or to any other place where there is shipping sufficient to warrant it. The ground having been bought by the Government, the buildings having been paid for by the Government, both now to be loaned to the Naval Militia of South Carolina, it seems to me no alteration should be made to that building, which is eventually to come back to the Government, without the approval of the Secretary of Labor.

Mr. FITZGERALD. It does not provide for alteration.

Mr. CANNON. If the gentleman will yield, it seems to me I have a recollection that under the leadership of a Representative who, I believe, is now dead, that the site was acquired and the building was constructed, and it was constructed for the purpose of caring for immigration that would come into the port of Charleston. Now, then, has it ever been used for that purpose?

Mr. FITZGERALD. Never.

Mr. CANNON. Has there ever been any immigration into South Carolina?

Mr. BENNET. One ship.

Mr. CANNON. One ship, and one ship only.

Mr. MOORE of Pennsylvania. It has been discouraged there, I will say to the gentleman.

Mr. CANNON. And it is not estimated that at any time in the future the port of Charleston would require the use of this station, which was erected for the purpose of protecting immigrants and protecting the United States?

Mr. MOORE of Pennsylvania. That for which it is now no longer needed.

Mr. CANNON. Does the gentleman give up hope that there ever will be any change of opinion touching immigration to that great port of South Carolina, where there is this great navy yard and great harbor?

Mr. MOORE of Pennsylvania. I wish to say to the gentleman from Illinois [Mr. CANNON] that there is a development around about Charleston.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Before the Chair puts that request, he wants to straighten out the amendment of the gentleman from Illinois. Without objection, it will be agreed to. [After a pause.] The Chair hears no objection. The gentleman from Wisconsin [Mr. STAFFORD] withdraws his pro forma amendment. Now, the gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Answering the inquiry of the gentleman from Illinois [Mr. CANNON], I will say it is true that there has been an unusual development around and about the port of Charleston, S. C. For many years there was no great activity there. When this immigration matter came along, Charleston was beginning to look up in matters of this kind, and she wanted to keep abreast of other cities that were seeking appropriations for the construction of immigration stations. It was in a sense an encouragement of the influx of labor that they thought they needed in South Carolina. But it is likewise true that, although they encouraged that labor, there came a time when immigration was discouraged, and it is not encouraged to any great extent to-day. But the time will come when it will be encouraged again, because South Carolina is continuing to look up. The port of Charleston is now the terminus of several of the great railroads of the country carrying coal and other products to the seaboard. It is on the line also of the great trunk-line waterway, which brings up commerce from the South and takes down commerce from the North. There is no reason why Charleston should give up its pursuit of any advantage that it may have through the possession of this immigration station, but I contend we ought not to give over the property absolutely, as seems to be the thought of the gentleman from New York [Mr. FITZGERALD]. This land and these buildings that the Government has constructed there should not be turned over for the purposes of the State of South Carolina without some reservation; and the reservation I suggest is that if the buildings deteriorate or are altered to suit the purposes of the naval militia, then those alterations should be made only upon the approval of the Secretary of Labor, who has jurisdiction over the property.

Mr. BENNET. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from New York moves to strike out the last word.

Mr. BENNET. Mr. Speaker, I do not think the criticism of the gentleman from Pennsylvania of my colleague [Mr. FITZGERALD] was either correct or justified.

Mr. FITZGERALD. Oh, I do not pay any attention to it. [Laughter.]

Mr. BENNET. And as applied to the rest of the New Yorkers, I do not think it was justified, either. One of these three bills was introduced by the late Mr. Legare, of Charleston; another was introduced by Gen. Meyer, of New Orleans; and the third by Mr. GREGG, of Texas. They were reported out of th Immigration Committee, of which the gentleman from Alabama [Mr. BURNETT] was then a member and of which I was then a member, with the full concurrence of the members from New York City, who at that time were Col. Ruppert and myself, for the purpose of doing what we thought was right, and that was of diffusing trade throughout the United States through the ports that were most convenient to that trade. It was represented to us that from the back country of Charleston there would come commerce to the port of Charleston that would warrant the establishment of a line of steamers between that port and European ports, and similar representations were made with reference to the port of New Orleans and the port of Galveston. As to the latter two, the representations proved to have been founded upon sure knowledge. In relation to Charleston, for some reason or other, the development did not proceed, but there was no thought on the part of the Representatives of the great port of New York to hamper in any way that commerce.

I want to call the attention of the gentleman from Pennsylvania [Mr. MOORE] to the fact that he least of all should complain by reason of the passage of these acts. When he came into Congress, right after they had been passed, this House, at his request, passed an appropriation of $250,000 for an immigration station at Philadelphia; and I want to say that it is absolutely no fault of the House that, after we had appropriated the money, they found they could not build it in Philadelphia because there was no place in Philadelphia where they could build it, and they had to build it in New Jersey. [Laughter.]

Mr. MOORE of Pennsylvania. That statement being accurate and entirely commendable, so far as the activity of the gentleman from Pennsylvania was concerned, I will ask the gentleman whether, if I were now to introduce a bill proposing to lend the immigration station at Philadelphia to the Naval Militia, the gentleman would entirely concur in the thought that it ought to be lent, with the understanding that the Government should cease to exercise jurisdiction over it?

Mr. BENNET. Oh, Mr. Speaker, the circumstances are different.

Mr. MOORE of Pennsylvania. I think not.

Mr. FITZGERALD. Does the gentleman think we ought to lend an immigration station like that at Gloucester, N. J., to the Naval Militia of the State of Pennsylvania?

Mr. MOORE of Pennsylvania. Oh, the gentleman should be informed. We have taken over and added to the port of Philadelphia since that time the whole State of Delaware, part of New Jersey, and most of the State of Pennsylvania. And now we do not take any back talk from New York or any other port. [Laughter.]

Mr. BENNET. And yet the gentleman complains although by reason of this act he not only got an appropriation for the construction of a building for $250,000 for the city of Philadelphia, but when they attempted to locate it in Pennsylvania they found they could not do it, and had to locate it in New Jersey, and he and others came down here in the summer, during the recess of Congress, and got an Executive order enlarging the jurisdiction of that immigration station and covering in the State of Deleware and a large part of New Jersey and a part of Pennsylvania and all of Philadelphia into the port of Philadelphia. [Laughter.]

Mr. FITZGERALD. I hope my colleague will not overlook the fact that they did not keep within the limit of cost, but had to have a law passed increasing the limit of cost.

Mr. MOORE of Pennsylvania. That may be. We wanted to be put on a par with the port of New York, and we are perfectly happy at this time. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I think the suggestion of the gentleman from Pennsylvania is entirely taken care of by the amendment here. I admit something of the force of his suggestion, but there is an amendment providing that the Secretary of Labor may take possession of and reoccupy the immigration-station buildings and dock whenever in his judgment he may deem such repossession and reoccupation desirable.

Mr. SABATH. That has been amended.

Mr. BURNETT. No; that is the amendment that we recommended, that the Secretary of Labor be permitted to reoccupy it whenever it should be found necessary.

Mr. FITZGERALD. Or desirable.

Mr. BURNETT. Yes. I understand that the amendment suggested by the gentleman from Illinois modifies it in that way. That is true. Now, if they are so repairing or refitting these buildings as to make them unfit for the Government to use them as an immigration station at any future time, under that clause the Secretary of Labor would be authorized and within his rights to take possession of them.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. BURNETT. Yes.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Alabama how he would construe the word "neces-

sary." Would it be absolutely necessary or the equivalent of "advisable"?

Mr. BURNETT. At the suggestion of the gentleman from Illinois it was amended to make it "desirable" instead of "necessary." I thank the gentleman for calling my attention to it.

Mr. SABATH. Mr. Speaker, believing that South Carolina is still a part and parcel of the United States and that it has not been taken in by Philadelphia, as has nearly everything else, according to the gentleman from Pennsylvania [Mr. MOORE], I am sure we can easily afford to let the State of South Carolina use these premises, especially the Department of Labor, in view of the fact that they never have been occupied, and at this time has no possible use for them. I agree with the gentleman from Illinois that in a short space of time, when the State of South Carolina has acquired more knowledge of the benefits of immigration, it will be desirous of occupying the premises for the purpose for which the building was originally erected; but until that time I do not see any reason why we should not permit the State of South Carolina to use this building for the purpose desired, namely, State militia purposes, and I disagree very much with the gentleman from Pennsylvania [Mr. MOORE] in his contention that we should require the Secretary of Labor to continue to have absolute control of the station. Inasmuch as the State, through its Naval Militia, will be in control, let it be in full control. It is not required that the Secretary of Labor should have charge of the premises that are not used by his department or by the Bureau of Immigration. For that reason I hope that the gentleman from Pennsylvania [Mr. MOORE] will withdraw his amendment to the provision.

Mr. WHALEY. Mr. Speaker, it is not intended by this bill that the use of this building by the State of South Carolina shall be permanent. The object of the bill is simply to allow the Naval Militia to occupy this building while it is not being used by the Government of the United States. It has been erected for four years, and not a door has been opened. In order to use this immigration station, it will require improvements, including a sea wall and filling to connect it with the mainland. To-day there is simply a dock and a building. It costs the Government $70 a month for a caretaker, and the Government is making no use of it. The Naval Militia of South Carolina have no armory, and the object of this bill is simply to allow the Naval Militia to use this building as an armory and to encourage this splendid branch of the militia.

So far as the objection of the gentleman from Pennsylvania [Mr. MOORE] is concerned, the Naval Militia guarantee to keep the building in repair. It will not be necessary to make any improvements, except put lockers in one room on the ground floor. Upstairs there are two or three rooms which are now occupied by a caretaker.

Mr. SHERWOOD. How much has the Government expended on this building altogether?

Mr. WHALEY. I am informed between $50,000 and $55,000. Now, as I say, there is no desire on the part of the Naval Militia of South Carolina to occupy this building permanently. We do hope for immigration down South, but we want high-class, desirable immigrants; and at the port of Charleston, with deep water on the bar and in the harbor, with three large trunk lines coming into the city, large coal terminals, and with five coastwise steamship lines coming into the port, we expect one of these days to have foreign steamship lines, which may bring desirable immigrants. Therefore, when the time comes, when immigrants do come into the port, an immigration station will be there, which will make it convenient for them and the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WHALEY. I do.

Mr. MOORE of Pennsylvania. The gentleman spoke of improvements which must necessarily be made to the present buildings to fit them for the use of the Naval Militia. Will there have to be such an improvement?

Mr. WHALEY. No; there will not have to be any improvement, so far as the Naval Militia are concerned. I said improvements would have to be made in order to fit it for a suitable immigrant station. It will require a sea wall in front of it; it will require filling around it; it will require a causeway to connect it with the mainland, which it has not to-day.

Mr. MOORE of Pennsylvania. Does the State propose to bear that expense?

Mr. WHALEY. So far as the Naval Militia purposes are concerned, the State will only have to erect a causeway connecting the building with the mainland, and the State proposes to do that.

Mr. MOORE of Pennsylvania. I was wondering how it could be used by the Naval Militia if this work is not done.

Mr. WHALEY. All the Naval Militia needs is an armory. This building will furnish it. It requires a dock, which is there to-day, and these two things are all that are necessary.

Mr. MOORE of Pennsylvania. I am in sympathy with the proposition, but I do not yet understand the objection to the amendment which I have not offered, but have suggested, that whatever is done in the way of permanent improvements there, alterations to buildings and grounds, should be subject to the approval of the Secretary of Labor.

Mr. WHALEY. I will say to the gentleman from Pennsylvania that we tried to get the Secretary of Labor to turn this building over to us last April or May. He refused to do it on the ground that he did not have any legislative authority to do so. As a result, the building has been unoccupied since last May, and the Government has been paying $70 a month for a caretaker, while the Naval Militia have had to pay rent for an armory.

Mr. MOORE of Pennsylvania. I understand that. Still the gentleman does not get the point. So far as I am concerned, I am in favor of what the gentleman wishes; but what is the objection to letting the Secretary of Labor approve the plans?

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman's time be extended five minutes?

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from South Carolina [Mr. WHALEY] be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Why should there be any objection to having the plans for these alterations submitted to and approved by the Secretary of Labor?

Mr. WHALEY. The red tape that would have to be gone through in order to get the plans and improvements passed on would take months and months before the building could be occupied by the Naval Militia.

Mr. MOORE of Pennsylvania. Is it simply a question of red tape with the gentleman?

Mr. WHALEY. I think red tape means a great deal when we want preparedness.

Mr. MOORE of Pennsylvania. I sympathize with what the gentleman wants to do, and I will not offer the amendment; but in matters of this kind, where Government property is being taken, I think Government supervision should be retained. That is the only point I have to make.

Mr. MANN. Mr. Speaker, I move to strike out the last two words of the resolution. A few moments ago reference was made to the Philadelphia immigration station as being "finished." I wondered whether it was "finished" or "completed," because I notice in the annual report of the Secretary of Labor the statement that the station at Charleston, S. C., has been completed for several years but never finished. That is a distinction which we will shortly make use of here, because I can see the finish of this place as an immigration station if this resolution passes.

It is a curious commentary upon Congress, especially in view of the very general sentiment throughout the country, whether true or false, that there is a little too much pork-barrel legislation in Congress—it is a curious commentary upon Congress that a few years ago the Committee on Immigration and Naturalization reported into this House a series of bills for the erection of immigration stations. One of the bills was for an immigration station at Charleston, S. C., which they say has been completed for four years and never had an immigrant in it. The gentleman from South Carolina a moment ago said the doors had never been opened—that is, for the transaction of business—that by some process in the committee on immigration some gentlemen wanting a new station at New York, some at Philadelphia, and some at New Orleans, they provided one at South Carolina where there is no need whatever of an immigration station.

Congress in its wisdom or, I might more properly say, in its lack of knowledge, accepted the suggestion of the committee and authorized an immigration station at this point. I do not remember the cost of it, but probably $50,000 or $100,000, including the site.

They say it is completed but not finished. I do not know what is not finished, but it would probably cost a considerable sum to put it in use. Think of it, a body of business men, in control of the affairs of the Government, appropriating for a station at a point where there never had been any need of it, where there never was likely to be any need of it, and where after four years of maintenance we are giving it to South Carolina to avoid the payment of the expense of a caretaker.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. O'SHAUNESSY. I want the gentleman to know that in asking the question I do not do it in a partisan sense, because I have the same feeling for this kind of legislation that the gentleman has; but under what administration was it erected?

Mr. MANN. It was not under a Democratic administration. I do not remember whether the House was Democratic or not. It does not make any difference; it applies just as well when the Republicans are in control of the House as when the Democrats are in control. We are bad enough, the Lord knows, but you are a little worse. [Laughter.]

Mr. O'SHAUNESSY. I want to say that that is one of the best speeches the gentleman from Illinois ever made in this House condemning this legislation.

Mr. MANN. I have always condemned it.

Mr. O'SHAUNESSY. I hope the gentleman as vigorously condemned it when it was passed through the House.

Mr. MANN. Very likely I did. I do not recollect; but I opposed many of these things then, and do now. I am making these remarks at this time because this House will have up similar questions of pork-barrel legislation that are new—that are not 4 years old. I hope the House will refuse to take up for consideration some of the pork-barrel bills made up along the same lines that this bill was, agreed to in committee some years ago.

The SPEAKER. All the pro forma amendments are withdrawn and debate is exhausted.

Mr. SABATH. Mr. Speaker, I move to strike out the last two words of the amendment.

The SPEAKER. There is no amendment.

Mr. SABATH. There is a committee amendment.

The SPEAKER. The gentleman from Illinois moves to strike out the last two words of the committee amendment.

Mr. SABATH. Mr. Speaker, in view of the fact that I have at all times voted against all bills which might be designated as pork-barrel legislation, I presume that I will be permitted to state that I am pleased to hear from the gentlemen who now feel the same way, and agree to act in the future as I have acted in the past 8 or 10 years, namely, to oppose every proposition that might in any way be considered as pork-barrel legislation.

As I understand it, this appropriation for the immigration station at Charleston was passed in the Fifty-ninth Congress. I was not then a member of the Immigration Committee or a Member of this House, but I want to say for the Immigration Committee that since the Sixtieth Congress we have recommended the appropriations for two immigration stations—one for Philadelphia and the other for Baltimore. I am pleased to say that each and every member, and everyone acquainted with the conditions in those two ports, will admit that there was imperative need for the stations. I agree with my colleague from Illinois that frequently we appropriate for buildings that are not needed and are not necessary.

Mr. SLOAN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. SLOAN. In regard to pork-barrel legislation, spoken of by the two distinguished gentlemen from Illinois, I know little about it and, of course, have no particular reference to either of the gentlemen or to the city which they represent. Is it a fact that the center of opposition for legislation of this kind is found largely in the great cities and along the great wharves where public buildings have already been completed and that opposition is not found in those places which have not yet had public buildings? In other words, is the opposition to so-called pork-barrel legislation largely among those who are already provided?

Mr. SABATH. I agree with the gentleman that there may be a great deal of unjustifiable criticism in the newspapers and on the part of some people directed against the erection of public buildings or the improvement of our waterways. I know that some necessary bills have been unfairly designated as pork-barrel appropriations, but in the main the criticism has been deserved.

Personally, coming from a large city, I do not have the opportunity of reading the newspapers of the small towns and am not prepared to say whether or not there is any criticism of these bills in those periodicals. I am inclined to think that if the criticism is honest it is beneficial, and it certainly is detrimental if dishonest and unjustifiable.

We should at all times oppose any measures which tend to appropriate money for buildings which are not needed. This thing of showing favors and being good fellows at the expense of the Government should cease. We should not appropriate large sums of money here and there for the erection of post offices and other public buildings for the sake of good-fellowship.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to strike out the preamble.

Mr. BURNETT. That is all right; it was only put in for the information of the House.

The preamble was stricken out.

On motion of Mr. WHALEY, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

THE LATE REPRESENTATIVE WILLIAM G. BROWN, JR.

Mr. NEELY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 188.

Resolved, That Sunday, the 16th day of April, 1916, at 12 o'clock, be set apart for addresses upon the life, character, and public services of Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COTTONSEED STATISTICS.

The SPEAKER. The Clerk will continue the call of committees.

The Clerk called the Committee on the Census.

Mr. HELM. Mr. Speaker, I desire to call up the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, which is on the Union Calendar, and I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky calls up the bill H. R. 4767, and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. The House will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Pennsylvania [Mr. STEELE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4767, with Mr. STEELE of Pennsylvania in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish monthly statistics concerning the quantity of cotton seed received at oil mills, the quantity of seed crushed in such mills, the quantity of crude cottonseed products obtained, the quantities of these crude products sold and shipped out of the mills and the quantities on hand, the quantities of crude cottonseed oil held by refiners, by manufacturers of compound lard, butterine, oleomargarine, soap, and other users of cottonseed oil, and by brokers, exporters, warehousemen, and others handling these products, the quantity of compound lard, soap, butterine, and oleomargarine made, shipped, or held by manufacturers of these products either at the factory or elsewhere, and the quantity of cotton seed and cottonseed products imported and exported.

SEC. 2. That the information furnished by any individual establishment under the provisions of this act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than $300 or more than $1,000, or imprisoned for not more than one year, or both so fined and imprisoned, at the discretion of the court.

SEC. 3. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cottonseed-oil mill, manufacturing establishment, warehouse, or other place where cottonseed products are produced, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton seed received, consumed, or on hand, and the quantity of crude and refined oil, cake and meal, hulls and linters produced, and the quantity of these products sold and shipped and on hand, and the quantity of compound lard, butterine, and oleomargarine on hand. The request of the Director of the Census for information concerning the quantity of cotton seed received, consumed, and on hand, the quantity of crude oil and other products sold and shipped, and the quantity of crude oil consumed and products manufactured therefrom and stocks on hand may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or

other officer or agent of any manufacturing establishment, warehouse, or other place where cotton seed and cottonseed products are manufactured or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

With the following committee amendments:

On page 1, line 7, omit the word "obtained," and after the words "cottonseed products" insert the following: "and refined oil produced."

On page 1, line 8, omit the words "crude" and "sold and."

On page 1, line 9, after the word "quantities," insert the following: "of these products and of cotton seed."

On page 1, lines 13 and 14, omit the following words: "the quantity of compound lard, soap, butterine, and oleomargarine made, shipped, or held by manufacturers."

On page 2, line 1, omit the following: "manufacturers of these products either at the factory or elsewhere."

On page 3, line 4, omit the following: "sold and."

On page 3, lines 5 and 6, omit the following: "and the quantity of compound lard, butterine, and oleomargarine on hand."

Mr. HELM. Mr. Chairman, the purpose of this bill is to provide for the collection and publication of statistics monthly concerning the quantities of cotton seed purchased by the oil mills and the stocks on hand, the quantities of seed crushed in such mills, the quantity of crude cottonseed products and refined oil products produced, the quantities of these products shipped out of the mills, and the quantities held by the mills and by refiners of cottonseed oil, by manufacturers of compound lard, butterine, oleomargarine, soap, and other users of cottonseed oil, and by brokers, exporters, warehousemen, and others handling these products. The bill has been drafted after a conference with the Director of the Census, and it is believed embodies all of the necessary directions for the purpose of securing the most complete information regarding this industry, and it is believed it will, in so far as possible, afford the opportunity of making free application of the natural law of supply and demand.

The Director of the Census estimates that for the first year or two in organizing the work an additional appropriation of possibly $10,000 will be required, and that after that the annual appropriation may be reduced considerably.

Mr. Chairman, I reserve the remainder of my time.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman if he knows what the expense of collecting these statistics monthly will be?

Mr. HELM. The Director estimates that for the first year or two in organizing the work an additional appropriation of possibly $10,000 will be required, and I presume that that $10,000 will be paid out at the rate of one-twelfth of that sum monthly.

Mr. MANN. I noticed that statement in the report. Is that an official statement from the Director of the Census?

Mr. HELM. Yes; so stated in the hearings had before the committee.

Mr. MANN. That is, that an additional appropriation of $10,000 will be necessary.

Mr. HELM. There is a very considerable sum appropriated annually, as the gentleman well knows, for the collection of cotton statistics, and this is additional work.

Mr. MANN. How much is that appropriation now?

Mr. HELM. I think it is in the neighborhood of $225,000.

Mr. MANN. And these statistics are collected every six months?

Mr. HELM. No; I think the statistics are collected bimonthly—that is, during the ginning season.

Mr. MANN. Does the gentleman mean to say that they are collected bimonthly now?

Mr. HELM. That is my information. I do not come from a cotton-producing State.

Mr. MANN. And that it will cost $10,000 more to collect them monthly?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LEVER. I thought the gentleman from Illinois, as I think the gentleman from Kentucky [Mr. HELM] also thought, had reference to the collection of cotton statistics and not cottonseed statistics. It costs about $225,000 a year to collect these statistics as to cotton through the Census Bureau. The Census Bureau is not now collecting, except incidentally, any statistics as to cotton seed. The ginning reports on cotton during the ginning season are collected and published bimonthly.

Mr. MANN. It costs over $200,000 to collect the cotton statistics. Does the gentleman think that they can collect the cotton seed, cotton oil, and so forth, statistics for $10,000? I think that is a wild vagary on the part of the man who made the estimate.

Mr. LEVER. I think not, if the gentleman will permit. As the gentleman knows, practically every cottonseed oil mill has connected with it a cotton gin. The regular gin agents collect the amount of cotton at that gin and would likewise collect the amount of cotton seed coming from that gin, so that the additional expense in collecting these statistics would have to do only with the employment of probably three or four special agents who would collect statistics of cottonseed products held in refineries and manufacturing establishments, and so that the additional expense would be very small indeed. The bulk of the statistics would be collected incidentally with the collection of cotton statistics.

Mr. MANN. The bulk of the cotton seed and cottonseed oil may be incidental to the rest, but the bulk of the work will not be incidental at all, because this bill requires statistics respecting the quantities of crude cottonseed oil held by the refineries, manufacturers of compound lard, butterine, oleomargarine, soap, and other users of cottonseed oil, by brokers, exporters, warehousemen, and others handling these products. This seed manufacture covers quite a bunch of work, and the collection of these statistics of manufacture of all these people, which they will be considering as a perfect nuisance, will require a great deal of effort and, I think, a good deal of money, and I can not see myself what value it will be to collect all these statistics.

Mr. LEVER. I will say, on the contrary, to the gentleman's statement that a number of large manufacturers of cotton seed and cottonseed products and cottonseed oil through their national association, together with a large number of farmers' organizations, are requesting this information and believe it to be very valuable information as showing the entire picture of the trade.

As it is now any cotton man familiar with cottonseed business can obtain pretty good information as to the amount of cotton seed that is going to be produced if he knows the amount of cotton likely to be produced, because cotton, as we say, thirds itself in lint; in other words, the weight of cotton is one-third lint and two-thirds seed, and, knowing the weight of a bushel of cotton seed, you can fairly well approximate the amount of cottonseed oil that is going to be produced during a given year. That information is available to the other side of the picture, namely, the manufacturers' side. Now, this bill proposes to give to the producers of seed the amount of cottonseed oil held in storage and warehouses and the amount of oil to be consumed by refiners, in soap establishments, and in various lines of consumption of cottonseed oil, so that the picture will be entirely complete.

Mr. MANN. The picture is as complete to one side as to the other.

Mr. LEVER. Not at all.

Mr. MANN. Why not?

Mr. LEVER. For the reason that the manufacturer knows approximately the amount of cotton seed that is coming on the market, and the producer of cotton seed has no idea and has no statistics available as to the amount of cotton seed that will likely be consumed in the manufactured products.

Mr. MANN. But all people know just as much as one.

Mr. LEVER. I think not.

Mr. MANN. The information is available just as much to the producers of cotton seed as it is to the manufacturer of cottonseed oil. Now, it is no more to the interest of the producer than the manufacturer to know how much there may be consumed.

Mr. LEVER. That is very true, but——

Mr. MANN. I have no objection to obtaining the information as far as that is concerned, but I do not look very favorably myself upon collecting information every day and having new sets of statistics every day or every month, if they are expensive. Now, there is no more reason as to cottonseed oil and cotton seed than there is to all other productions and other lines of industry.

Mr. LEVER. I fully agree with the gentleman except this, in the matter of raw cotton and the matter of cottonseed oil, they are dealt in upon future exchanges and the market varies almost minute by minute. Now, a great many products of the farm are not listed upon the exchanges at all and therefore the manipulation in price is not so frequent.

Mr. MANN. No; but with things dealt in on the exchange where there are futures that information is equally sought for and published broadcast just as it is in reference to all grain. There is no secrecy about it, and that information is published from day to day. They do not wait entirely upon the General Government, although they are glad to have the figures submitted by the Government.

Mr. LEVER. That is very true, if the gentleman will permit, and therefore for that very reason the system of collecting agricultural statistics and making frequent publications of the information was inaugurated in this country some years ago. The gentleman will remember, many years ago, some 10 or 12, there were no statistics collected as to the production of cotton with the result that large cotton firms in Liverpool, N. Y., and New Orleans gathered their own statistics and sent them broadcast through the country with the effect either to raise the price or depress the price, mostly to depress the price.

Mr. MANN. They still gather their own statistics and publish them as soon as they get them.

Mr. LEVER. Yes; and publish them as soon as they get them.

Mr. MANN. The people as a rule give more attention to their statistics than they do to the Government's statistics.

Mr. LEVER. I disagree very emphatically with the gentleman on that proposition.

Mr. MANN. The gentleman is biased in favor of the Agricultural Department.

Mr. LEVER. I am satisfied the gentleman will find upon a fuller investigation that the cotton trade to-day will take the official estimate of the Department of Agriculture as to the yield of cotton as being almost absolutely accurate. The last estimate of the Department of Agriculture as to the yield of cotton was so accurate that in a crop of 11,168,000 bales it missed it only 60,000 bales.

Mr. MANN. I think the estimate has been very accurate, and their forecasts are very accurate.

Mr. LEVER. So much so that the trade has come to look upon the statistics collected by the Government as the final umpire of the season's output.

Mr. MANN. And the gentleman proposes to duplicate that work and have the Agricultural Department make its estimate and have the Bureau of the Census collect statistics every month, when there is no substantial variation for much of the year except that regular variation which——

Mr. LEVER. The gentleman understands, of course, the Department of Agriculture at this time does not collect any statistics such as are contemplated by this bill?

Mr. MANN. Oh, they collect information all along the same line.

Mr. LEVER. But make no publication of their information in this regard.

Mr. MANN. But they collect most of the information which would be collected here now, as far as the producers of cotton seed are concerned.

Mr. LEVER. Exactly. Now, what we want to do is to get the statistics from the consumers of these products and publish them alongside of the others.

Mr. MANN. I have no objection to that; but there can be no excuse given for the passage of this bill that will not apply to corn, wheat, oats, rye, barley, hogs, cattle, horses, and everything else of that sort, and there can not be many excuses given that will not apply to the main manufactured articles. And the question is whether it is necessary to commence the collection of statistics monthly at an enormous expense, and which will be of no practical value. A few years ago we had a bill up here to have a collection of agricultural statistics throughout the country reported from the committee, and to cost a million dollars, if I remember correctly. The House finally defeated the bill. I dare say there were not a hundred protests presented to all the Members of Congress for the defeat of that bill to collect agricultural statistics, although it had much in its favor in a way. I have no objection to the collection of statistics, but I think we are going a long way when we undertake to collect statistics every month from manufacturing concerns, dealers in products, as well as producers.

Mr. LEVER. If the gentleman will permit, let me make this suggestion to him: Under the present law we are collecting bimonthly statistics as to production of cotton during the ginning season, and also we are collecting bimonthly the amount of consumption of cotton through various manufacturing establishments. I had in mind in the introduction of this bill that the collector of information concerning raw cotton and the collector of information as to the manufactured product could in a measure do the most of this work, but I see the necessity of having four or five men who necessarily must go to the manufacturer and refiner, the soap manufacturer, and the like of that, to get information, because the other class of collectors of cotton information would not be brought in contact with that kind of an establishment.

Mr. MANN. I know we have given great consideration and favoritism to the collection of statistics relating to cotton. The gentlemen from cotton-producing regions have been of the impression that the producers of cotton were grossly discriminated against by the traders in cotton or even consumers of cotton, because the latter knew more about the production than did the producer. I have no objection to the collection of these statistics, although I think we collect cotton statistics more frequently than necessary. And I have not observed, although I do not pretend to be an expert on the subject, that it has been of any marked advantage to the producers of cotton. Information that is public, all of it, what anybody knows is public, is known to both sides. A consumer of a product in large quantity gives more study to the subject than the producer of a small quantity. Yet the producer is usually advised by his friends, by the magazines, the special papers, and sometimes by his dealer as to the situation. But we are carrying it too far. We are collecting statistics so often that people do not pay much attention to them.

Mr. LEVER. The gentleman may be right, but that is not my experience of it or my own judgment about the matter. I think the statistics are very valuable and I think they have a very steadying influence upon the market, especially for products that are dealt in in futures—exchanges. Personally I would have no objection myself to the collection of additional information with reference to all agricultural products. I do not think that we can have too much information on those subjects.

Mr. MANN. These statistics may all be true. I hold in my hand a report of the Bureau of Census on the manufacture of automobiles issued not very long ago. Oh, I expect the figures are accurate, but I am frank to say I do not believe them, notwithstanding they come from the Census Bureau. I may be wrong, but I am satisfied I know enough about it to know that these figures are not correct.

Mr. LEVER. The gentleman and I do not know much about automobiles, and I am not going to pass judgment on that.

Mr. MANN. I know what I see by traveling around. If we keep on we will have nothing but statistical bureaus working all over the country, collecting information in such masses that no one can digest them. We publish to-day more statistical information than anyone can handle or the whole world handle. I guarantee there are not 10 Members of this House who look at one-twentieth part of the statistical information that comes out from the Census Office which is of interest to their districts. You want to multiply it tenfold.

Mr. HILL. Mr. Chairman, I want to appeal for the other fellow.

Mr. MANN. How much time does the gentleman want?

Mr. HILL. Five minutes.

Mr. MANN. I yield to the gentleman five minutes.

Mr. HILL. I want to make an appeal for the other fellow. If any human being can tell me why a factory in Wisconsin making any of these products should be required every month to report to the United States Government the amount of stock they have on hand and the amount of all kinds of cotton products they have manufactured and turned out, he must give some reason that I can not conceive of. I read an item in the paper the other day that the Pennsylvania Railroad had to make last year 110,000 reports to somebody, and that they had to maintain a bureau for that purpose only. I know that it is extremely annoying and extremely embarrassing to many of the manufacturing interests of this country to be continually pestered with keeping books in such a way as to tell somebody else just exactly what they are doing and how they are doing it.

Now, I have not the slightest objection to accumulating statistics. I try to be something of a statistician myself, and I appreciate the value of them. But there is another bill pending in the Ways and Means Committee, a bill with regard to tobacco, looking toward this same policy. Once a month every manufacturer has, practically, to take an inventory and furnish it to somebody for somebody else's benefit. In my judgment we are going too far, gentlemen, in interfering with the private business affairs of this country for the sake and for the benefit of somebody else. I agree with the purpose of this bill in a general way. I think if this is to be done, it should be done by the Census Bureau; but it is simply a duplication, at a very large expense, of much statistical work that is already being done in a different way.

Mr. HELM. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. HELM. The gentleman has had a very long and very excellent service in the House. It has been my pleasure to see him, I think, in the making up of two tariff bills, and taking a very prominent and very active interest in the framing of

those bills. I do not believe that there is a Member in this House who has utilized or quoted more generously and liberally from the very statistics that the gentleman is now condemning.

Mr. HILL. I do not condemn them. I approve them.

Mr. HELM. The fact is that if the gentleman did not have the statistics that he now condemns, and which the gentleman from Illinois [Mr. MANN] so severely censures, I am at a loss to know how he could have entertained the country and the House on so many different occasions and on so many different topics without this interesting information that has been the basis of every argument that he has made in the tariff discussions.

Mr. HILL. Mr. Chairman, this proposition goes a great deal further than anything that has ever been attempted before. It not only provides for the statistics of production which are now furnished by the Department of Agriculture, but it follows the whole thing through to the ultimate consumer and embraces market conditions all the way, and that is proposed to be done practically at the expense of the people of the United States. I do not mean by that at their expense in so far as they are a part of the Government, but at their expense in the way of interference with their daily work in regard to these matters in the compilation of these things.

It is easy for you to say that a man shall report once a month how much copper he has in the various forms of manufacture and how much cotton he has in the various forms of manufacture; but when you compel him to take a monthly inventory, as this does, it is embarrassing to him in the extreme.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. I ask unanimous consent to proceed for four minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HELM. The gentleman seems to be curious—and I use the word in the sense of "anxious"—to know why it is advantageous to anyone to have tobacco statistics.

Mr. HILL. Oh, no. The gentleman misunderstands me entirely. I am not opposing this bill. I think all this information should be centered in one bureau or department, and, as I said before, I am not at all sure but that the Census Bureau is the proper place for it. But when you come to put into a bill a provision that a manufacturer of these products shall be criminally liable not only by fine but by imprisonment, also, if he fails to furnish this precise information in a certain way every month, I think it is going too far.

Mr. HELM. Mr. Chairman, will the gentleman again yield?

Mr. HILL. Certainly.

Mr. HELM. The necessity of that provision, it seems to me, is apparent on its face. What is the use of requiring a thing to be done unless you attach a penalty for not doing it?

Mr. HILL. Exactly. I do not think it is the business of the United States Government to make all its people subject to being adjudged criminals for the sake of a market advantage accruing to some of them. It is all wrong. It is all right as the statistics are collected now, but you do not propose to eliminate those statistics that are now being collected by the Department of Agriculture on this thing. You are going to duplicate the proposition.

What I would be glad to see would be to have the gentleman's committee make a careful investigation of the statistical publications of this Government now and eliminate a whole lot of them that are absolutely unnecessary, and concentrate them all in the Census Bureau, where they properly belong. But this does not do it. This simply adds to what is being done already. I would like to see it done, but I want to see it done right, and I do not want to see the industrial people of this country criminalized on any proposition for the market advantage of some speculators, whether in corn or cotton or anything else.

Mr. HELM. The gentleman is wrong. This information is not for market speculators. As a man coming from a tobacco-growing section—and the gentleman has called in question tobacco statistics more specifically than the statistics in the case of cotton—I want to assure the gentleman that the statistics that the bureau undertakes to gather as to tobacco are not for the speculator, but they are for the protection of the grower.

Mr. HILL. Yes; I understand that.

Mr. HELM. If the gentleman's State was interested in the production of a commodity to the volume and extent that Kentucky is interested in the growing of tobacco, which is the money crop of our State——

Mr. HILL. Yes.

Mr. HELM. Tobacco is to Kentuucky what manufacturing interests are to the gentleman's State,

Mr. HILL. Yes.

Mr. HELM. To say that the manufacturers of America should not have statistics to show the volume and use of any particular plant would be a grave injustice to the gentleman's people, would it not, especially when it comes to the drafting or writing of tariff bills? You would be at sea without that information.

Mr. HILL. It is no injustice to anybody. It is the business of any man in business to ascertain his own facts with reference to the business he is engaged in. It is being done now. It is being done by every institution, almost, every stock exchange, and every produce exchange in the United States. They have their corps of statisticians that gather these things.

Now, this bill is not only duplicating that, but they are duplicating it in two or three of these departments here in Washington; every fact in regard to tobacco——

Mr. HELM. There is no duplication in this cotton business in different bureaus.

Mr. HILL. I think you will find that many of these statistics are gathered in the Department of Agriculture, and they are published once a month in the Crop Reporter.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from South Carolina?

Mr. HILL. Yes.

Mr. RAGSDALE. The gentleman made the statement that all business institutions ought to gather their own facts and not to look to the Government for any of their facts.

Mr. HILL. I was speaking in a general way.

Mr. RAGSDALE. Does the gentleman contend that all the small business institutions of this country would be in a position, with their small capital and capacity, to gather their own facts, involving a vast expense?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HELM. Mr. Chairman, I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman will proceed.

Mr. RAGSDALE. Does the gentleman contend that the large business houses of this country would have no advantage over the small business houses if this Government did not put them in a position to know the conditions that exist? In other words, the enormous capitalization and concentration of a large number of corporations into one big body gives them such a tremendous advantage over the smaller business houses and corporations that they would be absolutely at the mercy of the big corporations if it was not for the information which in part at least they secure from the Government.

Mr. HILL. I do not agree with the gentleman at all. The large business concerns of this country have come, not by Government aid or help, but by evolution in the natural processes of business. They always will come that way, gentlemen. I was before the Federal Reserve Board the other day on an application from some banks of our State to be set off from Boston and attached to New York. I was asked this question, "Will not this tend toward the concentration of capital in New York City?" I said "No, the concentration of business in New York City tends to the concentration of capital there, and nothing that you can do, gentlemen, will interfere with it or control it," and my friend from South Carolina can not control the business of this country by any system of Government legislation or Government statistics.

Now, Mr. Chairman, the thing that I protest against most emphatically is not this proposition to have these statistics gathered monthly. I want the gentleman from Kentucky [Mr. HELM] to understand that I am not opposed to his bill on its own merits. What I am opposed to is the duplication of this work. It is being duplicated. I know what the gentleman is going to say. He is going to say, "Not with reference to this"; but he knows as well as I do that propositions with reference to a dozen other crops are pending in the House of Representatives, looking to the same thing, and that is what we must face.

Mr. HELM. I am joining with the gentleman in protesting against the scattering of this work through the different departments at Washington. I agree with him that it ought to be concentrated in one department.

Mr. HILL. And I do not know of any better place to put it than the Bureau of the Census.

Mr. HELM. It either ought to have all this work or it ought to be abolished.

Mr. HILL. What I am saying in regard to this bill, gentlemen, is that for the life of me I can not imagine the necessity of subjecting the cotton mills, stretched from Virginia to Texas through the South, to the annoyance and inconvenience of being

compelled practically once a month to take an inventory of their stock. And if they neglect it or refuse in its fullest details, they make themselves criminals under the terms of this bill. I object to that.

Mr. LEVER. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. LEVER. The gentleman did not hear my statement to the gentleman from Illinois a moment ago, when I said that the Cotton Seed Crushers' Association, which represents all of the cottonseed-oil mills of the country, in its last annual convention at Norfolk, Va., which convention I had the honor of addressing, adopted a resolution urgently calling upon Congress to pass this kind of legislation.

Mr. HILL. Very well. Now, let me read the last clause here, and submit it to you, as representatives of your own people, what you are proposing to do. I should like to see some legislation on this subject, but I should like to see it on a different basis than this.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Give me five minutes more.

Mr. MANN. How much time have I remaining?

The CHAIRMAN. Thirty minutes.

Mr. MANN. I will yield to the gentleman five minutes, although I think it is up to the other side to give it to him.

Mr. HELM. The gentleman had five minutes from this side.

Mr. HILL. I do not care where the time comes from. I want to put this before you people:

> Any owner, president, treasurer, secretary, director, or other officer or agent of any manufacturing establishment, warehouse, or other place where cotton seed and cottonseed products are manufactured or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year.

I say to you gentlemen in passing that law you are liable to have every manufacturer of cotton products in the country in State prison inside of five years, if the law is enforced, and I do not believe they want to go there, and if it is not to be enforced it ought not to be passed in its present form.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. HOWARD. Is there not a law which is practically as drastic as this, which applies to the gin reports that are required to be made monthly, and which give information to the cotton factories?

Mr. HILL. I do not know.

Mr. LEVER. That is true.

Mr. HILL. I have no doubt there are a great many such calls for reports, and that is one of my objections, that this work is being duplicated. You have got to make reports to the Agricultural Department. The tobacco people have got to make reports to the Commissioner of Internal Revenue, and now you duplicate it all to the Chief of the Census. It ought all to be in the Bureau of the Census.

Mr. HOWARD. As a matter of fact, the Census Bureau gathers the gin reports. Now, the gentelman wants to distinguish between the manufacturers of cotton seed and the poor ginners.

Mr. HILL. Not at all. I simply want to protest against the constantly increasing system of reports, which has grown until it has finally reached the point where the manufacturers will practically have to expose his whole business once a month.

Mr. HOWARD. Then you ought to repeal the law applicable to gin reports. You ought not to make fish of one and fowl of the other.

Mr. HILL. I do not know anything about that. Ought a manufacturer in your State to be obliged to make a series of reports on the same subject to three or four different departments of the Government?

Mr. HOWARD. Yes; he ought to be compelled to do that if you make the farmers and ginners do the same thing under the same kind of a law.

Mr. HILL. Ought they to be required to make the reports to two or three different departments?

Mr. HOUSTON. Is it not a fact that the ginners make monthly reports of their output?

Mr. HILL. I do not know.

Mr. LEVER. They do make them to the officers of the Census Bureau.

Mr. HILL. I do not know.

Mr. HOUSTON. Their reports are sent in to that bureau, and this is just simply additional information to the same department; not a duplication at all.

Mr. HILL. Are not similar reports made to the Agricultural Department and published by that department?

Mr. HOUSTON. They are different, and do not cover this. This is the proper place for the report to be made. It is the place to get the report in regard to the amount ginned.

Mr. HILL. What is the necessity of duplicating it?

Mr. HOUSTON. It does not duplicate it because it is not obtained elsewhere, and is not sent to the same department. All I see that the gentleman from Connecticut objects to, is duplication, which it does not, and he objects to the penalty in it. Of course you can not have laws enforced unless there is a penalty attached to it.

Mr. HILL. If the gentleman's committee would bring in a bill covering the whole provision of reports in regard to agricultural products, and take away the duplication that now exists, I think it would be wise, but simply to add another one to the present duplication will be a great annoyance to the people of the United States.

Mr. HELM. Will the gentleman yield?

Mr. HILL. Yes.

Mr. HELM. I think the gentleman from Connecticut is confused in his ideas.

Mr. HILL. So are the people of the country who have to make these reports.

Mr. HELM. This is the point. The gentleman complains that there is a report to be made to the Agricultural Department and one to the Bureau of Census. I do not state it as an indisputable fact, but I do state it as a conviction that the reports that the gentleman says are made to the Agricultural Department are simply estimates that are sent in by men who ride around through the locality.

Mr. HILL. I suppose that is so.

Mr. HELM. But this will be made by men appointed to do it.

Mr. HILL. Can this report be made out by a manufacturing concern without a monthly inventory?

Mr. HELM. What report?

Mr. HILL. The report that is called for in this bill.

Mr. HELM. My opinion is that it can.

Mr. HILL. I do not see how.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman a question. These reports are all required on several things connected with the same phase of the subject?

Mr. HOUSTON. Reports are required in connection with the cotton ginning.

Mr. MADDEN. And this requires the person to add further information to his report?

Mr. HOUSTON. That is all.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has left the control of the time in my hands. I will ask the gentlemen on the other side whether they want to use any of their time?

Mr. HELM. There will be only one statement on this side, and not exceeding 10 minutes. I will yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, the great difficulty with gentlemen in regard to this proposition is their lack of information. To start with, I can not conceive of a business enterprise that is worth the name but what would carry an inventory of stock that it has on hand at all times, because otherwise it would be unable to insure it; it would be unable to protect itself or its stockholders unless it had a comprehensive inventory of the material they had on hand, whether raw or manufactured. These inventories being kept, the objections of the gentleman from Connecticut on that score can not be sustained.

Now, I am familiar with the cottonseed industry, because it is one of the chief industries of my part of the country. The fact of the matter is that to-day not only food products come from seed, but we are largely dependent upon it for fertilizers which we can not secure from any other source.

Now, when the gentleman says that the smaller business concerns are entitled to no information from the Government, but ought to get the information as the larger concerns do, I call his attention to the absolute power that these great institutions have over the smaller producers and manufacturers.

The gentleman refers to tobacco. Why, I saw, in the summer the war broke out, the price of tobacco in 24 hours shrink from 50 to 100 per cent. One or two buyers went off the market because tliey lost connection with England. They could not get information as to what was transpiring. If it

had not been for the fact that the independent buyers got certain information from the United States Government as to the crop produced, the farmers' crops would have been absolutely sacrificed, practically without competition. Then, when the gentleman comes and tells us that the Government ought not to gather and give the information into the hands of the buyers who go on the floor and give the competition that brings some protection to the producers of the raw material, it is a remarkable position for any gentleman to take on the floor of the House.

Mr. HILL. Did not the gentleman understand me to say that I did not object to it, but I thought it ought to be concentrated in one place and not duplicated?

Mr. RAGSDALE. I understood the gentleman to say specifically that this Government should not furnish the information to the small houses, that they could get the information just as well as the larger institutions, and I ask the gentleman to refer to the notes and see if he did not so state.

Mr. ANDERSON. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. ANDERSON. Will the gentleman state why this particular information relating to cotton seed should be furnished when no such information is proposed to be gathered concerning flaxseed, corn, oats, oatmeal, and so forth?

Mr. RAGSDALE. Well, I have practically nothing to do with manufacturing flaxseed and corn. We are not a milling part of the country; we are endeavoring to protect the people that we come in daily contact with who have need of it. If the gentleman thinks the producers of the raw material in his section need protection, I recommend him to get into action and give them the relief to which they are entitled. [Laughter.]

Mr. ANDERSON. I thank the gentleman for the advice.

Mr. RAGSDALE. The gentleman is perfectly welcome to it, and I hope in the future that I shall be able to give him other good advice. Mr. Chairman, I yield back the balance of my time.

Mr. CANNON. Mr. Chairman, will the gentleman from Kentucky yield me a little time?

Mr. HELM. Mr. Chairman, I yield the gentleman five minutes.

Mr. CANNON. Mr. Chairman, I have listened with great interest to this discussion, and I think I am just about the average Member of Congress touching the statistical information given, and nearly the equal of the people engaged in production and trade. I listened, as I always do, with a great deal of interest to the statement made by the gentleman from South Carolina [Mr. LEVER], the chairman of the Committee on Agriculture. He said that the Agricultural Department kept track of the production of cotton, how many bales, and that when you know how many bales there are, you know how many tons of cotton seed there are, because there is about so much cotton seed to the bale.

Mr. LEVER. That information, however, is not available until the first Monday in December.

Mr. CANNON. Precisely; and then is when the crop is maturing. If there is not enough information gathered touching cotton and corn and wheat and all other products, then I think I will agree with the gentleman from Connecticut [Mr. HILL] in saying that the gathering and compilation of it really ought to be consolidated. I am not going to vote—I think I will not—for any further statistical information until the whole matter is consolidated in one department, either the Agricultural Department or the Census. When I want some information—and when I want information I want it very much—because of my lack of industry I have to go to an expert to find out where I am to get it—at this department or that department or the other department. Life is not long enough for a man to perform his ordinary legislative duties and at the same time keep up with all these cords and cords of information that are scattered here and there—statistics in the Department of the Treasury, statistics in the State Department, statistics in the Department of Commerce, statistics in the Department of Labor, statistics in the Department of Agriculture—about kindred subjects.

Gentlemen talk about speculators as if there was something unholy in speculating. I do not know whether anyone speculates in cotton down in the cotton country or not, but I will tell you that many farmers are speculators up with us. Some of them even go on the board of trade, while others store their grain in granaries, many of them their wheat and their corn—and I guess they do it down in your country, too—saying, "Well, the crop is short and I will hold it until next year." I know farmers that have held two or three crops of corn and wheat, as the case may be. They are American citizens, intelligent people, and they have the right to speculate if they want to.

Mr. LEVER. Mr. Chairman, the gentleman did not understand me as condemning speculation. My record on that proposition here in legislation is too well known. I regard legitimate speculation as the life of trade.

Mr. CANNON. Everybody speculates, the retailer, the wholesaler, and the consumer, to a greater or less extent. I even know people who speculate in cold-storage apples, and all that kind of thing.

Mr. LEVER. And chewing gum.

Mr. CANNON. Yes; perhaps in chewing gum also. I believe in full information, reliable information. I have no objection to the Government collecting statistics—in fact, I favor the Government keeping general track of production, but I quite agree with what the gentleman from Connecticut [Mr. HILL] has said, at least in part, touching the great number of channels to which one has to go to get information, and sometimes then that information conflicts; many times it does. We legislate and legislate and legislate and provide for fines to be levied upon people, right and left, for imprisonment in some cases, and unless we stop before a great while we will arrive at a point where every producer, every retailer, every jobber, every manufacturer and speculator, even, in order to proceed with safety will have to hire a lawyer, and a very good one at that, to keep him from subjecting himself to a fine or imprisonment.

Mr. Chairman, I am a conservationist. I am tired of seeing the forests of this country cut down and converted into print paper on which to print many of the newspapers and magazines and the recollections of people and statistics and reports here and there; we have got to stop it or the country will be deprived of its forests. [Laughter and applause.]

Mr. HELM. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Chairman, I do not see what all this drift into commercial relations and things of that sort means. It seems to me this is a very innocent proposition that is pending. I come from a State that ordinarily produces about one-fourth of the cotton of the United States, and it is a fact that the Government takes censorship over the entire marketing, ginning, direction, and control of the cotton, and the world takes a censorship of how much is planted, and the appearance of a little worm in the cotton patch is telegraphed across the ocean, and a little fly that lights in the cotton patch about sundown is held up and headlined as an alarming thing, like yellow fever would be, or some other distress. The world takes cognizance of it. The cotton farmer and the cotton crushers and the people who produce and market and direct these affairs simply want to keep trace of the seed, that they may be able to protect themselves and yet at the same time know intelligently what is being done with the great cottonseed crop, for every bale of cotton is only one-third of what the seed is. In other words, every cotton crop is made up of about one-third of cotton and two-thirds of seed. I do not see any reason for raising any row about it. It is already a governmental process, until the seed is taken from the cotton, and the ginner that separates the seed from the cotton has to make his report, and it is under the control and direction of the Government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HELM. I wish the gentleman on the other side would use some time.

Mr. STAFFORD. Mr. Chairman, we are going pretty far when we require every storekeeper who has in his possession some cottonseed products to make report to the National Government monthly, and on failure to make that report punish him by a fine of not less than $300. That is what this bill does. I am in entire sympathy with the policy of gathering statistics of agricultural products, and favored in the subcommittee in the preparation of the legislative, executive, and judicial appropriation act legislation which permitted quarterly collection of statistics so far as the tobacco crop was concerned, but when you, by this character of legislation, attempt to compel every storekeeper, every holder of cottonseed products, to make return once a month for the benefit of some producer of cottonseed oil, I say you are going quite far, indeed. If you are going to justify that policy as far as this bill is concerned, then you will necessarily have to go consistently in favor of gathering statistics as to the quantity of cold-storage eggs in the warehouses and of all kinds of cold-storage products monthly. The iron and steel manufacturers would have the same right; the steel foundryman to ask for statistics as to the production of pig iron. The manufacturer of textile goods could ask for a census return monthly as to the amount of dyestuffs, or the

amount of cotton, or the amount of wool. In fact, you can not conceive of any limit carried to a logical extreme to which this bill would not carry us if we are going to follow this as a standard.

I am opposed to that character of sumptuary legislation requiring a private individual to furnish information at his own expense for the benefit of some other private individual. It is one thing for the Government to gather statistics and provide for the appointment of agents to gather those statistics, and that is what we do so far as the cotton crop is concerned and the tobacco crop is concerned. As to the cotton crop, we employ something like 780 officials—local agents—for gathering those statistics, but here it is intended not only to utilize these local agents who are engaged in the gathering of cotton statistics, but you are going to compel, under a mandate of the Director of the Census, every storekeeper and every warehouseman to report monthly the quantity of cottonseed-oil products he has on hand. I direct the attention of the committee to this phraseology as found in the third section of the bill:

SEC. 3. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cottonseed-oil mill, manufacturing establishment, warehouse, or other place where cottonseed products are produced, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton seed received—

And so forth.

And later on there is a provision which authorizes the Director of the Census to obtain that information by registered mail, and the receipt of the registered card is evidence that the storekeeper has received the demand, and upon the failure of that storekeeper to furnish the information he is then punished by a fine of not less than $300. That is unwarranted legislation, when you seek to impose that——

Mr. HELM. Will the gentleman yield?

Mr. STAFFORD. In a minute—to impose that requirement upon every character of business man in this country who happens to have some stores of cottonseed products in his possession. Now I yield to the gentleman.

Mr. HELM. Does the gentleman know—and if so, will he tell the House—what is the value of the annual crop of cotton?

Mr. STAFFORD. I have examined the report, but I have not that information.

Mr. HELM. I am asking about the value of the entire cotton crop each year.

Mr. STAFFORD. I yield to the gentleman to furnish that information.

Mr. HELM. I asked the gentleman—the gentleman is talking about a thing of which he purports to have a good deal of information——

Mr. STAFFORD. I have not made such a claim. I am criticizing the bill, although I have read the report; but if the gentleman will answer the question, I will yield to him; if he will not, I will decline to yield further.

Mr. HELM. I would like to ask the gentleman——

Mr. STAFFORD. I have yielded to the gentleman to answer the question propounded by him. If he does not answer, I will decline to yield further.

Mr. HELM. I do not profess to have that information——

Mr. STAFFORD. I acknowledge I have not the information.

Mr. HELM. But I do know that in the volume of the trade of the United States cotton is larger than any other one product of the United States.

Mr. STAFFORD. I yielded to the gentleman to give the information to the House. Can the gentleman give the information to the House as to the potato crop or the wheat crop or the corn crop? I can approximate, but I do not profess to be a statistician as to the facts in the possession of the Census Bureau. If the gentleman will yield me time, I will be glad to yield further; he has plenty of time——

Mr. HELM. I will yield the gentleman a minute.

Mr. STAFFORD. If the gentleman will yield me five minutes, I will be glad——

The CHAIRMAN. How much time does the gentleman yield?

Mr. HELM. One minute.

Mr. STAFFORD. The gentleman has consumed that minute.

Mr. HELM. I will yield the gentleman two minutes.

Mr. STAFFORD. Make it five.

Mr. HELM. Since the publication of these statistics on cotton, as well as the other farm products, is it not true that it has tended to stabilize the market value of all of these products where there has been a publication of the information such as contained in this bill, both in regard to cotton and tobacco especially?

Mr. STAFFORD. I think the gentleman has taken up my two minutes, and I think it is only fair he should yield me three more.

Mr. HELM. The gentleman is a clever beggar, I admit. If the gentleman will undertake some information along that line——

Mr. STAFFORD. I shall not beg to answer the question. If the gentleman had paid attention to my prefatory statement, he would have known that I was in favor of gathering statistics and that this year I favored the proposition of the gentleman from Tennessee [Mr. BYRNS] to gather quarterly tobacco statistics, but those statistics were to be gathered by the agents of the Government connected with the Census Bureau.

But here you are seeking to impose upon the private individual who happens to have in his possession a small quantity of cottonseed products, or maybe a large quantity, upon receiving a registered mail demand from the Director of the Census, the making of a complete report of an inventory as to his stock of these products. And for the benefit of whom? For the benefit of some private individual, not for his own benefit. If the Government wishes that information, then they should perform that work by their own delegated agents and not impose it upon some outside agency.

Mr. LEVER. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. LEVER. I would like to ask the gentleman if he does not know that the penal provisions of this bill are exactly like the penal provisions——

Mr. STAFFORD. I have compared it with the present law, of which it is almost an identical copy, but there is this distinction in the two cases. In the original proposition you are calling upon the man who is directly interested, the cotton producer, for the information. Here you are calling upon an outsider who is not directly interested in this information. He may be, but the chances are he will not be. If you can justify this process on the part of a private individual in regard to cottonseed oil, then you can justify it as to every character of production in the country. And I say we are going too far when we do that. Under the present practice of collecting cotton statistics the report says that much of this information is obtained under the authority of the act the gentleman referred to, the statistics being collected incidentally. Then, what is the purpose of requiring all these men who happen to have stores of these cottonseed products to make their monthly returns just for the benefit of the individual producer? If the Government wants that information for the benefit of the country, let them employ agents to obtain it, but not force upon the private individual a work that is necessarily a governmental function.

I am opposed to this bill because it spells a precedent that will ultimately cost, if carried out to a logical extreme, the expenditure of a million dollars. If we would extend it to all products it would cost $10,000,000. We are already expending several hundred thousand dollars for cotton statistics, and several thousand for tobacco statistics, and if statistics are to be gathered as to all the products of this great country, it would mean an expenditure annually of millions upon millions of dollars. And I do not think we are warranted in going to that extreme.

Mr. QUIN. This report says it only costs $10,000 the first year, and that it will be reduced the next year.

Mr. STAFFORD. Anyone who has had experience here knows that appropriations grow and grow. I have served on the committee that considers this legislation, and I have seen these things grow from thousands up to millions. That is merely begging the question. If the full information is going to be collected, it is going to cost in a few years hundreds of thousands of dollars.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twelve minutes.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN. Mr. Chairman, the gentleman from Wisconsin has stated what he believes to be some of the objectionable features of this bill. My idea is that legislation of this kind ought not to be enacted relating to one crop or one product or one industry alone. There are other productions almost, if not quite, as valuable or important as cotton or cotton seed, and if we are going to embark in the work of gathering statistics in relation to cotton and the supply of cotton products all over this country, and the use and consumption of these products,

there will be no reason for not taking up the same kind of work respecting other products.

And I wish to say that my limited experience in this House shows that money is appropriated by Congress in one way and another for the benefit of and in relation to cotton and cotton products more abundantly, I believe, than for any other single product, and very much more than for several of the large products together. As a member of the Committee on Agriculture, I have some knowledge of appropriations made with respect to cotton, and the bill is full every year of appropriations of money for work of one kind and another in relation to cotton, and, it seems to me, preferring this product to all others in an improper manner and to an improper extent, and calling upon the Federal Government to do in manifold ways work that the producers of cotton, those particularly in the first instance interested in it, ought to do for themselves.

It seems to me that the legislation along this line is not wise. It is not proper. If statistics are to be gathered for cotton seed and cottonseed oil, they should be gathered in relation to other products as well. One product ought not to be singled out and favored in this way. And I believe, with the gentleman from Wisconsin [Mr. STAFFORD], that, although the beginning of this work may involve a small outlay, it will grow necessarily and the provisions of this bill will require work of such a character and of such an extent that the expenditure will ultimately reach large figures. And the House must not be deceived by statements in the report or otherwise made that the expenditure will be only $10,000 a year. I believe also, with the gentleman from Wisconsin, that the requirement of manufacturers and dealers all over the country, large and small, that they make monthly reports is an improper and unjust requirement, and particularly the penalty is unjust. Anyone failing to make prompt report each month, anyone refusing to make reports called for, is liable to a fine of not less than $300.

If a measure of this kind is to be enacted, if cotton is again to be singled out for preference over and above every other agricultural product of the country, this bill must be materially amended. In my judgment, until the bill is amended in such a way as to include some other products, it ought not to be enacted; but if there are votes enough here now to enact it, or something of the kind, it ought to be materially amended in the respect mentioned by the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota [Mr. ANDERSON].

Mr. HELM. Mr. Chairman, the gentleman from Tennessee [Mr. HOUSTON] has requested some time, and I would like to yield five minutes to him.

Mr. STAFFORD. That will be entirely acceptable.

Mr. HOUSTON. Mr. Chairman, so far as other products are concerned, the merits of this bill do not depend upon whether there are furnished statistics of other products or not. Each one must rest on its own merits, and I have no doubt that very valuable and profitable information could be furnished by having statistics in regard to other products, such as grain, and so forth. But I come to the proposition to which I wish to call attention. It has been submitted by the gentleman from Connecticut [Mr. HILL] and by the gentleman from Illinois [Mr. CANNON] that they object to this bill because it creates duplication of service; that it does not concentrate the work. I want to call their attention to this fact: They admit that the proper department to collect this information is the Census Bureau. Now, then, the Census Bureau is already collecting information in regard to the cotton ginned—semimonthly, in fact. The same gentlemen and the same agencies can collect this information about the same product, of course. Now, it is not a duplication here, but it is an accumulation of information from the same source in the hands of the same department of the Government.

I admit that it would be very well to have a general system to collect all this information and let it depend upon one department of the Government to collect that information. This is a step in that direction, because we are accumulating it upon the department that is properly qualified and suited to do this work.

Mr. HILL. I am entirely in accord with the view that the gentleman presents, and I would cheerfully vote to concentrate this whole work in the Bureau of the Census; but I supplement that statement by asking the gentleman whether he believes it to be right to criminalize a man who happens to have a portion of the products of this kind, whether merchants or otherwise—and I have no objection to cotton; I would be glad that you should have what you want—but is it fair to criminalize perhaps 500,000 people in the United States if they do not comply with these peremptory orders once a month?

Mr. HOUSTON. I admit the force of the contention for gathering all of this information in one department and under one central head, and I admit that there is a good deal to be gathered that is not provided for by law, and I would favor a provision providing that it should all be gathered. But here is an industry that is perhaps the most important in the country. We are at work in the business of getting information with reference to that great product. We are getting a part of it from the Bureau of the Census. We are proposing to get more by the same agency, to get additional information. That is not duplication; it is concentration. So long as we are proceeding on that line, we are obviating the trouble the gentleman speaks of.

Now, as to the matter of penalty, penalizing men who do not make the reports, the law requiring reports as to the amount of cotton ginned imposes the same penalty, and the same is done in the case of tobacco. That has a penal clause in it. You can not enforce a law of this kind and compel people to make answer without imposing a penalty. If they refuse to answer, or make a false answer, a penalty must be imposed.

Now, as to the question of a $300 minimum fine, I think that is wrong, and as a member of the committee, with the authority of other members of the committee and the chairman thereof, I have prepared an amendment to strike out the minimum penalty altogether.

Mr. HILL. Strike out the imprisonment clause also.

Mr. HOUSTON. Perhaps it would be well to consider that. I do not know but that I will agree to that.

Mr. STAFFORD. Will not the gentleman eliminate the penalty entirely, so as to make it voluntary on the part of the owner to make the returns, if he thinks fit?

Mr. HOUSTON. No; it would be useless to attempt this unless you compel them to comply with the law.

Mr. HILL. Does not the gentleman bear in mind the fact that every warehouse in the United States and every grocery and grocery store has to make this report once a month?

Mr. HOUSTON. You will notice that the bill provides that it must be done upon the request of the Director of the Census.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUSTON. May I have two minutes more?

Mr. HELM. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. HOUSTON. He is going to make that request of the man who is prepared to give that information. Of course you do not want to include all the other parties. I would be in favor of striking that out.

Mr. HILL. I would be glad if you would do that.

Mr. HOUSTON. I shall offer an amendment to strike out the minimum penalty.

Mr. HILL. And the imprisonment clause.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. MANN. I have no objection to the penalty, but does the gentleman think that any of these penalties will ever stand if tested, as to our right to require people to furnish this information through the Bureau of the Census?

Mr. HOUSTON. I am not prepared to answer, but I should think that it would be very persuasive.

Mr. MANN. It plainly does not come within the provisions of the Constitution as to the taking of the census.

Mr. HELM. There has been no instance, I will say to the gentleman from Illinois, where any one has refused to give the information that has been asked of him.

Mr. MANN. The question is whether the penalty is sufficiently severe to make them give a return——

Mr. HELM. Persuasive enough?

Mr. MANN. If they make it harsh enough for somebody to test it, I doubt if it would go.

Mr. STAFFORD. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota [Mr. ANDERSON].

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] is recognized.

Mr. ANDERSON. Mr. Chairman, I agree in large part with the statement made by the gentleman from Michigan [Mr. MCLAUGHLIN]. I do not know that I can add anything to what he said in a general way. I have no objection to the gathering of information, but it does seem to me that what we spend for the gathering of information ought to be spent equitably with reference to the different products of the country.

I have taken the trouble to get copies of the reports that are now made by the Census Bureau on cotton. I have here three different reports, one of which is made semimonthly and two of which are made monthly. One of them calls for information on the cotton consumed in the country, the cotton produced in

the country, the cotton on hand, and the number of spindles, and the number of consuming establishments, and information of that character. Another one of these reports is a report on cotton ginning. There is another report on cotton seed crushed and linters obtained.

Those reports are issued either monthly or semimonthly. In addition, the Bureau of the Census sends out monthly a statement, which is posted up in the post offices of practically all the cotton-producing States. Last year, in addition, the Census Bureau got out a bulletin, No. 131, on cotton production and distribution in the United States, a very comprehensive bulletin. There are sent out reports on cotton aggregating a million copies annually—four times as many reports as on all the other subjects put together.

Those reports on cotton cost the Government $256,000—almost half as much as the cost of taking the census of manufactures last year, and practically as much as was expended on everything else except the taking of the manufactures census.

But the appropriations for cotton do not end there. In addition, we are gathering a vast amount of information through the Department of Agriculture and expending a great deal of money for investigating and reporting upon various things relating to cotton. For instance, we are spending some $56,000 a year in investigating the diseases of cotton. We are spending $37,000 in developing cultural methods relative to cotton. We are spending $59,000 for the investigation of the southern field crops, including cotton. We are spending $54,480 in determining the tensile strength of cotton fiber and determining the standards of cotton fiber. We are spending the sum of $150,000, approximately, in the enforcement of the cotton-futures act. We are spending $660,000 annually in the suppression of the cotton-boll weevil, or at least in the development of cotton cultural methods which will diminish and minimize the ravages of the cotton-boll weevil.

In addition, we are spending in the Census Bureau, as I have said, some $256,000 a year. Now, it seems to me it would be eminently fair for us to go a little bit slowly with cotton and to commence upon something else, if we are in need of information as to agricultural products. I think cotton is getting all that is coming to it and a good deal more, and it is time for us to go slowly on this cotton proposition. That is all I have to say about this subject.

I yield back the remainder of my time.

Mr. STAFFORD. How much time has the gentleman yielded back?

The CHAIRMAN. Two minutes.

Mr. STAFFORD. I yield those two minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not favor this bill because of the restrictions it places upon men in business. The tendency in matters of legislation has come to be more and more burdensome to men who are undertaking to do things in this country. I would like to vote for anything that would encourage the cotton planters, but I realize that there is much special legislation in their behalf, so much that at times even the cotton planter himself revolts against it. Some time ago we passed through this House a cotton-futures bill; we are now receiving protests from the cotton planters of Louisiana and other States against certain provisions of that cotton-futures bill. Congress is burdening the men who are trying to do the business of the country.

Mr. LEVER. If the gentleman will permit, I will say that most of those protests against the cotton-futures bill originated in Philadelphia. [Laughter.]

Mr. MOORE of Pennsylvania. I have some of them in my hand here from Louisiana and Alabama; and I understand that the gentleman from South Carolina [Mr. LEVER] and other southern gentlemen have received copies of these resolutions passed by associations in their own States complaining of the burdensome, if not meddlesome, legislation that is passed, presumably in their behalf. I shall read one resolution from the Alabama association:

Resolved also, That the farmers of the South claim the right to dispose of their cotton either by future contract or otherwise, as they may deem proper and that they claim the right to buy or sell legitimate or legal future contracts at home or abroad whenever or wherever they may consider their best interests demands; further, that they are opposed to any law or laws that may in any manner restrict them in the free exercise of their judgment in reference to the handling of their business.

Mr. LEVER. Does the gentleman believe any farmer had anything to do with that resolution?

Mr. MOORE of Pennsylvania. No business man anywhere could make a stronger appeal to Congress to let him alone than is made by these cotton men of the South. I have been reading from resolutions purporting to come from farmers' organizations in Alabama, Louisiana, Florida, Texas, and other States—the Farmers' Educational and Cooperative Union of America they are called.

Mr. HELM. I yield my remaining time to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I shall take only a few moments' time, because this bill has been discussed rather freely and is fairly well understood. In answer to the criticism that this bill is aimed to promote the cotton industry, I wish to say that I do not feel that the criticism is justified. It seems to me that the time has come in this country when men ought to regard legislation without reference to the section of the country involved in it. I believe that I speak the feeling of two-thirds of the Members of Congress on the other side of this aisle when I make that statement.

Gentlemen seem to forget that while cotton in its total value is not so large a product as wheat, it is in its export value the largest crop in this country. I assert it as a fact which can not be denied that cotton produces 28 to 30 per cent of the export trade of the United States to-day and preserves absolutely the balance of trade in favor of this country in its international trade relationships.

But this bill is not intended to help the producer of cotton alone. It was not introduced at the request of the cotton producer alone. I will say very frankly that this bill had its origin largely in the minds of the cotton oil mill companies of the South, the men who get the seed directly from the farmer, crush the seed in their mills, and sell their product to the manufacturers and refiners of the oil.

As I said a moment ago, the Cottonseed Crushers Association of the South at its annual convention has twice requested Congress to enact legislation of this kind, not in the interest of the producer alone, but in the interest of complete information for the entire cottonseed business of the country, including the raw material and the finished product.

Now the Census Bureau, in the gathering of its cotton statistics, incidentally collects information as to the amount of cotton seed produced each year, and that information is available. The argument for this bill is that the information as to the raw material being available to the consumer of the raw material, the producer of the raw material ought to have equal information as to the consumption of that which he produces, in order to put him on an equal trade footing with the people to whom he sells. That is all there is in this bill, and it affects equally the manufacturer, the refiner, the producer, and the cotton oil mill people.

Mr. LONGWORTH. Does not the gentleman think that the greatest menace to the cotton industry to-day is the almost total failure of dyes with which to dye the goods into which cotton goes.

Mr. LEVER. I will say to the gentleman from Ohio that I have a very keen appreciation of that situation, and I hope that we may be able to put machinery in motion that will develop the dye industry in this country. In the Agricultural appropriation bill we have provided a $50,000 appropriation for the study of that situation. I do not know what it will develop, but the committee felt that we could very well afford to spend money in experimenting along those lines.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Will the gentleman yield further?

Mr. LEVER. I will yield first to the gentleman from Ohio.

Mr. FESS. I always listen with more than usual interest to what the gentleman says, and I listened to his statement that the cotton exportations are proportionately very large. I am wondering whether there should not be some plan by which most of that raw material may be manufactured in our own country rather than shipped abroad.

Mr. LEVER. I wish very much that such a plan could be developed, but so far it has not been, although the gentleman knows that the cotton-manufacturing industry of this country has developed wonderfully in the last 25 years.

Mr. MOORE of Pennsylvania. Bearing on the dyestuffs question, the gentleman states that the Agricultural Committee is now considering that matter?

Mr. LEVER. The Agricultural appropriation bill now on the calendar carries an item of $50,000 for the investigation of means and methods of getting dyestuffs for this country.

Mr. MOORE of Pennsylvania. The gentleman is aware of the fact that the Ways and Means Committee has the same subject under consideration, and that it was attempted to be brought up here the other day in the Army bill? As bearing upon this question of the passage of more laws than the country apparently needs and so creating a confusion of laws, I ask the gentleman whether having this matter come before the House in three dif-

ferent ways, from three different committees, does not tend rather to interfere with the progress of business than to accelerate it?

Mr. LEVER. No; I do not think so at all for the reason that the bill reported from the Ways and Means Committee will deal with one phase of it, while the agricultural bill will deal with an entirely different phase of the subject. And the Bureau of Standards deals with another.

Mr. MOORE of Pennsylvania. It may be helpful, but does not the gentleman think that in the confusion of interests it may lead to more trouble than it will help?

Mr. LEVER. I would think not in that case, but that is aside from the question. As I was saying, Mr. Chairman, this bill only proposes that in playing this game with the cotton seed and its products the cards shall be laid face up on top of the table, and that the entire trade may have the benefit of such information as may be made available under the terms of the bill. Now, the cost is practically nothing. The testimony of Mr. Steuart, representing the Bureau of the Census, before the Committee on the Census was to this effect:

The CHAIRMAN. Mr. Steuart, we will be glad to have you elaborate the provisions of the bill in your own way.

Mr. STEUART. Mr. Chairman, the Census Bureau collects statistics in regard to the quantity of cotton seed crushed, but we have no authority of law to do the work which is provided for in this bill.

The CHAIRMAN. You get this information now?

Mr. STEUART. No; we collect statistics of the quantity of cotton seed crushed, incidental to the collection of statistics of the quantity of cotton in the country. We do that because the linters form a part of the cotton crop, and we have put on the schedule sent to the oil mills an inquiry in regard to the quantity of seed from which the linters are obtained, to get that information, and also for the purpose of checking the quantity of linters reported by the mills. Therefore the enforcement of the provisions of Mr. LEVER'S bill can be had by an enlargement of the inquiries we make now of the cottonseed-oil mills.

The CHAIRMAN. What is the estimated increased cost of that?

Mr. STEUART. I estimated it to be between $10,000 and $15,000 to begin that work. I do not believe it will cost all of that.

Then he goes on to state that on account of the fact that practically every cotton-oil mill concern in the South has a cotton gin attached from which cotton statistics are collected, the agent who collects these figures would only have to supplement his work by collecting these figures of the amount of seed at that mill.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I will yield to the gentleman.

Mr. KEARNS. I have not been upon the floor during all of this discussion, and possibly the question that I am about to ask has been answered by yourself or others. If the bill should become a law, how would it help the producer of cotton? How would it benefit him in any way?

Mr. LEVER. I tried to explain it a moment ago, but I will repeat it for the gentleman's benefit. The situation now is that the consumers of cotton seed know approximately the amount of cotton seed that is produced from time to time, and therefore they have the advantage of those who do not know. The cotton producer does not have that information. It can not be available during the selling season as to the amount of cotton seed being consumed by the various manufacturers into manufactured products. Therefore the farmer is at a disadvantage in relation to the consumer.

Mr. KEARNS. If the planter had the information he could get better prices; is that the gentleman's idea?

Mr. LEVER. My idea is that he would not only get better prices but that it would have the effect of stabilizing the prices of cotton seed and cottonseed products, and that is the object of this bill.

Now, Mr. Chairman, I was saying when interrupted that the expense of the gathering of this information is negligible. It is stated to be $10,000 a year to get the information involving a product the annual value of which is in the neighborhood of $325,000,000.

Mr. HOUSTON. Will the gentleman permit me an interruption?

Mr. LEVER. Certainly.

Mr. HOUSTON. I want to call the gentleman's attention to the fact that the Chief of the Bureau of Statistics stated at first that it would cost $10,000 a year, but after that it would be very much less.

Mr. LEVER. That is true, and I am glad the gentleman called my attention to it. The additional expense involved in this bill will mean the employment of probably two or three traveling agents for the Bureau of the Census, and providing for their salaries and their traveling expenses. I can see no reason why the expense should be beyond that.

Mr. VOLSTEAD. Will the gentleman permit a question?

Mr. LEVER. Certainly.

Mr. VOLSTEAD. This bill calls for reports from the manufacturers of compound lard, soap, and oleomargarine. We are getting no reports at present from those manufacturers.

Mr. LEVER. None whatever.

Mr. VOLSTEAD. So this bill would require a larger number of inspectors to go to these various places to get the information. It seems to me it would require considerable more expense than the gentleman has stated.

Mr. LEVER. The practical working of this bill would be this: The Director of the Census, as he does now, would send out his cards to these manufacturers asking for this information. The probability is that without any reluctance whatever the information would be furnished. The only other expense connected with it would be probably two or three or four traveling inspectors to see if the information was being correctly given.

Mr. VOLSTEAD. Is there any reason why the information should not be obtained from the manufacturers; that you could get the information from the producers of the raw oil and then the producers of the refined oil; and is not that the information that you seek?

Mr. LEVER. Well, it is a kind of endless-chain proposition. For instance, the cottonseed crusher in the field is interested to know how much oil the refiner has on hand; the refiner is interested to know how much the oleo manufacturers use in the way of oil; so the information is interesting to the entire line, from the farmer up to the final consumer. Does the gentleman catch that point?

Mr. VOLSTEAD. I catch the point, but I think it would cost nearer $100,000.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. WALSH. Upon what does the gentleman base his opinion that it will only cost $10,000?

Mr. LEVER. On the statement of the gentleman in charge of the gathering of like information.

Mr. WALSH. Upon what does that gentleman base his opinion?

Mr. LEVER. On an experience of 10 or 15 years in doing this kind of work.

Mr. WALSH. Collecting these statistics?

Mr. LEVER. Collecting agricultural statistics and gathering reports in connection with the ginning of cotton, from time to time.

Mr. ANDERSON. Will the gentleman yield?

Mr. LEVER. I will.

Mr. ANDERSON. The $10,000 is in addition to the ordinary appropriation for the Census Bureau for gathering cotton statistics?

Mr. LEVER. I so understand.

Mr. ANDERSON. So, as a matter of fact, this would be chargeable to the gathering of these cotton statistics, and be so much in excess of the amount we now appropriate?

Mr. LEVER. The total amount of appropriations for the gathering of cotton statistics by the Census Bureau, as I recollect the figures, is $225,000 a year, and this would add $10,000 to that. That is the testimony before the Committee on the Census, as I recall it.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. CANNON. There are 100,000,000 people in the United States and a good many outside of the United States who consume these products. Of what avail are statistics unless you can know all that the jobbers have on hand, all that the retailers have on hand, all that the families have on hand, including the bakers and everyone else, because if they are liberally supplied that would tend to affect the price.

Mr. LEVER. Mr. Chairman, the answer to that would be this: If I know to-day that an oleomargarine concern has on hand so many barrels of refined cottonseed oil, and my next report shows that they have on hand only half that much, I know that that much of material has gone into trade somewhere, and therefore it is accounted for in that way.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HILL. To-day is the 29th of March, and we have not yet found out just one aggregate figure of the amount of importations or exports to and from this country in the month of February—not the details, but just the aggregate. Does the gentleman believe that it is possible to gather these statistics once a month and have them really valuable after he has them? That is a question that puzzles me a good deal.

Mr. LEVER. My answer to that question is based on my experience with the Census Bureau in gathering statistics as to cotton. During the ginning season only, which begins about

the 15th of September and runs to the middle of January or a little later in some cases, the Census Bureau collects bimonthly figures of the amount of cotton ginned throughout the South. Those figures are collated, compiled, and published on fixed days during the month, so that with reference to that situation it is entirely possible to get that kind of accurate information and give it out to the country very rapidly and readily. That is true, likewise, of the growing condition of the cotton crop during the year. The Agricultural Department reports, I think, monthly, and their reports are considered valuable and considered very accurate, likewise.

Mr. HILL. They are estimates.

Mr. LEVER. They are estimates only. The only other point to which I desire to call the attention of the committee is the matter of the penal provisions of the bill. I am perfectly willing, so far as I am concerned, to strike out the minimum fine fixed in this bill, and I am likewise perfectly willing to strike out the imprisonment feature of the bill as it occurs in both sections. My friend from Tennessee [Mr. HOUSTON] informs me that he has an amendment prepared for that purpose. But I may say that these two provisions, these penal provisions, follow verbatim what is already in the law, and therefore they appear in this bill. There is one other amendment called to my attention by the gentleman from Georgia [Mr. PARK], which would occur on line 3 of the bill, page 2. After the word "warehousemen" there is a comma and the words "and others handling these products," and that language might be construed to permit the gathering of statistics as to the amount of soap or the like being held in a little country store. There was, of course, no such intention, and that language was intended to apply to the words just immedaitely preceding, namely, "brokers, exporters, and warehousemen." I think that difficulty can be cured by inserting after the word "exporters" the word "and" and striking out the comma after the word "warehousemen" and the words "and others" and by inserting in lieu thereof the words "engaged in handling these products," so that it would read "and by brokers, exporters, and warehousemen engaged in handling these products." I think that would confine it to these three classes of people. With these amendments, it seems to me, there can be no possible objection to this bill except upon the theory that probably we are going too far in the gathering of information. As far as I am personally concerned, I am willing to join with my friends from the West in gathering all the statistics that we think it wise to gather, so that the country may have the knowledge. I do not believe that manufacturers, farmers, producers, and business men in this enlightened age are going ever to object to the gathering of legitimate information and the turning on of legitimate light, and that is all that this proposes to do.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. LONGWORTH. I understood the gentleman to say that he favored striking out the minimum fine and the imprisonment clause in both sections?

Mr. LEVER. Yes.

Mr. LONGWORTH. I should think in section 2 that ought to remain. That is a breach of trust by an employee of the Census Bureau.

Mr. LEVER. The gentleman is entirely correct about that. I had the other in mind. I trust, therefore, that the bill may pass.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish monthly statistics concerning the quantity of cotton seed received at oil mills, the quantity of seed crushed in such mills, the quantity of crude cottonseed products obtained, the quantities of these crude products sold and shipped out of the mills and the quantities on hand, the quantities of crude cottonseed oil held by refiners, by manufacturers of compound lard, butterine, oleomargarine, soap, and other users of cottonseed oil, and by brokers, exporters, warehousemen, and others handling these products, the quantity of compound lard, soap, butterine, and oleomargarine made, shipped, or held by manufacturers of these products either at the factory or elsewhere, and the quantity of cotton seed and cottonseed products imported and exported.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 7, strike out the word "obtained" and insert the words "and refined oil produced."

Page 1, line 8, strike out the word "crude" and the words "sold and."

Page 1, lines 9 and 10, after the word "quantities," insert the words "of these products and of cotton seed."

Page 2, line 4, after the word "products," strike out the words "the quantity of compound lard, soap, butterine, and oleomargarine made, shipped, or held by manufacturers of these products either at the factory or elsewhere."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 2, after the word "soap," strike out the remainder of the line, being the words "and other users of cottonseed oil."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Does that mean to strike out only the words "and other users of cottonseed oil"?

Mr. HOUSTON. That is all to that amendment; I have some more amendments to follow that.

Mr. MANN. You want to insert the word "and" before the word "soap."

Mr. HOUSTON. That is correct. I ask unanimous consent that the word "and" be inserted before the word "soap" in line 2.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 2, line 2, after the word "oleomargarine," insert the word "and," and after the word "soap" strike out the words "and other users of cottonseed oil."

The CHAIRMAN. Without objection, the amendment will be modified in accordance with the gentleman's request.

There was no objection.

The question was taken, and the amendment as modified was agreed to.

Mr. HOUSTON. Now, Mr. Chairman, on page 2, line 3, after the word "exporters," insert the word "and," then, after the word "warehouseman," strike out the words "and others" and substitute the words "engaged in."

The Clerk read as follows:

Page 2, line 3, after the word "exporters," insert the word "and," and, after the word "warehouseman," strike out the words "and others" and insert in lieu thereof the words "engaged in."

The question was taken, and the amendment was agreed to.

Mr. SMITH of Minnesota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 1, line 4, after the word "publish," strike out the word "monthly" and insert the word "quarterly."

Mr. HELM. Mr. Chairman, can we have that amendment again reported? There is so much confusion.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. LEVER. Will the gentleman yield for a question?

Mr. SMITH of Minnesota. Certainly.

Mr. LEVER. If the gentleman will allow me to make this statement to him, the ginning of cotton throughout the cotton belt begins usually from about the 1st to the 15th of September, and it runs until about the 15th of January, though there will be scattering ginning after that time, but the bulk of the cotton crop is ginned by the 1st of December.

Now, the value of this bill, if it is going to be of value, is going to come from the fact that this information is going to be available during the time when the farmer is ginning his cotton and selling his cotton seed. Now, if you make these reports public quarterly it will probably destroy the effect of the bill, and I think when the gentleman understands the situation he will see why it is necessary to publish the reports monthly.

Mr. SMITH of Minnesota. During what month does it commence, and when does it end?

Mr. LEVER. The ginning will begin about the 15th of September and it will end about the 15th of January, but the bulk of the ginning will cease about the 1st of December each year; that is, from the 15th of September to the 1st of December.

Mr. SMITH of Minnesota. What is the purpose of having these reports made monthly after the 1st of January until the 1st of September? It seems to me that is a useless expense from the gentleman's own statement.

Mr. LEVER. I think there is something in the gentleman's suggestion, except there is this in the proposition, that some of these statistics will be of value to others than the producers, for instance, the gathering of figures concerning the amount of oil held in various kinds of manufacturing establishments, oleomargarine factories, refining establishments, and so forth.

Mr. SMITH of Minnesota. In other words, it will be of slight value during the balance of the year?

Mr. LEVER. It will not be of any special value to the producer of cotton seed, after he has sold it, during the balance of the year.

Mr. SMITH of Minnesota. I wish to say to the gentleman from South Carolina I do not want to destroy the bill by inserting an amendment that will have that effect——

Mr. LEVER. I am sure of that.

Mr. SMITH of Minnesota. But I do believe it is unnecessary to gather statistics of any crop during every month of the year. As the gentleman from South Carolina knows so much about the production of cotton, I wish he would offer an amendment that would do away with useless work that is required under the present bill.

Mr. LEVER. I do not think I would be willing to say that the gathering of these monthly statistics after the 1st of January would be entirely useless. They would not be as important to the producer as the gathering of them monthly during the preceding months of January, November, October, and September; but I would rather not accept an amendment of that kind, because the gathering of the figures after the 1st of January will be a comparatively little matter, and the cost will be small, and it would destroy the symmetry of my proposition and make the reports less valuable.

Mr. SMITH of Minnesota. The real complaint that has been offered to this bill that meets favor with me is the fact that it imposes upon the manufacturer and the warehouseman and every man who touches this cotton the necessity of making a monthly report. This is not going to be such a great burden upon the Government as upon the trade, and it seems to me it is an unnecessary burden from the gentleman's own statement.

Mr. LEVER. I would think, in reply to that question, that the burden spoken of will be infinitesimal. I should think they could make up these figures for return to the Census Bureau from their books in 15 minutes during the course of a day, and the manufacturer wants this information.

Mr. SMITH of Minnesota. If the gentleman will bear with me, these statistics are distributed all through the country?

Mr. LEVER. Yes.

Mr. SMITH of Minnesota. They are burdening our mails, and if they are not absolutely necessary, let us not have them.

Mr. LEVER. The gentleman will see my position is this, that I am more interested in gathering these statistics from the standpoint of the man who produces cotton than the man who manufactures the cotton seed into various products, but I want to be fair in the matter, and the gathering of these figures after the 1st of January, I would imagine, would be of a great deal more benefit to the manufacturing end of the business than to the producing end of the business, and I feel the manufacturer ought to have an equal show with the information which we collect under this bill. I hope the amendment may be voted down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes longer.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMITH of Minnesota. I yield.

Mr. STAFFORD. The gentleman indicated that he was in sympathy with the suggestion made by the gentleman from South Carolina [Mr. LEVER] of having monthly statistics from September to January, and quarterly thereafter. I wish to ask him whether he would object to withdrawing his amendment, so as to provide for monthly statistics from September to January in each year and quarterly statistics during the remainder of the year?

Mr. SMITH of Minnesota. I have no objection to that.

Mr. CANNON. If the gentleman will allow me, what is the use of that? Now, as I understand it, nobody is asking for this legislation except the cotton producer.

Mr. LEVER. The gentleman is mistaken, if he will permit. The cottonseed crushers are asking for this information.

Mr. CANNON. Well, that happens inside of four months, and after that, if there is anybody interested, it is this special army of officers that would be required to gather the great amount of statistics that are of no use, or I miss my guess, and I would rather pay them half price.

Mr. STAFFORD. If I catch the idea of the gentleman from Illinois [Mr. CANNON], it is merely to have the monthly statistics from September to January and not provide for the collecting of any statistics during the remainder of the year?

Mr. CANNON. Precisely.

Mr. LEVER. If the gentleman from Minnesota will yield a moment, I wish to say that this thought also occurs to me, that did not occur to me when I was on my feet before. It is this: The cottonseed-oil mills, the larger concerns, are even now crushing seed, and they will continue to crush seed probably for the next two or three months. It is true that a large part of the smaller mills, mills of 20 tons' capacity or 10 tons' capacity, have practically completed their year's business, but the larger concerns, the mills that really crush the great quantity of seed that is crushed, are continuing to run at this time, and will probably run until almost the beginning of the next crop season.

Mr. SMITH of Minnesota. Would not a quarterly statement cover that situation?

Mr. LEVER. I prefer not to have that, I will say frankly.

Mr. SMITH of Minnesota. Very good. I want a moment of my time in order to state my position.

Mr. Chairman, I happen to be a member of the Census Committee, and I am very proud of it. We have not had a great deal of work to do, but such as we have had we have given attention. I want to say that the greater portion of that work has had to do with legislation in reference to the gathering of statistics of tobacco and cotton. No other bills, so far as I know, are before our committee. Last year we had a bill having to do with the gathering of statistics of wheat. I want to say for the committee that it gave that bill the same consideration that it has given to these bills, and I know there is no feeling in the committee as to what section of the country a bill comes from.

I believe that statistics are necessary. I believe in the statement that has been made here to-day that we ought to unify the work and centralize it and get it under one head and not have it under several departments. The Census Committee has taken up that subject and has given it some thought, and has refused to permit legislation to come out that had for its purpose the dividing of the gathering of statistics and giving it to separate departments. And I want to say to the gentleman from South Carolina [Mr. LEVER] that my main reason for desiring at this time the adoption of my amendment, or some other amendment like it, is to get legislation that will serve as a pattern for other legislation along the same line that will assist in gathering statistics of the crops of the North as well as of the South. And if this legislation is in such shape that it will work an unnecessary hardship, then it will discourage the passage of even meritorious legislation. Now is the time to frame legislation that will meet with general approval, and I trust the gentlemen who are behind this bill will not insist on requiring the reports so often, because it evidently is a burden to all connected with the trade as well as to the taxpayers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. Mr. Chairman, as stated before, I come from a State that does not produce cotton in any appreciable extent, but I think I discern a weakness in the amendment offered by my good friend from Minnesota [Mr. SMITH], and I draw the lesson this way. From the statement of the gentleman from South Carolina [Mr. LEVER] it seems to me that this cotton seed is garnered up as wheat is garnered in the elevator. While the cottonseed period may extend from September 1 to January 1, or February 1, it does not necessarily follow that all the cotton seed has been converted into oil or by-products within that period of time. But, like wheat in the elevator or corn in the elevator, it is being consumed from time to time. And the information that you want here is what you would want if it were a wheat proposition or a corn proposition; that is, that after the wheat has been thrashed or the corn has been garnered into the elevator you want to know how much there is on hand from month to month. I take it that the same condition would obtain in regard to cotton seed.

Mr. CULLOP. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. CULLOP. I would like to know if the market reports do not furnish this information to the public monthly, as the same information is published or furnished to the public through the reporters of corn and wheat markets every month, so that you can practically tell what the available supply on hand at the end of each month is and what part has been consumed, either in the domestic trade or exported for foreign trade.

Mr. HELM. As stated before, I do not come from a cotton-producing State. I know nothing about the cotton trade or the cottonseed trade, but the information I get from gentlemen who are around me is to the effect that they do not get the information through the trade reports as stated by you.

Mr. CULLOP. The gentleman is aware that in the corn and wheat markets every month the market reporter, showing the condition of the supply on hand, furnishes the public with information as to the amount of corn or wheat in the hands of the purchaser or in the elevators and the amount that has been engaged for export or consumption, or otherwise?

Mr. HELM. The only answer I can make to the gentleman's statement is——

Mr. CULLOP. Now, is not the same true with respect to the cotton market?

Mr. HELM. I think not. But along that line it takes an unusually well-posted or very shrewd and alert producer to be up to the market reports every day, whereas if this information is obtained by the Census Office the Members of Congress can obtain these monthly reports from the Bureau of the Census and mail them out to the men who are producing cotton, and in that way they get the information first hand, and it is more reliable, and the farmers can understand it better than they could when they see cotton seed quoted on the board of trade at such and such a price, or cotton at such and such a price.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I am not only opposed to the amendment, but I am opposed to the bill. I am opposed to this proposition. The gentleman will remember that last year, when the legislative bill was before the House, carrying a provision for $5,000,000 to make an agricultural census every five years, as a conferee on the part of the House I moved to strike out the provision. It did not go out the first time, but I think the second time I moved to strike it out the House adopted the motion, and we saved $5,000,000 by dropping that item from the bill.

Some of my city friends on this side asked me if I was making a mistake. They reminded me that I represent an agricultural dstrict. That is true. I represent a great agricultural district, but the only words that have been spoken to me by any one in my district concerning that act have been words of commendation. It would have been $5,000,000 wasted, and this bill is an attempt to engraft upon the statutes another act to reach into the Federal Treasury and take out not $10,000 a year, but maybe $100,000 a year to get all the information authorized and information that nobody would read.

Secretary Garrison a few weeks ago appeared before a committee of which I am a member, and said that if he wanted to hide something so that it would never be found, he would simply place it in some Government statistics and have it published, and nobody would ever read it.

Now, what are we doing? Here is an item to take monthly the statistics of cotton seed in the United States, and the gentleman from Indiana [Mr. CULLOP], who ought to know better, says we are now collecting information of this kind with respect to corn and wheat. We are doing nothing of the kind.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. GOOD. Yes; I will yield for a question.

Mr. CULLOP. The gentleman misunderstood me. I asked the gentleman from Kentucky [Mr. HELM] the question, Could they not get this same information in the same way as it is furnished to the grain farmer, by market reports?

Mr. GOOD. Yes. They ought to get them from the daily and weekly newspapers, and not reach their hands into the Treasury and ask the Government to pay for something that will do absolutely no good.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I can not; I have not time.

Mr. CULLOP. The gentleman misunderstood. He now agrees with me.

Mr. GOOD. I certainly agree with the gentleman if he is against this proposition and against legislation of this kind; and from what he now says, I must have completely misunderstood the gentleman, and I will join with my friend, the author of this bill, in going through his agricultural bill and other appropriation bills that come before this House, to strike out many of these useless appropriations for gathering statistics that practically nobody reads, and that do no good except to employ a vast army of men to bother the farmers of the United States and give employment to some good, deserving fellows.

Mr. LEVER. If the gentleman will yield just a moment, I would like to say that the gentleman's suggestion is not information to me. I have always found the members of the Committee on Appropriations ready to strike something out of the Agricultural bill.

Mr. GOOD. I am ready to strike out of any appropriation bill any item that calls for a useless expenditure of money; and a year ago I voted to strike out an item of $5,000,000 from a bill that came from my own committee.

Mr. LEVER. I think the gentleman was entirely right. If it had come from our committee, it would have been correct, I am sure.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. HEFLIN. Mr. Chairman, there are some other matters pending, and if the gentleman gets five minutes I would like to have the same time.

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HELM. The farmers ought to get this information from the daily papers and weekly papers. But before it is printed in the daily or weekly papers it is necessary that this information shall have been assembled by some one who is in a position to gather it.

Mr. GOOD. There is no more reason for the passage of a law for gathering these statistics than there would be for a law providing for the collection of statistics as to the number of bushels of wheat or corn or oats or any other farm product that happens to be in the barns of the farmers or in the mills or grain elevators at any one time.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I will.

Mr. RAGSDALE. Does the gentleman think it more unwise to get statistics as to our own industries in this country than it is to get statistics from the State Department as to foreign commerce for publication?

Mr. GOOD. I do not know what that has to do with this bill, and I do not understand the purport of the gentleman's remarks. But, gentlemen of the House——

Mr. CLINE. Mr. Chairman, will the gentleman yield for a question?

Mr. GOOD. Yes.

Mr. CLINE. Is not the same argument that is applied to cotton applicable to every leading agricultural production?

Mr. GOOD. Absolutely; and I am opposed to the enactment of a law of this kind to apply to wheat or corn or oats or any of the products of my district. I think it is useless, a waste of Government funds, and I think the gentlemen overestimate the benefit that will come from legislation of this sort. The legislative bill carried last year for cotton field agents an appropriation of $240,000, and how many thousand dollars was provided in a lump-sum appropriation to pay the salaries of clerks in Washington for compiling this information I do not know, but I know it would amount to many thousand dollars more.

Now, take the Agricultural bill of last year. We appropriated for the control of the diseases of cotton and potatoes $56,000.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield there for a question?

Mr. GOOD. When I get through with this I will yield. Another item, for the acclimatization and adaptation and investigation of cotton, corn, and other crops, $37,500; obviously in large part for cotton. All could have been expended for that purpose.

Then comes an item of $166,700 for the crop estimates. Any amount of that can be used for crop estimates of cotton, and a large part of it is so used.

Then comes an item of $666,020 for the cotton boll weevil, and then another item, for investigation and demonstration of standards of cotton, $55,480. Where are you going to stop appropriating for cotton? Already the Government is paying out over $1,000,000 for this crop. Already we are paying out more than $250,000 just to get statistics for cotton alone. I do not believe we ought to do anything that is going to injure the cotton crop or the cotton growers. I would not by my vote do anything to prevent the cotton growers from improving their crop nor from increasing the yield; but, gentlemen, we are doing nothing of the kind if we defeat this measure. We are simply reaching our hand into the Treasury every time we get an opportunity to hire some good, deserving man, to give him a job, and I am opposed to it.

Mr. HOUSTON. Will the gentleman yield?

SEVERAL MEMBERS. Vote! Vote!

Mr. McLAUGHLIN. Is there an amendment pending?

The CHAIRMAN. There is an amendment pending. The question is on the amendment.

The amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN: Page 1, line 5, after the word "of," strike out the remainder of the section and insert the following: "All nonperishable agricultural products, as determined by the Secretary of Agriculture, produced, and the quantity of each of these

products on hand held by producers, manufacturers of, and dealers in such products, and the quantity imported and exported.

Mr. HELM. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HELM. It is not germane. This bill is applicable to one particular product, and can not apply to any other product.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. I hope the Chair will give an opportunity for something to be said in support of the amendment.

Mr. HELM. Mr. Chairman, if the amendment has gone out on a point of order, I do not see how it can be debatable.

Mr. MANN. The Chair asked the gentleman from Kentucky [Mr. HELM] if he wanted to be heard on the point of order, which is usually an assumption that the other side does not need to be heard unless the Chair requests it.

Mr. HELM. I will reserve the point of order if gentlemen wish to discuss it.

The CHAIRMAN. The Chair will give gentlemen an opportunity to be heard.

Mr. McLAUGHLIN. Mr. Chairman, it seems to me that the point of order will not lie against this amendment. This is a bill to provide for the taking of statistics, and it seems to me that it is proper to substitute one product for another or to enlarge the measure by the addition of other products concerning which the statistics are to be taken. The bill as it is before the committee provides for the taking of statistics concerning one and one alone of the agricultural products of the country. My amendment would enlarge the scope of the measure and provide for the taking of statistics concerning a number of products, the production, the amount on hand, the amount manufactured, the amount imported and exported, to say nothing of the virtue of the amendment that it is broad and fair and reasonable to all parts of the country and to all nonperishable agricultural products. It is not narrow or sectional or selfish, and it ought to commend itself to the House for that reason. I think for that reason alone, if for no other, it ought to be held in order by the Chair.

Now, it seems to me that the Congress has gone far enough in enacting legislation concerning particular products, or one particular product, or of one section of the country. That has been spoken of. I spoke of it myself a few minutes ago. I do not care to take further time of the House to consider it.

Mr. HELM. I renew the point of order.

Mr. McLAUGHLIN. I wish to urge another reason why I think this amendment is in order. It would provide for the employment, and necessarily must provide for the employment, of a horde of men to travel over the country to assist in the collection of these data. The idea that all this work could be done for the comparatively insignificant sum of $10,000——

Mr. HELM. I make the point of order that the gentleman is not discussing the point of order.

Mr. GOOD. Yes; he is.

Mr. McLAUGHLIN. I do not wish to transgress any rule of this House, but what I have said bears, I believe, on the point of order.

The CHAIRMAN. The gentleman from Michigan will proceed.

Mr. McLAUGHLIN. It will necessarily require the employment of a vast number of inspectors, men of one kind and another, to travel over the country and to gather these data. I think possibly this House is not paying sufficient attention to the fact that much legislation has been enacted and is being urged providing for or making necessary the employment of a vast number of men——

Mr. LEVER. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. LEVER. How does the gentleman reconcile the statement that this bill is going to require the employment of a horde of inspectors with the statement of the man who is in charge of this work, that it will not cost over $10,000 a year?

Mr. McLAUGHLIN. Mr. Chairman, in answer to the gentleman from South Carolina I will say that the official whom he quotes says that the estimate of the cost for the first year is only $10,000. We know how the activities of the Government grow. In the Department of Agriculture we started only three years ago the work of gathering statistics in relation to markets, and the first appropriation was only $50,000. I do not remember exactly how much it is this year, but my impression is that it is almost, if not quite, $1,000,000.

Mr. GOOD. Will the gentleman yield right there?

Mr. McLAUGHLIN. I will yield.

Mr. GOOD. I will say to the gentleman that the estimate that was made at the time we enacted the law to take an agricultural census every five years was that it would take only a few hundred thousand dollars, but when the estimate came in from the Census Department it was stated that it would cost $5,000,000. That is what they ask, and that is what the committee reported.

The CHAIRMAN. Gentlemen will confine their remarks to the point of order.

Mr. STAFFORD. Mr. Chairman, will the Chair indulge me?

The CHAIRMAN. The Chair will.

Mr. STAFFORD. If this bill related to only one single subject, that of collecting statistics referring to cottonseed, then I would agree that the amendment of the gentleman from Michigan is not in order. But it provides for the collection of statistics of more than one product, and you ascertain that not only from the title of the bill but from the bill as reported to this House. Nothing is more fundamental in the decisions of this House in construing the germaneness of amendments than that you must consider the bill as reported.

What do we find in this bill? Not merely the authorization to the Director of the Census to collect statistics, so far as cottonseed is concerned, but we find on page 3 a specific authorization for the collection of statistics as to lard, as to butterine, and as to oleomargarine.

It is true that that has been stricken out by committee amendment; but, nevertheless, nothing is more firmly held in decisions in this House than that in construing germane amendments the bill must be accepted as introduced originally in the House.

Mr. ANDERSON. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. ANDERSON. I want to call attention to the fact that on the first page of the bill it authorizes the collection of statistics as to the quantity of seed crushed in the mill, crude cottonseed products, and refined-oil products.

Mr. STAFFORD. I was coming to that further in supplementing my position that the bill also provides, as indicated by the gentleman from Minnesota, for the collection of statistics of seed crushed in the mills, cottonseed products, and refined oil.

Mr. HARRISON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HARRISON. Will the gentleman concede that these products named in the bill are all by-products of cotton seed?

Mr. STAFFORD. Oleo is not necessarily a by-product of cotton seed.

Mr. HARRISON. Is it not a fact that everything named is a by-product of cotton seed?

Mr. STAFFORD. Not necessarily. Cottonseed oil may be an ingredient of lard, but it does not have to be manufactured out of cottonseed oil. Here you are requiring statistics of lard, butterine, oleomargarine, and soap.

Mr. LEVER. This is not lard, it is compound lard.

Mr. STAFFORD. There is nothing said about compound butterine or compound oleomargarine. There are decisions which hold that if there are two subjects or more involved in a bill an amendment of a general character is in order. I direct the attention of the Chair to the Manual, section 780:

To a bill admitting several Territories into the Union an amendment adding another Territory is admissible. To a resolution embodying two distinct phases of international relationship an amendment embodying a third is germane. To a bill providing for the construction of building in each of two cities an amendment providing for similar buildings in several other cities is germane.

The bill is fundamentally a bill to collect statistics of products and relates to more than one kind of statistics of different character or product. The gentleman's amendment amplifies and makes it general, and therefore the rule that when a bill relates merely to one subject it can not be amended by adding another general subject does not apply, because this is more than a bill relating to one subject, for it relates to many.

Mr. LEVER. If the Chair please, the bill authorizes the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and in enumerating some of the cottonseed products I call attention of the Chair to the fact that the enumeration mentioned is this: Crude cottonseed products and refined oil products. It requires monthly statistics concerning the quantity of cotton seed received at oil mills, the quantity of seed crushed in such mills, the quantity of crude cottonseed products and refined oil produced, the quantities of these products shipped out of the mills and the quantities on hand, the quantities of crude cottonseed oil held by refiners, by manufacturers of compound lard, butterine, oleomargarine, soap, and other users of cottonseed oil.

Now, the purpose of the bill is to collect statistics as to cotton seed and its products which are held by manufacturers of compound lard, butterine, oleomargarine, and soap. Each of the manufacturers of these articles—compound lard, butterine, oleo-

margarine, and soap—use a large quantity of cottonseed oil in their manufacture.

Compound lard is a combination of certain fats with cottonseed oil. Butterine is likewise a combination of certain fats—beef and hog—with cottonseed oil. Oleomargarine is likewise some kind of a combination with cottonseed oil, and cottonseed oil is likewise used largely in the manufacture of soap. The bill proposes to collect the statistics of the amount of cottonseed oil that goes into the manufacture of these various compounds.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LEVER. I will.

Mr. McLAUGHLIN. Much oleomargarine is made without the use of cotton seed or cottonseed oil, is it not?

Mr. LEVER. I am not sure of that by any means; I know that a large amount of cottonseed oil is used in the manufacture of oleomargarine.

Mr. McLAUGHLIN. I will say that there is much oleomargarine made without the use of cotton seed or cottonseed oil. Certainly the gentleman knows that much soap is made without the use of either of these products. That being true, it provides for the investigation of other statistics concerning oil and butterine into which cottonseed oil enters, and then goes beyond the cottonseed oil and asks for statistics outside by requiring the manufacturers of all kinds of soap to give the information whether they use cottonseed oil or not.

Mr. LEVER. I want again to direct the Chair's attention to the language which you will find on page 1 of the bill:

The quantities of these products shipped out of the mills and the quantities of these products and of cotton seed on hand, the quantities of crude cottonseed oil held by refiners, by manufacturers of compound lard, butterine, oleomargarine, soap, and other users of cottonseed oil.

The bill proposes to gather statistics as to the amount of this kind of oil held by these manufacturers, and that is all there is to it.

Mr. MANN. Mr. Chairman, it seems to me that this bill is confined to the subject of gathering information relating to cotton seed and its products, and while it did enumerate the collection of statistics concerning compound lard, butterine, oleomargarine, and so forth, I believe that provision has already gone out of the bill.

Mr. LEVER. Yes; it has.

Mr. STAFFORD. It has not been acted upon.

Mr. MANN. Yes; the committee amendment has been agreed to. But whether it has or not, the statistics are to be collected merely in connection and as a part of the statistics relating to the cotton seed and cottonseed oil or its products. Of course, you might say the term "cotton seed and cottonseed oil" under construction of the rule was enumeration of two different classes, and under the rule that it would admit of a third class. But I do not think so. I think the Chair has a right to conclude that cotton seed and cottonseed products are one subject matter. If that is the case, under the construction of the rule which has been made many times, it is not germane to offer by way of amendment a proposition relating to an entirely different class. It seems to me that the amendment offered by the gentleman from Minnesota is not germane to the bill.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 2, line 8, after the word "exported," insert the following:
"Provided the cost of collection and publication of the statistics as herein provided for shall not exceed $10,000 per annum."

Mr. MOORE of Pennsylvania. Mr. Chairman, the committee report fixes the maximum cost of the collection and publication of these statistics at $10,000. I read from that portion of the report that pertains to this matter——

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HELM. Mr. Chairman, we will accept the amendment.

Mr. MOORE of Pennsylvania. My amendment fixes the cost at $10,000, and the gentleman from Kentucky accepts it.

Mr. MANN. Let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PARK. Mr. Chairman, following the amendment just adopted I offer this amendment, to add the following words:

Provided further, That the provisions of this section shall not apply to retail merchants.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. PARK: Following the amendment just adopted insert the words:
"*Provided further*, That the provisions of this section shall not apply to retail merchants."

Mr. HELM. Mr. Chairman, I think that we will be willing to accept that amendment.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PARK. Yes.

Mr. STAFFORD. Would the gentleman have any objection to extending his amendment to the entire act?

Mr. PARK. I would prefer to have it refer to the entire act.

Mr. STAFFORD. Instead of to the section. Then let the gentleman ask to modify his amendment by substituting the word "act" for the word "section."

Mr. PARK. I will accept that modification.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. PARK. Yes.

Mr. HILL. What is the use of raising a doubt as to whether it applies to a wholesale merchant? As I understand it, the committee has generally confined this to warehousemen, brokers, and exporters who are engaged in handling these products. It strikes me that to adopt this limitation respecting retail merchants would make it very much broader, so as to include wholesale merchants, housekeepers, and hotels.

Mr. LEVER. Mr. Chairman, will the gentleman from Georgia yield?

Mr. PARK. Yes.

Mr. LEVER. I just want to reinforce the statement of the gentleman from Connecticut [Mr. HILL]. I am inclined to think that the gentleman from Georgia [Mr. PARK], although a very eminent lawyer, is going to limit his own purpose very much if his amendment be adopted. I am satisfied that the amendment adopted a moment ago limiting the operation of this bill to brokers, exporters, and warehousemen engaged in handling these products is very much broader than the amendment proposed by the gentleman from Georgia. If his amendment is to be accepted at all, he ought to include in it not only retail merchants but wholesale merchants, and if you are going to include them you will find other classes of people probably that ought to be included. The amendment that the committee has already adopted, it seems to me, absolutely excludes anyone except brokers, exporters, and warehousemen.

Mr. PARK. If that can be specifically stated in the act, it would be perfectly satisfactory.

Mr. LEVER. I think it is. The gentleman is a lawyer and I am not, but in construing the statute I am satisfied that any court would construe the statute to mean that this language applies only to brokers, exporters, and warehousemen, men engaged in handling these products.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. Was there any purpose in leaving out importers? Exporters are included. Why were importers left out? I ask this, because prior to the European war it was frequently charged that cottonseed oil went out of the country as cottonseed oil and came back as "pure olive oil."

Mr. LEVER. I would say to the gentleman, without having any specific or definite information upon the subject, that my impression is that there is imported into the country no cottonseed oil, at least to any appreciable extent.

Mr. MOORE of Pennsylvania. It has been charged that it did come back frequently as olive oil.

Mr. LEVER. Oh, it is better than olive oil.

Mr. MOORE of Pennsylvania. Still it would come in as olive oil.

Mr. LEVER. It would come in as olive oil.

Mr. MOORE of Pennsylvania. And surely that which comes into the country would have as much effect upon the producer's price as that which went out of the country.

Mr. MANN. The word "exporters" does not apply to exporters of cottonseed oil at all.

Mr. LEVER. It applies to cottonseed products.

Mr. MANN. No; it does not. Mr. Chairman, I would like to have the attention of the gentleman from Georgia [Mr. PARK] and also the gentleman from South Carolina [Mr. LEVER]. As the bill was reported to the House, the amendment of the gentleman from Georgia [Mr. PARK] would be a very apt amendment, but the bill has already been amended, so that the amendment of the gentleman would make the bill worse than it is now instead of making it better. To say that you exclude retail dealers in soaps, oleomargarine, lard, butterine—and that is all this applies to—might mean that you include wholesale

dealers, and that is not the purpose at all. The language as it reads now is:

Manufacturers of compound lard, butterine, oleomargarine, and soap, and by brokers, exporters, and warehousemen engaged in handling these products.

Mr. PARK. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. PARK. I would say to the gentleman that my object is to make it plain that the retail merchants of the country town will not be subjected to this penalty.

Mr. MANN. It is perfectly plain that they will not be now, because the language in the bill originally which said "and others handling these products" has been changed, and the word "others" has gone out.

Mr. PARK. I think the gentleman is mistaken about striking out that portion of it.

Mr. MANN. Oh, no.

Mr. PARK. The amendment was "and others engaged."

Mr. MANN. No; the amendment was to strike out the word "others" and insert "engaged in," so that the bill now reads—oh, if the word "others" was in, the gentleman's amendment would be very apt.

Mr. PARK. I am willing to withdraw the amendment. Mr. Chairman, I ask unanimous consent to withdraw the amendment after the gentleman's explanation.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of making another suggestion. This language contained in the bill now directs the Director of the Census to ascertain the amount of cottonseed oil held by every exporter or broker or warehouseman of lard, butterine, oleomargarine, and so forth.

Now, what is the sense in requiring a soap manufacturer who has a warehouse, or some man who has soap in his warehouse, no cottonseed oil at all, to make a return every month of the amount of cottonseed oil he has on hand? He has no cottonseed oil. This language does not apply to brokers, exporters, or warehousemen engaged in handling cottonseed oil unless you change it. Now, the gentleman certainly does not want everybody who is a broker or an exporter or a warehouseman of lard, butterine, oleomargarine, or soap to make a return of the amount of cottonseed oil. It is the manufacturers of this you want to get. It may be all right to require the manufacturers of these things to make returns.

Mr. HOUSTON. That is what it is.

Mr. MANN. No; that is not what it is.

Mr. LEVER. Read the language of line 9.

Mr. MANN. All manufacturers of compound lard, butterine, oleomargarine, and soap and all brokers, exporters, and warehousemen engaged in the handling of those products. That plainly refers to the products which are named.

Mr. HOUSTON. On the page before it says they are to report the quantities of crude cottonseed oil held by those parties.

Mr. MANN. That is all right. The quantity of cottonseed oil held by refiners, by manufacturers of compound lard, butterine, oleomargarine, soap. That is one class, and then also the quantity of cottonseed oil held by brokers, exporters, warehousemen engaged in handling those products, which products are compound lard, oleomargarine, butterine, and so forth. They do not have any cottonseed oil. You might say, "engaged in handling cottonseed oil and its products."

Mr. LEVER. Mr. Chairman, I am inclined to think the gentleman's criticism is well taken, and I think the language might be changed so that it would read "engaged in handling cottonseed oil."

Mr. MANN. That is all right.

Mr. LEVER. If the chairman of the committee is willing to accept the amendment, I would ask unanimous consent that the amendment previously adopted——

Mr. MANN. No; that does not affect the amendment previously adopted.

Mr. LEVER. Then I will offer the following amendment. Strike out the words "these products," in line 4, page 2, and insert in lieu thereof "crude cottonseed oil."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out the words "these products," in line 4, and insert in lieu thereof "crude cottonseed oil."

Mr. HELM. Mr. Chairman, the amendment is thoroughly satisfactory to me if it is satisfactory to the author of the bill.

Mr. LEVER. It is satisfactory to me, and I think clears up the matter.

Mr. STAFFORD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 1, line 4, after the word "statistics" insert "from September to January in each year and quarterly statistics during the remainder of the year."

Mr. STAFFORD. Mr. Chairman, I take it that this will meet the full acceptance of those who are desirous of obtaining these statistics during the season of the year when they are most desirable. From the statement of the author of this bill, there is need of having these statistics from September to January, but there is not that pressing need of having these statistics during the balance of the year. There is no need of having monthly statistics, running from January to September, when there is no pressing need of them. For instance, as to the collection of statistics on tobacco in the legislative, executive, and judicial appropriation bill we merely provided for quarterly returns. Why is there need of imposing this additional burden, not only upon the gatherers of these statistics but upon the people mentioned in the bill, to make returns monthly. I hope that gentlemen will agree to that and accept this liberal amendment. We furnish under this amendment everything that can reasonably be asked without imposing a great burden upon the persons who are going to furnish these statistics.

Mr. HELM. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. HELM. An amendment has been adopted which limits the cost of this bill to $10,000, so there need be no apprehension about the matter from that standpoint.

Mr. STAFFORD. Though there has been a limitation of $10,000, I want that $10,000 used in such a period of the year when it will bring the greatest return and the greatest value to those for whom these statistics are desired. If you are going to spread this $10,000 over the 12 months, they are not going to produce much at all; and the gentleman admits that these statistics are mainly necessary during the four months of September to January.

Mr. HELM. Right there——

Mr. STAFFORD. Why not accept a reasonable proposition and have monthly statistics during that period when it is of the greatest value and not waste it, but let the $10,000, or three-quarters of it, be utilized during the time when it is most needed? Now I will yield to the gentleman.

Mr. HELM. The gentleman says that these reports would be published from September to January in each year. Are you accurate in your statement there?

Mr. STAFFORD. Oh, yes. That would be given a broad construction and not the narrow construction of the gentleman from Kentucky.

Mr. LEVER. Mr. Chairman, just one moment on the amendment. I would like to call the attention of the committee to the fact that while the gentleman's amendment might be satisfactory to the producers of cotton seed and might serve all the purposes expected in the bill from that point of view, at the same time I call the gentleman's attention to the fact that some of the biggest oil mills in the country are running now. In other words, cotton seed, like all agricultural products, is gathered during the course of three or four or five months at the very most by the farmer and leaves the farmer's hands; but the consumption of these products covers a period not commensurate with the gathering period, but covers a period of 12 months or more, and therefore it is necessary to have these figures collected monthly, certainly more than quarterly, after the 1st of January, in order that the cotton trade—not perhaps so much the producers of cotton seed, but the intermediate handlers of these products—may have the statistics. For instance, as I said a moment ago, the cottonseed mill is interested in knowing how much the refiner has in the way of oil on hand.

The manufacturer of butterine will be interested to know how much cottonseed the refiner has on hand, and so on all along the line; and for the purpose of giving full information to the other end of the cottonseed business, I feel that these statistics should be collected.

Mr. STAFFORD. Will the gentleman yield? Is there any more need for having quarterly reports so far as cottonseed products are concerned than for tobacco?

Mr. LEVER. I think not. The gentleman and I will not argue that proposition.

Mr. STAFFORD. We might have semimonthly returns, but what is the most practicable? Now that you have limited the expenditure to $10,000, wherein will it do the most good?

Mr. LEVER. If the gentleman will bring in a bill here for gathering such statistics as to wheat and oats, and to make

publication thereof in the regular way in which this bill has been drawn, he will find me in favor of it.

Mr. STAFFORD. The gentlemen from the wheat belt recognize the fallacy of those statistics. The gentleman from Iowa has given his testimony as to that fact, and he comes directly from that district.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the information furnished by any individual establishment under the provisions of this act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than $300 or more than $1,000, or imprisoned for not more than one year, or both so fined and imprisoned, at the discretion of the court.

Mr. HOUSTON. Mr. Chairman, I desire to offer an amendment, on page 2, line 18, to strike out the words "less than $300 or" after the word "not."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, line 18, by striking out the words "less than $300 or."

Mr. LONGWORTH. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. LONGWORTH. What is the gentleman's object in striking out the minimum of this punishment? It is punishment for a man who betrays the secrets of the census, who directly disobeys the law.

Mr. HOUSTON. The object is to comply with and conform to the system adopted by all the Federal statutes since the adoption of the Criminal Code. Offenses of a more serious nature, more heinous than this, have no minimum punishment, but we fix the maximum and leave the minimum to the discretion of the court.

Mr. COOPER of Wisconsin. Does the gentleman think that to have no minimum penalty fixed by law, but to leave it entirely to a judge to make the penalty as small as he may wish, is wise, even though such a provision is contained in the code? I have in mind recent newspaper reports, which I assume are true, that men convicted of misbranding foods and medicines—offenses that ought to be considered serious—were fined only $10. That is no punishment at all. Men punished only in that way will repeat their offenses.

I do not know why the law should not fix both a maximum and minimum penalty for its willful violation, nor why the punishment should be left entirely without a minimum to the discretion of a Federal judge. The people are entitled to protection. Punishment is not imposed in order to wreak revenge upon the offender, but to serve as a warning to others and thus to protect the innocent public; and a $10 fine for men who willfully violate statutes of such importance is no punishment at all.

Mr. HOUSTON. Mr. Chairman, in answer to the gentleman's question, I say that I unhesitatingly believe it is wise and best to strike out the minimum punishment here and in all other cases. That was the course adopted by the joint committee that prepared the Criminal Code; and that code, adopted by that committee, was adopted by this House and passed by this Congress.

Mr. COOPER of Wisconsin. Does the gentleman know of any State of this Union that has a statute like that?

Mr. HOUSTON. In answer to that I will say that I know of some States that have no minimum punishment in regard to certain offenses, and I give it to him as my honest judgment that where they do not have it they come nearer convicting men who are guilty and making them responsible for their crimes than they do where they have a large minimum penalty which results only in a defeat of conviction often at the hands of a jury, and men go unpunished because the least punishment is so severe.

Mr. COOPER of Wisconsin. Will the gentleman allow me right there to ask a question? The gentleman says that juries will sometimes not convict where the law fixes the minimum penalty, and thus men escape punishment. How much did the public profit by such convictions as those I mentioned, which resulted in fines of only $10?

Mr. HOUSTON. I have no occasion and no cause to answer why somebody has not been punished more than $10, or whether $10 fine was adequate. There may have been a judge somewhere who has grossly misused his powers and has not discharged his duties as a sworn officer of the law, but I have too much confidence in judges to believe we shall suffer from that here.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HOUSTON. I ask for one minute more, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. HOUSTON. I want to say that I believe, and it is the consensus of opinion not only of the members of this committee but of the Members of the House and of this Congress, and of the bar and bench of this country, that it is best to leave out a minimum penalty. I hope the amendment will be adopted.

Mr. LEVER. Mr. Chairman, in answer to the question propounded by the gentleman from Ohio [Mr. LONGWORTH] a moment ago, I overlooked the provision in section 2 and the fact that the minimum punishment should go out. I want to call the attention of the committee to what section 2 is. I read:

SEC. 2. That the information furnished by any individual establishment under the provisions of this act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied.

Now, that is the first proposition. The Government calls upon a manufacturer for information. The manufacturer cheerfully or uncheerfully gives the information. The information is given upon the assumption that it will be held in confidence and will not be used to hamper him in his business, or to give away his secrets to his competitors.

That is the first proposition. The second proposition is this, that—

Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than $300 or more than $1,000, or imprisoned for not more than one year, or both so fined and imprisoned, at the discretion of the court.

Now, then, this section provides that any employee of the Census Bureau who shall take advantage of his position to give out confidential information, that has been gathered as confidential information, shall be punished, and I think the punishment to the extent of a fine of $300 as a minimum is an exceedingly small punishment for a man who will violate a confidence of that character.

Not only that, but older Members of this body will recall that some years ago there was a great scandal connected with one of the departments of this Government for the reason that some employee of that department gave out information that was confidential—that was gathered as confidential—information of a character that very greatly affected the value of a crop that is traded in on the various exchanges of this country, just as this oil is now traded in. Now, as to the other proposition, in section 3, I am inclined to think that the minimum might be eliminated there. But this is a different proposition. This is a proposition of gathering information in the utmost confidence, then punishing that employee of the department which gathers the information for making use of it for any purpose not authorized by the Director of the Census.

Mr. RAKER. Mr. Chairman, you might fix the penalty as high as you please for the crime that you intend to punish, but it is not the severity of the penalty, but it is the certainty of conviction and enforcement that brings results. In many cases where you submit the cases to the jury, where there is a chance for the jury to believe that the court will be severe, or where there is no discretion vested in the court as to the punishment, either by fine or imprisonment, the tendency is to turn the defendant loose. In our State, as the gentleman says the United States statute is, in very few cases do we ever fix the minimum penalty. We fix the maximum, and then it is in the discretion of the court to fix the punishment that may be meted out.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Wisconsin?

Mr. RAKER. In just one moment. Now, in this bill, if you want to make it effective, to the end that the jury will convict and that the court will enforce the punishment commensurate with the crime, strike out the provision that the gentleman has suggested and strike out the word "or" after "$1,000," on line 18, and strike out all of line 19, after the word "year," and all of section 20; and then you have this sort of punishment that may be meted out to a defendant if convicted, namely, that the court may fine him $1 or $1,000, and the court may impose an imprisonment sentence upon him. You make your statute effective; juries will convict. The man who betrays a

secret of this kind ought not only to be fined a reasonable amount, but he ought to be imprisoned in addition. If you leave the fine without a minimum fixed, and leave the imprisonment without a minimum fixed, then the court must not only fine him, but must impose imprisonment for some reasonable time, for a day, or a month, or not exceeding one year. Where you want to have the violator convicted, and you believe that a man who violates confidence in a case of this kind not only should be punished by a fine but that the jury will convict him, you should leave it in the discretion of the court, saying that the court in its wisdom will fix that punishment commensurate with the crime.

Mr. HELM. Mr. Chairman, I ask that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. HELM. Make it 17 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOUSTON. Mr. Chairman, I merely wanted to call attention to the fact that in the Criminal Code where the fines are as great as $10,000 and where the imprisonment is as great as 10 years they have fixed no minimum penalty. While I admit that this is a serious offense, yet we have left it to the court to fix the fine anywhere under $1,000 and the imprisonment anywhere under one year.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not know what the practice has been in the courts which gentlemen evidently have had in mind while making their speeches, but in every court where I have been privileged to practice it has been the uniform habit—indeed, it is the duty—of the judge to charge the jury that the penalty is not a subject for them to take into consideration at all.

The judge instructs the jury that the legislature, in its wisdom, has by law fixed the limits within which the court can impose a penalty, and that the only duty of the jury is to say whether, under all of the facts in evidence and the law as laid down in his instructions, the defendant is guilty of the offense charged.

Mr. RUSSELL of Missouri. Mr. Chairman, I am in favor of this amendment for at least two reasons which occur to me now.

In the first place, as I understand, the Criminal Code recently revised provides no minimum fines in other cases, and for the sake of uniformity this amendment ought to be adopted striking out the minimum fine.

I am for it in the next place because I believe it is more certain to result in convictions in proper cases where you have no minimum fine. That has been my observation in a great many cases. In the State from which I come it is a crime to sell a glass of whisky or beer in violation of the local-option law, and the lowest fine is $300. That fact often results in no conviction where guilt is proven because the jury will refuse to convict a defendant for selling a glass of whisky or beer in violation of the law, for they know that the accused must be fined not less than $300. If the fine was $25 or $50 or perhaps $100, convictions would be much more certain and the law would be better enforced. Now, my friend from Wisconsin [Mr. COOPER] speaks of a Federal judge having in some cases fined defendants too small an amount—$10 I think he states, which he thinks was too small for the crime committed. My observation and experience have been that you can always trust a Federal judge to impose at least a fine which is plenty large. They are generally very bloody and are more inclined to impose a fine that is too large than one that is too small, in my opinion.

In answer to the suggestion that it will lead to more certain convictions the gentleman from Wisconsin [Mr. COOPER] says that the jury does not fix the fine, that the court will fix the fine, and that therefore the jury will convict just as well regardless of the amount of the fine that may be imposed. But I want to call your attention to the fact that when the jury return their verdict they know what the lowest fine is, and if they know that it is $300 and they believe it is excessive for the crime committed they will refuse oftentimes to convict the defendant because of that fact, so that in my opinion it will lead to more certain convictions in proper cases where men ought to be convicted if there is no minimum fine fixed by law. And as I have said, my observation has led me to believe that you can always trust the Federal judges to impose a fine that is plenty big enough.

Mr. MANN. Mr. Chairman, I hope the amendment will be agreed to. I think it is a wise provision carried in the Criminal Code not to fix the minimum fine or the minimum punishment. Take a case under this section for instance. The employee of the Government who would deliberately give out this information in violation of the law ought to be imprisoned. A fine would not be sufficient. But suppose there is a question, and it is decided in the end that there has been a technical violation of the law where there has been no real criminal intent. It is desirable in such case that there may be a conviction as a precedent, without intention to inflict a heavy penalty.

Reference has been made to the pure-food law. There have been a great many cases under that law where the manufacturers of foods could not ascertain in advance whether they were violating the law or complying with the law, and the Department of Agriculture itself was not able to tell. The only way the matter could be determined would be by an adjudication in court, there being no criminal intent, but the only way to determine it being by a prosecution.

Mr. HELM. Will the gentleman yield?

Mr. MANN. I have only a moment. In such a case there might be circumstances where a very small, nominal penalty should be imposed, the benefit being the decision of the court.

I was chairman of a committee in this House at one time in reference to pulp and paper. I undertook to obtain a lot of confidential information from the pulp and paper manufacturing establishments throughout the country. I submitted a long list of questions, principally prepared by the Census Bureau or by Mr. Stewart under my direction, with the statement that the information would be considered confidential. After it was all over I saw myself that all of those documents were burned up. But, believe me, while this matter was pending, although there was no penalty, so far as the law was concerned, I wondered many times whether some one connected with us would not inadvertently make some statement, and I can readily imagine that inadvertent statements might be made under some circumstances without any intent whatever to violate the law, where, under this provision, a man might be prosecuted and justly convicted but not deserve to be really punished.

Mr. KONOP. Will the gentleman yield?

Mr. MANN. Yes.

Mr. KONOP. Even though there is a minimum punishment provided in the statute, can not the court, where there is a technical violation, suspend sentence entirely?

Mr. MANN. He can suspend the law, but that of itself is a violation of law. He has no right to do it, though frequently it is done.

Mr. KONOP. Ought not courts to suspend sentence sometimes?

Mr. MANN. Oh, they do; because frequently they will not impose the penalty fixed by law which the law says shall be imposed upon conviction; and that of itself shows the absurdity of it, because we make the courts, that ought always to preserve the law, violate the law when they suspend a sentence.

Mr. DOWELL. Mr. Chairman, I am heartily in favor of this amendment. Whether it has been the policy heretofore adhered to or not, there can be no one better advised as to what the punishment in a given case should be than the presiding judge who hears the case. It occurs to me that in all cases we should leave to the court the amount of punishment to be meted out under certain circumstances. All criminals are not alike, and all violators of a statute should not receive the same punishment. The amendment suggested by the gentleman from California is to my mind even worse than the provision of the bill as it now stands. I am not in favor of a statute in cases of this character which provides that whenever it is violated the one who violates the statute must be imprisoned. This should be left to the discretion of the presiding judge, who is better qualified to pass upon it than we are. We should only adopt a maximum penalty, and the court should be given a great deal of latitude in fixing just what this punishment should be in a given case.

I am unable to understand how he can construe the amendment he suggests to be better than the bill as it now stands. We can do no better in my judgment than to fix a maximum penalty. The question of punishment then comes up to the discretion of the court, and I have great confidence that after the case has been heard and all the evidence has been submitted, and all the circumstances presented to the court, that a reasonable and fair punishment will be meted out. I am not in favor of placing a punishment here which the court in its judgment in a given case would not approve.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. RUBEY. Mr. Chairman, I move to amend, in lines 19 and 20, by striking out the words "so fined and imprisoned at the discretion of the court."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 19, after the word "both," strike out the words "so fined and imprisoned at the discretion of the court."

Mr. HELM. Mr. Chairman, I ask that all debate on this amendment and amendments thereto be limited to five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this amendment and amendments thereto be limited to five minutes. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, by striking out these words you leave the section to read in this way: "Be fined not more than $1,000 or imprisoned for not more than one year, or both." The additional language is absolutely unnecessary and merely cumbers the statute.

Mr. HELM. Mr. Chairman, we are willing to accept the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in line 19, page 2, the word "for."

Mr. HELM. Mr. Chairman, we will accept that amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cottonseed-oil mill, manufacturing establishment, or warehouse where cottonseed products are produced, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton seed received, consumed, or on hand, and the quantity of crude and refined oil, cake and meal, hulls and linters produced, and the quantity of these products sold and shipped and on hand, and the quantity of compound lard, butterine, and oleomargarine on hand. The request of the Director of the Census for information concerning the quantity of cotton seed received, consumed, and on hand, the quantity of crude oil and other products sold and shipped, and the quantity of crude oil consumed and products manufactured therefrom and stocks on hand may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any manufacturing establishment, warehouse, or other place where cotton seed and cottonseed products are manufactured or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

The following committee amendments were agreed to:

Page 3, line 9, after the word "products," strike out the words "sold and."

Page 3, lines 10 and 11, strike out the words "and the quantity of compound lard, butterine, and oleomargarine on hand."

Mr. MANN. Mr. Chairman, does the gentleman, the chairman of the committee, expect to modify this section as the other section was modified?

Mr. HOUSTON. I have an amendment to the latter part of the section.

Mr. MANN. I do not mean the penalty. Of course this section as it stands gives to the Director of the Census the power to make anybody in the country who has any of those establishments, anybody in the country where cottonseed products are produced, manufactured, or stored, one who has a pail of oleomargarine or a pail of compound lard, or a cake of soap even, comply with this law. I do not suppose the Director of the Census would send over here and ask the janitor of the building whether he had a lot of this product on hand, but this bill would authorize him to do it and punish the man if he did not make return. I ask whether gentlemen are satisfied to have that sort of a provision go into law?

Mr. HELM. Mr. Chairman, it seems to me that the object and purpose of the bill is restricted to the manufacturers of cottonseed oil, and restricted to the manufacturing concerns and warehouses, and does not intend to go into private families.

Mr. MANN. I do not suppose it is intended to go into private families, but you might go into retail and wholesale stores and various other places. I have discovered that while we have to have a good deal of confidence in the discretion of administrative officers, it is usually abused by some one in the course of time. No one who has ever had any dealings—and certainly my friend from Kentucky is familiar with that situation—with the internal-revenue office, knows that it lays down rules that are inexorable. They do not hesitate to take anybody or anything at any time when they want to. I am not complaining about that.

Mr. HELM. And they give some very liberal and generous constructions at other times.

Mr. MANN. They often do; I am not complaining of the office, but everybody knows how arbitrary they do get at times. We have to give them the power, because it is a taxation law. I am not sure that we should give them this power as to the collection of statistics. Section 1 has been changed so it is a reasonably fair section. All of this information, all these changes we have made in section 1 do not amount to anything with section 3 as it now stands left in the bill.

Mr. HELM. What suggestion has the gentleman to make?

Mr. LEVER. Mr. Chairman, if the gentleman will yield, I take it that the language "or other place where cottonseed products are produced, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals" if stricken out would probably meet the criticism that the gentleman from Illinois makes.

Mr. MANN. I should think that would meet the situation probably, as to that part of the section, anyway.

Mr. LEVER. The amendment would have to be drafted a little differently from that, but, I think, it will reach what the gentleman has in mind. I do not think anyone would construe the statute as broadly as the gentleman has construed it, but they might.

Mr. MANN. There will be lots of cases that will be along the dividing line, no doubt.

Mr. LEVER. That is very true.

Mr. MANN. While we may have absolute confidence in the present Director of the Census and the present Census Office, yet we might after a while put a Republican in there and he might want to be foolish. We have known many of them who were.

Mr. HELM. That is almost a habit with them, is it not?

Mr. MANN. It is almost a habit with the people to elect Republicans and put them in place, and they will soon get into the habit again.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the committee amendment. Following the query proposed by the gentleman from Illinois [Mr. MANN], I would like to inquire of the author of the bill what is the purpose of ascertaining the statistics as to the quantity of cottonseed oil that is shipped? I thought the purpose was to obtain statistics of cottonseed oil and products on hand. Is not that rather a harsh requirement to have placed on warehousemen and manufacturing establishments, to inquire as to the amount that has been shipped? Are you not prying into the private affairs of an individual when you ascertain the quantity that has been shipped?

Mr. LEVER. Where is that language to which the gentleman refers?

Mr. STAFFORD. In line 9, page 3.

Mr. LEVER. "Sold and shipped"?

Mr. STAFFORD. "And the quantity of these products sold and shipped." You are striking out "sold."

Mr. LEVER. I understood "shipped" was going out, too.

Mr. STAFFORD. I understood the real purpose was to ascertain the amount of this cottonseed oil and products on hand, but when you inquire of a manufacturer as to the quantity that has been shipped during the month, are you not going pretty far in inquiring into his private affairs?

Mr. LEVER. That would be a very good way of getting at the volume of business and checking him up as against his former reports.

Mr. STAFFORD. Do you wish to act as an investigator of his private affairs, or are you only desirous of ascertaining the amount that is on hand? With the present phraseology, I think you are going very far indeed and not really obtaining any valuable information for the purpose designed.

Mr. LEVER. If the gentleman will permit, I would like to take up, first, the suggestion of the gentleman from Illinois [Mr. MANN], if I can get his attention.

Mr. STAFFORD. Very well.

Mr. MANN. Let us dispose of the committee amendment.

Mr. LEVER. Very well.

Mr. HILL. Mr. Chairman, will the gentleman allow me to read that section as I would propose it?

Mr. HELM. Mr. Chairman, a parliamentary inquiry. Was the last committee amendment ever adopted?

The CHAIRMAN. No.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf,

one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4671. An act to exempt from cancellation certain desert-land entries in Riverside County, Cal.

STATISTICS OF COTTON SEED AND COTTONSEED PRODUCTS.

The committee resumed its session.

Mr. HILL. Mr. Chairman, I move to strike out the last word. See if this would not cover the purpose of the committee and obviate the objections that some raise to it:

SEC. 3. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cottonseed-oil mill, manufacturing establishment, and warehouse where cottonseed products are produced, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton seed received, consumed, or on hand, and the quantity of crude and refined oil, cake and meal, hulls and linters produced, and the quantity of these products shipped and on hand.

Mr. LEVER. Mr. Chairman, will the gentleman please stop there? The gentleman from Oklahoma suggested the very amendment that the gentleman from Connecticut is suggesting, namely, to strike out the words "and other places."

Mr. HILL. Yes; but you want to precede the word "warehouse" with the word "and."

Mr. LEVER. If we do that, it will certainly meet the objections raised by the gentleman from Illinois [Mr. MANN], and it will be satisfactory to me.

Mr. MANN. I do not think I will object to that, although I think if the gentleman would strike out the language he suggested awhile ago it would meet the whole situation.

Mr. LEVER. I think it does; but I am inclined to think the amendment I suggested awhile ago might be carrying it further than I would desire to go.

Mr. MANN. I thought so at first, but it would not.

Mr. LEVER. I would like to know the amount of cottonseed oil that is in the hands of a limited partnership, and if you cut that out——

Mr. MANN. That is, the owner.

Mr. LEVER. If you go back to the word——

Mr. MANN. The owner; he is the one. You have no penalty against anybody except the people now. You cover everybody who can have possession of or own or control every mill, manufacturing establishment, or warehouse. That is all you want to do.

Mr. LEVER. I want to suggest the amendment should come at line 18, after the word "establishment," insert the word "and," and strike out——

Mr. MANN. It should be "or."

Mr. LEVER. It should be "or" instead of "and," and strike out after the word "warehouse," in line 19——

Mr. MANN. Line 24.

Mr. LEVER. Line 24. I have another bill here; and strike out the language "or other place where cotton seed and cottonseed products are manufactured or stored, whether conducted as a corporation, firm, limited partnership, or by individuals."

Mr. MANN. Down to the word "individuals."

Mr. LEVER. To the word "when," on page 2. I think that is right.

Mr. MANN. Insert the word "or" before the word "warehouse," in line 24, and strike out, after the word "warehouse," in line 24, page 2, down to and including the word "individuals," line 1, page 3. That is the amendment.

Mr. LEVER. Mr. Chairman, I offer that as an amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question first is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BLACK. Mr. Chairman, I wish to ask the chairman of the committee a question.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois:

The Clerk read as follows:

Page 2, line 24, before the word "warehouse" insert the word "or," and after the word "warehouse" strike out the following language: "or other place where cottonseed products are produced, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals."

Mr. HELM. Mr. Chairman, it occurs to me the words "whether conducted as a corporation, firm, limited partnership, or by individuals," is simply descriptive of the character and kind of warehouse.

Mr. MANN. Let me restate this amendment. Before the word "warehouse" insert the word "or" and after the word "warehouse" strike out "or other place."

Mr. LEVER. That is all right.

Mr. MANN. Then, in line 25, strike out after the word "stored" down to and including the word "individuals," in line 1, page 3.

Mr. HELM. I hope the gentleman from Illinois——

Mr. MANN. That is absolutely unnecessary.

Mr. HELM. This is dealing with a variety of different establishments, your cottonseed mill, your manufacturing establishment, your warehouse; and these words the gentleman is now seeking to strike out are merely descriptive of the different types of oil mills or manufacturing establishments or warehouses.

Mr. MANN. I know; but it is a limitation of description that ought never to be in the statute at all. You describe everything when you describe the owner. Then you go ahead in addition when you reach the officials of the corporation and you describe the president, the treasurer, the secretary, the director, or other officer or agent, but the word "owner" covers the words "corporation, firm, limited partnership, or individuals," absolutely.

Mr. LEVER. So that the bill would read——

Mr. MANN. The bill would read, beginning line 23—

Of any cottonseed-oil mill, manufacturing establishment, or warehouse, where cottonseed products are produced, manufactured, or stored, when requested—

And so forth.

Mr. LEVER. Mr. Chairman, that is satisfactory, and I offer it as an amendment.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Line 24, before the word "warehouse," insert the word "or," and, after the word "warehouse," strike out the words "or other place," and, in line 25, after the word "stored," strike out the words "whether conducted as a corporation, firm, limited partnership, or by individuals."

Mr. HELM. Mr. Chairman, I accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman——

Mr. HOUSTON. Mr. Chairman, I understand the Clerk has read all of this last section?

Mr. STAFFORD. Mr. Chairman, I believe the committee amendment on lines 10 and 11 has not yet been acted upon.

Mr. MANN. Yes; it has.

Mr. STAFFORD. Then I surrender.

Mr. HOUSTON. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 3, strike out the words "not less than $300 or."

Mr. HELM. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HOUSTON. Mr. Chairman, there is another amendment I wish to offer: On page 4, beginning in line 3, after the figures "$1,000," strike out "or imprisoned for a period of not exceeding one year, or both so fined and imprisoned."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 3, after the figures "$1,000," strike out the words "or imprisoned for a period of not exceeding one year, or both so fined and imprisoned."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in line 14, page 3, the words "sold and."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 14, strike out the words "sold and."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman now, with the changes which have been made, does he desire that all these concerns shall report not only the quantity of crude oil on hand but the quantity of products manufactured from crude oil? I take it that the gentleman does not desire

to have the department ask how much soap has been made where they use crude oil?

Mr. LEVER. What we are trying to get at is the amount of cottonseed oil consumed in these various places.

Mr. MANN. The quantity of crude oil consumed is all right, but you add here, in line 15, "products manufactured therefrom and stocks on hand," and so forth. There certainly is no object in having the department ascertain how much soap has been made, except to see how much crude cottonseed oil has been used in the manufacture of it.

Mr. LEVER. The gentleman's suggestion would be to strike out the words "products manufactured therefrom," so that it would read:

The quantity of crude oil consumed and stocks on hand.

I take it that the word "stocks" there refers to the oil on hand.

Mr. MANN. It would if left that way. It says—

The quantity of crude oil and other products sold and shipped.

The words "and other products" ought to go out.

Mr. LEVER. If we accept the other amendment?

Mr. MANN. Yes. And then after "the quantity of crude oil consumed," strike out the words "and products manufactured therefrom." That would give you the facts about the crude oil.

Mr. LEVER. Mr. Chairman, I offer the following amendment:

On page 3, line 14, strike out the words "and other products," and on line 15, page 3, strike out, after the word "consumed," the words "and products manufactured therefrom."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 14, strike out the words "and other products sold and." And on line 15, after the word "consumed," strike out the words "and products manufactured therefrom."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to insert, in line 19, page 3, before the word "evidence," the words "prima facie."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 19, before the word "evidence," insert the words "prima facie."

Mr. LEVER. That is satisfactory to us.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out, in line 22, page 3, the words "or other place" and insert, after the word "establishment," the word "or."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 22, before the word "warehouse," insert the word "or," and after the word "warehouse" strike out the words "or other place."

Mr. MANN. I suggest to the gentleman that that change is about to be made; and I think it is quite proper that instead of striking out or making that change to strike out the words "or other place" and insert the words "cotton-oil mill," which in the first part of the section is described as "any cotton-oil mill, manufacturing establishment, warehouse, or other place where cottonseed products are produced, manufactured, or stored," and so forth. Of course this is intended to cover exactly the same thing.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting after the word "any," in line 21, "cottonseed-oil mill."

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 3, line 2, after the word "any," insert the words "cottonseed-oil mill."

Mr. STAFFORD. So as to read——

The Clerk read as follows:

So as to read: "or other officer or agent of any cottonseed-oil mill or any manufacturing establishment or warehouse where cotton seed and cottonseed products are manufactured," etc.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I move to amend by striking out, on line 5, page 4, the words "at the discretion of the court." The bill as amended then would read "upon conviction thereof shall be fined not more than $1,000"; and the words, "or imprisoned for a period of not exceeding one year, or both so fined and imprisoned," having been stricken out, the words "at the discretion of the court" ought to be stricken out. So I move to amend the bill by striking out those words.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Page 4, line 5, strike out the words "in the discretion of the court."

Mr. CULLOP. The chairman of the committee in charge of the bill agrees to the amendment. The adoption of this amendment will improve the phraseology of the bill and clearly state its intention. There can be no doubt but that the framers of this bill intend that parties violating its provisions, upon conviction, shall be punished. Yet if the words "at the discretion of the court" were left in the bill it would be optional with the court trying the case whether he should be punished, even though the accused be found guilty. Such is not the intention of the author of the bill or the committee having it in charge. Their object and purpose is to have parties punished for the violation of its provisions, and hence the adoption of this amendment is essential to carry its purpose into effect and secure the result which its purpose clearly makes manifest.

Mr. Chairman, I doubt the advisability of this legislation, as I do not believe it will produce a cure for the evil of which complaint is made; but, be that as it may, if enacted at all it should be in such form as to prevent its provisions from being made nugatory by courts trying cases prosecuted under it. I believe the information expected to be obtained through its enactment can now be secured by those who desire it from the daily press of the country, information that will serve every purpose this legislation is intended to serve, just as reliable and much more quickly to the interested parties. The enterprise of the press daily furnishes the information sought to be obtained by this legislation, reliable and without public expense. The public demand is therefore complied with and the public interest already conserved. I hope the amendment I have offered will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of suggesting that the word "stocks," in line 16, should be singular and not plural.

Mr. LEVER. We think it immaterial over here, Mr. Chairman, but we have no objection to making it singular instead of plural.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Amend, page 3, line 16, by striking out the letter "s" in the word "stocks."

Mr. MANN. It should be "stocks."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HELM. Mr. Chairman, I move that the committee do now rise and report to the House the bill with sundry amendments, with the recommendations that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STEELE of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, had directed him to report it back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HELM. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. MANN. Reserving the right to demand a separate vote, although I do not propose to ask for one, this committee has the call next Wednesday. It has another bill. Does the chairman of the committee expect to go on with that other bill to-night?

Mr. HELM. We propose to call it up and start with it.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McLAUGHLIN. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Michigan [Mr. McLAUGHLIN] demands a division.

The House divided; and there were—ayes 67, noes 31.

So the bill was passed.

On motion of Mr. HELM, a motion to reconsider the vote whereby the bill was passed las laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis;

H. R. 8493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years; and

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the speaker signed the same:

H. R. 10037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation; and

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

QUESTION OF PERSONAL PRIVILEGE.

Mr. STEPHENS of Texas. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. STEPHENS of Texas. It is concerning a statement made yesterday on the floor of the House by the gentleman from Massachusetts [Mr. GALLIVAN] with reference to an occurrence during the Civil War, which is, in my judgment, highly slanderous against the people of my district, and especially of the city of Gainesville. I desire to take not more than three or five minutes.

The SPEAKER. Was the gentleman's name involved in any way?

Mr. STEPHENS of Texas. My name was involved in it directly.

The SPEAKER. The gentleman will read the language complained of, to see if it is a matter of privilege.

Mr. STEPHENS of Texas. I have not all the language here, Mr. Speaker, and I will withdraw the request and present it in the morning.

BRIDGE ACROSS TENNESSEE RIVER, CHATTANOOGA, TENN.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a bill which the Clerk will report.

Mr. HELM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HELM. Has not the Committee on the Census the right of way?

The SPEAKER. Undoubtedly; but the gentleman from Tennessee is asking unanimous consent to consider an emergency matter. He has stated to the Speaker that it would not take more than three or four minutes. The gentleman from Kentucky does not lose any rights. The Clerk will report the bill presented by the gentleman from Tennessee [Mr. MOON].

The Clerk read as follows:

Be it enacted, etc., That the Cincinnati, New Orleans & Texas Pacific Railway Co., a corporation organized under the laws of the State of Ohio, its successors and assigns, be, and they are hereby, authorized to rebuild and reconstruct, maintain, and operate the bridge and the approaches thereto leased by it from the trustees of the Cincinnati Southern Railway, a railroad existing by virtue of the laws of the States of Ohio, Kentucky, and Tennessee, across the Tennessee River near the city of Chattanooga, in Hamilton County, in the State of Tennessee, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, let the gentleman from Tennessee make his statement.

Mr. MOON. Mr. Speaker, I would not have asked unanimous consent for the consideration of this measure now, but for the fact that it is an emergency proposition. A freight train fell through a bridge over the Tennessee river 6 miles above the city of Chattanooga, on the Cincinnati, New Orleans & Texas Pacific Railway, and carried into the river with it two spans of the bridge. Under the law it is necessary to obtain the consent of Congress in order that the railway company may rebuild the bridge. At present in order to reach Chattanooga from Cincinnati it becomes necessary for the railway to send the trains around via Knoxville, increasing the distance from 100 to 150 miles. This is a great loss to the city of Cincinnati, which is the owner of this railroad, as well as to the Cincinnati, New Orleans & Texas Pacific Railway, the operating company.

Mr. MANN. I understand the situation. I have examined the report.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MOON, a motion to reconsider the last vote was laid on the table.

STATISTICS OF RAW AND PREPARED COTTON, ETC.

Mr. HELM. Mr. Speaker, I desire to call up House joint resolution 103 on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MANN. I object.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. The fact that a bill is on the Unanimous Consent Calendar and also on the Union or House Calendar does not prevent its being called up on calendar Wednesday?

The SPEAKER. The Unanimous Consent Calendar is a sort of supplement to the other calendars for the purpose of expediting bills.

Mr. FESS. And it can be on either calendar?

The SPEAKER. It has to be on one or the other to be on the Unanimous Consent Calendar.

Mr. FESS. Putting it on the Unanimous Consent Calendar does not take it off the other?

The SPEAKER. It does not; it has no affect on it.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DOREMUS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House joint resolution 103, which the Clerk will report.

The Clerk read as follows:

House joint resolution 103.

Authorizing and directing the Director of the Census to collect and publish additional statistics.

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics of raw and prepared cotton and linters, cotton waste, and hull fiber consumed in the manufacture of gun cotton and explosives of all kinds, and of absorbent and medicated cotton during the calendar year 1915, and quarterly thereafter, and the quantity held in such establishments at the end of each quarter. The statistics herein provided for are in addition

to those now collected in compliance with the act of Congress approved July 22, 1912, the provisions of that act being made applicable to and governing the collection and publication of the data.

Mr. MANN. Mr. Chairman, is the gentleman from Kentucky willing for me to be recognized? I hope the gentleman will go ahead next week with this bill.

Mr. HELM. That was my intention, unless there was no opposition to the bill.

Mr. MANN. There will be some opposition; but I would like, if I could, to let the gentleman from Oklahoma [Mr. MORGAN] proceed for 15 minutes in my time, but not on this bill.

Mr. HELM. All right, and then I will move that the committee rise.

Mr. MANN. I ask that the gentleman from Oklahoma be recognized for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Oklahoma proceed for 15 minutes. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, I appreciate very much the courtesy that has been extended to me. I express my sincere thanks to the House for the unanimous consent that has been given me to speak at this time. I wish to make some observations upon a subject which I regard of very great importance to the entire country. When the first session of the Sixty-fourth Congress convened on the 7th day of last December I was enthusiastic in the belief that before this session adjourned we would enact a satisfactory rural-credit law. I frankly confess that my enthusiasm has waned. I am not at present so optimistic. Indeed, I am very apprehensive that already there has been such delay on the part of the Banking and Currency Committee of the House in reporting a bill as to endanger any rural-credit legislation at this session of Congress.

Mr. Chairman, I shall say nothing to-day that is intended as a criticism upon the Banking and Currency Committee, upon its chairman, or upon any individual member thereof. I hold each and every member of that committee in the very highest esteem. I am not charging, intimating, or insinuating that the committee as a whole or that any member thereof has failed to do his full duty. Yet, Mr. Chairman, I regard this subject as of such great importance, and I am so deeply interested in it myself that if I could, without offense, I would be very glad to say something that would induce the Banking and Currency Committee to promptly report a rural-credit bill to the House. My sole object is to expedite rural-credit legislation. My only purpose is to induce the committee to report a bill at once and secure its consideration by the House at the very earliest date possible. In the name of the 6,500,000 farmers of the United States, I protest against any further delay in rural-credit legislation. I appeal to the leaders of the majority party in this House to see to it that rural-credit legislation is not placed in still greater jeopardy by a further postponement of its consideration.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. WILSON of Florida. Does the gentleman know the present status of that bill in the Banking and Currency Committee?

Mr. MORGAN of Oklahoma. I know that it has not been reported to the House.

Mr. WILSON of Florida. Does the gentleman think that if it had been reported to the House it would have been considered before now?

Mr. MORGAN of Oklahoma. I do not know what would have been done but I know what could have been done if a majority of the Members of the House were in favor of it. A majority can act upon a measure whenever it chooses. The proceedings of the House are always under the control of the majority. During this session we have consumed much time in passing other bills which, in my judgment, are insignificant in importance compared with rural-credit legislation. A rural-credit bill could have been passed long ago if a majority of the Members of the House were in good faith in favor of such legislation.

Mr. WILSON of Florida. That is a big "if."

Mr. MORGAN of Oklahoma. It is a big "if," and there is the difficulty. That is one reason why I am losing my faith in rural-credit legislation at this session of Congress. We can only judge the future by the past. We were led to believe that the Sixty-third Congress would enact rural-credit legislation. It was given out through the press that this legislation was a part of the administration program for the Sixty-third Congress. We were told, and the farmers of the United States were promised, that rural-credit legislation would follow the passage of the banking and currency act. So it may, but it will follow it a long ways in the rear. Nearly three years have passed since the House passed the banking and currency bill, but so far the banking and currency committee has not even reported a rural-credit bill to the House.

What has been the history of the movement to establish, through congressional action, a great rural-credit system for the agricultural interests of the United States? On the 3d of March, 1913, Congress, through legislative enactment, authorized the appointment of a commission to go abroad and study the rural-credit systems of European countries. In January, 1914, that commission made its report. It prepared and submitted to the House a bill. That bill was referred to the Committee on Banking and Currency of the Sixty-third Congress in January, 1914. More than a year passed before that Congress expired by limitation of law. The Banking and Currency Committee, however, held this bill and all other rural-credit bills until Congress adjourned, without reporting thereon. Near the close of that Congress another step was taken. A joint committee of the two Houses was appointed. This committee was composed of six Senators and six Representatives. The committee was required to report by January 1, 1916. It had 10 months in which to consider the subject, to do its work, and submit its report. It submitted its report on time, or about on time. The report was an exhaustive one and included a carefully prepared bill, which was introduced into the House and referred to the Committee on Banking and Currency. I think this was on the 4th day of last January. Nearly three years have passed since Congress authorized the appointment of the commission to go abroad and study rural credits. Over two years have passed since this commission made its report and submitted a bill, which was introduced into the House and referred to the Committee on Banking and Currency. More than one year has passed since the joint committee of the two Houses was appointed to investigate the subject and report a bill or bills to Congress. Nearly four months have passed since the bill reported by the joint committee was introduced and referred to the Committee on Banking and Currency. In the meantime quite a large number of Representatives have prepared and introduced bills in this House, which have been referred to the Banking and Currency Committee, but there all these bills have remained. Up to this time no report has come from the Banking and Currency Committee.

I do not know why the committee has not acted. I do not know why a bill has not been reported. I am not familiar with the difficulties that have confronted the committee. I do not know what have been the insurmountable obstacles with which the committee might have had to contend. I do know that probably one-half of this session has passed and that there has been no rural-credit bill reported to this House. I do know that the House Calendar is crowded. I do know that many important legislative propositions are crowding upon Congress for consideration. I do know that experience and observation in legislation of the National Congress teach us that it is an easy matter to obstruct useful legislation during the latter part of a session of Congress. In all candor I am compelled to assert that in my judgment there has already been sufficient delay to place rural-credit legislation at this session of Congress in grave jeopardy.

Mr. PLATT. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I gladly yield to my colleague.

Mr. PLATT. Does not the gentleman think the trouble is that a certain number of radicals on the other side of the aisle are unwilling to consider and pass the bill reported from that commission?

Mr. MORGAN of Oklahoma. I do not know how that may be. There may be radicals and there may be conservatives. It is not probable, however, that they are evenly divided. I should think there would be a majority either of the radicals or of the conservatives. That majority could act and should act. It is not necessary that the committee report shall be unanimous. A minority report of a committee is not unusual.

Mr. EAGLE. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I am glad to yield to the gentleman from Texas.

Mr. EAGLE. I would like to help the gentleman from Oklahoma reply to the question propounded by the gentleman from New York. I am quite in sympathy with the observations made by the gentleman from Oklahoma, but the trouble is there is a very abundant stock of conservatives now ruling the Banking and Currency Committee.

Mr. PLATT. Does the gentleman think that the commission reported a bill which could have been passed?

Mr. MORGAN of Oklahoma. Legislation goes step by step. The Banking and Currency Committee had that bill for 13 months during the Sixty-third Congress and made no report to this House.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield.

Mr. HOWARD. Does the gentleman understand that the majority the other night at its caucus agreed to pass a rural-credit bill before adjournment, and that that was included in the President's program, who is a very enthusiastic supporter of rural-credit legislation?

Mr. PLATT. How could the gentleman know what occurred in a Democratic caucus?

Mr. HOWARD. Oh, I mean from the press report. Of course nobody would divulge the secrets of that caucus. [Laughter.]

Mr. CAMPBELL. Will the gentleman from Oklahoma yield, so that I may ask the gentleman from Georgia what kind of a rural-credit bill the President is in favor of?

Mr. HOWARD. Oh, he is in favor of real rural-credit legislation, that will give such remedial relief to the farmers as they have been asking for years from the Republican Party. They asked for bread, and they were handed a stone.

Mr. CAMPBELL. Will the gentleman from Georgia follow that up by stating when the President indicated that, and how?

Mr. HOWARD. Oh, the President has been a most enthusiastic supporter of rural-credit legislation, not only since he has been President but before he became President of the United States. [Laughter on the Republican side.] The gentleman is short on history.

Mr. MORGAN of Oklahoma. Mr. Chairman, in all candor, if there is any member of the Committee on Banking and Currency here who can tell the committee just about when that rural-credit bill will be reported, I will pause for a moment for an answer.

Mr. GLASS. Mr. Chairman, I would be very glad to answer the question.

Mr. MORGAN of Oklahoma. Oh, I did not know that the chairman of the committee was here. I will gladly yield to him.

Mr. GLASS. Mr. Chairman, I will say to my friend that the rural-credit bill is ready to be reported and will be reported just as soon as the business of the House will give us an opportunity to consider it.

Mr. MORGAN of Oklahoma. Mr. Chairman, the gentleman from Virginia [Mr. GLASS], the distinguished chairman of that committee, says that that bill will be reported to the House just as soon as the House is in a position to consider it. There is the danger. From what the chairman of the committee says, the bill will not be reported until the House is ready to consider it. The committee has certainly overlooked the fact that Members of this House are entitled to have a reasonable time to study the bill, after it has been reported, before the bill is taken up for consideration. It is a comprehensive bill, covering nearly 100 pages of printed matter. Is it to be brought in here one day and placed upon its passage the next? I have heard it intimated by somebody that there would be but little time for discussion. We have a right, those of us who are interested, to have time in which to study the measure after it is reported before it is brought up in the House for consideration.

Mr. GLASS. Mr. Chairman, if the gentleman will permit another interruption——

Mr. MORGAN of Oklahoma. Certainly. I am glad to yield to the chairman of the Banking and Currency Committee.

Mr. GLASS. I will say to him that if the House does not hurry up and get ready for it we are going to the Committee on Rules and will try to get a rule to bring the bill in, and there will be ample opportunity for debate.

Mr. MORGAN of Oklahoma. Mr. Chairman, one other thing. The farmers of this country are interested in the kind of rural-credit legislation that we shall enact. The editors of the agricultural papers are interested, and there are many students of the subject all over the country. After the bill is reported reasonable time should be given before its consideration for the farmers to study the bill. If you do not hear from the country before you pass the bill, you may hear from it afterwards in a way that will not be pleasant.

Mr. FESS. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will yield to the gentleman.

Mr. FESS. The gentleman's contention is that if the bill is ready to be reported, it ought to be reported, so those who know nothing about it and would like to know something about it can have an opportunity to study it?

Mr. MORGAN of Oklahoma. That is the point. Now, Mr. Chairman, I would like to study that bill; I would like to have some time to study it. There have been various propositions, and how do we know what this committee will report? How does anyone know what the committee will report? We have no knowledge, and I can not study the bill until the bill is here and reported for our consideration.

Mr. HOWARD. Will the gentleman yield right there?

Mr. MORGAN of Oklahoma. I will.

Mr. HOWARD. As a matter of fact, the creation of a system of rural credits—and I know the gentleman has much knowledge of that question——

Mr. MORGAN of Oklahoma. I thank the gentleman.

Mr. HOWARD. The creation of a system of rural credits is a much more intricate proposition than the creation of the Federal reserve act; does not the gentleman think that?

Mr. MORGAN of Oklahoma. I think so. I contend, and I want to call attention to the fact—and I am in earnest about this matter, absolutely sincere, and I am not talking now simply to be heard—but both parties in this House are on record in favor of this legislation. Both parties, almost by similar language, declared in 1912 that rural-credit legislation was important as a reform of the banking and curency system of this country. Nearly four years have gone since these declarations have been made, and we have really made no progress. Those four years have gone and no rural-credit bill is before the House. If I were really partisan on this matter, I would be very glad, indeed, for the majority of this House to report no rural-credit bill, much less to pass one. If I wanted simply to criticize the Democratic Party, that would be my position; but, my friends, I would not injure the farmers of this country, I would not injure the great industry of agriculture simply that I might inflict punishment upon the Democratic Party, even if by so doing I could defeat the Democratic Party. I am sincerely in favor of this legislation. I promise the Democratic majority in the House that if you will pass a proper rural-credit bill this session I will go back in my district and give you credit for your work. But I will tell you now you are in imminent danger if you do not enact such legislation. If you do not redeem your promises to the farmers you should be defeated.

Mr. Chairman, I have made every reasonable effort to secure legislation that would bring relief to the farmers of the United States. I voted against the bill to reform the banking and currency system as a protest against what I thought was an injustice to the farmers. When that bill was before the House I offered an amendment authorizing the organization of national rural banks, "to provide the farmers of the United States with better credit, cheaper interest, and larger capital with which to develop the agriculture of the United States." This amendment is shown in the CONGRESSIONAL RECORD of September 17, 1913, page 5442. My amendment was voted down. This was the first session of the Sixty-third Congress. Then followed the second session of the Sixty-third Congress, which began the first Monday in December, 1913, and continued until late in October, 1914. Here was an 11-month session. It is strange time could not have been found during this long session—probably without precedent—for rural credit legislation.

On the 14th of July, 1914, I addressed the House on the subject of farm credits. This was the second session of the Sixty-third Congress. I could foresee then the possibility of long delay in the enactment of rural credit legislation. The CONGRESSIONAL RECORD of July 14, 1914, page 12109, shows that I spoke as follows:

> This session of Congress is drawing to a close. It is generally understood no rural credit bill will be reported at this session of Congress. The short session of next winter will expire in three months by limitation of law. It will be crowded with other business. Rural credit bills will have little chance for consideration. Unless called in special session, the Sixty-fourth Congress will not convene until in December, 1915. Under the program outlined by the party in power, what reasonable prospect is there of rural credit legislation until late in the year 1916?

My prediction that if Congress did not act during the second session of the Sixty-third Congress that there would be no rural credit legislation until late in 1916 has come true. Then came the third session of the Sixty-third Congress, known as the short session. It began the first Monday in December, 1914, and expired by limitation of law March 4, 1915. I soon saw that there would be no rural credit legislation at that session. As the Sixty-third Congress would end March 4, 1915, and as the first regular session of the Sixty-fourth Congress would not convene until December 7, 1915, it occurred to me a special session of the Sixty-fourth Congress should be called to consider rural credit bills. In order to bring this to the attention of the President and the Congress and the country, on the 23d day of February, 1915, I introduced in the House a resolution calling for an extra session of Congress for the consideration of rural credit legislation. The resolution is printed in the CONGRESSIONAL RECORD of January 23, 1915, page 2191, as follows:

> Concurrent resolution (H. Con. Res. 58) declaring for a special session of the Sixty-fourth Congress to consider rural-credit legislation.
>
> *Resolved by the House of Representatives (the Senate concurring)*, That should the Sixty-third Congress adjourn sine die without having enacted proper rural-credit legislation, it is hereby declared to be the sense of the Congress that the Sixty-fourth Congress should be con-

vened in extraordinary session at an early date to consider the subject of agricultural credits, with a view to enacting laws which will provide the farmers of the United States at the earliest date possible with better credit and cheaper interest.

Following the introduction of the resolution, I made some remarks urging an extra session of the Sixty-fourth Congress to consider rural-credit legislation. In these remarks, as shown by the CONGRESSIONAL RECORD of January 23, 1915, pages 2191 and 2192, I said:

I am in favor of an extra session of Congress for the consideration of rural-credit legislation. I believe it is my duty to use all appropriate means in my power to bring this about.

There is no certainty that the Sixty-fourth Congress in the entire two years of its existence will enact rural-credit legislation unless called in special session for that purpose. Should Congress adjourn the 4th of March, unless called in extra session, it will not convene until the 6th day of December following. Nine months of valuable time will intervene between the final adjournment of this Congress and the convening of the first regular session of the Sixty-fourth Congress. This is too much time for Congress to remain idle when there is important legislation pending of such vital interest to the greatest industry of our land and to the farmers of the United States, who constitute about 40 per cent of our population.

I therefore urge the leaders of the majority in this House, I appeal to those who speak for the administration in power, I ask those who represent the Democratic Party of the Nation, upon which the responsibility of legislation rests, to exert their influence and use every proper and legitimate means within their power to have the Sixty-fourth Congress convened in an extraordinary session at the earliest date possible for the purpose of adopting some system, some policy, some method or means to provide proper agricultural credit for this country and to give our farmers access to the great fountains of credit, now unhappily largely controlled, dominated, and monopolized by our great manufacturing, commercial, and transportation interests.

This is not all. I have endeavored to study the subject of rural credits with a view to equipping myself to do my part toward establishing the very best system of farm credits. I confess that I am partial toward the farmers. I acknowledge that my highest purpose is to serve them. But this does not mean that I would injure those engaged in other occupations. Far from it. The more I study the economic questions of our country, the more profoundly I am convinced that agriculture is the basis of all our wealth, and through its prosperity all other business will prosper. I have introduced a number of rural-credit bills. I introduced one in the Sixty-third Congress, which I believe if enacted into law would have given satisfactory results. I have introduced another bill at this session of Congress. As my time is limited I can not discuss generally the provisions of pending rural-credit bills. I will state briefly some of the provisions of the bill I introduced at this session of Congress—H. R. 10310.

OUTLINE OF HOUSE BILL 10310.

It is a comprehensive measure covering 68 pages of printed matter. The country is divided into 12 districts. In each district a Federal land bank is established. These 12 banks are united in a central institution called the united Federal land bank. All loans are made by the district land banks. Farm-mortgage bonds, through the sale of which district banks obtain funds with which to make loans, are issued only by the central bank. Each Federal land bank is responsible for the bonds and other liabilities of all other Federal land banks. This centralizes the system and makes the bonds of one bank as safe as any other. This gives them equal credit. This insures equal credit facilities and uniform interest rates to the farmers in all sections of the country. By this system the farmers of the West and southwest may borrow money on their farms at as low a rate of interest as may be secured by farmers in the Central or Eastern States. Provision is made for the accumulation of a total reserve equal to 10 per cent of the outstanding bonds of every bank, thus establishing a system of land credit as sound and secure as has ever been established in the world. The bonds issued will be as secure and safe as United States Government bonds. The bill provides that the rate of interest on farm loans, including annual payments on the principal and all other charges, shall not exceed 5 per cent per annum. Each Federal land bank is required to have an operating capital of $1,000,000, one-half of which is contributed by the United States Government. In addition to this the Government contributes $500,000 to the guaranty fund of each Federal land bank. Each borrower, through his interest payment, contributes one-fourth of 1 per cent on the face of his loan annually to the guaranty fund. The borrowers in each county are organized in local associations for mutual assistance and to aid the banks in the administration of their business, but not to make loans to borrowers. Only one-twentieth of the stock in the Federal land bank can be held by private parties. The Federal Government and the borrowers control the election of two-thirds of the directors. No dividends are paid on Government stock and the profits of the bank revert to the borrowers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, I suggest the absence of a quorum, but I will withhold that to inquire how long the gentleman intends to continue to-night?

Mr. HELM. The gentleman from Texas [Mr. EAGLE] is anxious to get recognition for a few minutes.

Mr. STAFFORD. For how long?

Mr. EAGLE. For 10 minutes. However, I can yield, if the gentleman is anxious to adjourn.

Mr. STAFFORD. I desire to know of the gentleman, because we would not want to run interminably, because we have to meet to-morrow at 10.30, and we have some office work to do. I will withhold the motion.

Mr. EAGLE. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may have the right to proceed for 10 minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, why will not the chairman of the committee gain recognition and yield the gentleman 10 minutes?

Mr. HELM. It is not on a matter connected with this bill, as I understand it.

Mr. STAFFORD. The gentleman can yield the time.

Mr. HELM. It is the same kind of a proposition that the gentleman from Oklahoma [Mr. MORGAN] had.

Mr. STAFFORD. All right.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Texas [Mr. EAGLE] is recognized for 10 minutes.

Mr. EAGLE. Mr. Chairman, I can not at all suppose the things that are in my mind to say will be of very great importance at this time; and yet because the observations in the main, and especially the spirit that was back of the observations, of the gentleman from Oklahoma [Mr. MORGAN] so entirely accord with my own idea of what ought to be said about this matter that I want, instead of differing from him, briefly to say a few things in line with what he has been saying.

Certainly I am not meaning to criticize my own party—the Democratic Party—for not having already brought out a rural-credit bill. Great and pressing problems have been constantly before the Congress for its consideration. As a member of the Committee on Banking and Currency, I am as well aware as anybody else of the enormous amount of labor which the preparation of even a fairly good rural-credits bill will entail, so as to make it stand the criticisms of gentlemen of our own party and the opposition party, and especially to meet the approbation of the vast numbers of persons who have great interest in such a measure, to wit, the farming and producing classes of this Nation. And I can add with great sincerity and perfect good faith that, so far as I know or believe, every man on the Banking and Currency Committee since this Congress met has thoroughly considered this question and has intelligently discussed it in an effort to bring forth a bill which will have some substantial merit to it.

From my own point of view, I think nothing during the Sixty-third or the Sixty-fourth Congresses, in so far as it affects the domestic peace and permanent prosperity of the entire mass of our people, is of so much importance fundamentally as a proper system of rural credits. I believe, Mr. Speaker, that all men who will study the history of all nations in all times past, wherein a written history of their doings and internal life is recorded, must agree upon this, that either by a deliberate policy of national law, in our country as in all other countries, or else by the working out of economic conditions and policies, and in our country notably since the Civil War, those who produce every year the wealth of the Nation, by daily labor and upon the farm, have been allowed to retain of the wealth they produce only enough to afford a mere subsistence for another year; while the vast bulk of the wealth they annually produce passes from them to the middle man and more fortunate classes. It seems through all the long ages of the past to have been a favorite idea of statesmanship to keep the producing masses poor and uneducated—a theory that is repugnant to the spirit and object of a Republic such as we enjoy.

I submit that the surest way that a nation can be great and noble, under God's providence, is that universal prosperity and universal education be the rule instead of class wealth and class education.

In my own great State of Texas, where 5,000,000 people dwell upon, perhaps, the richest soil in the world—and as good a people as perhaps ever assembled in one State at one time in the history of the world—those who are producing out of the

earth the annual increase of wealth of my State are not allowed, by virtue either of law or the working out of economic conditions, to retain out of their annual earnings enough of the wealth they annually produce to be just and equitable. And so I believe it is in every State of this Union. And I believe it is the noblest duty of statesmanship at this hour to see to it that, while we do nothing to hinder capital upon its proper course, we prevent capital from wrecking labor and despoiling it of its due reward. It behooves this Congress to see to it that men are not driven off of the farm because the life is unattractive, but that we establish a just and comprehensive rural-credits law, under which home owning and home building upon the farm may be encouraged, because under right conditions the life and the rewards of farm life are and will always be not only sensible and moral but productive and culture making, and ennobling. The ownership of the farm is the thing that will do that; and under modern conditions, without rural-credit legislation, you can never accomplish universally that desirable result throughout all portions of our country.

So, for one, from the beginning of my brief career three years ago in Congress, I have been, and am now, and shall be, zealous to see to it that a rural-credits bill, even if not as good as I should wish but still a bill which has attached to it the name of "rural credits," with the backing of this mighty Nation, may be perfected and reported out and be considered and passed by the Congress.

There is no other thing we can do that will in an equal degree lend hope and courage and impetus and give as much happiness to as many people throughout this great country—to those who toil—as to give them a just and comprehensive rural-credits bill under which the man in debt for his land may secure long time and easy terms in its payment, and the man without land may secure a permanent foothold upon the soil as its owner. Let us give such useful citizen a chance to get hold of and keep a piece of land that shall be the place where he can rear and educate his children in peace and prosperity and dwell permanently in happiness, and which attaches him and his descendants to that soil by virtue of his and their choice, and not by virtue of his and their necessities. [Applause.]

Let us unite in one common impulse and demand action that will result at this session in the enactment of a rural-credits bill; and all of us may be very sure that we will be furthering the cause of good citizenship, of broader education, of happier hearthstones, and that millions of hearts scattered everywhere all over this broad land will be glad that thus we have served well in our day.

Mr. HELM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. RUSSELL of Missouri having, as Speaker pro tempore, assumed the chair, Mr. DOREMUS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 103, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of woman suffrage.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed the Indian appropriation bill, with Senate amendments numbered.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to have printed the Indian appropriation bill, with the Senate amendments numbered. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, do I understand that the bill has been returned to the House with Senate amendments?

Mr. STEPHENS of Texas. Yes. It is returned to the House and is on the Speaker's table.

Mr. STAFFORD. It has not been referred yet to a conference?

Mr. STEPHENS of Texas. No.

Mr. STAFFORD. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned, in accordance with the order previously made, until to-morrow, Thursday, March 30, 1916, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting recommendations in regard to certain changes in laws relating to payment of patent fees and the refund of excess payments effected by amending sections 4935 and 4936 of the Revised Statutes (H. Doc. No. 965); to the Committee on Patents and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of State submitting an estimate of appropriation for the share of the United States for the calendar year 1917, as a party to the International Radiotelegraphic Convention heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, Switzerland (H. Doc. No. 966); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting draft of amendment of the estimate of appropriation for "General expenses of public buildings," to be found in lines 12 to 16 on page 533, Book of Estimates, 1917 (H. Doc. No. 967); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting draft of a proposed bill to authorize and direct the Secretary of the Treasury to enlarge, extend, remodel, and improve the Federal building at Warren, Ohio, for the better accommodation of the post office and other governmental offices (H. Doc. No. 968); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill and resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 8492) to restore homestead rights in certain cases, reported the same with amendment, accompanied by a report (No. 451), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KENT, from the Committee on Industrial Arts and Expositions, to which was referred the concurrent resolution (H. Con. Res. 21) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California, reported the same without amendment, accompanied by a report (No. 452); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 9912) validating certain applications for and entries of public lands, reported the same with amendment, accompanied by a report (No. 453); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2979) for the relief of Jeremiah McCraith; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 12385) granting an increase of pension to Rebecca Thatcher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. SHALLENBERGER: A bill (H. R. 13914) to provide for the construction of a canal in the counties of Gosper, Phelps, and Kearney, in the State of Nebraska, for the purpose of diverting the waters of the Platte River and thereby preventing floods in the valleys of the Platte, the Missouri, and Mississippi Rivers and to make these waters available for beneficial use; to the Committee on Flood Control.

By Mr. HAY: A bill (H. R. 13915) authorizing the Secretary of the Treasury to cause the present building at Harrisonburg, Va., to be enlarged, extended, and remodeled; to the Committee on Public Buildings and Grounds.

By Mr. HOWARD: A bill (H. R. 13916) laying an embargo upon crude petroleum, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 13917) to amend an act entitled "An act to create a Federal Trade Commission, to define its duties and powers, and for other purposes," approved September 26, 1914, regulating wholesale prices of petroleum, gasoline, kerosene, and fuel oil; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 13918) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on the Public Lands.

By Mr. DIES: A bill (H. R. 13919) to authorize the purchase of a site and the erection of a public building at Lufkin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON: A bill (H. R. 13920) for the purchase of a site for a public building at Bay St. Louis, Hancock County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13921) for the purchase of a site for a public building at Pascagoula, Jackson County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 13922) to transfer 42 park watchmen, doing police duty in public parks in the District of Columbia, as provided for under the act of Congress of August 2, 1882 (22 Stats., p. 243), to Metropolitan police force; to the Committee on the District of Columbia.

By Mr. FERRIS: A bill (H. R. 13923) to provide for the purchase of a site and the erection of a public building thereon at Duncan, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 13924) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 13925) providing for placing enlisted men on the retired list under certain conditions; to the Committee on Military Affairs.

By Mr. AIKEN: A bill (H. R. 13926) to amend an act entitled "An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved March 3, 1915, so as to provide for terms of the district court to be held at Anderson, S. C.; to the Committee on the Judiciary.

By Mr. RAINEY: A bill (H. R. 13975) to provide for flood prevention and mitigation and for the storage of flood waters, and for their beneficial use for irrigation and water power, and for the control of flood waters in the reclamation of overflow lands, and for other purposes; to the Committee on Flood Control.

By Mr. BAILEY: Joint resolution (H. J. Res. 192) to amend the Constitution of the United States by providing for the election of President and Vice President of the United States by direct vote of the electors of the several States, and limiting their service to a single term of six years; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. GRAY of New Jersey: Joint resolution (H. J. Res. 193) authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark Two hundred and fiftieth Anniversary Celebration; to the Committee on the Post Office and Post Roads.

By Mr. HASTINGS: Joint resolution (H. J. Res. 194) withholding from allotment the unallotted lands or public domain of the Creek Nation or tribe of Indians, and providing for the sale thereof, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAYDEN: Joint resolution (H. J. Res. 195) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 13927) granting a pension to William F. Rowland; to the Committee on Pensions.

Also, a bill (H. R. 13928) granting an increase of pension to Pierce L. Tribble; to the Committee on Pensions.

Also, a bill (H. R. 13929) granting a pension to William K. Wood; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 13930) granting an increase of pension to Phillip McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13931) to remove the charge of desertion from the military record of George Stelts; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 13932) for the relief of the estate of Clinton Ward; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 13933) granting an increase of pension to James H. Muir; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 13934) granting an increase of pension to Emery B. Smith; to the Committee on Pensions.

Also, a bill (H. R. 13935) granting an increase of pension to Hezekiah M. Crumley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13936) granting an increase of pension to Margaret A. Van Dyke; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13937) granting a pension to Charles T. Durand; to the Committee on Pensions.

By Mr. EAGAN: A bill (H. R. 13938) granting an increase of pension to Anna Masengarb; to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 13939) granting an increase of pension to James E. Leslie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13940) for the relief of the Hellenic Transatlantic Steam Navigation Co.; to the Committee on Claims.

By Mr. GARDNER: A bill (H. R. 13941) granting an increase of pension to Andrew J. Durgin; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 13942) granting a pension to Josephus Gorton; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 13943) granting an increase of pension to Eliza Vest; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13944) granting an increase of pension to William Lane; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 13945) for the relief of the Seaboard Air Line Railway; to the Committee on Claims.

By Mr. HOOD: A bill (H. R. 13946) for the relief of D. S. Jones, administrator de bonis non of the estate of Frederick J. Jones, deceased; to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 13947) granting a pension to John B. Peters; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 13948) for the relief of the heirs of O. P. Phillips; to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 13949) to remove the charge of desertion from the military record of John S. Ellis; to the Committee on Military Affairs.

Also, a bill (H. R. 13950) granting an increase of pension to Chauncey Williams; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13951) granting an increase of pension to John L. Thomas; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 13952) granting a pension to Asa A. Jenkins; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania (by request): A bill (H. R. 13953) to pension soldiers' widows who were married after 1890 act was passed; to the Committee on Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 13954) granting an increase of pension to Isaac H. Dewey; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 13955) granting a pension to Thomas G. Lindsay; to the Committee on Pensions.

Also, a bill (H. R. 13956) granting an increase of pension to Elliott M. Lydick; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13957) for the relief of Charles Sewell, administrator of the estate of Joseph F. Baugh, deceased; to the Committee on War Claims.

By Mr. REAVIS: A bill (H. R. 13958) granting an increase of pension to Henry W. Gilbert; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 13959) granting an increase of pension to John I. Throckmorton; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 13960) granting a pension to William H. Salisbury; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 13961) granting an increase of pension to Madison T. Trent; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13962) granting an increase of pension to John Benson; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 13963) granting a pension to Charles C. Sterling; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 13964) granting an increase of pension to Emeline L. Bennett; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 13965) granting an increase of pension to George C. Jackman; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 13966) granting a pension to Jethrow Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13967) for the relief of Thomas J. Lloyd; to the Committee on War Claims.

Also, a bill (H. R. 13968) granting a pension to Ellen Pierce; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 13969) granting an increase of pension to Anna B. Scribner; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 13970) granting an increase of pension to Marietta N. Adams; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 13971) granting an increase of pension to James L. Cornell; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 13972) to reimburse the Navajo Lumber & Timber Co., of Arizona, for a deposit made to cover the purchase of timber; to the Committee on Claims.

By Mr. WOOD of Indiana: A bill (H. R. 13973) granting a pension to Susannah Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13974) granting an increase of pension to Marion Ashton; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 13976) for the relief of George Ashley, of Lincoln County, Idaho; to the Committee on Claims.

By Mr. NEELY: A resolution (H. Res. 189) to pay Foster Zeigler; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 13850, for relief of Joanna Garvey Dowling; to the Committee on Invalid Pensions.

Also, petitions of merchants of Hebron, Pataskala, Etna, Newark, Johnstown, Granville, Alexandria, and Coshocton, all in the seventeenth Ohio district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY: Protest of H. B. Cobaugh, E. C. Schartz, G. A. Shank, C. C. St. Clair, J. J. Remion, J. D. Stull, Reuben Miller, Upton Shugais, L. B. Rively, D. L. James, J. H. Wonders, Warren T. Mock, W. H. Mock, W. I. Shaffer, A. H. Nunemaker, Albert W. Miller, William G. Moser, Jacob Shaffer, Harry Feathers, D. E. Kaltenbaugh, Harry Lape, Emmett Horner, Frank Shaffer, E. H. Evans, Emanuel Smith, J. W. Miller, S. L. Varner, W. A. Shaffer, B. F. Stull, and Joseph R. Hummell, all of Johnstown, Pa., against House bills 497 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the State of Pennsylvania, relative to postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of Home Missionary Society of 60 people, of Camden; Francis Willard Women's Christian Temperance Union of 100 people, of Camden city; Methodist Episcopal Church of 100 people, of Almonesson; and 120 people of Newfields; and First Baptist Church of 200 people, of Haddonfield, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of I. F. Eberhardt, of New York, favoring passage of Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of James H. McCann, of New York, favoring passage of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Sidney L. De Lemos, of New York, favoring passage of House bill 10845 for military training in civil educational institutions; to the Committee on Education.

Also, petition of Robert Tobi, of New York, favoring Emerson resolution relative to milk for babies of Europe; to the Committee on Foreign Affairs.

Also, petition of J. C. Vreeland, of New York, favoring Senate bill 4716, granting pensions to certain members of the former life-saving crew; to the Committee on Pensions.

By Mr. BYRNES of South Carolina: Petitions of sundry citizens of South Carolina, favoring bill for pension of Confederate soldiers, etc.; to the Committee on Pensions.

By Mr. COLEMAN: Petitions of 24 citizens of Allegheny County, Hebron Y. P. C. U. of Allegheny County, and 600 people of Wilkinsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of Woman's Christian Temperance Union of 17 people, of Springfield, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Sharon, Wis., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of American Association for Labor Legislation, relative to reporting redraft of House bill 13621; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of the United States of America, relative to Deitrick amendment to appropriation bill; to the Committee on Appropriations.

Also, petition of National Paint, Oil, and Varnish Association, relative to appropriation for investigation of conditions pertaining to foreign markets through the United States; to the Committee on Appropriations.

Also, petition of Chamber of Commerce of the United States of America, relative to imports after the war, etc.; to the Committee on Ways and Means.

By Mr. DANFORTH: Petition of N. V. Harding and 27 others, of Rochester, N. Y., against closing barber shops on Sundays in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of N. V. Harding and 37 others, of Rochester, and Ralph Norton and 13 others, of Batavia, all in the State of New York, against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Medical Society of the County of Monroe, N. Y., favoring provision for sufficient number of medical officers for the Regular Army; to the Committee on Military Affairs.

By Mr. DAVENPORT: Memorial of the Greater Muskogee Association, recommending that the weighing of the mails be under the supervision of the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also, petition of Wyandotte Business Committee, against passage of House bill 10989, for preservation and care of Huron Cemetery; to the Committee on Indian Affairs.

By Mr. DYER: Petition of sundry citizens, opposing passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of Adolph Peterson and others, of Alameda County, Cal., indorsing House bill 8036; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of Dresen Bros. Co. and 9 others, of Sauk City; George W. Hathaway and 9 others, of Spring Green; the Sauk Bank and 11 others, of Prairie du Sac, all in the State of Wisconsin, urging support of House bills 270 and 712, providing tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of 15 people of Richfield and 57 people of Loyal, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of the United States of America, recommending industrial efficiency; to the Committee on Labor.

Also, memorial of Chamber of Commerce of the United States of America in re foreign products; to the Committee on Ways and Means.

Also, petition of 35 citizens of Merrimack, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of Chamber of Commerce of the United States of America, relative to Deitrick amendment to appropriation bill; to the Committee on Appropriations.

Also, petition of National Paint, Oil, and Varnish Association of New York, relative to investigation of foreign markets conditions; to the Committee on Appropriations.

Also, petition of Chamber of Commerce of the United States of America, relative to "dumping" legislation and industrial protection; to the Committee on Ways and Means.

By Mr. FOCHT: Petitions of citizens of Mifflinburg, Vicksburg, Warriors Mark, Lewistown, Lewisburg, Entriken, and James Creek, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of 67 voters of De Kalb, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of Chamber of Commerce of the United States of America, recommending industrial efficiency; to the Committee on Labor.

Also, memorial of Chamber of Commerce of the United States, in re foreign products; to the Committee on Ways and Means.

Also, memorial of Pilgrim Hall Conference (Mass.) Branch Woman's Peace Party, in re international relations; to the Committee on Foreign Affairs.

By Mr. GOOD: Petitions of sundry citizens and church organizations of the State of Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petition of sundry citizens of Westfield, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 13686 for relief of Charles O. Manley; to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of citizens of eighth district of California, favoring national prohibition; to the Committee on the Judiciary.

Mr. JOHNSON of Washington: Petition of 22 citizens of Battle Ground, Wash., against House bills 491 and 6468, relative to amending postal law; to the Committee on Post Office and Post Roads.

Also, petition of 22 citizens of Battle Ground, Wash., against passage of House bill 652, Sunday-observance law in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of sundry business men of the State of Washington, favoring House bills 270 and 712, relative to tax on mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens and church organizations of the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 39 citizens of Hoquiam, Wash., favoring House resolution 127, relative to milk for babies in Europe; to the Committee on Foreign Affairs.

By Mr. KELLEY: Memorial of Deerfield Union, Woman's Christian Temperance Union, of Deerfield, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. H. Smith and 41 other citizens of Holly, Mich., against bill to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. KETTNER: Petition of M. H. Shirley, Anaheim, Cal., and 20 others, against Senate bill 645, to provide for the closing of barber shops in the District of Columbia on Sunday, or any other like religious measure; to the Committee on the District of Columbia.

Also, petitions of Mrs. Ella B. Dempsey and 4 others, of Needles; John H. Grover and 5 others, of Needles; J. Linson, Arlington; Mrs. and Mr. William Thursby, Santa Ana; Methodist Sunday School, O. S. Norsworthy, superintendent, Heber; William Parsons, Heber; Heber Epworth League, William Parsons, pastor, Heber; Woman's Christian Temperance Union of Heber; Mrs. Matilda A. Ritter, Heber; First Presbyterian Church of La Jolla, H. G. Birchby, pastor, San Diego, all in the State of California, and C. C. Ramirz, Filipino Mission, Honolulu, Hawaii, favoring the Sheppard-Gallinger-Webb-Smith resolution for national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. Margaret Boardman, federation secretary As You Like It Club, San Diego, Cal., favoring inspection of creameries; to the Committee on Rules.

Also, petitions of M. H. Shirley, Anaheim, and 20 others; Mrs. and Mr. William Thursby, Santa Ana; and J. Elmer Miller, clerk of Alamitos Monthly Meeting of Friends of Orange County, Anaheim, all in the State of California, protesting against House bills 491 and 6468, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of C. B. Holbrook, J. M. Raphael, P. V. Helsel, J. C. Turner, C. A. Vandever, William Howie, L. B. Richards, Ed. Dolch, B. M. Nance, Robert P. Turner, Charles E. Spaulding, Jack A. Christenson, E. H. Bercaw, and Olive L. Lubon, all of Victorville, Cal., favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of Henry W. Rohlp, Charles J. Kraus, A. H. Flemming, and W. K. Shinn, all of San Diego, Cal., against the United States entering the European war; to the Committee on Military Affairs.

By Mr. LAFEAN: Memorial of Chamber of Commerce of United States of America, recommending governmental action to prevent dumping and recommending legislation to promote industrial protection; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of United States of America, recommending industrial efficiency; to the Committee on Labor.

By Mr. LEWIS: Memorial of 950 citizens of Juncos, Porto Rico, members of United Brotherhood of Carpenters and Joiners of America, and 150 citizens of Arecibo, Porto Rico, passed by Federation of Labor of Arecibo, requesting Congress to investigate labor conditions in the island; to the Committee on Rules.

By Mr. LOUD: Petition of 16 members of Alabaster Grange, No. 729, Alabaster, Mich., protesting against Madden rider to limit the weight of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany House bill 3304 for the relief of George W. Pinion; to the Committee on Pensions.

By Mr. MORIN: Memorial of Pittsburgh Newspaper Publishers' Association favoring bill respecting copyrights; to the Committee on Patents.

Also, petition of Chamber of Commerce of United States in opposition to so-called Deitrick amendment; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of United States in favor of legislation to prevent abnormal foreign competition; to the Committee on Ways and Means.

Also, petition of W. Dwyer, of Pittsburgh, Pa., in favor of military preparedness against invasion by foreign enemy; to the Committee on Military Affairs.

Also, petition of George W. Dean, of Pittsburgh, Pa., in favor of House bill 386; to the Committee on Military Affairs.

Also, petition of James I. Kay, Esq., of Pittsburgh, Pa., in favor of House bill 12196; to the Committee on Patents.

Also, petition of United Brotherhood of Carpenters and Joiners of Indianapolis, Ind., in favor of House bill 11250; to the Committee on Education.

Also, petition of Joseph W. Marsh, of Pittsburgh, Pa., in favor of prohibition of shipment of liquors from the United States to Africa; prohibition of liquor traffic in Porto Rico; Federal censorship of motion pictures; and a constitutional amendment to forbid all States and the Nation from making appropriations for maintenance of sectarian educational institutions; to the Committee on the Judiciary.

By Mr. NEELY: Petition of citizens of Clarksburg, W. Va., relative to sectarian appropriations; to the Committee on Indian Affairs.

By Mr. NELSON: Petitions of First Methodist Episcopal Church of Madison, Woman's Christian Temperance Union of Cobb, and 60 citizens of Arena, all in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NICHOLS of Michigan: Memorial of Typothetæ-Franklin Association of Detroit, Mich., relative to embargo on export of all manufactured paper; to the Committee on Ways and Means.

By Mr. NORTH: Petitions of Young Men's Christian Association, of 375 people, of Indiana; 1,040 people of Indiana; Woman's Bible Class of 30 people of Indiana; 100 people of Anoughboro; 60 people of Cramer; Federated Bible Class of Indiana; Woman's Christian Temperance Union of 16 people of Lickingville; and Evangelical Church of 50 people of Lickingville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Miss Mary A. Boland, of Corning, N. Y., favoring the passage of the Susan B. Anthony amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ithaca, N. Y., favoring the passage of the Smith-Hughes bill for the national censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Elmira, N. Y., opposing the passage of the Siegel and Fitzgerald postal bills; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of M. C. Bobo and others, of Beckwith, Cal., urging passage of Ferris water-power bill; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Walter Lippincott, of Philadelphia, protesting against House bill 9411; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Carrol D. Peckham, of Brooklyn, N. Y., indorsing House bill 435; to the Committee on the Judiciary.

Also, petition of sundry citizens, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of International Association of Machinists, of Brooklyn, indorsing House bill 11168; to the Committee on Reform in the Civil Service.

Also, petition of Dallas Smith, of Scranton, Pa., in re price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Papers to accompany House bill 13371, for the relief of Matthew J. McDermott; to the Committee on Claims.

Also, papers to accompany House bill 12178, granting an increase of pension to Philip H. Smith; to the Committee on Invalid Pensions.

By Mr. SHOUSE: Petition of members of the Brethren Church of Nickerson, Kans., against sale, etc., of intoxicating drinks in Porto Rico; to the Committee on Insular Affairs.

By Mr. SIMS: Papers to accompany House bill 12185, for relief of Mary Louise Bates; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Petition protesting against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of citizens of Sandpoint and Laclede, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 42 residents of Dubois, Idaho, protesting against this country being involved in war with foreign countries; to the Committee on Military Affairs.

Also, petition protesting against bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of Ralph Fishbeck and C. S. Fishbeck, of Heuvelton, N. Y., favoring a national prohibition amendment; to the Committee on the Judiciary.

Also, resolution of Helen Stockwell in behalf of the Young People's Branch of the Woman's Christian Temperance Union, of Malone, N. Y., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Oneonta Park Chapter of Daughters of American Revolution, South Pasedena, Cal., favoring national defense; to the Committee on Military Affairs.

Also, memorial of Contra Costa County Fruit Growers' Association, of Concord, Cal., against embargo Great Britain has placed upon canned and dried fruits; to the Committee on Foreign Affairs.

Also, petition of Bakers' Union No. 37, Los Angeles, and Kalon Club, of San Francisco, Cal., favoring investigation of our dairy products; to the Committee on Rules.

Also, petition of Columbia Lodge, No. 127, of San Francisco, and S. Magnus and 31 others, of Los Angeles, Cal., against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of W. K. Pike Co., of San Francisco, and T. Laurister and 26 others, of Los Angeles, Cal., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of J. M. Taylor and 10 others, of Los Angeles, and Fred E. Kenney and 7 others, of San Pedro, Cal., favoring the Warren bill, relative to drafting into service any person who shall agitate war; to the Committee on Military Affairs.

Also, petition of Sisterhood of Temple B'nai B'rith, of Los Angeles, Cal., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Lodi, Cal., favoring appropriation of $300,000 for Yosemite National Park; to the Committee on Appropriations.

Also, petition of E. L. Marshall, of San Francisco, Cal., favoring bill introduced by Mr. TAGUE (H. R. 11621); to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Alfred J. O'Connor, of Newport, R. I., favoring House bills 6915 and 7656, in the interest of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Whatcheer Laundry, of Providence, R. I., favoring the Burnett immigration bill and bill to strengthen the Chinese exclusion act; to the Committee on Immigration and Naturalization.

By Mr. TIMBERLAKE: Petition of citizens of Berthoud and Loveland, Colo., against passage of House bills 491 and 6468, relative to amending the postal law; to the Committee on the Post Office and Post Roads.

By Mr. WASON: Petition of Meriden Grange, of Meriden, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of Meriden Grange, of Meriden, N. H., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *March 30, 1916.*

Rev. A. C. Millar, D. D., of Little Rock, Ark., offered the following prayer:

O God, our fathers' guide,
Cast not their sons aside,
Though they be dust.
Hold with Thy mighty hand;
Bless and protect our land;
In Thee we trust.

Thou hast pursued us with plenty and with prosperity, and Thou hast protected us and helped us hitherto, not because of our merit but because of Thy loving-kindness. Thou hast trusted us, and we pray that Thou wouldst continue to trust and help us to be worthy of Thy confidence.

We pray Thy blessing, our heavenly Father, upon the embattled nations as from the ensanguined soil sobs and sighs and sorrow ascend unto Thee. We pray that Thou wouldst have mercy upon them; and help us in this time of trial and of tragedy that we may be true to the trust that has been committed to us. May we not be craven, but may we have courage to do that which is right in Thy sight. As we seek Thy mercy, help us to be merciful. As we seek Thy patience, may we be patient. As we seek Thy justice, may we be just. As we would have Thy loving favor, may we love humanity.

Bless these men who have the destiny not only of the Nation but of the world in their hands, and may they realize that they represent not simply their States but the Nation and humanity and Thee, and may they be loyal to truth and righteousness.

We ask this in the name of our Elder Brother and for the sake of Thy sinless Son of Sorrow. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 28, 1916, when, on request of Mr. JAMES, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MILITARY TRAINING IN CIVIL LIFE (S. DOC. NO. 380).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a memorandum submitted by The Adjutant General of the Army in response to a resolution of the 22d instant calling for a statement showing the number of persons in the United States in civil life who have received military training within the last 10 years, which was ordered to lie on the table, and, on motion of Mr. LODGE, was ordered to be printed as a public document and also to be printed in the RECORD, as follows:

WAR DEPARTMENT,
Washington, March 27, 1916.

PRESIDENT UNITED STATES SENATE.

SIR: In compliance with the provisions of Senate resolution of March 22, 1916, I have the honor to transmit herewith a memorandum prepared by The Adjutant General of the Army. The resolution referred to is quoted in the memorandum.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

(Memorandum for the Secretary of War.)

The following statement is submitted in answer to the Senate resolution of March 22, 1916, that—

"The Secretary of War be, and he is hereby, directed to send to the Senate a statement, to be prepared by The Adjutant General of the Army, showing approximately the number of persons in the United States in civil life who have received a military training within the last 10 years, as follows:

"First. Men who have served at least one full enlistment in the Regular Army.

"Second. Men who have served at least one full enlistment in the National Guard.

"Third. Graduates of educational institutions which provide an adequate military training."

There are approximately 67,765 men now alive who left the Regular Army during the 10 years 1906–1915 after having served three or more years. Included in that total are 6,893 men who went into civil life without terminating their services honorably. They either deserted and did not return to service or were discharged by sentence of a general court-martial.

The number of men discharged on account of disability after a service of three or more years is not included in this estimate, because the number is small, and of the number so discharged only a small proportion is fit for military service of any kind.

This estimate is based on the actual number of men discharged during the period mentioned, but in some cases it has been found necessary to approximate the number of men who served three years before being separated from service. For example, the actual number of men discharged by purchase during the past 10 years is shown by the records of The Adjutant General's Office, but no compilation has ever been made showing how many of them had served three or more years before discharge; and an examination of many thousands of individual records would be necessary before such a compilation could be made. However, an examination of the records for the year 1915 was made and it was ascertained that a little over 50 per cent of the total number of men discharged by purchase during that year had served more than three years before discharge, and this percentage was applied to discharges by purchase during the other years covered by this estimate, as it is reasonable to assume that what is true of one year with respect to these cases is relatively true of the other years.

A deduction of 1 per cent per annum from those who passed into civil life is made to cover casualties, except in the cases of retired men, to whom a death rate of 4.5 per cent is applied. This latter death rate is the approximate death rate of men on the retired list.

Some of the men who have been discharged from the Army no doubt have enlisted in the Navy and Marine Corps, but there are no data available in this department from which the approximate number so enlisted can be obtained.

The men discharged from the Philippine Scouts are not included in the figures before given.

The number of men discharged from the Organized Militia after a service of three years or more and who were not reenlisted are shown by the records of the War Department for the years 1911 to 1914, inclusive, but are not shown for the years 1905 to 1910, inclusive, although the enlisted strength is shown. The figures for 1915 have not been compiled. The number discharged during the years 1905–1910 are estimated on the basis of the average ratio between the total enlisted strength and discharges during the years for which data are obtainable.

The number of men now living who were discharged from the militia during the 10 years mentioned, after a service of 3 years or more, is approximately 124,405. As before stated, figures for 1915 are not yet available, but if the number of discharges during that year is as great as the average number during the period 1912 to 1914, inclusive, the number now living who were discharged during the past 10 years would be about 126,400. This difference is caused by the fact that the number of discharges in 1915 should be about 2,000 greater than the number in 1905.

There are approximately 40,317 men now living who have been graduated during the past 10 years from civil educational institutions at which officers of the Army were detailed as instructors of military science and tactics.

A deduction of 1 per cent per annum is made for casualties.

No estimate is made of the number of graduates from public and private high schools that have military drill, as there is some question as to the adequacy of military training thus provided.

Summary.

From Regular Army	67,765
From Organized Militia	126,400
From schools at which officers of Army are detailed as instructors	40,317
Total	234,482

H. P. McCAIN,
The Adjutant General.

MARCH 27, 1916.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1915. The communication and accompanying papers and illustrations will be referred to the Committee on Printing for action.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Daniel D. Downs *v.* The United States (S. Doc. No. 384);

Wilt Rippey *v.* The United States (S. Doc. No. 383); and

Henry J. Wiggins *v.* The United States (S. Doc. No. 385).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill:

S. 4657. An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 10037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

PRODUCTION OF NITRIC ACID.

Mr. SAULSBURY. Mr. President, when the proper order is reached this morning I propose to introduce a bill, which is explained very largely by a letter to the Secretary of War which I hold in my hand and one to me accompanying that communication. In view of the introduction of that bill, which is of great importance and looks to the production in this country of a sufficient amount of nitric acid to supply our needs at all times, in war as well as peace, I ask that the communications which I send to the desk may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

E. I. DU PONT DE NEMOURS & CO.,
Wilmington, Del., March 28, 1916.

Hon. WILLARD SAULSBURY,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The question of fixation of atmospheric nitrogen for the production of nitric acid—in order that the United States may be free from other countries in obtaining this essential raw material for the production of explosives—has occupied the attention of our company for a number of years; but it was not until about a year ago that we were able to make definite plans toward the acquisition of a process known to be satisfactory. This process now in commercial use in Norway, requires a large quantity of cheap water power. Just prior to the breaking out of the European war our company was in negotiation for the acquisition of water-power rights in Canada, but the war has brought us to realize that a Canadian installation would not be desirable from the point of view of the United States Government, and it would also be questionable from the commercial standpoint. In order that the development of water powers in the United States may be made more practical, we have prepared a draft of a bill, copy inclosed. This bill, as you see, makes it possible for the Secretary of War to arrange for leasing water powers for the purpose of providing a supply of nitric acid. I take this first opportunity to call your attention to the question with the assurance that we will give you all the information at our command, so that you may acquire a proper insight into the problem. Please call upon us for any information that you may need. Further, I am taking the liberty of forwarding a copy of the bill and this letter to Hon. GEORGE E. CHAMBERLAIN, chairman of the Committee on Military Affairs.

Very sincerely,

E. I. DU PONT DE NEMOURS & CO.,
PIERRE S. DU PONT, *President.*

—

MARCH 28, 1916.

Hon. NEWTON D. BAKER,
Secretary of War, War Department, Washington, D. C.

SIR: On frequent occasions during recent years Gen. Crozier has called our attention to the menace involved by our dependence on foreign nations for our raw materials for nitric-acid supply, this commodity being absolutely essential in the manufacture of smokeless powder and other explosives and in great demand as an essential in the manufacture of fertilizers.

Several years ago the fixation of nitrogen from the air by the use of electric arc was found practical abroad, and, with a view of implanting the industry in this country—solving our problem here at home—the Du Pont Co. sent a corps of its experts to Europe to thoroughly investigate the various processes there employed.

As a result of these investigations the Du Pont Co. purchased the right of one of the leading processes used abroad, which process is now established in Europe on a commercial basis on a large scale of production.

As you know, the process of securing nitric acid from the air requires large units of hydroelectric power at a very low cost.

Coincident with our investigations abroad we have been studying the possibilities for satisfactory hydroelectric power in the United States, and we find that while the power physically exists, it is not available because of governmental restrictions.

I inclose herewith for your consideration a tentative draft of a bill which, we believe, will protect the public interests and justify the investment of the capital essential to the solution of this problem in the United States.

You will note the bill we submit provides that the company "shall deliver to the United States for military or naval purposes all or any part of the output of nitric acid at a price which shall include such profit as the Secretary of War shall determine to be reasonable."

With the way made clear, the Du Pont Co. stands ready to negotiate a contract under which they will begin at once the construction of a plant in units of such magnitude as may be agreed upon between the

Government and the Du Pont Co., the Du Pont Co. to furnish the capital.

Should you desire to confer with me on any of the phases of this question, I will be pleased to make a trip to Washington at your pleasure.

Very truly, yours,

——— ———, *President.*

Mr. SMITH of Michigan. Who signs these communications?

The SECRETARY. The original communication is signed by the president of the Du Pont de Nemours Co. The second communication is a copy unsigned.

Mr. SMITH of South Carolina. Mr. President, I did not catch whether there was in the letter a proposition which appears in a note in the Post this morning, where it says that the Secretary of War, Mr. Baker, received a letter from Mr. du Pont, the president of the company, touching a proposed bill to provide for a 50-year lease of water power, and in return to give the Government powder essential for the Government's needs, and in the meantime to use the water power for whatever purpose they may see fit.

Mr. THOMAS. Mr. President, I think it may not be inexpedient to suggest that there is a very large plant in my State which, perhaps, might be secured. We have been laboring under a great many difficulties for a long time. The Government has done everything to the project up to date except to dynamite it.

Mr. SAULSBURY. Mr. President, one or two Senators have suggested that they would be very glad to hear the bill read to which the communications refer. It was my intention to suggest that the bill be printed in the RECORD when we reach that order.

The VICE PRESIDENT. The communications will be referred to the Committee on Military Affairs.

Mr. SAULSBURY subsequently said: Mr. President, there has been considerable interest manifested in the bill which I hold in my hand and which I am about to introduce. I have been requested by several Senators much interested in the subject to have the bill read. As I have not a sufficient number of copies, so that Senators may examine it and understand it fully, particularly the Senator from Alabama [Mr. UNDERWOOD], who is to address the Senate on the subject this morning, I ask that the bill which I send to the desk be read and referred to the Committee on Military Affairs.

The bill (S. 5316) to provide for a supply of nitric acid available for the national defense through utilization of water power was read the first time by its title and the second time at length and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That in order to provide for the construction and operation of works for the production of nitric acid available for the national defense the Secretary of War is authorized, upon the recommendation and approval of the board of engineers hereinafter provided for, to grant permits for the construction of dams, storage and diversion works, or other structures for creation of hydroelectric power in or across any of the navigable or boundary waters of the United States or in or across any of the streams upon public lands upon terms and conditions not inconsistent with the treaty or other obligations of the United States, and with the rights and obligations hereinafter set forth.

SEC. 2. All such permits shall provide (a) that the grantee shall construct works to be operated by such hydroelectric power for the fixation of nitrogen for the manufacture of nitric acid, such works to have an initial capacity to be fixed by the Secretary of War upon the recommendation and approval of said board of engineers, and to be built according to plans approved by said board of engineers and the Secretary of War; (b) that at all times upon request of the Secretary of War the grantee shall deliver to the United States for military or naval purposes all or any part of the output of nitric acid at a price which shall include such profit as the Secretary of War shall determine to be reasonable, and his determination of the reasonableness of such profit shall be final, and for this object the Secretary may direct the works to be operated to such extent of their capacity as he deems necessary for the purposes of the United States; (c) all such dams, storage or diversion works, or other hydroelectric structures shall be of such design and capacity for present or future use as the Secretary of War shall approve, and after approval of the plans no deviation therefrom shall be made without the approval of the Secretary of War; (d) that such permit shall not be assignable without the written consent of the Secretary of War except as security for bonds issued by the grantee to raise funds for the construction of such works.

SEC. 3. All such permits shall be for the terms of 50 years, and may be renewed for like periods, and if not renewed at the end of any period shall continue in force until the property is taken over and paid for by the United States as hereinafter provided for. In case of any violation of the conditions specified in said permit, and such violation shall continue for 90 days after notice from the Secretary of War to cure such default, such permit may be revoked by decree of United States court. At the end of any period the United States shall have the right to take over all said works and hydroelectric plant upon payment of the fair value thereof, not including therein the value of any rights granted hereunder.

SEC. 4. The grantee named in any such permit is authorized to erect, maintain, and operate the hydroelectric plant and works aforesaid which are hereby declared to be necessary for the purposes of the national defense, and may use or divert such waters as may be necessary for the operation of said hydroelectric plant. Such grantee may occupy any public lands necessary for the hydroelectric plant and works aforesaid and their appurtenances, and may take and use any lands or other property necessary for said hydroelectric plant by exercise of the right of eminent domain in the district court of the United States where said property is located, under the laws of the State where such property is located, and in the absence of such laws, then under the laws of the United States for the condemnation of property for navigation purposes.

SEC. 5. All such works shall be constructed under the supervision of an engineer officer of the United States Army designated for that purpose, and shall be completed within the time specified in the permit by the Secretary of War, unless the same is extended by him for good cause. Any power developed and not needed for the operation of the nitric acid works aforesaid and any capacity of said nitric acid works not requisitioned by order of the Secretary of War may be employed by the grantee in any way he may elect, but subject, however, at all times to the right of the United States to requisition the same for use in the production of nitric acid for military or naval purposes whenever so requested by the Secretary of War. If the Secretary of War deems it advisable in order to promote the economical operation of the nitric acid plant or to accomplish the objects of this act, he may include in such permit authority for the grantee to use or divert any additional amount of water for which the grantee has or shall secure rights under the laws of the State or States where such use or diversion occurs, the additional power developed may be used by the grantee as provided in this section: *Provided, however*, That the cost to the consumer of any power not used by the grantee and sold for general domestic consumption shall be subject to State regulation as to price and service by the duly constituted authority of the State in which such power is consumed, and in the absence of such authority by the Secretary of War of the United States. If the United States shall take over the plant and hydroelectric works as hereinbefore provided for, the grantee shall be paid the fair value of all property dependent for its usefulness upon being operated in connection with the property taken over.

SEC. 6. The board of engineers herein provided for shall consist of the Chief of Engineers of the United States Army, the Chief of the Bureau of Ordnance, the Judge Advocate General, and two engineer officers of the United States Army with the rank of colonel, designated by the Chief of Engineers and approved by the Secretary of War.

Mr. KENYON subsequently said: I should like to inquire of the Senator from Delaware, who introduced the bill, if it is the bill referred to in the correspondence which was read this morning—the bill prepared by the powder company for the Senator?

Mr. SAULSBURY. It is the bill which was inclosed with the communications which I had read.

Mr. KENYON. Which, I understand, is a bill prepared by the powder company?

Mr. SAULSBURY. Yes; I so understand.

Mr. KENYON. Mr. President, as this matter is getting before the Senate, I think it would be well at this time to have read the bill which was reported from the Committee on Agriculture and Forestry this morning bearing on the same question, and I ask that that be done.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Iowa?

Mr. OLIVER. Mr. President, I inquire of the Senator from Iowa if it would not be satisfactory to have the bill to which he refers printed in the RECORD, so that the two bills may be seen side by side? I do not, however, object to his request.

Mr. KENYON. We have had a bill read which has been presented by the powder company; and it seems to me it would be well to have read the bill which has been reported from the Committee on Agriculture and Forestry.

Mr. OLIVER. Mr. President, I do not propose to object to the Senator's request.

Mr. SHAFROTH. I should like to ask the Senator from Iowa whether the bill to which he refers includes the amendments made by the committee?

Mr. KENYON. It does.

The VICE PRESIDENT. The Secretary will read the bill referred to by the Senator from Iowa [Mr. KENYON].

Mr. KENYON. Was the suggestion of the Senator from Pennsylvania that the bills ought to be printed in the RECORD together?

Mr. OLIVER. Yes; the bill to which the Senator from Iowa refers and the bill which has just been read.

Mr. KENYON. I think that is a good suggestion.

Mr. OLIVER. My idea was to avoid occupying the time of the Senate which would be consumed in the reading of the bill.

Mr. KENYON. I should like to have the reported bill read.

Mr. OLIVER. Very well.

Mr. SMITH of South Carolina. I ask that the Secretary read the copy of the bill which I reported, which is the committee print, and which embraces all the amendments agreed upon by the committee.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

A bill (S. 4971) to authorize the designation and withdrawal of water-power sites and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes.

Be it enacted, etc., That the President at any time, in his discretion, may, by Executive order, designate for the exclusive use of the United States any site upon a navigable river, the improvement of which for purposes of navigation will make available at such site surplus water power over and above the needs for navigation. After being so designated, and until the designation is modified or revoked, every such site shall be developed and improved only in the manner and for the purposes authorized by this act.

SEC. 2. That the President may also at any time, in his discretion, withdraw from settlement, location, sale, or entry and reserve for the exclusive use of the United States any public lands of the United States, including the Territory of Alaska, whether within national forests or other reservations or withdrawals, which are valuable as water-power sites for the purposes of this act: *Provided*, That not more than five sites shall be withdrawn in pursuance of the authority given by this act.

SEC. 3. That the Secretary of War is authorized and directed to investigate and to recommend for designation or withdrawal such dam sites, water-power sites as in his opinion will be necessary for carrying out the purposes of this act, and is further authorized to construct, maintain, and operate at or on any site so designated or withdrawn, dams, locks, other improvements to navigation, power houses, and other plants and equipment necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers: *Provided*, That all plans and specifications for dams in navigable rivers shall be submitted to and approved by the Secretary of War.

SEC. 4. That the Secretary of War is authorized to lease, purchase, or acquire, by condemnation, gift, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to purchase or acquire by condemnation, materials and minerals necessary for the construction or operation of such plants and for the manufacture of such products.

SEC. 5. That the products of such plants shall be used by the Secretary of War or the Secretary of the Navy for military or naval purposes, and any surplus not so required may be sold and disposed of by the Secretary of Agriculture under such regulations as he may prescribe.

SEC. 6. That the sum of $15,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the Secretary of War to carry out the purposes of this act.

SEC. 7. That the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

SEC. 8. That in order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the Secretary of War and the approval of the President, may issue and sell or use for such purchase or construction hereinabove authorized any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $15,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the memorial of C. K. Stinson, of Gardner, Mass., remonstrating against a reduction in the maximum of parcel-post packages, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Garden City and Longton, in the State of Kansas, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kansas, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Garnett, Kans., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota presented a petition of the History Club, of Sioux Falls, S. Dak., and a petition of the Study Club, of Britton, S. Dak., praying for an investigation into conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Jefferson Grange, No. 133, Patrons of Husbandry, of Coleman, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a petition of Jefferson Grange, No. 133, Patrons of Husbandry, of Coleman, S. Dak., and a petition of Prosperity Grange. No. 119, Patrons of Husbandry, of White, S. Dak., praying for Government ownership of telegraph, telephone, and wireless systems, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented petitions of sundry inhabitants of the Hawaiian Islands, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE. I present resolutions adopted by the Legislature of the Commonwealth of Massachusetts, relative to the conditions of destitution in Poland and to the entry of food therein. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions relative to the conditions of destitution in Poland and to the entry of food therein.

Whereas according to reliable information the situation in the belligerent countries of Europe is such that the inhabitants of Poland and the invaded districts of Russia are dying of starvation; and

Whereas it has been authoritatively presented that the only solution for this problem is to increase the available food supply in said territory from outside sources through the medium of an organization similar to the present commission for the relief of Belgium: Therefore be it

Resolved, That the Senators and Representatives in Congress from Massachusetts are hereby requested to take early and concerted action to bring before the United States Department of State the awful plight of the inhabitants of these districts, with a view to having representations made to the Governments of the belligerent nations that the importation of foodstuffs therein be made possible.

Resolved, That copies of these resolutions, attested by the Secretary of the Commonwealth, be sent by said official to each of the Senators and Representatives in Congress from Massachusetts.

In the house of representatives, adopted, March 17, 1916.

In senate, adopted, in concurrence, March 22, 1916.

A true copy.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. DU PONT. I present resolutions adopted at a meeting of the Society of Colonial Wars in the District of Columbia, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

MARCH 25, 1916.

To the honorable the SENATE OF THE UNITED STATES.

GENTLEMEN: At a meeting of the Society of Colonial Wars in the District of Columbia, held on December 7, 1915, the following resolutions were passed:

"*Resolved*, That the Society of Colonial Wars in the District of Columbia is of the opinion that, commendable as are the perpetuation and celebration of the achievements of our ancestors, we should be unworthy descendants if we do not take inspiration from them, and therefore action, to safeguard to the best of our ability the heritage handed down to us; be it accordingly

"*Resolved*, That the outgoing governor of this society be, and is hereby, empowered to appoint a committee of five members charged to draft suitable resolutions memorializing the President and the Congress of the United States, and urging the imperative necessity of such legislation as will insure to our beloved country thorough defense, both on land and on sea; and be it further

"*Resolved*, That these resolutions be communicated to the General Society of the Colonial Wars and to every State society, and that each be urged to pass similar resolutions, and that the members thereof be exhorted to exercise both collectively and as individuals, such influence in their respective communities and upon their Senators and Representatives in Congress, that the proper strength and organization may be given to American land and naval forces."

The undersigned, having been appointed a committee to draft memorials in pursuance of the above resolutions, respectfully petition you that in our opinion the American people desire that the proper officials of the Government and the Senators and Representatives in Congress should take such action that our country will be thoroughly prepared to defend itself both on land and sea. We are strongly of the opinion that the American people stand ready to make the necessary sacrifices in order that our military and naval forces may be so strengthened, organized, equipped, and supplied as to be able to withstand any enemy or enemies which would venture to attack us.

We respectfully direct your attention to the principles enunciated by the Hon. John C. Calhoun, in December, 1820, in which he said:

"If our liberty should ever be endangered by the military power gaining the ascendency, it will be from the necessity of making those mighty and irregular efforts to retrieve our affairs after a series of disasters caused by the want of adequate military knowledge, just as in our physical system a state of the most dangerous excitement and paroxysm follows that of the greatest debility and prostration. To avoid these dangerous consequences, and to prepare the country to meet a state of war, particularly at its commencement, with honor and safety, much must depend on the organization of our military peace establishment. * * *

"To give such an organization the leading principles in its formation ought to be that at the commencement of hostilities there should be nothing either to new model or create. The only difference, consequently, between the peace and war formations of the Army ought to be in the increased magnitude of the latter, and the only change in passing from the former to the latter should consist in giving to it the augmentation which will then be necessary.

"It is thus, and thus only, the dangerous transitition from peace to war may be made without confusion or disorder, and the wakness and danger which otherwise would be inevitable be avoided."

Thus far in our national career such a desideratum has never been attained and, in consequence, all of our wars have been marked by mismanagement, by the loss of life and by financial cost, both colossal and utterly unjustifiable. Assuredly it is high time to institute measures which shall preclude the repetition of the shortsighted policy so persistently followed in the past.

We should, indeed, be unworthy descendants if we failed to do our utmost to safeguard the heritage bequeathed to us by former generations which did not shrink to make every sacrifice, whereby this country has attained its present greatness.

We accordingly most earnestly and respectfully petition you to exercise to the utmost the power vested in you in order that this precious heritage may not be jeopardized through negligence or indif-

ference, and that your body, whose duty it is, will provide our beloved country with thorough defense.

We have the honor to be, your very obedient servants,

FREDERIC L. HUIDEKOPER,
Chairman.
FREDERIC BULKELEY HYDE.
IRA WARREN DENNISON.
WILLIAM VAN ZANDT COX.
JOB BARNARD.

Mr. BORAH presented petitions of sundry citizens of Hope, Sandpoint, Juliaetta, Bonners Ferry, Grangeville, Cambridge, Orofino, Fraser, Greenleaf, and Plummer, all in the State of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Idaho, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Michigan. If the Chair will indulge me for a moment, I have some petitions here that should be sent to the Committee on Military Affairs. They bear the names of several hundred workmen in four factories at Adrian, Mich. I desire to read a few words from this petition:

We, the undersigned workingmen and voters of the city of Adrian, Mich. desire to make known to you our deep convictions on the great question of the day—the question of national preparedness.

We, who will bear the brunt of such action, are determinedly in favor of preparedness against war to the fullest possible degree.

We want a Navy large enough to defend our shores against all comers and an Army big enough to make invasion or aggression by a foreign power too dangerous to be attempted.

We believe in a well-trained and equipped reserve of citizen soldiery embracing all able-bodied male citizens and a federalized National Guard relieved of strike duty.

We ask you to give these matters your careful attention, and assure you that we shall carry these convictions to the polls with us next November.

These petitions are signed entirely by workingmen, and the signatures were obtained through their own voluntary action.

The VICE PRESIDENT. The petitions will lie on the table, the bill having been reported.

Mr. SMITH of Michigan. I have a telegram from Henry M. Leland, president of the Cadillac Automobile Co., indorsing the vocational educational bill with all amendments. I ask that it may be printed in the RECORD without reading.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DETROIT, MICH., *March 22, 1916.*

Hon. WILLIAM ALDEN SMITH,
Senate, Washington, D. C.:

Vocational education bill with its amendments represents best thought of educators and men in industrial life who are closest to problems of providing practical education for our boys and girls. Mr. H. E. Miles, of the Wisconsin State Board of Industrial Education, is perhaps best-informed man in country on this question. I have known him many years. He is educator and manufacturer. He is practical and sane. He is honest and sincere. He is now at New Willard, Washington. If you feel need of further information, may I suggest you either hear Mr. Miles personally or in conference? Some provision for practical education is imperative. Am hopeful for your interest in this measure, perhaps in amendment 6 in particular, and trust you can arrange for a hearing with Mr. Miles.

HENRY M. LELAND.

Mr. SMITH of Michigan. I have a telegram from Mr. Charles H. Lewis, secretary of the Detroit Federation of Labor, in favor of the bill relative to the interstate laws known as the Booher bill, preventing the shipment of convict-made goods. I ask that it be printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *March 23, 1916.*

Senator WILLIAM ALDEN SMITH,
Washington, D. C.

HONORABLE SIR: The Detroit Federation of Labor, representing a large per cent of the workers of this city, respectfully request you to support the bill relative to the interstate law known as the Booher bill, preventing the shipment of convict-made goods from one State to another, as we are unalterably opposed to same.

Respectfully, yours,

CHAS. H. LEWIS, *Secretary,*
205 Equity Building.

Mr. SMITH of Michigan. I present a communication from the mayor of the city of Albion, Mich., with reference to the bill for the retiring of Federal employees after long and faithful service. I ask that the communication be printed in the RECORD and referred to the Committee on Civil Service and Retrenchment.

There being no objection, the communication was referred to the Committee on Civil Service and Retrenchment and ordered to be printed in the RECORD, as follows:

CITY OF ALBION, *March 20, 1916.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.

DEAR SENATOR:

Whereas a bill has been introduced in the House of Representatives at Washington, D. C., for the retirement of Federal employees after long and faithful service or after disability caused by no fault of the employee; and

Whereas the general public is unaware of the conditions surrounding the employment of men and women in the service of the Government; and

Whereas it is the opinion of those who are acquainted with the facts that there would be a unanimous sentiment throughout the country for a national-retirement law were the public fully acquainted with the conditions as they now exist: Therefore be it

Resolved, That in accordance with the laws now in force in every city of consequence in the United States and in practice with the larger corporations granting retirement with part pay to civil and corporate employees who have served continuously for 25 years, that equal justice should be meted to Federal employees who by reason of a quarter of a century of honorable service or being incapacitated previously in the discharge of duty; and therefore, in a fairness, the undersigned, mayor and council of the city of Albion, Calhoun County, Mich., indorse said bill that all Federal employees may look to their future without apprehension after giving the best years of their lives to the public service: And be it further

Resolved, That a copy of this resolution be forwarded to each of the United States Senators and Representatives of the State of Michigan.

WM. BARNES, *Mayor.*

Attest:

P. P. NAGLE, *City Clerk.*

Mr. SMITH of Michigan. I present resolutions adopted by the Detroit Republican Club, favoring the passage of the bill known as the Penrose-Griffin indefinite-leave-of-absence bill to postal employees. I ask that the resolutions be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *March 22, 1916.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed you will find copy of the resolution adopted by the Detroit Republican Club.

We trust you will find it possible to use your vote and influence in favor of this bill.

Our club will watch with interest its progress through both Houses.

Yours, very truly,

DETROIT REPUBLICAN CLUB,
JOS. E. STIGLER, *Secretary.*

Whereas there is now pending before the Post Office Committees, in both branches of the United States Congress, a bill known as the Penrose-Griffin indefinite-leave-of-absence bill, which, if enacted into law, will provide for the retirement of all worn-out Post Office employees in the classified civil service;

Whereas thus far the United States of America is the only large civilized Nation which has made no provision for its worn-out and superannuated employees; and

Whereas it is the sense of the Detroit Republican Club that the said above-mentioned bill should be passed by the United States Congress: Now, therefore, be it

Resolved, That the members of the Detroit Republican Club here assembled do hereby heartily approve and indorse the said bill known in the House of Representatives as H. R. 6915; and be it further

Resolved, That the secretary of this club be instructed to send a copy of this resolution to each of the United States Senators from the State of Michigan and to each Member of the House of Representatives, and to ask that they give the said bill their aid and support.

SAMUEL F. POLOZKER,
CHARLES C. ASHURST,
FRANK PUDDEFOOT,
Committee on Resolutions.

ARTHUR E. WOOD, *President.*
JOS. E. STIGLER, *Secretary.*

Dated at Detroit, Mich., March 10, 1916.

Mr. HARDING presented a petition of the congregation of the Mount Auburn Methodist Episcopal Church, of Cincinnati, Ohio, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the removal of restrictions on shipments of milk to suffering babies in Germany, Austria-Hungary, and Poland, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Ohio, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. STERLING presented a petition of Novemberblomen Lodge, No. 82, International Order of Good Templars, of Sioux Falls, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Brule County, S. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. SHAFROTH presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. ROBINSON presented memorials of sundry citizens of South Carolina and Alabama, remonstrating against the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Westfield, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry granges in the State of Pennsylvania, praying for Government ownership of telephone and wireless systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry granges in the State of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 201, International Brotherhood of Bookbinders, of Erie, Pa., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER (for Mr. PENROSE) presented memorials of sundry citizens of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Friendly Club, of Concord, N. H., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Pomona Grange, No. 295, Patrons of Husbandry, of Sanbornton, N. H., remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Pastors' Union of New Haven, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. DILLINGHAM presented memorials of E. M. Howard and other citizens of Jamaica and Townshend, in the State of Vermont, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. NORRIS presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented memorials of the Relief Society for Political Victims of Russia; of Local Lodge No. 202, International Order of B'rith Abraham; of Local Branch No. 184, Workmen's Circle; of the Sick and Benefit Aid Society; of the Elite Social Club; and of the Progressive Benevolent Association, all of Hartford, in the State of Connecticut, remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Lilley Council, Order of United American Mechanics, of Hartford, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Local Branch No. 189, Civil Service Retirement Association, of Ansonia, Derby, and Shelton, in the State of Connecticut, praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. LIPPITT presented a petition of sundry citizens of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Civic and Commerce Association, of Minneapolis, Minn., praying for liberal appropriations for the maintenance of the Bureau of Foreign and Domestic Commerce, which was referred to the Committee on Appropriations.

He also presented a memorial of Elwood Grange, No. 608, Patrons of Husbandry, of Owatonna, Minn., remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA presented a petition of sundry citizens of La Moure, N. Dak., praying for Government ownership of munition plants, which was ordered to lie on the table.

He also presented a memorial of the Farmers' Club of Reeder, N. Dak., remonstrating against the passage of the so-called Hollis rural-credit bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to permit the giving out of certain information by the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of Georgia. I have received this morning from citizens of my State a short telegram in the nature of a memorial with reference to sectarian appropriations for schools. I wish to say that I understand the Indian appropriation bill carries an appropriation of $250,000 for the erection of buildings for school purposes, looking toward the Government being in a position to dispense with contract schools. I ask that the telegram be read.

There being no objection, the telegram was read, as follows:

MACON, GA., *March 29, 1916.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

We petition against sectarian appropriations in Indian bill and for constitutional amendment forbidding all sectarian appropriations and prohibition of same in Philippine and Porto Rico bills.

W. T. Anderson, editor Telegraph; C. A. Cunningham, judge; Bridges Smith, mayor; R. D. Feagin, attorney Law Enforcement League; W. N. Ainsworth, pastor Mulberry Street Methodist Church; W. L. Pickard, president Mercer University.

REPORTS OF COMMITTEES.

Mr. SMITH of South Carolina. I am directed by the Committee on Agriculture and Forestry, to which was referred the bill (S. 4971) to authorize the designation and withdrawal of water-power sites and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes, to report it with amendments. I desire to state that I shall submit a report to accompany the bill at a later day.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. JONES, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 6057) to amend section 14 of the reclamation-extension act approved August 13, 1914, reported it with an amendment and submitted a report (No. 318) thereon.

Mr. OLIVER. On the 20th of this month my colleague [Mr. PENROSE] introduced a bill (S. 5140) to determine what obligation, if any, exists under the treaty with Spain of 1819, to relieve the estate of Richard W. Meade, deceased, and it was referred to the Committee on Claims. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Foreign Relations, inasmuch as it involves the construction of a treaty.

The VICE PRESIDENT. That action will be taken.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAMES:

A bill (S. 5317) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens; to the Committee on Patents.

A bill (S. 5318) granting an increase of pension to Elijah Cox (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON (for Mr. LA FOLLETTE):

A bill (S. 5319) granting an increase of pension to Harlow J. Greenfield; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 5320) to correct the military record of Louis F. Folger; to the Committee on Military Affairs.

A bill (S. 5321) for the relief of the Fidelity Building, Loan & Savings Co., of Columbus, Ohio;

A bill (S. 5322) for the relief of the Trumbull Savings & Loan Co., of Warren, Ohio;

A bill (S. 5323) for the relief of the Permanent Savings & Loan Co., of Akron, Ohio;

A bill (S. 5324) for the relief of the Home Building Loan & Savings Co., of Coshocton, Ohio;

A bill (S. 5325) for the relief of the Third Savings & Loan Co. of Piqua, Ohio;

A bill (S. 5326) for the relief of the Cleveland Savings & Loan Co., of Cleveland, Ohio;

A bill (S. 5327) for the relief of the Union Savings & Loan Co. of Cleveland, Ohio; and

A bill (S. 5328) for the relief of The Peoples Savings Association, of Columbus, Ohio; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 5329) granting a pension to Edwin Ayres (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5330) for the relief of the heirs of Jacques Clamorgan; to the Committee on Public Lands.

By Mr. LIPPITT:

A bill (S. 5331) granting an increase of pension to Celestina Merewether; and

A bill (S. 5332) granting an increase of pension to Abby F. Eldred; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5333) granting an increase of pension to Susan L. Rand; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5334) granting an increase of pension to Morrison Young; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5335) conferring upon tribes of Indians the right to recall their agents or superintendents; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A bill (S. 5336) granting a pension to Abbie M. Peabody (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5337) to establish a fish-cultural station in the State of Oklahoma; to the Committee on Fisheries.

By Mr. CHAMBERLAIN:

A bill (S. 5338) granting an increase of pension to Almira V. De Lane (with accompanying papers); to the Committee on Pensions.

NATIONAL DEFENSE.

Mr. CUMMINS submitted 29 amendments intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which were ordered to lie on the table and be printed.

Mr. POMERENE submitted amendments intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which were ordered to lie on the table and be printed.

Mr. SMITH of Georgia submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. HARDWICK submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

MILITARY POLICY OF THE UNITED STATES.

Mr. TILLMAN submitted the following resolution (S. Res. 156) which was read, considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,000 additional copies of Senate Document No. 494, Sixty-second Congress, second session, entitled "The Military Policy of the United States," by Bvt. Maj. Gen. Emory Upton, United States Army, for the use of the Senate document room.

ADDRESS BY HON. JOSEPHUS DANIELS (S. DOC. NO. 382).

Mr. SWANSON. Mr. President, I ask unanimous consent that an address by Hon. Josephus Daniels, Secretary of the Navy, in presenting commissions to the graduating class of the United States Naval Academy, Annapolis, Md., Friday, June 4, 1915, be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SINKING OF NEUTRAL VESSELS (S. DOC. NO. 381).

Mr. NELSON. I have certain data concerning the sinking of neutral vessels belonging to the northern neutral nations of Norway, Sweden, Denmark, and Holland, which were sunk by German submarines, mines, or warships between the dates of August 1, 1914, and March 25, 1916. I ask that the matter be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

PRICE OF GASOLINE.

Mr. MARTINE of New Jersey. Mr. President, I am in receipt of very many communications from New Jersey, as well as from adjoining States, urging that some steps be taken with reference to the ever-increasing cost of gasoline. I therefore desire to submit the resolution which I send to the desk, and I respectfully ask unanimous consent for its immediate consideration.

Mr. SMOOT. Let the resolution be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the resolution.

The concurrent resolution (S. Con. Res. 19) was read, as follows:

Whereas in the stride of human progress and invention gasoline has become as much a necessity to the thrift and welfare of the American people as a source of power and propulsion as is coal; and

Whereas the commercial cost of the same has been advanced from time to time until it has reached a most unreasonable figure, thereby imposing an unjust burden on the people; and

Whereas this product is controlled by a trust, to wit, the Standard Oil Co.: Therefore be it

Resolved by the Senate of the United States (the House of Representatives concurring therein), That the Attorney General of the United States be, and is hereby, directed to cause an investigation of the subject as to whether this phenomenal increase in price of this article is the result of any violation of the laws of the United States.

Mr. MARTINE of New Jersey. Mr. President, I desire to say that this question has agitated not one class, but almost every class of our fellow citizens. The price of gasoline has risen in strides from 10 and 11 cents until, I believe, it is now about 28 cents a gallon, with the knowledge that it is fast approaching the price of 40 cents.

Gasoline is a prime necessity. It is no longer an article that affects only those who ride in automobiles, for nearly every commercial wagon is being driven by gasoline and on every farm and in almost every workshop gasoline is used as a propelling and motive power. The tremendous advance in the price of this commodity has agitated our people; it is the prevailing opinion amongst them that this article is controlled and owned and its price is advanced from time to time by the Standard Oil Co., and it is their desire that the subject may be investigated.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. MARTINE of New Jersey. Certainly.

Mr. CUMMINS. Mr. President, I do not rise to object to the consideration of the resolution, but I ask the Senator from New Jersey if it is not true that the Federal Trade Commission is now investigating the subject matter of the resolution?

Mr. MARTINE of New Jersey. I was not aware of that fact.

Mr. CUMMINS. I also ask this question: Is it not the duty of the Attorney General to institute proper proceedings against the combination or conspiracy without any request from the Senate of the United States or the Congress of the country?

Mr. MARTINE of New Jersey. Without being a lawyer, I should say that it might be the duty of the Attorney General to institute these proceedings; but I realize the fact that the Attorney General of the United States is an exceedingly busy man, much engrossed with affairs, and with a legal mind; and mayhap this proposition might be shunted to the rear in order

that he might take up some strictly legal problem within his scope and no attention might be paid to this matter. I urge the adoption of the resolution as a reminder that this is vital to the people. In the case of every farmer who has a thrashing machine, where they formely used horse power, and for a while steam, through coal—those things are things of the past. Every farmer now owns a little gasoline engine, which he uses to saw his wood, to churn his milk, and to do a thousand other things on the farm.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Michigan?

Mr. MARTINE of New Jersey. I do.

Mr. TOWNSEND. I should like to ask the Senator what hope he has that the price of gasoline will be reduced if the trust to which he refers is attacked by the Attorney General, judging from what has occurred in the past in such matters?

Mr. MARTINE of New Jersey. Well, I confess that there may be generally but little hope; but I want to have the machinery of the courts put into operation, and, if possible—I do not know whether it is possible or not—to suspend the operations of this greedy monster that is fattening on the people of America.

Mr. STONE. Mr. President, a few moments ago the Senator from Iowa [Mr. CUMMINS] asked a question. I will state for his information that the Federal Trades Commission is engaged in investigating the very matter covered by the pending resolution. I know that from statements made to me by members of that commission. I am informed that the Department of Justice is also using the forces at its command in investigating the same subject.

I thought I ought to make this statement at this point. What may come of these investigations I do not knew. I do know that if the Department of Justice has power to act, or if it be possible to enact some additional necessary legislation that would enable the judicial forces of the country to act, I wish that might be done. I do not say there is a special monopoly; I do not know about that in connection with this particular matter; but I would like to take this combination, or whatever it may be, by the throat and crush it. Every Senator here knows—he does not think, but he knows—that the users of gasoline are being to-day robbed by a band of thieves.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. MARTINE of New Jersey. Yes; I yield to the Senator.

Mr. BORAH. The Senator speaks of additional legislation. I can not conceive of any additional legislation being needed. We covered the entire subject by the Federal Trades Commission; we covered it by an amendment to the Clayton antitrust law, and we have the Sherman antitrust law. No additional legislation is needed.

Mr. STONE. Maybe not.

Mr. MARTINE of New Jersey. In answer to the suggestions of the Senator from Missouri, I will state that he says he knows these things. The public does not know anything about them. The public does not know that any steps are being taken. This is the first time I have heard that the departments were investigating the subject, or I perhaps should not have pressed the resolution. At all events, what earthly harm can be done by passing this resolution, as an expression of sentiment on the part of this great body that we protest against this thing, and that we ask the machinery of our courts to investigate this greedy monopoly, and, if possible, to take them by the throat and, if they have any lawful life, to squeeze it out and let the public have their innings for a little time?

Mr. CHAMBERLAIN. Mr. President, I ask for the regular order.

Mr. SMITH of Michigan and other Senators. Oh, no!

Mr. MARTINE of New Jersey. I ask that we may have immediate consideration of the resolution.

Mr. CUMMINS. Mr. President, I hope I may be indulged just a moment while I suggest to the Senate, and especially to the Senator from New Jersey, that I know that there is now pending before the Federal Trade Commission a proceeding intended to develop the whole subject. It is upon a complaint that the Standard Oil Co. of Indiana is in conspiracy with the several Standard Oil Cos. of the eastern country, the effect of which is to lift the prices of gasoline in the eastern country not directly served by the Standard Oil Co. of Indiana far above the prices in the western country, in which there is some competition brought about by independent refiners and dealers in oil. I am sure that the result of the investigation will be promptly referred to the Department of Justice, and I sincerely hope that the conspiracy which I believe exists will be exposed and overthrown.

Mr. SMITH of Georgia. Mr. President, I wish to add to what has been said that I am advised that the Trade Commission will report probably within the next two or three days; that they have about completed their work, and that certainly within the next five days the result of their work will be made public.

Mr. MARTINE of New Jersey. In the nature of things this can do no harm. It will only be another little jog. I have never been in a lawsuit in my life, thank God, but I do know the eternally slow processes of the law. I want just to punch the thing up by this gentle admonition that the Senate of the United States are onto the methods and ways of this monopoly, and we mean that the public shall be apprised of it.

Mr. SMITH of Michigan. Mr. President, I hope the honorable Senator from New Jersey will stand his ground and not yield. We should have a test of this question now. The people have been imposed upon long enough, and the Department of Justice should wake up to the outrage that is being perpetrated by this combination.

Mr. MARTINE of New Jersey. The Senator need not worry. I shall stand my ground, as I always do. I am not cowed by the Standard Oil Co.'s influence.

The VICE PRESIDENT. Is there any objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. OLIVER. Mr. President, I suggest that there are statements of facts in the preamble of the resolution that place the Senate on record as to certain statements. I do not believe all Senators would want to be considered as indorsing all of the statements of facts contained in the "whereases."

Mr. MARTINE of New Jersey. I think the Senator from Pennsylvania is a very liberal user of gasoline in his sumptuous automobiles, and I should think——

Mr. OLIVER. Oh, Mr. President, I wish the Senator would stick to the subject. I am talking about what is said in the preamble.

Mr. MARTINE of New Jersey. I stand by the preamble.

Mr. LODGE. I ask that the preamble of the resolution may be read again.

The VICE PRESIDENT. The Secretary will read the preamble.

The Secretary read as follows:

Whereas, in the stride of human progress and invention, gasoline has become as much a necessity to the thrift and welfare of the American people as a source of power and propulsion as is coal; and

Whereas the commercial cost of the same has been advanced from time to time until it has reached a most unreasonable figure, thereby imposing an unjust burden on the people; and

Whereas this product is controlled by a trust, to wit, the Standard Oil Co.: Therefore be it

Resolved, etc.

Mr. LODGE. Mr. President, as a question of fact, I thought the Standard Oil Co. had been broken up and dispersed into its original parts for the purpose of promoting competition. I thought we had had a great legal process which had had that result. This is saying that the action of the courts and the action of the Government have not broken up the Standard Oil Co.; that it is still in existence as a trust.

Mr. MARTINE of New Jersey. Mr. President, I should like to say, with reference to that, that the Senator from Massachusetts realizes that the Standard Oil Co. was organized under th régime of the Republican Party, and, like very many of the schemes that were organized under the beneficent influence of that party——

Mr. LODGE. I remember that it was organized in New Jersey. [Laughter.]

Mr. MARTINE of New Jersey. It was organized under the Republican Party, and hence has a foundation very deep and very difficult to shake. All we want is a little extension of time and we will shake it from its moorings.

Mr. HARDWICK. Will the Senator from New Jersey yield to me?

Mr. MARTINE of New Jersey. Yes.

Mr. HARDWICK. Would it not be just as well to strike out the preamble and adopt the resolution?

Mr. MARTINE of New Jersey. Why, yes; since the public know it, I am willing to strike out the preamble and have the resolution adopted.

Mr. HARDWICK. Let us do that, then.

Mr. LODGE. Let us have the resolution read.

Mr. MARTINE of New Jersey. I can not understand, though, the exceeding timidity of the Standard Oil Co. Why, in the name of heaven, should we——

Mr. LODGE. Mr. President, I believe I have the floor, and I ask for the reading of the resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved by the Senate of the United States (the House of Representatives concurring therein), That the Attorney General of the United States be, and is hereby, directed to cause an investigation of the subject as to whether this phenomenal increase in price of this article is the result of any violation of the laws of the United States.

Mr. LODGE. I think the resolution is wholly proper, and I hope it will pass. It seems to me, however, that the preamble is rather——

Mr. MARTINE of New Jersey. I think they are very justifiable parts of the whole, and I can not see any reason for timidity in arraigning the Standard Oil Co. It has been obnoxious and an abomination to the minds of all fair-minded men ever since it existed, and around my particular part of the country it practically overshadows me. Its officials live in multimillionaires' houses on all sides, and bask in public favor. God knows I am not frightened by them, and I do not know why the Senator from Georgia should be.

Mr. HARDWICK. Mr. President, has the Senator finished?

Mr. MARTINE of New Jersey. I have finished, if the Senator wants to ask me a question; yes.

Mr. HARDWICK. No; I will take the floor in my own right.

Mr. MARTINE of New Jersey. All right; proceed.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. The Senator from Georgia.

Mr. HARDWICK. I am not at all frightened about the Standard Oil Co. or anything else, that I know of; but the Senator's resolution, with which I am thoroughly in sympathy, commits the Senate to a lot of statements of facts as to which I do not know whether they are true or not; that is all. It is bad policy for a legislative body to be adopting preambles containing a number of statements that may or may not be true. With the resolution itself I am in hearty sympathy; but as to the rhetoric embodied in the preamble, while I am in sympathy with it if it is accurate, I do not like to——

Mr. GALLINGER. The Senator means alleged facts, does he not, not facts?

Mr. HARDWICK. Well, yes.

Mr. GALLINGER. Not necessarily facts.

Mr. HARDWICK. Of course, I mean that I do not know whether they are true or not, and that is always the objection to preambles; so that I wish the Senator's resolution were differently phrased. I wish it directed that the Attorney General at once proceed to enforce the laws which we have on the statute books, which are ample for any purposes that have been disclosed by the statement of any Senator here, instead of directing a mere investigation.

I am not at all tender-footed about the proposition. The facts have been abundantly investigated already. What the Senate ought to do is to pass a resolution requesting the Attorney General to proceed to enforce the existing laws. I do not see why we should be expected to indorse a preamble that may or may not contain accurate statements of facts or alleged facts.

Mr. MARTINE of New Jersey. Well, Mr. President, I should like to ask whether it is within the range of propriety that I might divide the resolution and ask the sentiment of the Senate on the preamble?

Mr. LEWIS. Mr. President, will the Senator yield to me?

Mr. HARDWICK. I yield to the Senator from Illinois.

Mr. LEWIS. The Senator from Georgia does not mean to indicate, by his observations, that the present Attorney General or the Department of Justice is failing in any particular respect to enforce the law?

Mr. HARDWICK. No; I simply supposed that they were not proceeding with this particular matter or the Senator from New Jersey would not have presented the resolution.

Mr. STONE. They are.

Mr. HARDWICK. They are proceeding with respect to this very matter? Then it seems to me we do not need the resolution at all. I have no particular objection to the resolution, but if I were drawing the resolution it would have been a good deal stronger than this rhetorical resolution of the Senator from New Jersey.

Mr. MARTINE of New Jersey. The Senator from Georgia did not draw the resolution. I did. I imagine it might be couched in different terms, but I stand by the resolution and the preamble. I should like to have a vote on it.

Mr. SMOOT. Mr. President, I am in full accord and sympathy with the object of the resolution. While I know that the Department of Justice is at this very time investigating this matter, and that another department of the Government is also doing so, I have no objection to the passage of the resolution.

The Senator desires a vote upon the question as to whether the preamble shall be included in the passage of the resolution. In order that he may get that vote and get the sense of the Senate upon it, I move to amend the resolution by striking out the preamble.

Mr. LODGE. Mr. President, a parliamentary inquiry. The vote comes first on the resolution, does it not?

Mr. MARTINE of New Jersey. The resolution is a whole and the preamble is a part of it.

The VICE PRESIDENT. In order to settle this matter, if it can be settled this morning, the Chair will state that he is of the opinion that the vote is on the resolution, and then the question will be, Shall the preamble stand?

Mr. SMOOT. That is according to the rules.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. McCUMBER. Mr. President, the Senate perhaps has forgotten that some time ago a resolution was introduced by myself calling upon the Secretary of the Interior for all possible information concerning the production and output of gasoline, calling attention to the high prices that were being charged, and asking for a most thorough investigation and report.

The Secretary of the Interior gave us a very good report covering every portion of the question, and I think it established two things: First, that there was more gasoline in sight now and available for use than ever before in any one year; secondly, that the companies—about three in number—furnishing almost all of the gasoline, were receiving enormous profits; that the dividends of some of these companies were running even over 100 per cent. There was at least enough in the report to indicate that there was a general understanding as to the matter of prices and that the prices charged were far greater than were necessary to secure a reasonable return upon the investment.

I was informed that the Department of Justice were investigating that subject, and I think with the report and with the passage of this resolution, which may accelerate their activities, we may get some good results, and I shall take pleasure in supporting the resolution. It does not seem to me to make much difference whether we denominate the Standard Oil Co. as a trust or not. The fact remains that it is the principal producer of the finished product in the United States and has very much to do with the matter of fixing the prices.

Mr. MARTINE of New Jersey. I will state to the Senator that I was not aware of the fact of the introduction of the resolution of investigation, but it seems to me that that is another verification of the wisdom of my preamble. It is an admitted fact, and I am justified richly. When the Senator from Missouri referred again to the fact that the department, he knew, were investigating this matter, it brought to my mind a little line or two in the Bible, where it says, "Let us not be weary in well-doing." So if these gentlemen have admonished the Attorney General and the Department of Justice of the wisdom and necessity of this action and have stirred them up, then I think there is an additional reason for jogging them on a peg, at least.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

Mr. McCUMBER. May I just call the Senator's attention to the fact that the letter of February 3, 1916, printed now as a public document, is replete with all the facts necessary to understand the gasoline situation.

Mr. THOMAS. May I ask the Senator the number?

Mr. McCUMBER. It is Document No. 310.

Mr. THOMAS. Thank you.

Mr. MARTINE of New Jersey. The price goes up notwithstanding that.

Mr. SUTHERLAND. Mr. President, I have not the slightest doubt in my mind that the increase in the price of gasoline we have witnessed during the last few months is altogether without excuse, and it is quite likely that when the matter is thoroughly investigated it will be found that some people are violating the law and ought to be prosecuted.

I have no objection to this resolution being passed, but I take occasion to say, however, that it has no more force or effect than a resolution of a similar kind passed by any respectable unofficial gathering of gentlemen. It is not the business of the Senate; it is not legislative business. When we pass such a resolution we are undertaking gratuitously to give advice to the executive department of the Government, which, under the Constitution, is charged with the full responsibility of executing the law, a function with which we have nothing to do.

I think we ought to be rather chary of passing resolutions of this character, because, however important the subject may be, after all, whenever we do it, we are invading the province of a coordinate branch of the Government. The Constitution says that the President shall take care that the laws shall be executed, and this is nothing more than advice to the Executive,

and must proceed upon the theory that we are fearful that the Executive will not discharge his duty unless we resolve ourselves into a sort of town meeting for the purpose of telling him what it is.

Mr. HARDWICK. I should like to ask the Senator a question before he takes his seat. Does the Senator see any impropriety in either branch of Congress, or both Houses of Congress, advising the Attorney General in this case?

Mr. SUTHERLAND. I have already said that I do not object to the resolution, although, I repeat, we are not passing it in pursuance of any legislative or other power which we possess.

Mr. HARDWICK. No.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The VICE PRESIDENT. The question is, Shall the preamble be agreed to?

Mr. ASHURST. Mr. President, I merely wish to take two or three minutes. Some levity was manifested in the Chamber when our distinguished friend from New Jersey [Mr. MARTINE] inserted in the preamble the statement that the Standard Oil Co. has a monopoly. I do not think anybody denies that. The Standard Oil Co. does not deny it, because when we had before the Senate Committee on Indian Affairs the resolution introduced by the distinguished Senator from Pennsylvania [Mr. OLIVER] to investigate the Osage oil leases it was declared then, with regard to one producer, a certain man named Mr. Barnsdall, that the Standard Oil Co. controlled the directors in his company, and he testified before the committee that they were so grasping that they required him to permit that his oil and the by-product thereof should be marketed through the Standard Oil Co. The testimony was to the effect before the committee, and no one denied it, that the Standard Oil Co. absolutely controls the oil.

Mr. HARDWICK. I just wish to ask the Senator, is it true or only a fiction that the Standard Oil Co. has been dissolved?

Mr. ASHURST. I presume that legally it has been dissolved, but in fact it has not been dissolved, and every Senator knows it.

The VICE PRESIDENT. The question is on agreeing to the preamble.

Mr. SMITH of Georgia. I ask for a division of the preamble. There are two propositions in it. The first I think we can all vote for. The second declares that the Standard Oil Co. is still entirely in control. We can not vote for some of it, because we have been advised by the judgment of the court that it has been dissolved, and it was separated into five different parts or more. I should like the first part, protesting against the high price, to be first voted upon.

Mr. MARTINE of New Jersey. I am quite willing to have it divided and to vote, first, on the first part of the preamble.

Mr. SMITH of Georgia. The first part directs the Attorney General, and I have not any doubt the Attorney General is doing his duty. I have not any doubt he is at work upon it; I have not any doubt that the Interstate Trade Commission has been at work upon it; and that they are working just as fast as they can to accumulate a proper basis for a proceeding.

Mr. GALLINGER. I observe that Rule XVIII, I believe it is, has been lost sight of in this debate, and a great deal of valuable time has been taken when we ought to be giving consideration to the Army bill. I move to lay the preamble on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire, to lay the preamble on the table.

Mr. MARTINE of New Jersey. I ask for a roll call.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KERN (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is paired with the Senator from Idaho [Mr. BRADY]. The senior Senator from Florida is absent on official business. I will let this announcement stand for the day.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN] and I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], who is not present. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. For that reason I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Florida [Mr. BRYAN], with whom the Senator from Michigan [Mr. TOWNSEND] is paired, and that will allow the Senator from Michigan and myself to vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I am at liberty to vote, and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if here, I will withhold my vote.

The roll call was concluded.

Mr. LIPPITT (after having voted in the affirmative). I have a pair with the senior Senator from Montana [Mr. WALSH]. I observe that he has not voted, and I withdraw my vote.

Mr. DILLINGHAM. I observe that my general pair, the senior Senator from Maryland [Mr. SMITH], is absent, and I withhold my vote. I make this announcement for all other votes during the day.

Mr. LODGE. My colleague [Mr. WEEKS] is absent from the Chamber. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. JAMES (after having voted in the negative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Arizona [Mr. SMITH] and allow my vote in the negative to stand.

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Arizona [Mr. SMITH], on account of illness. This announcement may stand for the day.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL]. He is absent and I withhold my vote.

I wish also to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. HOLLIS. I wish to state that the senior Senator from Maine [Mr. JOHNSON] is necessarily absent.

Mr. GRONNA (after having voted in the negative). I have voted, but I have a general pair with the Senator from Maine [Mr. JOHNSON], and, as I can not get a transfer, I will be compelled to withdraw my vote.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], and I therefore withhold my vote.

Mr. SMITH of Michigan (after having voted in the negative). I am paired with the junior Senator from Missouri [Mr. REED], but the pair is of such a nature that I am at perfect liberty to vote on this question, and I will let my vote stand.

Mr. GALLINGER (after having voted in the affirmative). I have a general pair with the Senator from New York [Mr. O'GORMAN] who is absent. Not knowing how that Senator would vote on this motion, I withdraw my vote.

The result was announced—yeas 23, nays 35, as follows:

YEAS—23.

Bankhead	du Pont	Overman	Sterling
Beckham	Harding	Page	Thomas
Borah	Hardwick	Ransdell	Underwood
Brandegee	Lodge	Sherman	Wadsworth
Burleigh	McLean	Shields	Warren
Curtis	Oliver	Smoot	

NAYS—35.

Ashurst	James	Martine, N. J.	Smith, Mich.
Chamberlain	Johnson, S. Dak.	Myers	Smith, S. C.
Clapp	Jones	Norris	Taggart
Culberson	Kenyon	Poindexter	Thompson
Cummins	Kern	Pomerene	Tillman
Hitchcock	Lane	Saulsbury	Townsend
Hollis	Lee, Md.	Shafroth	Vardaman
Hughes	Lewis	Sheppard	Works
Husting	McCumber	Smith, Ga.	

NOT VOTING—38.

Brady	Fletcher	Nelson	Smith, Ariz.
Broussard	Gallinger	Newlands	Smith, Md.
Bryan	Goff	O'Gorman	Stone
Catron	Gore	Owen	Sutherland
Chilton	Gronna	Penrose	Swanson
Clark, Wyo.	Johnson, Me.	Phelan	Walsh
Clarke, Ark.	La Follette	Pittman	Weeks
Colt	Lea, Tenn.	Reed	Williams
Dillingham	Lippitt	Robinson	
Fall	Martin, Va.	Simmons	

So the Senate refused to lay the preamble on the table.

Mr. STONE. I should like to have the last clause of the preamble read.

Mr. JAMES. Let it all be read. Some of the Senators now present were not here when it was read.

Mr. STONE. My request is that the last clause be read.

The VICE PRESIDENT. Of the preamble?

Mr. STONE. Of the preamble.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

And whereas this product is controlled by a trust, to wit, the Standard Oil Co.

Mr. STONE. Mr. President, it is needless to say that I have no special concern, and I think it would be needless to say that no Senator has any special concern, about the Standard Oil Co. or any other manufacturer of gasoline. My objection to that clause of the preamble just read is that it selects one manufacturer and indicts him before the Senate and the country as if it were the only criminal. I have no objection to indicting one, but I do not wish by that act of indictment to appear to excuse others who are equally guilty.

I confess I am not very familiar with this subject, but my general information is that there are several distinct and separate companies engaged in manufacturing gasoline, and while I do not know it to be true and therefore I do not charge it to be true, I believe that there is an unlawful combination between these several manufacturers of gasoline to establish arbitrary and artificial prices and force a most outrageous advance in the cost of gasoline to the consumers of the country. These people are criminals and ought to be convicted and sent to prison.

It would seem to me, if I might make the suggestion to my friend from New Jersey, that this clause of the preamble would be better phrased if he had said "there being an unlawful combination between the makers of gasoline to extort from the consumers of the country," without charging that only one of these manufacturers was guilty. I am convinced there is more than one.

Mr. MARTINE of New Jersey. Mr. President, it seems that all of these companies are part of an harmonious whole. Referring to this report, which was the result of the inquiry of the Senator from North Dakota [Mr. MCCUMBER], I find that, among other things, it speaks of the Imperial Oil Co. (Ltd.), of Canada. It also states that the Standard Oil Co. of New Jersey controls 80 per cent of this product, and if you will read further you will find it is stated that the Standard Oil Co. is the predominating owner and controller, the life and animus of all these corporations. With all this information, are we to go before them with bended knee and tearful eye, and say we can not tell the truth about them simply because they are the Standard Oil Co.? I urge you, in God's name, not to do that. I have no timidity in the matter. This great monster was organized and incorporated under the laws of New Jersey, and it has robbed the people for a quarter of a century.

Mr. SMITH of Georgia. Would not the Senator from New Jersey accept a substitute for the last line in his resolution? Instead of designating merely one company, would he not say?—

And whereas it is apparent from the uniformity in the increase of price that an unlawful combination exists between producers thereof.

Mr. MARTINE of New Jersey. Mr. President, I submit my case to the good sense and fairness of the American people and of the United States Senate. I can not believe anything else other than what I have stated. I do not want to say that I believe the moon is made of green cheese when I know that is not true.

The Senator from Georgia [Mr. SMITH] knows, and everybody else knows, that the Standard Oil Co. is the all-pervading and all-powerful monopoly that controls the entire oil product of this country and all of its by-products as well.

Mr. SMITH of Georgia. I believe it dominates them in some way or other.

Mr. MARTINE of New Jersey. In God's name, then, why shall we not say we believe that?

Mr. SMITH of Georgia. I do not know that; but I have no doubt there is a combination which is illegal.

Mr. GALLINGER. Mr. President, I call attention to Rule XVIII of the Senate.

The VICE PRESIDENT. The Chair was just about to do that.

Mr. GALLINGER. One Senator has now spoken about a dozen times, when the rule provides that he shall speak not more than twice on a subject.

The VICE PRESIDENT. The rule provides that a Senator shall speak only twice on one subject. Certainly the Senate now knows all about this question.

Mr. POMERENE. Mr. President, I do not think the amendment proposed by the Senator from Georgia [Mr. SMITH] any more nearly states the facts than does the original resolution. The Senator from Georgia speaks of the uniform increase of price in gasoline. I have in my office a letter from a consumer of that article in Cincinnati, which indicates that there is a difference in the price of gasoline in the several larger cities of the country, aggregating 10 cents per gallon—a greater difference in the price of gasoline in those several cities than was the total price of gasoline two or three years ago. I have not any doubt in my mind but that there has been some artificial increase in price, and some variance in the prices of gasoline due to some effort on the part of the manufacturers of that article.

There seems to be some question in the minds of Senators as to whether or not the Standard Oil Co. is a trust. The decision of the Supreme Court a few years ago, notably the opinion handed down by the Chief Justice, recited that by the undisputed facts disclosed in the record the Standard Oil Co. was a trust, in violation of both the first and second sections of the Sherman antitrust law; but, notwithstanding the fact that the company existed and operated in violation of those sections, no criminal prosecution was ever begun against the Standard Oil Co., and the matter was allowed to drift along until the criminal acts referred to by the Supreme Court were barred by the statute of limitations.

At the time the decree was entered it was believed that it would not succeed in dissolving this trust. It was a very peculiar decree, one which allowed common holdings in all the several companies into which this company was supposed to be dissolved; and I do not think there was a soul in the United States, outside of the Attorney General himself, who believed that it would result in the dissolution of the trust or grant any relief to the people. Within a short time after this so-called decree of dissolution was entered the prices of the stocks of the Standard Oil Co. increased beyond any point that they had ever reached at any period in its history. In view of the effect which present conditions have had upon the price of gasoline, I have no doubt whatever in my mind that there is a combination, a trust, if you please, in violation of the Sherman antitrust law, and I am not at all squeamish about voting for this preamble.

Mr. STONE. Mr. President, will my friend from Ohio permit me to interrupt him?

Mr. POMERENE. Yes.

Mr. STONE. Mr. President, I agree with everything the Senator from Ohio has said, so far as the Standard Oil Co. is concerned. I agree that it has been a grasping and lawless concern, and I do not care with what strong iron grip it may be taken by the throat; but I want to call the attention of the Senator from Ohio and of the Senate to this fact, and I do not want them to overlook it: When we had the tariff bill up two years ago before the Committee on Finance, of which I am a member, and we were talking about taxing gasoline to raise revenue, what occurred? The Standard Oil Co. shrank back in the shadow; it made no appearance, but the so-called independent producers of oil and gasoline came crowding under the banner of "independence" before the committee, to say to us that the Standard Oil Co. was the concern that wanted a tax, and that it alone would profit by the tax and all "independents" would be ruined. My friends on that committee—I happen now to have my eye on the senior Senator from Colorado [Mr. THOMAS]—will recall that these so-called "independents" prevented a revenue tax on gasoline on the plea that it would help the Standard Oil and ruin the "independents." I am not going into that argument now; but these very gentlemen to-day are not offering to the American people, the consumers of the country, any concession; they are not selling cheaper; they are not helping the consumers; they are cheek by jowl with the Standard Oil. If the Standard Oil Co. is leading in this trust or combination, or whatever you call it, the so-called independents, who came with tears in their eyes before the committee and before Congress two years ago, are participants in this crime. I want to see all of them denounced alike and punished alike. I shall remember these independent mendicants when next they appear before the Finance Committee.

Mr. POMERENE. Mr. President, I agree with the Senator from Missouri in the belief that many of these independent companies are only independent in name.

Mr. MARTINE of New Jersey. Mr. President, I think it would be well that the world might understand all of the facts——

The VICE PRESIDENT. The Chair will certainly be compelled to enforce the rule. The Senator from New Jersey has made five or six speeches, and the rule gives him the privilege of making but two on a given subject.

Mr. MARTINE of New Jersey. I trust, in the interest of the people, I may be allowed to make another one, making the number seven. I shall make no extended speech.

The VICE PRESIDENT. There has been objection, and the Chair must enforce the rule allowing a Senator but two speeches on one subject.

Mr. MARTINE of New Jersey. Well, I ask leave of the Senate that I may have printed in the RECORD certain figures as to the prices of the product of gasoline to-day, showing that it is not a dearth of supply which occasions the increased prices.

Mr. GALLINGER. Mr. President, they have already been printed.

Mr. McCUMBER. Mr. President, as the Senator from New Jersey [Mr. MARTINE] has exhausted his time, and I have not, I think there should be read by the Secretary, and I ask permission of the Senate that the Secretary may read, practically one page of Senate Document No. 310, consisting of the portions which I have marked, which will clearly indicate the cause of the high prices of gasoline in the enormous amounts that have been paid out in cash dividends and in stock dividends. I call attention to the latter part of page 21 and nearly all of page 22, and I ask that the marked portion may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary proceeded to read, and read as follows:

(f) Financial influences: The recent rapid increases in the prices of crude oil and gasoline—

Mr. McCUMBER. May I say here that that is in response to the question, "What cause, if any, can be given for the sudden extraordinary rise in the retail price of gasoline?"

Mr. BRANDEGEE. Who is answering the question that is propounded?

Mr. McCUMBER. The Secretary of the Interior.

The Secretary resumed the reading, and was interrupted by—

Mr. VARDAMAN. Mr. President, may I interrupt the reading long enough to ask the Senator from North Dakota from what the Secretary is reading?

Mr. McCUMBER. He is reading from the report of the Secretary of the Interior in response to a resolution which was passed by the Senate. The document is Senate Document 310, Sixty-fourth Congress, first session.

The Secretary resumed and concluded the reading, as follows:

(f) Financial influences: The recent rapid increases in the prices of crude oil and gasoline have been accompanied by rapid increases in the market quotations of oil company shares. The market values of the capital stocks of 38 corporations, of which 35 are in the Standard Oil group and 3 are typical large independent companies, have increased remarkably in the last six months. (See Pl. II, curves D and E.) The stocks of other oil companies probably show a similar rise, but the quotations are not at hand. The 38 companies selected are believed to represent all phases of the oil industry. These rapid increases might be ascribed to the general condition of prosperity and the general upward trend of the stock market but for the fact that during the last quarter of 1915 the oil company stocks did not rise and fall with the market. The weekly curve of The Annalist showing the course of the stock market as indicated by the average price of 50 stocks—25 railroad and 25 industrial—shows that the market was rising rapidly during October, while the oil companies either remained stationary or fell off slightly. More striking, however, is the fact that during November, when the stock market was falling, the oil stocks were rising rapidly, and that during December the rise of oil stocks was many times more rapid than that of the general market. (See Pl. II, curves C, D, and E.) It should be noted also that the stocks of the three typical large independent companies have risen much more rapidly than those of the Standard group. (See Pl. II, curves D and E.) Other indications that the rise of oil stocks may be ascribed in part at least to increased profits are found in the following quotations, the first and second being from the Commercial and Financial Chronicle, of New York, for January 22, 1916:

"Standard Oil of California—50 per cent stock dividend: A stock dividend of 50 per cent has been declared on the $49,686,655 stock, payable April 15 to holders of record March 4, along with the regular quarterly 2½ per cent cash distribution payable March 15 to holders of record February 9." (Vol. 100, p. 896.)

"Imperial Oil Co. (Ltd.), Canada—Stock dividend: This company, which on November 15, 1915, filed with the secretary of state of Canada a certificate of increase of authorized capital stock from $15,000,000 ($11,000,000 outstanding) to $50,000,000 (par $100), has this week distributed a stock dividend of 100 per cent, thus increasing the outstanding stock to $22,000,000. The Standard Oil Co. of New Jersey is said to own an 80 per cent interest."

The Financial Times of Montreal on November 27 said:

"The Imperial Oil Co. is one of the most progressive and promising of the subsidiaries of the Standard Oil Co. of New Jersey. In 1907 the company's outstanding capital stock amounted to only $1,000,000. Practically all additional sums up to $11,000,000 are said to have been for extensions, etc."

The third quotation is from Petroleum Age of New York for December, 1915:

"OIL AND GAS SECURITIES.

"Convincing proof of the amazing recovery within the oil industry in the last half of 1915 is furnished by the dividend declarations of the Standard Oil group for the last quarter, which reached the astonishing total of $21,788,636, which is the record for any quarter since the dissolution, with the exception of the first quarter of 1913, when Standard Oil Co. of New Jersey made its famous 40 per cent cash distribution. True it is that of this sum, $4,890,000, representing the 15 per cent dividend of Illinois Pipe Line, 5 per cent by Prairie Pipe Line, and 3 per cent by Prairie Oil & Gas Co., will not be payable until January 15, but all of them are payable to December shareholders and represent distributions from 1915 profits.

"Including these sums, the total of regular and extra cash dividends since the dissolution in December, 1911, reaches the impressive total of $290,666,083, to which must be added stock dividends at par totaling $169,100,000. Taking into account the present market value of the distributed stock, the cash value of all distributions in the last four years by this group is in excess of half a billion dollars.

"The market effect of this enormous earning capacity is strikingly reflected in the steady appreciation in value of the old Standard Oil Co. of New Jersey stock 'all on,' which has risen from less than 650 at the time of the dissolution in December, 1911, to a new high record of 1770 during the current month. As the variation of price in this comprehensive security reflects the general trend of the oil securities markets, the accompanying 'graph' will illustrate the course of the industry in the past four years."

Mr. HUSTING. Mr. President, I understand there appears to be some fear that the Senate, by adopting the preamble of the resolution, may go on record as to something which has not been established as a fact. I understand there are two statements of facts contained in the preamble, one that the price of gasoline and oil has risen. I apprehend there is no doubt about that fact. Another statement is that the Standard Oil Co. has a monopoly of the oil business of the United States. I do not think anybody seriously doubts that fact. I think that is something that is accepted as a matter of fact, as a matter of common knowledge. But if anybody would like to convince himself of it, I would suggest that he read the hearings before the Committee on Indian Affairs of the United States, Sixty-fourth Congress, first session, and he will there learn that it is taken as true. No one disputes the fact that the Standard Oil Co. is in control of the oil business, and, moreover, a great many so-called independent operators are in fact under the thumb and control of the Standard Oil Co.

In fact, the evidence produced at the hearings goes to show that even independent or so-called independent operators holding leases under the United States as trustee for the Indians are virtually controlled by the Standard Oil Co.; and as one illustration I should like to point to the case of T. N. Barnsdall, an operator of oil lands in Oklahoma. He was the holder of a lease which expired on March 16 of this year—this month, in fact—and had under his control something like 240,000 acres of Indian oil lands. He held under the Foster lease, so called. Mr. Barnsdall is classed as one of the independent oil operators; and in the course of the hearing, where he appeared for the purpose of having his leases renewed, and in support of a resolution offered by the Senator from Pennsylvania [Mr. OLIVER], he made certain statements as to the facts. On page 66 Mr. Barnsdall was asked this question:

Senator CURTIS. I should like to ask you, Mr. Barnsdall, if you are limited to the amount of land that they have allotted you under these rules and regulations, how long would it take you to recover the amount of money that you are now out for development there?

Mr. BARNSDALL. Well, it would take me a good long time, but if half of my wells are sold away from me and I have got nothing to keep my production up, at least no lease, why, the Standard Oil Co. would close out my loan, and that would be a serious thing to me, because it will take a lot of my stocks that I have been 25 years accumulating, and they are valuable, but when you come to sell anything there are not any buyers; you do not get anything for it as a rule, not very much, and that is the hardest part of this thing to me. If I can get some leases renewed, and my wells, the Standard Oil Co. have promised, by letter to me, that they will extend my matters for three years.

Then he was asked this question:

Senator OWEN. Does the Standard Oil Co. pay you as much as the other pipe lines would pay you?

Mr. BARNSDALL. Well, they make the price down there, although the independent refiners are now having to pay a premium.

Mr. Barnsdall testified substantially that he could not operate, that the Standard Oil Co. would not let him operate, or that they would foreclose on him unless he got renewals, and that he could not sell to any other companies until he had paid up his account with the Standard Oil Co.

Senator HUSTING. You said you did not think you could sell to any other oil companies until you had paid up the Standard Oil. Why is that?

Mr. BARNSDALL. I could sell any other oil company. I do sell the National Refining Co., of Cleveland, some oil in Oklahoma. I can sell oil that they have not loaned this money on to anybody that I want to, but I could not very well with the mortgage and they running the property. I could not very well sell it to anybody else. I would have to sell it to them.

Senator HUSTING. Will you explain that to us. You say they are running the property.

Mr. BARNSDALL. Not the Standard Oil Co., but it is people that they got. When I made the loan they had Mr. Young—he never does anything without letting me know, but at the same time I do not see how I could sell any oil to an independent, or to anybody outside of them from that property until I have paid for it.

Now, this question was asked by Senator WALSH:

They—

Meaning the Standard Oil—

have named three of your five directors, have they not?

Mr. BARNSDALL. Yes, sir.

So that the Standard Oil Co. had three out of the five directors running Mr. Barnsdall's plant, who were telling him to whom to sell, how much to charge, and in fact they were running his business—running the business of Mr. Barnsdall under a lease which he was holding from the United States as trustee for the Indians, so that in a way even the oil lands under the control of the United States, namely, the Indian lands, which it is holding in trust, is finding its way into the hands of the Standard Oil Co.

There were about 260 holders of leases under the Foster lease, and many of them appeared before the committee and stated that they were independent oil producers. They were asked questions like this over and over again, until such time as the committee grew tired of the same questions and the same answers: "What do you do with your oil?" "Why, we have to sell it to the Standard Oil Co. or some other pipe-line company." "Who makes the price?" "The Standard Oil Co. makes the price." "How do they make it?" "They post it up every morning." That is for the raw oil. Then the question was asked them later: "Who fixes the price of the oil to the consumer?" "The Standard Oil Co. fixes the price to the consumer, and everybody has to sell at the price fixed by the Standard Oil Co." The question was asked then: "What would happen if you bought oil or sold oil for a different price than that fixed by the Standard Oil Co., or sold oil to the consumer for less than the price fixed by the Standard Oil Co.?" The answer was that they would close them out or run them out of the territory, or words to that effect.

So that when we talk about independent operators, men having wells that produce 10 or 20 barrels a day, or even some who in the aggregate produce a great deal more than that, they are only independent in the sense that they are allowed to take the oil out of the ground under their own auspices; but when they want to sell it they have got to sell it at a price fixed by the Standard Oil Co., and the people have got to buy the refined product at the price fixed by the Standard Oil Co. I know that when some of us, one or two of the unsophisticated new members of the committee, asked these questions we were looked upon with pitying scorn by the operators as asking a very foolish question, namely, as to whether or not the Standard Oil Co. was controlling the oil business. It was all one story, all to one effect, and that was that the Standard Oil Co. was in the saddle in the oil business of the country. If I remember correctly, I think that fact was admitted by the Secretary of the Interior at that same hearing; and no one seems to know just what the remedy is.

In reply to what the Senator from Missouri said about the independent operators appearing and protesting against the tax, I can easily understand that. The Standard Oil Co. can lower the price of the raw product that it must buy and can raise the price of the refined product which it sells to the public at any time it wants to, and we are in this position: If we raise the tax on them, all they have to do the next morning is to post their prices accordingly, so that it simply wipes out the tax and loads it on to the back of the producer or the consumer. They have nothing to fear; but the independent oil producer, who has to sell to the Standard Oil Co. and whose selling price is fixed by the Standard Oil Co., has no remedy but to pay the tax. In other words, a tax levied upon the oil as against the Standard Oil Co. merely results not in increased taxes upon the Standard Oil Co., but in increased prices to the consumer.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. HUSTING. Certainly.

Mr. BORAH. From the Senator's investigation of this matter does he believe there are any independents?

Mr. HUSTING. Well, there are independents in the sense that I believe that there are some that are operating on their own capital, men who get some little oil out of the ground. To that extent they are independent oil operators and oil-producing companies. I take it for granted that there are some that are independent.

Mr. BORAH. But there are no independents who can reach the public or affect the price?

Mr. HUSTING. Personally, I do not believe there are. I do not believe they can. The evidence taken before the committee shows that there are none.

It was stated before the committee that there was no company in the United States that could compete with the Standard Oil Co. Why? Because the latter either produces the oil or buys it at its own price; transports it in the pipe lines, whose rates, I think, it controls; runs it into refineries that it owns or that it controls; and last, but not least, has selling agencies in every city and in every little town in the United States, and no one is in a position to market their oil as it is.

Why, we need not look for causes. A company that is powerful enough to fix the price at which it will buy the raw product, and powerful enough to fix the price at which it will sell to the consumer the refined product, controls the situation. It does not make any difference as to the whys and the wherefores; the fact of itself establishes the truth of the claim that the Standard Oil monopolizes and controls the whole oil business. When these men came before this committee and said that the Standard Oil Co. posted notices telling how much they would pay for the raw oil or petroleum, and also posted notices as to the price they would charge the consumer, I do not not know of any power that is any greater than that. It is certainly greater than the power of the United States itself, which can not control the price of either.

So I say, as far as a tax against oil is concerned, in answer to the Senator from Missouri, I can easily understand that a tax levied against the Standard Oil Co. merely puts the tax on the backs of the consumer. In other words, it results in the advance of oil; but a tax that has to be paid by the so-called independent operator comes out of his pocket, of course, because he has not any influence or any control over the price of the product.

Mr. SMOOT. Will the Senator yield for a question, just for information?

Mr. HUSTING. Certainly.

Mr. SMOOT. I want to ask the Senator if he knows whether the Texas Oil Co. is an independent oil producer?

Mr. HUSTING. I think they are—so-called independent. I do not know.

Mr. SMOOT. I want information, if the Senator has it. Does the Senator know whether they are a large enough oil producer to have an effect upon the price of gasoline in this country?

Mr. HUSTING. I do not think they pretend to. I believe they will admit that they follow the price fixed by the Standard Oil Co.

Mr. SMOOT. I know they do not pretend to, because I can ask the Standard Oil Co. the price of gasoline, and if they quote 24½ cents and I telephone to the Texas Oil Co. they will quote exactly the same price.

Mr. HUSTING. Exactly.

Mr. SMOOT. To-morrow morning I could telephone to the Standard Oil Co., and if the price had dropped or if the price had risen in 10 minutes I could telephone to the Texas company and the price would be identically the same. I was wondering whether the Texas Oil Co., an independent concern, in reality produces enough oil or gasoline in this country to have an effect upon the price, or whether it follows the Standard Oil Co. up or down in price, and whether it produces enough to affect the price or not.

Mr. HUSTING. Mr. President, I speak from only the information before the committee. They told us—and there was not a dissenting voice—that the price of oil was fixed by the Standard Oil Co. and that it was followed by everyone—everyone that sold oil.

I simply want to say this, in view of the hesitation of some Senators to vote on this preamble. I believe that since this is a matter of common knowledge, and information of this sort comes before a committee and no one contradicts it and it goes unchallenged, they need have no fear or any doubt that the preamble of the resolution declaring that the price of oil has been raised and that the Standard Oil Co. controls and monopolizes our oil supply is not in strict accordance with acknowledged and conceded facts.

Mr. HITCHCOCK. Mr. President, if the Senate does not want to do an idle thing, it should adopt some preamble to the resolution already favorably voted on, directing the Attorney General to investigate the advance in price of gasoline, because the resolution does not mention gasoline, and gives no indication as to the subject of the resolution. If the Senate rejects the preamble to Senator MARTINE'S resolution, some other preamble should be adopted.

I agree with others who have said that we need have no delicacy here in mentioning the Standard Oil Co. It seems to me the evidence is complete that a Standard Oil combination exists which controls the price of oil. It controls the price that is paid for the oil to the producers as it is taken out of the ground, and controls the price as it is sold in its refined condition to the consumer. It "holds an umbrella" over the few independents that exist under it; they follow the big company and quote the same price; so, in effect, the Standard Oil monopoly does fix the price for the whole country.

Mr. President, the document from the Secretary of the Interior, which was procured through the resolution of the Senator from North Dakota [Mr. MCCUMBER], is very illuminating in some of its statistics. It shows that the high price of gasoline is not due to a falling off in production, because the production of gasoline has enormously increased. It has increased from 6,000,000 barrels in 1899 to 6,900,000 barrels in 1904, to 12,000,000 barrels in 1909, to 34,900,000 barrels in 1914, and last year, in 1915, the number of barrels produced was 41,600,000.

Nor is the high price of gasoline due to a great increase in the export, although there has been some increase. The figures in the Secretary's letter show that, notwithstanding the increased exportation of gasoline, the surplus remaining in this country, which was 11,000,000 barrels in 1909 and 29,000,000 barrels in 1914, was over 35,000,000 barrels in 1915. So the increase in gasoline price is neither due to an increased export nor to a diminished production or supply in this country.

What are the figures which show conclusively what is the cause of this enormous increase in the price of gasoline? They are the figures of dividends in cash and in stock paid to stockholders in the Standard Oil group. For the last three months of last year those dividends amounted to $21,000,000 in cash. Since the so-called Standard Oil "dissolution" five years ago these dividends have aggregated $290,000,000 in cash and, in addition thereto, $169,000,000 in paid-up stock at par—a total in cash and stock dividends during the last five years, since the so-called dissolution, of $459,000,000 distributed to the stockholders of the Standard Oil Co.

These figures show what is the cause of the high price and great advance in gasoline. I think we should not be backward in stating in this resolution what every trade paper states and what is in the mouth of every person—that the high price of gasoline is due to the fact that a combination of the so-called Standard Oil group, mentioned in the official report submitted to the Senate, is controlling the price by a monopoly and deriving enormous dividends as a result.

Mr. President, I hope the Senate will adopt some preamble to the resolution directing the Attorney General to investigate. If there is objection to the preamble offered by the Senator from New Jersey, I suggest this as a substitute:

Whereas it is charged and by many believed that the high price of gasoline is due to the monopoly control of the Standard Oil combination and other interests: Therefore,

Resolved—

And so forth. Will the Senator accept that?

Mr. MARTINE of New Jersey. Oh, I suppose so. I accept the preamble.

The VICE PRESIDENT. The question then is on the amended preamble.

Mr. LODGE. Let us hear it read.

The VICE PRESIDENT. It will be read.

Mr. HITCHCOCK. It amends the preamble. It is a substitute for the last clause of the preamble. The Senator from New Jersey accepts it.

Mr. MARTINE of New Jersey. I will accept that.

The Secretary read as follows:

And whereas it is charged and by many believed that the high price of gasoline is due to the monopoly control of the Standard Oil combination and other interests.

Mr. LODGE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] was called out of the Chamber for a moment. He said that he wished to be heard on this preamble. Therefore I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Martine, N. J.	Smith, Mich.
Bankhead	Hardwick	Myers	Smoot
Beckham	Hitchcock	Nelson	Sterling
Brandegee	Hollis	Norris	Stone
Broussard	Hughes	Oliver	Sutherland
Burleigh	Husting	Overman	Taggart
Catron	James	Page	Thomas
Chamberlain	Johnson, S. Dak.	Poindexter	Thompson
Chilton	Jones	Pomerene	Tillman
Clark, Wyo.	Kenyon	Ransdell	Underwood
Clarke, Ark.	Kern	Saulsbury	Vardaman
Cummins	Lane	Shafroth	Wadsworth
Curtis	Lee, Md.	Sheppard	Warren
du Pont	Lewis	Sherman	Williams
Gallinger	Lodge	Shields	Works
Gronna	Martin, Va.	Smith, Ga.	

Mr. CHILTON. I wish to announce, and let the announcement stand for the day, that my colleague [Mr. GOFF] is absent on account of illness.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. There is a quorum present. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The VICE PRESIDENT. The Senator from Alabama [Mr. UNDERWOOD] is recognized.

Mr. MARTINE of New Jersey. Inasmuch as the subject we have been discussing has been debated pretty thoroughly and we are right up to the eve of a vote, I ask the consent of the Senator from Oregon [Mr. CHAMBERLAIN] that we may have a vote on the preamble of the resolution. If I thought it would excite any further discussion, I would not press it.

Mr. CHAMBERLAIN. I hope the Senate will not consent to that. The Sente has control of the matter, and we have now been an hour and a half on the proposition.

Mr. MARTINE of New Jersey. I ask for a vote, Mr. President.

Mr. CHAMBERLAIN. I object, Mr. President. I insist on the regular order.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products was read twice by its title and referred to the Committee on the Census.

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith was read twice by its title and referred to the Committee on Immigration.

NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, I understand the Senator from Alabama [Mr. UNDERWOOD] desires to address the Senate, and before he proceeds I desire to suggest the order in which this matter shall be taken up, and that is that the amendment be taken up as a whole and voted upon or amended to perfect it, if the Senate desires to offer any amendment to it. I think it will expedite matters to pursue that course.

Mr. SMOOT. The Senate acted on that yesterday.

Mr. SMITH of Georgia. The Senate determined yesterday to take up the substitute and perfect it first, so that the substitute is before the Senate to be perfected by amendment.

Mr. CHAMBERLAIN. That course will be satisfactory to me, Mr. President.

The VICE PRESIDENT. The Chair is informed that upon yesterday the Senate, by motion, set aside the rule of the Senate and ordered that the amendment be first perfected before the original bill was perfected. That is in violation of the rule of the Senate, but everyone seems to be satisfied with it, and the Chair has no objection.

Mr. CHAMBERLAIN. If the Senator from Alabama will permit me just a moment further, I desire to say that the committee will have a few amendments which it will desire to offer at the proper time. I think probably it would be best to have the speeches made before those amendments are offered, and after the committee amendments have been disposed of then the bill will be open for general amendment.

Mr. UNDERWOOD. Mr. President, the question of the preparedness of a country to defend itself in case of war is the first governmental duty of a legislative body. I do not to-day intend to go into a discussion of all the items in the bill now pending before the Senate, but there is one question involved in determining whether our Government is prepared to meet in war a first-class foreign power that is more important, in my judgment, than any other. That is the question as to whether we can supply the raw material that is necessary to produce the powder to carry on a war.

In the Senate this morning a bill was presented seeking to enable a private corporation to develop water powers in this country for the purpose of making nitrogen to manufacture powder. There was also a bill presented that comes from the Committee on Agriculture and Forestry, looking to the development of water power for the purpose of making fertilizers.

Mr. President, I have an amendment pending to the present bill, which I send to the clerks' desk and ask that it may be read, so that the Senate may fully understand the proposition to which I am addressing my remarks.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). The Secretary will read the amendment.

The SECRETARY. It is proposed, as a new paragraph, to insert the following:

That to provide for the fixation of atmospheric nitrogen, by improvement of navigation and development of water power, necessary for the manufacture of nitric acid in times of war and fertilizers in times of peace, the Board of Engineers for Rivers and Harbors, subject to the approval of the Secretary of War, is hereby authorized and directed, first, to hold hearings and conduct negotiations for the purpose of determining upon a suitable air nitrogen process and the terms under which it can be made available, and, second, to select a suitable site on a navigable stream in the United States for the construction of the necessary dam, locks, substructure, power house, and hydroelectric equipment. The board shall report its findings, with estimates of cost, to the Congress at the earliest practicable time, accompanied by recommendations as to what plans should be adopted for providing the Government an assured and adequate supply of nitric acid in times of war,

and, consistent with this purpose, for effectively and economically serving to the greatest extent practicable the agricultural interests of the country in the manufacture of fertilizers in times of peace.

Mr. UNDERWOOD. Mr. President, the fundamental premises upon which is based the proposition for the establishment of the air-nitrogen industry in this country through the action of the Government are clear and undeniable. They are axiomatic, and should carry the force of other self-evident truths.

The first is that a nation can not conduct a war of defense or offense without explosives; that explosives can not be made without nitric acid; that an adequate supply of nitric acid can not be secured except through the use of Chilean saltpeter or the fixation of atmospheric nitrogen; that the supply of Chilean saltpeter might be cut off from the United States at any time by an enemy navy. Therefore it is not only a patriotic duty but a national necessity of the very first order of importance for Congress to insure the establishment in the country of the air-nitrogen industry on a scale adequate to supply the Nation's requirements for nitric acid in times of war.

The second premise is that a people can not survive the fierce competitive struggle in times of peace without a plentiful and cheap food supply; that a cheap food supply is chiefly a question of securing more food per acre cultivated without an increase in labor; that this defines cheap agricultural fertilizers; that cheap agricultural fertilizers are chiefly a question of a plentiful and cheap nitrogen supply; that the one adequate, cheap, and assured source of nitrogen is the atmosphere. Therefore it is an economic necessity of the very first order of importance that the country should have a cheap and plentiful supply of air nitrogen in the form of a fertilizer.

To make assurance of the soundness of these premises doubly sure we have but to consider what has taken place in Europe. Germany at the outbreak of the war was expending for Chilean saltpeter, used chiefly as a fertilizer and for the manufacture of nitric acid, between $40,000,000 and $50,000,000 per year. She had available within the borders of the Empire 660,000 tons, valued at $30,000,000, sufficient for a few months' requirements. When this was exhausted there remained no means of replenishing the supply by reason of her being cut off from Chile. Within 18 months Germany expanded the air-nitrogen production in the country by the investment of approximately $100,000,000 and the employment of an additional 300,000 continuous horsepower. To-day she is independent of all outside sources of nitrogen, and will continue so throughout all time.

The allies have approximately 500,000 continuous horsepower engaged exclusively in the fixation of air nitrogen for explosives, and, furthermore, air-nitrogen nitric-acid plants are now being actively installed all over the allied countries of Europe, notwithstanding the sea is open to them for the transport of saltpeter from Chile. The shortage of sea bottoms makes Chile highly undesirable and expensive as a source of nitrogen supply even to the allies.

The United States is about the only country in the world which is without the air-nitrogen industry; Japan, Norway, Sweden, Germany, France, Austria, Italy, and Switzerland together conduct the industry on an enormous scale, employing 1,000,000 continuous horsepower, involving an investment of $150,000,000, and an annual production which in normal times has a value of $78,000,000. The greatest water-power center in the world, with which none other compares, is Niagara Falls, where at this time more power is being developed than ever in its history, namely, somewhat in excess of 450,000 continuous horsepower. This is equivalent to about one-half of what the countries outside of the United States are consuming every second of the year in the fixation of atmospheric nitrogen.

These facts should have our earnest consideration, for we are here dealing with the greatest single factor affecting a nation's economic prosperity in times of peace and its power of defense and offense in times of war.

It may be said that we can secure a suitable supply of nitrogen for war purposes from the investment of private capital. The amendment that I have sent to the clerks' desk seeks to give the Government of the United States the control of this situation at least so far as the Government supply of powder is concerned.

This morning one of the great powder companies of this country proposed to the Congress of the United States that it control the water power of this country, in order that it might furnish the nitrogen to defend the Nation against foreign attack.

Mr. President, it was only a few weeks ago that the Senate of the United States thought the question of such grave importance that it invaded the business of a private corporation by passing a bill to establish an armor-plate factory, believing that we could not depend entirely on a private corporation to stand for the national defense in time of war. To-day it is proposed that in the inception of this question, in the very beginning of the development of this air-nitrogen industry in this country, we shall turn over the national defense, so far as making powder is concerned, and the natural resources of this country, in so far as water power is needed, to a private corporation and rely on its patriotism to furnish nitrogen to defend our country against a foreign attack in times of war.

Can we do it? I am not one of those who would tie up the natural resources of this country to an extent that they can not be used. I have never had any sympathy with those who believe in that conservation that means the obstruction of the development of our natural resources. I have never believed that we are conserving the natural resources of the United States for the benefit of the people of the United States by saying that we will let the water of the great falls of this country run downhill and be unused for fear that some one may get the advantage of it.

I do say that if the Congress of the United States is unwilling to exercise this power and allow the Government of the United States to develop these powers for the benefit of the people of the United States, then you had better allow a private corporation to develop them rather than to go on and let the power be wasted and the opportunity go by and leave your Nation without defense in time of war.

But I say that is unnecessary. The opportunity is here, and the Congress of the United States can legitimately allow the Government to act in this matter so far as it is a governmental function.

To create this power you must do so in the navigable streams of the United States. It is within the power of the Government of the United States to make those great streams navigable for commerce, and in making those streams navigable for commerce you can build the dams that are necessary for the development of hydroelectric power to make your nitrogen and make your powder, and retain it in the hands of the Government for the benefit of the people of the United States. But you can not let this question go by.

This is not the first time that a private corporation has attempted to develop an air-nitrogen plant in the United States and has met with the power of obstruction. Some years ago a company that is now making air nitrogen in Canada, a very large quantity of nitrogen, asked the Congress of the United States to allow them to build a dam on the Coosa River in Alabama. The bill provided that they should build the dam and the locks and the works without cost to the United States Government. Interest at 5 per cent on their investment would have made the water power cost for interest alone $7.50 for each horsepower developed, and it is said the water powers in Norway are developed for the same purpose so cheaply as to make the total cost for power from $3 to $5 per horsepower. They proposed to make over 20 miles of the river navigable without cost to the Government. They had options on land to build a nitrate works. They were preparing to make fertilizers for the farmers of the South in times of peace, and to have a plant that the Government could have taken over in times of war to furnish nitrogen for the making of powder in national defense.

Yet, because there was no provision in the bill to require that company to pay a dollar a horsepower tax for the use of that water, and the indefinite right of the Secretary of War to raise the tax as he saw fit in the future, the President of the United States vetoed the bill, and to-day if a first-class power declared war against your country and stopped the shipment of Chilean nitrates you could not last a year in defense of your country, because you would not have the power to make the powder that is necessary to supply your troops.

Mr. TILLMAN. To what President does the Senator from Alabama refer?

Mr. UNDERWOOD. I refer to President Taft.

So I say, Mr. President, that, although I believe this is a Government function, the Government ought to develop this power, or so much of it as is needed, in the interest of the people; yet if you by your votes are unwilling to have the Government exercise this power, I would rather see a private corporation do it than to leave my country defenseless in time of war.

Mr. STONE. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly; I yield.

Mr. STONE. The Senator from Alabama said there was a powder company—the Du Pont Powder Co.—which this morning proposed that it would furnish all the nitrogen that was necessary to make explosives if the Government would turn over its water power to that company.

Mr. UNDERWOOD. Yes, sir.

Mr. STONE. Does the Senator from Alabama understand that the entire water power of the country should be turned over to that company?

Mr. UNDERWOOD. No.

Mr. STONE. The Senator just remarked that the American Falls—I assume he meant the American part of the Niagara Falls—would produce practically half of all of the power used now by the other nations of the world in the production of nitrogen. If that be true, what is the need of turning over Coosa River or other great water powers to a private company?

Mr. UNDERWOOD. I shall be glad to explain that to the Senator from my standpoint.

Niagara Falls is the greatest water power in the world, and, as I said, both the Canadian and the American Falls are producing to-day about one-half as much power as that which is being used for air-nitrogen purposes in Europe; but the Senator must bear in mind that the Congress of the United States has limited the development of the use of water power at Niagara, and that the development has about come up to that limitation. Therefore, without destroying those falls, you can not make a greater development at Niagara.

Mr. SMITH of Georgia. That development is also limited by the treaty with Great Britain.

Mr. UNDERWOOD. It is also limited by treaty with Great Britain.

Second, the power at Niagara is being used for purposes that can not be dispensed with. I do not mean to say that in times of war we could not dispense with anything; but looking at it from the standpoint of times of peace, great factories have been built there, and they are using that power; cities are being lighted by it, and street-car systems are being run by it. You can not justly take away the power of Niagara for the purpose of supplying the Government with an air-nitrogen plant. There are a great many places where hydroelectric power can be developed, but there are not many places that will fill the bill that presents itself to the Congress of the United States to-day.

The German Government, for the purposes of this war, I am informed—and reliably informed—is making 270,000 tons per annum of nitric acid, and our needs would be 180,000 tons.

Mr. TILLMAN. On what river is that power for the manufacture of this powder produced?

Mr. UNDERWOOD. There is only about 20,000 of that horsepower which is used in this manufacture which is being produced by water power.

When the war broke out Germany found that the use of explosives was so great that, although she had the largest store of Chilean nitrates of any Government in the world, they were wiped up in a few months. She had then to resort to the expensive alternative of using steam to create the power to make electricity, and at a very high cost, because she had not developed her water powers and did not have the water powers to develop. But, coming back to the Senator's question, Germany, as I said, is producing at the rate of 270,000 tons of nitric acid per annum for her military needs. I take it, it would at least be conservative to say that if we became involved in war with a first-class power we would need at least two-thirds of the supply of powder that Germany alone is using to-day.

Mr. WORKS. Mr. President——

Mr. UNDERWOOD. Let me finish this sentence. Two-thirds of the nitric acid Germany is using to-day would require 100,000 horsepower to create by the cyanamide process. Now I yield to the Senator from California.

Mr. WORKS. Mr. President, I agree with the views of the Senator from Alabama that the Government should itself manufacture anything, I may say, that is necessary for its own defense. It was upon that theory—and because I believe in that principle—that I voted for the armor-plant bill; but the Senator from Alabama couples with that proposition, as I understand his amendment, the proposition that the Government shall go into private trade and supply nitrogen to the farmers.

Mr. UNDERWOOD. I will come to that in a moment. I will say to the Senator that I do not want to take up that question now, because I am on another branch of the subject.

Mr. WORKS. I only wished to ask the Senator if he was going to consider the question of the constitutional right of the Government to enter into that sort of trade. I am not disagreeing with the principle that the Senator has indicated.

Mr. UNDERWOOD. I think I can satisfy the Senator from California when I come to it, but I will ask him to excuse me from answering the question now, because I want to answer this other question.

The Senator from Missouri [Mr. STONE] has asked me whether it was necessary for the Government to take all of the water power. No; but the Government, if it is going to manufacture air nitrogen economically, ought to manufacture it at one plant, at one place. Of course, the Government could assemble a large number of small powers and accomplish the results; but if it wants to do it economically it ought to have but one nitrogen plant and all the accessory works. Therefore, the Government should look for a place where it can develop something like 100,000 or 125,000 horsepower.

To develop 180,000 tons of nitric acid by the lime-nitrogen process or the cyanamide process would take 100,000 horsepower; but, to be on the safe side, you should estimate something like 120,000 or 130,000 horsepower to produce 180,000 tons of nitric acid. If you take the arc process, the process that is owned by the Du Pont Powder Co. so far as the rights in America are concerned, you would need a great deal more power, because it takes a half horsepower to the ton of nitric acid made by the cyanamide process, where it takes three horsepower to a ton of nitric acid made by the arc process; in other words, the arc process requires six times as much power to develop the same amount of nitrogen.

Well, what is the economy of the situation? First, in further answering the question of the Senator from Missouri, I will say that, if we must have for this purpose the development of water powers in this country, where at least 100,000 horsepower can be developed at one plant, and where that plant is accessible to railroads and to the transportation of its products, there are comparatively few places in the United States where you can locate a plant of that kind. If the Government is not willing to go in itself and investigate the question, as I am asking it to do, and determine where these locations are, and what are the best locations for a Government plant, and let it go by for private capital to develop, then private capital naturally will take these places of great power possibilities, and when the Government wakes up they will be found in the hands of private capital. What I am asking the Senate of the United States to do to-day is to take advantage of this opportunity and to authorize a responsible board to investigate and report the question back to us.

But look at the economy of it. Suppose you make up your mind that you are not going to develop air nitrogen for this purpose; that you are not going to follow the lead of the great powers of Europe and develop this industry, but that you are still going to rely on Chilean saltpeter. I am informed that the amount of Chilean saltpeter that we have in this country at the present time to defend our country against a foreign attack is not one-twentieth of the supply that the German Government had available when this great debacle in Europe took place—not 5 per cent have you in your storehouses to-day to defend your country against a foreign attack. The picket is asleep at his post, and the Congress of the United States occupies the picket line.

It is economy to make this development. I take it that the Government of the United States is not going to continue to carry in this country only one-twentieth of the Chilean nitrate supply which Germany carried at the outbreak of the present war. I will assume that Congress would be willing to buy and store up as much Chilean nitrate as Germany had when the war came on, which supply only lasted her a few months, and cost her $30,000,000. The interest on $30,000,000 at 3 per cent amounts to $900,000; but you have to take the fire risk, whether you have insurance or not, and Chilean saltpeter is a very inflammable material and there is a great deal of risk in connection with it. You have to pay for its storage, and, more than that, it depreciates in value and you have the loss of depreciation. So I take it that the cost to the Government would not be 3 per cent of what you borrow your money for, but to the 3 per cent would be added the fire risk, the storage, and the depreciation, which, altogether, would amount at least to 5 per cent per annum. Five per cent per annum on $30,000,000 is $1,500,000. But there is no fire risk in developing a water power, no cost for storage, and $1,500,000 is the interest, at 3 per cent, on $50,000,000.

I do not ask you to take my word as to what $50,000,000 will do in the development of such power. I am asking the Senate of the United States to adopt an amendment which will authorize the executive branch of this Government to investigate this question, and find out what an expenditure of that amount will do; but I will say to you that I have investigated it; and $50,000,000 will harness up a water power in this country which will produce 125,000 or 130,000 horsepower every second in the day and every day in the year—130,000 primary power. I do not say that on my own authority; I say it from the reports of the engineers of the War Department. That power can be developed for $14,500,000, and with much less than the balance of the $50,000,000 you can build air nitrogen plants, conversion plants, and every other kind of plant which is necessary to create a supply of 180,000 tons of nitric acid a year for the Government of the United States.

A moment ago the Senator from California [Mr. WORKS] addressed to me a pertinent question. He asked me if I wanted to put the Government of the United States into the business of making fertilizers for farmers. Next to defending the country against a foreign enemy in time of war, I believe the most important thing is the developing and building up of the great agricultural interests of our country. It would not be necessary to enter that field unless the Government wanted to do so; but if the Government develops this power and holds it in its hands, there may be many years pass when it will not need the power for the purpose of making nitric acid. In times of peace if we have our plant built, our capacity to make nitrogen established, and a reasonable supply on hand for the moment, we do not want our power to lie idle and stop the wheels of the machinery; we do not want the plant which is making nitrogen to be unused; we do not want to go on making 180,000 tons of nitric acid a year in times of peace. What we want is the power to produce that commodity in time of war, and with that power and with that capacity why should we not either sell the nitrogen to those who are engaged in the fertilizer business to make fertilizers, or sell the power to those who want to use it, in order that they may make fertilizers out of it for the benefit of the great farming interests of this country?

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. I yield.

Mr. WORKS. The Senator was mistaken in saying that I inquired of him whether or not he wanted to do these things. I think a great many of us would like to see something of that kind done. The question in my mind was whether the Government had any power to enter into a business of that kind, and not whether or not we should desire to have it done. I asked that question partly because there are other bills pending here, one of them which has been very recently considered in one of the committees, proposing to assist, for example, irrigation districts of the country organized within the States, and therefore I have had some reason to inquire into that subject and to consider not only the question as to the power of the Government in dealing with a matter of that kind, but as to the policy of doing it. It is for that reason that I should be glad to hear from the Senator on that branch of the subject.

Mr. UNDERWOOD. I think the Senator stated a moment ago that he agreed with the policy if we had the power. Now, as to the power. We may not have, and probably do not have, the power to develop a great water power for the purpose of making and furnishing the farmers of the United States fertilizer in time of peace, but we have the power to make a stream navigable; and that is what we do if we develop any navigable stream. We have the right to take the power developed on that navigable stream and to use it for a war purpose. That war power would embrace the right to make nitric acid and nitrogen, if nitrogen is necessary for the country's defense; and, if it is necessary for the country's defense, we have the right to pursue it further and carry the nitrogen into powder.

The other day the Senator from California and I voted together to build an armor-plate factory under the war power. We do not disagree on that. When you have taken such action under a war power and the war power exists, is it necessary to let your plant rot down in times of peace? Is it necessary to let the water run to waste because you do not have to make powder that day and hour? Can you not rent that power or rent that plant, which you are holding back with the strong arm of the Government for a war power in the time of emergency, to citizens of the United States for peace purposes, without violating the Constitution of the United States?

Take an example in this city. Some years ago down toward the Treasury Department Congress bought three blocks of land for the purpose of erecting Government buildings. That was a governmental power, but it has not erected the governmental buildings, and every day that I go down Pennsylvania Avenue I see those houses rented and the Government collecting the rents.

Mr. TILLMAN. And the Government is renting other buildings all over the city to house its departments.

Mr. UNDERWOOD. Certainly. I take it that nobody would contend that the Government of the United States has the right to go into the rental business; but having purchased the property for some other purpose, for a governmental purpose, it does not have to let the property lie idle and not be rented up to the time when it is ready to use it for the purposes for which it was purchased.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. UNDERWOOD. I yield.

Mr. POMERENE. Will the Senator permit me to observe that the War Department now leases water power on navigable streams to private concerns, and that within two weeks Congress has passed an act to cancel one of those leases because its terms seemed to be inequitable to the lessee?

Mr. UNDERWOOD. Certainly. So that I do not think there is any doubt about the power——

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. UNDERWOOD. In just a moment. I do not think there is any doubt about the power of the Government to develop these plants for war purposes; nor do I doubt the power in times of peace, when it is not necessary to use the plants for war purposes, to use them for the development of agriculture.

Mr. CLAPP. Yes; and could not the Government just as legally operate them in times of peace, rather than let them lie idle?

Mr. UNDERWOOD. I think so; yes.

Mr. CLAPP. I wanted the Senator's expression on that.

Mr. UNDERWOOD. Yes; I think so.

Mr. WILLIAMS. Mr. President, if the Senator from Alabama will pardon me, in times of peace part of the power would be used for Government purposes——

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS. And it would be only the residue of it that would be used for something else?

Mr. UNDERWOOD. Certainly.

Mr. SMITH of Georgia. If the Senator will pardon me just there, I believe the estimate is that the nitrogen which we would require, with reasonable practice activity on the part of our Army and Navy, would cost $500,000 each year.

Mr. UNDERWOOD. I think that may be correct.

Mr. President, it may be asked why I inject this amendment into this bill. I did not intend to take a hand in this matter in the beginning; but I believe that the most important item that can go into a preparedness bill is the question of the supply of powder. You will not have a bill protecting your country against foreign attack until you have assured its powder supply.

This suggestion did not originate with me; it originated with the Government of the United States; in fact, I do not think you should ask the question why this amendment should go on the pending bill; but the real question which confronts the Senate of the United States is to ask the Committee on Military Affairs why it reported this great bill, increasing the Army of the United States 100,000 men and increasing its cost $150,000,000 a year without incorporating in the bill a provision for an adequate supply of powder in time of necessity. That is the question which confronts the Senate.

Mr. President, former Secretary of War Garrison, a patriotic and farseeing and able man, presented this question to the Congress of the United States for its consideration, and his presentation has been ignored.

In the 1915 annual report to Congress of former Secretary of War Garrison he says, in part:

> Military effectiveness requires ample quantities of the element (nitrogen), and the proper protection of national security behooves us to make provision for an adequate supply in time of war. Our only present source of supply is now the natural nitrate beds of Chile, which in time of war might be shut off from us. Obviously in the matter of munitions, especially where the source is so limited and localized, we should neglect no provision so easily available as to make the country self-sustaining. Plants producing nitrogen for industrial purposes in time of peace would be a great national asset in view of their availability to supply us with the necessary nitrogen in time of war.

That is what the Secretary of War of your country recommended to the Congress of the United States when he recommended that you increase the size of your present Army. But it did not rest there. Brig. Gen. William Crozier, Chief of Ordnance of the United States War Department, said, in his annual report for 1915, when you met here last December, this:

> In a country of even the very great natural resources of the United States there are nevertheless some articles essential in time of war for which it is dependent on a foreign source of supply. If these sources are so placed as to necessitate ocean transportation the possibility of being cut off from them is great enough to call for provision against it. I do not know of any article of this class which at the present time should cause more concern with reference to the war-time supply than nitric acid.

Not guns, not men, not airships, but nitric acid, says the Chief of Ordnance of the United States Army.

Then, after setting forth in some detail the impossibility of storing materials from which nitric acid is at the present time evolved, or providing for an assured supply in any such manner, Gen. Crozier goes on to say:

> These facts point to the necessity for an inquiry into the possibility of the establishment within the limits of the country of a source of supply of this war essential. Fortunately the possibility exists. There are in successful operation in Europe in several countries plants for

the fixation of atmospheric nitrogen and the rendering of it available for use in the manufacture of nitric acid.

That is what I am asking you to do in this amendment. I am not asking you to go blindfolded and commit yourself to some unknown proposition. I am asking you to do what the Chief of Ordnance of the United States Army has asked you to do and recommended you to do; and I say the question is not as to whether this matter should be considered in this bill. The question before the United States Senate is why the Military Affairs Committee of the Senate has not reported a proposition of this kind to the Senate for consideration.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. UNDERWOOD. I do.

Mr. HUSTING. I am very much interested in what the Senator is saying regarding the necessity of conserving our power supplies. I should like to ask the Senator whether he would not favor reserving in all water-power franchises the right to take possession of water powers developed under a lease from the United States in time of war, and during the continuance of the war to use them for the manufacture of nitrates, and then restore them to their owner and pay him a fair price, but aside from war profits, as proposed in an amendment to the so-called Shields bill, which I offered while the water-power bill was under discussion?

Mr. UNDERWOOD. I will say to the Senator that if war was on and the necessities of war required it, of course I would be willing to take anything; but that would involve great expense to the United States Government to take from private persons their private property and devote it to war uses when you have the power here to develop the necessary power that the Government needs, and let private capital develop power for its own purposes in other respects.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama further yield to the Senator from Wisconsin?

Mr. UNDERWOOD. Certainly.

Mr. HUSTING. I understand that under the plan of the Senator he would have the plant operated by private hands for the purpose of manufacturing fertilizers in times of peace, and that only in times of war would the Government resume possession of it.

Mr. UNDERWOOD. No.

Mr. HUSTING. I just want to ask the Senator whether that would not carry with it the idea that in times of peace it would be used for the purpose of manufacturing fertilizers, and only in time of war would it be used for the manufacture of nitrates and powder?

Mr. UNDERWOOD. I did not say that I had a plan, so far as my amendment is concerned. The amendment simply seeks to have the United States Government, through its constituted authorities, investigate the question. I said this plant could be privately used when built and the United States Government could get back its interest, so that there would not be any cost to the Government, by either leasing it or using it for the purpose of making fertilizers. But it is not necessary to tie up all the water powers of the United States in order to get a few great powers that are necessary for this purpose.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I do.

Mr. TILLMAN. I have a suggestion to make to the Senator. I do it with great diffidence, because he is a lawyer and I am not; but I have some recollection of a general-welfare clause in the Constitution, something like this:

Congress shall have power * * * to provide for the common defense and general welfare of the United States.

And the Senator's amendment will do both.

Mr. UNDERWOOD. Well, undoubtedly the national defense will justify it.

Mr. TILLMAN. I know it; and the other provision is right there—the general-welfare clause. God knows the production of food is for the general welfare, if I ever had any common sense.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I do.

Mr. WEEKS. I was going to ask the Senator from Alabama if his attention had been called to the fact that private capital was supposed to be waiting to go into developments of this kind, provided the water-power bill passes?

Mr. UNDERWOOD. Well, the private capital announced itself at the desk this morning, and I am coming to the private capital in a minute.

Mr. WEEKS. I was not aware that it had done so, but I have understood that private capital was prepared to go into the Columbia River development and other developments. Furthermore, I desire to call the attention of the Senator to the fact that a bill was reported to-day which has in view something of the contentions which he is making, introduced, I think, by the Senator from South Carolina [Mr. SMITH].

Mr. UNDERWOOD. I have no fight to make on the bill of the Senator from South Carolina, but that seeks to have these water powers developed by the Government for agricultural purposes solely.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I do.

Mr. SMITH of South Carolina. The Senator from Alabama, of course, would not like to make an incorrect statement.

Mr. UNDERWOOD. Oh, no.

Mr. SMITH of South Carolina. The object of the bill was identically the object that the Senator seeks to accomplish in this amendment, but with a provision giving the Secretary of Agriculture the power to dispose of any surplus that there might be, as indicated by him, during times of peace. As we have got to make a certain amount during times of peace for the use of the Army, it is provided that the surplus may be used for fertilizer purposes.

Mr. UNDERWOOD. I did not fully understand the Senator's bill. I heard it read this morning.

Mr. SMITH of South Carolina. That was the full purport of the bill.

Mr. UNDERWOOD. I have no objection to that. The only proposition I am standing here for is this: Here is your preparedness bill. Here is your national-defense bill. Your Secretary of War has warned you that it is necessary to supply nitrogen to defend your country in time of war, and the Chief of Ordnance of the United States Army has asked you to investigate the question. I say no preparedness bill has a right to go through this body without some provision of this kind being attached to it.

I am not wedded to the language of my amendment. If it could have been done otherwise, I would have offered no amendment myself. I think the amendment I have offered is a safe and sound one. If any other Senator has a better proposition to offer, I am willing to accept it; but I say it should be tied to this bill.

Here are some other authorities indicating why it should be tied to this bill:

Dr. L. H. Baekeland, one of the leading scientists and chemical engineers of the United States, a member of the Naval Consulting Board, is quoted in the New York Press of December 23, 1915, as follows:

The lack of nitric acid, the indispensable chemical in the manufacture of smokeless powder and high explosives, would cause the United States to be defeated in less than a year after war started with a first-class power, unless our Navy were more powerful than that of the enemy.

This Dr. Baekeland is one of the great chemists of this country. He is a member of the Naval Consulting Board of the United States, and he tells you that you could not stand out against an enemy a year because you have not got the nitrates with which to do it.

Mr. Howard E. Coffin, chairman of the committee on production, manufacturing, and standardization of the Naval Research Board, said, at a meeting of this board December 23, 1915, in speaking of preparedness:

One of the big things is our utter lack of nitrates.

Dr. Charles F. McKenna, former president of the American Institute of Chemical Engineers, in an article in the New York Times of January 23, entitled "Air furnishing raw materials for gunpowder," says, speaking of cyanamide:

Ammonia can be obtained from this compound by a very simple and cheap process. * * * Nitric acid can be made from ammonia, thus furnishing us with the opportunity to make nitrates as demanded from their ammonia, sodium, potash, lime, barium, or other base. It is very probable that all of these necessary reactions do not cost as much to bring about as does the arc reaction in the Baekeland-Eyde and Pauling furnaces, because enormous power is there demanded and small yields obtained per unit of produce.

Prof. Joseph W. Richards, dean of the chemical faculty of Lehigh University and secretary of the American Electro-Chemical Society, in a paper entitled "Nitric acid from the air as a factor in preparedness for war," delivered at Lehigh University January 27, 1916, said:

Germany has had to supply her own munition and nitric acid, to accomplish which the Teutons have created a large industry which manufactures nitric acid from the air. Over half a million horsepower is used in producing it. The United States at this time has not a single nitric-acid plant in operation.

Dr. Thomas H. Norton, Ph. D., Bureau of Foreign and Domestic Commerce, Washington, D. C., another man connected with your Government, writing in the Scientific American of March 4, 1916, under the title of "The American conquest of the air," says, in part:

The heaviest tribute is paid to foreign countries for our supply of combined nitrogen. Imperatively necessary for a multitude of industries, and above all for maintaining the fertility of our farms. The tribute has amounted annually to over $29,000,000. Every cent of this sum should have remained within our own borders. * * * In this ultimate analysis a war is reduced to the simple term of nitric acid. The nation engaged in struggle for life and death becomes helpless the day this stock of nitric acid is exhausted, no matter what its population may number, no matter what their bravery, skill, and resoluteness. * * * And now, in 1916, this country is without a single factory of industrial rank occupied with the fixation of atmospheric nitrogen. We still pay a heavy tribute to foreign producers of nitrogen in combined form. We are still exposed to the dangers of widespread disaster for a multitude of interests should communication with Chile be severed.

Robert G. Skerrett, writing in the Iron Age of February 10, 1916, on "The fixation of atmospheric nitrogen," says:

It is the cyanamide process that Germany has turned to. * * * Cyanamide can be manufactured anywhere within our boundaries where there is water power that can be developed cheaply and which can be reached by rail. * * * However, the Government must come to the rescue of the industry, no matter what the process, and at least make it possible for manufacturers to have available an abundance of cheap water power.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly.

Mr. OVERMAN. When was that article written?

Mr. UNDERWOOD. This article was published in the Scientific American on the 4th day of March, 1916—this very month.

Mr. OVERMAN. There is one plant in South Carolina which is doing very well. It is nearly on the North Carolina border. It is a small plant.

Mr. UNDERWOOD. I do not think that is making air nitrogen. It is now experimenting with phosphate, and not nitrogen.

Mr. SMITH of South Carolina. I should like to say to the Senator from Alabama that there is a plant at a place that has assumed the name, in part, of the product—Nitrolee, S. C.—and I saw in one of the scientific journals the statement that they are producing atmospheric nitrogen; but I have not been able yet, although I have made some efforts, to find out just what is their capacity or what system they use in the production.

Mr. OVERMAN. They use the arc system, as I understand.

Mr. UNDERWOOD. As I understand the proposition, I think I know the plant the Senator speaks of, and I think it is a small experimental plant that has been erected by Mr. Duke, or those interested with him. Is not that the plant?

Mr. SMITH of South Carolina. That is correct.

Mr. UNDERWOOD. And the total expenditure there is about $150,000 up to this time. It is a mere experimental plant, and it is not experimenting with nitrogen. It is phosphate with which the experiments are being made.

Mr. OVERMAN. I telegraphed them when the Senator from Tennessee [Mr. SHIELDS] made the same statement, and I received a reply to the effect that there was a plant there, and that they were doing a fine business, and yet it was a comparatively small plant.

Mr. UNDERWOOD. It is only an experimental business, which failed. So that what this gentleman says about there being no air-nitrogen plants in this country is an absolute fact, although under the present high price for nitric acid, two and a half times the normal, this experimental plant may have resumed and be producing 2 or 3 tons per day.

Mr. F. J. Tone, works manager of the Carborundum Co., and a recognized authority in electrochemistry, speaking at a meeting of the Niagara Falls section of the American Electro-Chemical Society on February 22 last, said:

To-day nitrogen products are unquestionably the most important products in the field of chemistry. Without them modern warfare as we know it would be impossible, because they are an essential element in every explosive. * * * They are necessary in the life of an agricultural nation at all times, and, as a matter of common foresight, the production of artificial nitrates should to-day be made an established industry in America. * * * This at once calls for cheap electric power in the center of good transportation facilities, and in brief terms it means that we must have Niagara power in large amounts and at low costs.

Mr. President, as I said in the beginning, I think the question is not why this amendment should be placed in this bill, but why it has not been placed in this bill. The House Committee on Military Affairs reported a bill to that branch of Congress which contains this provision:

SEC. 82. That to provide for the fixation of atmospheric nitrogen by the development of water power, or any other means, necessary to establish an adequate supply of nitrogen, the appropriation of such sum or sums of money to construct the necessary plant for such purpose is hereby authorized.

In other words, they did not provide for a plant; they did not provide for a supply; but they put in the preparedness bill a provision authorizing the Congress to act, so that they could have laws inserted in the great appropriation bills in the future for the building of a plant of this kind, and create a supply of nitrogen.

I say, Mr. President, without the expectation of contradiction, that that provision in the House bill to guard this country against the danger of a foreign enemy in time of war was defeated by the Powder Trust, the Republican Party, and certain gentlemen who called themselves conservationists.

Look at the record in the House of Representatives. Every member of the Republican Party who voted on the question, except so many as I could count on the fingers of one hand, voted to strike that provision out of the House bill. On the Democratic side of the House there were in the neighborhood of 20 men who voted with the Republican Party to strike it out. Practically every man who voted to strike it out calls himself a conservationist.

This was not any question of preventing a private corporation from exploiting the people of the United States. This was a question of the Government of the United States having the power, in its own appropriation bills, to protect itself against a common enemy. It required no limitation on legislation, because under the proposal in the House bill the Government was to do the work itself.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. WARREN. I have no desire to enter at present into the political part of the remarks of the Senator regarding the House. I had understood—of course, the Senator may be better advised than I am—that it was the indefiniteness of the House proposal that ruled against it, rather than any other factor. Of course, that section meant little, as the Senator knows, in the way of carrying out what he now wishes to be done, and which he is so ably presenting. It was entirely loose, and meant nothing except the desire of those who voted for it that something should be done.

Mr. UNDERWOOD. Undoubtedly. It was the desire of those in charge of the bill that something should be done, and they went as far as they thought they could go. I am sure the objection that was raised would not appeal to the Senator from Wyoming, because I know he realizes the importance of this great question to the Nation; but the Senator is wrong in his conclusion about this matter, because if it were a question of the section being so indefinite as not to fairly cover the subject it was open to amendment, and the men who struck it out did not try to amend the phraseology or the language of the bill.

Now, I have said—and I am not trying to make this a political issue, but I am trying to state the facts as I understand them——

Mr. WARREN. Will the Senator yield further?

Mr. UNDERWOOD. Yes.

Mr. WARREN. The Senator has given this matter so much attention that I presume he is of the opinion that it is pretty well understood by Senators and Members. I want to assure the Senator that the subject is a very new one to most people. I doubt if there are 50 Members in the other body or a quarter of the Members in this body who have given it any such study as the Senator has, or who know anything about it except that there is a way of obtaining this nitric acid through the construction of such a plant as the Senator names.

Mr. UNDERWOOD. I agree with the Senator thoroughly in his statement. Now, I am not charging any ulterior motive to his colleagues in the Republican Party at the other end of this Capitol when they voted against that section. I think most of them voted against this provision because they did not understand it. If I can do so, I am going to try to see that the Republicans, as well as the Democrats on this side of the Chamber, hear something about this question.

Mr. WARREN. The Senator is placing it before the Senate in a manner that I think we all appreciate, and he undoubtedly will have attention.

Mr. UNDERWOOD. Mr. President, I happen to know something about this question, because I was one of those who some years ago tried to pass what was known as the Coosa Dam bill, and did pass it up to President Taft's veto. I want to say of President Taft that I do not think he understood the importance of the question when he vetoed the bill or he would not have done so. But I realized then the importance of nitrates to the American people and the Government of the United States, and I have studied the question since, and I am not willing for it to go by at this time without giving it the consideration that I think it deserves.

I stated that it was not only the Republican Party in the House and the conservationists who voted against this measure, but it met with the opposition of the Powder Trust.

Mr. STONE. It has been suggested while the Senator has been talking that the opposition in the House was predicated upon some contention that this proposal had relation to the Coosa Dam. I can not understand why it has any such relation. The Senator has just referred to that, and I want to know if it has any connection with any particular enterprise.

Mr. UNDERWOOD. None whatever. It has no connection with the Coosa Dam proposition. You could not build a dam on the Coosa River that would be big enough to supply the Government of the United States with the power it needs to make nitrates needed in time of war. That dam ought to be built, but it could not be built for this purpose. It could be built to make a small amount of nitrogen to supply people who were manufacturing fertilizers, but it could not be used for this governmental purpose.

There has been an effort to defeat the Government going into this business because the private corporations want to take charge of supplying the Government of the United States with its powder and its nitrates, and hold that control. Many statements have been made which were not borne out by the facts.

Mr. OVERMAN. I wish to ask the Senator one question. I know he has investigated this matter thoroughly. What is the difference between the cost per pound of nitrate manufactured under his plan and the cost of saltpeter and nitrates brought from Chile?

Mr. UNDERWOOD. As I understand, and as I am informed—I am not a chemist, but I have studied the question and I have my information from some good chemists—it depends on the process. If you take the arc process, it may make the cost more to make nitric acid from the air in this country than from Chilean saltpeter. In Norway they have cheaper power than in this country, and there the arc process has been successful in a limited way. If you take the lime-nitrogen or cyanamide process, it requires approximately one-sixth of the power of the arc process and you can make it at about one-half of what you can make nitric acid with Chilean saltpeter.

Mr. OVERMAN. I understand, then, it would be much cheaper.

Mr. UNDERWOOD. It would be cheaper.

Mr. OVERMAN. There is another question I wish to ask. I understand that it is controlled by patents, and the Government would have to secure patents to manufacture it. Where are those patents controlled?

Mr. UNDERWOOD. There is the Du Pont Co., which seeks to get your permission to harness up some of your streams for its use by the bill introduced this morning. This company owns the American rights to the arc process.

Mr. TILLMAN. Who owns the cyanamide?

Mr. UNDERWOOD. The American Cyanamid Co. owns the right, and they have associated companies in Europe.

My amendment to this bill seeks to take care of this question. It does not commit the Government to any process or any policy, but it authorizes the Board of Government Engineers to see what contracts may be made with these people for manufacturing or for the use of their patent rights or their processes, and the engineers will report it back to you to determine whether or not it will do it.

Mr. TILLMAN. When will that board report?

Mr. UNDERWOOD. The amendment says it shall report at as early a date as practicable.

Mr. SMITH of Georgia. Not until after we add your amendment to the bill. That is the first step.

Mr. UNDERWOOD. It is the first step necessary. But I am getting far afield. I do not like to make a charge here against a great corporation, and in whatever I am saying I do not wish to be understood as reflecting upon the Du Pont Powder Co. It conducts a legitimate business. It is a great corporation. It naturally wants to control its line of industry, and it does not want the Government or anybody else to get into business with it. It had the right to oppose this bill if it wanted to. It has a right to have its agents around the Senate opposing my amendment if it wants to. But I say that the Senate of the United States, looking to the interest of the people of the United States, have not a right to let the Du Pont Powder Co. defeat my amendment, even if it does oppose the interests of that company. I am asking for only an investigation by a board of Army engineers coming from a corps in the Army that has handled millions on millions of Government money and holds the proud record that in the life of the corps there has been but one man who could be bought or who went wrong. Why should we not have the light? I am asking for only the light.

I send to the clerks' desk a clipping I cut out of this morning's Washington Post in reference to the powder company and I ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OFFER A NITRATE PLANT—DU PONTS WILL SPEND $20,000,000 IF CONGRESS CHANGES LAWS—COUNSEL LAY PROJECT BEFORE SECRETARY BAKER—WANT THE WATER-POWER STATUTES ALTERED.

Counsel for the E. I. du Pont de Nemours & Co. informed Secretary Baker at the War Department yesterday that the company stood ready to build a great hydroelectric plant for taking nitric acid from the air and to make its products available to the Government for the manufacture of explosives, at prices fixed by the Secretary of War, if Congress would change existing water-power laws so as to make such a project practicable.

Mr. Baker was given a letter from Pierre S. du Pont, president of the company, attaching a proposed bill to provide for 50-year leases on water-power sites in navigable streams.

It was explained that the company contemplated constructing a plant costing $20,000,000 or more and capable of furnishing all the nitrates now imported from Chile. Secretary Baker last night declined to say what would be his attitude toward the project.

Mr. UNDERWOOD. Mr. President, that is reported in the paper this morning. It is followed up by the introduction of a bill here in which the Du Pont Powder Co. at the opening of this discussion, the day this amendment is to be debated, come here and ask you to give them the pick of water powers in this country to develop nitrogen for their business. I am willing for them to have water powers, but I am not willing for them to have the pick of the water powers. I am willing for them to have the water powers on the same terms that you let other people have water powers. You passed a water-power bill at the present session with limitations or terms on which private corporations and individuals can use these powers far more drastic than anything in the bill which was read at the clerks' desk this morning. Why should not the Du Pont Powder Co. stand on all fours for its rights to water powers with the other corporations and the people of the United States?

That is not all. I send to the clerks' desk and ask to have read an interview with Mr. Hudson Maxim on this subject.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

UNITED STATES MUNITION PLANT SCHEME CALLED "PORK"—HUDSON MAXIM SAYS VENTURE WOULD RUIN HONEST INDUSTRY FOR POLITICAL PROFIT.

WASHINGTON, *February 29.*

From within the circle of President Wilson's Naval Advisory Board to-day came strong condemnation of the plan for Government manufacture of war munitions, expressed by Hudson Maxim in a pamphlet entitled "The colossal folly of the proposition for the Government to make all war munitions," published by the American Defense Society. Mr. Maxim also is a member of the board. Incidentally, a bill for Government manufacture of armor plate has been favorably reported by the Senate Committee on Naval Affairs.

In his latest contribution to the campaign for "preparedness," Mr. Maxim takes direct issue with those who urge erection of Government plants for the manufacture of war materials, and says this is only another scheme to provide "pork" for the "pork-barrel politicians."

"There is a nation-wide movement to have all war munitions manufactured by the Government," writes Mr. Maxim. "The movement originated with the pacifists, it being their object, as they claim, to take the profit out of the war.

"It is their belief that no man possibly can be honest or patriotic or possess any humanity or conscience unless he can possess these laudable qualities without loss of profit.

"What does it mean to the politicians to nationalize the manufacture of munitions of war? It means a great fruitage of political plums for their use and behoof. It will be the politicians who will have the sole say as to where the great Government works are to be located, and they are sure to be located not with respect to advantages of manufacture and safety in time of war, but where they will be the most advantageous as pawns for political profit, the same as has proven true with all Government works.

"In short, the manufacture of munitions of war will be taken from the hands of honest industry and placed in the hands of dishonest politicians."

Mr. THOMAS. Mr. President, in connection with the newspaper clipping which has just been read, it may be appropriate, with the Senator's permission, to read a special dispatch to the World sent from St. Louis three or four months ago:

PREPAREDNESS MEN PREPARE TO RESIGN—ADVERTISEMENTS OF $10,000,000 MUNITIONS CORPORATION SHOCKS ST. LOUIS.

ST. LOUIS.

Many members have resigned and others are threatening to resign from the committee of one hundred appointed by Mayor Kiel to urge the preparedness program upon Congress. This action resulted from advertisements in St. Louis newspapers this morning of a $10,000,000 Maxim munitions corporation offering stock for sale at $10 a share. Hudson Maxim appeared two days ago before the Business Men's League to urge support of the national defense program.

"That's a pretty swift beginning," said former Solicitor General of the United States Frederick W. Lehmann, in announcing his refusal to serve on the committee.

"One can not help suspecting an ulterior motive," said Judge H. S. Caulfield, in declining to be a committeeman.

"If the activities of the National Security League, at the instance of which the committee was appointed, the appearance of Mr. Maxim, and the promulgation of the advertisements can be connected, it is treasonable," said John H. Gundlach, former president of the city council and member of the committee.

I take the Hudson Maxim referred to in the clipping and in this special telegram to be one and the same man.

Mr. UNDERWOOD. I think so.

Mr. JONES. I wish to ask the Senator if this Maxim is the Maxim who collaborated in the preparation of the "Battle Cry of Peace" we have heard so much about?

Mr. UNDERWOOD. I think so.

Now, Mr. President, who is this Hudson Maxim? We all know he is a great engineer, a great man, a great inventor; but we also know another thing, that he is one of the consulting engineers of the Du Pont Powder Co., which fought the House provision, and in order to bring the Members of the House or the Senate of the United States in contempt he says that any man who would advance a proposition of this kind is a pork-barrel politician. A pork-barrel politician is what this private corporation's agent calls men who have the temerity to stand on the floor of the House or the Senate and see that the American people have some rights and that those rights are protected.

More than that, I know another great engineer in their employ; not personally, but I know of him. He is one of the greatest hydroelectric engineers in the United States and a man of high character, too, I understand. That is Mr. Hugh L. Cooper, of New York.

Mr. NELSON. Will the Senator allow me to correct him? He is Mr. Hugh Cooper, of Minnesota. He is a native of Minnesota.

Mr. UNDERWOOD. Mr. Hugh Cooper, of Minnesota, is one of the consulting engineers of the Du Pont Powder Co. The Du Pont Powder Co. secured the American rights, or the option to the American rights, of one of these processes. They went out to hunt for power. They did not find any entirely satisfactory to them in the United States, and they were going to Canada, when the proposal was made in the House bill that the Government should develop its power for nitrates. Mr. Hugh Cooper was their consulting engineer. When this question came before the House I know that Mr. Hugh Cooper came to Washington and stated that this provision in the House bill could not be enacted into law. He knew more about it than you do, and he was right; it could not be enacted into law. I know more than that. The Powder Trust had other agents here acting for them. I will not call the names; it is not necessary. In what I said about Mr. Maxim and Mr. Hugh Cooper I am not in any way reflecting on them. They are the employees or have been the employees of this great corporation. They had a right to shrug their shoulders and reflect on men who take the view that I do and prevent if possible men taking the view I do from accomplishing any results. I do not charge these men with any improper conduct. I say they came here to defeat this legislation, and they have succeeded so far.

More than that, the Du Pont Powder Co. had its employees in this town when the bill was pending before the House fighting the bill. So far as I know they may be here to-day for the same purpose. They have a right to be; but the people of the United States have a right to know what this issue is and who are opposing it.

Mr. President, I want to call the attention of the Senate to what it has been costing the people of the United States to secure these nitrates. The records of the Department of Commerce show that the imports of sodium nitrate from Chile into the United States from the year 1867 to May, 1915, were 8,040,271 tons, costing $261,990,000. The importations have been constantly increasing, and amounted in the year 1913 to 589,136 tons, costing $20,718,968 for that one year.

The Government of Chile levies an export tax on sodium nitrate that equals in our money $11.60 a ton, which would amount to $6,833,977 on the imports coming into the United States in 1913. The Government of Chile has collected on sodium nitrates coming into the United States since the beginning $90,000,000. In other words, if you continue to get your supply of nitrates for your powder from Chile, the Government of the United States must pay a tribute to the Chilean Government of $11.60 a ton. If your farmers continue to get their nitrates for their fertilizers from Chile, they have to pay to the Chilean Government $11.60 a ton for every ton of nitrate that goes into their fertilizers.

As I said, in one year we paid the Chilean Government over $6,800,000. Six million eight hundred thousand dollars is 3 per cent a year on $227,000,000. Half of $227,000,000 would build an air-nitrogen plant, couple up the water power in the running streams of America, and make your rivers navigable and supply the farmers of the United States with their present needs of nitrogen for fertilizer purposes and save far more than the tribute we now pay the Chilean Government and the cost of transportation to our shores.

Mr. WILLIAMS. And the Government with powder.

Mr. UNDERWOOD. And the Government with powder, and produce it at half the cost.

Mr. VARDAMAN. Mr. President, I have not had the pleasure of hearing the Senator's entire speech, but has the Senator given any facts upon the comparative cost to the farmer of nitrogen produced by air and the nitrogen brought from Chile?

Mr. UNDERWOOD. I stated that if the arc process under the expensive water powers of this country would probably cost more, but under the lime-nitrogen process, which only takes about one-sixth of the amount of horsepower, the nitric acid could be produced for about one-half the cost if made out of Chilean nitrate.

But that is not the only question involved here. Food is the most important question to the American people. The cost of food in the United States increased from 1896 to 1912, 80 per cent. The advance in the general cost of living during this period was 59 per cent in the United States and approximately 40 per cent in Europe. The Bureau of Labor has just reported that the cost of living is now 15 per cent higher than it was two years ago, due largely to the increased cost of food products.

I can show you, and expect to show you, that the only way you can reduce the cost of food products and at the same time give the farmers of the United States a chance to make a fair living is by the increased use of cheap fertilizers, and cheap fertilizers mean cheap water power.

Some of you gentlemen who have advocated in all good faith from your standpoint—I am not criticizing your argument—that the Government of the United States should tax its water power for this purpose must bear in mind that every dollar of tax that you put on hydroelectric horsepower when it is being used for this purpose means the increased cost of the nitrates that go into the fertilizers for the farmers' use, and instead of increasing the price of your power as created by the Government of the United States, so long as it gets a fair interest on its money invested, it ought to furnish the power as cheaply as it can, if it has a guaranty that the cheap power will mean cheap nitrates and cheap fertilizers.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. UNDERWOOD. Yes, sir.

Mr. GALLINGER. The Senate spent about an hour to-day in undertaking to provide an investigation as to the high cost of gasoline. In view of the fact the Senator has stated that the price of food products has greatly increased during the past year, does he not think it would be better for us to devote our time to investigating that subject and see if we can not get cheap food rather than cheap gasoline?

Mr. UNDERWOOD. I will stand for cheap food rather than cheap gasoline, but I would like to see both.

From 1900 to 1910, as shown by the United States census, the population of the United States increased 21 per cent, and its crop production only 10 per cent.

The importation of foodstuffs and live animals doubled, and the exportation of wheat and flour dropped from 31 per cent of their production to 13 per cent. The cost of living and the productivity of the soil is identically the same thing, and if we go on without increasing the productivity of the soil of our country by cheap fertilizers this condition will continue.

Now, take the example of Germany. Germany can be referred to as pointing out European agricultural practice. She has increased in 20 years her grain crops 15 bushels to the acre. In the same time the United States has increased its grain crop 3 bushels to the acre. The potato crop has increased in Germany 80 bushels to the acre; in the United States 24 bushels.

Germany's acre yield is practically double that of corresponding crops in the United States; and why? Germany uses four or five times as much fertilizer per acre cultivated as we use. If the farmers of the United States had a cheap fertilizer and used it over the cultivated area of the United States at the rate Germany uses fertilizer, there would be a net gain above the cost of fertilizer of $1,000,000,000 a year. The sure and safe way to obtain cheap fertilizer is to use the water power of America, that is now going to waste, to fix nitrogen out of the air.

Mr. President, I hold in my hand an article prepared by Mr. Frank S. Washburn, one of the great engineers of this country, who is connected with the American Cyanamid Co., which he wrote and furnished to the Secretary of Agriculture, David Franklin Houston, on the nitrogen problem. I intended to read to the Senate extracts from this paper, showing the necessity of the development of water power for cheap nitrogen on behalf of agriculture, but, as I understand it is not contrary to the rules of the Senate to insert as a part of my remarks an article prepared by somebody else, I ask unanimous consent that I may do so as to this article.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

THE NITROGEN PROBLEM.

[Compiled for Hon. David Franklin Houston by Frank S. Washburn, Jan. 29, 1916.]

Without fixed nitrogen the earth would soon become an uninhabitable desert waste. Sir William Crookes, the English chemist and economist, declared that the food supply of the world is dependent upon the supply of nitrogen. It is absolutely necessary to the existence of animal and plant life. We live in it, we breathe it, we eat it, and it enters into the composition of the human body. Nitrogen is a constituent of all organized life and tissues. In a free state it is a colorless, tasteless, odorless, gaseous, nonmetalic element. The atmosphere enveloping the globe consists chiefly of nitrogen, which constitutes 78 per cent of its volume and 75.5 per cent of its weight. It has been estimated that the column of air resting upon each square yard of the earth's surface contains 6.4 net tons of nitrogen. The material is abundant; in fact, it is unlimited; but as Dr. Thomas H. Norton has said, "The nitrogen problem of the day is the difficulty to bring it into a form available for the wants of mankind."

The atmospheric nitrogen above 1 square mile of land, amounting to about 20,000,000 tons, is equivalent to what the world will require in the next 50 years at the present rate of consumption. Of this enormous reserve a minute fraction—about 0.000002—is in the active service of the vegetable and animal kingdoms. In the soil, in the form of nitrate, it is a chief factor of plant food. From the plants it passes into the bodies of animals, whence it returns to the soil. Through the action of bacteria, with the aid of certain legumes, and by electrical discharges in the air, a corresponding amount is constantly brought into a combined form and enters the cycle of changes. The amount of this "nomadic" nitrogen, as it has aptly been termed, is on an average about three-fourths of an ounce for each square yard of land.

The actual consumption of nitrogen in its cruder forms in the United States in 1910 was 283,496,000 pounds, valued at approximately $45,000,000 (wholesale), of which more than $32,000,000 worth was imported.

In the United States the per capita consumption is at present only a little over one-half that for Germany. It is, however, rapidly growing, and the annual sum now sent abroad for the purpose of nitrogenous compounds has become even a more important item. The fact that the United States, in common with all civilized countries, and especially with all agricultural and manufacturing countries, is dependent upon the one natural source of nitrate in Chile, and the additional fact that the Chilean nitrate deposits are not particularly extensive and are destined at an early date to complete exhaustion, constitute another factor in the nitrogen problem.

The efforts that are being made to release the manufacturing and agricultural interests of the world from this dependence assume increasing importance each day in many European countries. During 1913 the United States imported 625,000 tons of Chilean nitrate, valued at $21,630,000, upon which the Chilean export duty was 60 per cent. Thus the people of the United States paid taxes to the Chilean Government of $8,000,000 for part of the nitrogen they consumed.

INCREASING DEMAND FOR FIXED NITROGEN.

Dr. Norton, in his monograph on the "Utilization of Atmospheric Nitrogen," says:

"During the middle of the nineteenth century a disturbing force came into play as the result of the increase of population in those countries where cereal foods are a staple element of diet, especially in Europe and North America. The methods provided by nature for maintaining a certain normal degree of fertility were no longer adequate in order to insure a sufficient supply of wheat and other cereals in various countries. In order to increase the yield of a given area of land, recourse was had to artificial fertilizers. The needed nitrogen was obtained partly from the ammonia secured as a by-product in the manufacture of gas, to some extent from accumulated deposits of guano, and largely from the remarkable deposits of sodium nitrate in Chile. For over half a century the consumption of both ammonium compounds and sodium nitrate has increased constantly. In addition to the demands of agriculture, modern chemistry calls for vast amounts of nitric acid and its derivatives. One-fifth of the Chilean nitrate now consumed in Europe goes into the manufacture of explosives, of coal-tar colors, and of other allied products."

In 1898 Sir William Crookes estimated that the bread eaters of Europe and America numbered 516,000,000, and were increasing at the rate of 6,000,000 annually. The acreage of cereals in that year was 167,000,000, and only 100,000,000 acres more were available for such cultivation. The annual per capita consumption of wheat was 4.6 bushels, and the average yield per acre was 12.8 bushels. From these figures he calculated that by 1941 the wheat fields of the world must cover 292,000,000 acres in order to meet the demands of a population of 819,000,000 bread eaters. During the period from 1900 to 1910 the population of the United States increased 21 per cent, but crop production increased only 10 per cent. Taking Germany as a good example of European agricultural practice, she has in 20 years increased her yield of grain crops 15 bushels to the acre, as compared with only 3 bushels for the United States. Her potato crop has been increased 80 bushels, compared with 24 bushels for this country. In general, German acre yields are approximately 80 per cent greater than for the corresponding crops in this country, and yet Germany has only one-fourth the acreage under cultivation that the United States has.

EXPERIMENTS WITH FERTILIZERS.

Ohio Experiment Station Circular No. 144 reports the results obtained in the twentieth year of a test under a judicious system of rotation and fertility maintenance. Where good tillage was supplemented by the addition of suitable fertilizers in profitable amounts, an expenditure of $17.60 for fertilizer per acre per five-year rotation returned an average total income of $35.23, or a net gain of $17.63 per acre for each five-year rotation.

Purdue Agricultural Experiment Station, La Fayette, Ind., reports in Circular No. 23, as follows:

"Experiments in 10 representative counties of Indiana have shown an average gain due to fertilization of wheat of 11.6 bushels per acre. The average cost per acre for fertilization was $4.14, leaving a net profit per acre of $7.46."

In Circular No. 25 the same station reports concerning their tests of fertilizers on corn, as follows:

"Experiments in 11 representative counties have shown on an average a gain due to corn fertilization of 7.7 bushels per acre. The average cost of fertilizer was $1.38 per acre, leaving a net profit of $1.71 per acre, or a net profit of $1.24 for every dollar invested in fertilizer."

After 30 years' experimenting the Pennsylvania State College of Agriculture finds that the judicious application of fertilizer on corn makes a 36 per cent gain in yield per acre, wheat makes a 74 per cent gain in yield per acre, oats makes a 31 per cent gain in yield per acre, hay makes a 54 per cent gain in yield per acre.

Dr. B. W. Kilgore, State chemist and director of test farms, North Carolina, is authority for the following:

"From 1886 to 1895 the average acre yield of cotton in North Carolina was 171 pounds of lint cotton; from 1896 to 1905, 199 pounds per acre; from 1906 to 1910, 215 pounds per acre. From 1866 to 1895 the average yield of cotton in North Carolina was at a standstill, and averaged annually for the 30 years 172 pounds per acre, while for the next 15 years—from 1896 to 1910—the annual average production of lint cotton was 204 pounds, or an increase of 32 pounds in 15 years, being little more than 2 pounds per acre of year. With cotton at 10 and 15 cents, respectively, this represents an almost net profit of 20 and 30 cents per acre per year of the 15 over the preceding one, the accumulated profit for the last year of the 15-year period being $3.20 per acre with cotton at 10 cents, and $4.70 with cotton at 15 cents.

"What I shall say will be based, in the main, not on causes or estimates but on actual yields or weights obtained in our experiment on the Iredell test farm, near Statesville, where the soil is a red clay loam, and on the Edgecombe test farm, where the soil is a fine sandy loam. These soils, with those which are closely related to them, are the main cotton lands of the State.

"The fertilizer used at both places contained 7 per cent available phosphoric acid and 2½ per cent each of nitrogen and potash. The results for no fertilizers and for different quantities of fertilizer were as follows:

Iredell test farm (red clay loam soil).

[Five years' averages.]

Pounds fertilizer used.	Yield (pounds seed cotton per acre).	Part bale of 500 pounds.	Average profit per acre on fertilizer.	Average profit per 100 pounds fertilizer after paying for the fertilizer.
None	176.6	0.12		
200	656.5	.46	$16.00	$8.00
400	912.9	.65	27.59	6.89
600	1,008.9	.72	32.30	5.58
800	1,083.9	.77	33.84	4.28
1,000	1,180.9	.84	36.86	3.68
Average				5.63

Edgecombe test farm (fine sandy loam soil).

[Seven years' averages.]

Pounds fertilizer used.	Seed cotton yield (pounds per acre).	Part bale of 500 pounds.	Average profit per acre on fertilizer.	Average profit per 100 pounds after paying for fertilizer.	Average part of bale on both farms.
None	738	0.52			0.325
200	842	.60			.530
400	1,120	.80	$11.45	$2.84	.725
600	1,249	.89	17.04	2.84	.805
800	1,472	1.05	25.33	3.16	.910
1,000	1,582	1.13	28.53	2.85	.985

Average for Edgecombe Farm	$2.92
Average for Iredell Farm	5.63
	8.55
Average for both farms	4.27

"The average profit from the use of fertilizer on cotton on the soils in the two sections of the State was $4.27 per 100 pounds of fertilizer.

"It will, I think, be difficult to find a farm operation which will yield a higher profit than this shows for cotton. It is a case where, after eating the cake, more than four cakes have been left or produced; after paying for the fertilizer itself, more than $4 profit has resulted for each dollar expended."

Prof. H. Erdmann compiled the following data from German experiments to show how easily the productivity of German farms could be still further increased:

[From Soil Improvement Committee Bulletin, National Fertilizer Association.]

Crops.	Present acreage.	Average crop per acre.	Possible crop by intensive culture.	Nitrogen to add per acre.	Additional crop obtained.
		Tons.	*Tons.*	*Pounds.*	*Tons.*
Rye	15,000,000	0.60	1.20	52.8	9,000,000
Wheat	6,000,000	.75	1.60	114.4	4,800,000
Oats	10,000,000	.69	1.52	88.0	8,000,000
Potatoes	8,000,000	5.20	12.00	105.6	40,000,000
Barley	2,500,000	.66	1.40	52.8	1,500,000

These proposed additions of nitrogen are supplementary to the quantities already employed in German agriculture to the extent of an average of 50 pounds per acre. To show the correctness of the figures advanced by Prof. Erdmann, the following table illustrates the

rôle actually played by nitrogen in the cereal production of Europe, using the average figures of crop yields for the period from 1903 to 1907:

Countries.	Wheat.	Rye.	Barley.	Oats.	Nitrogen applied per acre.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Pounds.*
Germany	0.848	0.652	0.760	1.880	50.0
Austria	.492	.500	.548	.400	26.0
Hungary	.480	.460	.504	.452	24.0
France	.584	.456	1.000	1.000	31.0
Belgium	1.040	.720	.....	2.464	58.0
Portugal	.300	.....	.....	.....	3.5
Italy	.362	.360	.....	.328	.....

It is conceded by eminent authorities that an adequate supply of nitrogenous fertilizer, along with methods of intensive agriculture, will easily increase the yield of farm products per acre to such an extent that the present food problem of civilization can be advanced far into the next century.

USE OF FERTILIZERS WELL ESTABLISHED.

The history of the use of fertilizers has proved without a doubt that they have an essential and economic place in good agriculture. Within the last 20 years, Dean Price, of Ohio State University, tells us, Germany has increased her crop production over 61 per cent, and one of her leading authorities, Prof. Wohltman, predicts that within the next 20 years there will be an additional increase of 40 per cent. The Germans say that this increase has been brought about by a better knowledge of how to till the soil and how to use fertilizers. When American farmers take up the same methods with the same thoroughness, and not until then, will our yields be raised to the same high levels.

There is a great difference in the yield of the staple crops produced in Germany, where fertilizers have been used for the last 100 years, compared with the same crops grown in the five Northeastern States of this country, where fertilizers have been used for a period of at least a half century, and compared with the same crops grown in the five Central States, where fertilizers are just beginning to be accorded their logical place in good farming, as shown by the following table:

Average yield per acre for 1910–1912, inclusive.

[United States Census Report for 1910.]

	Wheat.	Oats.	Potatoes.
	Bushels.	*Bushels.*	*Bushels.*
Germany (fertilizers used over 100 years)	31.3	51.0	186.3
5 Northeastern States—Maine, New Hampshire, Vermont, Massachusetts, New York (fertilizers used for the last half century or more)	23.9	36.6	134.5
5 Central States—Illinois, Iowa, Ohio, Indiana, Missouri (States that have used fertilizers less than 25 years)	14.5	34.4	79.5

The official German crop returns, issued by the German imperial statistical office, report that in 1912 there was an increase of 38 per cent in the crop production of that country over the production of 1911. It is interesting to note that in 1910 Germany used 6,000,000 tons of fertilizer, while in 1900 she was using only half that quantity. In 1912 American farmers, upon four times the area of land cultivated, used only 6,500,000 tons of fertilizers. To be more exact, Germany applied 145 pounds of fertilizer per cultivated acre, while the Eastern States applied 67 pounds per cultivated acre, and the Middle West corn belt States applied only 8 pounds per cultivated acre. Undoubtedly the addition of plant food in this shape is responsible to a very large degree for the larger yields of superior quality obtained across the sea.

The average value of the crops produced per acre has a direct relation to the amount of fertilizer used, according to the census reports for 1910. This is illustrated in the following table:

States.	Fertilizer used per cultivated acre.	Crop values per cultivated acre.
Indiana	$0.51	$17.08
Ohio	.93	21.58
Pennsylvania	1.28	22.96
Alabama	1.71	23.65
Georgia	2.72	28.50
Virginia	3.91	28.83
North Carolina	4.06	31.52
South Carolina	4.45	33.32
Maine	11.16	49.70

Georgia consumes the largest quantity of fertilizer of any State in this country. The census reports for 1910 show that the counties which use the largest amount of fertilizer per cultivated acre of crops produce the largest crop values per acre. This is shown by the following table:

Average value of fertilizer applied per acre cultivated.	Number of counties using fertilizer at rate shown.	Average value of all crops grown per acre cultivated.
Less than $0.50	14	$11.31
$0.50 to $1	24	15.54
$1 to $1.50	57	17.54
$1.50 to $2	39	20.70
$2 to $2.50	11	24.68
Over $2.50 ($2.98)	1	30.81

STATEMENTS BY LEADING AUTHORITIES.

"There is no style of farming that we can hope to carry on indefinitely without the use of some kind of fertilizer. Any type of farming or gardening where the entire product of the soil is sold off the farm demands a liberal use of commercial fertilizer." (Alfred Vivian, dean of the Agricultural College, Ohio State University.)

"The fertility of the soil, therefore, is simply its feeding ability. The difference between a poor soil in this respect and a rich one is that which is found between the larder of poverty and the larder of wealth. To supplement any deficiencies in plant foods, manures and fertilizers are to be freely used." (Harvey Wiley, M. D., formerly Chief Chemist of the United States Department of Agriculture, in his book, "Lure of the Land.")

"The practice of supplementing manures with commercial fertilizers, except where the former, as in some types of market gardening, are supplied in enormous quantities, has been for many years and is now practically universal." (Director William P. Brooks, Massachusetts Agricultural Experiment Station.)

"One of the principal causes of failure to secure satisfactory yields of wheat in Indiana at the present time is lack of proper attention to the matter of feeding or fertilizing the crop. There is no doubt that our farmers will have to pay more attention to this point if they wish to grow wheat at a profit. It is just as necessary to have an adequate supply of food available for a crop of wheat as it is to have plenty of food at hand in order to grow a drove of hogs." (Director Arthur Goss, Indiana Experiment Station.)

"All the States along the Atlantic seaboard now use commercial fertilizers. Eventually there will not be an acre in the Nation that can not profitably use fertilizers. If used in the smallest European proportions of $6 per acre, the aggregate sum bulks so large as to stagger the imagination." (Myron T. Herrick, former governor of Ohio, minister to France.)

"I believe that the principal increase of the harvest is to be attributed in part to the application of artificial fertilizers themselves and in part to their combination with green manures. Through the application of the two the yield on the average has been doubled on our common light soils. In some cases the yield has been increased two and one-half to three times." (Von Seelhorst, Royal Agricultural Experiment Station, Gottingen, Germany.)

"The great factor has been the introduction of fertilizers and purchased feeding stuffs. As soon as you can introduce on a farm some extraneous source of fertility, you can raise the standard of production." (Director A. D. Hall, Rothamsted Experimental Station, Harpenden, England.)

"In attempting to feed the soil, we lose sight of the immense area of an acre. An acre contains 160 square rods, or 43,560 square feet. To apply 400 pounds of fertilizer to an acre is to apply 2½ pounds to the square rod, almost a ridiculous amount. To apply 1,000 pounds per acre is to apply a little more than 6 pounds to the rod—little enough, is it not? In Europe men know better than we, and there applications of 1,000 pounds per acre of basic slag or bone meal or acid phosphate would be given even to pasture lands. Had we not better farm fewer acres and feed them well?" (Joseph Wing in the Breeders' Gazette, Oct. 9, 1912.)

The following article by Dr. Hugo Schweitzer appeared in the Review of Reviews, August, 1915:

"With cheap power Germany has been able to produce new nitrogen compounds which threaten to revolutionize our present system of fertilization."

Dr. Thomas H. Norton has said:

"As the population increases and suitable land for agricultural purposes is no longer available, the necessity of a liberal use of nitrogenous fertilizers will soon be imperative throughout all sections of the United States."

IMPORTANCE OF NITROGENOUS FERTILIZERS.

The three chief elements of plant nutrition are nitrogen, phosphorus, and potash. Nitrogen is the most important and costly element of fertility. As a fertilizer nitrogen produces more immediate and direct effects than application of phosphoric acid and potash alone. The nitrogen in many fertilizer mixtures costs more than the phosphoric acid and potash together, but it produces the greatest crop increase, especially in complete mixtures. This is illustrated by the following average yields obtained in tests covering 55 years at the Rothamsted (England) Experiment Station.

	Wheat.	Straw.
	Bushels.	*Pounds.*
No fertilizer	12.9	1,175
Phosphate and potash only	14.8	1,380
Nitrogen only	20.5	2,090
Complete fertilizer	31.6	3,570

It is the forms of nitrogen that account for the varying results obtained with different brands of fertilizers of the same analysis. Phosphoric acid and potash salts are alike in grade, but there are about 20 different forms of nitrogen in common use. Some are excellent, some are fairly good, and some are almost worthless.

Prof. Dr. Lemmerman, in his recommendations to the German Government at the outbreak of the war to take immediate steps for the erection of Government nitrogen factories, said:

"We are short 880,000 tons of nitrogen salts, compared with the usual consumption. If one calculates this quantity to its grain equivalent, the resulting crop shortage will amount to 3,300,000 tons of grain."

AVAILABLE SOURCES OF FIXED NITROGEN.

Nitrate of soda: The deposits of nitrate in Chile are rapidly decreasing, and it is estimated that the exhaustion of the rich and more cheaply worked deposits is only a matter of a comparatively few years. Export taxes on shipments of nitrates are the only source of revenue to the Chilean Government. These taxes and high ocean freight rates, as well as increased mining costs, account for the high prices at which nitrate has been selling in recent years.

Sulphate of ammonia: The production of sulphate of ammonia as a by-product of the distillation and coking of coal for its successful existence must have a full and adequate return on every one of the other by-products. The production of ammonia for the year 1912, as published by the American Coal Products Co. and accepted by the Government in its bulletins, was the equivalent of 165,000 tons of sulphate of ammonia. It has not been possible to learn what part of this

equivalent production was actually in the form of sulphate of ammonia suitable for use as a fertilizer.

On the basis of the census returns for 1909 it is estimated that only about 40,000 tons of sulphate of ammonia were made as such for agricultural purposes. After all the discussion and the great importance that by-product ammonia has assumed in the public mind, in its relation to agriculture, an investigation has shown that the by-product coke oven is applicable to no greater production percentage of the coke demand than is represented by the maximum iron production, and that only half of this demand is practicable of being economically filled from the by-product ovens. This, then, seems to be the main limitation to the growth of the by-product oven, which produces, for the most part, the ammonia that is acidulated for fertilizer purposes. There seems also to be a natural limitation to the growth of the by-product oven of not more than one-third of the total metallurgical coke production, which would be equivalent to the coking of about 20,000,000 tons of coal per annum. This, under the present methods of operation, would be sufficient to produce the equivalent of only 200,000 tons of sulphate of ammonia per annum, of which only about 75,000 tons would be available for agricultural uses. The other 125,000 tons would find a ready demand at profitable prices in the form of aqua and anhydrous ammonia. Therefore it may well be considered that the actual commercial limit of sulphate of ammonia production from by-product ovens for agriculture will not exceed 100,000 tons per year.

Organic ammoniates: We have now reached the limit of fertilizer ammoniates derived from the animal and vegetable matter, such as bone, meat tankages, seed meals, etc. Practically all of these materials are being utilized to an increasing extent each year for stock-feeding purposes because of their greater value in that direction. The production of these materials is large and important, but far from sufficient to meet the demands of agriculture and quite prohibitive in cost for general fertilizer use.

Atmospheric nitrogen: The fixation of atmospheric nitrogen may be expected to give the world its nitrogen supply at one-half the price that it would otherwise amount to. It is a wonderful providence that perpetual and inexhaustible supplies of nitrogen may be obtained from the atmosphere by the use of hydroelectric power. Hydroelectric nitrogen plants have long been in operation in Norway, Sweden, Germany, Australia, Switzerland, Italy, France, Spain, and Canada, but there are none in the United States. The industry has been in commercial operation for approximately 10 years. It has long emerged from the experimental period, and as early as 1913 was represented by an investment of approximately $60,000,000. The annual value of the product is upward of $30,000,000.

The total quantity of nitrogen fixed by existing processes prior to the war is divided in the ratio of about two-thirds to cyanamide and one-third to the arc processes. The annual productive capacity of the existing plants employing the arc and cyanamide processes was between 90,000 and 100,000 net tons of fixed nitrogen at the beginning of the European war. The German production, by the cyanamide process, according to latest reports, has been raised from 60,000 tons of cyanamide in August, 1914, to 600,000 tons at the present time.

The cyanamide process: The cyanamide process for the fixation of atmospheric nitrogen as operated in Europe and Canada can be established in the United States if a plentiful supply of water power is made available. Of all the processes of obtaining nitrogen compounds none is as cheap or unlimited in the amount that can be produced as the cyanamide process. The greatest heat and the greatest cold obtainable are utilized in making cyanamide. By the intense heat of the electric furnace (6,000° F.) lime and coke are fused together to make calcium carbide. This is powdered and placed in large drumlike ovens and then brought by electricity to a white heat. In the meantime wonderful machines are making liquid air by compressing and cooling over and over again clear, pure air until at 380° below zero the air liquefies. Air is four-fifths nitrogen and one-fifth oxygen. When the liquid air is warmed a little only pure nitrogen gas is given off. This is pumped into the drum-shaped ovens containing the white-hot carbide, by which it is absorbed and by which it is permanently fixed. The product, cyanamide, when cooled, ground, and processed with special machinery, is suitable for use as a fertilizer.

Cyanamide is a bluish-black, odorless, powdered material. It contains from 20 to 22 per cent atmospheric nitrogen. The factories located at Niagara Falls Canada, have been increased from an original capacity in 1909 of 12,000 tons to 64,000 tons cyanamide per annum in 1914, and at which rate they are now operating. The product is used by over 300 fertilizer manufacturers in the United States, and it is estimated that cyanamide is now used as a source of organic nitrogen in about one-quarter of the total ammoniated fertilizer mixtures consumed in the United States.

AMMONIUM PHOSPHATE.

It is quite easy to obtain ammonia gas from cyanamide by treatment with superheated steam. This ammonia can be fixed in phosphoric acid to make a patented chemical fertilizer known as "ammo-phos," which is principally phosphate of ammonia. The phosphoric acid used in the process is obtained from phosphate rock by extraction with sulphuric acid or by electric-furnace treatment. The ammo-phos resulting from the combination of ammonia and phosphoric acid is a dry gray or cream-colored powdered material that looks very much like ordinary acid phosphate. Ammo-phos contains about 12 per cent ammonia and 48 per cent available phosphoric acid. The ammonia (nitrogen) content can be increased to 20 per cent, and the phosphoric acid reduced to give any desired ratio of ammonia (nitrogen) to phosphoric acid. Both constituents are almost entirely water soluble. The product is perfectly neutral, pleasant to handle, and will keep indefinitely. Ammo-phos is the result of years of research to develop an ideal or universal fertilizing material from atmospheric nitrogen fixed by the cyanamide process. It can be mixed in any desired quantity with potash salts. A mixture of ammo-phos and potash salts would equal in all respects the so-called and recently exploited "universal fertilizer" with which Germany threatens to revolutionize her agriculture.

IMPORTANCE OF NITROGEN AND PHOSPHORIC ACID.

One hundred and seventy-seven millions dollars was expended for commercial fertilizers in the United States during the year 1914. Of this amount $78,000,000 was paid for nitrogen and $65,000,000 for phosphoric acid, a total of $134,000,000 for both, or over 80 per cent of the entire bill. Only $43,000,000 was paid for potash. Germany is smaller than the State of Texas, yet she uses more fertilizer than the entire United States—about $200,000,000. Her crop yields are approximately 80 per cent greater than the yields of this country. If the United States had available an adequate cheap supply of fertilizer, and used it at the German rate per cultivated acre, and secured thereby the same increase in production credited to the use of fertilizers in Germany, there would be a net gain in crop yields to the United States, over and above the cost of the fertilizer, of $1,000,000,000 per year.

MERITS OF AMMO-PHOS.

Ammo-phos has been tested on 23 different farm crops in all parts of the United States. These tests have demonstrated that it is equal or superior to ordinary fertilizers that furnish the same amount of plant food constituents. The material contains more than 60 per cent of plant foods, and is therefore three to five times as rich in fertilizing value as ordinary fertilizer mixtures, which usually contain only 12 to 20 per cent plant foods. Hence only one-third to one-fifth as much ammo-phos need be applied in the form of mixed fertilizers.

The highly concentrated form of ammo-phos can be expected to greatly reduce the present-day expense of hauling, freighting, mixing, bagging, handling, and applying fertilizers. There are no material limitations to the amount of ammo-phos that can be produced.

Pure ammonium phosphate can be made in large quantities as a by-product of the manufactured ammo-phos. The principal industrial use of pure ammonium phosphate is for fireproofing textiles and other inflammable materials and in the manufacture of baking powders, etc.

REQUISITES FOR THE MANUFACTURE OF AMMO-PHOS.

(1) A plentiful supply of cheap water power.
(2) Large quantities of phosphate rock—which can be readily obtained from the deposits in Florida, Tennessee, and Western States.

NATIONAL AND ECONOMIC CONSIDERATIONS.

Ammo-phos on the unit of plant-food basis, and if made in sufficient quantities, would effect a saving in the cost of the United States fertilizer bill of more than 50 per cent on the nitrogen and 20 per cent on the phosphoric acid. If it were made in sufficient quantities to furnish United States farmers all the nitrogen and phosphoric acid necessary to fertilize their cultivated acreage, at the same rate that the Germans fertilize, then our total expenditures for fertilizers would be only $580,000,000 instead of $740,000,000, which would be the cost for the grades now obtainable. Based on the best figures obtainable, this expenditure for fertlizer should raise the total value of all farm crops from $5,487,000,000, census 1910, to $7,130,000,000, leaving a net gain, after deducting the cost of fertilizer, of $1,240,000,000. This great figure of gain is worthy of the most serious consideration in connection with this country's problems on the cost of living, readjustments of land values, conservation, and means of providing adequate national defense.

The plants and equipment for making ammo-phos would be available, in time of war, for furnishing great quantities of nitric acid and sulphuric acid. The various kinds of gunpowder, explosives, and primers used in cartridges, grenades, shrapnel, bombs, torpedoes, and the like require for their production large amounts of both the acids named. In this respect the establishment of one or more ammo-phos factories would be an excellent preparedness measure.

Ammo-phos factories can be advantageously located near the large beds of phosphate rock in the United States, and thus assist in the development of this very important resource.

In times of peace, explosives in the war sense are substantially unknown and without use. In their manufacture, as well as in fertilizer, nitrogen is uniformly required as the chief constituent. The only nitrogen material at present available for use on a large scale is Chilean nitrate of soda. Germany began the war with a store of $30,000,000 worth of Chilean nitrate imported mainly for fertilizer purposes. But even this great store was adequate only for a short period, and realizing the impracticability of protecting the long sea route from Chile, Germany turned her attention to increasing the existing plants and equipment within her borders for the fixation of atmospheric nitrogen and its conversion into explosives. Her present use of explosives is estimated by military experts to be a quantity which at the present contract prices for similar explosives furnished in the United States represents approximately an expenditure of $1,000,000 per day. This represents a daily consumption of about one and one-third million pounds of powder, requiring upward of 500,000 pounds of nitrogen.

It was only by applying to her military necessities the inventions of her scientists that Germany has been able to continue the contest and preserve, as her people believe, her national integrity.

The United States Government now has absolutely no means of amplifying its nitrogen supply except as long as it can keep open and unmolested the sea route from Chile to United States ports.

The statement has been attributed to the Secretary of War that "The United States has a store of explosives sufficient only to enable her to conduct a war from 8 o'clock until half-past 10 of the same morning."

Cheap nitrogen is the basis for making and supplying an abundance of fertilizers and explosives. To obtain it in sufficient quantities is a question of the fixation of atmospheric nitrogen. Therefore, the most pressing of all economic questions, that of increasing the country's crop yields and the greatest problem in conducting a war, find a solution in the most wonderful of all modern discoveries—the fixation of atmospheric nitrogen.

Mr. UNDERWOOD. Now, here is the last analysis of this question. What do fertilizers cost the German people? What do they cost our people? Germany has 70 per cent of the number of our population. The size of her territory is not any greater than that of Texas—Texas compared to the United States—and yet per cultivated acre, Germany uses seven times as much fertilizer as is used by the farmers in the United States per average acre cultivated, and Germany in that small territory produces 95 per cent of the food products necessary to feed her people.

What does the story mean? It means cheap fertilizer. In the United States nitrogen costs our people—it is the census authority that I am giving—$4.65 per unit; phosphoric acid costs 90 cents per unit, and potash costs $1.36 per unit. In Germany nitrogen costs $2.45 per unit; phosphoric acid costs 60 cents per unit, and potash costs 31 cents per unit. The difference in the nitrogen cost alone is $2.20 per unit to enable that great people, with a population 70 per cent of ours, within a territory no larger than Texas, to practically be self-sustaining and to feed their own people in their own country; and yet we

are told that this question has no place in a Government bill; that the Government of the United States has no right to act on this question, but that you must leave the question of making nitrates for powder in times of war and fertilizer in times of peace for the exploitation of a private corporation that was so good as to come here this morning in advance of my speech and to tell the Senate of the United States that they have the money to develop our water powers and to take care of our nitrogen problem for us, and that the people of the United States are not concerned about it!

Mr. President, I am not concerned about the language of the amendment I have offered. I think it is a fair one, because it seeks only to get the necessary information that Congress may in the future legislate upon; but I am willing to accept any fair amendment which the Committee on Military Affairs proposes or which the Senate may prefer to mine. I do say, however, Mr. President, that if the Senate of the United States seeks to pass a bill entitled a preparedness bill to protect this country against a foreign enemy in time of war and leaves out of it all provision looking to a suitable supply of nitric acid for the United States Government, the bill will be a travesty on legislation, a disgrace to the American people, and unworthy of the Congress of the United States. I do not believe that the efforts that were made in the House of Representatives to defeat this legislation can be successful in the Senate of the United States; and with that I leave the case with you.

Mr. SMITH of South Carolina. Mr. President, I think it but proper that I should now state, at the close of the speech of the Senator from Alabama [Mr. UNDERWOOD], for the information of the Senate, that a bill embodying the ideas set forth by him has been introduced in the Senate and referred to the Committee on Agriculture and Forestry. We have had quite a series of hearings on this particular point. We availed ourselves of the experts of the Government; we also availed ourselves of experts who had an interest in the manufacture of nitrates. The committee, after those voluminous hearings, the report of which is printed and is now available for the use of the Senate, considered the terms of the bill, and with very slight amendments they reported favorably on it.

The committee believed that the information we now have warranted us in reporting a bill that sought to put the Government in a position to go immediately into the preparation for locating the water-power sites, erecting the plants, and securing what in its judgment are the best places for the extraction of nitrates.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. SMITH of South Carolina. I yield.

Mr. GALLINGER. May I ask the Senator from South Carolina a question?

Mr. SMITH of South Carolina. Yes.

Mr. GALLINGER. It has been stated to me that there are only two water-power sites in the United States that will furnish power enough to accomplish the result which the Senator from South Carolina is so ably advocating. Can the Senator tell me as to that, and where those sites are located?

Mr. SMITH of South Carolina. I will say to the Senator from New Hampshire that the question which he has propounded was in some form or other asked practically by every member of the committee who was interested in this subject, and the hearings will develop the fact that there are numerous water-power sites in this country where water power can be developed amply sufficient to manufacture this commodity.

Mr. GALLINGER. That is what I supposed. It seemed to me inconceivable that there could be in the United States only two places where this could be done, and I am glad to get the Senator's opinion on that point.

Mr. SMITH of South Carolina. I hope the Senator from New Hampshire will take the pains to read the report of the hearings. There were one or two witnesses who testified as to that point, and the fact is, it was stated by one witness that he believed there were but two water-power sites sufficient for this purpose, as the Senator from New Hampshire has intimated he has been told.

Mr. VARDAMAN. Where were they located?

Mr. SMITH of South Carolina. One of them was, I believe, on the Columbia River; and the other one, I believe, was on the Alabama River, perhaps at Muscle Shoals.

Mr. GALLINGER. It was on the Coosa River, I think.

Mr. SMITH of South Carolina. I think it was on the Alabama River.

Mr. UNDERWOOD. It was on the Tennessee River.

Mr. SMITH of South Carolina. On the Tennessee River.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. SMITH of South Carolina. I yield.

Mr. POINDEXTER. Before the Senator from South Carolina passes from that point, I should like to state that there are at least a half dozen points in the State of Washington where a sufficient water power could be developed for the manufacture of nitrogen. There are at least three points on the Columbia River where the entire volume of that river could be used.

Mr. WARREN. Mr. President, could the Senator from Washington give us the approximate water power which could be developed at the different sites to which he refers in the State of Washington?

Mr. POINDEXTER. Mr. President, I could very readily furnish the names of such sites to the Senator, but I am not able at this time to give the horsepower which could be produced at each one of the different sites. There is also a water-power site, which has been referred to in a number of these hearings, on the Pend Oreille River, which is sometimes called the Clarke Fork of the Columbia.

Mr. SMITH of South Carolina. Mr. President, I should like to call the Senator's attention to the fact that one thing that seemed to restrict the consideration of some of the more desirable of the water powers was the attitude of the committee that in establishing these plants we should get sufficiently far from the seacoast so that whatever plants were established by the Government might not be jeopardized by war vessels or by the rapid approach from the coast to them. This much, however, was developed, that we had ample water power throughout the United States; in fact, that we had water power in the southeastern part of our country, in the western part of our country, and in the northeastern part of our country for the purpose of producing this chemical.

Mr. JONES. Mr. President, will the Senator from South Carolina yield to me?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. SMITH of South Carolina. Yes.

Mr. JONES. I wish to ask the Senator from South Carolina what the testimony shows would be the necessary power to be developed at a given point for the purpose of manufacturing nitrate?

Mr. SMITH of South Carolina. All of those who testified before the committee said that the minimum that would be the most economical was 30,000 horsepower.

Mr. JONES. I simply desire to reiterate what my colleague [Mr. POINDEXTER] has stated, that we have at least a half dozen places like that away in the interior of the State of Washington. We have one such development of 400,000 horsepower, one of 112,000 horsepower, that I know of, and another of 100,000 horsepower.

Mr. SMITH of South Carolina. I think there is no difficulty about that. I do not think there is any question as to our obtaining water-power sites.

Mr. POINDEXTER. We already have in the neighborhood of 190,000 horsepower developed at the city of Spokane.

Mr. SMITH of South Carolina. Mr. President, I want to reiterate a statement I made a moment ago, which perhaps Senators interested did not hear or appreciate. The committee was informed by the officers of the department that, in their judgment, it would be unwise to attempt to locate a Government plant for the manufacture of this article within a certain distance of the coast, and it so happened that on the extreme western coast the more desirable power sites were beyond that limit, but that did not in anyway seem to subtract from the available power of this country so as to make it difficult for us to enter upon this enterprise.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I am very glad I asked the question I did, because if it has developed the fact that 30,000 horsepower is sufficient for this purpose, I will look up some sites in New England and submit them to the Senate.

Mr. UNDERWOOD. Mr. President, if the Senator from South Carolina will allow me, I think there may be some confusion about the amount of horsepower. Of course, there are two different kinds of horsepower—primary horsepower and secondary horsepower. It is not difficult to find a high secondary horsepower, but a plant of this kind to be used by the Government every day in the year, and especially in time of war, would have to be established where the power was primary, and there are not so very many places where there is found primary power, which means, considering times when the flow of water is low, a steady power running every day in the year.

Mr. GALLINGER. Precisely; and if the Senator from South Carolina will permit me just one word, if the Government is going into this enterprise, the Government must establish a plant that will produce a sufficient quantity of the commodity for its needs. I apprehend we could produce a little on 30,000 horsepower, but it would not amount to much.

Mr. SMITH of South Carolina. Mr. President, I should like to call the attention of the Senator from New Hampshire to the fact that before introducing my bill I furnished to the department the data and had them incorporate in proper language the very object that I had in view. In making inquiry of them they were of opinion that it would not be wise, from an economical standpoint or from a strategical standpoint, to have merely one or two plants, but they thought that such plants should be located throughout the country where they would serve the best purposes both in time of peace and in time of war. For instance, it was indicated to us by one of the chief chemists—one of the chief scientists of this country—that the northeastern or the eastern part of our country, where a great volume of nitric acid is used in manufacturing processes and also where great munition factories happen to be located, would be one of the logical points to place one of these factories. Then, from the standpoint both of preparedness for war purposes and for agriculture, one should be located in the southeastern part of the country, and one in the western part for that developing section. You will find in the testimony that they covered this ground very exhaustively.

I wish now to call the attention of the Senate to the fact that one reason why we are so insistent that the question of fertilizers shall be considered in this connection is because it so happens that the very chemicals which are essential in the manufacture of modern explosives are the exact chemicals which are used in fertilizing the soil. It would seem absurd for us, in a democratic Government, to commit ourselves to the Government manufacturing its munitions of war, enlarging the required plants beyond the yield ordinarily necessary in order to provide for the exigencies of war, and then, from the very nature of the case, having produced surplus quantities of the very articles which the farmer needs, be estopped from furnishing him that which all of us are dependent upon. Mr. President, I take it that the army that stands in front of the musket and the cannon is only accidental, and the necessity for its activities is always to be deplored, and certainly we should not overlook the needs of that vast army which for 12 months in the year, with the armament of the hoe and the plow, have to fight every day in order that we may stay here and in order that we may have a Government at all. Underneath all lies the essential fundamental principle of a fertile soil to feed a progressive people. I take it, therefore, that the first consideration of this body should not be cannon, should not be the Navy, should not be munitions of war, but first and primarily our first object should be to provide for the commissary department, so that we may be independent of all other nations in this regard.

We investigated this question, and when I shall take the floor—which I propose to do before the bill now under consideration shall have been passed—I shall take occasion to call the attention of the Senate to the bill which the Agriculture Committee has reported without any other object in view than to provide for the very exigency that is now upon us. The bill reported by that committee provides what we believe is a practical beginning of the solution of this question. We believe that we have sufficient data in the hearings to warrant us in appropriating $15,000,000, and as it is a permanent improvement, in providing for a bond issue, under acts already upon the statute books, for the liquidation of the indebtedness incurred. It is a permanent improvement that future generations will enjoy as much or more than we, and therefore we have provided for the liquidation of it.

We have also provided, by section 7, that the Government alone shall, without any association or any partnership with private corporations, do this work. We have ascertained as nearly as may be the amount of money necessary adequately to furnish these supplies.

The question may be asked what process do we propose to use? I think there is full scope in the bill for those who are charged with its execution and administration to select the one best adapted to the peculiar circumstances which exist in this country.

Now, I want to call the attention of the Senate to the fact that in the Southeastern States—what are known popularly as the "cotton States"—statistics can be furnished to show what the Senator from Alabama [Mr. UNDERWOOD], in part, showed, that practically 50 per cent of the gross proceeds of the entire cotton crop in most of the Southern States goes to settle the guano account. I do not believe there is a Senator here who will be unwillingly, with this opportunity presenting itself now, in view of the fact that this is a new process not yet preempted by private capital and that the water power is in our hands, to have the Government enter at this time upon the work of preparing these commodities which will protect us in time of war and which will also help feed us in time of peace.

Mr. President, the Senator from Alabama has proposed an amendment providing for the appointment of a commission. To what source would that commission go to get its information? It would go to the identical source which we have already practically exhausted. In the meantime legislation is being passed that may cause others to preempt the water-power field. Legislation may be passed in the meantime that will obstruct the very object of this bill. So after due consideration we have provided what, in the opinion of experts, is a sufficient appropriation; we have provided for the means of obtaining that appropriation and have provided that the Government shall take over and designate the power sites and immediately enter upon the construction of the necessary plants by such process as, in their judgment, is best and most available. So that in the consideration of any scheme of preparedness the bill which the Agricultural Committee has submitted to this body, in my judgment, is a wise and proper thing for us to address ourselves to.

Mr. CHAMBERLAIN. Mr. President, I desire to ask unanimous consent of the Senate to have the House bill and the Senate bill printed in parallel columns for the use of the Senate. Probably 250 copies will be sufficient.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the order is made.

The order was reduced to writing and agreed to (S. Doc. No. 379), as follows:

Ordered, That there be printed as a Senate document, in parallel columns, a comparative print of the bill (H. R. 12766) "to increase the efficiency of the Military Establishment of the United States," showing the bill as passed by the House, and the bill (S. 4840) "for making further and more effectual provision for the national defense, and for other purposes," as reported to the Senate.

Mr. CHAMBERLAIN. Mr. President, in reference to the investigation of the subject, which was so ably discussed by the Senator from Alabama [Mr. UNDERWOOD], I desire to say to the Senate that it was not considered at any length by the Military Affairs Committee. We understood—and I particularly understood—that the matter was being investigated fully by the Agricultural Committee, that hearings were being had, and that that committee intended to report a bill which would cover the whole subject. As my colleague on the committee, the Senator from Wyoming [Mr. WARREN] has said, there were no members of our committee who were acquainted with the subject at all; and inasmuch as it was being investigated by another committee, and the Military Affairs Committee thought that that committee would report out a bill about the time that the preparedness bill came up for consideration, we understood the committee would submit a report which would enable the Senate to vote intelligently upon the whole subject, and the Committee on Military Affairs did not deem it advisable to consider the question at length.

I will also say for the committee that after Senate bill 4840, the military bill, had been reported and after the House had voted down a provision in the House bill bearing upon this subject, the distinguished Senator from Alabama submitted to me, as chairman of the committee, the resolution which he has now offered as an amendment; and I promised him then that during the consideration of the pending bill we would be very glad to have him appear before the committee and make a statement. That promise has not been redeemed, but will be; so that the committee is entirely free to act upon it in any way it may see fit; and the committee will be glad to hear from the Senator on this very subject, and his amendment may be considered either as a committee amendment or otherwise and action taken upon it.

Mr. SMITH of South Carolina. May I say to the Senator from Oregon that it has been suggested to members of the Agricultural Committee that the bill reported by that committee, which is very short and, I think, very comprehensive, be offered as an amendment to the pending bill——

Mr. CHAMBERLAIN. At the proper time.

Mr. SMITH of South Carolina. At the proper time; and that course may be adopted. Of course it depends upon some contingencies, which perhaps may or may not arise; but I thought it only fair that I should notify the Senator now of that fact. I believe I discussed it somewhat with him previously.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I did not introduce my amendment until after the amendment to the House bill had been defeated, for the obvious reason that it would not have been necessary if the amendment had been carried in the House. I did ask the Senator from Oregon for a hearing, and he promised me that during the consideration

of this bill I would have an opportunity to be heard. I have presented the case as I understand it before the Senate, and I should like to take advantage of the opportunity offered by him at such time as he finds it convenient for his committee to meet and have me appear before it.

Mr. CHAMBERLAIN. The committee will be glad to have the Senator come in, as I told the Senator a day or two ago.

Now, I desire to submit a few committee amendments to the bill. They are very short, and I think they can be easily disposed of.

The VICE PRESIDENT. The Secretary will state the amendments.

The SECRETARY. The first amendment is, on page 106, in line 13, at the end of the line, after the word "for" and before the period, to insert the following:

Provided, That the total enlisted force of the line of the Regular Army, including the Philippine Scouts, but excluding the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 180,000.

Mr. CHAMBERLAIN. The purpose of that amendment is to fix the maximum strength of the Army in time of peace.

Mr. VARDAMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. VARDAMAN. I wish to ask the chairman of the committee, the Senator from Oregon, whether, after the Senate shall finish the consideration of the Senate bill, it will then be offered as a substitute for the House bill? What I desire to know is will the Senate be given an opportunity to choose between the Senate bill after it shall be perfected and offered as the committee substitute and the House bill as it came from the House?

Mr. CHAMBERLAIN. Yes; I hoped that might be done.

Mr. SMOOT. It will have to be done.

Mr. VARDAMAN. That, I understand, is the attitude? The Senator is now offering amendments to the committee substitute?

Mr. CHAMBERLAIN. Yes, sir.

Mr. VARDAMAN. Then the question will recur on the adoption of the committee substitute for the House bill?

Mr. CHAMBERLAIN. After the amendments have been determined upon.

Mr. VARDAMAN. After the amendments are adopted to the committee bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. WADSWORTH. Mr. President, will the Senator from Oregon give me the benefit of his advice on what might turn out to be a parliamentary point at a later time? As I understand the amendment which has just been offered in behalf of the committee, the Regular Army of the United States, exclusive of those branches of the service specifically mentioned in the amendment, shall not at any time, except in case of war, exceed the number of 180,000.

Mr. CHAMBERLAIN. Yes, sir.

Mr. WADSWORTH. It has been my intention, at a later time during the consideration of this bill, to offer amendments affecting the peace strength of the Cavalry and Field Artillery branches, the effect of which would be to increase them over the terms proposed in the bill; and that, of course, would conflict with the amendment which has now been proposed by the committee, if the amendment which I shall offer to the composition of the Cavalry units and the composition of the Field Artillery units should be adopted.

Mr. CHAMBERLAIN. It would, I think, as a parliamentary proposition.

Mr. WADSWORTH. With the acceptance by the Senate of this amendment, limiting the Regular Army to 180,000——

Mr. CHAMBERLAIN. In time of peace.

Mr. WADSWORTH. In time of peace, would my amendment be in order later on?

Mr. CHAMBERLAIN. The Senator would have to appeal to the Chair on that question.

Mr. SMITH of Georgia. It would not be if the total would increase the force beyond 180,000. If we adopt an amendment limiting the force to 180,000, I take it for granted that no subsequent amendment could increase the number unless we reconsidered the action upon this amendment.

Mr. DU PONT. Mr. President, I wish to state that I have never heard of this amendment before.

Mr. WADSWORTH. Mr. President, this is a very serious matter. If the acceptance of this amendment is going to tie the hands of the Senate with respect to the increase of the Regular Army over the figures fixed in this bill as at present before the Senate, it will become a very grave question whether any branch of the Army may be increased by the Senate's own vote as the result of an amendment being offered upon the floor during the debate.

Mr. DU PONT. Mr. President——

The VICE PRESIDENT. In the opinion of the Chair, this is not a parliamentary question at all. If the amendment should be adopted now, limiting the maximum strength of the peace footing of the Regular Army to 180,000, and subsequently additional amendments should be adopted by the Senate increasing various branches of the service, it would simply be a question for the War Department to determine what on earth it was going to do with the bill. It is not a parliamentary question at all.

Mr. DU PONT. Mr. President, I should like to ask the chairman of the Military Affairs Committee if this is a committee amendment? I never heard of it before.

Mr. CHAMBERLAIN. I will say to the Senator that it was not adopted in the full committee.

Mr. DU PONT. I never heard of it before.

Mr. CHAMBERLAIN. It was discussed by members of the committee.

Mr. DU PONT. Does the chairman think this is the appropriate moment to bring it forward, before the bill is discussed?

Mr. CHAMBERLAIN. If the Senator objects, I will refer it back to the committee.

Mr. SMITH of Georgia. Mr. President, I suggest that the chairman of the committee let this amendment go over for the present.

Mr. CHAMBERLAIN. I am perfectly willing to let it go over.

Mr. OVERMAN. The committee substitute ought to be perfected before we vote on it.

Mr. SMITH of Georgia. Will not the chairman of the committee let us know what they are, at any rate, now?

Mr. CHAMBERLAIN. I have sent them up to the desk, and I shall be glad to have the Secretary read them all.

The SECRETARY. On page 124, in line 13, after the letter "a," it is proposed to strike out the words "further detail" and insert "reappointment," so that, if amended, it will read:

Provided, That no officer shall be eligible to a reappointment as chief of an arm, corps, department, or bureau until he has served two years with the branch of the Army in which commissioned.

The amendment to the amendment was agreed to.

The SECRETARY. On page 133, line 12, after the word "seventy-five," at the end of the line, it is proposed to insert:

Provided further, That so much of the act approved January 25, 1907, as provides that the Chief of Coast Artillery shall be a member of the General Staff Corps is hereby repealed.

Mr. SMOOT. Mr. President, I ask the Senator to allow that to go over, as I have an amendment to offer on the paragraph just above, where the Senator asks that this amendment be put in.

Mr. CHAMBERLAIN. I have no objection to that.

The VICE PRESIDENT. The amendment will be passed over.

The SECRETARY. On page 142, in line 20, after the word "Engineers," the second word in the line, and after the comma, it is proposed to insert:

Supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers.

Mr. CHAMBERLAIN. There are a number of amendments. All of the next two or three amendments are practically to the same effect, and are to restore these men to the same pay they are receiving under the law as it is now.

The amendment to the amendment was agreed to.

The SECRETARY. On page 142, lines 20 and 21, it is proposed to strike out "and Cavalry, Artillery, and Corps of Engineers" and insert "Cavalry and Artillery."

The amendment to the amendment was agreed to.

The SECRETARY. On page 142, line 22, it is proposed to strike out the comma after the word "Cavalry," and insert the word "and."

The amendment to the amendment was agreed to.

The SECRETARY. In the same line, on the same page, after the word "Artillery," it is proposed to strike out the comma and the words "and Corps of Engineers."

The amendment to the amendment was agreed to.

The SECRETARY. On page 142, line 25, it is proposed to strike out the comma after the word "Infantry" and insert the word "and," so that it will read "Infantry and Cavalry"; and in the same line, on the same page, after the word "Cavalry," it is

proposed to strike out the comma and the words "and Corps of Engineers."

The amendment to the amendment was agreed to.

The SECRETARY. On page 161, line 2, after the word "only," the last word in the line, it is proposed to insert:

Provided, That without the consent of Congress such Volunteer force shall not be called out for field service for more than a total period exceeding 30 days in any one year.

Mr. CHAMBERLAIN. I will say, with reference to that amendment, that the question was raised here yesterday as to whether or not the President could call out the Volunteer Army in full force in time of peace without any limitation, for a year if he saw fit to do so. This is to limit the power of the President over the Volunteer Army, except during the time covered by these training periods of 30 days in a year.

Mr. CUMMINS. Mr. President, there will be an amendment offered proposing to strike out the entire section; and I am not enough of a parliamentarian to know whether the adoption of this amendment will affect such an amendment or not.

The VICE PRESIDENT. That will not affect it. If there is to be a motion to strike out the entire section, the adoption of the amendment will not affect the motion to strike it out.

Mr. SMITH of Georgia. Mr. President, what section is it?

The VICE PRESIDENT. Section 56.

The amendment to the amendment was agreed to.

The SECRETARY. On page 161, in line 16, after the word "into," the second word in the line, it is proposed to strike out the word "two" and to insert the word "three," so that, if amended, it will read:

And shall be divided into three classes, the National Guard and the unorganized militia.

Mr. CHAMBERLAIN. The purpose of that amendment is this: The bill as it is written seems to legislate out of existence the Naval Militia, and it might be that the law would be so construed. There was no purpose on the part of the committee to abolish the Naval Militia. This simply continues the present arrangement.

Mr. SMOOT. I will say to the Senator that I intend to offer a substitute for section 57, but adopting this will not interfere with that.

The amendment to the amendment was agreed to.

The SECRETARY. In the same line, on the same page, after the words "National Guard," it is proposed to insert a comma and the words "the Naval Militia."

Mr. CHAMBERLAIN. That has the same object in view.

The amendment to the amendment was agreed to.

The SECRETARY. Also, on page 161, line 21, after the word "equipped," it is proposed to insert "as a land force," so that, if amended, it will read:

The National Guard shall consist of the regularly enlisted militia, between the ages of 16 and 45 years, organized, armed, and equipped as a land force.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. That is for the same purpose—to protect the Naval Militia.

The SECRETARY. On page 161, in line 24, after the word "militia," the third word in the line, it is proposed to insert a comma and the words "except the Naval Militia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. HARDWICK. Are we proceeding now with general amendments or just committee amendments?

The VICE PRESIDENT. Committee amendments.

Mr. HARDWICK. Other amendments will be in order after we have finished the committee amendments?

The VICE PRESIDENT. After we have finished the committee amendments.

The SECRETARY. On page 169, line 8, after the word "Militia," it is proposed to insert a comma and the words "except the Naval Militia."

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. That has the same purpose. I desire to say to the Senate that there are no substantial changes. The changes that have been made are principally of form rather than of substance.

The SECRETARY. On page 174, in line 11, after the word "engineer" and the comma, it is proposed to insert "Coast Artillery."

The amendment to the amendment was agreed to.

The SECRETARY. On page 185, in line 9, after the word "militia," it is proposed to insert a comma and the words "except the Naval Militia."

The amendment to the amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I understand, from the amendment that went in before this, that the Naval Militia is not a part of the National Guard.

Mr. CHAMBERLAIN. No; it is not a part of the National Guard as at present organized. There is a separate Naval Militia act, and we want to except that from this provision, so as not to abolish it.

Mr. BRANDEGEE. I mean when this bill goes into effect the Naval Militia will not be a part of what is known as the National Guard?

Mr. CHAMBERLAIN. No, sir.

Mr. BRANDEGEE. I was not quite clear in my mind whether the Senator was correctly accomplishing what he had in mind, but I assume that he knows his business better than I do.

Mr. CUMMINS. Mr. President, I desire to suggest to the Senator from Oregon that the word "militia," in line 9, page 185, ought to be stricken out and the words "National Guard" inserted.

Mr. CHAMBERLAIN. It might be done in that way.

Mr. CUMMINS. And the same in the heading of the section. I think if those things could be done, and the word "active" put in before "service," in line 10, it would express the situation much better.

Mr. CHAMBERLAIN. I want to call the Senator's attention to section 57, which provides that—

The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have declared their intention to become citizens of the United States who are more than 16 years of age and not more than 45 years of age, and shall be divided into three classes.

Now, it provides for the National Guard and the unorganized militia.

Mr. CUMMINS. But, of course, the word "militia," in the two lines I have mentioned, does not refer to the unorganized militia, I assume.

Mr. CHAMBERLAIN. Without going over the bill generally covering this subject, I do not know just what effect it might have.

Mr. CUMMINS. However, I simply desire to call it to the attention of the Senator from Oregon, because I shall offer amendments on those points when the time comes.

Mr. DU PONT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Delaware will state it.

Mr. DU PONT. I should like to ask whether the first amendment offered by the chairman of the Military Affairs Committee, in reference to the maximum size of the Regular Army in time of peace, has been acted upon?

The VICE PRESIDENT. No; that amendment has been passed over.

The SECRETARY. The committee also offers one other amendment—on page 196, the last page of the bill, in line 14, after the words "land force" and the comma, to insert, "and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District," so that, if amended, it will read:

The provisions of this act in respect to the militia shall be applicable only to the militia organized as a land force, and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District, and shall take effect on July 1, 1916.

Mr. CHAMBERLAIN. That preserves the Naval Militia under the law as it is at present organized, Mr. President.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. Those are all the amendments the committee desires to offer at this time.

Mr. BRANDEGEE. Mr. President, will the Senator from Oregon allow me to ask him a question?

Mr. CHAMBERLAIN. Certainly.

Mr. BRANDEGEE. I think he answered it yesterday, but I have forgotten the answer. Somebody inquired of the Senator what the number of the Philippine Scouts was—how large a force.

Mr. CHAMBERLAIN. A little over 5,000 men. I can give the Senator the exact number.

Mr. BRANDEGEE. That is near enough for my purpose. I noticed that the amendment which the Senator proposed this afternoon, and which has been passed over temporarily, provided that the total number of men provided for under this bill in times of peace should not exceed 180,000, including the Philippine Scouts.

Mr. CHAMBERLAIN. They have always been counted as a part of the enlisted strength of the line of the Army.

Mr. BRANDEGEE. Yes; I assume that is true. I wanted to ask the Senator this question, then: Are the Philippine Scouts, under the law which organized that body, subject to be

ordered to this country to do military duty or to be sent to foreign countries?

Mr. CHAMBERLAIN. I will say to the Senator that I have never taken occasion to look into that. I really do not know.

Mr. BRANDEGEE. The object of my inquiry was simply this: The number of men provided for by this bill is, in my opinion, not at all excessive; and personally I should like to see the regular standing army in time of peace not less than 250,000 men. Now, the number of 5,000 men is quite a percentage of 180,000 men; and unless the law is so that the Philippine Scouts can be ordered to this country, or that a similar number of men could be added to the number authorized by this bill in case the Philippine Scouts should be disbanded by reason of our losing control of the Philippines, or otherwise, I should hope the Senator would lay that matter before the committee again, as to whether the Philippine Scouts ought to be included in determining the size of our Army.

Mr. DU PONT. Mr. President, I should like to call the attention of the Senator from Connecticut to the fact that while the Philippine Scouts to-day consist of 5,733 men, the law authorizes the enlistment of 10,000 men, so that they have never been recruited to the limit authorized by law. Therefore, should this limit be reached and you include them in the Regular Army, you reduce the total to a much lower figure than that at which we were given to understand it was to be fixed.

I do not approve of the amendment limiting it to 180,000 men, unless you exclude the Philippine Scouts. I will say that this amendment never has been discussed in the committee, and my attention has never been called to it, although I have been here all the time. I think it is a very important proposition.

Mr. CHAMBERLAIN. The Senator is correct about that. It has not been discussed behind the committee doors. It has, however, been discussed among members of the committee, as these amendments are usually considered when a bill is being acted upon by the Senate.

Mr. BRANDEGEE. Mr. President, in view of what the Senator from Delaware says, I call the attention of the chairman of the committee to the fact that there would seem to be some ambiguity, possibly, in the language of the amendment which he has proposed.

Mr. CHAMBERLAIN. I will say to the Senator that that amendment has been passed over for this evening, anyhow, and we can discuss that point later.

Mr. BRANDEGEE. I know it has been passed over; but I was simply going to suggest to the mind of the Senator now, as being a convenient time, whether the language that he has used, "including the Philippine Scouts," would include the Philippine Scouts as they are now organized, under the present number existing, or whether it would include the whole 10,000 authorized.

Mr. CHAMBERLAIN. It is true that if the President authorized the enlistment of natives of the Philippine Islands to the total number fixed by law, 12,000, it would reduce the total strength of other forces included in the 180,000.

Mr. OVERMAN. Mr. President, I should like to ask the Senator what is the maximum limit fixed in the bill? In the amendment it is fixed at 180,000. The maximum fixed in the bill is 240,000, I believe.

Mr. CHAMBERLAIN. Two hundred and fifty thousand.

Mr. OVERMAN. Suppose the amendment is adopted fixing it at 180,000, what will be the total amount of money to be appropriated by this Congress to meet that increase?

Mr. CHAMBERLAIN. I gave that information to the Senator yesterday, based on an estimate of the minimum strength.

Mr. OVERMAN. I thought it was the maximum—240,000.

Mr. CHAMBERLAIN. The Senator is speaking of the House provision, which provides for 140,000.

Mr. OVERMAN. That is the House provision; yes; I want to know how much money we will have to appropriate now, if the maximum is 180,000, including everything—not only the pay of the officers, but the equipment of the officers, and the guns, and everything we will have to furnish. What will be the total appropriation we will have to make in this bill if the maximum is 180,000?

Mr. WARREN. We only provide for the addition of the first increment of one-fifth in the coming immediate appropriation.

Mr. OVERMAN. The appropriation bill always appropriates for quarters and all that.

Mr. WARREN. I know it; but this increase of the Army is to come in one, two, three, four, and five years.

Mr. OVERMAN. I understand that; but we will have to appropriate for the first year an additional amount.

Mr. WARREN. For the first increment only.

Mr. OVERMAN. For the first increment.

Mr. WARREN. Yes.

Mr. OVERMAN. I do not see any estimate of what that would cost—the clothing, the guns, the machine guns, and all that. It is not included in this. We have got to appropriate for all of this if we increase the Army to 180,000; and I should like to know just about what the total amount is that this Congress will have to appropriate, including the first increment, the men, and the equipment.

Mr. WARREN. The Senator does not mean that we are to appropriate in the coming bill for 180,000 men?

Mr. OVERMAN. We are going to provide for 180,000 men.

Mr. WARREN. I know we are, but they will only be taken into the Army four or five years from now.

Mr. OVERMAN. That is the limit, the maximum.

Mr. WARREN. Some will come in within one year.

Mr. OVERMAN. What I want to know is, what it will cost this year.

Mr. CHAMBERLAIN. I will give that information to the Senator.

Mr. OVERMAN. The Senator probably has it there. It is approximately at the rate of $1,000 a man.

Mr. CHAMBERLAIN. For the first year——

Mr. NELSON. Mr. President, I should like to state——

Mr. CHAMBERLAIN. Let me answer the Senator's question. The enlisted strength of 180,000 is divided into five increments——

Mr. WARREN. The House bill had a division of four increments.

Mr. CHAMBERLAIN. Yes; we have five. It will cost approximately, as shown in Table X of Senate Report 263, the first year $126,000,000; the second year, $138,000,000; the third year, $151,000,000; the fourth year, $167,000,000; the fifth year, $182,000,000; and annually thereafter about $177,000,000. That covers the Quartermaster Department, the current cost, the new equipment, and the heavy artillery in the Ordnance Department.

Mr. OVERMAN. And the pay of the enlisted men?

Mr. CHAMBERLAIN. Yes. In the Engineer Department it covers the current cost and the new equipment; in the Signal Corps, current cost and new equipment; and the Medical Department.

Mr. WARREN. So it not only covers the equipment but it covers also the housing of the men.

Mr. CHAMBERLAIN. Yes, sir; practically everything.

Mr. WARREN. Every possible expense that can be contemplated or estimated beforehand is covered in the figures that the Senator has given.

Mr. OVERMAN. Will the Senator please state on what page that is?

Mr. CHAMBERLAIN. On page 24 of the report of the committee.

Mr. OVERMAN. The cost of the Regular Army. That includes everything?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NELSON. Mr. President, I should like to ascertain—I am not clear in my mind yet—what would be the peace strength of the Army under the Senate bill?

Mr. CHAMBERLAIN. The minimum strength under the Senate committee amendment is 194,586, which includes the Quartermaster Corps, the Hospital Corps, the unassigned recruits, and the Philippine Scouts.

Mr. NELSON. That would be the number of the Army after the first year.

Mr. CHAMBERLAIN. It would be one-fifth of the proposed increase after the first year.

Mr. NELSON. The ultimate increase of the peace strength will only be reached in the fifth year?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NELSON. What is the aggregate of the increased peace strength?

Mr. CHAMBERLAIN. Under the proposed amendment, 180,000 men.

Mr. NELSON. And what will be the war strength when full?

Mr. CHAMBERLAIN. Two hundred and fifty thousand.

Mr. NELSON. Instead of making the complete war strength in one year, it takes five years?

Mr. CHAMBERLAIN. Not the war strength; the peace strength.

Mr. BRANDEGEE. So at the end of the first year in time of peace there will be added to the present strength of the Army only 16,000?

Mr. CHAMBERLAIN. That is all.

Mr. BRANDEGEE. Sixteen thousand in time of peace, until at the end of five years the maximum in time of peace can not exceed 180,000?

Mr. CHAMBERLAIN. If that amendment goes through.

Mr. DU PONT. I hope the Senator will change it is as to make it exclusive instead of inclusive of the Philippine Scouts.

Mr. CHAMBERLAIN. The amendment has been passed over.

Mr. SMITH of Georgia. The Senator said the increase is only 16,000 the first year. Is that in addition to the increase of 20,000 in the regular force by the recent act?

Mr. CHAMBERLAIN. No; those are being absorbed in the general Army scheme.

Mr. SMITH of Georgia. Then the 20,000 that we have increased the Army covers all for the first year and 4,000 in excess.

Mr. CHAMBERLAIN. The increase to the maximum strength under existing law is only temporary.

Mr. WARREN. I think this matter of construing the law could well be reached if you add the 20,000 men authorized the other day to the present Army strength and deduct that total from the proposed strength and then divide that remaining total into five parts, to show each year's increase.

Mr. SMITH of Georgia. Why delay an increase in the Regular Army? If we need a Regular Army, why not begin to increase it right now?

Mr. WARREN. That is a matter for consideration, of course. It has been proposed.

Mr. SMITH of Georgia. I hope by the end of five years we can lessen the size of the Army.

Mr. WARREN. It is proposed by the General Staff that we shall make the increase in four or five increments. The House saw fit to make the total Army number smaller, but the increment in each of the four years would be about the same each year as in the Senate bill.

In reference to the inquiry of the Senator from Connecticut about the Philippine Scouts, we must not make any calculations upon using those elsewhere than in the Philippines. Without quoting any law about the matter, the formation is entirely local and is intended only for local use.

Mr. SMITH of Georgia. That ought to be passed on entirely by itself and not be made a part of this measure.

Mr. BRANDEGEE. That is the idea I had in mind. I thought they were a special force and were hardly to be considered as a part of the Regular Army. They are only adapted to use in that country as a constabulary.

Mr. DU PONT. They could not be utilized anywhere else, and, in my judgment, they ought to be excluded from all consideration in reference to the Regular Army.

Mr. BRANDEGEE. I simply wanted the Senator's opinion.

Mr. DU PONT. Further, the Philippines are likely to be cast adrift, and the scouts would have to go in that event.

Mr. CHAMBERLAIN. Mr. President, I want to say to the Senator from Georgia one way by which Congress has been able to keep the force down is by not making the appropriation. The officers of the Army can not enlist up to the authorized strength because they do not have the money to pay them, and as the enlistments expire the men go out of service.

Mr. BRANDEGEE. I simply wanted the Senator's opinion as to whether the 180,000 maximum included the Philippine Scouts, so as to know how many would be deducted from effective use in this country in the event we should have war with another country by reason of the language of the Senator's amendment. In other words, if the Senator thinks a real effective Army, if we get into trouble with another country or in time of peace, should be 180,000 men, ought we not to say not including the Philippine Scouts? If the Philippine Scouts are 5,000 men, we ought to say that the maximum, including them, should be 185,000.

Mr. CHAMBERLAIN. We utilize the Philippine Scouts over there; they are a part of the regular force; but I do not think they would be available anywhere else.

Mr. BRANDEGEE. It all depends on the judgment of Senators as to the amount of Army they want to be ready to utilize here. If the Senator thinks 175,000 would be enough over here, I have no quarrel with him about it.

Mr. CHAMBERLAIN. I may say here that so far as I am individually concerned I do not think that an Army of 180,000 men is large enough, but we can not each have what we want, and the committee felt that somewhere about that number was as much as the sentiment of the country and of Congress would warrant.

Mr. BRANDEGEE. The Senator might feel optimistic some day, and if he really thinks or if the committee thinks that the Senate or the country would stand for five or ten thousand more than he thought day before yesterday, it would not be a great calamity if he would offer an amendment then to add 10,000 more, even if it was voted down.

Mr. CHAMBERLAIN. The committee will give the subject further consideration.

Mr. VARDAMAN. Mr. President, I should like to ask the chairman of the committee a question, if I may. Has an estimate been made by the department as to the probable cost of maintaining an army of the size provided for in this bill?

Mr. CHAMBERLAIN. I have just read that. I will say to the Senator, if he will refer to the report of the committee on this bill he will find an estimate covering the cost. The Senator speaks about the Regular Establishment?

Mr. VARDAMAN. Yes; the maximum.

Mr. CHAMBERLAIN. On page 24 of the report the Senator will find a table giving the estimate made by the War Department.

Mr. CUMMINS. Mr. President, I offer the following amendment——

Mr. SUTHERLAND. Will the Senator from Iowa permit me to ask the chairman of the committee a question before we take up his amendment?

Mr. CUMMINS. I have no objection to the Senator asking the question.

Mr. SUTHERLAND. It may be two or three questions. I have been seeking an opportunity here during the small talk which has been going on. I want to ask the chairman of the committee about section 22, which deals with the Coast Artillery Corps. What increase does the bill make in the personnel of the Coast Artillery?

Mr. CHAMBERLAIN. What was the Senator's question?

Mr. SUTHERLAND. I was directing the Senator's attention to section 22, and I asked him what increase that makes in the personnel of the Coast Artillery Corps.

Mr. CHAMBERLAIN. The present enlisted strength of the Coast Artillery is 19,321.

Mr. SUTHERLAND. Is that the paper strength or the available strength?

Mr. CHAMBERLAIN. That is the authorized strength.

Mr. SUTHERLAND. The actual available strength?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. My information was that it was about 2,000 less than that.

Mr. CHAMBERLAIN. I am speaking of the authorized strength. The numbers vary a little all the time.

Mr. SUTHERLAND. What increase does the bill propose in that corps?

Mr. CHAMBERLAIN. To a minimum strength of 24,897.

Mr. SUTHERLAND. An increase of about 5,000?

Mr. CHAMBERLAIN. Of 5,576.

Mr. LEWIS. May I be permitted to say to both Senators that I have had occasion lately to investigate the matter, and I fear the report is that 17,250 or 17,275 is the number of the Coast Artillery. Am I in error as to that?

Mr. CHAMBERLAIN. Usually the enlisted personnel is limited by the appropriation. Of course in getting at these estimates the committee has had to take some fixed and definite estimate, both as to amount and as to men. The figure I refer to is the authorized strength. Perhaps the Senator has a report as to the actual strength.

Mr. LEWIS. I will say to the Senator I have no report, but being anxious about the matter I have a letter from those who assumed to report the matter to me for my personal information, sought by me connected with other matters. I have no official report from the officers of our Government.

Mr. SUTHERLAND. The statement made by the Senator from Illinois agrees with my own information that there are to-day only a little over 17,000 in the Coast Artillery.

Mr. CHAMBERLAIN. The 19,321 I speak of is the authorized strength of the Coast Artillery.

Mr. SUTHERLAND. And this bill will bring the authorized strength up to 24,000?

Mr. CHAMBERLAIN. To 24,897.

Mr. SUTHERLAND. That would be the minimum or maximum strength?

Mr. CHAMBERLAIN. It is the minimum strength.

Mr. SUTHERLAND. And the President is authorized by this section to increase that?

Mr. CHAMBERLAIN. To a total enlisted strength of 30,009.

Mr. SUTHERLAND. For example, the increase would be 12,562 privates authorized by this bill, and the President is authorized to increase that to 15,675, which would be an increase of about 3,000.

Mr. WARREN. Mr. President, in the Artillery a very large proportion of enlisted men are not quoted as privates. There are privates of the first class and privates and then various definitions are given to the more skilled force of enlisted men, so the privates are not in the same proportion to the enlisted men as in the other branches of the Army. It is more as it is

in the Navy. You have to take the entire list of the enlisted force in order to know just what the increase is.

Mr. SUTHERLAND. It would seem to me from a hasty consideration of the provision that the authorized increase would be less than the Senator has stated. However——

Mr. CHAMBERLAIN. Let me say to the Senator that the proposed increase that I have called to his attention, 24,897, is on the proposed minimum strength. The war strength would be 30,009.

Mr. SUTHERLAND. I, of course, defer to the better information and the far better judgment of the chairman of the committee upon the matter, but my information is that if we increase the Artillery Corps to this minimum strength we shall then fall far short of enough men to man the fortifications in this country; that is, we shall fall short of having men enough to man the fortifications to the extent of one-half. If that be true, it seems to me that would be unfortunate, because as it occurs to me the Coast Artillery is a very important portion of our forces.

Mr. CHAMBERLAIN. I will say to the Senator, in reply, that you can get just as many different opinions on this subject as you can get men to talk with you upon the subject. This number is satisfactory to the Chief of the Coast Artillery, Gen. Weaver.

Mr. SUTHERLAND. That is, the minimum number?

Mr. CHAMBERLAIN. Yes, sir. I will ask to have inserted in the RECORD a statement from Gen. Weaver with reference to the Coast Artillery. His view may not be in line with the views of some of the other men in his branch of the service, but in most of these estimates—and we have given as much as they asked—we have been governed largely by the advice of the men who are at the head of these several corps.

Mr. WARREN. Will the chairman state that there is also reliance to be placed upon the Artillery Corps, militia, or National Guard?

Mr. CHAMBERLAIN. Surely.

Mr. WARREN. Which is, of course, organized and located near these fortified points.

Mr. CHAMBERLAIN. That is in addition.

Mr. SUTHERLAND. They are in the nature of reserves?

Mr. CHAMBERLAIN. No; they work right with them. The Naval Militia and the Coast Artillery companies in the States train with the Regular Coast Artillery at certain seasons of the year.

Mr. SUTHERLAND. It seems to me it is the most important branch of our land forces.

Mr. CHAMBERLAIN. I will ask the Secretary to read this statement from Gen. Weaver.

Mr. SUTHERLAND. Let me first complete my statement. The Navy is our first line. It seems to me that it ought to be full and complete. If we are going to slight the Military Establishment in any particular, it ought not to be the Navy, and second in importance to that, in my mind, is the Coast Artillery. If we are going to take care of the Navy and are going to slight any other branches of the service, it ought not to be the Coast Artillery.

Mr. CHAMBERLAIN. I think the Senator will find that there is a very great difference of opinion among Army officers. The Coast Artillery is simply a harbor defense, and some of the officers will even go so far as to insist that it is sometimes a source of weakness, as it requires a mobile army to come to its defense in some cases where a landing has been made. I am simply stating that there is a diversity of opinion on that subject.

Mr. SUTHERLAND. Every man in the Artillery Corps is probably better qualified to render service in the Infantry and to operate machine guns than any other man in the service, except a man trained specially to handle machine guns.

Mr. CHAMBERLAIN. I should like to have the Senator read the testimony of one or two witnesses before the committee where they state the number of men who would be required to defend the coast defenses in the northeast part of this country. I do not pretend to know, but we rely on expert testimony in reference to this subject. There is a difference of opinion among men in the Army as to the particular branch which ought to be increased. In any event, the statement of Gen. Weaver will show that the proposal of the Senate committee meets with his approbation.

Mr. SUTHERLAND. I should be very glad to hear it read.

Mr. CHAMBERLAIN. I ask to have it read.

Mr. DU PONT. Before it is read I should like to say to the Senator from Utah that I think all military men agree that while the Coast Artillery is of great importance for the defense of special points and special cities it is not the most important factor of our system of defense on land. The presence of a mobile army is next to the Navy the great factor of national defense. The Artillery defends a few isolated, separated points near which great cities are situated. The enemy could land at a hundred other points and there should be a mobile army to meet them.

Mr. SUTHERLAND. Let me ask the Senator why we build fortifications?

Mr. DU PONT. To prevent our Artillery from being at the mercy of a few ships of war.

Mr. SUTHERLAND. The fortifications are useful or else we would not build them.

Mr. DU PONT. Certainly.

Mr. SUTHERLAND. Are the fortifications of any use unless they are manned?

Mr. DU PONT. No; they should be manned; but the rank in importance is simply this: First in importance, considering the whole scheme of defense, is the Navy, and, in my opinion, the mobile army is the second.

Mr. SUTHERLAND. Then the Senator from Delaware does not agree with the officer who was quoted by the chairman of the committee a moment ago——

Mr. DU PONT. That may be, but——

Mr. SUTHERLAND. Let me finish my question. I say the Senator evidently does not agree with the statement that was made a moment ago that the Coast Artillery is rather a source of weakness than otherwise?

Mr. DU PONT. No; I do not agree with that at all.

Mr. SUTHERLAND. They are a source of strength.

Mr. DU PONT. A source of strength.

Mr. SUTHERLAND. It seems to me that if coast fortifications are necessary and useful, it is of the highest importance that they should be sufficiently manned.

Mr. DU PONT. I will repeat the remark I made a few moments ago, that while the Coast Artillery is of the utmost importance in the special localities which it defends, and should be kept at those places in a state of efficiency and ready for all emergencies, still, in the general problem of national defense, I consider it secondary to the mobile army, which is the first factor. That is not my opinion alone, but is the general concensus of the opinions of military men, as the Senator will perceive if he will read the testimony which was taken before the Senate committee.

Mr. NELSON. Mr. President, I should like to ask the chairman of the Committee on Military Affairs a question or two for information.

Mr. SUTHERLAND. May we not first have this paper read, I will ask the Senator from Minnesota?

Mr. NELSON. Yes, sir.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NEED FOR 93 ADDITIONAL COMPANIES OF COAST ARTILLERY.

The Coast Artillery Corps at present comprises 170 companies. This number is 93 companies short of the number required to man one-half the armament now provided. If war should be declared to-morrow there are coast fortifications which have been provided and installed at the expense of $41,000,000 (530 heavy guns and one hundred and twenty-eight 12-inch mortars), which could not be used, because Congress has not provided the manning bodies for them.

The existing armament is inadequate. The War Department has recommended that large additions be made thereto during the next four years. The fortification bill to be reported this year will carry large sums for additional seacoast armament. The inconsistency on the part of Congress of appropriating for additional seacoast armament and at the same time failing to provide trained personnel for half the armament already provided is obvious.

The long-established policy of the War Department contemplates that the regular Coast Artillery personnel should be sufficient to man the fortifications in the insular possessions and one-half the fortifications in the United States. This policy has been repeatedly recommended by the General Staff and by the War Department. It may be said that no responsible military agency cognizant of all the appurtenant facts has come to any conclusion other than that the strength of the Coast Artillery called for in this policy is the minimum that should be provided in the interests of national security. Ninety-three additional companies of Coast Artillery, the number called for under the Senate bill, is the number needed to carry out this policy.

Coast fortifications form, with the Navy, our first line of defense. Unless they are efficient an enemy, without setting foot on our shores, can destroy our seacoast cities. If the Navy be strong enough to control the sea, an enemy can not invade our country, but he can and will attack our seacoast cities by naval fire unless they are adequately protected by seacoast fortifications. The duties of Coast Artillery troops of a highly technical and scientific nature, and such troops must be provided and trained in time of peace. What explanation could be offered to the country if in time of war our fortifications, provided by Congress at great cost, should prove impotent because of failure of Congress to provide the necessary personnel for their operation?

Mr. CHAMBERLAIN. Mr. President, may I call the attention of the Senator to the fact that we have increased the Coast Artillery Corps just exactly as Gen. Weaver wanted it done?

Mr. SUTHERLAND. The statement which has just been read from the desk, as I understand, is Gen. Weaver's statement.

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. The statement just read from the desk bears out precisely what I thought and had suggested about it, namely, the absolute necessity of sufficiently and thoroughly manning our coast fortifications. It is true, this bill provides for 93 additional companies, but I do not understand that they are to be full companies, because the bill limits the total number of men; and when the companies are filled as the President is authorized to fill them, then there will be some four or five thousand more men than are provided for in the bill.

Mr. DU PONT. Six thousand.

Mr. SUTHERLAND. I want to suggest to the chairman of the committee for his consideration, in view of the extreme importance of this branch of the service, as shown in the statement which has just been read from the desk, whether it would not be better to provide in the bill at once for the maximum number, which would be 5,000 or 6,000 more, and then provide that the President, at his discretion, might reduce the number to the minimum that is provided; in other words, to reverse the provisions of the bill and, instead of fixing the minimum amount and authorizing the President to increase it to the maximum, to fix the maximum amount and authorize him to decrease it to the minimum.

Mr. CHAMBERLAIN. Where will the Senator stop with that? That would disorganize the whole plan of having a minimum, a certain proportion less than the maximum. If you increase this branch of the service to the maximum strength, what will you do with the balance of the other different arms of the service?

Mr. SUTHERLAND. You will leave the balance as they are. It does not disorganize the balance of the service. Because you provide for a distinct branch of the service in that way, it does not affect the remainder of it. It is true it is adopting a somewhat different plan, but it does not disorganize the other branches, because they are separate and distinct. I make that suggestion for the consideration of the Senator.

Mr. THOMAS. Mr. President, I occupy the same position as does the Senator from Utah with regard to the importance of keeping up the efficiency of our Coast Artillery. My understanding of the situation is that we are carrying out a policy that has been in operation for some time in theory and are making it one in practice; that is, we are supplying 100 per cent of the forces necessary for our insular fortifications, 50 per cent of the needed forces for our continental coast fortifications, the other 50 per cent which may be needed in emergencies to be supplied from the National Guard of the respective States where those fortifications are.

When Gen. Weaver was before our committee I asked him specifically with reference to that subject, and such was his information. I then asked him whether the militia of the seaboard cities were equipped for work so as to be as efficient as the regular force. His answer was:

> What we have done along this line is this: We have equipped their armories with dummy armament and accessories thereto, which enables them to conduct drill in their armories, including all the features necessary for range finding and serving guns, ammunition, etc. The system contemplates that they come to the fortifications for a period each year and put into actual practice at the fortifications the armory instruction they have had during the winter. They are able to have in the armories practically all of the essential instruction, except the firing of projectiles, and for that, in substitution of the firing of full-size projectiles, they have subcaliber practice in firing at miniature targets.

I believe that the wise course with reference to our Coast Artillery is to keep it at, I will not say maximum efficiency, but at practically that; and the National Guard force which is in training, as Gen. Weaver said, as a reserve force to be used in case of emergency. I do not suppose it will be possible to enact any measure—that is, to carry it through both Houses—which would accomplish that; but it has always seemed to me, to put it mildly, unwise and improper to spend millions of dollars in the erection of coast fortifications and then to deprive those fortifications of the one thing needful to make them effective, and that is a sufficient number of men behind the guns. It seems, however, that it has always been the case to supply a small proportion of the force necessary—I say "always," but it has been so for some time—and to rely upon the National Guard to supplement that force in the event that occasion should arise for their full use. I do not think it is good policy, but I do not believe we are going to be able to change it.

Mr. SUTHERLAND. Mr. President, I thoroughly agree with what the Senator from Colorado has so well said.

Mr. NELSON. Mr. President, I want to ask the chairman of the committee, if it will not embarrass him, for information in respect to the Cavalry. What changes does the bill effect in the personnel of the Cavalry? What is the present strength of the Cavalry and what will be the strength under this bill?

Mr. CHAMBERLAIN. Under the existing law there are 15 Cavalry regiments, having an enlisted strength of 12,240. This bill increases the number of Cavalry regiments to 25, or an increase of 10 regiments, and increases the enlisted strength of the Cavalry to 24,900 men.

Mr. NELSON. That is the peace strength?

Mr. CHAMBERLAIN. That is the minimum strength.

Mr. NELSON. Now, another question, if the chairman will allow me, in connection with the Cavalry. I have received complaints that in the matter of promotion Cavalry officers by this bill, or, at all events, by the House bill, are placed at a disadvantage in comparison with Artillery and Infantry officers. Can the chairman give me any information on that point?

Mr. CHAMBERLAIN. There is no question, Mr. President, that at one time or another, as one branch of the service is increased by increasing the number of its units, the number of vacant places increases, and the officers of the particular branch where the increase is greatest are promoted more rapidly than are the officers of some other branch the number of units of which remains more or less stationary. In those organizations where the increase is small or where there is no change at all, promotions are slow, and the officers of such organizations suffer in that respect, if it may be called suffering, while in those organizations where the number of units has been largely increased promotions are more rapid.

Now, let me say to the Senator further that that condition has confronted the Military Committee in one shape or another ever since I have been a member of that committee, and we are confronted now with the question of equalization of promotion, so that the men in the different branches may fare somewhat alike.

Mr. NELSON. That is what I referred to.

Mr. CHAMBERLAIN. For instance, take the present conditions. Some of the branches of the Army were increased out of proportion to some of the others, and therefore the promotions in the particular branches so increased have been more rapid than promotions in the branches which have not changed much. In order to try to equalize promotions, we have appointed a subcommittee to take the matter up and to report to the full committee some plan for the equalization of promotions in each branch of the service.

Mr. NELSON. Is that plan to be made a part of this bill?

Mr. CHAMBERLAIN. Yes, sir. We are going to try to do that; but let me say to the Senator that it is not an easy proposition to settle. We have discussed it time and time again. If the subcommittee fails to agree, then the whole committee will have to take it up and do the very best they can.

Mr. NELSON. I hope that question will be settled, because I have had a good many complaints about the disadvantages which officers in the Cavalry service have suffered in the past.

The VICE PRESIDENT. The Secretary will state the amendments proposed by the Senator from Iowa.

The SECRETARY. On page 111, after line 12, at the end of section 6, the section pertaining to the General Staff Corps, it is proposed to add the following:

> The President shall detail five officers of the National Guard, of not less than 10 years' service, who shall constitute an additional section of the General Staff, to be known as the National Guard section. Such officers shall be detailed as follows: One for a term of one year; one for a term of two years; one for a term of three years; and two for a term of four years; and after the expiration of each detail the successor shall be detailed for a period of four years unless such detailed officers shall be sooner relieved. In the event of a vacancy in this section the detail shall be for the unexpired term. No officer having served in this section of the General Staff shall be again detailed for such service within two years after the service has ceased. National Guard officers so serving shall receive the pay and allowances of officers of similar grade in the Regular Army.

Mr. CUMMINS. Mr. President, I do not know how the chairman of the committee or the members of the committee view this amendment. I have had some reason to think that it would not be opposed. If, however, it is opposed, I desire to submit some reasons for its adoption. I ask the Senator from Oregon, the chairman of the committee, whether he desires to go on with the discussion this evening?

Mr. CHAMBERLAIN. I should like to go on until 6 o'clock, if the Senator is prepared to go on.

Mr. CUMMINS. I am prepared, Mr. President.

Mr. SMITH of Georgia. Mr. President, before the Senator proceeds I should like to send an amendment to the desk to be read.

Mr. THOMAS. Mr. President, I have no disposition to interfere with the proposed discussion of the amendment of the Senator from Iowa; but if I understand the correct proceeding, we ought to dispose of the Senate committee amendments before other amendments are offered to the bill.

Mr. SMITH of Georgia. We have disposed of all but one, and that one went over by consent.

The VICE PRESIDENT. The Senator from Georgia has asked that an amendment sent to the desk by him may be read. The Chair presumes the Senator from Iowa will not object.

Mr. CUMMINS. I have no objection whatever.

The VICE PRESIDENT. The Secretary will read the amendment sent to the desk by the Senator from Georgia.

The SECRETARY. It is proposed to add, after section 29, the following:

SEC. 29a. In addition to the work connected with the military service soldiers on active duty hereafter enlisting shall devote as many hours as can be so used without neglecting their military duties and, if practicable, an average of 96 hours monthly to study and to receiving instructions upon educational lines not directly connected with the military service and preparatory to their return to civil life. A part of this preparation for civil life shall consist of vocational education either in agriculture or the mechanic arts, and civilian teachers may be employed to aid the Army officers in conducting the said educational work. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instructions preparatory for civil life herein provided for.

Mr. POMERENE. Mr. President, will the Senator from Iowa also yield to me to offer an amendment and have it read, printed, and lie on the table?

Mr. CUMMINS. I yield to the Senator.

Mr. POMERENE. I send the amendment to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 189, line 4, after the word "units," it is proposed to insert "and every officer of higher rank than that of captain," so that the text will read:

To captains commanding companies or similar units and every officer of higher rank than that of captain, $500.

Mr. THOMAS. I should like to have the amendment of the Senator from Iowa again stated.

Mr. CHAMBERLAIN. I will say to the Senator that I am going to suggest a recess until to-morrow at 12 o'clock, and the amendment will be printed in the RECORD.

Mr. CUMMINS. As I understand, the Senator does not desire to have the argument go on at this time?

Mr. CHAMBERLAIN. No. I will suggest to the Senator that most of the Senators prefer to go on with this matter to-morrow and to take a recess at this time.

Mr. CUMMINS. Very well.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 31, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 30, 1916.*

The House met at 10.30 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We draw near to Thee, our Father in heaven, with open hearts, that we may receive the inspiration which Thou alone canst impart; that with clearness of thought, honesty of purpose, and patriotic fervor we may render unto Thee and to our fellow men a service which shall increase the genius and efficiency of popular government and fulfill the demands of the growing changes in our civilization, moving ever onward and upward to larger life and nobler achievements; and blessing and honor and praise be Thine, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF A BILL.

Mr. SEARS. Mr. Speaker, the first print of the bill (H. R. 410) to establish a flood protection and drainage fund and to provide for the protection, drainage, and reclamation of the overflowed and swamp lands in the United States, and so forth, has been exhausted. This bill, introduced by the Speaker, the gentleman from Missouri [Mr. CLARK], is a very important measure, one in which my State is vitally interested and in which, I believe, the entire country is interested. This fact is demonstrated by the exhaustion of the first print. I have taken this matter up with the chairman of the committee and he stated that he would be present this morning, but I find he is not here. He has no objection to a reprint, and I ask unanimous consent that 500 copies of the bill be ordered reprinted.

Mr. MANN. It does not require an order of the House to have a reprint of a bill. The chairman of the Committee on Printing has the power to order it.

Mr. SEARS. I have tried to get some copies of this bill, and it is immaterial to me how I secure them; but on account of the importance of the bill, which is a good one, I would like to have it reprinted.

Mr. MANN. I shall not object, although the Committee on Printing has the power to order a reprint without action of the House.

The SPEAKER. The gentleman from Florida said he had consulted with the chairman of the committee.

Mr. SEARS. I consulted with the chairman of the committee, and he has no objection to my making this request, and, in fact, the request is made with his knowledge and consent.

Mr. MANN. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

IMMIGRATION.

Under the order heretofore made the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, with Mr. SAUNDERS in the chair.

The CHAIRMAN. There is an amendment pending, which the Clerk will report.

The Clerk read as follows:

Page 38, line 24, strike out the words "of the United States Public Health Service."

Mr. BENNET. I will say to the gentleman from Alabama [Mr. BURNETT] that that was the amendment to which we agreed on Tuesday, but no vote was taken on the amendment.

Mr. BURNETT. Mr. Chairman, that is correct.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to return to page 10, line 23, for the purpose of modifying an amendment known as the Humphrey amendment, so that it will relate only to contiguous countries.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 10, line 23, for the purpose indicated. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, what does the gentleman desire to do?

Mr. SIEGEL. To modify the gentleman's amendment so that it will apply to territory contiguous to the United States, which was the object when it was presented.

Mr. HUMPHREY of Washington. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 23, following the colon, insert:

"*Provided further,* That whenever any foreign country contiguous to the United States shall by statute, executive order, or otherwise, exclude from its territory any class or classes of citizens of the United States upon grounds different from the grounds for excluding aliens from the United States herein specified, the same class or classes of aliens residing in such contiguous country shall be excluded from the United States so long as such exclusion of United States citizens continues."

Mr. BENNET. Mr. Chairman, I ask unanimous consent to insert in the RECORD a telegram which gives the reasons for confining this provision to countries contiguous to the United States.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the telegram to which he refers. Is there objection?

There was no objection.

The telegram is as follows:

NEW YORK, *March 29, 1916.*

Hon. WILLIAM S. BENNET,
Washington, D. C.:

Humphrey amendment to immigration bill, providing for reciprocal exclusion, is destructive of every American tradition. It violates the doctrine of expatriation, to which we are wedded and which has been recognized in the platforms of all of the political parties. It interferes with the right of asylum, which has been a cherished American doctrine. So far as the Russian Jew is concerned, it will exclude him altogether, because Russia has steadfastly forbidden American Jews to enter her domain, even though they bear an American passport. She persists in this contention notwithstanding the abrogation by a unanimous vote of Congress of the treaty of 1832, and has thus far failed to negotiate a new treaty; consequently the class of immigrants who are conceded to occupy an exceptional position because of the persecution and discrimination to which they are subjected would find the doors of opportunity closed to them. This amendment should

therefore be rejected, and in any event so qualified as to prevent it from becoming the medium of injustice and cruelty.

LOUIS MARSHALL.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five year after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported: *Provided*, That for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship: *Provided further*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States: *Provided further*, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof: *Provided further*, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provision of this act, or of any law or treaty now existing, the decision of the Secretary of Labor shall be final.

Mr. BURNETT. Mr. Chairman, there are one or two committee amendments. On page 39, line 14, after the word "who," I move to insert the words "at any time."

That will provide that those who are here, advocating or teaching the unlawful destruction of property at any time, shall be deported, so that there will be no question of a time limit.

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Let the amendment be reported. The Clerk has not reported it.

The Clerk read as follows:

Page 39, line 14, after the word "who," insert the words "at any time."

Mr. STAFFORD. Mr. Chairman, I should like to inquire of the chairman of the committee whether that would apply to an alien who had developed the practice or idea of advocating the unlawful destruction of property since he came to this country?

Mr. BURNETT. Yes; if he advocates or teaches it. The purpose of it is so that there shall not be any time limit to the deportation of those who teach anarchy after they come over here.

Mr. LONDON. The expression is "shall be found"—shall be found by whom?

Mr. BURNETT. By anybody; of course proof has to be made.

Mr. LONDON. Who shall determine the fact?

Mr. BURNETT. The immigration authorities.

Mr. LONDON. Why not say a court of competent authority?

Mr. BURNETT. They have their rights by habeas corpus; that is not destroyed.

Mr. LONDON. They have not any rights under the habeas corpus act by this immigration act.

Mr. MANN. Is not the right of habeas corpus destroyed?

Mr. LONDON. Completely destroyed.

Mr. MANN. Does not the section provide that the Secretary may have a man arrested, and the man has to prove his case, and that the decision of the Secretary is final?

Mr. BURNETT. The only change made in this bill from the bill that was vetoed is that we do not want a time limit of five years to apply to it. Some of the excluded classes have a time limit of five years, and after five years they are not deportable; but those who teach anarchy and the destruction of property ought not to fall within that time limit.

Mr. MANN. I understand; but if the Secretary orders a man arrested for deportation, the man himself has to make proof, and the decision of the Secretary is final, so that it does wipe out any proceeding under the right of habeas corpus.

Mr. BURNETT. I know that the habeas corpus is frequently invoked in many immigration cases.

Mr. MANN. Under existing law; but the last proviso of this section makes the decision of the Secretary final. It says:

Provided further, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provision of this act, or of any law or treaty now existing, the decision of the Secretary of Labor shall be final.

Mr. BURNETT. Possibly so. Who else would decide it? Does the gentleman think he should have the right to resort to the courts? They have to make out a prima facie case, and then the burden is on the alien.

Mr. MANN. There is nothing here that requires anybody to make out a prima facie case. We may assume, and I think properly, that the Secretary will not order anybody arrested unless a case is made out; but he can, and his decision is made final and the burden of proof is put on the person arrested under the last proviso of this section.

Mr. BURNETT. I understand that; but, at the same time, there must be proof to the Secretary of Labor that he is found doing it.

Mr. MANN. We will assume that the Secretary would not order a man arrested without some kind of a case being made out, although there is nothing in the section that requires him to wait. He can order the arrest at any time on the ground that he is an alien, and I am not sure but that he could arrest the gentleman from Alabama or me on the ground that we were aliens, and his decision would be final, if that is constitutional.

Mr. BENNET. Mr. Chairman, the gentleman from Alabama and myself conferred in relation to this amendment yesterday. I am in entire sympathy with the amendment, but I do think that I ought to call the attention of the gentleman from Alabama to the fact that there has been only one act passed by Congress within the last 10 years that was declared unconstitutional and that is section 3 of the immigration act of 1907, and in that there was an intimation in the opinion of Judge Holmes—and if not in that case in a prior case—that you could not provide that an alien could be deported at any time; that there had to be a limit, and that the length of time for deportation was analogous to the time in which a person could be naturalized. If the gentleman will recollect, when we came to draft the amendment subsequently we put in a five-year limit in relation to deportation of alien criminals, because of that feeling that possibly Congress had no right to provide for deportation after the time in which the alien could be naturalized. I am going to vote for the amendment if the gentleman persists in it.

Mr. BURNETT. That decision has been overruled in the Lapina case. The question came up in that case and the decision was that Congress might fix it so that there would be no time limit. The gentleman will remember that two years ago there was introduced, and the committee reported, a bill that there should be no time limit as to the commission of an offense involving moral turpitude even if it was in this country. It was claimed that that was in violation of a constitutional right, and the Secretary of Labor was to determine it.

Mr. BENNET. The gentleman may be correct, but I thought I would call his attention to the old contention that we had no authority to enact such a law, and to what was done when we came to the conclusion that we would put the five-year limit on in relation to deportation.

Mr. LONDON. Mr. Chairman, I move the following amendment:

Strike out, on page 39, line 15, the words "advocating or teaching the unlawful destruction of property," and in line 18 the words "all forms of law."

Mr. MANN. That is not a substitute.

Mr. LONDON. It is instead of the amendment offered by the committee.

The CHAIRMAN. The gentleman must make his amendment germane.

Mr. LONDON. Then, Mr. Chairman, I will offer the amendment later. I move to strike out the last word of the committee amendment.

The CHAIRMAN. The gentleman from New York moves to strike out the last word of the committee amendment.

Mr. LONDON. Mr. Chairman, I will offer my amendment a little later. I desire to emphasize the fact that the expression "the destruction of property," as well as the expression "all forms of law," have absolutely no meaning whatever.

The advocacy or teaching of unlawful destruction of property is a crime, and it is reached by subsequent provisions contained in the same section. The section provides that an alien who shall have been convicted of a crime shall be deported. The expressions I complain of have no meaning, except that it will become possible for some employers during strikes to remove the strike leaders by charging them with advocating or teaching the unlawful destruction of property, and in that way, without due process of law, to deprive the strike leader of trial by jury, and of his day in court. He will be taken before a board of special inquiry, consisting of laymen, where he has no right to be represented by counsel. He will be deprived of the right of resorting to the writ of habeas corpus.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. MADDEN. Is the gentleman able to state a single case to the House where any man who has come to the United States from any country in the world was ever deported for the reasons stated by the gentleman?

Mr. LONDON. Oh, I know of cases of men who assisted workers during strikes, and who were treated by the authorities in defiance of all law, and you will find in the official report of the Industrial Commission that the law has not been administered honestly, justly, or equally in labor disputes.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. SABATH. The gentleman from Illinois [Mr. MADDEN] has asked the gentleman a question, whether anyone has ever been deported for this reason. Of course he was not, because it was not in the law.

Mr. LONDON. There was no such provision.

Mr. SABATH. It is now for the first time placed in this bill.

Mr. LONDON. The expression "of all forms of law" has no meaning. The expression "advocating or teaching anarchy" has no meaning. Anarchy in the philosophical sense is the highest realization of democracy, that state of democracy in which government as an institution, separate and distinct from the people, will cease to exist. Under that definition of anarchy Jefferson would be an anarchist; under that definition of anarchy Emerson would be an anarchist. I do retain the expression "or the overthrow by force or violence of the Government of the United States * * * or the assassination of public officials," because that means something. The man who advocates the overthrow by force or violence of the Government of the United States is a dangerous man, although England, with her great constitutional system of law, has permitted people to talk themselves blue in the face, even to the extent of advocating violence and assassination, with the result that the English people have never had a single act of assassination, while Italy and Spain and all other countries that prohibit free speech, that do not give men a chance to express themselves, have suffered from repeated acts of assassination. Mr. Chairman, may I ask for an extension of five minutes?

Mr. BURNETT. I would have no objection to the gentleman having three minutes.

The CHAIRMAN. The time of the gentleman has not yet expired.

Mr. LONDON. I am aware of that, but I find I will not be able to say what I want to say within the five minutes.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. JOHNSON of Washington. Does the gentleman indorse the editorial expressions of certain foreign-born editors of class newspapers who ask workingmen to destroy private property, to let dyes run in silk mills, to let threads drop, and to drive great spikes into saw logs secretly—in a word, endeavor to teach men to practice everything that will ruin industry?

Mr. LONDON. Mr. Chairman, everything that tends to violence in the labor movement is destructive of the labor movement. That is why I am a Socialist; that is why we seek to guide discontent into the intelligent channels of political action. That is why I despise the man, whether he be an anarchist or any other kind of a reactionary, who does not resort to methods outside. The most absurd and incendiary pronouncements come not from foreign editors, but from Central Western States and Western States, where people have become accustomed to talk with absolutely no control of their tongues by their brains.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield again?

Mr. LONDON. Yes.

Mr. JOHNSON of Washington. Is there not a faction, known as the Red Socialists, or the Direct Actionists, who advocate that very thing, the destruction of property?

Mr. LONDON. The so-called anarchist movement was suppressed long ago.

Mr. JOHNSON of Washington. I am not talking about the anarchist movement. I am talking about the Red Socialist movement, the Direct Actionists.

Mr. LONDON. The Direct Actionist movement and the expression "direct action" I will hardly be able to explain in three minutes; but I want to say this, that the expression "direct action" means nothing more nor less than action which assumes an economic character; than the right to strike. It means absolutely nothing more. It is frequently misinterpreted and misunderstood. What is direct action? It is the right to strike. Instead of relying upon the politician who promises things before election and then disappoints the constituents, the Direct Actionist says, "Do not rely on the politician, but rely on strikes." I personally believe in the right to strike, provided it is conducted in an intelligent manner and provided it is a strike to improve conditions. At the same time I advocate the need of political action and the educational value of political activity.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BENNET. Would the initiative, referendum, and recall as it exists in some States come under the term "direct action"?

Mr. LONDON. The initiative, referendum, and recall is a form of direct political action, undoubtedly. But what I want to make clear to you is that I am not advocating the use of violence. We succeeded in crushing the anarchist movement more than 20 years ago; there is no trace of it left. I object to these provisions. They were put in in good faith, but by people who did not realize the effect and the danger lurking in these provisions. I would not permit a board of special inquiry to pass on the question of whether a man is advocating or teaching the unlawful destruction of property.

An amendment should be adopted providing that he must be found by a court of competent jurisdiction to have been advocating or teaching the unlawful destruction of property. Why not adopt the suggestion? Why not say that a court of competent jurisdiction shall determine the issue? You will then give a man a chance to have his day in court and defend himself instead of rushing him before a board of special inquiry, where there is absolutely no opportunity offered to a man to defend himself.

That is why, Mr. Chairman and gentlemen of the committee, I ask the chairman of the committee to change the provisions of section 19 by striking out the expression "advocating or teaching the unlawful destruction of property" and the expression "or of all forms of law" and substitute instead the expression "any alien who after entry shall have been found by a court of competent jurisdiction guilty of the crime of advocating," and so forth.

Mr. MOORE of Pennsylvania. Does the gentleman want to strike out the provision which prohibits the entry of those advocating or teaching the unlawful destruction of property?

Mr. LONDON. It has no meaning. The advocating or teaching of the unlawful destruction of property is criminal.

Mr. MOORE of Pennsylvania. The gentleman's amendment was not written, and I wanted to know whether he wanted to strike out that.

Mr. LONDON. I asked that it be stricken out because it has no meaning in view of the provisions contained in this section.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, this has been the law from time immemorial, "of advocating or teaching anarchy or the overthrow of all forms of law." Now the gentleman wants to change what has been existing law for years so as to make it that the Secretary of Labor and back of him the Secretary of Commerce and back of him the Secretary of the Treasury, when they have jurisdiction of these matters, should not be the ones who decide conclusively and finally upon these questions. Again, this simply puts in those who advocate or teach the unlawful destruction of property and who teach the overthrow of all forms of law. This contention of the gentleman is like

anarchy itself. We can not desire that anarchists, such men as oppose all forms of law, should be allowed to continue to come here until by the long, slow process of courts we shall determine their rights, and that in the meanwhile the anarchists can continue to ply their work. I hope that the amendment of the gentleman will not be adopted. We want to suppress just such things as have been occurring within this country within the last few months, and we do not want a lot of men to run roughshod over law and then appeal to a long-delayed snail-paced court to encourage somebody else to ply their trade instead of making an example of them. It is just as stated by the gentleman from Washington [Mr. JOHNSON] awhile ago, that there is an organization of people in the country who are teaching just such things as that. As to the political refugee, he is provided for in a section we have already adopted. It is the individuals who are going over the country destroying property and teaching the destruction of all forms of law at which this is aimed. The same law has existed as to prostitutes, the same law has existed as to anarchists, the same law has existed as to many other classes of people, and it simply puts these people who think like anarchists, and who——

Mr. LONDON. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. LONDON. Why should the gentleman draw a distinction between a crime involving the advocacy of an unlawful destruction of property and any other serious crime involving moral turpitude? Why should not the man have an opportunity to have his day in court? How can the gentleman from Alabama imply a contempt for the courts of this country and expose himself to the charge of a contempt for law and legal institutions?

Mr. BURNETT. Mr. Chairman, the statement of the gentleman as to my position in regard to contempt of courts from what I have said, the very attitude he has taken in regard to this matter, is something that makes his opinion to me indifferent. It is for the protection of the whole country that this law is aimed at.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. MOORE of Pennsylvania. The question here seems to be whether or not we should leave with the Secretary of Labor the final disposition of these cases and the deportation of aliens.

Mr. BURNETT. That has been the law.

Mr. MOORE of Pennsylvania. Is not that covered sufficiently on page 41, in the first three lines, where it provides that "upon the warrant of the Secretary of Labor," and so forth, the party shall "be taken into custody and deported"? We have discussed this frequently before, and there is just this merit in it. There may be a prejudiced Secretary of Labor. He may be one who is wholly in favor of immigration or he may be bitterly opposed to it, and in such a case the rights of an alien, if he had any under the American law, might be very much prejudiced by a Secretary whose mind was already made up on the subject.

You seem to be taking away from the alien the writ of habeas corpus. I think there ought to be some chance for a man who is thus seized.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BURNETT] has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words. Is there objection. [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I ask the gentleman from Alabama if he does not think that authority already given to the Secretary is sufficient, without going to the extreme here of making his decision in the matter final?

Mr. BURNETT. There has to be some finality about it, and that has been the law all the time; and the courts have so held. And I am just informed by the law agent that if the Secretary renders an unfair decision, unwarranted by the law, the courts are open, and have been, and there have been many trials under habeas corpus and many reversals of decisions.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. I yield.

Mr. SABATH. If that is the case, could there be any possible objection to us embodying the provision that the gentleman from New York [Mr. LONDON] and the gentleman from Pennsylvania [Mr. MOORE] desire?

Mr. MOORE of Pennsylvania. The gentleman is mistaken as to my position. I contend for the keeping out of those who teach the unlawful destruction of property. I had a great deal to do with putting that clause in the bill, and I want it to stand. I do not think a man who comes in from a foreign country and teaches the destruction of property in the United States should be permitted to remain; but the trouble here is that a Secretary of Labor, be he Republican, Democrat, or Socialist, might be prejudiced upon this subject of immigration and a man who is seized and charged by somebody with having thus taught is at once at the mercy of an officer who may be prejudiced.

Mr. POWERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. POWERS. Even though we should attempt to abolish the writ of habeas corpus, the gentleman knows, I take it, that we could not do it without changing the Constitution of the United States?

Mr. MOORE of Pennsylvania. You ought not to abolish the writ of habeas corpus.

Mr. POWERS. The Constitution of the United States provides we can not do it without it, the Constitution, is changed.

Mr. MOORE of Pennsylvania. You attempt to do it here by making the decision of the Secretary of Labor final. You have sufficient law on page 41. All of these prohibited classes are to be deported after five years, or within a period of five years, or "at any time" as may be determined, and they are to be taken into custody upon the warrant of the Secretary of Labor. A man has a chance to get into court, as this bill provides on page 41, but on page 43 the power of the Secretary is increased and his decision in the matter is to be final, and therefore the accused has no right to appeal to the decision of the court. It is just possible that a man may express himself freely in public against some of our laws—and there are so many laws that there is no reason why a man should not protest against some of them—and, if apprehended, may be deported on the charge of designing persons, with no appeal from the decision of the Secretary of Labor. The testimony of those who report the man is presented to the Secretary, and on his dictum the man goes out of the country.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The question was taken, and the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 40, line 1, change the semicolon to a comma and insert "or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude committed at any time after entry."

Mr. SABATH. Mr. Chairman, this is one of the sections of the bill which provides for the deportation of aliens who have actually been admitted into the United States. This particular section provides for the deportation of aliens who have committed offenses involving moral turpitude. The proviso that I desire to amend is this:

Any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within five years after the entry of this alien.

My amendment provides that after a second offense committed by such an alien, or where he has been for the second time convicted, the five-year limitation should not apply. In other words, even though he may have been residing in the United States for five years or more, if he is for the second time convicted of any offense or crime involving moral turpitude, he should be deported. The provisions in this act covering the majority of cases place the limitation at five years.

A little later on, after the adoption of this amendment, I am going to move to reduce the term from five years to three years, but I am offering this amendment to demonstrate that I have no desire to protect a real criminal, a man who is a criminal at heart, a man who is guilty of a second offense involving moral turpitude and for the second time is convicted. A man of that kind is a criminal and is not entitled to consideration on the part of any of the citizens of the United States.

Mr. MANN. Will the gentleman yield?

Mr. SABATH. I will.

Mr. MANN. Suppose a man had lived in this country 50 years and was still an alien, and came under the provision of the gentleman's amendment, where would he be deported to?

Mr. SABATH. Yes; to the country of which he is still a citizen.

I wish to say to my colleague from Illinois and the gentlemen of the House that I have strenuously opposed in the committee the five-year provision in this bill. I realize the hardship upon a man who has been a resident of this country for a number of years and then, through misfortune, commits an offense that might be considered a crime involving moral turpitude and is deported.

In view of the fact that the committee insisted upon doing away with any time limit whatever, in order to secure at least that five-year concession from the committee, I yielded for the time being and agreed to support the proposition that any alien who is sentenced for the second time for committing a second crime involving moral turpitude should be deported, and that no time limitation should apply to him.

Mr. MANN. I understand. We have a statute which deprives an American citizen of citizenship if he remains abroad for a certain length of time and does not comply with certain provisions of law. I should naturally think that some of the foreign countries would have some provisions of that kind that would deprive one of its citizens of his natural citizenship after a number of years. Could we not, notwithstanding that, deport him to that other country on the ground that he was a habitual criminal?

Mr. SABATH. We could under a provision of the old act, namely, that provision which pertains to the deportation of prostitues and people concerned in or connected with prostitution. There is no limitation as to them, as I understand. If I am not mistaken, the Supreme Court has construed the section to be constitutional, and we deport aliens under it very frequently. In fact, during the fiscal year ending June 30, 1915, we debarred 490 prostitues and procurers from entering the United States, and we deported an additional 214 prostitues and procurers who had actually gained admittance to the United States.

Mr. MANN. They do not live that long.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURNETT. Mr. Chairman, I rise to support the amendment of the gentleman from Illinois [Mr. SABATH]. The gentleman is mistaken, however, in his idea that the committee wanted to remove the time limit as to those committing offenses in this country—the first offense. The police commissioner of New York was before the committee, and he showed an alarming condition in the prisons in regard to aliens who commit crimes after they come here, and he insisted that there should be no time limit as to the deportation of any of them this side of final citizenship. We believed, however, that it was a harsh rule, and every member of the committee believed that it would be a harsh rule—that if a man had come over here without any criminal record behind him being shown, and had lived an upright life here for 5 or 10 or 15 years, and then was convicted of a crime, to deport him would be unjust. Hence, we did not agree with the suggestion of the police commissioner of New York, who showed us an alarming number of records of prisoners who had come over and committed crimes after they had come here.

But the suggestion was then made by the gentleman from Illinois [Mr. SABATH] that those who committed a second crime involving moral turpitude showed then a criminal heart and a criminal tendency, and they should then be deported; and the committee unanimously agreed with the gentleman that that ought to be done. The police commissioner wrote me a letter, in which he stated that upon examination of the prison records he found that there were a great many of those cases, of men who served out their sentences and then renewed their careers of crime.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. BURNETT. Yes.

Mr. MANN. As a matter of curiosity, where one of these aliens commits a crime that subjects him to deportation, when is he deported?

Mr. BURNETT. My idea is that it is done after the expiration of the sentence.

Mr. MANN. It says here, on line 6, "hereafter sentenced."

Mr. BURNETT. There is a proviso later on that provides that it shall be after the expiration of the sentence.

Mr. MANN. There may be another proviso, but I do not at the moment locate it.

Mr. BURNETT. We think that that is taken care of, but I think it is a wise suggestion on the part of the gentleman.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield a moment?

Mr. BURNETT. Yes.

Mr. EDMONDS. The police commissioner of New York told us what percentage of the prisoners were aliens. He said 38 per cent of the prisoners in New York were aliens, and in Pennsylvania the percentage was 34, and in Rhode Island 35, and that the same percentage runs throughout the Eastern States generally.

Mr. BURNETT. I want to say, Mr. Chairman, that it was not the idea of the committee that there should be no limitation as to the first conviction, but on the commission of the second offense, showing that the man was really a criminal at heart, we believed that he ought to be deported.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BENNET. Mr. Chairman, the gentleman from Pennsylvania [Mr. EDMONDS] has just called attention to the percentage of alien criminals in two or three States. I could never understand why, when gentlemen do that, they should not at the same time call attention to the percentage of aliens in the population. Now, the percentage of aliens in the population of New York State is somewhere around 31 or 32 per cent, so that the percentage of criminals is substantially the same as the percentage of aliens in the population.

Then here is the unfairness, not of the gentleman from Pennsylvania [Mr. EDMONDS], but of the statistics in all this, unless it is explained: Of course the native-born child of foreign-born parents is properly and necessarily classed as a native-born citizen, because he is; and therefore when they charge up the statistics as to crimes they do not take into account the very high standing of the children of the immigrants. They class them, of course, as native born, as they ought, and do not take them into account.

I will tell you what these statistics are largely made up of. There are a whole lot of Greeks in New York City, for instance, who sell shoe laces, and so forth. Sometimes they stand more than five minutes on a corner and are arrested for that so-called offense and taken into court and fined $3. Eighty-nine per cent, as I ascertained the last time I looked it up—89 per cent of the crimes of which the Greeks were convicted in the city of New York was simply the offense of standing more than five minutes on a street corner selling shoe laces and things of that sort without a license. Yet that gives a chance for gentlemen to rise in their places and call attention to the horrible statistics of crime among our foreign-born population.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. EDMONDS. I am only taking the criminals that are confined in Sing Sing and Auburn, and criminals who are confined for a considerable length of time.

Mr. BURNETT. I will state that the police commissioner was not talking about those offenders. He was talking about prisoners confined in Sing Sing and in the State penitentiary for crimes of a serious nature.

Mr. BENNET. I have no objection to the statistics of the commissioner, but in respect to these alien criminals I am opposed to the amendment of the gentleman from Illinois [Mr. SABATH] and always have been. A thing that I have never understood is the tenderness of this House toward aliens who commit crimes. It seems to me that a man who comes here and enjoys the privilege of being here and repays our kindness by violating our laws, by committing an act involving moral turpitude, should at the expiration of his sentence be deported. This amendment proposes that after a man has been convicted twice he shall be deported. In other words, as the gentleman from Alabama [Mr. BURNETT] said with a great deal of gravity, they found in the prisons of New York a great many men who had been convicted and who had served out their sentence and then had been let out and committed other crimes and been convicted again, and because the men had been convicted twice he thought that they should be deported. Because the man had been convicted twice he thought that man should be deported. Now, why should he not be deported after having been convicted once of a crime so grave as a felony?

This is no new attitude on my part, because seven or eight years ago I introduced a bill which was reported to this House. The gentleman from Illinois [Mr. SABATH] at that time made arguments similar to those made by the gentleman from Alabama [Mr. BURNETT] to-day. The bill came up under suspension of the rules and failed to secure a two-thirds vote, and I never could get it up for a vote after that.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. SABATH].

The question being taken, on a division (demanded by Mr. SABATH) there were—ayes 53, noes 11.

Accordingly the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SABATH: Strike out, on line 19, page 39, the word "five" and substitute therefor the word "three."

Mr. SABATH. Mr. Chairman, this will shorten the time from five years to three years. I believe that if a man has been in this country for three years and then, because of conditions over which he has no control, becomes a public charge he should not be deported.

Mr. BURNETT. Mr. Chairman, the committee were of the opinion that the time should be extended. The law now is three years. Certainly if people become public charges and inmates of our hospitals or poorhouses at public expense within five years it is not right that our people should have the care of them. I supposed it was the unanimous view of the committee that the time should be extended to five years, and I hope that the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment, in line 25, page 39, to strike out the word "five" and substitute the word "three," so that the provision will read—

Any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within three years after entering—

And so forth. A little while ago I offered and the committee adopted an amendment eliminating the time limit, showing that I had no sympathy with the man who is really a criminal at heart; but I believe we ought not to be so hard upon a man who at some time, without thinking and without really knowing it is an offense, does something which may be designated technically as a crime involving moral turpitude. In certain sections of the country the larceny of a few pennies or of a piece of coal or a loaf of bread is considered a crime involving moral turpitude. I do not think we should be too harsh on an unfortunate man of that kind. We may very likely have cases where a man has married within five years after his arrival in this country. He may have married an American woman and may have children. What will become of his wife and his children if he is deported? The danger is not so great if we change the limit to three years.

Mr. SLAYDEN. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. SLAYDEN. I suppose the gentleman realizes that the stealing of a few pennies or a loaf of bread by a negro hardly rises in importance to a felony, and he would not serve a year in the penitentiary for such an offense.

Mr. SABATH. We have cases of record where a man has broken into a chicken coop and stolen a chicken, has been charged with the crime of larceny, or even breaking and entering, and has been sentenced for a longer period than one year.

Mr. SLAYDEN. I want to say to my friend that I never knew of any man being sent to the penitentiary for stealing chickens except one, and that man stole some thoroughbred game birds.

Mr. SABATH. Oh, the darkies in the State of Texas have not a monopoly upon the stealing of chickens. There are others in his State who will sometimes take a game chicken.

Mr. MANN. Will my colleague yield?

Mr. SABATH. I yield to my colleague.

Mr. MANN. Does not my colleague think that after all a large part of the objection that he makes is taken care of by the provision in the bill which forbids deportation if the judge who enters the sentence does not desire to have a man deported?

Mr. SABATH. In a measure it does, but I am a little alarmed at the way in which that provision is worded. Two years ago I attempted to perfect that proviso but did not succeed. However, we succeeded in securing this provision, which is better than nothing, though it does not go as far as we desired.

Mr. MANN. Take a case such as the gentleman has cited. Is it not almost certain that the judge would recommend that the man be not deported, and in that case he would not be deported?

Mr. SABATH. I agree with my colleague that in our State and in our city, where the judges are familiar with the conditions under which these immigrants live, a judge would perhaps recommend that the man be not deported; but there are certain parts of our country where there are judges who are prejudiced against immigrants, who will listen to no reason or appeal, and who will be only too pleased to order deportation whenever the opportunity presents itself. For that reason I believe that this amendment should be adopted and the time limit shortened.

Mr. BURNETT. Mr. Chairman, I want only two minutes. The gentleman from Illinois has called attention to the provision that does not exist in the present law, and really that is the mitigation of the law as it stands. The law as it stands is three years. It must be a sentence of 12 months, and it must be for a crime involving moral turpitude, and the alien again is hedged about by the right of the judge to say that he shall not be deported and he will not be. I think it is in the interest of the alien; and I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 41, line 12, after the word "at," strike out the words "the time of" and insert the words "any time after."

Mr. SABATH. Mr. Chairman, a few moments ago my colleague from Illinois called the attention of the committee to the provision which gives the judge the right of recommendation as to whether or not a man so sentenced should be deported. The provision reads:

Provided further, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment.

I am trying to perfect the amendment. I have had no chance to talk to the chairman of the committee about the amendment, but I am trying to give the court jurisdiction so that it can, at any time after imposing judgment, make a recommendation that the alien be not deported. I believe this is a fair amendment. Frequently during the trial of a case the judge may omit or forget to make a recommendation, and thereby the alien may be deprived of the provisions of this act and of the benefits which we are trying to give him.

Mr. BENNET. Will the gentleman yield?

Mr. SABATH. Certainly.

Mr. BENNET. I want to ask the gentleman if all his amendment seeks to accomplish is to give the judge the right not only at the time of the sentence, but at any time before deportation, to obliterate the deportation for any good reason that may exist in his mind?

Mr. SABATH. That is all I contemplate. No one can object to it, because no judge would deliberately order that deportation be not made unless there was good reason for it.

Mr. HAYES. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. HAYES. Does not the gentleman think that the amendment would subject the judges of the court to all sorts of pressure? It seems to me that the language of the bill is right, and that the decision ought to be made at the time of the trial.

Mr. SABATH. I can not agree with the gentleman from California, because these aliens have no influence, nor can they bring to bear any pressure upon a judge.

Mr. MADDEN. Will the gentleman yield?

Mr. SABATH. Certainly.

Mr. MADDEN. Does not my colleague think that the language would give the court jurisdiction for a period beyond which he would be required to serve in the penitentiary under sentence?

Mr. SABATH. No; I do not.

Mr. MADDEN. Any time after imposing judgment would mean any time during his lifetime.

Mr. SABATH. If there is no such recommendation, he would be deported, and the recommendation after that would be of no value. So if a recommendation is made at any time, it must be before deportation has taken place.

Mr. MADDEN. Then, he ought to be given authority to make a recommendation only for the time while the sentence lasts.

Mr. SABATH. If a recommendation is made, it must be made at once, or before deportation takes place. After a man has served his full term the recommendation would have to be made immediately or before the deportation took place.

Mr. POWERS. Will the gentleman yield?

Mr. SABATH. I will yield to the gentleman.

Mr. POWERS. Would you not get into this difficulty: For instance, a man is sentenced to the penitentiary for 21 years and serves his term out. In the meantime the judge that passed the sentence might no longer be judge of that court. The bench is occupied by other judges, who know nothing about the facts.

Mr. STAFFORD. He has ceased to be "the court."

Mr. POWERS. Another man has taken his place who knows nothing about the facts of the case and does not know what to recommend.

Mr. SABATH. In such a case, where there is a conviction for such a serious crime, the court would have jurisdiction at that time to recommend the deportation after the man has served his sentence.

Mr. STAFFORD. Does not the gentleman think the court should have the right prior to his imposing his sentence, or at the time of the sentence, and would it not accomplish his pur-

pose by leaving the text as it stands and inserting the words "or at any time thereafter"?

Mr. SABATH. I believe my amendment will cover that, that he will pronounce the sentence, and the moment he is through with it he can make his recommendation or at any time thereafter.

Mr. POWERS. Would not the gentleman's amendment, if it is adopted, militate against the man you are trying to protect? The new judge might come in, and, of course, knowing nothing about the facts in the case, might refuse a recommendation against deportation.

Mr. SABATH. No; it could not be to the injury of such alien. It would be, if at all, to his advantage. I desire to be fair, and I make this amendment for the reasons that frequently, after the conviction, conditions arise that may lead a judge to make recommendations that the man should not be deported, whereas if he made the recommendation at the same time he might, in view of the conditions that existed then, recommend immediate deportation.

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment, and I would like to have the attention of the gentleman from Alabama [Mr. BURNETT] and the gentleman from Illinois [Mr. SABATH]. I think that this particular amendment of the gentleman from Illinois [Mr. SABATH], although I voted against his other amendments, which I think weaken the criminal-deportation section, ought to be adopted; but I would like to ask the two gentlemen if they do not think that what is desired to be accomplished would be better accomplished if they struck out, on line 12, the words "at the time of imposing judgment or passing sentence," so that it would read:

If the court sentencing such alien for such crime shall make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act.

Then the court could make it at any time. He could make it in connection with the sentence, and sometimes the court would like to do that for the effect upon other people, or he could make it afterwards. I would say to the gentleman from California [Mr. HAYES] that I do not take much stock in this matter of pressure on courts. A man who is big enough to be elected a judge of a court that may sentence a man for a felony ought to be big enough to resist pressure.

Mr. HAYES. Is it not true that as soon as a man is sentenced the judge then ceases to be the court with respect to that particular man, and he has no jurisdiction over it? He would be subject to pressure, and people could call on him and induce him to take an action which as a judge of a court he could not be induced to take.

Mr. BENNET. Oh, his act would still be a judicial act, and if a man has not strong enough moral fiber to resist that sort of pressure, he ought not to be a judge. My belief about most of the judges of our country is that they are not improperly swayed by pressure, and I do believe that a judge has a right and ought to have a right under this somewhat severe provision to have all of the facts presented to him and act on the facts, just as a governor acts in relation to a pardon case. A judge sentencing a man for a felony may not know of the existence of this Federal statute. A man might come around in 48 hours afterwards and say, "This man that you have sentenced to two years in the penitentiary for felony will at the expiration of that time be deported," and the judge will say, "That is too bad; that ought not to be"; and then the reply would be, "Well, you have the right to stop that by recommendation"——

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. BURNETT. Is it not true that in all the States—it is in mine—a judge has control of his judgment until the expiration of the term of court?

Mr. BENNET. Yes; it is in New York.

Mr. BURNETT. That being the rule, would he not have the right in any event, up to the expiration of the term of court even, to make that order or to modify an order previously made?

Mr. BENNET. Not under this language, because it says that he shall make it at the time of imposing judgment or of passing sentence, and I call the attention of the gentleman from Alabama to the fact that we are imposing a duty on a State court judge, we are making him pro tanto, pro tempore, a Federal official. We are giving his acts possibly as an individual a Federal effect, and we have the right to limit, regardless of State laws, the time when he can exercise that act, just as in connection with naturalization we have the right to say to the judges of the State courts when they shall do a thing and when they shall not do it.

Mr. BURNETT. I see the danger the gentleman from California [Mr. HAYES] has stated, in the pressure upon the court. However, I do not think it would be a bad amendment to allow a judge to have during the term of court power to modify his decision if he desires to do so, but I do not think it ought to go beyond that.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOWARD. Mr. Chairman, I think there are two reasons why the amendment of the gentleman from Illinois [Mr. SABATH] ought not to be adopted. I have had several years' experience in the prosecution of crimes in the State courts, and I know this, that after the facts have all gotten out of the mind of the judge, and several months have elapsed since the conviction of the criminal, a judge doing any volume of business can not possibly keep all of the facts and circumstances surrounding the trial of the man in his mind, and then the friends of a convicted felon, or of a person convicted of crime involving moral turpitude, get together. They petition the judge. He is human. He can not exactly place all of the facts and circumstances surrounding the sentence of this man and his trial and he is overpersuaded and signs the petition, and retains in this country a man who ought not to be retained. That is one objection.

The other objection is this, that if the judge should be removed, as suggested by the gentleman from Kentucky [Mr. POWERS], by the expiration of his term of office, he would not have jurisdiction; but a judge who has had nothing to do with developing the facts or knew nothing about the facts, as I understand the section, would have the right to make such a recommendation to the Department of Labor. In all jurisdictions about which I know anything, until the expiration of the term of court the judge has it within his power, and it is entirely within his province, to change the term or to do anything he desires to do about the extent of punishment that he has imposed at that particular term of court.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. Under this bill, is the deportation after sentence discretionary with the Secretary of Labor or obligatory upon him?

Mr. HOWARD. I think under the language that the only province of the judge is recommendation.

Mr. MANN. I say the Secretary. Supposing the judge has made no recommendation, under the terms of the bill is not the Secretary obliged to cause the deportation?

Mr. HOWARD. Yes.

Mr. MANN. Suppose a man should be pardoned?

Mr. HOWARD. Well, I have known of men who were pardoned that ought not to have been pardoned.

Mr. MANN. I understand, and I have no doubt the gentleman has known governors to pardon men who ought to be pardoned.

Mr. HOWARD. The mere fact that they are pardoned does not make them morally fit.

Mr. MANN. But there are cases where the pardon is properly granted. There may be many cases where a parole is frequently granted. Now, ought not there to be some method——

Mr. BURNETT. If the gentleman will permit, that is provided for. I will call attention to it, in the proviso on page 41:

That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned.

Mr. MANN. I was giving that as an illustration, but circumstances may come where there is a reason for a parole. That is frequent everywhere, which shows that the sentence ought not to be carried into effect. Ought there not be some way by which that can be reached?

Mr. HOWARD. I think a man who is palpably guilty of a crime involving moral turpitude—that is, a penalty created as this bill provides—that upon the recommendation of the judge and the department that that man, if he commits this crime within a certain time after arriving in this country, ought to be deported as an undesirable citizen.

Mr. MANN. We all agree to that; that is not the question.

Mr. HOWARD. There is no contingency that can arise by which you can in the least minimize the crime if the truth was ascertained at the original trial.

Mr. MANN. There are a great many people convicted of a great many crimes unjustly, sometimes where the circumstances were not fully known. That often happens, as the gentleman knows.

Mr. HOWARD. That is possibly true in many cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. Mr. Chairman, I can not accept the opinion expressed by some gentlemen who have spoken as to the duty and right of the court in these matters. I appreciate, of course, what it means for me to differ from some of these

gentlemen on questions of law, but I wish to express my opinion to the effect that after the offender has been convicted in the court, sentence imposed, commitment papers made out, and the offender taken to prison, the court ceases to have jurisdiction of the person or subject matter except to entertain a motion for a new trial or to permit necessary proceedings to be taken looking to appeal of the case to a higher court, or in some cases as provided by the statute of the State, to join in a petition to the executive authority for a pardon of the convict. I can not agree at all with the statement of gentlemen that during the term of court, it may be a long term of court, but during the term of court, regardless of what may have been the proceeding in that court respecting the trial and sentence of one charged and convicted of crime, even though he may have been taken to prison, that the court has jurisdiction of the case to the end of the term of court. I do not know the laws of all the States, and I may say I know very little of the laws of any of them, but I am not prepared to believe that in any State of this Union after proceedings have been taken, such as I have outlined, respecting a criminal case, that any court has jurisdiction to the close of the term.

Mr. Chairman, it seems to me that the proper time and the only time when the court should be permitted to make a recommendation, which has authority and which shall have weight, should be at the time the case is tried by the court, and at the time the judge presiding over that court imposes judgment or renders his decision. I think that it would be unwise, unsafe, to invest that court with this authority after the case has been disposed of. If this amendment is adopted, a recommendation by a court or by a judge by or before whom the case was tried, made years and years after the trial, and even after the court or judge has lost jurisdiction, can be used for the purpose of preventing deportation. This law ought to provide, if recommendation is to be made and if it is to have weight, that it be made promptly and when the entire matter is fresh and not permitted after the lapse of years.

I suggest and I express the opinion that the amendment offered by the gentleman from Illinois ought not to be adopted.

Mr. HAYES. Mr. Chairman, I fully agree with the statement of the gentleman from Michigan [Mr. McLAUGHLIN], but I want to amplify a little further on his thought. When the alien is before the judge charged with a crime and the time for sentence comes, necessarily the question of whether he shall be deported or not must be presented to the court, and when all the facts are before him, and after both sides have been heard by the court, that is the time when that important matter should be decided. After the decision has been rendered and judgment entered, and the case is practically out of court, it would be very unsafe to permit a judge to reverse himself in a matter of that kind, having heard only one side of the case. Necessarily in such a case the judge would hear only one side of the case. This would be very unsafe, and I am sure the gentleman from Illinois will agree with me that it would be an unheard of proceeding in judicial matters to permit a reversal of the judgment of the court in an important matter of that kind without giving an opportunity for a hearing of both sides of the question.

Mr. SABATH. If the gentleman will permit, there is nothing in my amendment that would not give the same right of hearing to both sides, and I think the gentleman will agree with me that we could take for granted that at the time the sentence is imposed all the facts and all the evidence in the matter is before such court. Frequently, the gentleman knows, and I know, new trials are granted. Why? Because new evidence has been adduced that could not have been secured at the time. Now, the gentleman would not think that if new evidence developed showing that a man has been unjustly sentenced the court should not have the right and jurisdiction to change its views?

Mr. HAYES. If the court had no such jurisdiction of the case, the judge still has the right to recommend executive pardon for the convict, just as he has in any other case, and a part of that pardon will, under the law, prevent the deportation.

Mr. BURNETT. Mr. Chairman, I move that all debate on this amendment now close.

Mr. POWERS. Close in five minutes.

Mr. BURNETT. I yield to the gentleman two minutes. That will be enough.

Mr. POWERS. Make it five minutes, and I will stop when I get through.

Mr. BURNETT. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. POWERS. Mr. Chairman, I do not believe that the amendment offered by the gentleman from Illinois [Mr. SABATH] ought to prevail. It says, "that at any time after imposing judgment or passing sentence" the court can recommend against deportation. The bill as framed says at the time of imposing judgment or passing sentence the judge, if he makes a recommendation to the Secretary of Labor that the man should not be deported, he will not be. As has been urged here by the gentleman from Georgia [Mr. HOWARD], at the time the sentence is imposed by the judge or at the time he passes sentence upon the prisoner all the facts in the case are clear in his mind. They will not be if years should elapse. Both the Commonwealth and the defendant are represented in court at the time sentence is passed. There is nothing in the amendment offered by the gentleman from Illinois——

Mr. SABATH. Will the gentleman yield?

Mr. POWERS. I yield, sir.

Mr. SABATH. If there is nothing to the amendment, why does the gentleman oppose it?

Mr. POWERS. I did not get through with my sentence.

Mr. SABATH. I beg your pardon.

Mr. POWERS. I say there is nothing in the amendment offered by the gentleman from Illinois which would require both the Commonwealth and the defendant to be represented at the time application was made to this judge for the purpose of securing his recommendation that the man should not be deported.

Mr. SABATH. If the gentleman will offer such an amendment, I am willing to agree to such an amendment to my amendment.

Mr. POWERS. I suggest that the gentleman figure that out while I am speaking.

And another thing, Mr. Chairman. As has been urged by the gentleman from Michigan [Mr. McLAUGHLIN], terms of court expire and courts no longer have jurisdiction of the particular case. I know that is the law in Kentucky. I do not know about the law in the other States. Kentucky law provides that after the term of court at which the judgment is rendered and sentence is passed, the courts have no further jurisdiction of that particular case. They have no jurisdiction to even recommend pardon as a court. The gentleman from Michigan suggested that they did have the power to recommend pardon. That is not true except in their individual capacity. They can do it as individuals. The Commonwealth attorney can do it as an individual, or the court can do it as an individual, but they have no right to recommend it even in their official capacities after the term of court has elapsed and passed at which the sentence was rendered.

Another thing, the amendment offered by the gentleman from Illinois makes it impossible for the court to make this recommendation at all other times than that at which he would be best able to make it. If he would put in his amendment after the word "sentence" or "at any time thereafter," to make his amendment read like this, "at the time of imposing judgment or passing sentence or at any time thereafter," the amendment would be in a good deal better shape than it is now, because, as has been said, at the time the judgment is rendered and at the time the sentence is passed, the judge is best qualified to make these recommendations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SABATH. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 58.

So the amendment was rejected.

Mr. BURNETT. Mr. Chairman, I have a committee amendment which I wish to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 40, line 20, following the semicolon, insert "any alien who was convicted or who admits the commission prior to entry of a felony or other crime or misdemeanor involving moral turpitude."

Mr. BURNETT. The purpose of that amendment is just simply to remove the time limit to felons who come here as felons and who were convicted on the other side. They have no right to enter, but many of them, as stated by the commissioner, slip in; and under the law now, the five-year limit, or the three-year limit under the present bill, would prevent a deportation of a man who committed murder or any other crime involving moral turpitude on the other side.

Now, we all believe, as I said a moment ago, that while the crime is committed on this side there ought to be some time

limit. Yet a man has come in, perhaps, surreptitiously in violation of the law, and that excludes him as a criminal, and there ought to be no time limit as to his exclusion as a criminal.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. SIEGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 41, line 12, after the word "sentence," insert "or within 30 days thereafter."

Mr. SIEGEL. Mr. Chairman, by the insertion of the words "within 30 days thereafter" the section would read:

Nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, or within 30 days thereafter, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act.

Now, the reason why I have offered this amendment is because in the State of New York and elsewhere we find judges may make errors at the time of drawing the commitment papers or imposing sentences, and this amendment would give opportunity to the court or judge imposing sentence to rectify his error within 30 days after imposing such sentence or judgment.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. McLAUGHLIN. Very likely the courts of New York are in session all the time, but suppose the term of court had expired, would the gentleman permit the judge on his own responsibility, without a hearing, but merely as an ex parte matter, to make this recommendation?

Mr. SIEGEL. I would, and I would do it for this reason: I think the judge is only human. He is part of a court, and being on the bench and elected by the people, who have put him into power and placed him upon that bench, they have sufficient faith in him to leave it to him to rectify his errors according to his own conscience and according to his own best judgment. The American people respect their courts and the men they have elevated to the bench. I, for one, have the utmost confidence in our judges and trust them in every way.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. I do.

Mr. POWERS. If the term of the court has expired, then the court, as such, would have no jurisdiction over the case. I suggest that on line 11 you put in the words "or judge" after the word "court."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SIEGEL. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 46.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last proviso after the word "thereof," beginning on line 23 of page 41.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Strike out the proviso beginning on page 41, line 23, and ending on page 42, line 9.

Mr. MOORE of Pennsylvania. Mr. Chairman, the proviso which I have moved to strike out reads as follows:

Provided further, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provision of this act, or of any law or treaty now existing, the decision of the Secretary of Labor shall be final.

In the first place, that is an ambiguous proviso. In the second place, it admits of certain wrongs to aliens in the way of blackmail that ought to be prohibited. In the third place, in giving exclusive jurisdiction to the Secretary of Labor it conflicts with the Constitution, which preserves the right of habeas corpus.

There is no reason why Congress should make trouble for itself in passing a law or a provision of law which is unconstitutional, which it would seem to do in this instance if it provides that in a matter of human rights the Secretary of Labor shall have final judgment.

If we have a Secretary of Labor such as we had several years ago, who was generally regarded as being in favor of immigration, and if we have one now who is generally regarded as opposed to immigration, the evil of this discretion lodged in the Secretary will at once appear. If the Secretary is opposed to immigration, he may deport any one against whom charges are made. If he is in favor of immigration, he may admit anyone against whom charges are made. The right to go to a court, the constitutional right of habeas corpus, is denied by this provision.

It often happens, and it would happen particularly with respect to Chinese and Japanese, if this proviso is intended to relate to them, that gross injustice would be done to them. Whenever they locate in the United States and become prosperous it is mighty easy for some scheming or blackmailing person to harass them by demands for money. In the case of Chinamen it has been charged that they have been treated this way when they became prosperous enough to make good victims. With regard to other immigrants, in the Italian colony particularly, it frequently happens that a blackhander operates with great freedom. A man comes into the country, locates in business, marries, becomes moderately prosperous, and then some designing person, who himself may or may not have the right of citizenship, sends him a black-hand letter demanding a sum of money.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Minnesota. Is the gentleman of the opinion that the concluding paragraph of the proviso precludes an alien from resorting to the courts for the determination of his rights?

Mr. MOORE of Pennsylvania. I certainly think that is the purport of the proviso. It so reads. It means that when a man is complained against, no matter what his offense may be, he must prove up in the last analysis to the Secretary of Labor only or leave the country. He is put wholly within the jurisdiction of the Secretary of Labor. He seems to have no right to appeal to the courts. As the matter stands two designing persons in a great city like New York, two gunmen, if you please, two blackhanders in the city of Philadelphia or any other city, may set up a job on some poor alien who does not know very much about our laws or the right of habeas corpus, and thus operate under this law to his injury. This sort of blackmail is apt to happen to the man who is industrious, who has been prosperous, and if he fails to pay or leave his pot of gold in a certain place at midnight, as it were, the complaint might prevail against him. It is easy, where men do not understand American customs and conditions, to set up a job of that kind. This paragraph should be satisfactorily explained or be stricken out. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I would like to make an inquiry or two of the gentleman from Alabama [Mr. BURNETT], if I can be recognized.

Mr. BURNETT. What is the request of the gentleman?

Mr. MILLER of Minnesota. I desire to be recognized mainly that I may ask a question or two of the gentleman from Alabama in charge of the bill.

Mr. BURNETT. I will state to the gentleman that the first part of that paragraph relates to Chinese. It says—

Who are found in the United States in violation of any other law thereof which imposes on such persons the burden of proving his right to enter or remain.

The only other law is the Chinese-exclusion law. This is for the purpose of putting the burden on them, as to the last part of it. That has been the law ever since there has been an immigration law, that the decision of the Secretary of Labor shall be final. The gentleman from Pennsylvania [Mr. MOORE] was a very distinguished member of the committee for years, and I never heard him find any fault with that provision until now.

Mr. MOORE of Pennsylvania. I beg the gentleman's pardon. While I was a member of the committee I did contest the right of the Secretary of Labor to decide these cases without the right of appeal. I have always held to the right of appeal.

Mr. MILLER of Minnesota. Does the gentleman from Alabama hold that this language deprives the alien of his right to appeal to the courts?

Mr. BURNETT. No. It does not in fact.

Mr. MILLER of Minnesota. However you frame the language, you could not cut off the right of the alien to appeal to the courts in the determination of his rights?

Mr. BURNETT. There is no doubt about that, and it is done. I move, Mr. Chairman, that all debate on this paragraph be now ended.

The CHAIRMAN. The Chair will first put the question on the amendment. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the proviso on page 41, beginning on line 3, the first proviso.

The Clerk read as follows:

Amend, on page 41, by striking out the proviso beginning in line 3 and ending in line 7.

Mr. MANN. Mr. Chairman, this proviso reads:

Provided, That, for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

I am quite in sympathy with the purposes of the proviso, but I do not understand how you can declare a person an American citizen for one purpose, and then declare that such person is not an American citizen for another purpose. The Constitution of the United States provides that—

The Congress shall have power * * * to establish an uniform rule of naturalization—

And then provides further that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

And there is no power in Congress to declare that a person is a citizen of the United States, but shall not be considered a citizen under some special provision of law. When one becomes a citizen of the United States, the United States under this law can not deport that person. Now, what is the use of putting into this act a provision that is clearly unconstitutional?

Mr. BURNETT. I do not quite get the idea of the gentleman. This provision reads:

Provided, That, for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

Mr. MANN. Why, certainly—

For the purposes of this act.

But the naturalization law provides that where an alien woman is married to an American citizen, that alien woman becomes an American citizen. Now, you can change that if you want to, I suppose, but you can not say that she is an American citizen for the purpose of inheritance, for the purpose of protection in other respects, but is not an American citizen "for the purposes of this act." She is or she is not. If she is an American citizen, as she is under the naturalization laws, you can not say that for the purposes of some other act she shall not be an American citizen, because that is denying a fact. The Constitution provides that we may pass uniform laws of naturalization; and when we say under those laws that a person becomes an American citizen, that person is an American citizen for all purposes.

If you want to modify the naturalization laws and provide that the marriage of such a person to an American citizen shall not constitute that person an American citizen, I think we have that power. We have no power to say that she is an American citizen, but is not for the purposes of a particular act. We can not do that. I do not think we ought to place in this act provisions which are clearly unconstitutional. We go a long way. I am in favor of going a long way. I would like to exclude this class of people entirely. I think it is wiser in the end to maintain the rights of American citizens, where they are constituted American citizens, than it is to deport some criminal. [Applause.]

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HOWARD. As I understand this provision, it is intended to provide than an alien woman of the character set forth in the provision can not hide behind the citizenship of her husband by marrying an American citizen, when without that marriage the Government of the United States would have the right to deport her. Now for instance, take a moral pervert, a man who would marry such a woman, who would go into collusion with her. She is about to be deported on account of her character. She marries this man on the spur of the moment to prevent deportation. This section seeks to provide that that woman shall not by that marriage be vested with American citizenship.

Mr. MANN. Oh, not at all.

Mr. HOWARD. That is what I understand.

Mr. MANN. Not at all. It says "for the purposes of this act" she shall not be an American citizen; and if a person is an American citizen for one purpose, that person is an American citizen for all purposes, and Congress can not by statute provide otherwise.

Mr. BURNETT. Would it meet the gentleman's objection to strike out the words "for the purposes of this act"? Then it would read—

That the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

Mr. MANN. I should think that would be a constitutional provision. How much it would interfere with the decisions of courts in reference to inheritance I do not know. It is quite important with reference to a great many laws to know whether a person is an American citizen or not, but I think that amendment would make the provision constitutional.

Mr. BURNETT. Mr. Chairman, I see the force of the suggestion of the gentleman. Naturalization and citizenship, however, are entirely within the purview of the laws of Congress. As was suggested a moment ago, we decitizenize people who leave this country and are absent from it a certain length of time. The committee have no more desire than the gentleman from Illinois or any other gentleman has to enact an unconstitutional law, no matter how beneficial it may seem to be; and in order to meet the suggestion of the gentleman, I move to strike out of line 3, on page 41, the words "for the purposes of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The amendment was agreed to.

Mr. POWERS. Mr. Chairman, I wish to offer an amendment.

Mr. MANN. I have an amendment pending to strike out the proviso. Does the amendment of the gentleman from Kentucky relate to that?

Mr. POWERS. No.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the proviso.

Mr. BENNET. Mr. Chairman, I want to be heard in favor of the motion of the gentleman from Illinois to strike out the proviso. As I understand the parliamentary situation, the motion of the gentleman from Illinois [Mr. MANN] is to strike out the following language:

That the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

Mr. Chairman, it seems to me that the provision ought to be stricken out. I had it marked in the bill to strike out as it stood, and, while I think it has been made constitutional by the amendment, I do not think it has been made proper or humane. Is there no such thing as reform of a woman, or a man, either, for that matter? And, furthermore, what rights are going to be affected by this very broad language? Do not you see what you are doing? You are putting under the chance of blackmail every alien woman who hereafter marries an American citizen, although she may be chaste as the driven snow, because any man or any woman who has a grudge or prejudice, or simply desires money, can go to that woman and say: "We will bring in proof that you were, to any extent, immoral prior to your marriage; we will deprive you of your American citizenship; we will affect the rights of property; we will cast a doubt on the citizenship of you and your children."

There is absolutely no limit to the possibilities of this amendment. Now, the cases affected are few. As I remember, in the investigation by the immigration committee we were never able to find but two authentic cases where a known certain prostitute gained American citizenship by marriage to an American citizen; and for these few cases we purpose to cast a doubt on the citizenship of every alien woman that hereafter marries an American citizen. "De minibus non curat lex" is a good old legal maxim. By attempting to meet these rare cases we cast a doubt upon the citizenship of thousands. I sincerely hope that the motion of the gentleman from Illinois will prevail.

Mr. MANN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. BENNET. I do not object, Mr. Chairman; I will renew it.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois will be withdrawn.

There was no objection.

Mr. BENNET. Mr. Chairman, I renew it. I am perfectly willing to take the onus of it.

Mr. BURNETT. Mr. Chairman, if, as the gentleman says, it is a matter of infrequent occurrence, there would not be anything serious about it, but I am informed by the representatives of the department that it is a matter of frequent occurrence that whenever they go after a woman of that character the woman gets behind some pimp or procurer and he himself mar-

ries the woman or gets some one else to do it. It is a serious proposition, and I hope that the amendment of the gentleman from New York will not be adopted.

Mr. McLAUGHLIN. Mr. Chairman, I have an amendment to perfect the section.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. McLAUGHLIN. It is an amendment to the paragraph to perfect the text.

Mr. BURNETT. Mr. Chairman, I move to close debate on the proviso in five minutes.

Mr. CANNON. Let the amendment of the gentleman from Michigan be reported first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, line 7, after the word "citizenship," add the following: "if the marriage of such alien female shall be solemnized after her arrest or after the commission of the acts which make her liable to deportation under this act."

The CHAIRMAN. The gentleman from Alabama moves that all debate be closed at the expiration of five minutes on this proviso.

The motion was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I was impressed by the argument of the gentleman from Illinois to the effect that this proviso may be or is unconstitutional. I doubt very much myself if Congress can in an act of this kind provide that under certain circumstances citizenship shall not invest, whereas other laws provide that there shall be citizenship, with all rights pertaining thereto. I appreciate what the gentleman from New York [Mr. BENNET] and the gentleman from Alabama [Mr. BURNETT] have said, that sometimes females take advantage of marriage to evade deportation, and it is a vicious practice. It seems to me that my amendment would meet that trouble. If the marriage is solemnized after the arrest, after the female is subject to arrest, or after she has committed acts or has been guilty of conduct making her liable to arrest and deportation, then her marriage shall not protect her, shall not invest her with citizenship. It seems to me that that will remove the objections raised and meet the situation entirely.

Mr. BURNETT. Mr. Chairman, I think that is not a bad amendment.

Mr. BENNET. If it is adopted I will withdraw my amendment.

Mr. SABATH. Mr. Chairman, I wish to say that the amendment of the gentleman from Michigan will do what was in the minds of the committee, and I suggest that the gentleman from New York withdraw his amendment and ask that the amendment of the gentleman from Michigan be adopted.

Mr. BENNET. I will do it, with the additional suggestion that in lines 4 and 6 you strike out the word "female" and insert "woman." That is a matter of taste, but I think it is more modern.

Mr. MANN. But let me suggest to the gentleman that there has been a question as to the definition of the word "woman," whether it includes girl.

Mr. BENNET. I will not insist on that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan to perfect the text.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. POWERS. Mr. Chairman, I ask that the Clerk report the amendment that I have sent to the desk.

The Clerk read as follows:

Page 41, line 11, after the word "court" insert the words "or judge thereof." And in line 12, page 41, after the word "sentence," insert the words "or within 30 days thereafter, due notice having first been given to a representative of the State."

Mr. POWERS. Mr. Chairman, this amendment seeks to give the judge a little more discretion in the matter and the prisoner a little more time. It has been contended here, and, I think, with a good deal of force, that after the term of court has passed at which the prisoner was sentenced the judge would not have any jurisdiction over his case. I think that is correct; but in putting after the word "court," in line 11, the words "or judge thereof," and after the word "sentenced" the words "or within 30 days thereafter, due notice having first been given to the representatives of the State," even though the term of court had passed, the judge of that court would have the power to make this recommendation, while the court itself would not have the power. The amendment, if adopted, would do this. Instead of compelling the court or the judge of the court at the time of imposing the sentence or of passing judgment to make his recommendation to the Secretary of Labor that said alien should not be deported it gives 30 days after passing judgment or imposing sentence in which to act on this proposition. I believe that things might arise within 30 days after the sentence has been passed that would completely change the mind of the court and make him aware within that time that he ought to make his recommendation when he would not know it immediately after passing sentence. The State, under my amendment, is to have due notice of the proposed action of the judge or court. I helped to frame and am heartily in favor of this bill, but I believe this amendment ought to pass.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BURNETT) there were—ayes 42, noes 27.

So the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, and desire the attention of the gentleman from Alabama [Mr. BURNETT]. On page 42, line 8, are the words "now existing." That does not seem to me very good legislation. If this Congress or a succeeding Congress amended the immigration law, or a new treaty was made, as new treaties are being made all of the time, then we would have this curious situation, that the decision of the Secretary under a treaty now existing would be legal, but a decision of the Secretary under a subsequent treaty or act would not be. I simply call the attention of the gentleman to that.

Mr. MANN. That clearly ought to go out.

Mr. BURNETT. What is the suggestion of the gentleman?

Mr. BENNET. If I were in charge of the bill, I think I would move to strike out the words "now existing."

Mr. BURNETT. There is no objection to that. It is merely carrying the language of the old law.

Mr. BENNET. Mr. Chairman, I move to strike out the words "now existing."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words for this purpose. The statement has been made repeatedly that this is existing law. The gentleman is in error about that. While it does not make any particular difference, we may as well have the question straight. The existing law is in section 25, and provides:

The decision of the appropriate immigration officer, if adverse to the admission of such alien, shall be final unless reversed on appeal to the Secretary of Labor.

It is about as broad as it is long, because the aliens always go up before a board of special inquiry; but in the case of Rosen, in which my colleague Mr. LONDON and I were interested as counsel, we brought that matter to the attention of the United States Court of Appeals in the second circuit, and we obtained a decision that neither the Secretary nor the board of special inquiry could make a decision except upon facts, and that the writ of habeas corpus has some efficacy left. It is an immaterial matter, but I thought I would straighten it out.

Mr. BURNETT. All of the courts, except the court to which the gentleman has referred, have held that it applies.

Mr. BENNET. Yes; but that is the latest decision. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard

safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, the said Secretary shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

Mr. BURNETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 44, line 3, strike out the words "like manner" and insert in lieu thereof the words "the same manner as the expense of deporting the accompanied alien is defrayed."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service under this act when not so engaged, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $100,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Alabama to explain the proviso on page 46, commencing at line 15.

Mr. BURNETT. Mr. Chairman, that proviso reads as follows:

That if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital—

That is, they are not to be delayed; they are to come right in and go to the husband or father. The proviso continues:

and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed, even though such person is unable to pay the expense of treatment, in which case the expense shall be paid from the appropriation for the enforcement of this act.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. I yield.

Mr. MANN. Of course the purpose of this is to effect the first entrance of the wife or minor children into the United States.

Mr. BURNETT. Yes.

Mr. MANN. Suppose a naturalized citizen goes abroad with his family and comes home before his family does, which is not an unusual thing, I believe, and then sends for his wife and children, who have not only been naturalized but are citizens of the United States.

Mr. BURNETT. They are citizens in that case. The wife and children are citizens——

Mr. BENNET. Oh, the gentleman is mistaken.

Mr. MANN. Whether they are citizens or not, this undertakes to govern their detention; and as we have the right to detain an American citizen who has a contagious disease, I take it that that is what the purpose of this is.

Mr. BURNETT. The purpose of that was to give to one who is a naturalized citizen before birth of his children or marriage of a wife an advantage over the wife or children of one who was married or born before naturalization.

Mr. MANN. This case might easily arise: A man comes over here from abroad and is naturalized; marries an American wife; raises some American children; goes abroad on a trip; comes home ahead of his wife and children, his wife and children to follow him. One of those children is found to have tuberculosis of some stage coming under the terms of this bill. That child would have to be put in a hospital and remain there possibly for the balance of its life, and a hospital over at Ellis Island.

Mr. BENNET. Mr. Chairman, I think the gentleman from Illinois is wrong. I think that the proviso is intended to do away with the severity of the prior provision.

Mr. MANN. I am not speaking of the proviso, I am speaking of the prior provision. Maybe the proviso does away with that part of it, but it would not if the child had been born prior to naturalization. Of course, a case of that sort may not arise often, but it may arise and is certain to arise at some time. Oh, if the gentleman will state that that is not the intention, I will be perfectly satisfied. I suppose the real purpose of this is, in the main, to give an entrance to the wife and child of the alien who has come over here first——

Mr. BURNETT. Yes.

Mr. MANN. And filed his declaration to become a citizen of the United States.

Mr. BURNETT. Yes.

Mr. MANN. And to give admission to the wife and children left behind when they come on, as they may in the course of a year; but, of course, it covers every conceivable case in language.

Mr. BENNET. Mr. Chairman, if I have time, I desire to say I think the section now drafted is in the best form it has ever been in for the alien; that is, it has been humanized, and I am not criticizing the committee. I think this last proviso is all right and is a very excellent proviso, and I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of or coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act, for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Labor: *Provided*, That no person, company, or transportation line engaged in carrying alien passengers for hire from Canada or Mexico to the United States, whether by land or water, shall be allowed to land any such passengers in the United States without providing suitable and approved landing stations, conveniently located, at the point or points of entry. The Commissioner General of Immigration is hereby authorized and empowered to prescribe the conditions, not inconsistent with law, under which the above-mentioned landing stations shall be deemed suitable within the meaning of this section. Any person, company, or transportation line landing an alien passenger in the United States without compliance with the requirement herein set forth shall be deemed to have violated section 8 of this act, and upon conviction shall be subject to the penalty therein prescribed: *Provided further*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors: *Provided further*, That in prescribing rules and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory, due care shall be exercised to avoid any discriminatory action in favor of foreign transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to seaports of the United States, and, from and after the taking effect of this act, no alien applying for admission from foreign contiguous territory shall be permitted to enter

the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered such territory more than two years prior to the date of his application for admission to the United States.

The committee amendment was read, as follows:

Page 47, line 21, strike out the words "along the borders of or."

The question was taken, and the amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 13, after the word "entered," insert "or has resided in."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 7, after the word "thereunder," insert the words "he shall provide for the rotation of the clerical force so that each member shall have actual experience in work at a sea or harbor port."

Mr. MANN. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

Mr. HUMPHREY of Washington. Mr. Chairman, I have had this matter called to my attention, although I have had it in mind before, by the president of the Washington State Federation of Labor, in a letter addressed to the Secretary of Labor, and I read one paragraph, where he says:

At the time the Burnett bill was pending I suggested an amendment detailing to active field service for a period of years the bureau positions in Washington, D. C. I believe I would extend it to district headquarters of the service as well. My idea is that the men in the service ought to be brought into active contact with fieldwork that they might know from first-hand information the actual conditions that confront the service. I am free to say that I have learned more about the labor movement from actual contact with workingmen and working conditions, from being allowed an insight into their working lives, through spending 20 years of my life at a trade, than I ever learned from the printed page, and I am something of a reader at that. Orders in effect in the Army and Navy Departments covering compulsory field service seem to have good effect in that branch of Government service.

Now, the purpose of this amendment is to have the Secretary take these men who sit here in Washington city and make them go out and have some actual experience, have some field service; make them go to the seaboard or send them to the border ports, and there find out something instead of keeping them here in the bureau constantly. I think it would be a good thing for the service, and I hope the Secretary will see fit to do this. We have too much of the idea of a man getting in a bureau, staying there, and then dictating to the whole service when he has had no actual experience. I remember a little experience that occurred to myself. One time I wanted to get a commissioner of immigration at Seattle. I went down to talk to the bureau heads. They told me very frankly I could not have it; that they did not intend to have any commissioner of immigration at Seattle. I then went to talk to the Secretary and laid the matter before him, and he granted my request and a commissioner was appointed. I cite that to show the feeling in the bureau. They think they ought to control the whole immigration matter. If we can get some of these men who sit behind desks to go out to these different immigration stations, they will know more and it will be better for the service and better for them. I hope the committee will adopt my amendment.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Just what does the amendment propose. I have heard it read twice, but I do not now know.

Mr. HUMPHREY of Washington. Well, as near as the gentleman from New York and the gentleman from Washington were able to put it in an amendment what we intended, after consultation, was to have these clerks in the office bureaus here in Washington City rotate and be sent out to these different stations, various seaports, and along the borders, so that they might have some actual experience as to how these affairs were managed.

Mr. MANN. What would they do at those places? Just look on?

Mr. HUMPHREY of Washington. Why, no; take the place of somebody already there and let somebody there be brought to Washington, so that the whole service may have the benefit of actual experience.

Mr. MANN. Would it just be to bring them here to do clerical work, or something else?

Mr. HUMPHREY of Washington. No; it provides for the whole class of the service.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. If the amendment of the gentleman from Washington should be adopted you would not have any Department of Labor so far as the Immigration Service goes. You would have the men between the clouds and the earth, and nobody would know anything about what was going on in connection with the department at all. A man might be a first-class clerk and would not know anything at all about inspecting immigrants. He might be a first-class inspector and he would not know anything at all about office work. And the result of the amendment, if it was put into the law, would be to disorganize the department.

It is true they might be able by this means to get some man who is distasteful transferred from the point where he is to some other place, but I do not believe that any such thing as this ought to go into the law. If any business house was to undertake to move its men from its general office to its different plants and move the men from the plants to the general office, the concern would soon be in bankruptcy. And I apprehend it is just as important to run the business of the Government of the United States on a systematic basis as it is to run a private business on that basis. And if there is any way on earth that you could devise to disturb the system of the office having jurisdiction over immigration, this amendment discovers that way.

Of course, I realize that the gentleman from Washington [Mr. HUMPHREY] and the gentleman from New York [Mr. BENNET] are experts in drawing language, and know how to define the language they draw, and that their intentions are the best; but I would like to find somebody who could define this language who would agree that, after it was defined and put into the bill, it would not destroy the efficiency of the department or the bureau which has jurisdiction over this work.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words of the amendment.

Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] was illuminating, as he always is, but he spoke with a very conspicuous lack of knowledge. What he says can not be done is now in some instances being done, and this provision is simply to confer the benefits generally which are now being conferred partially.

I will give the gentleman an instance. There was an Assistant Commissioner General—I forget the exact title—Mr. F. H. Larned, one of the very best experts on immigration that there is, who was sent from the Washington office to New York and put in charge of the Division of Information. Now, take a good man like Mr. O'Donnell, one of the very best experts, and I think it would improve him if he should be sent to the port of New York, for instance, and exchanged for the time with Mr. Uhl, assistant commissioner, and I think it would improve Mr. Uhl if he could at the same time be sent down here to Washington and be given an insight into the way the other end of the proposition works. And so on throughout the different men of the bureau.

One of the growing troubles of our establishment is the lack of practical, thorough knowledge of the operations of the departments on the part of the men who have to operate them. And a man like Mr. O'Donnell, who knows a tremendous deal about immigration, would be a very much better man in the service if he could be given what I have suggested or could be sent out to Chicago to open that new inland immigration station——

Mr. MADDEN. That is open now.

Mr. BENNET. To be in charge of that new inland immigration station which was authorized through the efforts of the gentleman from Illinois [Mr. SABATH] sometime since. He would come back and know something about those things.

I think the American Federation of Labor is right in this matter, and the gentleman who wrote that letter was magnanimous enough to admit that he in his own business had found himself a better man for the service of his great organization by going back to the local and seeing how matters were conducted there. And that would be just the same way here. If these men from Washington, good men, got actual experience, it would help them, and if the men of the grade of Mr. Uhl could be sent to Washington and permitted to learn the environment here, that would be a good thing also. And I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. BENNET] withdraw his pro forma amendment?

Mr. MANN. Mr. Chairman, I do not think the last two words of the amendment should be stricken out, though I am not so sure that the amendment itself ought to go in. I would like to ask the gentleman from New York why these transfers

are not now made if it is a wise thing to do? The department understands the need of it, I assume.

Mr. BENNET. Oh, Mr. Chairman, I am not in the confidence of the present Secretary of Labor. I do not know why he does not do a good many things that I think he might do, and I am not criticizing him. I simply point out the fact that he has done it; that he has exercised the power; that he has done what some of the gentlemen said could not be done, and done it in the case of a very conspicuous man. There are other cases. I can not remember the name of the man at present, but a gentleman was transferred from the Washington office to Los Angeles. I think I have answered the inquiry of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I appreciate the desire of the gentleman from Washington to insert this amendment at the suggestion of the American Federation of Labor, for whose opinion I have great respect, yet all the legislation we have had in recent years—and there has been quite a lot of it—has been directed to prevent the departments in Washington loading up here with clerks and other employees in order that they may send them out into the field. That used to be a very common practice, namely, to come in and get an appropriation for the purpose of providing clerks and other employees in Washington in order to transfer them out to every place where they could not have gotten an appropriation to locate them. And all of the legislation in recent years has been toward preventing that thing being done. I question very much whether a clerk performing clerical work in Washington will learn anything more about his duty by going over to New York City. Doubtless he would have a better time sometimes. Perhaps he would enjoy the trip there. But remember—and the gentlemen seem to have forgotten it—that if he is authorized to be transferred to these places he is there temporarily on a salary, and subsistence in addition, and his traveling expenses paid besides. I have known cases in Washington in the old days where somebody employed here was assigned permanently, practically, to some office in New York or Philadelphia, and temporarily, theoretically, drawing a full salary and subsistence of $3 a day in addition all the time. That is what they would do under this amendment wherever they would go. People out there who would be brought here would be drawing salary and subsistence here; the people over here would be sent out there and would be drawing salary and subsistence there, and their traveling expenses, too, besides. For what? In order that somebody in Seattle might teach a clerk how to write, I suppose, or how to add up figures. That is what it would amount to. I appreciate the desire of the gentleman to confer knowledge upon these people, but the truth is it takes more than traveling around the country from one port to another to acquire the ability to do this class of work. People without some information to begin with never will make successful employees of the Government, and merely moving them from one place to another will not add very much to their sum of knowledge.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes in order to ask the gentleman from Alabama [Mr. BURNETT] a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BENNET. I would like to ask the gentleman from Alabama, who has means of acquiring information, to give me the answer to this question: Is Mr. Larned, who was transferred from the Washington office to New York City to take charge of the Division of Information, drawing subsistence at the rate of $3 a day or any other rate?

Mr. STAFFORD. Five dollars a day.

Mr. BURNETT. I understand he is not.

Mr. MANN. If he is permanently transferred, he is not.

Mr. BENNET. He is transferred to New York City and put in charge of the Division of Information. So it can be done, and all these dire and dreadful things that the gentleman from Illinois [Mr. MANN] has said would happen did not happen in that case.

Mr. MANN. A permanent transfer is under the existing law. These are temporary and moving. Under the law they would get subsistence in addition to their salary and traveling expenses.

Mr. BENNET. Oh, Mr. Chairman, once in my life, for seven months, I had the power to appoint people to office—six or seven people

Mr. MADDEN. And you did hesitate to do it?

Mr. BENNET. Yes, I did it; and I had the power, in connection with other gentlemen, to make transfers. We made permanent transfers. Sometimes they lasted as long as a week, and then we would make a permanent transfer back. There is no difficulty in making a permanent transfer under the civil-service law. That is the civil-service law to-day. You put in a proposition to make a transfer. A person is transferred, and 24 hours after that you can make another transfer and transfer him back.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. MADDEN. The gentleman will concede that it is quite a different thing to transfer an expert from one place to another from what it is to transfer a whole force, regardless of whether they have any knowledge of the situation or not.

Mr. BENNET. This does not contemplate that.

Mr. MADDEN. It contemplates transferring everybody.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

Mr. BURNETT. Mr. Chairman, I can not think that the gentleman from Washington [Mr. HUMPHREY] is serious in offering this amendment. If this amendment is adopted there is no reason why other clerks in other departments could not be shifted around from time to time.

The gentleman a few days ago refused to increase the number of hours of work for clerks to eight hours. This transfer is not applied to anyone else. It is presumed that the heads of these departments will put the proper men in the proper places, and if they undertake to do something of this kind and have a man unfit to perform his duties at Seattle, we will say, under the law, and in the discretion of the Secretary of Labor, the Superintendent of Immigration may remedy that situation. The man may be well qualified for some other position. I do not think that the gentleman is seriously contending for such a thing.

Mr. Chairman, I ask that all debate close on this amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this amendment be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to have the attention of the gentleman from Alabama [Mr. BURNETT]. I observe on page 48, where there is an outline of the duties and the powers of the Commissioner of Immigration, the language is as follows:

> He may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries.

Does the act contemplate that certain surgeons who rightfully belong to the Public Health Service, under the Treasury Department, are to be assigned by that department to the Immigration Service, and who will then be detailed in foreign countries?

Mr. BURNETT. Yes.

Mr. MILLER of Minnesota. That being true, is their supervision and control then vested entirely in the Department of Labor, and are they no longer connected with the Treasury Department?

Mr. BURNETT. I did not catch the question. This is the present law; it is the existing law; and has been the law for quite awhile. They never availed themselves of that. However, they have been detailed. There is a surgeon now at Naples who has been detailed there without opposition from that country. But we can not do that where there is opposition. At Naples and other places where there is no opposition we have American doctors detailed.

Mr. MILLER of Minnesota. Here is about the way it reads: "He may * * * detail * * * surgeons of the United States Public Health Service employed under this act for service in foreign countries."

What I want to know is this: Can he take them out of the Treasury Department here, where they now are, and send them to foreign countries for service, or does he take surgeons who have been heretofore transferred from the Treasury Department and detail them from The Hague to Rome and Naples and other places?

Mr. BURNETT. The language, I confess, is somewhat obscure, but as a matter of practice they detail their own experienced surgeons.

Mr. MILLER of Minnesota. The reason why I make the inquiry is this: These surgeons are under the Secretary of the Treasury——

Mr. BURNETT. Yes.

Mr. MILLER of Minnesota. Now, if they are going to be transferred to some other service, there must be some direction to the head of some department to transfer them.

Mr. BURNETT. Of course, there could be no detail, except with the consent of the Treasury Department.

Mr. MILLER of Minnesota. Then I was going to inquire who made the selections of the people to be detailed. I will say to the gentleman that in my own district there are two places that receive most of the immigrants. One is on the Canadian border, where the transcontinental lines cross from Canada to Minnesota. The other is at the city of Duluth, where the steamboat lines coming from the Canadian ports bring down the immigrants. There are commissioners of the Public Health Service at both places making the proper inspection. Now, I have never been able to find out just how those men are employed, and under whose direction they are. They appear to be under direction of the Chief of the Public Health Service. If it is the purpose of this bill that these men shall inspect these immigrants, and that the Secretary of Labor can send them to Winnipeg or Quebec, I would like to know it.

Then there is another and an additional thing that I want to inquire about. There are differences about the compensation of these men. Their compensation is not uniform. In fact, the compensation is in most cases grossly inadequate.

Mr. BURNETT. As I understand it, the Treasury Department fixes the compensation. That is the department by which they are employed. Now, with the consent of that department, they are detailed by the Secretary of Labor and directed as to how to carry out their duties and are controlled by the Secretary of Labor in the administration of the law. He is the administrative officer.

Mr. MILLER of Minnesota. Does the gentleman think that this language will enable the Secretary of Labor to detail anybody he wants, against the wishes of the Secretary of the Treasury?

Mr. BURNETT. I should not think so.

Mr. MILLER of Minnesota. I do not think so, either.

Mr. BURNETT. I should not think so, at all. I will say to the gentleman that it ought not to be so.

Mr. MILLER of Minnesota. Does not the gentleman think that language ought to be more specific, outlining the circumstances and conditions under which these men can be detailed?

Mr. BURNETT. I understand the gentleman to suggest the words "with the consent of the Secretary of the Treasury," or something of that kind. This has been the law for many years. There is a gentleman sitting by me who has been connected with the bureau for a long time, a great many more years than the Commissioner General or the Secretary of Labor, and he informs me that there never has been any trouble about it.

Mr. MILLER of Minnesota. Of course there has never been any trouble in the way of conflicts between the two departments, perhaps, but there certainly has been a great deal of uncertainty about their employment.

Mr. FESS. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FESS. As I understand, the gentleman thinks we ought to have the permission of the Secretary of the Treasury to take the party from his department. Why not put it that way, that he may, with the approval of the Secretary of Labor and the Secretary of the Treasury?

Mr. BURNETT. My answer to that is that it would give it no more force or effect than it now has. He could not do it without the consent of the Secretary of the Treasury, anyhow; and if that is so, why put in something that does not give him any more power than he now has?

Mr. FESS. If that be true, then it would be unnecessary.

Mr. BURNETT. I think so.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. HUMPHREY of Washington. I move to strike out the last word. The other day I understood the chairman of the committee to say that he thought the language on page 49 took care of the situation with reference to the contract that this Government has with the Canadian Pacific Railway in reference to the handling of Chinese. Now, I have another of those famous orders in council which I wish to read to the committee:

From and after the date hereof the landing in Canada shall be, and the same is hereby, prohibited of any immigrant who has come to Canada otherwise than by a continuous journey from the country of which he is a native or a naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada.

That is in substantiation of what I said the other day, that while the Chinese coming to the United States under this order in council come through Canada and under an agreement that this country has with the Canadian Pacific Railway most of them come that way, yet a Chinaman can not come to Seattle and from Seattle go up to Vancouver. I have in my hand a copy of that agreement of the United States entered into with the Canadian Pacific Railway. I want to repeat what I said the other day, that I think it is a disgrace to this Nation that the United States has to go into partnership with the Canadian Pacific Railway, and in return for that partnership agreement the Canadian Pacific Railway gets this Chinese traffic. Practically all of the Chinese who enter this country to-day coming into the Northwest are carried over the Canadian Pacific Railway. Not only that, but if a Chinaman is on his way to eastern Mexico or to the West Indies he comes through Vancouver and is carried by the Canadian Pacific Railway, and in consideration for this favor the Canadian Pacific Railway furnishes offices for the force of the American Immigration Service. I called attention to this yesterday. As a part of this agreement—which I look upon as absolutely discreditable to the United States—the whole Pacific coast service is placed under the Montreal office, across the continent. Not only that, but the Montreal office is now trying to get all of Alaska under its control, and, largely, the purpose of all of it is to benefit the Canadian Pacific Railway. In reading reports of the evidence taken a few days ago before a commission from the Immigration Department to investigate this subject I have been surprised to find that Mr. Clark, the immigration commissioner up at Montreal, appeared before that commission and made an argument in favor of the Canadian Pacific Railway. I do not believe you are going to have the kind of service you ought to have on that border until you get rid of Mr. Clark.

Mr. BENNET. Will the gentleman yield for an inquiry?

Mr. HUMPHREY of Washington. Yes.

Mr. BENNET. Did I understand the gentleman correctly to say that an official of the United States Government appeared before the commission and advocated something desired by a railway company owned in a foreign country?

Mr. HUMPHREY of Washington. If I had the time I would read it. I have it here on my desk.

Mr. BENNET. I think the gentleman ought to take the time.

Mr. HUMPHREY of Washington. Mr. Clark went on to argue in favor of this agreement made between the Government and the Canadian Pacific Railway. It has been charged a good many times within the last few years that Mr. Clark was not representing the United States but the Canadian Pacific Railway. I never believed there was very much in that statement, but since reading this evidence I think it at least ought to be called to the attention of the Commissioner of Immigration.

The reason I have not offered an amendment to take care of this situation is this: The department has the authority under existing law to change this condition without any amendment. The Commissioner of Immigration has been investigating this subject. He has not yet made his report, and I do not want to anticipate that report by offering any amendment here upon the floor of the House to compel him to do something that I hope and trust he will do anyway. But that condition that exists in Seattle and Vancouver on the Pacific coast has reached such a point that unless the Commissioner of Immigration and the department do take some action by the time we have another opportunity I am going to present to this House resolutions to investigate and see what is the reason why this country has to stay in partnership with a foreign railway and have them furnish us a place to conduct the business of the United States.

Mr. BENNET. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. BENNET. Is this Mr. Clark the same official of our Government who issued an order that an American citizen enlisting in the British Army did not thereby forfeit his American citizenship?

Mr. HUMPHREY of Washington. I presume so, because that would be characteristic of him. If there was anything un-American that he could do, he would probably do it.

Mr. MANN. Mr. Chairman, there has been a good deal of criticism of Mr. Clark or somebody else for making the statement that an American citizen enlisting in a foreign army did not forfeit his American citizenship, and I have wondered many times whether the same critic would criticize Lafayette and many other volunteers who enlisted in the Army of the United States or its predecessor. I have wondered many times whether the Canadians who came over the border during the Civil War and enlisted in the Army of the United States were, in the opin-

ion of these gentlemen, without any citizenship after they had enlisted. They did not become American citizens, but some of these critics say they had lost their Canadian citizenship and were people, because of their patriotism or enthusiasm, without a country. I think if Mr. Clark made the statement that an American citizen did not lose his citizenship because he enlisted in a war abroad, he made a correct statement. I hope that the time will never come in this country when, if we are engaged in war and some aliens in our own land who have not yet become American citizens want to go out and help fight our battles, that we will say that they are men without a country and without citizenship; that we have not made them American citizens, and they have lost their citizenship at home.

I do not know Mr. Clark, but, so far as that opinion goes, I am inclined to think he was steering on the right course, notwithstanding the criticism that has been leveled at the department on that subject.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McLAUGHLIN. The gentleman is familiar with the fact that men who enlisted and served on the side of the Union during the Civil War were preferred and had certain privileges when they applied for citizenship.

Mr. GORDON. That naturalized them.

Mr. MANN. No; it did not naturalize them.

Mr. GORDON. That was the sole ground.

Mr. McLAUGHLIN. They were entitled to certain privileges?

Mr. MANN. I say that we encouraged it; we encouraged them, and anybody with good sense would encourage help when they needed it.

Mr. GORDON. Is it not a fact that proof of enlistment in the Union Army during the Civil War was proof sufficient to dispense with the original declaration of intention to become an American citizen?

Mr. MANN. I think very likely. We desired to make them American citizens. What I am saying is that we did not desire merely because they enlisted to leave them without any citizenship, but on the contrary, when they did file papers, they were compelled to renounce their citizenship abroad on the theory that they held it up to that time.

Mr. FESS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FESS. If my memory serves me, service in the war for one year on land was all that was necessary, instead of five years, and at sea in the Navy two years instead of five years.

Mr. McLAUGHLIN. Yes; but it was still necessary for the alien to apply to the court and prove his service and it was accepted as sufficient.

Mr. MANN. We gave them every encouragement we could, of course, very properly. I am not saying this because I think American citizens ought now to engage in a foreign war. I think we ought to keep out of it on both sides, not only by soldiers but in every other way. I do not think that we can take the position that a man loses his American citizenship and at the same time claim that if you enlist on our side you still retain the foreign citizenship.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words. Up to the 2d of March, 1907, the law of our country was precisely along the line stated by the gentleman from Illinois. We recognized the right of an American citizen to go abroad and enlist in a foreign army and come back and remain an American citizen. There are at least two decisions of courts to that effect. On the 2d of March, 1907, this Congress passed an act in reference to expatriation, one of the provisions of which was that an American citizen should be deemed to have expatriated himself when he has taken an oath of allegiance to any foreign State.

Under the Canadian enlistment law, which is the British enlistment law, a man enlisting in the British Army takes the oath of allegiance to Great Britain. On, I think, the 6th of December, 1914, the Department of State, which has the right, it seems to me, in the first instance at least, to construe our statutes in relation to citizenship, issued a circular to which I have inserted a reference in the RECORD on the 17th of March, in which they advised American citizens that while they had a right to expatriate themselves that if they took an oath of allegiance to a foreign Government when enlisting in a foreign army they did expatriate themselves. What I object to in Mr. Clark is that, in the first place, the Department of Labor is not the proper department of the Government to issue decisions in relation to citizenship. That is one of the duties of the Department of State.

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GORDON. Is not Mr. Clark called upon officially to determine a man's citizenship in a case of immigration?

Mr. BENNET. Yes; but that was not the case.

Mr. GORDON. That was how the case arose.

Mr. BENNET. The case arose by a man who attempted to come in at Detroit. That presents my second ground of objection. The commissioner of immigration in Canada ought not to have presumed to pass on a question of citizenship but should have referred it to the Department of Labor at Washington. I will say to the gentleman that subsequently the matter was referred to the Department of Labor, and the Department of Labor has substantially ruled both ways on the question, one of the rulings being in a letter to my colleague, Mr. PATTEN. We have the condition of the Department of State holding in an official proclamation that a man when he took the oath of allegiance expatriated himself and the Department of Labor holding precisely the opposite.

I have taken the matter up myself with the Solicitor of the Department of Labor, and he has admitted to me——

Mr. GORDON. It is a question of law, is it not, purely?

Mr. BENNET. Yes.

Mr. MANN. Under this supposed decision of the State Department, of what country is the man a citizen?

Mr. BENNET. Our State Department is not called upon to pass any further on the matter than that he has expatriated himself as a citizen of our country under the act which we passed.

Mr. MANN. We have passed upon the question that the mere taking of the oath of allegiance in the United States does not make a man a citizen here. Take the Indian depredation cases, where a man held office here and must have taken the oath a great many times. He was still an alien although he thought he was a citizen all of his life.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this section conclude in two minutes, to be occupied by the gentleman from New York.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Pennsylvania. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Would it be in order to ask unanimous consent that this committee remain in continuous session until this bill is reported and all amendments thereto are disposed of?

The CHAIRMAN. The Chair thinks it would at the appropriate time. It could not be done now, because the gentleman from New York has the floor.

Mr. MILLER of Pennsylvania. Then, after he is through the Chair will recognize me?

Mr. BENNET. Mr. Chairman, replying to the gentleman from Illinois [Mr. MANN], I want to say that when this act of 1907 was before the House I called the attention of the House to precisely the condition which I said would arise. I was overruled by the House, subsequently overruled by the Attorney General, and now the Department of Labor is proceeding in precise accordance with what I then prophesied would be the condition.

Mr. GORDON. And that was a Republican administration that passed that law in 1907, was it not?

Mr. BENNET. Oh, of course. That is history.

Mr. GORDON. But the gentleman was just complaining here that this difference of opinion resulted because there was a Democratic administration in power.

Mr. BENNET. I made that complaint, and made it correctly.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. There is such a situation in which a man would not be a citizen of any country, is there not?

Mr. BENNET. I imagine so.

Mr. FESS. When a foreigner makes his application and renounces his allegiance to a foreign country, when does he cease to be a citizen of the foreign country?

Mr. BENNET. I do not know, I will say to the gentleman.

Mr. FESS. Is there such an interregnum between the time he ceases to be a citizen of one country and becomes a citizen of another?

Mr. BENNET. We passed an act in the Sixty-second Congress to confer American citizenship upon a man named Smith, who, so far as we could find out, had no citizenship anywhere.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 22. That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted: *Provided*, That if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed, even though such person is unable to pay the expense of treatment, in which case the expense shall be paid from the appropriation for the enforcement of this act.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following two amendments which I send to the desk and ask to have read, and I ask unanimous consent that they may be read and considered together.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

Page 51, line 7, after the word "act," strike out "$100,000" and insert "$200,000."

Page 51, line 10, after the word "employment," insert "and to purchase a launch suitable for such purpose, to be used by the Department of Labor on Puget Sound in the enforcement of the immigration laws."

Mr. BURNETT. Mr. Chairman, I make the point of order against the last amendment. I will reserve it.

Mr. HUMPHREY of Washington. Mr. Chairman, I will ask the gentleman to reserve it, although I do not believe it is subject to a point of order. I desire to refer once more to the letter written by E. P. Marsh, president of the Washington State Federation of Labor, to the Secretary of Labor on November 5 last. I make no apology for referring to this letter so often, because it treats more fully this question of immigration in relation to our State than any document I have seen. Mr. Marsh has given a great deal of attention to the question of immigration, and especially to immigration coming in from British Columbia, the entering of Chinese into the Puget Sound country. On page 10 of the letter he says:

One or two fast launches are absolutely necessary to patrol Puget Sound waters. At present the only method used is to place inspectors on the boats running on regular schedules, good as far as it goes, but not greatly disturbing the peace of mind of the men profitably engaged in smuggling.

Mr. Chairman, as I recall, there were something like 200 Chinese last year who were arrested and deported, who were taken by these men and placed along the borders. How many came down by water no one can tell. Puget Sound is a body of water about 150 miles long. It is filled with a great many islands and it is an ideal place for smuggling, and the Department of Labor has no vessel at its command to use in that body of water and I offer this amendment for the purpose of calling that situation to the attention of the chairman of the committee. If I may say further, to show something of the magnitude of the problem we have to deal with out there, it is estimated that there are 30,000 Chinese in Canada, a great many of them in British Columbia, and I am not sure but what there are some 30,000 in British Columbia. During the years 1912 and 1913, 7,078 Chinese came into Canada and during the last year over 5,000.

It shows the problem we have to deal with out there, and they come into this country literally by the hundreds, and the department ought to be furnished with a suitable launch in order that they might effectively make its patrol, and when the Federation of Labor of my State protests against this and points out this evil after full investigation I feel fully justified in offering this amendment and urging it upon the attention of the committee, and I hope it will be adopted.

Mr. BURNETT. Mr. Chairman, there is no point made against the increased appropriation from $100,000 to $200,000, but I desire to oppose that. The gentleman from New York and the gentleman from Washington do not agree there, because my friend from New York told me he wanted it decreased to $50,000. Now, there is a great amount of work for them; there is no doubt about that; and, as has been said by the gentleman from Washington, there is an immense amount of smuggling going on across the line, but the department is not asking for more money than $100,000. So far as that is concerned, there is a decrease in immigration to some extent. There is no doubt that there has been this last year a tremendous speeding up in the efforts of these fellows to smuggle Chinese and other undesirables across the border; but, at the same time, the Commissioner General and the Secretary of Labor say, with $100,000 appropriated for that purpose, they can get along with it. Now, as to the other point: The point of order I make is directed to the purchase of a launch suitable for such purposes, to be used by the Department of Labor on Puget Sound in the enforcement of the immigration laws. I think, Mr. Chairman, that is not germane to this bill or to this section, and, even if it were, I will not discuss the merits only to say that it is a matter of administration with which Congress certainly ought not to interfere. I make the point of order, however.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from Washington [Mr. HUMPHREY] is in harmony with the bill, as well as the Chair can apprehend, and the point of order is overruled.

Mr. BURNETT. Mr. Chairman, I only desire to reiterate what I said—that this is an administrative feature. I have no doubt that the Secretary of Labor would be very glad if we could legislate him a launch; but I am not in favor of those things unless we know they are needed, and I am willing to leave with the Secretary of Labor the determination of the question whether it is needed or not. I ask for a vote.

Mr. STAFFORD. Will the gentleman withhold that for a moment?

Mr. BURNETT. Yes.

Mr. STAFFORD. Mr. Chairman, I desire to say that no matter how much we might favor the granting of launches to patrol Puget Sound, I think we all agree that there should not be a duplication of service. This work, so far as the prevention of smuggling is concerned, comes directly within the purview of the Coast Guard Service. In fact, there is a bill pending on the calendar of the House to-day, providing for the construction of motor boats for the very purpose which is the design of the amendment offered by the gentleman from Washington. There is no need for the Department of Labor to use a launch for merely patrolling and keeping out Chinese when there is another department authorized by law to perform that service—the Coast Guard Service, formerly the Revenue-Cutter Service—having the same character of patrol, and where they have a broader and more general purpose, not only to keep out smuggled imports but also the enforcement of the immigration laws. So I take it that it will be merely a waste of funds. We all know the desire of the respective bureaus to amplify their work, and we all agree that the work should be centered in one department, and in this particular instance it is the Treasury Department under the Coast Guard Service. I hope the amendment offered by the gentleman from Washington will be defeated for that very reason, because there is provision made, or proposed to be made, for the Coast Guard Service to undertake this character of service.

The CHAIRMAN. Does the gentleman from Washington desire his amendments to be voted on together?

Mr. HUMPHREY of Washington. If the last one is voted down, I have no desire to increase the amount.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington.

The question was taken, and the amendments were rejected.

Mr. MILLER of Pennsylvania. Mr. Chairman, I desire now to request that this committee remain in continuous session until the reading of the bill is concluded and all amendments are disposed of.

Mr. BURNETT. The gentleman need not make that request, for that is going to be done.

The CHAIRMAN. Objection is heard.

Mr. MILLER of Pennsylvania. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Would it be in order for me to make that request every 15 minutes, because I intend to do it if it is in order?

The CHAIRMAN. The gentleman can make it, and the Chair will rule on it when it is made.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not feel justified in taking up a great deal more time in the discussion of this bill. I have always heretofore favored this bill, and I hope that this time, if the President vetoes it, it will be passed in spite of that fact, and I am one man who stands ready to so vote.

It may be that the literacy test will not accomplish all that some of its friends claim for it, but it will do something. I

think that this is a critical time in the history of this country. When the war in Europe closes there will be greater necessity, in my judgment, than ever before for the restriction of immigration. This bill will, in some degree at least, help to protect our country, and especially will it help to maintain the standard of wages and the standard of living that we have in America.

Of course, I think it of vital importance that this legislation be supplemented by tariff legislation to protect American labor. Unrestricted immigration is little worse for the laboring classes of this country than unrestricted importation. To bring foreign cheap labor into this country is not more destructive to our wage system and to the standard of living of the American workingman than is the unrestricted admission into this country of the products of foreign cheap labor. I do not believe the American people will be satisfied until we have accompanied this legislation with a protective-tariff measure. Unless we do this, as soon as the great conflict in Europe closes this country will be flooded with foreign-made goods as it has never been before. It is unnecessary to argue to any reasonable mind that if we buy goods from abroad that it means that much work and that much wages taken from the wage earner at home.

I regret that this bill was not amended so as to compel all aliens coming into the United States by water to enter at a seaport of the United States, and especially would I like to have seen the amendment which I offered adopted that provided that no alien should be admitted to the United States who has entered Canada by a Pacific coast seaport, except at a seaport of the United States. When this amendment was offered it was argued that other provisions in the bill took care of this situation. I am satisfied that this is a mistake. It is true that the department has the power to prescribe the ports of entry, and especially for the Chinese, but while they possess this power it has been impossible to get them to exercise it. For several years, in spite of all protests, our Government has been in partnership with the Canadian Pacific Railroad. The railroad has furnished offices for the immigration inspectors of this country. I look upon such arrangements as distinctly discreditable to this Nation. Of course, in doing this the Canadian Pacific Railroad expects to get its reward, and it does. As a result, it receives the Chinese traffic. I am not especially representing any railroad interest, but, as I have heretofore stated, I do not hesitate to favor an American railroad as against a foreign railroad.

But the Chinese question is not the largest one involved in this proposition. When the war in Europe closes there will probably be a heavy immigration to the Pacific coast through the Panama Canal. Under present conditions these immigrants to the Pacific Northwest will be landed at Vancouver, British Columbia. All the money expended in relation to their examination and detention will be spent in Vancouver instead of in an American city. All advantages will be given to the Canadian Pacific Railroad instead of to an American railroad. The Canadian land agent and promoter will be given the first opportunity to meet these immigrants. They will have the chance to get the cream of this immigration, and those that they can not persuade to remain in Canada and those they do not want will then come into our country. Why this discrimination? Why should not this country favor its own people, as Canada always does? Why should not these foreign steamship companies be compelled to land these immigrants at some port on Puget Sound instead of going to Vancouver? Why is it that this Government must constantly discriminate against its own steamship lines, its own railroad lines, and its own working classes in favor of those in Canada? I submit that I have watched with a great deal of impatience legislation for the past five years with reference to the Pacific Northwest, for I have seen practically every act that has gone upon our statute books discriminate not in favor of the United States but in favor of Canada.

While it may be that the department has power to stop this discrimination, they have shown no desire to do so, and for this reason I think that it was a mistake that the committee refused to adopt my amendment that would have compelled them to take such action.

Now, another thing that is radically wrong. The Vancouver office is under the control of the Montreal office. There is no justification for such action. It is all part of the Canadian Pacific influence that causes this to be done. There can be no good reason why Vancouver should be under the control of the Montreal office, more than 3,000 miles away, instead of under the Seattle office, only a hundred miles away. This situation has become so aggravated and is so unjustified that were it not for the fact that the department is now investigating the question I would introduce a resolution at once calling for an investigation as to why this situation is permitted to continue. Unless the department by the next session of Congress takes some steps to make this change, I shall proceed to ask for an investigation, to see if the truth can not be ascertained as to why this is done. I am satisfied that this situation is largely because of the attitude of the commissioner of immigration at Montreal, Mr. Clark. I very much fear that Mr. Clark is more favorable to the interests of the Canadian Pacific Railroad than to the interests of his own country.

As a result of the conditions which I have described, a great many Chinese have been coming into the State of Washington from British Columbia that ought not to come. That State has been flooded recently by labor from British Columbia and once in Washington, they have not been permitted to return. I have already called the committee's attention to an order that was issued in council by the Government at Ottawa on the 30th of September, 1915, which contained a provision to the effect that labor, skilled or unskilled, was prohibited from entering British Columbia. I brought to the attention of the committee a case where a young man from Seattle had been working for the Ford Motor Co. in British Columbia for several months. He was a skilled workman. He visited his home in Seattle, and when he attempted to return was, under this order to which I have referred, excluded, and the British Columbia officer stated that if he had not gone home he would have been deported. I am glad to say that upon the presentation of these facts the committee accepted my amendment, which read as follows:

That whenever any foreign country contiguous to the United States shall by statute, Executive order, or otherwise, exclude from its territory any class or classes of citizens of the United States upon grounds different from the grounds for excluding aliens from the United States herein specified, the same class or classes of aliens residing in such contiguous country shall be excluded from the United States so long as such exclusion of United States citizens continues.

This will do a great deal to protect the State of Washington from this labor coming in from British Columbia. I am pleased that at last the American Congress has had the courage and the good judgment to resent this constant discrimination that British Columbia makes against this country.

I consider this one of the most important features of the bill, so far as my State is concerned. For the past two years it has been reported that a large percentage of the unemployed in our State came in from British Columbia, and that more than half of those who applied for public aid in the city of Seattle came from this Province.

The department does not have sufficient assistance to enforce the law in the State of Washington. They ought to have a larger number of inspectors. The department ought also to have a vessel for the purpose of patroling Puget Sound. I am sorry that the committee did not accept my amendment upon this proposition, although I recognize that this is hardly the proper bill for legislation of that character.

The statements that I have made above have been largely suggested by a letter written by Mr. E. P. Marsh, president of the Washington State Federation of Labor, to Hon. William B. Wilson, Secretary of Labor, under date of November 5, 1915. This letter is the best presentation of the situation, so far as my State is concerned, that I have seen. It shows that Mr. Marsh has given the question a great deal of careful and conscientious consideration. His statement of the case also commends itself strongly for the spirit of fairness and conservatism with which he treats the problem. It is of sufficient importance until I think that, notwithstanding the fact that it is somewhat lengthy, it should be printed in full in the RECORD. I will insert it at this point, as it is worthy of a careful reading by the Members of this House. As I am going to insert this letter, I shall not take up further time in discussing any of the details, as they are covered more fully and in better shape in this letter than I could do it.

WASHINGTON STATE FEDERATION OF LABOR,
Everett, Wash., November 5, 1915.

Hon. WILLIAM B. WILSON,
Secretary of Labor, Washington, D. C.

DEAR SIR: You will probably recall that during the Seattle convention of the American Federation of Labor a committee of local trade-unionists called upon you at your hotel and briefly discussed the subject of immigration as it appeared to affect the Northwest. I had the pleasure of meeting you at that time as a member of that committee. You will perhaps recall also that I introduced resolutions at that convention upon the subject of immigration, the same being the conclusions reached by the Immigration Conference held in that city just prior to the American Federation of Labor convention. Our resolutions were supported by Messrs. Gompers, Morrison, and others prominent in the deliberations and passed nearly unanimously.

I have had in mind for some time writing you at some length upon this topic and upon labor conditions in general in this State. If this letter appears unduly lengthy, I trust you will pardon its length.

Let me say in the beginning that I am writing in no spirit of hostile criticism. I know somewhat of the difficulties that beset any man in executive or administrative position who deals with labor problems. I realize that from the beginning of your work as a Cabinet official there has been but thinly veiled hostility on the part of some em-

ployers, reactionary politicians, and a portion at least of the daily press. In my capacity as a labor official, and as a private citizen as well, my mental and physical efforts are at the disposal of those who are striving to improve the lot of the toilers. Your years of useful service in the interests of toiling humanity furnish proof enough for me that your every thought and action is inspired by the purest motives. So please consider this letter in the spirit in which it is written, the desire to be helpful rather than merely critical, constructive rather than destructive.

My work as president of the Washington State Federation of Labor brings me into contact with every phase of industrial life in this section, as I am constantly engaged in field work. State Labor Commissioner E. W. Olson, whom you know, has been very helpful to me, and we have worked in the utmost harmony. Mr. Henry White, commissioner of immigration at Seattle, is a personal friend of mine, and so far as I have been able I have endeavored to aid him and he me. That our work may be productive of the best results is my reason for addressing this communication to you, trusting that I may make clear to you the viewpoint of labor in this section toward the work of your department what conditions appear to need remedying.

I am in complete accord with your employment-bureau feature. Frankly, with the refusal of the last legislature to enact a comprehensive State employment bureau law to take the place of the private agencies legislated out of business, I do not know just what we should have done without Federal aid. Labor unions naturally look mainly after their own members in the matter of employment. The State Employers' Association, in its attempt to operate an employment bureau, could not gain complete confidence of either workmen or the general public because of its known hostility to union labor. Your department steps into the breach in an impartial manner, fair to both employers and employees, regardless of union affiliation or lack of it, the only basis upon which a Federal or State bureau can be successfully operated until the principle of collective bargaining has been firmly established in American industrial life. Mr. White, your immigration commissioner in this district, and Mr. Wood, in charge of the employment work for the State, appear to be very much in earnest in their work of placing the man and the job in conjunction. They have already done commendable work along that line, and I shall be glad to touch upon it in my forthcoming annual report.

It is of small use, however, to attempt to deal with the unemployment problem through the medium of Federal employment agencies unless some effective check be placed upon the number of aliens entering. The European war has temporarily solved the immigration problem at our eastern ports of entry; it accentuated the problem upon our Canadian border. The number of men thrown out of work due directly to the war is problematical, but it is many thousands. One estimate places it at 80,000 in western Canada. Twelve hundred men were thrown out of work on one railroad construction job at Newport, British Columbia. Completion of construction work back of Prince Rupert released several thousand men. Municipal projects stopped. Many of these men were of the least desirable type, central and southern Europeans, the unskilled labor army, illiterate, ignorant of American standards of life and living, always a distinct menace. The statement has been made that previous to and including the year of 1912, Canada admitted one immigrant to every resident annually, thus at the close of a five-year period one-fourth of Canada's population were foreign born. Industrial activities in Canda, what there were, called for a higher type of workman than these men were. There were but two moves for these thousands to take. One was to herd in Canadian cities, trusting to charity or small jobs to eke out a living. The municipal authorities in Victoria, Vancouver, New Westminster, and other western Canada towns, instead of providing lodging and food for vagrants, as is done in so many American cities, drive men to the streets upon the approach of winter. The other move for them to make was to attempt to join their countrymen in the United States.

I have found in many places throughout this State a general feeling that there were far too many alien laborers coming into the United States. In Spokane I found members of unions out of work at their trades, with homes in some instances partly paid for, complaining that they could find no work, while laborers speaking a foreign tongue were employed upon a large railroad project within the city limits. There are no immigration officials on the border from the Cascades to the Idaho line save the train inspectors working under the Montreal office.

Last winter an investigation was made by State Labor Commissioner Olson into labor troubles occurring in King County, a short distance out of Seattle, in connection with a road contract. Mr. Olson personally appealed to the county commissioners for relief, and as a result an order was passed that in future all road contracts must contain a minimum wage clause. It was found that many of these workmen were foreigners; where they came from and how was unknown, while in the near-by coal mining town of Issaquah were many idle miners who had been out of work for a long time due to the closing of the mine and slack conditions in the entire mining district.

In Blaine and Anacortes, boundary towns, Mr. Olson and I were called to investigate alleged riots caused by the employment of orientals to the exclusion of white labor. These cases I shall refer to later in this letter.

For the past two winters organized labor and the city authorities of Seattle, acting in conjunction with other interested bodies, operated a municipal boarding and lodging house, an outgrowth of Jeff Davis's visit to Seattle during the American Federation of Labor convention. The statement is made that 40 per cent of the men receiving board and lodging in that hostelry were recent arrivals from British Columbia.

Last winter about 40 men were arrested by the Seattle police for raiding a dairy lunch room. Commissioner White informed me that he was satisfied that part of them had entered illegally, but that fact could not be brought out at the trial.

On June 9, 1915, Commissioner Henry M. White addressed the State Conference of Charities and Corrections, in session at Everett. The Everett Daily Herald of the following day quoted him, as follows:

"Henry M. White, United States commissioner of immigration stationed at Seattle, opened the arguing bee. Besides reading a paper that discussed employment bureaus, Commissioner White, in answer to questions, said that hordes of idle men were coming into this country from Canada and that the officers of the Government were totally unable to stop them. The reasons for the influx were the desire to escape war service, fear of punishment as citizens of foreign Governments, and most of all economic conditions, pronounced worse north of the line than south of it. Very nearly 1,000 had crossed in one day recently into Minnesota. Many were slipping through every week at Acme and Blaine, in this State, he said."

Miss Virginia McMechen is secretary of the charity organization in the city of Seattle. At the annual dinner of the organization, held on October 25, 1915, in her annual report, she made the following statement, as reported in the Seattle Post Intelligencer the following morning:

"The work given floating unemployed should be carried on outside the city limits, and in local jobs resident married men should be given preference. Many a broken home is due to the fact that the husband had to go away to seek work. The problem of the unemployed should be handled by the municipality. It is a social and not a police problem. Of the unemployed aided last year, two-thirds were nonresidents, a majority were unskilled, and 38 per cent were American born."

The city of Seattle operates a free municipal office and send out yearly approximately 32,000 persons to jobs. I asked the man in charge of the office not long ago what percentage of those applying for work were aliens. He replied that unfortunately no record was kept of the nationality of applicants but a very large percentage of them seemed to be newly arrived aliens.

We are unfortunate in that our industries are not varied. One of our largest industries is lumbering, employing approximately 50,000 men, or more than one-fourth of all workmen listed as hazardous by the industrial insurance commission and coming under the law. Other industries are neither large nor varied and are in large part seasonal, as is the lumber and shingle industry. For the past few years lumber and shingle markets have been demoralized, and industrial stagnation resulted, because there were not enough varied industries to hold the general level of employment up. A serious unemployment problem of our own has been greatly aggravated by a steady influx of aliens from Canada.

Let me relate briefly conditions existing in Blaine and Anacortes, arising out of employment of Asiatics in the fish canneries, particularly Anacortes, where I made a personal investigation, visiting the town several times and talking with all classes of citizens. In Blaine hostile demonstrations were made, water mains blown up, and anonymous threats of violence made if whites were not given preference in employment.

Anacortes is a town of approximately 6,000 people with but two main industries—salmon canning and lumbering. It is situated on Puget Sound, but off the main railroad lines and thus has not the floating class of labor that follows a trunk line of railroad.

TARIFF TALK.

Nearly all its people are of a permanent class, many of them home owners. In normal times the lumber and shingle mills absorb the bulk of the labor but the past few seasons have been abnormal. Mills were either closed or running on part time. One mill in normal times employing 200 men had been idle for months. The men with family ties found it difficult to leave their families and practically useless to do so as unemployment was prevalent. As a result they planted their gardens, picked up a stray day's work now and then, ran accounts with the stores up to the limit of their credit, hoping that with the opening of the canning season they might find enough work for themselves and their women to tide over the winter. Five canneries operated in the town this season. Before the expected run of fish, Japanese in large numbers appeared on the scene, living, it appears within company property. The employment of Japanese in these canneries seems to be a new thing as in former years Chinese were mainly the Asiatics employed. The whites did not seem to resent so much the employment of Chinese in limited numbers, probably because they had gotten used to them. The feeling against the Japanese became very bitter and muttered threats of violence were heard.

The cannery operators set up the defense that for certain work in the canneries the whites could not be relied upon, that because of the uncertain quantity of the pack and length of the season, they had to be assured that the pack would be taken care of and experience had taught them that they could not rely upon white labor. Accordingly they contracted with Chinese contractors for their labor supply months in advance of the canning season. The whites contend that every cannery position could have been filled by white men and women who would have been glad of the work and who would have stuck the season through. However that may be, the big fact remains that the only industry in the town outside of lumbering, which was in a depressed condition, was hiring Asiatics while white labor was idle and in need of the actual necessities of life. This bred a condition which made for disorder and possible serious trouble. I am confident from what I know of the tense feeling in that locality that both life and property might easily be in jeopardy another year unless the situation is remedied. I fervently trust that the cannerymen will approach the problem in a broad way and cooperate to end a bad situation. I do not believe they would employ Asiatics in preference to whites if it can be demonstrated that white labor is both procurable and dependable and your employment bureau might be the means of solving the problem. The perfect ease with which both Japanese and Chinese can be secured, due to the proximity to British Columbia where there is a limitless supply, and the fact that no immigration officer is stationed at Anacortes, the shifting of responsibility for an adequate labor supply to the shoulders of the labor contractor has worked against white labor and will continue to be a factor against it.

Mr. M. M. Mattison is political writer on the Seattle Daily and Sunday Times and may be aptly termed the "dean" of political writers in the State of Washington. He has been a journalist for many years, a shrewd observer of men and affairs, and a keen analysist. The following is from the Seattle Times of August 1, 1915, same being a signed article by Mr. Mattison:

[Seattle Daily Times, Aug. 1.]

FIGHT BREWING ON IMMIGRATION SITUATION—WITH MORE ALIENS STRIVING TO COME IN THROUGH WASHINGTON, FORCE REDUCED—ECONOMY IS EXPLANATION.

(By M. M. Mattison.)

Though the record shows that there were more arrests last year for illegal entry into this country than had been made during any other 12 months of the past, the Immigration Service forces at Seattle have been reduced by the transfer of four men to San Francisco; the watchman on the Deming bridge has been laid off and two more of the highest officials in the service on Puget Sound go on involuntary furloughs. One other was laid off some time ago.

In the meantime a department clerk, here on salary and expense, has been "rearranging the records," the amount paid for his services being sufficient to keep at least two of the higher officials at work. And also, in the meantime, special fees are being paid to special interpreters, which probably would be sufficient to pay the salary of a regular interpreter whom Washington officials feel they can not afford to employ.

An economy program is declared to be responsible for the changes.

PROTESTS PROVE UNAVAILING.

In other quarters it is estimated that there is a feeling of resentment over the fight started in the State legislature and supported by commercial organizations to transfer immigration headquarters from Montreal to Seattle. At present, instead of maintaining immigration headquarters at some Puget Sound port for foreigners coming to this country by foreign vessels which touch Canadian ports first, the immigration headquarters are maintained in Montreal. The scheme favors the Canadian Pacific Railroad, and protests have been unavailing.

An inquiry into this phase of the situation is to be made soon by at least three high officials. It is expected that Solicitor J. B. Densmore, Commissioner of Immigration A. Caminetti, and possibly Assistant Secretary of Labor Post will be here to inquire into the justice of the plan whereby immigration matters affecting the United States are handled from Canada.

NO PROBE OF REDUCTION PLAN.

But thus far no movement has been started toward an inquiry as to why the Puget Sound district force has been reduced, the San Francisco force increased, and the department handicapped in the Northwest.

For the past year it is declared that 1,400 arrests were made in Whatcom County alone by immigration officials, who discovered aliens unlawfully in this country. It is declared that during Shriner week Chinese landed openly at the piers of Seattle, and that there was no adequate check on the steamship *Minnesota* when she arrived, because there was an insufficient force left here to do the work.

These are charges—they may or may not be true—but they illustrate the gravity of the situation.

So, too, does the story that A. T. White, Japanese interpreter, Henry Monroe, head of the Chinese Bureau, and Thomas Lynch, inspector and sometimes acting assistant commissioner for this district, have been directed to take a vacation without pay sheds a light on the seriousness of the Puget Sound situation.

ALIENS FLOCK INTO STATE.

Since the European war broke out it is claimed that aliens have been flocking from Canadian points into the United States. Usually they have come across the border between Washington and British Columbia. They have been found hiding in tank cars, on steamboats, walking through the woods over forgotten trails, and coming brazenly over regular routes of transportation.

To check them an increase in the service was deemed advisable, but the officials at the National Capital determined that the economy program should be enforced at Seattle and at northwestern points so that San Francisco might not suffer, and instead of increases, reductions in the force have been ordered.

Labor leaders have become interested in the situation, and they, with the representatives of commercial organizations who have been fighting for a strengthening of the representation on Puget Sound, will lay a series of facts before the department board of inquiry when it comes to Seattle this month.

Starting out as an inquiry into the reasons why the Canadian Pacific was favored in transportation matters through the order making Montreal a headquarters for oriental immigration, the inquiry is apt to broaden into an investigation of immigration-law enforcement in the Northwest.

Entry may be made into this State from Canada both by land and water. Glancing over the map I find 16 wagon roads crossing the border between Blaine and Sumas, a distance of 20 miles. I find three more roads within 10 miles east of Sumas. Doing border patrol work between Blaine and Sumas are three men, with none on border work east of Sumas. Besides wagon roads, there are old, well-known trails, two of the best known of these being the Princeton and Hope trails, swinging through the Cascades east into Pateros, a place northeast of Wenatchee, in central Washington. Bands of Hindoos and other aliens have been seen by forest rangers on these trails. Once in eastern Washington there is not one chance in a thousand of apprehension. You have two men in North Yakima, 100 miles south of the line, engaged exclusively in employment work, and doing magnificent work, too, by the way. In Walla Walla, almost on the Oregon State line, there is one man, and he, too, has employment-office duties. In Spokane, the metropolis of eastern Washington, and the city to which all workmen in that part of the country head, there are but two men, and they also handle employment work. Spokane is also 100 miles south of the border, and is a railroad center for north, south, east, and west.

Motor transportation is fast becoming the prevalent mode of travel. The run from Vancouver, British Columbia, to Seattle may be made by a high-powered car in a little better than five hours. That the auto is becoming a favorite medium of illegal entry is proven by recent arrests and trials for smuggling of Chinese, of which I shall write later on in this letter. Yet if I am correctly informed there is not an automobile nor motorcycle at the disposal of the force in this district, the allowance formerly made border men for auto maintenance having been withdrawn upon ruling of the Federal comptroller that there were no funds available for that purpose.

Probably no body of water in the world of equal size offers the facilities for smuggling operations as does Puget Sound. Vancouver, Victoria, and New Westminster, headquarters for workmen in western Canada, and filled with Chinese, Japanese, and Hindoos, are Puget Sound ports. It is estimated that there are 30,000 Chinese in British Columbia. Victoria, with a population of 35,000, is said to have 7,000 Chinese. The industrial depression in Canada hit the Chinese hard, it being current report that many of them are in a starving condition. Vancouver and Victoria are but a few hours' run from Washington sound cities. The shore line offers innumerable landing places. The sound is dotted with islands where small boats may run to cover.

Steveston, British Columbia, is a canning town on the Fraser River and swarms with Orientals. To Ladner, British Columbia, by auto, it is but a short run, using the ferry, or the trip may be made from Steveston to Ladner by boat in 40 minutes. A 6-mile walk from Ladner lands one at Port Roberts, on American soil, where there are two canneries employing Chinese. Only 12 miles from Port Roberts is Semiamoo, with one big cannery employing Chinese, and it is but a stone's throw from Blaine, where there are five canneries. There is also a cannery at East Port Roberts. The run from Vancouver or Victoria to Anacortes may be made by boat in four hours, with chance of detection, once landed in Anacortes, reduced to a minimum. There is no boat inspection between Anacortes and Port Roberts, no inspector at Anacortes, no train inspector out of Anacortes, and there is direct rail connection with the coast line of the Great Northern for Seattle.

From Victoria to Port Angeles (Wash.) is a distance by water of 17 miles. During last June there were 11 indictments by the grand jury for smuggling white aliens in that district. Five pleaded guilty and several more were found guilty upon trial. During part of last year a strike was on in the shingle department of a big plant at that place. I make no charge that aliens were smuggled into that plant. Probably it was not necessary to do so as unemployment in the State at large made it an easy matter to find men. It might not be the policy under any circumstances of that particular firm to employ aliens, but in the event of labor disturbances in that or other plants in that territory, under present conditions, it would be possible to land aliens from Canada by the wholesale. The employing interests would be the ones to profit, even though they had no guilty knowledge nor participation in the smuggling operations. An immigration officer was formerly stationed at Port Angeles. He has been transferred to Port Townsend with both places to look after, while the man formerly at Port Townsend has been transferred elsewhere.

One or two fast launches are absolutely necessary to patrol Puget Sound waters. At present the only method used is to place inspectors on the boats running on regular schedules, good as far as it goes, but not greatly disturbing the peace of mind of the men profitably engaged in smuggling.

Returning to the subject of auto smuggling of Chinese. The local press has from time to time reported in its news columns stories of capture of illegally entered Chinese, some of them captured by purest accident.

About last February the press reported the capture of an auto load of Chinese between Blaine and Sumas, in charge of a Great Northern conductor named Dahl. Evidence at the trial was to the effect that he had repeatedly brought in Chinese via auto.

An auto collision north of Marysville, near Everett, resulted in Chinese captures, the smugglers confessing that they had made repeated trips and were regularly engaged in the industry. This was last August, and was uncovered by Inspector Turner, of Everett, according to newspaper reports, and might never have been found out but for the breakdown of the auto which aroused suspicion and caused Inspector Turner to get hurriedly on the job.

Last spring the same papers carried the story of a capture by the above officer of a number of Chinese in the Great Northern yards at Everett, concealed in an oil-tank car. If press reports are correct, several hundred have been brought in in this manner for shipment to San Francisco, New York, and elsewhere. Railroad employees were engaged in this business, it appears, a Great Northern fireman having been found guilty on trial in Seattle within the past few days as a result of further discoveries in the Great Northern yards in this city.

Chinese confessed last April that 200 had entered during the fiscal year via the box-car route and 40 more were waiting.

Last month there were something over 30 entries at the custom-house from Steveston, British Columbia, the town I have mentioned as swarming with Orientals.

There is small doubt there are several well-organized gangs of smugglers working on both sides of the line in comparative safety. Once in this country the aliens mingle with their countrymen with little chance of detection and work their way south and east. We have the two classes of surreptitious entry, Chinese and central and southern European, both a distinct menace to American standards. The Chinese smuggling business is peculiarly tempting as it means big money with the chances of detection small.

Now as to the Immigration Service itself. Undoubtedly there are some men in the service who have not the modern viewpoint of industrial and social life. Men who view the collection of head tax to be more desirable than to protect American labor by rigidly putting up the bars against those who will not readily assimilate. I am convinced that by far the larger number of men in the service are hard-working, conscientious men, with a high sense of duty. I believe in the sincerity of most of the men I have been privileged to meet. A breaking down of the service as regards border patrol seems not to be due to any dereliction on their part. There are not enough men in this district to attempt to cope with the situation nor facilities with which to work. On January 1 of this year there appears to have been 14 men under furlough, or nearly one-fourth the entire force in this district. This at a time when industrial depression was at its height and the need for thorough border patrol imperative. I note that you have by Executive order placed all furloughed men back in active service. I am glad that you have been able to make this order, but it does not relieve the situation in this territory. Mr. White tells me that but one man has been added to his jurisdiction since he assumed office.

The duties of employment work have been added to the other duties of the men in the service without the addition of any men. Indeed, the force has been numerically weakened during the past year by the removal of three watchmen to San Francisco, one inspector to Blaine, one death, and two furloughed monthly until recent date.

Mr. White tells me that he does not believe the efficiency of the men in the service has been materially lessened because of the added duties, as he has required them to better systematize their work and increase their output. Without in any way seeming to criticize Mr. White—for I am in full sympathy with his work and know of the handicaps he is working under—allow me to voice what I think about the placing of employment duties upon the shoulders of those who have other duties to perform.

I do not believe the men can do efficient work in the employment department and at the same time effectively perform other duties. I have in mind a concrete case. I know of one man in the service in this district who has a splendid record for efficiency in field work, in detecting surreptitious entries. He follows up all sorts of clues from all sorts of sources. Yet he is expected to carry on the employment work, with no assistant, which means he must stay close to his office or the employment feature dwindles into thin air. If he does that, his chance of rendering efficient service in checking illegal entry is minimized, as a man can not do routine office work and keep very much in touch with things outside. This man has proven his efficiency as a field officer; he would probably be just as efficient an office man, but he can not be both. Yet to withdraw him from a field where he has done such good service in one branch would not help the situation at all, as it is as necessary to put a stop to illegal entry as it is to find work for the unemployed. What that man needs is an office assistant to do the purely clerical work, and still the records of his office would argue that he needs no assistant. What would seem to be an anomaly is not an anomaly at all when the situation is understood.

I believe there will have to be some division of the work so that those whose duties are to check immigration shall be left free to do that work, and those to whom are assigned employment duties allowed to concentrate their attention upon that. I am well aware that the department is doing the best it can without funds with which to work

and that if the employment bureau was to be started at all it had to be with the force of men already in the department. You have made a splendid beginning at that work and limitless possibilities are in sight. But I am forced to believe that the immigration law enforcement has to some extent suffered in consequence, because of the inability of men to carry on simultaneously two distinct tasks, one calling for outside activity and the other for close attention to office routine. I offer this then as a suggestion for the future when you may be given adequate funds with which to work.

I am informed that Federal legislation will be necessary to secure funds for proper auto patrol. Men can not cope with high-powered autos, if they themselves are afoot. Auto smugglers have been successfully eluding the watchmen stationed in the northern part of the State, and doing it with an exasperating regularity, if the confessions made by captured smugglers are any criterion. I believe, too, that the owners of autos used in smuggling should be compelled to forfeit them to the Government when captured, not returned to them as is now the case.

I have spoken of the need of speedy launches for water patrol. This to my mind is an imperative necessity.

Would it not be a good idea to deputize forest rangers as officers of your department? The trails leading down from British Columbia, which I have mentioned, lead through forest reserves and are under observation by Government rangers.

The State fish commissioner has a launch which regularly visits the canneries and traps; is constantly on patrol during the fishing season among traps located near the boundary. Could not your department place a man aboard that launch to good purpose?

Commissioner White believes, and I am inclined to agree with him, that there should be Federal legislation penalizing the man himself who willfully breaks the laws of this country by surreptitious entry. He believes this would have a more deterrent effect upon immigration of the undesirable sort than our present method of punishing only those who aid him to come in.

In a personal letter written to Senator MILES POINDEXTER, of this State, at the time the Burnett bill was pending, I suggested an amendment detailing to active field service for a period of years the bureau positions in Washington, D. C. I believe I would extend it to district headquarters of the service as well. My idea is that the men in the service ought to be brought into active contact with field work, that they might know from first-hand information the actual conditions that confront the service. I am free to say that I have learned more about the labor movement from actual contact with workingmen and working conditions, from being allowed an insight into their working lives, through spending 20 years of my life at a trade, than I ever learned from the printed page, and I am something of a reader at that. Orders in effect in the Army and Navy Departments covering compulsory field service seem to have good effect in that branch of Government service.

It seems to me that the division of authority between the Seattle and Montreal offices is a serious mistake and is fatal to proper enforcement of the immigration and exclusion act. I can not help but feel that long residence in Canada gives to an American immigration official a Canadian rather than an American viewpoint. He associates constantly with Canadians, both in official and private life. There are times when Canadian officials certainly can not hold the same views we do, from economic reasons if from no other. I have no objection to the stationing of American officials in Canadian border towns, but believe they all ought to be under the Seattle office. I believe the headquarters for United States officials, stationed both in this State and in British Columbia, should be in Seattle, and all inspection of aliens entering or attempting to enter this State should be under the Seattle office.

No European emigrant destined for Canada can come into Canada through the United States, but must enter Canada directly, giving to the Canadian Pacific Railway a monopoly on transportation that takes away much business from American railroads.

United States immigration officials have no means of obtaining knowledge as to aliens entering Canada, where they come from, their characteristics, station in life—many things it would be helpful to know, in veiw of the fact that so many of them ultimately head for the United States. Were these facts available immediately upon arrival in Canada of Europeans, it would greatly aid our officials.

Let me reiterate the high regard I have for the men in the service I have been permitted to come in contact with. As best I can I want to work with and aid Commissioner White, of Seattle, and Mr. Wood, State head of the employment department. Theirs is a big task, as is that of every official in the department. It is their duty to keep out the undesirables, to aid those lawfully entered to get their feet planted right in the paths of American citizenship. In your employment work you have in reality started the process of rebuilding men who have come perilously near the rocks, who have sounded the depths of despair in a ceaseless quest for work, victims of a private employment-agency system that has left them bitter, discouraged, heartsick, contemptuous of American institutions and our form of government. The making over of inefficient men, hanging on the edge of society, into self-respecting, efficient, proud citizens of this Republic, is the noblest work in which men can engage. It is the work facing your department, and you, Mr. Secretary, I know to be a man of splendid vision.

In inditing this letter to you I have endeavored to be helpful in criticism, neither harsh nor destructive, knowing well that some of the conditions I have described have ere this been brought to your notice and that you are working toward a solution, but hoping that perhaps I have covered some important points that have escaped your attention. I realize that Congress must aid you and that public sentiment has to be aroused, as a rule, before Congress will act upon many measures that affect the public welfare.

I have dealt with the problem from a purely local standpoint, because of my knowledge of and official connection with local industrial conditions. I realize perfectly that the problem is not a local one, but that we of the West and you in the East suffer alike or prosper alike in an industrial and social sense, accordingly as we deal with it. For a long period in our national life the tide of migration was ever westward. The workers in the East, crowded out of employment by incoming aliens, the ambitious farmer lad wanting room to expand, all faced the western slope, followed in turn by the second generation of immigrants. There are not lacking signs of a reverse movement of migration. Despite the vastness of our western domain, there is little arable land upon terms within the reach of the man with little or no means. An imbecile policy, or, rather, a lack of any policy of land development at all upon the part of the States, is responsible for this condition. Our industries are not sufficiently developing to care for the oversupply of labor, and we have an idle, drifting labor army, purposeless, aimless.

This condition can be largely remedied in time through your Federal Employment Bureau, but only by stopping the ceaseless flow of undesirable aliens can you systematize employment opportunities, regulate and direct the supply of labor.

In this great work you deserve the whole-hearted cooperation of every person who understands that the Nation's well-being, the social happiness of all our citizens, depends absolutely upon the steady, remunerative employment of labor.

Trusting that you will give this letter careful perusal, and assuring you of my warmest personal regards and hearty cooperation,

I beg leave to remain,

Respectfully, yours,

E. P. MARSH,
President Washington State Federation of Labor.

Mr. BENNET. Mr. Chairman, I move to strike out, in line 7, page 51, the words "one hundred thousand" and insert in lieu thereof "fifty thousand," and in line 25, page 50, and lines 1 and 2——

Mr. SLAYDEN. What is the second amendment?

Mr. BENNET. I have not completed it—to strike out the last word in line 25, page 50, all of line 1, on page 51, to the word "engaged" in line 2, page 51, so that the section would read, commencing at line 24, "of this act which excludes contract laborers and induced and assisted immigrants, may employ for such purposes without reference to the provisions of the said civil-service act," and so forth, and reduce the amount from $100,000 to $50,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 25, strike out "and," the last word in the line, and the following language on lines 1 and 2, page 51, "for detail upon additional service under this act when not so engaged."

In line 7, page 51, strike out "$100,000" and insert "$50,000."

Mr. BENNET. Mr. Chairman, if I could have the attention of the chairman of the committee, I will say that I had the honor of drawing this section in 1907, that duty having been conferred upon me by the committee, and it was done for the purpose of giving the department the power to enforce the contract-labor law. It has worked well, and therefore I am not going to permit, if I can prevent it, that section to be prostituted for the purpose of a rape on the civil service.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GREEN of Iowa. Will the gentleman explain the nature of the services to be performed in this connection?

Mr. BENNET. As I go along, I will.

Under the existing law the Secretary of Labor has the right to spend out of the appropriation not to exceed $50,000 a year under the same provisions of law as are applicable to the Secret Service—that is, he can employ whom he pleases at such a salary as he pleases; to do anything that he thinks is necessary to enforce the contract-labor law. Now, gentlemen say, and give as the reason that they are raising this to $100,000, that it is because they need more men. Now, if the gentleman from Alabama [Mr. BURNETT] will give me his attention, I will tell him what the condition is, because I am satisfied that after I tell him what the condition is, he will agree.

The appropriations for the enforcement of the act, for 1914, were $2,550,000; for 1915, $2,649,000; and for 1916, $2,450,000, the latter being the smallest, and rightly so, because immigration has dropped off. Out of that reduced appropriation of $2,450,000 every single employee in the field in the Immigration Service has been furloughed without pay at least a month during this fiscal year, and those reductions have amounted to $110,000. In addition to that, vacancies have occurred through death, resignations, and transfers, amounting to $70,000 more, which have not been filled, making a total of $180,000.

Now, if they really wanted this work done, they could have taken those men in the civil service and had them do the work instead of laying them off. Now, what do they propose to do? They propose to add this language to the law:

And for detail upon additional service under this act when not so engaged.

That is, that the Secretary of Labor can employ a man under this provision without reporting his name to the Civil Service Commission, at any salary that the Secretary of Labor fixes, use him one day on contract-labor work, and then put him in the place of a civil-service employee. What they have done is, pro tanto, to take out of the operation of the civil-service act the employees of the Immigration Bureau. It is the most flagrant attack upon the civil-service law that has been made during this administration. Now, I will tell you what they do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BENNET. I am reliably informed that under this $50,000 that is already in the law there has one man been appointed who is a bookkeeper, who still holds his position as a bookkeeper, still draws his salary as bookkeeper, and reports at the office of the United States twice a month.

Mr. COX. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. COX. Who is that man?

Mr. BENNET. I will get to that.

Mr. COX. Will you put his name in the RECORD?

Mr. BENNET. I will not promise that. I will give the gentleman a chance to put it in the RECORD.

Mr. COX. I will put it in if you will tell me who he is.

Mr. BENNET. All right; I will give the gentleman a chance. That man continues in his position as bookkeeper and draws $2,500 a year.

Mr. COX. Is he drawing his salary as bookkeeper for a private concern?

Mr. BENNET. Yes; under this existing appropriation that they want to double, and reports twice a month, and only twice a month, and signs the pay roll, and draws his check, and it is permissible under the law. Now, they want $50,000 more to spend in that way.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. How did that original $50,000 ever get into the legislation?

Mr. BENNET. Before the gentleman came on the floor I stated to the committee that I drew the proposition myself. That is what the gentleman wanted me to say.

Mr. GARDNER. I do not know. I once got an employee in myself, without passing the civil-service examination, under that provision. I rather like that.

Mr. BENNET. Yes. I will say to the committee that I drafted the provision, and that the gentleman from Massachusetts [Mr. GARDNER] got not only one but two men on the roll, and his father-in-law got two more. [Laughter.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. I apologize to the gentleman. I did not know that I got two. I hope I did. [Laughter.]

Mr. GARNER. Will the gentleman from New York [Mr. BENNET] say how many he got? [Laughter.]

Mr. BENNET. I got none.

Mr. GALLIVAN. Will the gentleman tell whether or not the gentleman from Massachusetts got those coming to him?

Mr. BENNET. Gentleman, I am talking about this as a serious matter, not in the way of persiflage. I confess that I am a good deal of a partisan, and if a Democratic chief of bureau will remove a man because he is a Republican, though competent, and put in a man because he is a Democrat and competent, I think that is what he ought to do.

A firm in New Jersey was complained of for violation of this contract-labor law, and the department at first did not think it amounted to very much, but they gave the case to a particular inspector, and that inspector went out and worked on the case day and night. I happened to know about this case, because I was retained by the defendant; and that man—that inspector—by hard work and knowledge of the law and expert opinion, built up a case that was absolutely impregnable; so much so that we walked into court and confessed judgment for $6,000, and paid that money into the office of the court. Within a week afterwards the department removed that man who turned in that $6,000, and they put in his place a man who has not made a single complaint since against a violator of the law.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HOWARD. You did not have anything to do with having him removed? [Laughter.]

Mr. BENNET. I did not; and I will say to the gentleman from Georgia that a week or 10 days after that man was removed I was in conference with the man who paid this $6,000, and I said to him, "Do you know what happened to that man?" He said, "No." I said, "He was removed from office." You will excuse the language, but he said in reply, "That is a damned outrage." [Laughter.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. GARDNER. My own man has been removed from office. I ought to have a grievance, too. [Laughter.]

Mr. BENNET. I do not know about that.

Mr. GARDNER. You say I got two. I thought I got only one. [Laughter.]

Mr. BENNET. I think the gentleman got two, but they are not the men who are doing this good work.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for three minutes more.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman from New York be allowed to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. McKELLAR. If it is a plain, ordinary steal, and some man is in there who is stealing—and it is virtually the same thing if he is drawing pay there and doing no work—does not the gentleman think he owes it to the Government to give us his name, so that he can be investigated?

Mr. BENNET. I will say to the gentleman that before I get through I will redeem my promise that I made to the gentleman from Indiana [Mr. Cox].

Now, they are not utilizing to the best advantage the money they now have, and the plain purpose of this provision is to enable the department to increase the number of its exempt employees. Nobody can deny that. The gentleman from Alabama [Mr. BURNETT] will not deny it.

I want this House to know exactly what they are doing; that they are throwing out of the civil service men who are there and vacating their positions and superseding them by men who are exempt in their positions. Oh, I suppose there is nobody on the Democratic side who cares anything about the Democratic platform any more, but I will read the provision in that document in relation to the civil service:

> The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability should be the standard of appointment and promotion rather than service rendered to a political party; and we favor a reorganization of the civil service, with adequate compensation commensurate with the work performed, for all officers and employees.

Mr. FESS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. I would like to know whether it is in order to read the Democratic platform in this Congress? [Laughter.]

Mr. BENNET. Oh, yes; I represent a Democratic district, and I claim that right.

Mr. GORDON. Mr. Chairman, why does not the gentleman read that to the head of this bureau instead of to this House? [Laughter.]

Mr. BENNET. I am a Member of Congress, and I deem it my duty to point out wrongs that should be rectified in the body of which I am a Member. I have not sunk so low that I have to go to the head of a department so long as I am a Member of Congress. [Applause.]

If the gentleman from Indiana [Mr. Cox] will introduce a resolution asking for an investigation of the manner in which this money has been expended from the time of the original enactment, covering Republican administration as well as Democratic, it will be referred to the Committee on Rules, of which I am a member, and I will join with my Democratic colleagues on my committee on reporting out a rule to investigate the entire expenditure.

Mr. COX. The gentleman is only one member of the Committee on Rules. I do not know whether the Committee on Rules would report that resolution out or not, but I will say to the gentleman that I will introduce such a resolution if the gentleman from New York will speak out and give us that name. Those who are responsible for it will soon rectify it.

Mr. BENNET. I gave the case.

Mr. COX. Yes; but the gentleman has not given the name. He is giving only the facts.

Mr. BENNET. I have given the facts, and if a Democratic administration can not remedy that case from the description I have given they will be grossly derelict in their duty.

Mr. BURNETT. Mr. Chairman, the gentleman has made a statement before this House. Is it not fair that he should identify the case and name the man?

Mr. BENNET. I am giving the whole House the facts. The disclosure of the particular name might get some gentleman in the department into trouble.

Mr. GORDON. Ought he not to be in trouble?

Mr. BENNET. I would get this man into trouble in a minute.

Mr. GORDON. Give us his name, and we will attend to it.

Mr. BENNET. I am the guardian of my own honor and the architect and director of my own methods. If the gentleman from Indiana [Mr. Cox] will draw a resolution and refer it to the Committee on Rules demanding an investigation of this matter, I will do all I can to have it reported.

Mr. COX. I will do that if the gentleman will vote to report the resolution out. I will put such a resolution in the basket.

Mr. BENNET. I will agree to vote for it and do all I can to report it out, to investigate the way this money has been spent from the beginning, under Republican administration as well as Democratic administration; and I will say what I know, that this doubling of the appropriation is absolutely uncalled for. If this appropriation is doubled, it is just simply waste. Not only that, it is a rape of the civil service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from New York be extended five minutes. Is there objection?

Mr. BURNETT. Make it three minutes and I will make no objection.

Mr. HOWARD. I will not object if the gentleman from New York will divulge the name of that employee. If he will not divulge his name, then I will object.

Mr. MANN. Let him object.

Mr. BENNET. Of course.

The CHAIRMAN. Is there objection?

Mr. HOWARD. I object.

Mr. BURNETT. Mr. Chairman, I desire to conclude the discussion on this.

Mr. MANN. I think I will not want more than five minutes, but I may want a little more. There will be no delay.

I did not hear all that the gentleman from New York [Mr. BENNET] said, because my attention was diverted.

A few years ago there was a very severe criticism of the State Department, made by the gentleman from Missouri [Mr. HAMLIN], chairman of a committee investigating the expenditures in the State Department, concerning certain expenditures that were not required to be itemized. The gentleman from Missouri was rather insistent upon having a bill passed authorizing certain Members of Congress to have access to all of the secret expenditures in the State Department.

There are many reasons why in the State Department it is necessary to expend considerable sums of money without giving any information concerning the expenditure. There may be some reason in the Bureau of Immigration. Fifty thousand dollars is quite a bunch of money to expend without vouchers. It used to be $25,000 in the State Department. I believe we have increased it properly since we have had trouble on the Mexican border. This proposes to double the amount to $100,000. I do not know how much of this money is expended without submitting vouchers; in other words, without being itemized. But under the provisions of the law they can expend that $50,000 nominally for the purposes stated in the law, but no itemized account is required. They can call it what they please. Now, it is proposed to double that to $100,000 and to go outside of the original intention of the law, which was merely to enforce the contract-labor section of the immigration law and to authorize the appointment for other purposes of employees under the bureau, not from the civil service list, so that the Secretary can pay such compensation as he pleases, can increase it or decrease it, spend it all on one person if he wants to, and render no itemized account of it. I do not think the provision of law ought to be extended unless it be absolutely necessary. No reason has yet been given for the provision in reference to the detail of additional service as provided by the language in this section. Under the section as it reads the Secretary or the Commissioner may employ persons nominally for the purpose of enforcing the contract-labor law, and put them upon detailed service as he pleases, pay them such compensation as he pleases, and render no itemized account. No other account amounts to anything. I hope the gentleman from Alabama will be able to give some excuse for this.

Mr. BURNETT. Mr. Chairman, as was remarked a while ago, the smuggling business has recently increased to an alarming extent all along the border. In many instances it is necessary that a very different class of men be employed than those who come under the regular civil-service examination. While I was a member of the Immigration Commission with the gentleman from New York [Mr. BENNET], I remember that we found along the Mexican and Californian border a regular pool or trust in smuggling, that some of our own inspectors were in it, that for $150 they allowed a Chinaman to come in. Somebody got to cutting the price, bringing them in for $50, and they got into a row among themselves, and in that way the matter became known. In order to detect such frauds and to ferret out these subterfuges we had to employ a number of expert detectives. We could not get them at the ordinary prices of civil-service employees. In many cases we paid $25 or $40 or $50 a day to those men, but they did good work, and as a result of that some of the United States inspectors themselves were landed in jail. That was eight years ago. Now it is utterly impossible for the Commissioner General of Immigration or the Department of Labor to depend entirely upon their civil-service employees to do this work. Therefore the necessity of having this law, which allows them some leeway, in order that they may employ the necessary men. Then if they are not being used for a particular purpose they ought not to have to discharge a good man, who perhaps they could not get next time, but as is provided here to detail him to do something else. It strikes me that it is unfair for the gentleman from New York [Mr. BENNET] to single out the case of a person whose name he is not willing to divulge. The intimation I have from a brief conversation with the Chief of the Bureau of Immigration is that there has been no such case as the bookkeeper that the gentleman referred to. If there has really been such a case, the gentleman ought not to tie a string to the proposition that he makes to the gentleman from Indiana [Mr. Cox]. There is no charge here that there has been any fraud or mismanagement or misapplication of funds by the Immigration Bureau, Republican or Democratic. Then, why say, "If you will have a general investigation of a lot of conditions that nobody charges anything against, then I will give the name of a particular man whom he thinks ought to be investigated"?

I submit that that is not the fair way for fair-minded men to make charges and statements of this kind on the floor of the House, to undertake to go into a general investigation of a lot of things which need no investigation before a gentleman will tell the House of Representatives the name of the man who he says has been guilty of these things in order that there may be an investigation. If what he states is true, there ought to be an investigation not of the whole bureau for years and years back but an investigation of that particular case. Therefore, let gentlemen when they make charges of that kind be fair enough to name the man in order that there may be an investigation. I undertake to say when he makes his categorical and specific charge the Rules Committee will no doubt report a rule, not for a general investigation of everything that the whole bureau has been doing for the last 20 or 30 years ever since that $50,000 fund was provided, but an investigation of the facts in regard to this particular case. Is it not right, and the gentleman owes it to himself to be fair enough to name the man. When he does not fix his specific case, when he does not mention any particular name, then I should like to know what becomes of the gentleman's charges as to these matters of fraud or misapplication of funds.

I say that it is necessary. The Senate believed that it was necessary two years ago and kept this in, and, as I recollect, four years ago it was increased to $100,000. I am not sure about that. But if we want to prevent Chinese immigration and people coming over the border, as the operations of the steamships have become much restricted on account of war conditions, men fit for this particular class of work ought to be employed, and we can not do that if we are confined to the cast-iron rules of the civil service.

Mr. SABATH. Mr. Chairman, in answer to the gentleman from New York, I wish to state that the Commissioner of Immigration in the last report stated the following facts:

> With respect to the special arrangements for the apprehension of smugglers and smuggled aliens, which I then reported had been placed in operation in March, 1914, I have to state that the same has been continued with increasing good results; so that the plan has now to its credit since inauguration the institution of proceedings against 167 persons found engaged in illegal importation of contraband Chinese, 149 of whom were arrested, 80 of whom have been convicted, 43 are awaiting trial, 25 have been discharged, and 1 died, the remainder being fugitives from justice.

It was upon this statement as to the smuggling that was going on that I voted for this provision in the bill, and for no other.

Mr. BENNET. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BENNET. Will the gentleman point out any place in the report or in the hearings before the committee where the Commissioner General or the Secretary of Labor has asked for the additional $50,000?

Mr. SABATH. I have not the report of the commissioner except upon this matter.

Mr. BENNET. Why, the gentleman has the report, the entire report of the commissioner, which he just read from.

Mr. SABATH. I do not see anything here in regard to it, but the committee has been carefully investigating, and they have come to the conclusion that the smuggling of the Chinese should be prevented in every way that was possible, and that if the department required an additional $50,000 it should be forthcoming. It was for those reasons that I supported it.

Mr. BENNET. The department does not ask for it.

Mr. BURNETT. Mr. Chairman, I move that all debate be closed on this section.

Mr. MOORE of Pennsylvania. Will not the gentleman yield for a question?

Mr. BURNETT. No; I move that all debate be closed upon this amendment.

The CHAIRMAN. The gentleman from Alabama moves that all debate be closed upon this amendment.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were 56 ayes and 36 noes.

So the motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 25, strike out the last "and" in the line, and the following language on page 51: "or detail upon additional service under this act when not so engaged;" also, on page 51, line 7, strike out "$100,000" and insert "$50,000."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BENNET and Mr. MOORE of Pennsylvania) there were 59 ayes and 75 noes.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of to the lowest responsible and capable bidder, after public competition, notice of such competitive bidding having been made in two newspapers of general circulation for a period of two weeks, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No such contract shall be awarded to an alien. No intoxicating liquors shall be sold at any such immigration station.

Mr. BENNET. Mr. Chairman, it seems to me that in line 20, page 52, the words "such exclusive" should be stricken out for the reason that there are privileges, such as telegraph privileges, that are not exclusive, and the receipts accruing from those should be turned into the Treasury of the United States.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 20, strike out the words "such exclusive."

Mr. MANN. That would be the law anyhow. The only thing this section covers is exclusive privileges. Any money received by the department as receipts has to be covered into the Treasury as miscellaneous receipts. The gentleman spoke of the telegraph privileges. Do they advertise those?

Mr. BENNET. No.

Mr. MANN. This says that they do.

Mr. BENNET. There are two, Western Union and the Postal.

Mr. MANN. They both have exclusive privileges. Does the gentleman from New York mean that they can not have more than one eating place?

Mr. BENNET. I do; only one eating place is permitted at any immigrant station, and it is put up at public competition.

Mr. MANN. Only one place to get a bite to eat on Ellis Island? Can they not have anything to eat in the hospital?

Mr. BENNET. You can not buy it.

Mr. MANN. I am glad I do not have to enter there.

Mr. BENNET. Well, inasmuch as the gentleman started it, I will say that if he should try to come in as an alien he would be debarred.

Mr. SLAYDEN. Mr. Chairman, I am authorized to say that the chairman will accept the amendment.

Mr. MANN. What does the bidder do when he makes a bid—offer to pay a certain amount for the privilege?

Mr. BENNET. What is done is this: Regular specifications are issued—I am talking about the eating privilege—there is an exclusive eating privilege, an exclusive privilege for handling baggage, and an exclusive privilege for changing money. Regular specifications are issued by the Department of Labor, and the men bid. They say they will furnish the meals described in the specifications for so much, and every man that bids agrees in connection with his bid to maintain a restaurant at which food shall be sold to the employees and visitors at fair prices.

Mr. MANN. What money is it that is paid into the Treasury of the United States?

Mr. BENNET. The money that is paid into the Treasury of the United States is the rental amount of $1,200 for the eating privilege, and I do not carry the other figures in my mind.

Mr. MANN. It says "all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States." What does that mean—money the bidders pay?

Mr. BENNET. Yes; money that the bidders pay.

Mr. MANN. And yet the section provides that the contract shall be let to the lowest bidder. The man that pays the lowest amount gets the contract.

Mr. BENNET. Oh, no.

Mr. MANN. That is what it says. It says that the money arising from the privileges should be put into the Treasury of the United States. It says that the contract shall be disposed of to the lowest responsible and capable bidder.

Mr. BENNET. Mr. Chairman, it is no part of my duties to defend this bill, and that function probably devolves upon the very able gentleman from Texas [Mr. SLAYDEN], who seems now to be in charge.

Mr. MANN. But this has not been in the law before.

Mr. BENNET. Oh, yes; that is existing law and has been for 20 years. What they mean by the lowest bidder is the man who will furnish the meals to the immigrants at the lowest price.

Mr. SLAYDEN. That is it exactly.

Mr. BENNET. That may be a very unfortunate method of expression, but that is the way it has been construed for a great many years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, agreement, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

Mr. BURNETT. Mr. Chairman, I move to strike out the word "first," in line 4, page 58.

The CHAIRMAN (Mr. CRISP). The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 58, line 4, by striking out the word "first."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon a warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are these sections relating to seamen, and so forth, brought down to conform to the so-called seamen's act?

Mr. BURNETT. Yes. They were amended in the Senate, and the Senate report so states. While the seamen's bill had not been passed at that time, yet it was reported, and it was understood it would be passed, and they were amended so as to conform specifically to it.

Mr. MANN. The seamen's act, as it passed into law, was very different from what it was when it passed the Senate.

Mr. BURNETT. I understand they have been compared by the departments and that there is no conflict.

Mr. MANN. The department has gone over it?

Mr. BURNETT. Yes.

Mr. MANN. I notice here that they have stricken out the words respecting deserting the vessel and inserted the word "land." I suppose that was the reason for that change?

Mr. BURNETT. Yes.

Mr. MANN. They do not any longer desert.

Mr. BURNETT. Exactly, because the seaman's bill is supposed not to discourage desertion, and, therefore, the word

"first" was stricken out in order that even if the seaman lands he must give notice.

Mr. MANN. Suppose a seaman comes under the seaman's act and the immigration act on a vessel and is illiterate, and wants to take his time and leave the vessel? Can he do it?

Mr. BURNETT. If he gives notice after landing.

Mr. MANN. If he is illiterate can he leave his vessel?

Mr. BURNETT. Why, yes. As I understand it, any one can if he is going to reship.

Mr. MANN. What does he do if he is going to reship again? He can not go on shore and go where he pleases.

Mr. BURNETT. He makes the report that is required of his intention to reship. That is provided for.

Mr. MANN. Suppose a man wants to take his time and leave the vessel under the seaman's act. That will frequently happen, and I presume many of them may be illiterate, some of them anyway. What rights has he when he goes on shore? Is he confined anywhere; can he go anywhere he pleases? That would be an easy way for a man to get into the country. He has no money and he could not give a bond.

Mr. BURNETT. If he is here in violation of the law he is deported. The master has to give notice, and then this amendment provides that the seaman himself shall give notice.

Mr. MANN. The master will not give notice because the seaman wants to leave the vessel and leave the vessel without seamen. It may be an indirect strike. That is likely to occur even under the seamen's act. What can the seaman do? You say, give notice. You may talk about deporting him, but if he wanted to come in for that purpose you would never find him. That is what I want to know. If he was trying to avoid the immigration law he would not be standing around on the dock waiting for an officer to deport him.

Mr. BURNETT. It is like it was before as to other inadmissible aliens. If he comes in and is inadmissible for other causes, he will have to be hunted up. The authorities will have to find him before they can deport him.

Mr. MANN. Heretofore he had to run away from the master, who had the right to detain him on board the vessel, but he can not now. The master no longer has control over him. The seaman has the right to leave the vessel. He can not be taken into custody unless under the immigration law. I was trying to ascertain whether there was a loophole, as I feared there would be when we passed the seamen's act unless it was covered in the new immigration act.

Mr. BURNETT. This was referred to the various departments, and my understanding is that it is provided for. If he goes ashore and dodges, they have simply got to find him, just as they would any other man who had come in unlawfully.

Mr. MANN. If he can not go ashore, then the provision in the seamen's act authorizing him to leave the vessel amounts to nothing. If he can go ashore and go where he pleases, then any provision which you have in this bill amounts to nothing unless you find him again.

Mr. BURNETT. Of course not, unless we catch him.

Mr. MANN. Oh, well, he is safe.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to ask the gentleman a question. Now, under the seamen's act there is no provision made for taking care of these seamen that come into a port. They can come in and desert and can not be arrested and taken back. They can demand one-half of their wages and go ashore. Now, if there is no provision here, you have left a loophole open wide enough to bring in thousands of these aliens.

Mr. BURNETT. Not under this law.

Mr. HUMPHREY of Washington. Where is the provision here?

Mr. BURNETT. That may be a fault under the alien-seamen law, but I will not discuss that.

Mr. HUMPHREY of Washington. Unless there is some provision here to care for these aliens, there is none, for there is nothing in the seamen's law.

Mr. BURNETT. That was the suggestion made by the gentleman from Illinois a moment ago, and they simply have to be hunted down, just like one who comes in who is a criminal on the other side—that is, unless he gives notice he is illegally here—and the very fact he comes in will render him deportable.

Mr. HUMPHREY of Washington. The difference is this, that the ordinary alien makes a landing at a certain port and is examined before he is permitted to enter; but when a seaman comes, he comes right into the port and lands at the wharf, and he can leave the vessel at any time.

Mr. SABATH. I wish to state to the gentleman from Washington, as well as the gentleman from Illinois, that that is provided for in section 36——

Mr. HUMPHREY of Washington. What page?

Mr. SABATH. Page 60, in line 10, and is as follows:

And before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed.

Mr. HUMPHREY of Washington. What becomes of the men when the vessel comes into port if the sailors were to leave, and then when the vessel sailed, probably a week after, when loaded, what would become of those seamen in the meantime?

Mr. SABATH. The owner of the vessel would report any who desert.

Mr. HUMPHREY of Washington. But when he goes to depart, not when he comes in; the sailor may be away for a week or more, as I understand the provision here.

Mr. SABATH. No; I think if the gentleman will read the section carefully he will find that we make proper provision for illegal entries on the part of seamen, and then further on in the section we are reading now it provides that if they enter illegally and they are found at any time within three years they must be subject to an examination, and if they can not pass the examination to which all other aliens are subjected they will be ordered deported.

Mr. HUMPHREY of Washington. When this bill was under consideration before I called the attention of the committee to this subject, and unless you have taken care of it in this bill, it is not taken care of at all; that is certain.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $50, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.

Mr. BENNET. Mr. Chairman, until the gentleman from Illinois spoke in reference to the seamen my attention had not been called to these particular provisions in relation to the La Follette law, and I want to say in all frankness that unless in another place these particular provisions are amended, why, you have not any exclusion statute at all.

Mr. BURNETT. As to alien seamen?

Mr. BENNET. As to anybody in Europe who wants to come.

Mr. BURNETT. All right.

The Clerk read as follows:

SEC. 36. That upon the arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer in writing as soon as discovered all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

Mr. BENNET. Mr. Chairman, I would like to ask the gentleman from Alabama to answer this question: Suppose a man who is excluded—and we will take an Italian—under the preceding sections of this law because he is illiterate. Suppose he ships in a vessel sailing from Naples and comes to this country. Now, the gentleman will recall the case of a man who shipped on a ship and signed to be paid 50 cents for the round trip—obviously shipped for the purpose of getting into the United States.

Now, under the law as it was at that time his consul could pick him up for desertion, but under the La Follette Act, combined with this act, if that particular man leaves that particular ship when it arrives in the harbor of New York, he simply breaks a contract, and the consul has no right to pick him up. It may be true, if the immigration officials find him in the United States, they can deport him as a person unlawfully in the country, but he is not subject to examination; he has the right to get off the ship, and if he simply makes up his mind he will not go back to the ship he is here. I would like to ask the gentleman what part of my statement is incorrect?

Mr. BURNETT. I should say that in the main the gentleman is correct.

Mr. BENNET. So I say that if you do not strengthen this provision in another place every illiterate Italian who wants to come in can come.

Mr. BURNETT. There is general authority given to the Commissioner General of Immigration to make regulations for these matters, and under that authority it is likely he will prevent all that.

Mr. BENNET. He has authority to make regulations not inconsistent with law?

Mr. BURNETT. Yes.

Mr. BENNET. But he can not make regulations inconsistent either with this act or with the La Follette Act.

Mr. AUSTIN. I thought the gentleman from New York was in favor of the illiterates coming in; so this ought to appeal to him.

Mr. BENNET. I am in favor of them coming in legally, but I am not in favor of subterfuges.

Mr. SABATH. You would not charge the gentleman from Alabama with deliberately trying to make it possible for all these illiterate people, whom you claim could come in under the provisions of this law, to gain admittance to the United States? If the gentleman from New York attempts to cast any such insinuations against the gentleman from Alabama, I shall certainly protest. [Laughter.]

Mr. BENNET. I agree with the gentleman from Illinois as to the sincerity of the gentleman from Alabama [Mr. BURNETT]. He wants to keep the illiterate people out. I simply call attention to the fact that he is not doing it.

Mr. MANN. Mr. Chairman, I think the question is one that ought to be very carefully considered by the gentleman from Alabama after this bill passes. Nearly all these provisions that are in the bill now were in the bill that passed before the seamen's act became a law. There are a few slight changes.

I notice in this bill that you insert, in line 7, page 60, now "illegally landed from the vessel," although you carry the word "deserted," in line 17, and the word "desertion," in line 21. I do not know whether there is such a thing as desertion any more from a merchant vessel. Of course, there is from a naval vessel. The trouble will be that these men under the seamen's act have the right to demand their pay and to leave the service of the vessel, and then they are authorized to land, and there is no supervision over them except that a report must be made by the master when the vessel sails. Those men have landed and have not returned to the vessel. Well, vessels frequently are in port for several days or a week, and sometimes longer, and, of course, if the purpose should have been to evade the immigration law, it will be of very little value to know a week or two after a man landed that he did land. They will not find him, and his name will not be the same, and probably the color of his hair will not be the same. He will have changed.

Now, I do not undertake to say just what ought to be done, but I call it to the attention of the gentleman now, because when the seaman's act was up the matter gave me a good deal of difficulty as to what would happen with the immigration act if the literacy test did become the law.

Mr. SABATH. I wish to state to the gentleman from Illinois that that matter has been thoroughly considered by the committee, and the statement has been made that "once a seaman always a seaman," and that these men always live in certain sections of the city right close to the wharves or close to the landings.

Mr. MANN. Yes; but if my colleague will recall he will know that where you open a conduit and water is there it will run down the hill. You open a method by which men can bring a class of citizens into the United States, and they will find a way if it is left open. Of course it will not be the real sailors who will do this, but it will be men who have been employed as sailors, with the provision that they will break their contract when they get here and do the identical thing that they can do, and do it legally.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words.

I want to say to the gentleman from Alabama [Mr. BURNETT] that in my experience in the Consular Service I visited the wharves every time a passenger vessel sailed for an American port, and they had to put on extra men every time they made up their crew. When they landed in America many of the crew deserted the ship, and they had difficulty in finding or providing a full crew on this side. So that unless this matter is carefully guarded many of those coming in in this way, filling the vacancies on the crews abroad, desert and thus avoid a compliance with the immigration laws.

Mr. BURNETT. That is the very purpose of this amendment. I will say that they bring them over here on the big ships, with a nominal passage of 50 cents, and as soon as they get here they desert and come in, and there is no way to prevent it. It is our intention to guard that as carefully as we can, and the law officer of the department tells me they have gone over it time and again with the officer that has charge of the seamen's law, and it is their opinion there will be no trouble.

Mr. SABATH. In addition to that, the section provides—

That after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered—

Not 7 days later or 10 days later—

as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any formation likely to lead to his apprehension.

I think we have covered it carefully.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 37. That the word "person" as used in this act shall be construed to import both plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

Mr. BENNET and Mr. FOSS rose.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized.

Mr. BENNET. Mr. Chairman, I offer the following amendment in the way of a new section.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 18, page 61, as a new section, the following:

"When the President, in his discretion, shall deem it for the public interest so to do, he may, notwithstanding the provisions of this act, admit any alien by Executive order for such time or on such terms as he may deem advisable."

Mr. BENNET. Mr. Chairman, if I can have the attention of the gentleman from Alabama [Mr. BURNETT], I want to say that the intent of this act, especially the contract-labor provisions, is to tie up pretty strictly the admission of aliens. Now, conditions may arise in connection with the extension of our Army and Navy when some department of our Government should want for one purpose or another to bring an alien into this country, we will say, under contract. Under the existing law the right to do that would be very doubtful. This amendment simply reposes in the President of the United States the power, in a case in which he thought it was necessary for the best interests of the United States, by Executive order to let in a particular person. [Cries of "Vote!" "Vote!"]

Mr. BURNETT. Mr. Chairman, I ask for a vote. I could not agree to that.

Mr. POWERS. Mr. Chairman, the time of the gentleman from New York [Mr. BENNET] has not yet expired, and he has yielded to me for a question. My question is this: If your amendment should pass, then by Executive order the President could do away with any part of the immigration law, if he might so desire, and let any immigrant he wants to come into the country?

Mr. BENNET. Oh, a President could do that; but I do not think we have ever elected a President of the United States that would, and I do not think he will. I think he ought to have the power in exceptional cases.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

Mr. FOSS. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] moves to strike out the last word, and asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I am in favor of this bill. I have always supported in this House a bill restricting immigration.

The Republican Party in its platform in 1896 declared in favor of the restriction of immigration and the imposition of an educational test to the effect that an alien should be able to read and write before being admitted to this country. The Republican platform in that day went a great deal farther than this bill does. This bill provides only that an alien shall be able to read 30 to 40 words in the English language or some other language; but the platform 20 years ago stated that he should not only read, but read *and write*, which is twice as burdensome a restriction as imposed in this bill; and that was declared at a time when the immigration into this country was only one-third as great as it has been during the last decade prior to the present war.

Mr. SABATH. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. FOSS. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSS. We impose restrictions on immigration against the physically, mentally, and morally unsound, and why should we not place a restriction in the matter of illiteracy, knowing that its effect will be to keep out a great number of undesirable citizens who come here. It is not much of a test purely from the education standpoint, but it is a test of aspiration, as has been well said, and I trust that it will be to the immigrant a test of inspiration. [Applause.] In the past the only test has been the test of respiration. [Laughter.] American citizenship, in my judgment, is a thing to be striven for, and the more we impress that idea upon the immigrant who is about to come to this country, the higher he will value American citizenship when he gets here.

I realize that we are an immigrant Nation. Our forefathers came here from other countries. Some of them caught the first boat, and the rest came later. There have been two great tides of immigration. The old immigrantion began in the early period of the history of our country and ended about 1882, from the countries of high and central Europe. That was a magnificent immigration, because the people that came went out over the land and settled it and built homes and villages and towns and cities.

But the new immigration, coming from about the year 1882 down to the present time, has been composed largely of immigrants from the countries of low Europe. They have not settled the land. In fact, statistics go to show that less than 1 per cent of these people are to-day operating farms either as owners or tenants. A large percentage of them never bring their families with them, and most of their money they send home. Some of them who come over here care no more about this country than what they can make out of it. They have gone into our great cities and have increased and multiplied the problems of civic, industrial, and social life, and they have added tremendously to the burdens of government and have not thought enough of it to become citizens.

It is to my mind a dangerous situation that there are to-day nearly two million and a half male aliens over 21 years of age who have not taken any steps to become citizens. We have gladly in the past welcomed to this country citizens from every clime, but for my part, I am not willing much longer to throw open the doors to those who come here, and profit by their residence here, and who do not care to become identified with our country and to support and uphold its institutions.

We have treated the foreign born better than the native born. Some of the States in the Union have laws permitting aliens to vote upon filing first papers after six months' or one year's residence. But when it comes to the American boy, who is born here, we require that he shall pass through the different grades of our common school and then wait until he is 21 before he can vote. Is this justice to the American youth?

I think this educational test is the very least requirement that we could impose. It is so simple that anybody can conform to it, and then it is in keeping with the spirit of republican institutions. America ought to lead the world in literacy, but she does not; Germany does. The number of illiterates in Germany is less than in any other country.

Whenever I visit Plymouth, where our forefathers landed, I invariably climb the hill back of the town and look upon that splendid monument erected to the memory of the Pilgrim Fathers—a majestic figure of a woman representing Faith, resting upon four great foundation stones marked "Liberty, law, morality, and education." The impression that our country should make upon the immigrant when he lands first upon our shores is that we stand here for liberty and law and liberty under the law, and also for education and character. [Applause.]

There are some people who are afraid that a little Americanism will get into this bill. I want to say to you that what the country needs to-day is a revival of patriotic Americanism all over. [Applause.] It is high time that Americans looked after America. [Applause.]

I regard this bill a step toward national preparedness. With a protective tariff, a strong Army, and a large Navy we will be in a position to meet the issues of the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FOSS. I believe in a broad and educated Americanism, an Americanism whose first primer is the Pilgrims' covenant, drawn up in the cabin of the *Mayflower*, which declared that the freely expressed will of the majority should be the law of all, whose first reader is the Declaration of Independence, whose dictionary is the Constitution of the United States, and whose greatest commentary is the emancipation proclamation; an Americanism which will place the foreign-born sons side by side with the descendants of the Puritan and the Cavalier, *but no higher*, and whose loftiest sentiment is the exclamation of Patrick Henry, "I am not a Virginian, but am an American!" [Applause.]

So likewise, in these uncertain times let every citizen, regardless of his birthplace, rise to that supreme height of American patriotism where he can say, "I am not an Englishman, a German, a Frenchman, an Austrian, a Pole, or a Bohemian, but an American." [Applause.]

Mr. BURNETT. Mr. Chairman, I move that all debate on this section close in two minutes.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section close in two minutes.

Mr. SABATH. Make it seven minutes.

Mr. BURNETT. Very well. I make it seven minutes, Mr. Chairman, the time to be used by the gentleman from Illinois [Mr. SABATH].

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section close in seven minutes, the time to be used by the gentleman from Illinois [Mr. SABATH]. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SABATH. Mr. Chairman, not knowing whether I will ever again have the opportunity on the floor of this House to defend the alien who comes to our shores in search of the political and religious freedom which he is denied in his native country and who comes here with respect and enthusiasm in his heart for the institutions and the fundamental principles upon which our great Nation is founded, I will attempt to briefly set before the House a few of the reasons which have prompted me during the past 10 years to lend a helping hand to the people who have, by coming to America in constantly increasing numbers, made possible the tremendous growth and development of these United States.

I realize that this bill is about to pass the House of Representatives, and I realize that in my bitter opposition to the literacy test which it contains I may have spoken harsh words and may have spoken hastily to some of the gentlemen who have urged the passage of this bill.

I wish to say that I sincerely hope that none of the gentlemen have taken offense at my remarks, and I trust that they will appreciate the fact that in the heat of debate we sometimes say things we do not mean.

The Members of this House who have voted in favor of the various amendments and in favor of the literacy test have done so believing that they were serving the best interests of the people whom they have been sent here to represent. I have opposed this bill in the same spirit, but I have opposed it with a knowledge of the conditions under which the people who come here have lived in their native countries. I have also opposed the bill with a knowledge of the conditions under which they

labor in the United States and the progress which they and their children after them have made.

I believe that if some of the gentlemen who have urged the passage of this immigration bill had had the same opportunity of acquainting themselves with these people as I have had they would have voted to strike out any suggestion of a literacy test.

The gentleman from Illinois [Mr. Foss] after remaining silent the six days of debate on this bill has just read into the RECORD a prepared speech in which he states that while the immigrants that came to this country prior to 1882 were desirable immigrants, those who have come to us subsequent to 1882 or during the last twenty-five-odd years are of a class of people who can not be assimilated by this melting pot of all nations.

Does he refer to the sturdy, law-abiding German people? Does he refer to the Bohemian, the Polish, and the Jewish people who come to the United States with the idea of settling in a country where they will be free from the oppression of aristocracy and monarchy.

If the gentleman refers to these people, his statements are not only false and unjustified, but, being directed against the great majority of the people of the city which he in part represents, they are little short of traitorous.

Mr. Chairman, 76 per cent of the population of the city of Chicago—which the gentleman, as well as I, have the honor to represent—is composed of foreign-born people and citizens of foreign parentage. I defy the gentleman to say that the people of this great city are not patriotic, law-abiding citizens of these United States. [Applause.]

I have in my hand a report from the War Department, published only a few days ago, showing the number of young men who enlisted when the recent call was made for men to protect the honor of our flag and of our country. I am proud to say that in the city of Chicago a greater number of boys enlisted than in any other city of the United States.

About 12 per cent of all the enlistments came from a city 76 per cent of the population of which is composed of citizens of foreign birth or parentage.

Mr. Chairman, this is not the first time that the loyalty and patriotism of American citizens of foreign birth has been questioned. I have often heard this charge made on the floor of the House, and I have consistently answered the statements by saying that these people are as loyal to our flag and to the country of their adoption as those who are descended from the Pilgrims who came to this country in the *Mayflower*.

They demonstrated this in the Revolutionary War, in the Civil War, and in the Spanish-American War, and if the time ever comes when the citizens of the United States are called upon to give their lives to protect our country, the foreign-born Americans will again demonstrate to you that they are more than willing to give their quota of young men for the purpose of defending the institutions of the country for which they abandoned home, friends, and traditions. [Applause.]

Mr. BURNETT, the chairman of the Committee on Immigration of the House, and the father of this bill, has passionately appealed to you for the passage of the bill. He has again given you the same reasons as heretofore, namely, that he desires to protect the American laboring man and protect him from the terrible immigrant whom he charges with beating down the price of labor and lowering the standard of living in the United States.

To him and to all other gentlemen who make such arguments, such as my friend Mr. AUSTIN, the gentleman from Tennessee, Mr. QUIN, the gentleman from Mississippi, and others, I wish to say that they can not substantiate their statements nor can they prove that the immigrant has or is responsible for beating down the price of labor or lowering the standard of living here.

On the contrary, within the last 20 years, and especially within the last 10 years, the wage of the American laboring man has increased, the working hours have been reduced, and the standard of living has been improved. Especially is this true in all Northern and Eastern States, where we have the largest percentage of immigration.

I regret that this does not apply to such an extent in the Southern States, especially in the sections of the country which are represented by the gentlemen whom I have named.

The statistics show that within the past 12 years the hours of labor have decreased over 6 per cent and the wages have increased over 37 per cent.

Statistics showing the decrease in hours of labor and increase in wages, 1890 to 1912.

DECREASE IN HOURS.	Per cent.
Silk goods manufacturing	5.8
Lumber manufacturing	3.8
Millwork	5
Furniture manufacturing	7.3
Boot and shoe manufacturing	6.4
Hosiery and knit goods	7.9
Woolen and worsted goods	6.3
Cotton goods manufacturing	8.1
Average	6.3

INCREASE IN WAGES.

Silk goods manufacturing	18.8
Lumber manufacturing	29
Millwork	33.4
Furniture manufacturing	34.4
Boot and shoe manufacturing	34.8
Hosiery and knit goods	36.1
Woolen and worsted goods	49.7
Cotton goods manufacturing	61.5
Average	37.2

The average wage paid to railway employees in the year 1892 was $2.12, and in the year 1912 it was $3.09.

Average daily compensation of railway employees.

1892.

Section foremen	$1.76
Carpenters	2.08
Other shopmen	1.72
Trainmen	2.29
Firemen	2.08
Machinists	2.08
Enginemen	3.08
Conductors	1.90
Average	2.12

1912.

Section foremen	2.07
Carpenters	2.54
Other shopmen	2.24
Trainmen	2.88
Firemen	2.94
Machinists	3.14
Enginemen	4.79
Conductors	4.16
Average	3.09

This increase in wages applies to the North and East, but does not apply to the South, notwithstanding the fact that these Southern States are not hampered with immigration.

I have repeatedly stated on the floor of this House that if I thought that immigration was detrimental to the American laboring man I would not hesitate to vote for restrictive immigrant legislation.

But I have always maintained, and I maintain now, that immigration has been beneficial to the American laboring man and to our country.

It has elevated the American laboring man; it has improved conditions; it has created a demand for a higher grade and higher priced labor.

The great majority of these despised immigrants do the hardest kind of work. Those who do not work on the farms tilling the soil and producing our bumper crops are in our quarries and mines producing raw material. They are found in the forests cutting timber. They are found digging our ditches and building our roads.

One immigrant digs a ton of coal from a mine and another immigrant digs a ton of ore from a distant place. The ton of coal and the ton of ore are transported by still other laborers to the same factory. The coal is used in reducing the ore to iron and the iron is in turn worked by still other laborers into steel. In this way the initial labor of the immigrant creates a demand for skilled labor to complete the work which he has begun.

As to the lowering of the standard of living, every investigation that has been made in the last 20 years has shown that the living conditions of the laboring man have wonderfully improved.

Mr. Chairman, due to the large immigration during the past 20 years our country has prospered as no other country ever did. We are to-day recognized as the leading Nation of the world. In literature, art, and industry, as well as commerce, we are the richest and most prosperous Nation in the world, and in the largest measure this is due to the immigrants who helped to develop our resources and helped to build up our commerce, making it possible for us to-day to compete with and undersell the world.

Our exports in 1912 exceeded our imports by $551,000,000. In 1913 our exports exceeded our imports by $652,876,916, and in 1915 the excess of exports over imports was $1,094,000,000.

Exports and imports by land and sea.

Exports for 1914	$2,364,579,148
Imports for 1914	1,893,925,657
Excess of exports over imports for 1914	470,653,491
Exports for 1915	2,768,589,340
Imports for 1915	1,674,169,740
Excess of exports over imports for 1915	1,094,419,600

Would this be possible if we did not have labor with which to produce and manufacture all the thousands of different articles which make up this great total? Not in the world.

It is charged that the immigrant does not go to the farm, and again the proponents of this measure are in error. It is the main hope of every immigrant to secure for himself as soon as possible a piece of land which he can call his own.

Mr. Chairman, in the year 1910 there were 478,451,750 acres of farm land improved and 400,346,575 acres of farm land unimproved in the United States. This shows that over 45 per cent of our total farm land, not including land unadapted for farm purposes, was still unimproved, and this surely indicates that there is plenty of farm land upon which our incoming immigrants may settle.

In the east North Central States 75.4 per cent of the farm land was improved, and in the west North Central States 70.6 per cent of the farm land was improved. This, Mr. Chairman, is the part of the country to which the great majority of the immigration goes. Contrast with this the South Atlantic section of the country, 46.7 per cent of the farm land of which is improved, and contrast it with the east South Atlantic section of the country, 53.9 per cent of the farm land of which is improved. To these latter sections of the country a very small percentage of our immigration goes.

The immigrants do go to our farms, in spite of the statements of the gentleman from Alabama and others to the contrary. The Department of Labor is now operating a special bureau to assist the alien arriving at our port of entry to get in touch with farmers who need the kind of labor which the immigrant is capable of furnishing. During the months of February, March, April, May, and June, 1915, the Bureau of Information of the Department of Labor, to which I have referred, received 76,421 applications for information relative to positions which were open to those who desired to earn an honest living.

This new bureau of the Department of Labor is rapidly widening its scope and within a short time will be able to reach out and take up the immigrant at Ellis Island, at Philadelphia, at Chicago, and at San Francisco and place him immediately in touch with waiting employment in the interior of the country. Not only will the activities of this bureau affect the incoming immigrant but it will relieve the congestion in our large cities which has been so bitterly complained of by certain Members during the debate upon this bill.

Mr. Chairman, much has been said in regard to child labor in the United States. In this connection I wish to say that out of 48 States in the United States 46 have legislated upon the subject of the hours of labor of minors and have by law restricted the hours of their employment. There are only two States—New Mexico and West Virginia—whose statute books are silent upon this subject.

In the State of Alabama, from which the chairman comes, children under 16 years of age, both boys and girls, employed in any gainful occupation are allowed to work 11 hours per day, 60 hours in a week, and 6 days out of each week. Agricultural and domestic servants may work all hours of the night and day.

In manufacturing establishments children from 16 to 18 years of age are at liberty to work from daylight until dusk, the only prohibition being that if the work is at night the service must be limited to eight hours.

As to mercantile establishments, the laws of the State of Alabama are entirely silent.

On the other hand, in the State of Illinois, which I have the honor in part to represent, children under 16 years of age are limited to eight hours per day six days each week. This work must be performed between the hours of 7 a. m. and 6 p. m. in the case of children under 14 and between the hours of 7 a. m. and 7 p. m. in the case of children between the ages of 14 and 16.

Mr. Chairman, a harsh and unjust literacy test has been inserted in this bill for the purpose of keeping out of this country those people who, through no fault of their own, have been deprived of the opportunity of acquiring an education in their native countries.

It may be true that a great number of the immigrants who present themselves for admission each year are illiterate, but this affects the arriving generation only. Under the laws obtaining in the majority of the States children under a certain age are compelled to attend school. These children are eager to learn. They attend our schools, and statistics will show that a great many of them attain a higher average in their studies than do the native-born children. For the information of the gentlemen of the House, I will read a statement which I hold showing the amount of money spent by eight of our Southern States for education in the year 1913 as contrasted with three of our Northern States, to which the great majority of our immigration goes:

Money spent for education in 1913.

SOUTHERN STATES.

Alabama	$4,078,676
Georgia	5,403,927
North Carolina	4,067,793
South Carolina	2,576,501
Virginia	5,577,874
Arkansas	4,279,478
Kentucky	6,746,302
Louisiana	4,838,491
	38,569,042

NORTHERN STATES.

Illinois	38,052,971
New York	62,041,016
Pennsylvania	46,577,982
	146,671,969

From this you will see that while eight of our Southern States only expended $38,569,042 for the education of their young people in the year 1913, three of our Northern States spent $146,671,969. In my own State alone, the State of Illinois, as much money was spent for education in that year as was expended by the entire eight Southern States.

Mr. Chairman, it has been said that at the close of the present European conflict there will be a great influx of immigrants into the United States. On the contrary, thousands upon thousands of American citizens and aliens, as soon as the war is over, will depart for the fatherland and for the Old World to take the places of their older brothers and fathers who have been killed in this terrible war.

Some try to make us believe that immigration, after the war is over, will increase, but these statements can not be substantiated.

Europe will need every healthy citizen to help to rebuild its industries, and those who are not of sound mind and body can not enter the United States under the present immigration law.

As it is, children under 16 can not enter, unaccompanied by their parents, nor can anyone enter who is physically defective or liable to become a public charge.

Those who could come here under the present law the foreign Governments will not permit to come, as they will be needed at home.

Mr. Chairman, I will not detain the House any longer, but I do want to say that it is not easy to break home ties; it is not easy to leave one's native land, no matter what the conditions are under which the people of a particular country may be living. It is not easy to abandon home and friends and depart for a strange land.

For this reason it is only the individual who is brave enough and determined enough to better his condition in life who has the moral courage to take such a step. It is this character of man that first settled upon our shores, and it is this character of man, coming to our shores in constantly increasing numbers, who has made possible the tremendous growth of our country.

The Clerk read as follows:

SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced on and after July 1, 1916. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, except as provided in section 19 hereof, nor to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto: *Provided further*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the third proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

Mr. BURNETT. Mr. Chairman, I am about to move that the committee rise and report the bill, and I ask unanimous consent to proceed for three or four minutes, not in discussion of the bill but on another matter.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for four minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, I want to emphasize what my distinguished colleague on the committee [Mr. SABATH] has said and express the views that I have of the patriotism of every

member of that committee, as well as every Member of this House. I have risen especially to say a few words in regard to the committee. Of that committee of 15 there were 7 new members. I have never seen any committee, either old or new, that worked more earnestly, more conscientiously, and more intelligently than that committee; and as an older member of the committee, having served on it for many, many years, I desire to state that some of the suggestions made by the new members of the committee were wise suggestions and have been incorporated in this bill. I believe that every man did his conscientious duty, and I never worked with a committee that was more harmonious, because every member of that committee was a born gentleman and not an outlaw. [Applause.] All the way through the long proceedings and deliberations I do not remember a single time when partisanship ever entered into the deliberations of the committee, unless it was for a moment or two in a facetious way. I believe every man on that committee worked and acted and voted as he thought, not for party advantage but as he believed for the good of this great country; because this is a nonpartisan question, and I am glad to say that gentlemen who have heretofore honestly and conscientiously opposed the bill time and time again have now realized that changed conditions have arisen under which something must be done. I have never taken any stock in the denunciation of hyphenated Americans, because I believe the record of the prosecutions in the courts during the last few months of those who were trying to destroy property showed that they were men without the hyphen, men who had never become American citizens. I am not afraid of those who have come here for the purpose of becoming American citizens, whether they come from Germany, from the Jewish countries, from Scotland, Ireland, or any other country. It is the men without the hyphen, who can not obtain the hyphen, who I believe are dangerous and whom I want to keep out.

Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BURNETT. Mr. Speaker, I believe that under the rule the previous question is considered as ordered upon a motion to recommit.

The SPEAKER. That is true. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. SABATH. Mr. Speaker, I desire to move to recommit the bill with instructions.

The SPEAKER. The gentleman from Illinois moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. SABATH moves to recommit the bill H. R. 10384 to the Committee on Immigration and Naturalization, with instructions to strike out the following and report forthwith:

"That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory."

Mr. SABATH. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. SABATH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 284, answered "present" 3, not voting 39, as follows:

YEAS—107.

Bacharach	Dooling	Konop	Riordan
Bailey	Driscoll	Lieb	Roberts, Mass.
Barchfeld	Dupré	Liebel	Rodenberg
Barnhart	Eagan	Lobeck	Rogers
Beakes	Esch	Loft	Rowe
Bennet	Estopinal	London	Sabath
Booher	Farley	McAndrews	Sanford
Borland	Fitzgerald	McDermott	Sherley
Britten	Flynn	Madden	Sherwood
Bruckner	Fordney	Maher	Siegel
Buchanan, Tex.	Freeman	Mann	Sloan
Burgess	Gallagher	Martin	Smith, Minn.
Burke	Gallivan	Moore, Pa.	Smith, N. Y.
Caldwell	Glynn	Moores, Ind.	Stafford
Cannon	Gordon	Morin	Stone
Carew	Gould	Mudd	Sutherland
Carter, Mass.	Gray, Ind.	Nichols, Mich.	Swift
Casey	Greene, Mass.	Norton	Taggart
Chandler, N. Y.	Griffin	Oakey	Tague
Coady	Hardy	Oglesby	Tinkham
Conry	Haskell	O'Shaunessy	Towner
Cooper, Wis.	Howell	Paige, Mass.	Treadway
Cramton	Hulbert	Patten	Vare
Crosser	James	Phelan	Walsh
Cullop	Kahn	Platt	Winslow
Dale, N. Y.	Keating	Rauch	Wood, Ind.
Dallinger	Kennedy, R. I.	Reilly	

NAYS—284.

Abercrombie	Doolittle	Hull, Iowa	Murray
Adair	Doughton	Hull, Tenn.	Neely
Adamson	Dowell	Humphrey, Wash.	Nelson
Aiken	Drukker	Humphreys, Miss.	Nicholls, S. C.
Alexander	Dunn	Husted	Nolan
Allen	Eagle	Hutchinson	North
Almon	Ellsworth	Jacoway	Oliver
Anderson	Elston	Johnson, Ky.	Olney
Anthony	Emerson	Johnson, S. Dak.	Overmyer
Ashbrook	Evans	Johnson, Wash.	Padgett
Aswell	Farr	Jones	Page, N. C.
Austin	Ferris	Kearns	Park
Ayres	Fess	Keister	Parker, N. J.
Barkley	Fields	Kelley	Parker, N. Y.
Beales	Finley	Kennedy, Iowa	Peters
Bell	Flood	Kent	Porter
Black	Focht	Kettner	Pou
Blackmon	Foss	Key, Ohio	Powers
Britt	Foster	Kiess, Pa.	Pratt
Browne	Frear	Kincheloe	Price
Browning	Fuller	King	Quin
Buchanan, Ill.	Gard	Kinkaid	Ragsdale
Burnett	Gardner	Kitchin	Raker
Butler	Garland	Kreider	Ramseyer
Byrnes, S. C.	Garner	Lafean	Randall
Byrns, Tenn.	Gillett	La Follette	Rayburn
Callaway	Glass	Langley	Reavis
Campbell	Godwin, N. C.	Lazaro	Ricketts
Candler, Miss.	Good	Lee	Roberts, Nev.
Cantrill	Goodwin, Ark.	Lehlbach	Rouse
Capstick	Gray, Ala.	Lenroot	Rubey
Caraway	Gray, N. J.	Lesher	Rucker
Carlin	Green, Iowa	Lever	Russell, Mo.
Carter, Okla.	Greene, Vt.	Lindbergh	Russell, Ohio
Charles	Gregg	Linthicum	Saunders
Chiperfield	Hadley	Littlepage	Schall
Church	Hamilton, Mich.	Lloyd	Scott, Mich.
Clark, Fla.	Hamilton, N. Y.	Longworth	Sears
Cline	Hamlin	McArthur	Sells
Coleman	Harrison	McClintic	Shackleford
Collier	Hastings	McCracken	Shallenberger
Connelly	Haugen	McCulloch	Shouse
Cooper, Ohio	Hawley	McKellar	Sims
Cooper, W. Va.	Hay	McKenzie	Sinnott
Copley	Hayden	McKinley	Sisson
Costello	Hayes	McLaughlin	Slayden
Cox	Heaton	McLemore	Slemp
Crago	Heflin	Magee	Small
Crisp	Helgesen	Mapes	Smith, Idaho
Curry	Helm	Matthews	Smith, Mich.
Dale, Vt.	Hensley	Mays	Smith, Tex.
Danforth	Hernandez	Miller, Del.	Snell
Davenport	Hicks	Miller, Minn.	Snyder
Davis, Minn.	Hill	Miller, Pa.	Sparkman
Davis, Tex.	Hinds	Mondell	Steagall
Decker	Holland	Montague	Stedman
Dempsey	Hollingsworth	Moon	Steele, Iowa
Denison	Hood	Mooney	Steele, Pa.
Dickinson	Hopwood	Morgan, La.	Steenerson
Dies	Houston	Morgan, Okla.	Stephens, Cal.
Dill	Howard	Moss, Ind.	Stephens, Miss.
Dillon	Huddleston	Moss, W. Va.	Stephens, Nebr.
Dixon	Hughes	Mott	Stephens, Tex.

Sterling	Taylor, Colo.	Venable	Wheeler
Sulloway	Temple	Vinson	Williams, T. S.
Sumners	Thomas	Volstead	Williams, Ohio
Sweet	Thompson	Ward	Wilson, Fla.
Switzer	Tillman	Wason	Wilson, Ill.
Talbott	Timberlake	Watson, Va.	Wilson, La.
Tavenner	Tribble	Webb	Wise
Taylor, Ark.	Van Dyke	Whaley	Young, N. Dak.

ANSWERED "PRESENT"—3.

Guernsey	Igoe	Rainey

NOT VOTING—39.

Brumbaugh	Gandy	Loud	Stout
Cary	Garrett	McFadden	Tilson
Darrow	Graham	McGillicuddy	Walker
Dent	Griest	Meeker	Watkins
Dewalt	Hamill	Morrison	Watson, Pa.
Doremus	Hart	Oldfield	Williams, W. E.
Dyer	Helvering	Rowland	Wingo
Edmonds	Henry	Scott, Pa.	Woods, Iowa
Edwards	Hilliard	Scully	Young, Tex.
Fairchild	Lewis	Stiness	

So the motion to recommit was lost.

The following pairs were announced:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

On this vote:

Mr. DOREMUS (to recommit) with Mr. LEWIS (against).

Mr. HAMILL (to recommit) with Mr. YOUNG of Texas (against).

Mr. CARY (for motion to recommit) with Mr. WINGO (against motion).

Mr. WM. ELZA WILLIAMS (to recommit) with Mr. MEEKER (against).

Mr. LOUD (to recommit) with Mr. HILLIARD (against).

Mr. SCULLY (to recommit) with Mr. ROWLAND (against).

Mr. GRAHAM (to recommit) with Mr. HART (against).

Mr. EDMONDS (to recommit) with Mr. SCOTT of Pennsylvania (against).

Mr. FAIRCHILD (to recommit) with Mr. DENT (against).

Mr. IGOE (for motion to recommit) with Mr. DYER (against).

Mr. TILSON (to recommit) with Mr. EDWARDS (against).

Mr. MCGILLICUDDY (to recommit) with Mr. GUERNSEY (against).

Mr. STINESS (for motion to recommit) with Mr. HENRY (against motion to recommit).

Until further notice:

Mr. WALKER with Mr. DARROW.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. GRIEST with Mr. OLDFIELD.

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. MORRISON. I voted "no" and I understand that Mr. MORRISON would vote "no," so I will allow my vote to stand.

The vote was then announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

Mr. SABATH. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 307, nays 87, answered "present" 3, not voting 36, as follows:

YEAS—307.

Abercrombie	Charles	Ellsworth	Hastings
Adair	Chiperfield	Elston	Haugen
Adamson	Church	Emerson	Hawley
Aiken	Clark, Fla.	Esch	Hay
Alexander	Cline	Evans	Hayden
Allen	Coleman	Farr	Hayes
Almon	Collier	Ferris	Heaton
Anderson	Connelly	Fess	Heflin
Anthony	Cooper, Ohio	Fields	Helgesen
Ashbrook	Cooper, W. Va.	Finley	Helm
Aswell	Cooper, Wis.	Flood	Helvering
Austin	Copley	Focht	Hensley
Ayres	Costello	Foss	Hernandez
Bailey	Cox	Foster	Hicks
Barkley	Crago	Frear	Hill
Beales	Crisp	Fuller	Hinds
Bell	Cullop	Gandy	Holland
Black	Curry	Gard	Hollingsworth
Blackmon	Dale, Vt.	Gardner	Hood
Borland	Danforth	Garland	Hopwood
Britt	Davenport	Garner	Houston
Browne	Davis, Minn.	Gillett	Howard
Browning	Davis, Tex.	Glass	Huddleston
Brumbaugh	Decker	Godwin, N. C.	Hughes
Buchanan, Ill.	Dempsey	Good	Hull, Iowa
Burnett	Denison	Goodwin, Ark.	Hull, Tenn.
Butler	Dickinson	Gray, Ala.	Humphrey, Wash.
Byrnes, S. C.	Dies	Gray, Ind.	Humphreys, Miss.
Byrns, Tenn.	Dill	Gray, N. J.	Husted
Callaway	Dillon	Green, Iowa	Hutchinson
Campbell	Dixon	Greene, Vt.	Jacoway
Candler, Miss.	Doolittle	Gregg	Johnson, Ky.
Cantrill	Doughton	Hadley	Johnson, S. Dak.
Capstick	Dowell	Hamilton, Mich.	Johnson, Wash.
Caraway	Drukker	Hamilton, N. Y.	Jones
Carlin	Dunn	Hamlin	Kearns
Carter, Okla.	Eagle	Harrison	Keating
Keister	Miller, Del.	Rauch	Stephens, Nebr.
Kelley	Miller, Minn.	Rayburn	Stephens, Tex.
Kennedy, Iowa	Miller, Pa.	Reavis	Sterling
Kent	Mondell	Ricketts	Sulloway
Kettner	Montague	Roberts, Nev.	Sumners
Key, Ohio	Moon	Rodenberg	Sutherland
Kiess, Pa.	Mooney	Rogers	Sweet
Kincheloe	Moores, Ind.	Rouse	Switzer
King	Morgan, La.	Rubey	Taggart
Kinkaid	Morgan, Okla.	Rucker	Talbott
Kitchin	Moss, Ind.	Russell, Mo.	Tavenner
Kreider	Moss, W. Va.	Russell, Ohio	Taylor, Ark.
Lafean	Mott	Schall	Taylor, Colo.
La Follette	Mudd	Scott, Mich.	Temple
Langley	Murray	Scott, Pa.	Thomas
Lazaro	Neely	Sears	Thompson
Lee	Nelson	Sells	Tillman
Lehlbach	Nicholls, S. C.	Shallenberger	Timberlake
Lenroot	Nolan	Shouse	Treadway
Lesher	North	Sims	Tribble
Lever	Oliver	Sinnott	Van Dyke
Lindbergh	Olney	Sisson	Venable
Linthicum	Overmyer	Slayden	Vinson
Littlepage	Padgett	Slemp	Volstead
Lloyd	Page, N. C.	Sloan	Ward
Longworth	Park	Small	Wason
McArthur	Parker, N. J.	Smith, Idaho	Watson, Pa.
McClintic	Parker, N. Y.	Smith, Mich.	Watson, Va.
McCracken	Peters	Smith, Minn.	Webb
McCulloch	Porter	Smith, Tex.	Whaley
McKellar	Pou	Snell	Wheeler
McKenzie	Powers	Snyder	Williams, T. S.
McKinley	Pratt	Sparkman	Williams, Ohio
McLaughlin	Price	Steagall	Wilson, Fla.
McLemore	Quin	Stedman	Wilson, Ill.
Magee	Ragsdale	Steele, Iowa	Wilson, La.
Mann	Rainey	Steele, Pa.	Wise
Mapes	Raker	Steenerson	Wood, Ind.
Matthews	Ramseyer	Stephens, Cal.	Young, N. Dak.
Mays	Randall	Stephens, Miss.	

NAYS—87.

Bacharach	Dooling	Kahn	Phelan
Barchfeld	Driscoll	Kennedy, R. I.	Reilly
Barnhart	Dupré	Konop	Riordan
Beakes	Eagan	Lieb	Roberts, Mass.
Bennet	Estopinal	Liebel	Rowe
Britten	Farley	Lobeck	Sabath
Bruckner	Fitzgerald	Loft	Sanford
Buchanan, Tex.	Flynn	London	Sherley
Burgess	Fordney	McAndrews	Sherwood
Burke	Freeman	McDermott	Siegel
Caldwell	Gallagher	Madden	Smith, N. Y.
Cannon	Gallivan	Maher	Stafford
Carew	Glynn	Martin	Stone
Carter, Mass.	Gordon	Moore, Pa.	Swift
Casey	Gould	Morin	Tague
Chandler, N. Y.	Greene, Mass.	Nichols, Mich.	Tinkham
Coady	Griffin	Norton	Towner
Conry	Hardy	Oakey	Vare
Crampton	Haskell	Oglesby	Walsh
Crosser	Howell	O'Shaunessy	Winslow
Dale, N. Y.	Hulbert	Paige, Mass.	Woods, Iowa
Dallinger	James	Patten	

ANSWERED "PRESENT"—3.

Booher	Guernsey	Igoe

NOT VOTING—36.

Cary	Garrett	McFadden	Shackleford
Darrow	Graham	McGillicuddy	Stiness
Dent	Griest	Meeker	Stout
Dewalt	Hamill	Morrison	Tilson
Doremus	Hart	Oldfield	Walker
Dyer	Henry	Platt	Watkins
Edmonds	Hilliard	Rowland	Williams, W. E.
Edwards	Lewis	Saunders	Wingo
Fairchild	Loud	Scully	Young, Tex.

So the bill was passed.

Mr. BOOHER. Mr. Speaker, I desire to inquire how I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. BOOHER. Mr. Speaker, I voted inadvertently. I am paired with the gentleman from Missouri, Mr. MEEKER, and I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. MORRISON. I voted "yea." I understand that if he were present he would vote "yea" also, so I desire to have my vote stand.

The Clerk announced the following additional pairs:

On the vote:

Mr. GRIEST (for immigration bill) with Mr. EDMONDS (against immigration bill).

Mr. HENRY (for immigration bill) with Mr. STINESS (against immigration bill).

Mr. GUERNSEY (for immigration bill) with Mr. MCGILLICUDDY (against immigration bill).

Mr. HART (for immigration bill) with Mr. GRAHAM (against immigration bill).

Mr. ROWLAND (for immigration bill) with Mr. SCULLY (against immigration bill).

Mr. HILLIARD (for immigration bill) with Mr. LOUD (against immigration bill).

Mr. LEWIS (for immigration bill) with Mr. DOREMUS (against immigration bill).

Mr. WINGO (for immigration bill) with Mr. CARY (against immigration bill).

Mr. DYER (for immigration bill) with Mr. IGOE (against immigration bill).

Mr. MEEKER (for immigration bill) with Mr. BOOHER (against immigration bill).

Mr. EDWARDS (for immigration bill) with Mr. TILSON (against immigration bill).

Mr. YOUNG of Texas (for immigration bill) with Mr. HAMILL (against immigration bill).

Mr. DENT (for immigration bill) with Mr. FAIRCHILD (against immigration bill).

Until further notice:

Mr. WM. ELZA WILLIAMS with Mr. PLATT.

The result of the vote was announced as above recorded.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOREMUS, for 10 days, on account of important business.

To Mr. RODENBERG, on account of sickness.

PERSONAL PRIVILEGE.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask unanimous consent to address the House for five minutes in defense of some of my constituents.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes in defense of some of his constituents. Is there objection?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object—and I do not know whether I will object or not—I desire to have that request coupled with one I shall make, and that is that I be given such time as the gentleman from Texas in case I see fit to ask for it.

Mr. STEPHENS of Texas. Mr. Speaker, I have no way of controlling this House.

Mr. GALLIVAN. I have of the gentleman's request; I can stop the gentleman's request.

The SPEAKER. The gentleman from Texas asks unanimous consent to be permitted to address the House for five minutes on a matter of a personal nature, and the gentleman from Massachusetts [Mr. GALLIVAN] couples with it the request that he be allowed to have such time as the gentleman from Texas uses if he wants to do so. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Speaker, during my absence from the House day before yesterday while presiding over a meeting of the Committee on Indian Affairs, then in session, the gentleman from Massachusetts [Mr. GALLIVAN] made an unjust and unwarranted attack on some of the good citizens of Cooke County, Tex. The attack is based on the fact that some men were hanged at Gainesville in the early part of the Civil War. I do not know enough about the history of the matter to now attempt a complete reply to this attack, but at a later day I shall be able to produce facts to successfully refute his unwarranted statements. No county or State in this Union has a better citizenship than Cooke County now has or has always had.

The men hanged, so I have always understood, were hanged after being tried and found guilty by a military tribunal composed of Confederate and State officers. The persons hanged were charged with treason against the State and the Confederacy by arming themselves and forming a military oath-bound secret organization, for the purpose of joining a regiment of Kansas "Jay Hawkers," who were believed then to be preparing to invade Texas from the north, Cooke County having been selected as the point of attack.

Mr. Speaker, I have just been handed a telegram from Mr. J. Z. Keel, the mayor of Gainesville, the county seat of Cooke County, the town so maliciously attacked by the gentleman from Massachusetts. The character of Mr. Keel is unimpeachable, and no man in Texas stands higher in the public estimation.

I am willing to stake my own reputation for truth that every word of this telegram is true; and its truth will be proved to the full satisfaction of this House before this matter is ended. The telegram is as follows:

GAINESVILLE, TEX., *March 29, 1916.*

Hon. JOHN H. STEPHENS,
Washington, D. C.:

The accusation made by GALLIVAN that 42 men were hung here because they refused to join the Confederate Army is a falsehood of such enormous proportions that the honorable gentleman should make an apology before your august body.

J. Z. KEEL, *Mayor.*

[Applause.]

The language I used in my speech which the gentleman took as his text for maligning myself and my constituents is as follows:

Mr. Speaker, the Bible tells us that a man can not serve two masters, and human experience abundantly sustains this doctrine, therefore there can be no English, German, Irish, or Catholic American, because a man can not serve two masters; if they are Americans, they can not be a German, Britisher, or Irishman. I regret to state that many men who have taken the oath of allegiance to the United States, thereby renouncing their allegiance to any foreign prince, potentate, or power, have since the beginning of the present great European war forgotten their oaths and are now boldly taking the side of their relatives by blood, and have also boldly criticized our Congress and our President, thereby rocking our ship of state, making it much harder for our good and great President to steer clear of all foreign complications that might lead our country into war, which God forbid.

That is the language that is objected to by the gentleman from Massachusetts.

Construing that sentence as I intended it would read this way: "There can not be a German, there can not be a Britisher, or there can not be an Irishman if they are Americans."

Mr. HULBERT. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Texas. I will yield when I get through with my statement, if I have any time remaining. It was furthest from my thought when I wrote this language in the speech to raise any question relative to any religion or want of religion, and the argument here was that we should have no hyphenated American in this country so strongly set forth as it is in the President's last message to this House. That seems to be the gist of my crime, and the reason why the gentleman has become so aroused and attacks the people of my district as he has done.

After quoting this, my language, in his speech, he launches out into a diatribe of abuse against myself and the citizens of Texas and Cooke County. What connection he found between the above language used by me in advocating the Burnett immigration bill and the alleged crime of the citizens of Texas, said to have been committed during the Civil War, is entirely beyond my comprehension.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the gentleman be granted five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Texas have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. The malicious charges made by him are found in a five-column speech alleged to have been made by him in five minutes. The fact is that only one-half of the first column was made on the floor of the House of Representatives; he was yielded only five minutes to talk, and he has put a 30-minute speech in the RECORD, and it is found in the current debates of that day and where all of the language used is required to have been actually spoken on the floor. He knew that I was not present and took advantage of my absence to abuse my constituents. As to myself, I bid him—

Lay on, Macduff;
And damn'd be he that first cries, "Hold, enough!"

[Applause.]

The above language used by me that he pretends to answer was not and does not purport to have been made on the floor, but is printed in an appendix to the RECORD, where speeches by permission of the House are permitted to be printed as extension of remarks. This has been the practice of the House for many years.

The gentleman from Massachusetts seems to have just found out that Texas was a rebellious State and that it was his privilege to abuse her for joining the Southern Confederacy. Does he not know that when the South laid down her arms she did so in good faith, and that each State of the former Confederacy sent her quota of volunteers to the Spanish-American War as readily as any of the Northern States? The Republican Party ruled this Nation for many years by waving the bloody shirt, and it has remained for the gentleman from Massachusetts, who claims to be a Democrat, to continue to disgrace his party by digging up and raising aloft the old discredited bloody shirt and make it do service in the unholy crusade designed to leave the doors open for introducing into this country thousands of undesirable immigrants.

I shall always fight and vote for stringent immigration laws, notwithstanding the howlers may howl, the growlers may growl, and the ghouls who delight in digging into the graves of the past may thereby continue to dig their own political graves as

deep as their ghoulish instincts may dictate. It is only a few politicians who indulge in this nefarious practice.

Mr. Speaker, I thank the House for the extension of time. [Applause.]

Mr. GALLIVAN. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts is recognized for nine minutes.

Mr. GALLIVAN. Mr. Speaker, I accept the gentleman's apology. [Laughter.] The next time that he gets unanimous consent to print a speech in the RECORD I suggest to the gentleman from Texas that he print with it a constructive map, so that no one may again misconstrue just what he intended to say. He did not intend to criticize the Catholic. Again, I accept his apology, and the apology that I send back to the mayor of Gainesville is this: I am going to offer in this House a resolution appropriating $100,000 for a monument to be erected in Gainesville to the memory of those martyred heroes of the Civil War. [Applause.] That is my apology! How do you like it?

Now, the gentleman from Texas says that he was absent from the floor of this House when I spoke on Tuesday, and that I took advantage of his absence. As a matter of fact, I never knew him to see him until yesterday. [Laughter.] Almost from the first day that he entered this House I have known something of his narrowness and bigotry, and when he speaks of "ghoulish glee" let me say to the gentleman from Texas that I am a better Democrat than he is, and that every time I open my mouth in this House I am serving my party better than he has served it in his entire career. I never hear the religious question raised in this House except on this side of the aisle, and the gentleman ought to be ashamed of himself to raise it in this enlightened era. He is making it almost an impossibility for you, Mr. Speaker, to preside over the next Congress of the United States. [Applause on the Republican side.]

The gentleman—once again may I make it clear to the House—the gentleman rose here one day last week and, asking unanimous consent to extend his remarks, without uttering one word of any speech—because he has not the courage to make that kind of a speech on this floor—printed a speech in the back of the RECORD in which he made the attack to which I took exceptions.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. I am afraid that these gentlemen are getting a little personal in their remarks. [Laughter.]

The SPEAKER. Of course the gentleman from Massachusetts [Mr. GALLIVAN] will observe the rules.

Mr. GALLIVAN. Of course, Mr. Speaker, as closely as the gentleman from Texas [Mr. STEPHENS] observes them.

Now, Mr. Speaker, I was about to say when interrupted by the great champion of the South, my good friend from Alabama [Mr. HEFLIN], that of this speech not one word was delivered in this Hall. What I had to say about the gentleman from Texas—every word of it—was spoken from the very spot where I now stand. The only extension in my remarks was the historical narrative relating to these awful murders at Gainesville; and if they are not authentic, then you from Gainesville should rise here and offer a resolution to expurgate the Congressional Library, a library which has cost the Government millions of dollars already, and is costing us millions more to maintain—expunge from it the books from which I quoted what I had to say, not about the people of your city to-day, excepting as represented here, but about the people of Gainesville in 1862. You said, sir, that no Irishman, no German, no Englishman, no Catholic could be a good American——

Mr. CARTER of Oklahoma. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CARTER of Oklahoma. The gentleman has no right to address another Member of the House in the second person.

The SPEAKER. The gentleman is absolutely correct.

Mr. GALLIVAN. I was addressing the Member from Texas through the Chair.

The SPEAKER. The gentleman from Massachusetts must not address a Member of the House by the second personal pronoun.

Mr. GALLIVAN. The gentleman was worried about how I could make a connection between his remarks and what happened at Gainesville. He said in the RECORD that these men he assailed could not be patriotic Americans, and I just wanted to have the House and the country know the kind of patriotism the gentleman from Texas imbibed in his youth, and that is the kind of patriotism I am proud to say no Irish-American, no German-American, no English-American, and no Catholic-American can ever be persuaded to adopt in this day and this hour. That is the connection I made between his remarks and the kind of patriotism that he and the people of his city in 1862 preached.

Now, Mr. Speaker, I have no personal quarrel with the gentleman. [Laughter.] As I said before, until yesterday I did not even know him. I know something now of his career in Congress when these questions come up, and I am almost ashamed, knowing what I know about him, to sit on the same side of the aisle with him. He does not do his party the service that he stands here pretending to do.

He is doing you men from the South incalculable harm in the North and in the West, and when I challenge his statements I do it as much for my party as I do it for my people. Oh, I will come back here just as long as I choose to come. I shall be in Congress when you shall be out of it. I never fear for my future in these halls so long as I have the power of speech to answer attacks like those of the gentleman from Texas. [Applause.]

AMERICAN ACADEMY OF ARTS AND LETTERS.

Mr. SLAYDEN. Mr. Speaker, I ask that Senate bill 1424, incorporating the American Academy of Arts and Letters, now on the Speaker's table, be laid before the House for present consideration.

The SPEAKER. The Chair lays before the House Senate bill 1424, an identical House bill being reported with a favorable report on the House Calendar. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1424) incorporating the American Academy of Arts and Letters.

Be it enacted, etc., That William Dean Howells, of Maine; Henry Adams, of the District of Columbia; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New Jersey; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Crary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; Henry Cabot Lodge, of Massachusetts; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York; Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; Henry Mills Alden, of New Jersey——

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and fifteen gentlemen are present—not a quorum.

Mr. SLAYDEN. A call of the House, Mr. Speaker.

Mr. KITCHIN. Mr. Speaker, I would like to ask unanimous consent that when the House adjourns to-day it adjourn until——

The SPEAKER. You can not do anything without a quorum. Does the gentleman from Texas move a call of the House or not?

Mr. SLAYDEN. I did move a call of the House, Mr. Speaker.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House adjourn.

Mr. KITCHIN. I move, Mr. Speaker, that the House adjourn.

The SPEAKER. Two gentlemen move that the House adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Friday, March 31, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 13720) to amend section 4894 of the Revised Statutes relating to patent applications, reported the same without amendment, accompanied by a report (No. 454), which said bill and report were referred to the House Calendar.

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, reported the same with amendment, accompanied by a report (No. 455), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves, reported the same with amendment, accompanied by a report (No. 457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. GARNER: A bill (H. R. 13977) for the erection of a public building at Seguin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 13978) to enable the people of Alaska to form a constitution and a State government, and for the admission of such State into the Union on an equal footing with the original States; to the Committee on the Territories.

By Mr. OGLESBY: a bill (H. R. 13979) to amend the Judicial Code; to the Committee on the Judiciary.

Also, a bill (H. R. 13980) to amend the Judicial Code; to the Committee on the Judiciary.

Also, a bill (H. R. 13981) to amend the copyright law; to the Committee on Patents.

Also, a bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens; to the Committee on Patents.

By Mr. FREEMAN: A bill (H. R. 13983) to provide for the purchase of a site and the erection of a public building thereon at Essex, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. VARE: A bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa.; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 13985) amending an act entitled "An act divesting intoxicating liquors of their interstate character in certain cases," which became a law on the 1st day of March, 1913; to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 13986) to authorize the acquisition of a site and the erection of a Federal building at Hazard, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT: A bill (H. R. 13987) to regulate the use of alcohol in the manufacture and production of flavoring extracts; to the Committee on Ways and Means.

By Mr. PETERS: A bill (H. R. 13988) for the incorporation of the General Board of Religious Education; to the Committee on the District of Columbia.

By Mr. CULLOP: Resolution (H. Res. 190) to investigate the Amherst (Ohio) wreck on the New York Central Railroad; to the Committee on Rules.

By Mr. LOFT: Resolution (H. Res. 191) providing for the appointment of a select committee to investigate cause of the freight congestion as a result of embargoes placed on inbound freight to New York City; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Concurrent resolution (H. Con. Res. 23) providing for the printing of 10,000 copies of the Biographical Congressional Directory; to the Committee on Printing.

By Mr. GALLIVAN: Memorial from the Legislature of the State of Massachusetts, relative to the conditions of destitution in Poland and to the entry of food therein; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 13989) for the relief of the estate of William Holmes; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 13990) granting an increase of pension to Diantha Staley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13991) granting an increase of pension to Susan E. Lime; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13992) granting an increase of pension to William R. Hogue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13993) granting an increase of pension to William A. Griner; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 13994) for the relief of the estate of John Boyer, deceased; to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 13995) granting an increase of pension to James G. Haner; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 13996) granting a pension to Reuben Solomons; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 13997) granting an increase of pension to Charles H. Benjamin; to the Committee on Pensions.

Also, a bill (H. R. 13998) granting an increase of pension to George W. Stevenson; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 13999) granting an increase of pension to Mary E. Raymond; to the Committee on Invalid Pensions.

Mr. BYRNS of Tennessee: A bill (H. R. 14000) for the relief of the heirs of James W. Powers; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 14001) granting a pension to Thomas S. Shipp; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 14002) granting a pension to Joseph M. Reckley; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 14003) granting an increase of pension to Charles H. Twomey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14004) granting an increase of pension to Alpheus P. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14005) granting a pension to Amanda J. Gunning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14006) granting a pension to America D. Creech; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 14007) granting an increase of pension to Catharine McCullough; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14008) granting a pension to Wheeler Smith; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 14009) granting an increase of pension to George W. Winfield; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 14010) granting an increase of pension to William Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14011) granting an increase of pension to James Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14012) to correct the military record of William Vanover; to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 14013) granting an increase of pension to Thomas A. Carter; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 14014) granting a pension to Madeleine Goetz; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 14015) granting a pension to Nancy A. Welch; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 14016) for the relief of Robert N. Campbell; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 14017) granting an increase of pension to Henderson Morgan; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 14018) granting an increase of pension to Charles E. Gerrold; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 14019) granting an increase of pension to Robert Hudson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14020) granting a pension to James D. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14021) granting a pension to Cany Hopson; to the Committee on Pensions.

Also, a bill (H. R. 14022) granting an increase of pension to Delila Lloyd; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 14023) permitting the waiving of limitations as to age relating to the appointment of Cardinal T. Wolsey to the Medical Reserve Corps; to the Committee on Military Affairs.

Also, a bill (H. R. 14024) granting a pension to Catherine Wright; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 14025) to remove the charge of desertion from the record of William Denham; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 14026) granting a pension to Delos M. Porter; to the Committee on Pensions.

By Mr. WARD: A bill (H. R. 14027) granting an increase of pension to Hiram Beach; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 14028) granting an increase of pension to Susan C. Clough; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of city of Portland in re bill disproving O. & C. land grants; to the Committee on the Public Lands.

Also (by request), memorial of Washington Camp, No. 11, Patriotic Order Sons of America, urging preparedness; to the Committee on Military Affairs.

By Mr. BACHARACH: Memorial of Senate of New Jersey in re preparedness; to the Committee on Naval Affairs.

Also, memorial of Senate of New Jersey, favoring the Smith-Hughes bill, on vocational education; to the Committee on Education.

Also, memorial of Senate of New Jersey, asking the enactment of legislation and classification of the valuable documents and records of the Nation; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY. Petitions of sundry citizens and Fourth Lutheran Church of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEAKES: Petition of J. J. Lewis and 28 citizens of Jackson, Mich., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of Rebekah Lodge, No. 377, of Deerfield; Presbyterian Sunday School of Deerfield; First Baptist Church of Ypsilanti; Ypsilanti Woman's Club; Ypsilanti Woman's Christian Temperance Union; Plymouth Church of Adrian; First Methodist Episcopal Church of Adrian; First Presbyterian Church of Adrian; First Baptist Church of Adrian; Free Methodist Church of Adrian; First Baptist Church of Weston; Weston Woman's Christian Temperance Union; Baptist Church and Sunday School of Manitou Beach, all in the second congressional district of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. A. Wilson and 61 users of gasoline, of Morenci, Mich., urging that action be taken to regulate the price of gasoline; to the Committee on Interstate and Foreign Commerce.

Also, petitions of F. J. Godell and 6 citizens, of Wyandotte; Mrs. H. J. Luce and 39 citizens, of Blissfield; J. C. Burroughs and 20 citizens, of Dundee, all in the State of Michigan, requesting the passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of S. A. Wiard and 23 patrons and stockholders of the Ypsilanti Dairy Association, of Ypsilanti, Mich., protesting against any curtailment of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of S. D. Forman and 14 citizens of Monroe County, William F. McPherson and 39 citizens of Rhodes, William J. Hicks and 20 citizens of Alma, and James Robb and 47 citizens of Belleville, all in the State of Michigan, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BEALES: Papers to accompany House bill 13351, for relief of Mary J. Hamilton; to the Committee on Invalid Pensions.

Also, petition of General John Sedwick Woman's Relief Corps, No. 86, Department of Pennsylvania, urging the reporting and passage of the Ashbrook bill; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Petition of Henry B. Otto, of New York, favoring passage of House bill 10845, for military training in civil educational institutions; to the Committee on Education.

Also, petition of John Burnside, of New York City, favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Albert Kraus, of New York City, favoring Emerson resolution for relief of babies of Europe; to the Committee on Foreign Affairs.

Also, petition of Michael J. Ryan, of New York City, relative to McTague reporting to Committee on the Post Office and Post Roads; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: Evidence to accompany House bill 6990, granting an increase of pension to John H. Prather; to the Committee on Invalid Pensions.

By Mr. BURKE: Petitions of Efficiency Institute, Waupun; Woman's Christian Temperance Union of Lake Mills; and 12 citizens of Richfield, all of Washington County, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 17 citizens of Westville, N. J., against passage of House bill 9411, relating to motor boats; to the Committee on the Merchant Marine and Fisheries.

By Mr. COOPER of West Virginia: Petitions of Ladies' Aid, Methodist Episcopal Church of Huntington; Methodist Episcopal Church of Huntington; Central Woman's Christian Temperance Union, of 100 people, of Huntington; and 45 people of Rowlesburg, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of Salem (S. Dak.) Study Club, favoring investigation of dairy products; to the Committee on Rules.

By Mr. DYER: Petition of Major E. M. Brown Camp, No. 22, United Spanish War Veterans, Department of Washington and Alaska, favoring preparedness; to the Committee on Military Affairs.

By Mr. ESCH: Petition of American Society of Equity, of St. Croix County, Wis., against passage of House bill No. 6871; to the Committee on Labor.

By Mr. FLYNN: Memorial of Knights of Columbus Institute of Brooklyn, N. Y., favoring preparedness; to the Committee on Military Affairs.

By Mr. FREEMAN: Petitions of Schiller Lodge, No. 92, of Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-American Alliance of Middletown, Conn., asking for the passage of House joint resolutions 14 and 81, Senate bills 3033, 3034, Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

Also, petitions of Schiller Lodge, No. 92, of Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-Alliance of Middletown, Conn., asking for the defeat of House joint resolutions 20, 84, 85, 90, and 30, Senate joint resolutions 41, 55, and 64; to the Committee on the Judiciary.

Also, petitions of Schiller Lodge, No. 92, of Middletown; Herman Lodge, No. 13, D. A. H. I., of Middletown; and German-American Alliance of Middletown, Conn., asking for passage of House bills 81, 3614, 4741, and 6083; to the Committee on the Judiciary.

Also, petitions of Schiller Lodge, No. 92, Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-American Alliance of Middletown, Conn., asking for the defeat of House bills 394 and 9435 and Senate bills 1082, 1257, and 1352; to the Committee on the District of Columbia.

Also, memorial of Horeb Lodge, No. 25, Independent Order of B'nai B'rith, of New Haven, Conn., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of G. P. Coates and others, of Norwich, Conn., against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of Fred P. Buell and others, of East Hampton, and Woman's Christian Temperance Union of Portland, all in the State of Connecticut, favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of sundry citizens and church organizations of the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of George Merritt and others, of Andover, Conn., asking for congressional investigation of high cost of gasoline; to the Committee on Rules.

Also, petition of Porter Library Association, of Coventry, Conn., against passage of the Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Burson Manufacturing Co., of Rockford, Ill., favoring preparedness; to the Committee on Military Affairs.

Also, petition of the American Temperance Board for Prohibition in the District of Columbia, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Leland, Ill., favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of Branch No. 5, U. A. N. A. of P. O. C., of Boston, in re postal legislation; to the Committee on the Post Office and Post Roads.

By Mr. GLYNN: Petition of Woman's Christian Temperance Union of 45 people, of Winsted; 67 people of Naugatuck; citizens of Waterbury and Naugatuck; Woman's Christian Temperance Union of 30 people, of Naugatuck, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petitions of sundry citizens and church organizations of the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Washington, against Sunday observance bill for District of Columbia; to the Committee on the District of Columbia.

By Mr. HASTINGS: Petitions of Christian Endeavor, Christian Church, and Epworth League Chapter, Methodist Episcopal Church South of Muskogee, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of Woman's Christian Temperance Union of 40 people, of Myrtle Point; Methodist Episcopal Church of Canyonville; Woman's Christian Temperance Union of Canyonville; 29 people of Philomath, all in the State of Oregon, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JAMES: Memorial of Houghton County Civil Service Retirement Association, indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petition of German Beneficial Union, New Kensington, Pa., urging certain amendments to the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of German-American Alliance of Latrobe, Pa., protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of German-American Alliance of Latrobe and the German Beneficial Union of New Kensington, Pa., protesting against nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Latrobe and German Beneficial Union of New Kensington, Pa., favoring the passage of various bills and resolutions relating to diplomatic and foreign relations; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Iowa: Petition of residents of Fort Madison, Iowa, protesting against passage of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

Also, memorial of 150 members of the G. H. R. and W. R. O., of Wellman, and 85 members of the Woman's Christian Temperance Union of Wellman, Iowa, favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Croton, Iowa, protesting against the enactment of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of members of Columbia Grange, No. 2117, of Donnellson, Iowa, protesting against any change in parcel-post law, and especially against the Madden rider; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions of citizens of Potter County; Methodist Episcopal Church; Union Sunday School; Baptist Church; Marshland Literary Society, of Gaines; and Clymer Baptist Church and Sunday School, of Galeton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Clinton and Lycoming Counties, Pa., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of 15 members of Richmond Grange, No. 878, Reed City, Osceola County, Mich., opposing the Madden rider of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of 18 citizens of St. Louis, Mo., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of 87 citizens of St. Louis, Mo., asking for an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petitions of Clar Fischer, Louis White, and others, of Philadelphia, Pa., against preparedness; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Pittsburgh Chamber of Commerce, in favor of adequate extension and reorganization of and appropriation for Bureau of Foreign and Domestic Commerce and Consular Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Engineers' Society of Western Pennsylvania, in favor of House bill 10845; to the Committee on Military Affairs.

Also, petitions of George M. Shaw, C. B. Stanton, A. Christianson, H. C. Sonance, Thomas C. Crea, T. B. Saylor, E. H. Rodgers, W. B. Haig, W. H. Herr, G. A. Page, C. W. Haggart, K. E. Miller, W. B. Skinkle, William A. Skinkle, Henry J. Lewis, W. B. McCloy, William E. Doak, Charles C. Pasdiedag, C. S. Koch, H. B. Mann, Edward P. Donohue, Richard L. Smith, William A. Davis, R. W. H. Atcherson, D. M. Howe, George T. Barnsley, jr., D. M. Sloane, D. A. Polhemus, William A. Mott, W. T. Lewis, T. J. Wallers, H. A. Bate, M. C. Blest, H. D. Kneeland, W. L. Cromlish, John Glass, H. D. James, Francis C. Phillips, John A. Hunter, H. M. Partcar, James O. Handy, E. L. Gemmill, A. E. Duckham, E .W. Pittman, all of Pittsburgh, Pa., in favor of passage of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: Petition of citizens of Glenville, W. Va., and vicinity, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: Petition of Henderson Grange, Patrons of Husbandry, of Henderson, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Philadelphia Grange, Patrons of Husbandry, of Philadelphia, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of citizens of Clarksburg, W. Va., protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Wana and Methodist Episcopal Sunday School of Wana, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NORTH: Petition of Sabbath School of First Presbyterian Church, of 850 members, of Indiana, and 24 citizens of Borough, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of Frank Lowmier and 30 other citizens of North Brookfield, Mass., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petition of Methodist Episcopal Church of Vanceboro; sundry citizens of China; 61 citizens of Vanceboro, Lambert Lake, and Cherryfield; and 21 citizens of Vanceboro and Lambert Lake, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of C. W. Pike, of San Francisco, Cal., protesting against the enactment of House bill 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 205 citizens of Susanville, Lassen County, Cal., against Senate bill 645, for closing barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of 111 citizens of Susanville, Lassen County, Cal., against passage of bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of young people of Alhambra; Congregational Church of 75 people, of Long Beach; 55 people of Long Beach; and Central Woman's Christian Temperance Union, of Long Beach, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of citizens of Hudson and First Baptist Church of Hudson, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of William F. Krimmert, of Brooklyn, N. Y., for investigation of high cost of gasoline; to the Committee on Rules.

Also, memorial of engineers' committee on military lectures, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Froebel Society of Brooklyn, N. Y., favoring resolution for investigation of dairy products; to the Committee on Rules.

Also, memorial of Men's Club of Bushwick Avenue Congregational Church, Brooklyn, N. Y., relative to preparedness; to the Committee on Military Affairs.

Also, petition of Charles S. Frost, of Brooklyn, N. Y., favoring bill to prevent use of name "Quaker" for trade purposes; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of citizens of Clearfield County, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial on preparedness; to the Committee on Military Affairs.

Also, petition of Coryville Grange, No. 1212, of Coryville; 18 people of Coryville; and Sabbath School of 80 people, of Coryville; United Brethren Church of 100 of Coryville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SABATH: Memorial of Straz Osojenych, of Chicago, Ill., relative to peace in Europe; to the Committee on Foreign Affairs.

By Mr. SCULLY: Memorial of Presbyterian Brotherhood of Red Bank, N. J., against polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Laurelton, N. J., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of N. S. Clark and 59 citizens of Battle Creek and vicinity, favoring equal suffrage; to the Committee on the Judiciary.

Also, protest of S. B. Horton and 51 citizens of Kalamazoo, against House bill 652, compulsory Sunday observance bill; to the Committee on the District of Columbia.

By Mr. STEENERSON: Petition of 13 citizens of Duluth, Minn., protesting against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Memorial of California State League of Iroquois Clubs, San Francisco, Cal., favoring House bills 209 and 211, establishment of new Federal judicial district; to the Committee on the Judiciary.

Also, petition of Keystone Type Foundry, San Francisco, Cal., favoring reduction in postal rates on catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Frank Bush, Seal Beach, Cal., against continuation of war tax on theaters; to the Committee on Ways and Means.

Also, petition of Western Pipe & Steel Co., of San Francisco, Cal., favoring House bill 457, relative to vocational education; to the Committee on Education.

Also, petition of Mrs. E. M. Rogers, of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. M. L. Wooden, Los Angeles, Cal., favoring the Warren bill, that those who make war shall do all the fighting; to the Committee on Military Affairs.

Also, petition of M. R. Newmark and 77 other citizens, of Los Angeles, Cal., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Mississippi. Petitions of citizens of Enid, Miss., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of sundry citizens of the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of sundry citizens of Center Barnstead, N. H., against Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Center Barnstead, N. H., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Resolution of the Federated Trades Council of Colorado Springs, Colo., H. A. Thompson, secretary, urging consideration of the Sutherland-Mondell joint resolution, providing for a constitutional suffrage amendment; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of Federal Employees' Union, No. 15007, American Federation of Labor, in re legislation; to the Committee on Reform in the Civil Service.

By Mr. WALSH: Petition of Men's Club of Oak Bluffs, Mass., asking speedy passage of Webb-Smith resolutions, so called—House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of Bradley Memorial Church, of Oak Bluffs, Mass., for speedy passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. WARD: Petition of Rev. Fred M. Sawyer, of Chatham Center, N. Y., and others, relative to Sisson resolution, relating to Government appropriations for sectarian purposes; to the Committee on Indian Affairs.

By Mr. WICKERSHAM: Petition of Woman's Christian Temperance Union of Sitka, Alaska, praying Congress to pass act approving of an act of the Legislature of Alaska submitting prohibition of the liquor traffic in Alaska to a referendum vote of the electors; to the Committee on the Territories.